



Ordinary Council Meeting

Supplementary Agenda

Wednesday 15 May 2024

CITY OF BUSSELTON

Supplementary Agenda for the Council Meeting to be held on Wednesday 15 May 2024

TABLE OF CONTENTS

10 REPORTS OF COMMITTEE	3
10.1 LIST OF PAYMENTS MADE - MARCH 2024	3
10.2 MONTHLY FINANCIAL REPORT - YEAR TO DATE 31 MARCH 2024	6
10.3 ADOPTION OF SCHEDULE OF FEES AND CHARGES FOR 2024/25	13
10.4 LEISURE CENTRES CAPITAL FUNDS	21
11 COMMUNITY PLANNING REPORTS.....	26
11.4 DA17/0866.01 - APPLICATION FOR MODIFICATION TO DEVELOPMENT APPROVAL - INDUSTRY - EXTRACTIVE (GRAVEL).....	26

10 REPORTS OF COMMITTEE

10.1 List of Payments Made - March 2024

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Financial Services – Paul Sheridan
Authorised By:	Director Corporate Strategy and Performance – Sarah Pierson
Nature of Decision:	Noting: The item is simply for information purposes and noting.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. List of Payments for Council March 2024 [6.1.1 - 11 pages] 2. List of Payments for Council March 2024 YTD Industry & Regional Allocations [6.1.2 - 1 page]

This item was considered by the Finance Committee at its meeting on 1 May 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council notes payment of voucher numbers for the month of March 2024 as follows:

CHEQUE PAYMENTS	119898 - 119951	46,162.05
ELECTRONIC FUNDS TRANSFER PAYMENTS	101627 - 102210	10,273,222.54
TRUST ACCOUNT PAYMENTS	EFT# TR000027 - TR000041	5,578.03
PAYROLL PAYMENTS	01.03.2024 - 31.03.2024	1,823,013.97
INTERNAL PAYMENT VOUCHERS	DD #5629 - 5669	107,778.93
TOTAL PAYMENTS		12,255,755.52

OFFICER RECOMMENDATION

That the Council notes payment of voucher numbers for the month of March 2024 as follows:

CHEQUE PAYMENTS	119898 - 119951	46,162.05
ELECTRONIC FUNDS TRANSFER PAYMENTS	101627 - 102210	10,273,222.54
TRUST ACCOUNT PAYMENTS	EFT# TR000027 - TR000041	5,578.03
PAYROLL PAYMENTS	01.03.2024 - 31.03.2024	1,823,013.97
INTERNAL PAYMENT VOUCHERS	DD #5629 - 5669	107,778.93
TOTAL PAYMENTS		12,255,755.52

EXECUTIVE SUMMARY

This report provides details of payments made from the City's bank accounts for the month of March 2024 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 March 2024 is presented for information.

As March is the last month of the third quarter of the 2023/24 financial year, a summary report of all payments grouped by industry and region has been attached for information purposes. Where possible the City attempts to procure locally however market-based factors may mean this is not always possible or cost effective. These factors include the availability of local suppliers, the capability of the local suppliers for providing the goods or services, and the value for money proposition of local suppliers. For example, some specialised services require expertise which cannot be found in the City of Busselton.

Further, it is important to recognise that the data is defined by postcode of the relevant business supplying to the City. This means that businesses which have provided postcodes outside of Busselton, for example Coles and Bunnings, do not register as local procurement in the data even though they have stores in the district that employ locals. Similarly on large contracts there may be subcontracting to local suppliers which again may not be seen as local procurement in the data. The same would apply to the Southwest data also.

Statutory Environment

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

Relevant Plans and Policies

Not applicable.

Financial Implications

Not applicable.

External Stakeholder Consultation

Not applicable.

Risk Assessment

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

Options

Not applicable.

CONCLUSION

The list of payments made for the month of March 2024 is presented for information.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

10.2 Monthly Financial Report - Year to Date 31 March 2024

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Financial Services – Paul Sheridan
Authorised By:	Director Corporate Strategy and Performance – Sarah Pierson
Nature of Decision:	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies. Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Monthly Financial Report - March 2024 [6.2.1 - 28 pages] 2. Investment Report - March 2024 [6.2.2 - 1 page] 3. Loan Schedule - March 2024 [6.2.3 - 1 page]

This item was considered by the Finance Committee at its meeting on 1 May 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council receives the statutory monthly financial report for the period ending 31 March 2024, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

OFFICER RECOMMENDATION

That the Council receives the statutory monthly financial report for the period ending 31 March 2024, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

EXECUTIVE SUMMARY

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City’s financial performance on a year-to-date basis, for the period ending 31 March 2024.

STRATEGIC CONTEXT

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

BACKGROUND

The Regulations detail the form and manner in which the monthly financial report is to be presented to the Council, and is to include the following:

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

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

At its meeting on 26 July 2023, the Council adopted (C2305/57) the following material variance reporting thresholds for the 2023/24 financial year:

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

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

OFFICER COMMENT

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

Statement of Financial Activity

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

Statement of Financial Position

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

Basis of Preparation Note (Note 1)

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

Statement of Financial Activity Note (Note 2)

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

Explanation of Material Variances Note (Note 3)

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

Net Current Position Summary Report

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

Capital Acquisition & Construction Report

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

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

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

Reserve Movements Report

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

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

Net Current Position Chart

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

Comments on Financial Activity to 31 March 2024

The Statement of Financial Activity (FAS) for the year to date (YTD) shows an overall Net Current Position (NCP) of \$11M as opposed to the YTD budget of \$4.2K. The following table summarises the major YTD variances that appear on the face of the FAS, which, in accordance with Council’s adopted material variance reporting threshold, collectively make up the above difference.

Each numbered item in this lead table is explained further in note 3 of the attached Monthly Financial Report.

Description	2023/24 Actual YTD \$	2023/24 Budget YTD \$	2023/24 Budget \$	2023/24 YTD Bud Variance %	2023/24 YTD Bud Variance \$	Change in Variance Current Month \$
Amount Attributable to Operating Activities				25.74%	7,092,350	2,434,812
Revenue from Operating Activities				5.98%	5,051,326	598,931
1. Grants, Subsidies and Contributions	2,462,490	1,608,422	5,452,685	53.10%	854,069	(95,712)
2. Other Revenue	428,496	233,947	334,933	83.16%	194,549	(79,790)
3. Interest Earnings	5,277,132	3,319,995	4,305,492	58.95%	1,957,137	602,861
Expenses from Operating Activities				7.80%	5,942,100	1,448,792
4. Materials & Contracts	(15,980,998)	(21,596,027)	(29,232,925)	26.00%	5,615,029	809,207
5. Other Expenditure	(3,185,210)	(4,931,346)	(6,823,844)	35.41%	1,746,136	754,332
Amount Attributable to Investing Activities				67.39%	15,443,990	824,632
6. Capital Grants, Subsidies and Contributions	3,833,363	1,323,956	20,026,075	189.54%	2,509,408	680,012
7. Land & Buildings	(10,520,094)	(23,212,444)	(29,887,475)	54.68%	12,692,350	877,207
8. Plant & Equipment	(1,747,481)	(2,756,057)	(6,118,421)	36.59%	1,008,576	(384,131)
9. Furniture & Equipment	(369,943)	(1,137,322)	(1,477,759)	67.47%	767,379	75,538
10. Infrastructure	(8,328,964)	(16,122,580)	(22,293,892)	48.34%	7,793,617	(270,234)
11. Proceeds from Sale of Assets	418,440	614,800	863,800	(31.94%)	(196,360)	(142,680)
Amount Attributable to Financing Activities				(174.79%)	(28,178,449)	(14,592,002)
12. Proceeds from New Loans	0	2,000,000	2,000,000	(100.00%)	(2,000,000)	0

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 \$
13. Advances to Community Groups	0	(250,000)	(250,000)	100.00%	250,000	0
14. Transfer to Restricted Assets	(19,956,566)	(8,961,738)	(9,200,455)	(122.69%)	(10,994,828)	(1,399,032)
15. Transfer from Reserves	30,148,150	43,652,379	60,020,498	(30.94%)	(13,504,229)	(12,194,809)

Investment Report

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

A brief summary of the details contained in the report are as follows:

As at the 31 March the value of the City’s invested funds stayed steady at \$120M January 2024.

The 11am account balance also remained the same at \$10.0M.

During the month of March, five term deposits matured. All were re-invested for a further 300 days at 4.96% on average.

The official cash rate remained steady during the month of March 2024 at 4.35%. Timing of further movements of the cash rate are currently uncertain, although it is expected to stay steady in the short term and then begin to drop later in the year.

Borrowings Update

During the month no new loans were drawn, with \$882K of principal and \$387K of interest paid on existing loans. The attached Loan Schedule 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 March 2024 are provided below to ensure there is appropriate oversight and awareness.

Date	Payee	Description	\$ Amount
7/03/2024	GREEN DEPOT BUNBURY	STAFF CONDOLENCE FLOWERS	103.00
11/03/2024	HOLIDAY INN WEST PERTH	CR. KAIGG -TRAINING ACCOMMODATION	206.35
14/03/2024	WEST AUSTRALIAN DIGITAL	DIGITAL SUBSCRIPTION-PR	28.00

Date	Payee	Description	\$ Amount
15/03/2024	THE GOOSE BEACH BAR	CEO LUNCH MEETING -LG PRO WA MENTOR PROGRAM	79.00
22/03/2024	BURSWOOD NOMINEES LTD ATF BURSWOOD	MEETING PARKING	8.00
31/03/2024	MAILCHIMP	ELECTRONIC NEWSLETTER PR	426.62
		TOTAL	850.97

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 March 2024, the City's net current position stands at \$11M, and cash reserve balances remain sufficient for their purposes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not Applicable.

10.3 Adoption of Schedule of Fees and Charges for 2024/25

Strategic Theme:	Key Theme 4: Leadership 4.4 Govern a professional organisation that is healthy, capable and engaged. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Finance Coordinator - Jeffrey Corker
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Draft Schedule of Fees and Charges - 2024.25 [6.3.1 - 48 pages]

This item was considered by the Finance Committee at its meeting on 1 May 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council endorses the Fees and Charges as detailed in the “Schedule of Fees and Charges - 2024/25” as per Attachment 1 – Draft Schedule of Fees and Charges – 2024/25, effective from and including 1 July 2024.

OFFICER RECOMMENDATION

That the Council endorses the Fees and Charges as detailed in the “Schedule of Fees and Charges - 2024/25” as per Attachment 1 – Draft Schedule of Fees and Charges – 2024/25, effective from and including 1 July 2024.

EXECUTIVE SUMMARY

In accordance with *Regulation 5(2) of the Local Government (Financial Management) Regulations 1996*, a local government is to undertake a review of its fees and charges regularly, and not less than once in every financial year. This report provides Council with a recommended Schedule of Fees and Charges to apply for the financial year commencing on 1 July 2024.

BACKGROUND

Each year, the City sets its fees and charges with the view of implementing any changes as of 1 July in any given year. City officers have reviewed each section of the fees and charges and have highlighted any areas of change, or reasons why no changes have occurred in comparison to the existing adopted listing.

As part of the annual review of the fees and charges, officers consider matters including the statutory and local environments. Local factors may include the cost to provide a service, market conditions and needs of the community. These inform the recommendations made to the Council.

When Council adopts an annual budget, it may also set its fees and charges that will be imposed during a financial year. In order for the 2024/25 schedule of fees and charges to be effective from the commencement of the new financial year, the Council is required to adopt its schedule in advance of 30 June 2024, such that any statutory public notice periods (including gazettal's where required) can be complied with.

OFFICER COMMENT

The 2024/25 Draft Schedule of Fees and Charges has been guided by a 3.50% general escalation over currently adopted fees and charges. Notwithstanding this, in some limited instances, this principle is not appropriate, with other factors also requiring consideration. The following provides an overview, by Directorate, of noteworthy instances where an increase has not been applied, whilst also discussing, where relevant, newly proposed fees and charges or fees that have been increased by more than the general guidance.

Community Planning Directorate

Health Related Fees

Food Premises Fees

The Notification Fee is being split to delineate that Charitable organisation's only pay 50% of the set fee.

Stall Holders

Application fees for Stallholder permit fees are to be removed as they are no longer levied.

Trader Permit Fee – Zones 1, 1A, 2, 2A

Fees remain the same for a two-year period in line with the EOI awarding two-year permits. Next increase due 2025/26.

Public Building Fees

Public Building Fees that vary upon the number of patrons have been introduced, along with a fee for Charitable organisations. The concession is only available to incorporated not for profit organisations and groups where profits raised from the associated activity are to be donated to a local cause or charity.

Ranger & Fire Service-Related Fees

Animal Registration Fees

Fees relating to the registration of cats and dogs are now included for completeness. Dog and cat Surrender / Disposal Fees are now included for completeness.

Fees relating to the registration of stables and the keeping of pigeons are to be deleted. They are no longer used or required.

Application Fees

Application fees in relation to approval to breed cats and dogs are now included.

Impounding Fees – Animals

Fee categories for Impounding Stock have been rationalised with clarification that they apply to all animals other than cats and dogs. Fee amounts have not changed.

A new fee “Roaming Livestock Attendance Fee” has been introduced in the amount of \$360. On occasion, Rangers staff are called out to assist relocate and/or rehome stock that are roaming off the owners property. As an impound may not occur, a fee could not previously be charged to recoup the expense. This fee will allow for such events.

Holiday Homes

The legislative arena for Holiday Homes is currently in a state of change. A decision needs to be made as to whether the City immediately removes these fees considering STRA or leave them in place, however a sub-clause has been inserted to allow a pro-rata fee (eg a six-month fee) at the discretion of the CEO.

Ranger & Fire Services – Miscellaneous

A fee for the Beach gate key deposit (refundable) bond in the amount of \$100 is being introduced. This is in alignment with other Key Bonds generally charged.

Geographe Leisure Centre

Swimming Pool

The fee for Local regular not for profit user groups is recommended to stay at \$5. There is restricted lane space availability. An increase to this fee would create further financial issues for clubs at this time, with future consideration on how fees should be increased to be undertaken.

Stadium

No fee increase is recommended to a number of fees. There is restricted court space available. An increase to these fees would create further financial issues for clubs at this time, with future consideration on how fees should be increased to be undertaken. Current master planning discussions to decide on the future of GLC are underway.

Naturaliste Community Centre

Stadium

No fee increase is recommended to a number of fees. There is restricted court space available. An increase to these fees would create further financial issues for clubs at this time, with future consideration on how fees should be increased to be undertaken. Current master planning discussions to decide on the future of GLC are underway. Casual Usage Fees are to be removed as they are not utilised.

Multi-purpose Activity Room (Half)

Casual Usage Fees are to be removed as they are not utilised.

Kitchen/Servery Area Only

A range of fees for various periods of time by the Community and/or Commercial users are to be introduced.

Infrastructure and Environment Directorate

Miscellaneous

Other crossing place related services

The City does not offer the “Concrete apron for brick paving crossovers” service anymore due to resourcing and instead refers customers to contractors.

Traffic Management

The fee for Traffic Management Plan applications is to rise from \$173.00 to \$218.00. The City is being charged \$95/hr to get the TMP's reviewed and has allowed 15% cost plus for admin fee. A two hour minimum charge is levied.

Directional Signs

A new fee for “Other Directional Signs” is to be introduced on a “Cost plus 30%” basis, with the 30% being charged to recoup the City’s administration costs. Community groups will be charged the Cost price only, with no recoup.

Corporate Strategy and Performance Directorate

Administration / Miscellaneous Fees

Sale of Documents

It is proposed to remove the fees and charges for single copies of the electoral roll, minutes and agenda. These can be dealt with using the photocopying/printing charges as would be the case for any of the other information requested under s 5.96 for information in s 5.94 of the Local Government Act.

Cemeteries

Pre-purchased Grant of Right of Burial - 25 years

In 2023-24, this fee was \$2,330. Officers recommend that this is reduced to \$2,200 to more closely align it with the fee for a normal ‘Grant of Right of Burial - 25 years’ which is \$2,110.

Vault Grant of Right of Burial

For simplicity, officers recommend that this fee is removed. Should a vault burial be required, the ‘Grant of Right of Burial - 25 years’ fee will be charged.

Vault Interment Fee (each)

For simplicity, officers recommend that this fee is removed. Should a vault burial be required, the ‘Standard Burial’ fee will be charged.

Vault maintenance fee (annual)

For simplicity, officers recommend that this fee is removed. There are no ‘vaults’ in City cemeteries so there is no maintenance required.

Rose Garden - Double Placement, Native Garden - Double Placement, Contemplation Garden - Double Placement

These fees are for very similar activities, and the amount is currently the same for all. For simplicity, officers recommend replacing all 3 fees with one – ‘Garden - Double Placement’.

Bench Seat - Single Placement (additional fees may apply)

The City does not have any bench seats that are used for internments. Officers recommend that this fee is removed. If required in future, the fee for 'Ashes Interment elsewhere within the Cemetery - Single Placement' can be used.

Request for Minor Monumental Works (cleaning, repairs, maintenance etc.)

Officers recommend increasing this fee to \$35 as the administrative effort required for the task takes around an hour.

Application Administration Fee

Officers recommend increasing this fee to \$35 as the administrative effort required for the task takes around an hour.

Refund Administration Fee

Officers recommend setting this fee at \$150 as the administrative effort required for the task takes around 4 to 5 hours, regardless of the amount being refunded.

Economic and Business Development Directorate

Events – Equipment Hire & Signage

Hire of Grandstands

Fees for the hire of Grandstands are to be removed as the City no longer offers this service.

Foreshore Kiosk Permit – Busselton Foreshore

The Bond amount charged in relation to Foreshore Kiosk's is to be reduced as the previous amount is now considered prohibitively excessive.

Busselton Cultural Precinct

Saltwater Performing Arts & Convention Centre

A new fee is being introduced for the Hire of the Function Room in the amount of \$55/hour.

A new fee is being introduced for "Ticket Booking fee" in the amount of \$1.60 per ticket.

A new Fee is being introduced for the Hire of the Dance Floor in the amount of \$220.00.

A new Administration Fee in the amount of \$60/hour is being introduced for items such as building ticketing, website updates and other similar functions.

Saltwater Art Galley

A new fee is being introduced for the hire of the room for events in the amount of \$110/per hour, with a two-hour minimum charge.

Bond Store Gallery

Commission Rates on exhibition sales are being deleted, as they will now be listed elsewhere.

New Courtroom

Commission Rates on exhibition sales are being deleted, as they will now be listed elsewhere.

Ballaarat House

Fees are being removed as the Room is to be leased on a permanent basis.

Exercise Yard and Day Room

New Fees for holding Exhibitions in the Exercise yard and day room are to be introduced at a rate of \$80/week.

Other Fees and Charges

Commission rates for rostered and Non-rostered Artists have been relocated to the section, and a new rate for Resident artists introduced.

A new fee for the hire of Miscellaneous Equipment has been introduced in the amount of \$60.00.

Library Charges

New fees are to be introduced for Research within the Local Studies. Not for Profits will be free for the first 30 minutes, and then \$30 for a period not exceeding 2 hours. Commercial users will be charged \$80 for a period not exceeding 2 hours.

Busselton-Margaret River Airport

The reference to the Passenger Screening charge being for RPT passengers only is to be altered by removing the RPT restriction. This is due to the fact that when there are schedule overlaps with RPT and Closed charter, closed charter passengers may be required to be screened and hence charged the screening fee.

The fee for Airside Drivers Licence is to be removed. Under the MOS139 (CASA) regulations the BMRA is not required to implement airside driver's licences until the airport has greater than 350,000 passengers. This requirement for airside drivers licencing has been removed from the Airport SOPs.

Outdoor Court Hire Levies

Fees for Hourly outdoor court hire fees for community sport for both senior and junior players are to increase from 20c per hour to 40c per hour. The new fees and charges structure for hard courts was being introduced over 3 years, as explained to the City's Netball and Basketball associations. Last Financial Year the fee was set at 20c per hour to keep current fees in line with prior existing fees. This was to increase to 40c this year, and then 60c the third year being 2025/26.

Busselton Jetty Tourist Park

Overnight and Weekly rates

The fees for the "Basic Cabin" are to be deleted as the Cabin is being removed from the Park. The description of the fees for some cabins has been amended to note that Linen is now provided to all beds, not just the Main Bed.

Semi Permanents

The fee for additional Parking spaces is being removed as there are no additional parking bays available.

Miscellaneous

The fee relating to refill 9kg gas bottles is being removed as the City no longer offers this service.

Hire Facilities – Halls, CRC, YCAB & Undalup Function Room

Miscellaneous Facility Fees

The wording for the Facility Hire Cancellation Fee has been changed to read “less than 5 working days' notice given” rather than “less than 1 weeks”. The Video Conferencing Facility Fee is to be removed as the City does not offer this service.

Churchill Park Hall, High Street Hall, Rural Halls, CRC, YCAB

The previously separate fee for Charity’s is to be merged with the Community Group fee as there is often little difference between the affordability of the offering for the entity.

Undalup Function Room

The fee for Dance Floor Hire is to be removed as the City no longer offers this service.

Outdoor Court Hire Levies

A fee, being half of the Commercial rate, is being introduced for Community Hire of Outdoor Courts.

Statutory Environment

Sections 6.16 to 6.19 of the *Local Government Act 1995* (the Act) refer to the imposition, setting the level of, and associated administrative matters pertaining to fees and charges. The requirement to review fees and charges on an annual basis is detailed within *Regulation 5 of the Local Government (Financial Management) Regulations 1996*.

Section 6.16 of the Act states that a local government may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed.

Section 6.17 of the Act further states that in determining the amount of a fee or charge for goods and services, a local government is to take into consideration the following factors:

- a) The cost to the local government of providing the service or goods;
- b) The importance of the service or goods to the community; and
- c) The price at which the service or goods could be provided by an alternative provider.

Section 6.18 of the Act clarifies that, if the amount of any fee or charge is determined under another written law, then a local government may not charge a fee that is inconsistent with that law.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter, other than the Long Term Financial Plan.

Financial Implications

Whilst revenue from fees and charges includes items that the Council has no authority to amend (statutory charges set by external bodies), it is important that, where possible, controllable fees and charges are appropriately indexed on an annual basis, to assist in offsetting the increasing costs of providing associated services. This may include increases beyond normal indexation in particular cases, in line with section 6.17 of the Act. The 2024/25 Draft Schedule of Fees and Charges has been guided by a 3.50% general escalation over currently adopted fees and charges.

External Stakeholder Consultation

Business Unit Managers are responsible for reviewing fees and charges associated with activities under their control. As part of the review process, consultation may occur with other local government authorities, in addition to a review of prices offered by alternate service providers (pursuant to section 6.17 of the Act).

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

Options

Council may recommend amendments to the Draft Schedule of Fees and Charges as it deems appropriate.

CONCLUSION

As part of the annual review of fees and charges, the currently adopted fees and charges have been reviewed in line with the requirements of the Act and other relevant legislation as applicable. Consequently, it is recommended that Council endorses the Draft Schedule of Fees and Charges for 2024/25 as proposed.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Consequent to adoption by the Council, the Schedule of Fees and Charges for 2024/25 will become effective from and including 1 July 2024.

10.4 Leisure Centres Capital Funds

Strategic Theme:	Key Theme 2: Lifestyle 2.3 Provide well planned sport and recreation facilities to support healthy and active lifestyles. 2.12 Provide well maintained community assets through robust asset management practices.
Directorate:	Community Planning
Reporting Officer:	Leisure Centres Coordinator - Mary Everuss
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

This item was considered by the Finance Committee at its meeting on 1 May 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	New capital project funded from the Furniture Equipment Reserve				
	New Project # TBA– Leisure Centres GLC Spin Bikes (C)				
	-	-	180,000	-	(180,000)
TOTALS	-	-	180,000	-	(180,000)

OFFICER RECOMMENDATION

Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	New capital project funded from the Furniture Equipment Reserve				
	New Project # TBA– Leisure Centres GLC Spin Bikes (C)				
	-	-	180,000	-	(180,000)
TOTALS	-	-	180,000	-	(180,000)

EXECUTIVE SUMMARY

This report seeks Council approval of budget amendments for items within the Community Planning directorate as detailed in this report. Adoption of the officer recommendations.

STRATEGIC CONTEXT

The nature of this request for capital funds is in line with Key Theme 2 of the City’s Strategic Community Plan – Lifestyle, 2.12 to provide well maintained community assets through asset management practices and 2.3 well planned sport and recreation facilities to support healthy and active lifestyles.

BACKGROUND

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

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

Approval is therefore sought for the budget amendment as outlined in the officer comment below.

OFFICER COMMENT

Council adopted its 2023/2024 Municipal budget on 26th July 2023 with a budget surplus position. Since then, officers have identified budgets that require adjustment within the Community Planning Directorate. It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice, budgets are reviewed on a regular basis.

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

1. Adjustments impacting the budget balance or net position of the City; relatively uncommon type.
2. Adjustments with no impact on the budget balance; most common amendment type.
3. Adjustments to transfer budget between capital and operating undertakings; relatively uncommon type.

All items included in this amendment are of the type 2 and are explained in detail below.

Item 1: New Capital Project Leisure Centres Spin Bikes

The Council's approval is sought to allocate budget from the Furniture and Equipment Reserves to fund a new capital project, Leisure Centres Spin Bikes (C), for the procurement of Indoor Spin bikes for the Geopraphe Leisure Centre (GLC) and Naturaliste Community Centre (NCC).

The existing spin bikes have served the community for 12 years, surpassing the expected and recommended lifespan of 6 years, dependent on quality, frequency of use and maintenance. However, the breakdowns and general wear and tear are impacting customers overall experience and satisfaction. Recent service reports advised that our spin bikes are exhibiting severe signs of mechanical fatigue and are subsequently more prone to frequent breakdowns and the resulting sourcing of parts and regular service agents.

The benefits of purchasing new spin bikes, will address current issues to provide customer satisfaction and provide Leisure Centres with an important advancement in our technological capabilities, as a Smart Bike with digital displays, virtual classes capability and compatibility with personal fitness applications, as well as improved comfort, safety, ease of maintenance and alignment with our current gym equipment technology.

The replacement of 46 spin bikes and virtual technology for both centres, will require approximately \$180,000 in funds. Officers believe the long-term benefits of improved member satisfaction by further elevating their fitness experience, safety and potential revenue generation of attracting new members, far outweighs the cost. This investment aligns with our commitment to provide well maintained community assets through our asset management practices.

A Request for Tender (RFT) is currently in progress, inviting bids for the supply of Spin Bikes and virtual technology.

If adopted by Council, this project spend is likely to occur in May/June 2024.

Statutory Environment

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

Relevant Plans and Policies

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

Plan:
Not applicable.

Policy:
Not applicable.

Financial Implications

The table in the officer’s recommendation summarises the financial implications:

	(Increase) / Decrease in Operational Revenue	Increase / (Decrease) in Operational Expenditure	(Increase) / Decrease in Capital Revenue	Increase / (Decrease) in Capital Expenditure	Increase / (Decrease) in Reserves and/or Restricted Assets	Increase / (Decrease) in Net Current Position
Item 1	-	-	-	180,000	(180,000)	-
TOTALS	-	-	-	180,000	(180,000)	-

External Stakeholder Consultation

No specific external stakeholder consultation was undertaken in relation to this matter; however, members have expressed their concerns about the condition of bikes and issues with seats, worn pedals and less effective resistance mechanisms, that are impacting the overall comfort and enjoyment of their cycling experience.

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. Not implementing the officer recommendation carries reputational, financial and operational risk because the equipment has exceeded the expected and recommended lifespan and is prone to frequent breakdowns, impacting customers' ability to attend classes and overall experience and satisfaction.

Options

As an alternative to the proposed recommendation the Council could decide not to proceed with the proposed budget request.

CONCLUSION

Council’s approval is sought to amend the budget as per the details contained in this report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If the officer recommendation is endorsed, the budget amendment will be processed within a month of being approved.

11 COMMUNITY PLANNING REPORTS

11.4 DA17/0866.01 - Application for Modification to Development Approval - Industry - Extractive (Gravel)

Strategic Theme:	Key Theme 1: Environment 1.1 Ensure protection and enhancement of environmental values is a central consideration in land use planning Key Theme 3: Opportunity 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth. Key Theme 4: Leadership 4.1 Provide opportunities for the community to engage with Council and contribute to decision making.
Directorate:	Community Planning
Reporting Officer:	Major Development and Subdivision Coordinator – Andrew Watts
Authorised By:	Director Community Planning – Gary Barbour
Nature of Decision:	Regulatory: To determine an application/matter that directly affects a person’s right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Location Plan [11.4.1 - 1 page] 2. Applicant Cover Letter [11.4.2 - 1 page] 3. Previous Decision Notice and Approved Plans [11.4.3 - 65 pages] 4. Plans of Proposed Additional Haulage Route [11.4.4 - 2 pages] 5. D A 17-086601 Schedule of submissions v 2 [11.4.5 - 17 pages]

The report has been republished since its original publication in the agenda for the 15 May 2024 Ordinary Council meeting with an updated attachment 5: Schedule of Submissions. The Schedule of Submissions has been updated to include additional submissions received via the public consultation process which were previously not included in the Schedule in error.

OFFICER RECOMMENDATION

That the Council determines:

1. That application DA17/0866.01 submitted for ‘Amendment to Development Approval – Industry – Extractive’ (gravel) at Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located.
2. That condition 6.4 is not amended as the additional haul route proposed by the applicant is not currently considered suitable from a traffic safety perspective to allow for additional heavy vehicles movements.
3. That the conditions of Development Approval for the proposal referred to in (1) above be amended as follows –

GENERAL CONDITIONS:

1. The development hereby approved is permitted to operate for five years from the date of ~~this Decision Notice~~ **the original decision notice issued by the City on 15 February 2021** or until 170,000 cubic metres volume of material has been extracted, whichever is sooner. The site shall be fully rehabilitated in accordance with an approved Rehabilitation Management Plan (as approved under condition 4.2) by the expiry date of this development approval.
2. The owner must ensure that the development is undertaken in accordance with the approved plans and the details contained within the Site and Development Plans and Application Material (Attachment B and C), other than as modified by the conditions below.

Where there is a conflict between a condition of this development approval and any approved plan, the requirements of the condition shall prevail.

3. **If at any time, any of the conditions have not been complied with, all extraction activities (including haulage) must cease until such time as the breach has been rectified, to the satisfaction of the City in writing.**

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:

4. The owner must ensure that no material is extracted from the site or any other works undertaken until the following plans/details have been submitted to, and approved by, the City:
 - 4.1 Details of a Tree Protection Plan providing for temporary demarcation barriers to be erected to 15m from the crown drip zone of adjacent trees to protect the tree and root system from accidental machinery damage.
 - 4.2 A Rehabilitation Plan, to be prepared by a suitably qualified natural revegetation practitioner, incorporating like for like revegetation for the area cleared and to be revegetated with native species to provide habitat for black cockatoos and shall include details of the following:
 - a) Description of the finished profile of the soils of the extraction area post extraction;
 - b) Final ground contours, finished profile with embankments not to be steeper than 1 in 5;
 - c) Proposed vegetation assemblage for the area post extraction, given the soil profile, topography and a description of the ecological values and functions that are expected to be returned to the revegetation offset site;
 - d) Staging of revegetation process;
 - e) Ripping and/or other treatments to the base of the pit;
 - f) Spreading of stockpiled topsoil;

- g) Re-use of any stockpiled vegetation;
- h) Planting methodology, native species list (mix of trees, shrubs and ground covers), planting densities;
- i) Criteria for assessment of whether the revegetation has been satisfactorily completed; and
- j) Weed management plan.

- 4.4 A revised Water Management Plan, including additional details regarding stormwater retention measures to prevent the flow of stormwater into neighbouring properties.
- 4.5 Details of warning signage to be erected along the transport route. Signage shall include signs on both approaches to the pit along Nuttman Road 100m from the access.
- 4.6 A Dust Management Plan, including details validating the water supply available for dust suppression to implement the approved and procedures associated with management of dust on the unsealed section of the haul route.
- 4.7 Details for the upgrading of the existing crossover to ensure that adequate sightlines are achieved.
- 4.8 Plans for the widening of Nuttman Road to:
 - a) a minimum unsealed carriageway width of 7.0 metres from the crossover to the subject site north to the sealed section of Nuttman Road; and
 - b) Widening of the sealed section of Nuttman Road to 6.2m with 0.80m gravel shoulders (7m formation).
(such plans shall specify the width, alignment, gradient and type of construction proposed for the upgrades, including all relevant horizontal cross-sections and longitudinal-sections showing existing and proposed levels, together with details of vegetation, pinch points and culverts and where necessary how such culverts will be upgraded).
- 4.9 A 3D Digital Terrain Model indicating the following in Australian Height Datum:
 - a) Existing ground levels;
 - b) Maximum extraction depths; and
 - c) Minimum final ground levels after rehabilitation.
- 4.10 The following bonds being provided to the City:
 - a) A road maintenance bond of \$20,000 (being an unconditional bank guarantee) to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those

portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at the cost of the owner. The City may use the bond to maintain the affected public roads as it deems necessary.

- b) A dust bond of \$6,000, which shall be held against satisfactory compliance with the Dust Management Plan.
- c) A rehabilitation bond of \$30,000, which shall be held against satisfactory compliance with Condition 4.2 of this approval.
- d) Further to conditions 4.10 (a)-(c) (bond conditions), the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
 - i. The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs;
 - ii. Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City;
 - iii. If at any time part of the bond is called upon, used or applied by the City in accordance with the legal agreement, the restoration of the bond to the full amount required by these conditions; and
 - iv. The ability to lodge a caveat over the site to secure the City's interest.

4.11 Details of a noise bund to the southern boundary to the satisfaction of the City, in addition to the noise reduction measures contained within the Approved Environmental Noise Assessment of Gravel Crushing by Acoustic Engineering Solutions dated 23 October 2020.

PRIOR TO COMMENCEMENT OF EXTRACTION CONDITIONS:

- 5. The owner must ensure that no material is extracted until information setting out that and how the plans and details required by Conditions 2 and 4 have been implemented/has been provided to the satisfaction of the City, and the City has subsequently issued a 'Permit to Commence', confirming that extraction can commence.

PRIOR TO COMMENCEMENT OF EXTRACTION, OTHER THAN EXTRACTION FOR UPGRADES TO NUTTMAN ROAD:

- 6. Notwithstanding Condition 5 above, gravel can be extracted from and crushed on the site for the purpose of upgrading Nuttman Road and/or the crossover, in the following circumstances:

- a. Where all plans, details and bonds required by Condition 4 have been provided to and approved by the City, and implemented to the satisfaction of the City; and
- b. With the prior written approval of the City.

ONGOING CONDITIONS:

7. The owner must ensure that the plans, details and works undertaken to satisfy Conditions 1, 2, 3, 4, 5 and 6 are subsequently implemented and maintained for the life of the development and, in addition, the following conditions must be complied with:
 - 7.1 The development hereby approved shall be limited to: the excavation or movement of gravel from its natural state on the site; screening of material; crushing of gravel; transportation of gravel within or off the site; associated drainage works and access ways; and rehabilitation works. At no time shall any blasting works be carried out.
 - 7.2 Operating hours **on the site**, including the transportation of materials, shall be restricted to the hours between: 7.00am and 6.00pm Mondays to Fridays; and 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays. **Trucks may arrive at the site from 6.45am.**
 - 7.3 ~~Trucks going to and from the development must not use the designated haulage route before 7.50am and between 4:00pm and 5:00pm on any given school day on a school bus route. Other times may be agreed in writing with the local government.~~

Within two weeks of each school term's commencement, details of the school bus exclusion time for both am and pm shall be submitted to and approved by the City in consultation with the relevant school bus operators. The times should include the bus operating times on the haulage routes including a 15min exclusion window either side of the earliest and latest bus time.
 - 7.4 The designated haulage route is to the Busselton Bypass, northwards along Nuttman Road to Walsall Road and then north along Chapman Hill Road. No other routes may be used, until trucks have reached the Busselton Bypass.
 - 7.5 A maximum number of **50 70** truck movements (i.e. **25 35** trucks entering and **25 35** trucks exiting the site) shall be permitted on any operating day (i.e. Sundays and public holidays are not operating days). No truck movements **are shall be** permitted on any other day **or outside the approved operating hours.**
 - 7.6 Notwithstanding Conditions 7.4 and 7.5 above, should more than **50 70** truck movements per day and/or an alternative haulage route be proposed, a Traffic Management Plan is to be submitted to and approved in writing by the City; with the Plan being submitted to the City at least 7 working days prior to any haulage not consistent with Conditions 7.4 or 7.5 occurring.

Note: The City will only approve additional movements or alternate routes where it is determined that an acceptable Traffic Management Plan has been

provided. The City will not approve additional truck movements and/or an alternative haulage route for more than 20 working days in any calendar year. Any additional days will require a Modification to Development Approval to be submitted to, and approved by, the City.

- 7.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 4.2 concurrently with the extraction of the following 2 hectare area.**
- 7.8 The lowest level of excavation shall always be a minimum of 300mm above the maximum water table level and no dewatering works are to be undertaken.**
- 7.9 Further to condition 7.8 (level of extraction), the final land surface (after rehabilitation for pasture) should be 500mm above the maximum seasonal groundwater.**
- 7.10 The approved Rehabilitation Plan shall be implemented and carried out in accordance with the approved details, including any notes placed thereon in red by the City.**
- 7.11 The owner must submit to the City annually within three months of every anniversary of the issue of the Permit to Commence certificate a written report detailing the following to the satisfaction of the City:
 - a) A survey conducted by a licensed surveyor certifying:
 - i. The extent/size and location of the area which has been extracted;**
 - ii. The extent/size and location of the area which has been rehabilitated;**
 - iii. The extent/size and location of the area which is currently under operation;****
 - b) Details as to which conditions of this development approval have been complied with and how the conditions have been complied with; and**
 - c) No extraction operations, including stockpiling or transportation of extracted material, are to be undertaken on the site at any time when an annual written report is due and has not been submitted to the City.****
- 7.12 No development (including any extraction) may be carried out at any time when any bond that is required to be in force and effect under Condition 4.10 is not in full force and effect.**

EXECUTIVE SUMMARY

The City has received a development application to amend a previously approved 'Industry – Extractive' (gravel) at Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill (Site). The original application was determined by the Council at its meeting held on 10 February 2021 (C2102/020 refers). The amendment is also being presented to Council for determination, rather than being determined by City officers acting under delegated authority.

The officer recommendation has been prepared having considered the application, including submissions received in relation to the application, the City of Busselton Local Planning Scheme No. 21 (Scheme) and the broader, relevant planning framework including Local Planning Policy 2.3 – Extractive Industries (LPP2.3). It is recommended that amendment to conditions 7.3 and 7.5 (previously 6.3 and 6.5) be approved in accordance with the officer recommendation, which differs from the initial request of the applicant. It is recommended that the alternative haulage route requested by the applicant is not approved and that condition 7.4 (previously 6.4) remains unchanged from the original approval.

STRATEGIC CONTEXT

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

BACKGROUND

At its meeting held on 10 February 2021 the Council approved, subject to conditions, development application for an Industry – Extractive on the Site. The original approval for DA17/0866 was for a 5 year period, which is due to finish in February 2026.

The applicant has lodged a development application with the City to amend the following conditions of the development approval -

1. Amend condition 6.3 (proposed 7.3) which restricts the times of day that trucks are allowed to travel to and from the site;
2. Amend condition 6.4 (proposed 7.4) which currently designates a singular haulage route;
3. Amend condition 6.5 (proposed 7.5) which currently limits the maximum number of truck movements to 50 truck movements per day (i.e. truck 25 entering and 25 trucks exiting the site);

Key information regarding the application is set out below —

1. **Landowner/s:** Brian Baker
2. **Applicant:** Leeuwin Civil Pty Ltd
3. **Site area:** 76.67 Ha
4. **General description of site:** Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road are located towards the southern end of Nuttman Road, just north of the junction with Chapman Hill East Road. Lot 2 has frontage to Nuttman Road while Lot 3 has frontage to Chapman Hill East Road. The application site is located within the rural zone and the surrounding lots are predominately farmed, however there are a number of smaller lots within the vicinity of the site. Lot 3 is heavily vegetated whereas Lot 2 is predominately cleared with a clump of vegetation towards the middle of the lot. The extraction area is located on the boundary of the two lots and would result in the removal of some vegetation.

5. **Current development/use:** The northern portion of the Site is used for agricultural pursuits and contains a dwelling and ancillary accommodation. A previous sand extraction (DA ref: DA12/0338) was located in the central portion of the Site.
6. **Brief description of proposed development:** The original development approval was to extract approximately 170,000 cubic metres of gravel from an area of 9.73 hectares and includes screening and crushing of gravel on site. The current haulage route as specified by condition 6.4 of the original approval (re-numbered 7.4) allows for transport of materials to Bussell Highway by travelling northwards along Nuttman Road to Walsall Road and then north along Chapman Hill Road.

The application proposes to amend condition 7.3 (previously 6.3) related to haulage times, condition 7.4 (previously 6.4) to permit an additional haul route and condition 7.5 (previously 6.5) to allow for an increase in daily truck movements from 50 vehicles per day to 100 vehicles per day.

No change to the total amount of material to be extracted is proposed as part of this amendment.

7. **Applicable Zoning and Special Control Area designations:** The Site is located within the Rural Zone.
8. **Land-use permissibility:** Industry – Extractive is an ‘A’ use in the Rural Zone, meaning that it is a use that may be permitted in the Zone at the reasonable discretion of the City, following a compulsory period of consultation and consideration of any submissions received. Under LPP2.3 the Site is located within Policy Area 3, which is considered less constrained than other policy areas due to the primarily agriculture nature of the area.

The following attachments are provided –

- Attachment 1 – Location plan
- Attachment 2 – Applicant cover letter
- Attachment 3 – Previous decision notice and approved plans
- Attachment 4 – Plans of proposed additional haulage route
- Attachment 5 – Schedule of submissions

OFFICER COMMENT

Development approval has already been granted by the Council for the same extractive industry on the Site in 2021. As part of the current application only the aspects of the development that are proposed to be amended should be considered. These matters are discussed further below –

Haulage

The original development application imposed a condition limiting the maximum number of truck movements in association with the development to 50 truck movements per day (i.e. 25 trucks entering and 25 trucks exiting).

The applicant has advised that the current number of permitted truck movements is not commercially viable, preventing the operator to supply material to larger projects such as those being undertaken by Main Roads WA.

Recently the RAV status of Nuttman Road has been removed by Main Roads, which has restricted the types of trucks accessing the gravel pit to “as-of-right” single trailer vehicles, which reduces the volume of material able to be used with each vehicle movement to approx. 50% to the permissible RAV trucks that were being used when the extractive industry operations were approved at the site.

The applicant has therefore requested modification to condition 6.5 to allow an increase in truck movements to a maximum of 100 truck movements per day (i.e. 50 trucks entering and 50 trucks exiting).

The applicant has also cited that the current approved haulage route as approved via current condition 6.4 does not allow for a particularly direct route when catering for projects to the south or west of the Site. The current condition 6.4 is –

6.4 The designated haulage route is to the Busselton Bypass, northwards along Nuttman Road to Walsall Road and then north along Chapman Hill Road. No other routes may be used, until trucks have reached the Busselton Bypass.

The applicant has requested that an additional route be permitted. The additional route requested would travel along Nuttman Rd, turn left onto Walsall Rd, right onto Chapman Hill Rd, left onto Evans Rd, right onto Jamisons Rd, left onto Payne Rd and then onto Roy Rd to Bussell Hwy.

The applicant has advised that approximately 30% of the requested 100 vehicle movements would use the additional route i.e. 30 trucks movements per day.

The key considerations in regards to increasing the permitted daily maximum truck movements and allowing for an alternative haulage route are as follows –

- Suitability of the haulage route to accommodate the additional truck movements; and
- Amenity impact to residents, including additional dust generated from trucks using the unsealed portion of Nuttman Road.

In order to assess the above matters, officers have undertaken inspections of the relevant roads, have examined past traffic counts and arranged for new traffic counts to be undertaken on both the current and proposed additional haul routes. Detail of the current construction standards of the haul routes has also been considered in determining the capacity for increased heavy vehicle movements along these roads.

As a result of the traffic data obtained from the most recent counts undertaken over an eight day period in February 2024, it has been determined that part of the proposed additional haulage route, specifically Payne Road, is already over capacity for the construction standard. The City has upgrade works scheduled along portions of Payne to be undertaken over the next five years, however these will not be completed in the time frame of the extractive industry and will not upgrade all sections of the proposed additional haul route that are over capacity. Officers consider that it is not acceptable to place additional heavy vehicle traffic along roads that are already over capacity as it increases the risk to the safety of vehicular and non-vehicular road users. Officers do not recommend approval of the additional haulage route and recommend that the approved haulage route specified in condition 6.4 (proposed 7.4) remain unchanged.

The current haulage route includes a 520m section of gravel road along Nuttman Road leading immediately north from the crossover to enter the extractive site. Recent traffic counts recorded approximately 120 vehicles per day (vpd) using this section of road over the typical five day weekly haulage period.

LPP2.3 states “*where extractive industry proposals on existing unsealed roads warrant sealing due to volumes exceeding 75 vpd as above, then the minimum upgrade shall be a seal of 6.2m*”. When considering the previous development application for this site the issue of upgrading to a sealed road was also considered and the City sought advice from an independent traffic consultant. The traffic consultant advised that LPP2.3 should be given consideration for the requirements of road upgrades, but due to the age of the LPP, it does not reflect contemporary approaches, including Austroad Guidelines.

The City Engineering Technical Specifications require roads to be sealed where peak traffic generation exceeds 150 vpd, which is also consistent with Austroads standards. These standards consider both road safety and the impact of increased traffic on road degradation. The applicant’s proposal for an additional 50 daily truck movements would result in the threshold for sealing the road be exceed by 20 vpd.

The applicant has advised that of the original 170,000 cubic metres of gravel approved to be extracted, approximately 20% (35,000 cubic metres) remains and is likely to be completely extracted within 12 – 18 months. Based on the limited life remaining on the extraction operation the applicant does not wish to incur the cost of sealing the remainder of the road. Officers also consider that sealing of the road would result in an unsuitable road maintenance impost on the City once the extraction is completed.

When considering the unsealed road in isolation, current traffic data suggests that an increase to 80 trucks per day could be acceptable before the gravel section of Nuttman Road would be required to be sealed. In determining a recommendation about increasing daily truck movements it is necessary to also consider impact on amenity, particularly from dust generation and increased road noise. Officers have conducted regular inspection of the unsealed section of road currently used for haulage and have been generally satisfied that the applicants have been undertaking regular maintenance and implementing dust suppression measures by watering of the road multiple times per day.

In considering amenity impacts it is also relevant to consider that the early removal of the remaining gravel from the site such that the operations can be completed, will result in a reduced duration for which amenity of surrounding landowners may be affected.

In consideration of the above matters officers recommend that conditions related to the permitted daily truck movements be modified to grant an increase in truck movements from 50 per day (25 trucks entering and 25 trucks exiting) to 70 truck movements per day (35 trucks entering and 35 trucks exiting the site) allowing for a buffer of 10 vehicle movements should any of the adjoining properties commence a ‘P’ use on their lot or erect a dwelling.

Haulage times

The applicant has requested a change to the wording of re-numbered condition 7.2 and 7.3 relating to times when trucks may use the approved haulage route to enter the site. Officers have recommended a change to Condition 7.2 to allow for trucks to enter the site 15 mins earlier to ensure that trucks are not queuing on the road and to ensure that there is not a conflict with the school bus.

School bus condition

The current wording of the condition restricts the movement on the approved haulage route to a specific time to ensure that trucks are not on the road while the school bus is in the vicinity. The times that the school bus is on the road can change each school term depending on the number of children along the route that utilises the service. As a result of the condition specifying a time, it has resulted in the trucks and school bus on the road at the same time. It is proposed to amend the condition so that a time can be agreed each school term, if required, in consultation with the school bus operator.

Compliance condition

It is proposed to add an additional general condition relating to compliance (condition 3). This is an updated standard condition that will be included on all extractive industry approvals to improve the ability of the City to manage compliance issues. It is the view of officers that it is reasonable to impose this new condition given that the application is seeking an increase in truck movements and the various issues that the community has raised during the consultation process.

Statutory Environment

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

Zoning

The Site is zoned 'Rural'. The objectives of the 'Rural' zone are as follows:

- a. *To provide for the maintenance or enhancement of specific local rural character.*
- b. *To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as viticulture and horticulture as primary uses, with other rural activities as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- c. *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- d. *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.*
- e. *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.*
- f. *To provide for development and expansion of the viticultural, winemaking and associated tourism activities and other industries related to agricultural activities, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.*

- g. To provide for the extraction of basic raw materials, where appropriate.

Land-use and permissibility

The proposed land use is defined as follows:

Industry – Extractive” means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes –

- (a) the processing of raw materials including crushing, screening, washing, blending or grading,*
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.*

Industry - Extractive is identified as an ‘A’ or discretionary land use requiring advertising within the Rural Zone.

Matters to be considered

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

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (g) any local planning policy for the Scheme area;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance;*
- (n) the amenity of the locality including the following –*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*

- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*

Relevant Plans and Policies

Relevant plans and policies must be given due regard in assessing the application but cannot and do not bind the local government in determining an application for development approval. The officer recommendation aligns to the following adopted plan or policy:

State Planning Policy 2.4 - Basic raw materials

The intent of SPP2.4 is to ensure basic raw materials (BRM) and extractive industries matters are considered during planning and development decision-making, to facilitate the responsible extraction and use of the State's BRM resources. The objectives of SPP2.4 are to:

- ensure BRM and its regional importance is considered at the earliest stages of the planning process;
- protect BRM in SGS (Significant Geological Supplies) areas and ES (Extraction Sites) by avoiding encroachment from incompatible land uses;
- ensure BRM resources are used efficiently in land use planning and development;
- identify BRM extraction opportunities through sequential land use without compromising the final intended land use; and
- ensure the extraction of BRM avoids, minimises or mitigates any adverse impacts on the community, water resources and biodiversity values.

Local Planning Policy 2.3 - Extractive Industries

Local planning policies must be given due regard, but cannot and do not bind the City, in the assessment of applications for development approval. LPP2.3 provides guidance regarding the extraction of basic raw materials. The Site is located within Policy Area 3, elements of LPP2.3 considered particularly relevant to assessment of the application are as follows –

4.2.5 *Route Assessment and Transportation:*

The potential impacts of an extractive industry will be assessed against the Scheme and the following criteria:

- a) The outcomes of the Schedule 1 – Traffic Impact Assessment and Road Upgrading Guidelines.*
- b) Any comments or recommendations from Main Roads WA.*
- c) The impacts of haulage traffic noise, vibration and amenity loss on surrounding areas.*

Financial Implications

Not Applicable

External Stakeholder Consultation

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

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

The application was open for submissions from 17 January to 14 February 2024. The application was advertised in the following manner:

1. Information regarding the application was posted on the City's website;
2. A portal was created using the City's YourSay platform for the online lodgement of submissions;
3. Letters were sent to all the land owners and occupiers within 1km of the site; and
4. A notice was placed in a local newspaper for four consecutive weeks from the 17 January 2024.

Submissions were received from 39 separate properties at the conclusion of the advertising period, with the majority objecting to the proposed amendments to conditions. A submission in support of the proposal was also received, signed by 24 persons representing 16 properties. A schedule of submissions is provided as Attachment 5. The schedule identifies who submissions were received from and summarises the submissions. It is noted that this amendment only relates to the increase to the truck movements per day, change of haulage times and additional haulage route. Submissions in relation to other matters relating to the development are not relevant to this consideration of this amendment.

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

- Concerns regarding impact on road safety of additional truck movements;
- Concern with maintenance of gravel road and the increased impact to amenity from additional truck movements;
- Safety of the proposed additional haul route;
- Amenity impact of using an additional haul route; and
- Concerns regarding possible requirement for removal of vegetation, including Threatened Ecological Communities if the additional haul route is approved.

In addition to the above, the application was referred to Main Roads WA and the Department of Biodiversity Conservation and Attractions (DBCA). These agencies' comments are also provided within Attachment 5.

Risk Assessment

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

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Applicant and submitters advised of the Council's decision	Within 2 weeks of Council decision