



Ordinary Council Meeting

# Agenda

Wednesday 20 September 2023



### *Our Vision*

Where environment, lifestyle and opportunity meet

### *Community Aspirations*



**KEY THEME 1**

**Environment**

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



**KEY THEME 2**

**Lifestyle**

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



**KEY THEME 3**

**Opportunity**

A vibrant City with diverse opportunities and a prosperous economy.



**KEY THEME 4**

**Leadership**

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

**NOTICE OF MEETING**

**TO: THE MAYOR AND COUNCILLORS**

**NOTICE** is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday 20 September 2023, commencing at 5:30pm.

Your attendance is respectfully requested.

**DISCLAIMER**

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



**TONY NOTTLE**

**CHIEF EXECUTIVE OFFICER**

7 September 2023

## **BEHAVIOUR PROTOCOLS**

The City of Busselton values are:

- Listening
- Considered Decision Making
- Appreciation
- Respect
- Teamwork

In accordance with these values, the following outlines the behaviour expectations while attending a Council meeting, Community Access Session, or Public Agenda Presentation:

- Listen respectfully through the meeting or presentation
- Respect the Council process and comply with directions from the Presiding Member
- Use respectful language when addressing Council, staff, and other members of the public
- Behave in a manner that is respectful and non-confrontational
- Do not use offensive language or derogatory language towards others

The City values the diverse input of the community and seeks to ensure that all members of the community can attend a meeting and have their say.

Council members, Committee members and Candidates are bound by the City's Code of Conduct and agree to uphold the values of the City of Busselton and principles of good behaviour, maintaining and contributing to a harmonious, safe, and productive environment.

Anyone who does not behave in accordance with the above values and behaviours may be asked by the Presiding Member to leave the gallery.

**CITY OF BUSSELTON**

Agenda for the Council Meeting to be held on Wednesday 20 September 2023

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## 1. OFFICIAL OPENING

The City of Busselton welcomes Councillors, staff, guests and members of the public to the Ordinary Council Meeting of 20 September 2023.

The City of Busselton acknowledges the Wadandi and Bibbulmun people as the traditional custodians of this region and pay respects to Elders past and present.

This meeting will be audio recorded for minute taking purposes and will also be live streamed on the City of Busselton YouTube channel.

A prayer will be read out as part of the opening of this meeting.

## 2. ATTENDANCE

### APOLOGIES

Nil at time of publishing	
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### LEAVE OF ABSENCE

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

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

## 4. DISCLOSURES OF INTEREST

### DISCLOSURES OF FINANCIAL INTEREST

A declaration under section 5.65 of the *Local Government Act 1995* requires that the nature of the interest must be disclosed. An elected member or employee who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter on which the subject of the declaration without the approval of the Council in accordance with the Act.

### DISCLOSURES OF IMPARTIALITY INTEREST

Elected members and employees are required, in addition to declaring any financial interest, to declare an interest that might cause or perceive to cause a conflict. If the elected member or employee declares that their impartiality will not be affected then they may participate in the decision-making process.

## 5. CONFIRMATION AND RECEIPT OF MINUTES

### 5.1. Ordinary Council Meeting 16 August 2023

#### RECOMMENDATION

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

### 5.2. Special Council Meeting 18 August 2023

#### RECOMMENDATION

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



## 6. PUBLIC QUESTION TIME

Public question time allows members of the public to participate in local government by asking questions of the Council in relation to issues affecting the City. It also assists the City in identifying issues of importance to the community and assists the public to be better informed about how the City is governed.

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

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

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

#### **Mr Keith Sims**

##### **Question**

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

##### **Response**

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

***Response sent 6 September 2023***

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

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

#### **Mr Bill Kilner**

##### **Question**

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

## **Response**

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

***Response sent 5 September 2023***

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

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

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

## **Question**

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

## **Response**

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

***Response sent 5 September 2023***

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

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

## 6.2. QUESTION TIME FOR PUBLIC

### Public question time procedures and guidance

- The City will allocate a minimum of 15 minutes and a maximum of 30 minutes per Council meeting for public question time.
- Members of the public should register their intent to ask a question at a Council meeting by completing and submitting the [Public Question Time form](#) before 4pm the day prior to the relevant meeting.
- Members of the public will be invited to ask their question in order of registration.
- Questions will be limited to three per person. Additional questions may be permitted by the Presiding Member where time permits.
- Where a person is not present to ask their submitted question it will be responded to administratively as general correspondence.
- Questions may be taken on notice, to be responded to at a later time by the CEO in accordance with clause 6.7 of the Standing Orders.
- Public question time is for the tabling of questions, not for members of the community to make statements. For context, the Presiding Member may allow a short preamble.
- Questions containing defamatory remarks or offensive language, or that question the competency or personal affairs of Elected Members or employees may be ruled inappropriate by the Presiding Member subject to the Presiding Member taking reasonable steps to assist the member of the public to rephrase the question.
- There will be no debate or discussion on the response provided.

For further information, please see the [Meetings, Information Sessions and Decision Making Processes Policy](#).

## 7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

### 7.1. PETITIONS

#### Extract from *City of Busselton Standing Orders Local Law 2018*

##### 6.9 Petitions

- (1) A petition, in order to be considered by the Council, is to –
  - (a) be addressed to the Mayor;
  - (b) be made by the electors of the district;
  - (c) state the request of each page of the petition;
  - (d) contain the name, address and signature of each elector making the request;
  - (e) contain a summary of the reasons for the request;
  - (f) state the name of the person whom, and an address at which, notice to the petitioners can be given;
  - (g) be respectful and temperate in it's language.
- (2) Despite subclause (1), the Presiding member may allow a petition to be considered in circumstances where the petition complies with the majority if the requirements in subclause (1).
- (3) In response to a petition presented to it, the Council may determine –
  - (a) that the petition be received;
  - (b) that the petition be rejected;
  - (c) that the petition be received and referred to the CEO to prepare a report to Council or a committee; or
  - (d) that the petition be received and referred to the CEO for action.
- (4) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented at that meeting, unless –
  - (a) the matter is the subject of a report included in the agenda; and
  - (b) the Council has considered the issues raised in the petition.

### 7.2. PRESENTATIONS BY PARTIES WITH AN INTEREST

#### Extract from *City of Busselton Standing Orders Local Law 2018*

##### 6.10 Presentations by parties with an interest

- (1) Once an agenda of a meeting of the Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose.
- (2) A person must demonstrate that they are a party with an interest in an item on the agenda by stating their name, the item to which they wish to speak, whether or not they are in agreement with the recommendation in the agenda and they are—
  - (a) the applicant or one duly authorised representative of the applicant;
  - (b) an adjoining neighbour sharing a common length of boundary or directly opposite neighbour of the affected property;

- (c) one person duly representing a community-based organisation where an item on the agenda has broad community impact and is associated with the objectives of the organisation; or
  - (d) such other person as in the opinion of the presiding member has a significant direct interest or is duly representing those that have a significant direct interest in the item.
- (3) A person addressing the Council on an agenda item will be limited to a period of 5 minutes unless the person is granted an extension by the presiding member.
- (4) Where multiple parties wish to present on an item, the applicant (or their duly authorised representative) is to be given the opportunity to give the final presentation on the item.
- (5) Members may, through the presiding member, question a person addressing the Council on the item but no debate or general discussion will be permitted.

### 7.3. DEPUTATIONS

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

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

### ADOPTION BY EXCEPTION RESOLUTION EN BLOC

#### Extract from the *City of Busselton Standing Orders Local Law 2018*

##### 5.10 Adoption by exception resolution

- (1) In this clause adoption by exception resolution means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or employee recommendation as the Council resolution.
- (2) The Council may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter—
  - (a) that requires a 75% majority or a special majority;
  - (b) in which an interest has been disclosed;
  - (c) that is a matter on which a member wishes to ask a question;
  - (d) that is a matter on which a member wishes to make a statement; or
  - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.
- (4) A member who wishes to ask a question or make a statement in relation to a matter that would otherwise be within an adoption by exception motion should, as far as practicable, notify the CEO by 3pm on the day before the meeting.
- (5) A member who wishes to move a motion that is different to the recommendation in a matter that would otherwise be within an adoption by exception resolution should, as far as practicable, give notice of the motion that –
  - (a) is in writing;
  - (b) identifies the matter and gives the reason or reasons for the motion; and
  - (c) is given to the CEO by 3pm on the day before the meeting.
- (6) Where a member intends to move a motion referred to in sub-clause (5), the CEO must be given an opportunity to provide advice to the Council prior to consideration of the motion, in accordance with section 5.41 (b) of the Act .

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

#### **Officer Recommendation**

That the Committee Recommendations for items 10.1 and 10.2, and Officer Recommendations for items 11.1, 11.2, 11.3, 11.4, 13.1 and 15.1 be carried en bloc.

Item	Report
10.1	Finance Committee – 06/09/2023 – List of Payments Made – July 2023
10.2	Finance Committee - 06/09/2023 – Financial Activity Statements – year to Date 30 July 2023

11.1	DA22/0817 - Bed and Breakfast (Change of Use of Existing Single House and New Development)
11.2	Application for Development Approval (DA23/0270) - Single House (Outbuilding) - Lot 43 (9) Campion Way Quindalup
11.3	Application for Development Approval (DA23/0194) - Single House (Drive Way Addition) - Lot 61 (40) Campion Way, Quindalup
11.4	Application for Development Approval (DA23/0133) - Grouped Dwelling (Alterations and Additions) - Lot 1 (17A) Gibney Street Dunsborough
13.1	Youth Plan
13.2	2023/2024 Community Assistance Program Round 1 Outcomes
15.1	Councillors Information Bulletin

Items to be considered by separate resolution.

Item	Report	Reason
16.1	Notice of Motion - Recognition of Nina Kennedy	Notice of Motion
16.2	Notice of Motion - Introduction of Recreation Facilities Reserve	Notice of Motion

## 10. REPORTS OF COMMITTEE

### 10.1 List of Payments Made - July 2023

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

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

### COMMITTEE RECOMMENDATION

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

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

### OFFICER RECOMMENDATION

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CHEQUE PAYMENTS	119717 - 119736	111,510.18
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INTERNAL PAYMENT VOUCHERS	DD# 5350 - 5383	136,904.92
<b>TOTAL PAYMENTS</b>		<b>7,590,436.51</b>



## **EXECUTIVE SUMMARY**

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

## **STRATEGIC CONTEXT**

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

## **BACKGROUND**

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

## **OFFICER COMMENT**

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

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

## **Statutory Environment**

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

## **Relevant Plans and Policies**

Not applicable.

## **Financial Implications**

Not applicable.

## **External Stakeholder Consultation**

Not applicable.

## **Risk Assessment**

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

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

**Options**

Not applicable.

**CONCLUSION**

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

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Not applicable.

## 10.2 Financial Activity Statements - Year to Date 30 July 2023

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

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

### COMMITTEE RECOMMENDATION

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

### OFFICER RECOMMENDATION

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

### **EXECUTIVE SUMMARY**

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

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

## STRATEGIC CONTEXT

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

## BACKGROUND

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

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

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

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

- *Variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/Statement of Financial Activity report, however variances due to timing differences and/or seasonal adjustments are to be reported only if not to do so would present an incomplete picture of the financial performance for a particular period; and*
- *Reporting of variances only applies for amounts greater than \$50,000.*

## OFFICER COMMENT

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

### Statement of Financial Activity

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

### Statement of Financial Position

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

### Basis of Preparation Note (Note 1)

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

### Statement of Financial Activity Note (Note 2)

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

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

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

### Explanation of Material Variances Note (Note 3)

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

### Capital Acquisition & Construction Report

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

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

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

### Reserve Movements Report

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

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

### Net Current Position Chart

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

### Comments on Financial Activity to 31<sup>st</sup> July 2023

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

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

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

Description	2023/24 Actual YTD \$	2023/24 Budget YTD \$	2023/24 Budget \$	2023/24 YTD Bud Variance %	2023/24 YTD Bud Variance \$	Change in Variance Current Month \$
<b>Amount Attributable to Operating Activities</b>				<b>44.86%</b>	<b>1,935,778</b>	<b>1,935,778</b>
<b>Revenue from Operating Activities</b>				<b>32.64%</b>	<b>560,305</b>	<b>560,305</b>
1. Operating Grants, Subsidies and Contributions	324,858	165,737	5,325,685	96.01%	159,121	159,121
2. Fees & Charges	1,385,522	1,198,854	22,404,393	15.57%	186,668	186,668
3. Interest Earnings	413,295	336,362	4,305,492	22.87%	76,933	76,933
<b>Expenses from Operating Activities</b>				<b>14.40%</b>	<b>1,181,538</b>	<b>1,181,538</b>
4. Materials & Contracts	(944,432)	(2,360,048)	(29,072,925)	59.98%	1,415,616	1,415,616
5. Other Expenditure	(201,806)	(257,914)	(6,823,844)	21.75%	56,108	56,108
<b>Amount Attributable to Investing Activities</b>				<b>91.41%</b>	<b>4,249,429</b>	<b>4,249,429</b>
6. Land & Buildings	(983,695)	(3,274,029)	(29,976,325)	69.95%	2,290,333	2,290,333
7. Furniture & Equipment	(2,311)	(176,621)	(1,510,209)	98.69%	174,310	174,310
8. Infrastructure	372,774	(1,203,508)	(21,896,530)	130.97%	1,576,283	1,576,283
9. Proceeds from Sale of Assets	187,530	800	863,800	23341.22%	186,730	186,730
<b>Amount Attributable to Financing Activities</b>				<b>370.87%</b>	<b>3,199,817</b>	<b>3,199,817</b>
10. Transfer to Restricted Assets	(748,094)	(11,180)	(11,180)	(6591.36%)	(736,914)	(736,914)
11. Transfer from Restricted Assets	405,556	1,713,590	20,563,074	(76.33%)	(1,308,034)	(1,308,034)
12. Transfer to Reserves	(10,922,325)	(14,829,196)	(39,002,737)	26.35%	3,906,871	3,906,871

### **Investment Report**

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

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

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

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

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

### **Borrowings Update**

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

### **Chief Executive Officer – Corporate Credit Card**

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

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

Date	Payee	Description	\$ Amount
31/07/2023	LG PROFESSIONALS	PROFESSIONAL MEMBERSHIP - CEO	531.00
		<b>TOTAL</b>	<b>2,694.90</b>

*\*professional development allowance*

### **Donations & Contributions Received**

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

### **Statutory Environment**

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

### **Relevant Plans and Policies**

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

Plan:

Annual Adopted Budget 2022-2023

[Strategic Community Plan 2021-2031](#)

[Corporate Business Plan 2022-2026](#)

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

Policy:

There are no relevant policies for this report.

### **Financial Implications**

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

### **External Stakeholder Consultation**

Not applicable.

### **Risk Assessment**

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

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

### **Options**

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



## **CONCLUSION**

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

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

Not Applicable.

## 11. PLANNING AND DEVELOPMENT SERVICES REPORTS

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

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

#### OFFICER RECOMMENDATION

That the Council determines:

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

#### GENERAL CONDITIONS:

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

*"Bed and Breakfast" means a dwelling, used by a resident of the dwelling, to*

*provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.*

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

4. Advertising signage associated with the approved use shall be no greater than or 0.6m<sup>2</sup>, located within the subject site.
5. A minimum number of four (4) car parking bays shall be provided on the site (Advice Note 7).
6. The window dimensions on the elevations of the hereby approved Single House shall be constructed in accordance with the stamped approved Window Schedule.

#### **PRIOR TO COMMENCEMENT CONDITIONS**

7. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and approved in writing:
  - 7.1 Details of stormwater and surface water drainage. Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m<sup>3</sup> per 65m<sup>2</sup> of impervious area.

#### **PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS:**

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

#### **ONGOING CONDITIONS:**

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

#### **EXECUTIVE SUMMARY**

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

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

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

## STRATEGIC CONTEXT

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

## BACKGROUND

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

Key information regarding the application is set out below:

1. **Landowner:** Teena and Lee Smith
2. **Applicant:** MNB Residential
3. **General description of the site:**

Lot 301 (No. 29) Carnarvon Castle Drive ('the Site') is a corner lot on a 90-degree corner bend of Carnarvon Castle Drive.

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

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

4. **Current development/use:**

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

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

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

**6. Land use Permissibility: Pursuant to the City of Busselton Local Planning Scheme No. 21 ("Scheme"), the site is zoned 'Residential'. Under the zoning table:**

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

**7. Brief description of the proposed development:**

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

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

**8. Discretions proposed:**

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

Policy 4.10 Outbuildings and Other Non-Habitable Buildings 3.1m wall height limit deemed to meet the Residential Design Codes Design Principles.

This report is supported by the following attachments –

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

#### **OFFICER COMMENT**

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

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

#### **Determination of Land Use**

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

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

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

Another option is that the new house is a Single House, and the existing house is a Bed and Breakfast. That is also problematic, because it is not a resident of the existing house that will be hosting the short-term occupants of that house. Instead, the occupants of the new house will be their hosts. Note that, should this land use classification approach be taken, it is considered that the existing house may become incidental development.

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

### **Determination of Setback Standards**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Were any argument to be made for the interpretation of the setback standards of Table 1 'sector 3' applying to the site, it would need to be founded on an assumption that the



R2.5 density coding subjects the Site to 'sector 3' setback standards. However, there is no link in the clause 5(a) or Table 1 text provided between zoning and density coding and which setbacks apply. Premise 3 clarifies that the 'sectors' are specifically designated by Local Planning Policy 3.3 Eagle Bay Special Character Area (LPP 3.3), and it is the 'sectors' that designate which setbacks apply.

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

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

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

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

### **Statutory Environment**

#### **Legislation**

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Local Planning Scheme No. 21*

#### **State Government Policies**

*State Planning Policy 7.3 Residential Design Codes*

*State Planning Policy 3.7 Planning in Bushfire Prone Areas*

#### **Structure Plans/Development Guide Plans**

*Eagle Bay Structure Plan*

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

### **Relevant Plans and Policies**

#### **Local Planning Policy 2.1 Car Parking**

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

#### **Local Planning Policy 3.1 Reflective Building Materials**

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

#### **Local Planning Policy 3.3 Eagle Bay Special Character Area**

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

#### **Local Planning Policy 4.2 Bushfire**

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

#### **Local Planning Policy 4.10 Outbuildings and Other Non-Habitable Buildings**

Provides guidance on the assessment of outbuildings.

#### **Local Planning Policy 6.1 Stormwater Management**

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

#### **Financial Implications**

Not Applicable.

#### **External Stakeholder Consultation**

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

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

#### **Risk Assessment**

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

#### **Options**

As an alternative to the proposed recommendation the Council could:

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

### **CONCLUSION**

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

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

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

<b>Milestone</b>	<b>Completion Date</b>
Applicant and Submitters advised of Council Decision	Within 2 weeks of Council Decision

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

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>Directorate:</b>	Planning and Development Services
<b>Reporting Officer:</b>	Strategic Planner - Justin Biggar
<b>Authorised By:</b>	Director Planning and Development Services - Paul Needham
<b>Nature of Decision:</b>	Regulatory: To determine an application/matter that directly affects a person's right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - Location Plan [<b>11.2.1</b> - 1 page]</li> <li>2. Attachment 2 - Development Plans [<b>11.2.2</b> - 4 pages]</li> <li>3. Attachment 3 - Planning Assessment Report [<b>11.2.3</b> - 10 pages]</li> </ol>

**OFFICER RECOMMENDATION**

That the Council:

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

**GENERAL CONDITIONS:**

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

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

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

**damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.**

**PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS:**

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

**ON-GOING CONDITIONS**

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

**EXECUTIVE SUMMARY**

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

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

**STRATEGIC CONTEXT**

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

**BACKGROUND**

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

**OFFICER COMMENT**

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

### **Special Character Area Provisions (Quindalup):**

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

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

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

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

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

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

### **Statutory Environment**

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

#### **Planning and Development (Local Planning Schemes) Regulations 2015:**

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

#### **Local Planning Scheme No. 21**

The proposal is consistent with the objectives of the 'Residential' zone as defined by the Scheme, specifically "to facilitate and encourage high quality design, built form and streetscapes." Further,

the application complies with Schedule 4 of the Scheme which sets out the area specific development controls for the QSCA.

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

### **Relevant Plans and Policies**

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

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

SPP 3.7 directs how land use and development should address bushfire risk management and applies to all land which has been designated as 'bushfire prone' by the Fire and Emergency Services Commissioner as per the 'Map of Bushfire Prone Areas.' While the site is in a bushfire prone area, the proposed development is a non-habitable building on a lot of less than 1100m<sup>2</sup> and is thus exempt from further bushfire planning requirements.

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

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

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

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

### **Financial Implications**

Not Applicable.

### **External Stakeholder Consultation**

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

### **Risk Assessment**

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

### **Options**

As an alternative to the proposed recommendation the Council could:

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

### **CONCLUSION**

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

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

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

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



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

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.
<b>Directorate:</b>	Planning and Development Services
<b>Reporting Officer:</b>	Coordinator Strategic Planning – David Sands
<b>Authorised By:</b>	Director Planning and Development Services - Paul Needham
<b>Nature of Decision:</b>	Regulatory: To determine an application/matter that directly affects a person's right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interests:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. DA23 - 00194 - Location Plan [<b>11.3.1</b> - 1 page]</li> <li>2. DA23 - 00194 - Development Plans [<b>11.3.2</b> - 1 page]</li> <li>3. DA23 - 00194 - Officer Report [<b>11.3.3</b> - 6 pages]</li> </ol>

**OFFICER RECOMMENDATION**

That the Council:

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

**GENERAL CONDITIONS:**

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

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

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

**damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.**

**PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS:**

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

**ON-GOING CONDITIONS**

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

**EXECUTIVE SUMMARY**

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

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

**STRATEGIC CONTEXT**

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

**BACKGROUND**

The subject lot is zoned Residential (R12.5) and is included within the QSCA. It is proposed to construct an additional driveway which connects Campion Way to the existing parking and other driveway at Lot 61. The works will be undertaken within the verge of the road reserve and will allow for an in/out loop access to Lot 61 and additional parking. In discussions with the applicant, the original location of the driveway proposed was modified to avoid native vegetation and the width reduced from 5 to 4m. A location plan and development plans are provided at Attachment(s) 1 and 2 respectively.

**OFFICER COMMENT**

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

### **Special Character Area Provisions - Quindalup:**

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

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

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

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

### **Statutory Environment**

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

#### **Planning and Development (Local Planning Schemes) Regulations 2015:**

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

#### **Local Planning Scheme No. 21**

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

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

### **Relevant Plans and Policies**

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

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

SPP 3.7 directs how land use and development should address bushfire risk management and applies to all land which has been designated as ‘bushfire prone’ by the Fire and Emergency Services Commissioner as per the ‘Map of Bushfire Prone Areas.’ While the site is in a bushfire prone area, the proposal is development which is non-habitable on a lot of less than 1100m<sup>2</sup> and is thus exempt from further bushfire planning requirements.

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

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

Plan:

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

Policy:

[Crossovers](#)

### **Financial Implications**

Not Applicable.

### **External Stakeholder Consultation**

Not Applicable.

### **Risk Assessment**

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

### **Options**

As an alternative to the proposed recommendation the Council could:

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

### **CONCLUSION**

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

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

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

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

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

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>Directorate:</b>	Planning and Development Services
<b>Reporting Officer:</b>	Planning Officer – Jaymee Daff
<b>Authorised By:</b>	Director Planning and Development Services - Paul Needham
<b>Nature of Decision:</b>	Regulatory: To determine an application/matter that directly affects a person's right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. Attachment 1 - Location Plan [ <b>11.4.1</b> - 1 page] 2. Attachment 2 - Development Plans [ <b>11.4.2</b> - 3 pages] 3. Attachment 3 - Planning Assessment Report [ <b>11.4.3</b> - 15 pages]

**OFFICER RECOMMENDATION**

That the Council:

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

**GENERAL CONDITIONS:**

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

**ONGOING CONDITIONS:**

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

## EXECUTIVE SUMMARY

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

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

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

## STRATEGIC CONTEXT

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

## BACKGROUND

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

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

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

In February 2023, the applicant lodged development application with the City for proposed alterations and additions to the northern grouped dwelling. The proposed development is described as an approximate 9.9m long x 5.3m wide addition on the western aspect of the dwelling. The addition consists of sitting room, bedroom, ensuite and storeroom, which is connected via a physical link, and provides a total additional floor space of 59.55m<sup>2</sup>. Other improvements to the existing building are also proposed to refresh the overall appearance of the development, including rendering the face brickwork and the installation of a new front door addressing Gibney Street.

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

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

## OFFICER COMMENT

Under the *Scheme* Table 1 – Zoning Table, a Grouped Dwelling is a Discretionary (D) land use in the Residential zone, and alterations and/or additions to grouped dwellings are not exempt under the

*Planning Regulations* cl 61, therefore the local government is required to exercise discretion by granting development approval.

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

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

#### **Special Character Area Provisions (Old Dunsborough):**

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

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

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

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

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

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

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

#### **Statutory Environment**

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

#### **Planning and Development (Local Planning Schemes) Regulations 2015:**

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



## **Local Planning Scheme No. 21**

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

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

### **Relevant Plans and Policies**

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

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

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

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

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

### **Financial Implications**

Not Applicable.

### **External Stakeholder Consultation**

Not Applicable.

### **Risk Assessment**

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

### **Options**

As an alternative to the proposed recommendation the Council could:

1. Resolve to refuse the application and provide reasons for such a decision; or

2. Resolve to seek further information before making a decision.

### **CONCLUSION**

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

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

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

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

## **12. ENGINEERING AND WORKS SERVICES REPORTS**

Nil

## 13. COMMUNITY AND COMMERCIAL SERVICES REPORTS

### 13.1. Youth Plan

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

### OFFICER RECOMMENDATION

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

### EXECUTIVE SUMMARY

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

### STRATEGIC CONTEXT

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

### BACKGROUND

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

1. Development and construction of:
  - Busselton Skatepark
  - Youth and Community Activity Building
  - The Break - Dunsborough Youth Space
2. Youth services received a Department of Communities grant in 2022 to consult with youth and formulate a youth plan. This plan is a guiding document to develop actions in the business and operational plan.

3. Securing the 3 year Rio Tinto sponsorship agreement of \$80k per year to support the provision of youth services.

#### **OFFICER COMMENT**

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

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

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

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

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

#### **Statutory Environment**

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

#### **Relevant Plans and Policies**

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

Plan:

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

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

[Reconciliation Action Plan](#)

Policy:

Not applicable.

**Financial Implications**

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

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

**External Stakeholder Consultation**

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

The methodologies utilised were:

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

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

**Risk Assessment**

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

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

**Options**

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

## CONCLUSION

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

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Publication and distribution of youth plan	November 2023

## 13.2. 2023/2024 Community Assistance Program Round 1 Outcomes

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

### OFFICER RECOMMENDATION

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

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

### EXECUTIVE SUMMARY

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

### STRATEGIC CONTEXT

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



## BACKGROUND

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

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

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

Applications for Round 1 of the Community Assistance Program 2023/2024 closed on 28 July 2023 with a total of five applications received and considered. This included three applications for Assistance Grants (up to \$10,000), one application for a Revitalisation Grant (up to \$10,000), and one application for a Revitalisation Plus Grant (over \$10,000).

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

## OFFICER COMMENT

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

### 1. Assistance Grants

#### Advocacy WA

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

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

### West Busselton Primary School

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

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

### RSPCA WA

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

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

## **2. Revitalisation Grants**

### Busselton City Football Club

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

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

## **3. Revitalisation Plus Grants**

### Cape Mountain Bikers

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

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

### Statutory Environment

Not Applicable.

### **Relevant Plans and Policies**

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

Plan:

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

Policy:

[Sponsorship Arrangements](#)

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

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

### **Financial Implications**

The 2023/2024 budget for the Community Assistance Program totals \$218,539. Funds currently committed from the 2022/2023 Community Assistance Program totals \$37,741, leaving a balance of \$180,798 for any further grants.

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

### **External Stakeholder Consultation**

Not Applicable

### **Risk Assessment**

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

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

### **Options**

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

### **CONCLUSION**

The Community Assistance Program is constantly evolving and aims to meet community needs with funding available to progress priority goals and objectives identified in the Community Development

Plan. All recommendations support the City's strategic community plan aspirations and priorities, through continuing to support projects that facilitate a safe, healthy and capable community. It is recommended that Council endorse the funding allocations outlined in the officer recommendation, as supported by the Community Assistance Advisory Panel.

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

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

<b>Milestone</b>	<b>Completion Date</b>
Applicants notified of outcomes following Council's resolution	September 2023
Fully executed grant funding agreements completed with recommended funding recipients	September 2023

## 14. FINANCE AND CORPORATE SERVICES REPORTS

### 14.1. Placeholder - Adoption of Corporate Business Plan 2023-2027

## 15. CHIEF EXECUTIVE OFFICERS REPORTS

### 15.1. Councillors Information Bulletin

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

### OFFICER RECOMMENDATION

That the items from the Councillors Information Bulletin be noted:

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

### EXECUTIVE SUMMARY

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

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

### INFORMATION BULLETIN

#### Minutes of Committee Meetings

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

Committee	Meeting Date	Minutes
Finance Committee	9 August 2023	<a href="#">Minutes 9 August</a>
Airport Advisory Committee	9 August 2023	<a href="#">Minutes 9 August</a>
Finance Committee	6 September 2023	<a href="#">Minutes 6 September</a>

### Minor Donations Program – August 2023

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

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

Recipient	Purpose	Amount
Sharene Blake	Sharene will be competing in the IAU World Championships being held in Taiwan. This donation will help with travel-related expenses.	\$500
Tankia Dunlop	Tankia will be competing in the U15 Netball National Championships. This donation will help with travel-related expenses.	\$500
Jensen Barbour	Jensen will be competing in the U12 Boys AFL State Team. This donation will help with travel-related expenses.	\$500
Kade Martin	Kade will be competing in the 2023 Phillip Island Junior Pro Surfing. This donation will help with travel-related expenses.	\$500
Busselton Netball Association	Busselton Netball Association are holding the Southwest Peel Regional Championship Event in Busselton. This donation will help with the lighting costs of the event as games are scheduled until 7pm.	\$1,000
St Mary's Anglican Church	St Mary's Church are holding their Poverty Week BBQ which is in October & their annual Christmas Dinner in December. They are expecting to serve a full meal to approx. 200 people. This donation will help with the cost of food expenses for both events.	\$1,000
Indianna Godridge	Indianna will be competing in the U18 Basketball Team. This donation will help with travel-related expenses.	\$500
Susan Isaacson	Susan is competing in the AFL Masters National Carnival in QLD. This donation will help with travel-related expenses.	\$500

<b>Recipient</b>	<b>Purpose</b>	<b>Amount</b>
Busselton Pride Alliance	Busselton Pride Alliance are holding a Pride Wellbeing Week Event. This is a free community event to help promote physical activities. This donation will be used to fund a Pride round of Hockey and Soccer, Roller Skating Event and a Yoga Class.	\$1,000
Estelle Dragstra	Estelle is competing in the AFL Masters National Carnival in QLD. This donation will help with travel-related expenses.	\$500
Sarah Lang	Sarah is competing in the AFL Masters National Carnival in QLD. This donation will help with travel-related expenses.	\$500
Kalen Bennet	Kalen will be competing in the WA Cross Country Team. This donation will help with travel-related expenses.	\$500
Bree Smith	Bree is competing in the AFL Masters National Carnival in QLD. This donation will help with travel-related expenses.	\$500
Larissa Treagus	Larissa is competing in the AFL Masters National Carnival in QLD. This donation will help with travel-related expenses.	\$500
Aria Clarke	Aria is competing in the Gymnastics Championships - Bigam Cup. This donation will help with travel-related expenses.	\$500
Lamp Incorporated	Lamp Incorporated are holding a Mental Health Week Expo Event in conjunction with Radiance. This event is to designed to bring mental health to the forefront of community thinking and local community groups and organisations can showcase their services they provide. This is a free community event for all. This donation will help with the cost associated to run event.	\$1,000
Jessica Hayes	Jessica is competing in the School Sports Swimming Nationals in NSW. This donation will help with travel-related expenses.	\$500
Laney Lovegrove	Laney is competing in the U14 Soccer Gold Fields WA Team, Singa Cup which is being held in Singapore. This donation will help with travel-related expenses.	\$500



Recipient	Purpose	Amount
Busselton Primary Busselton Senior High Cape Naturaliste College Dunsborough Primary Cornerstone Christian College GMAS Geographe Education Support Centre Geographe Primary Our Lady of the Cape Primary St Mary Mackillop Vasse Primary West Busselton Primary	Annual donation to the Local Primary and High Schools for their End of Year School Awards.	\$2,300
<b>TOTAL</b>		<b>\$13,300</b>

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

**Current Active Tenders**

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

**State Administrative Tribunal Reviews Update**

The Current State Administrative Tribunal Reviews is at Attachment 2.

**WALGA South West Country Zone Meeting – 25 August 2023**

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

**Council Resolution Status Update**

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

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

### 16.1. Notice of Motion - Recognition of Nina Kennedy

#### MOTION

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

#### **NOTICE OF MOTION**

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

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

#### **REASONS**

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

#### **OFFICER COMMENT**

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

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

## **16.2. Notice of Motion - Introduction of Recreation Facilities Reserve**

### **MOTION**

**That the Council considers the introduction of a dedicated Recreation Facilities Reserve as part of budget preparations and review of the Long-Term Financial Plan.**

### **NOTICE OF MOTION**

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

*That the Council considers the introduction of a dedicated Recreation Facilities Reserve as part of budget preparations and review of the Long-Term Financial Plan.*

### **REASONS**

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

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

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

### **OFFICER COMMENT**

At present, there is no specific Reserve established under the City's Reserves for the purpose proposed by Mayor Henley, although the purpose of the New Infrastructure Development Reserve, which is to set aside, hold and provide funding in order to facilitate the identification, design, development and construction of new infrastructure and other capital projects does more broadly provide funding for new infrastructure.

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

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

**17. CONFIDENTIAL MATTERS**

Nil

**18. URGENT BUSINESS**

**19. CLOSURE**