



Ordinary Council Meeting

# Minutes

Wednesday 15 May 2024

**MINUTES**

**Minutes of a meeting of the Busselton City Council held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Wednesday 15 May 2024 at 5:30pm.**

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## 1. OFFICIAL OPENING

The meeting opened at 6.12pm.

The Mayor welcomed elected members, staff, guests and members of the public to the Ordinary Council Meeting of 15 May 2024.

The Mayor acknowledged the Wadandi and Bibbulmun people as the traditional custodians of this region and paid respects to Elders past and present.

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

Reverend Axel Hagg from the Free Reformed Church of Busselton read out a prayer as part of the opening of this meeting.

## 2. ATTENDANCE

<b>PRESIDING MEMBER</b>	<b>MEMBERS</b>
Mayor Phill Cronin	Cr Anne Ryan (Deputy Mayor)
	Cr Val Kaigg
	Cr Jodie Richards
	Cr Kate Cox
	Cr Jarrod Kennedy
	Cr Richard Beecroft
	Cr Mikayla Love
	Cr Andrew Macnish

<b>OFFICERS</b>	
Mr Tony Nottle	Chief Executive Officer
Mr Oliver Darby	Director Infrastructure and Environment
Mr Gary Barbour	Director Community Planning
Ms Maxine Palmer	Director Economic and Business Development
Mr Ben Whitehill	Manager Legal, Governance and Risk
Ms Tegan Robertson	Governance and Risk Coordinator
Ms Jo Barrett-Lennard	Governance Officer

<b>APOLOGIES</b>	
Nil	

<b>LEAVE OF ABSENCE</b>	
Nil	

<b>APPLICATION FOR LEAVE OF ABSENCE</b>	
Nil	

<b>MEDIA</b>	
Nil	

<b>PUBLIC</b>	
12	

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

The Mayor acknowledged that illegal camping has been identified as a matter of significant community concern and impact. The City’s responses to illegal camping directly impact adjoining local governments and other land managers. Since March 2024 the City of Busselton has been engaging with other local governments within the Capes district, along with key industry representatives and state agencies to understand the different concerns, perspectives and impacts of illegal camping across the region. As a result of discussions with the Shire of Augusta Margaret River, the City of Busselton will be joining a regional project team to establish a Capes district response to illegal camping. This team will be collaborating over the next six months to jointly establish a regional strategy, and formalise and communicate responses to illegal camping.

**4. DISCLOSURES OF INTEREST**

**DISCLOSURES OF FINANCIAL INTEREST**

Nil

**DISCLOSURES OF IMPARTIALITY INTEREST**

Nil

## 5. CONFIRMATION AND RECEIPT OF MINUTES

### 5.1. Ordinary Council Meeting 17 April 2024

#### COUNCIL DECISION

**C2405/123** Moved Cr Anne Ryan, seconded Cr Jodie Richards

That the minutes of the Ordinary Council Meeting 17 April 2024 be confirmed as a true and correct record (as published at 2 May 2024 on the City of Busselton's website:

<https://www.busselton.wa.gov.au/documents/13281/20240417-minutes-ordinary-council-meeting17-april-2024> inclusive of all confidential material published on the restricted internal Docs on Tap application)

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,  
Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

### 5.2. Special Council Meeting 24 April 2024

#### COUNCIL DECISION

**C2405/124** Moved Cr Anne Ryan, seconded Cr Jodie Richards

That the minutes of the Special Council Meeting 24 April 2024 be confirmed as a true and correct record (as published at 2 May 2024 on the City of Busselton's website:

<https://www.busselton.wa.gov.au/documents/13277/20240424-minutes-special-council-meeting24-april-2024> inclusive of all confidential material published on the restricted internal Docs on Tap application)

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,  
Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

**5.3. Special Electors Meeting 24 April 2024**

**COUNCIL DECISION**

**C2405/125 Moved Cr Anne Ryan, seconded Cr Val Kaigg**

**That the minutes of the Special Electors Meeting 24 April 2024 be confirmed as a true and correct record (as published at 2 May 2024 on the City of Busselton's website:**

**<https://www.busselton.wa.gov.au/documents/13279/20240424-minutes-special-electors-meeting24-april-2024>)**

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,  
Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

## 6. PUBLIC QUESTION TIME

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

The following question was taken on notice at the Special Council Meeting held 1 May 2024.

Below is a summary of the questions and responses provided by the Chief Executive Officer.

#### **Ms Mariah Gorla**

##### **Question**

Was the special meeting of electors on 24 April 2024 advertised in newspapers to inform the community it was taking place?

##### **Response**

Yes, the special meeting of electors was advertised in the local newspaper.

##### **Question**

How many times was the special meeting of electors advertised in the newspaper?

##### **Response**

Under section 5.29 of the *Local Government Act 1995*, at least 14 days local public notice is required to convene an electors' meeting. The City met the requirement for local public notice of the special meeting of electors held on 24 April 2024 by providing notice:

- On the City of Busselton website on 3 April 2024
- In the weekly Busselton-Dunsborough Mail newspaper on 10 April 2024
- In social media posts on the City of Busselton's facebook page on 3 April 2024
- On noticeboards at the City Administration Building and Busselton and Dunsborough libraries from 3 April 2024

Additional notice of the meeting was also provided in the Busselton-Dunsborough Mail newspaper on 17 April and 24 April 2024, and on the City of Busselton facebook page on 10 April, 23 April and 24 April 2024.

### 6.2. QUESTION TIME FOR PUBLIC

#### **Mr Vern Bussell**

##### **Question**

Regarding DA17/0866.01 – Application for Modification to Development Approval – Industry – Extractive (Gravel) [Item 11.4], how it was determined by officers that dust suppression on the unsealed section of Nuttman Road has been appropriately and effectively undertaken by the applicant for DA17/0866.01, as stated in the report?

##### **Response**

**(Mr Gary Barbour, Director Community Development)**

There is a dust management plan in place. If the City is advised that the plan is not being adhered to, the City will investigate and take appropriate action.



### **Question**

I understand the City has previously issued a number of breach notices to the applicant for DA17/0866.01 for failure to comply with the existing conditions of the development. Could the City please implement more effective compliance measures such as fines or enforced stoppages to deliver more acceptable outcomes where such breach notices have been ignored?

### **Response**

**(Mr Gary Barbour, Director Community Planning)**

There has been a number of notices issued, however City is not aware of any instances of these notices being subsequently breached. That is to say, an issue has been raised, a notice has been issued and there has not been a repeat of the breach after the notice was issued. In the instance there was a subsequent breach, then the City would consider what further action to take, which may include issuing another notice, or prosecution.

### **Mrs Mariah Gorla**

### **Question**

Regarding DA17/0866.01 – Application for Modification to Development Approval – Industry – Extractive (Gravel) [Item 11.4], how will the City ensure compliance with school bus times if the times are not stipulated in the development approval?

### **Response**

**(Mr Gary Barbour, Director Community Planning)**

Stipulation is specific times in the original development approval is what led to conflict previously, due to the school bus times changing. The proposed condition still requires the City to approve any proposed times on a term by term basis. Once these times are approved, it will effectively form part of the development conditions.

### **Question**

City trackers picked up 74 truck movements when undertaking traffic monitoring earlier in the year in regards to this application. How will the City ensure that, if approved for 70 truck movements per operating day, the proponent will not exceed this?

### **Response**

**(Mr Gary Barbour, Director Community Planning)**

Section 214 notices were issued in April 2024 for breach of movements and excess numbers. In response, the City is aware that the proponent sent emails to all staff and contractors to provide clarity on approved routes. The City has continued to monitor volumes and movements, there are now cameras in place in the area to assist with monitoring.

### **Question**

Does the City know where the remaining 35,000m<sup>3</sup> of gravel will be extracted from, and what are the rehabilitation plans for the remaining area of the site?

### **Response**

**(Mr Gary Barbour, Director Community Planning)**

The City is aware of the location of future extraction based on the submitted surveys. There is an approved rehabilitation plan that will need to be followed, including a clearing offset planting area outside the gravel extraction area. The City is expecting that planting in these areas that hasn't already been seeded will occur within the next 6 months.

**Mr Fabrizio Gorla**

**Question**

In relation to DA17/0866.01 – Application for Modification to Development Approval – Industry – Extractive (Gravel) [Item 11.4], can the City please advise if there is an extractive industry licence or just a development approval?

**Response**

**(Mr Gary Barbour, Director Community Planning)**

There is only a development approval. The City does not have a local law relating to extractive industries, so the City does not have the ability to issue a licence.

**Question**

Does the City know if the site has been registered with the Department of Energy, Mines and Industry Regulations and Safety (DMIRS), in regards to work and safety regulations?

**Response**

**(Mr Gary Barbour, Director Community Planning)**

Registration with the DMIRS is not something the city controls or has visibility of, and would be a matter to be dealt with directly between the applicant and the Department.

**Ms Michelle Shackleton**

**Question**

Is the approval of the City of Busselton Council required for future expenditure from the Saltwater project contingency budget, and what mechanisms are in place to ensure proper oversight and accountability in managing these funds?

**Response**

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

The City has engaged a third party contractor to deliver the construction of Saltwater, and around that, has the appropriate professional support in place to ensure the project is delivered within parameters of the contract. There will be future reports to the Council on the Saltwater project, which would be expected to include both contract and financial considerations.

**Question**

In the context of a fixed price contract, why was a contingency budget established for the construction of Saltwater? If unexpected expenditures have arisen, who bears the responsibility for necessitating these additional costs? What steps are being taken to address any budgetary discrepancies and prevent similar issues in the future?

**Response**

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

It is usual practice for construction contracts to include a contingency component, including under fixed price arrangements. It is reasonable to expect that projects of this scale may encounter circumstances or issues that could not be foreseen, and the purpose of contingency is to enable these issues to be resolved.

**Question**

When can the public expect to be given a definite date for completion, and a comprehensive disclosure of the overall finances for the Saltwater project?

**Response**

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

The Council will receive another report on the Saltwater project in the coming months. Once the Council has reviewed that report, the City can proceed to provide further information to the community.

The current construction status will form part of that report.

**Mr Stuart Anderson**

**Question**

The tender process for the dredging of section three of the Lower Vasse River closed on 8 May 2024. Which tenderer has been awarded the contract?

**Response**

**(Mr Oliver Darby, Director Infrastructure and Environment)**

The tender has been extended to 22 May 2024.

**Question**

What methodology will be used for the dredging of section three of the Lower Vasse River?

**Response**

**(Mayor Phill Cronin)**

The dredging process forms part of the tender, and is for the tenderer to decide how the dredging is to be done.

**Mr Terry Ealing**

**Question**

The *State Planning Policy 2.4 Planning for Basic Raw Material Guidelines* (Policy) require extractive industry proposals to demonstrate effective and appropriate community consultation, including consultation with neighbouring and affected properties and the local government leading up to the submission of a proposal. What consultation has occurred with neighbouring and affected properties for all extractive industry development applications within the City?

**Response**

**(Mr Gary Barbour, Director Community Planning)**

Regulations prescribe how a local government is to consult when a development application is submitted, and the City follows that process. The Policy provides guidance to local government as an assessor, and to proponents submitting an application but is not binding. There is nothing to compel an applicant to undertake pre-consultation prior to submitting a development application. If a local government receives a development application where pre-consultation has not been undertaken by the proponent, the local government will complete consultation as per its usual process in accordance with the relevant regulations.

**Question**

In relation to DA17/0866.01 - Application for Modification to Development Approval - Industry - Extractive (Gravel) [Item 11.4], what consultation has occurred between the applicant and the neighbouring landowners?

**Response**

**(Mayor Phill Cronin)**

We will take that question on notice.

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

### **7.1. PETITIONS**

Nil

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

Mr Jeremy Warren spoke in regards to item 11.3 'Application for Development Approval – DA23/0468 – Grouped Dwelling – 2/48 Hammond Road, Yallingup'. Mr Warren spoke in support of the officer recommendation.

Mr Fabrizio Goria spoke in regards to item 11.4 'DA17/0866.01 – Application for Modification to Development Approval – Industry – Extractive (Gravel)'. Mr Goria spoke against the officer recommendation.

Mrs Mariah Goria spoke in regards to item 11.4 'DA17/0866.01 – Application for Modification to Development Approval – Industry – Extractive (Gravel)'. Mrs Goria spoke against the officer recommendation.

Mr Terry Ealing spoke in regards to item 11.4 'DA17/0866.01 – Application for Modification to Development Approval – Industry – Extractive (Gravel)'. Mr Ealing spoke against the officer recommendation.

### **7.3. DEPUTATIONS**

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

Nil

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

**ADOPTION BY EXCEPTION RESOLUTION EN BLOC**

**COUNCIL DECISION**

**C2405/126 Moved Cr Mikayla Love, seconded Cr Jarrod Kennedy**

**That the Committee Recommendations for items 10.1 and 10.2, and Officer Recommendations for items 11.3, 12.1 and 15.1 be carried en bloc.**

Item	Report
10.1	Finance Committee - 1 May 2024 - List of Payments Made - March 2024
10.2	Finance Committee - 1 May 2024 - Monthly Financial Report - Year to Date 31 March 2024
11.3	Application for Development Approval - DA23/0468 - Grouped Dwelling - 2/48 Hammond Road, Yallingup
12.1	RFT07/24 Dunsborough Lakes Landscape Maintenance
15.1	Elected Member Information Bulletin

**CARRIED 8 / 1**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Cr Andrew Macnish**

**10. REPORTS OF COMMITTEE**

**10.1 List of Payments Made - March 2024**

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Manager Financial Services – Paul Sheridan
<b>Authorised By:</b>	Director Corporate Strategy and Performance – Sarah Pierson
<b>Nature of Decision:</b>	Noting: The item is simply for information purposes and noting.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	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 held 1 May 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

**COUNCIL DECISION**

**C2405/127** Moved Cr Mikayla Love, seconded Cr Jarrod Kennedy

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

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

**CARRIED 8 / 1**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Cr Andrew Macnish**

**EN BLOC**

## **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
<b>TOTAL PAYMENTS</b>		<b>12,255,755.52</b>

## **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

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Manager Financial Services – Paul Sheridan
<b>Authorised By:</b>	Director Corporate Strategy and Performance – Sarah Pierson
<b>Nature of Decision:</b>	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies. Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Monthly Financial Report - March 2024 [6.2.1 - 28 pages]</li> <li>2. Investment Report - March 2024 [6.2.2 - 1 page]</li> <li>3. Loan Schedule - March 2024 [6.2.3 - 1 page]</li> </ol>

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

The committee recommendation was moved and carried.

### COUNCIL DECISION

**C2405/128** Moved Cr Mikayla Love, seconded Cr Jarrod Kennedy

**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*.**

**CARRIED 8 / 1**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Cr Andrew Macnish**

**EN BLOC**

### 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 \$
<b>Amount Attributable to Operating Activities</b>				<b>25.74%</b>	<b>7,092,350</b>	<b>2,434,812</b>
<b>Revenue from Operating Activities</b>				<b>5.98%</b>	<b>5,051,326</b>	<b>598,931</b>
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
<b>Expenses from Operating Activities</b>				<b>7.80%</b>	<b>5,942,100</b>	<b>1,448,792</b>
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
<b>Amount Attributable to Investing Activities</b>				<b>67.39%</b>	<b>15,443,990</b>	<b>824,632</b>
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)

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 \$
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)
<b>Amount Attributable to Financing Activities</b>				<b>(174.79%)</b>	<b>(28,178,449)</b>	<b>(14,592,002)</b>
12. Proceeds from New Loans	0	2,000,000	2,000,000	(100.00%)	(2,000,000)	0
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.

<b>Date</b>	<b>Payee</b>	<b>Description</b>	<b>\$ Amount</b>
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
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
		<b>TOTAL</b>	<b>850.97</b>

### **Donations & Contributions Received**

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

### **Statutory Environment**

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

### **Relevant Plans and Policies**

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

Plan:

Annual Adopted Budget 2022-2023

[Strategic Community Plan 2021-2031](#)

[Corporate Business Plan 2022-2026](#)

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

Policy:

There are no relevant policies for this report.

### **Financial Implications**

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

### **External Stakeholder Consultation**

Not applicable.

### **Risk Assessment**

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

### **Options**

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

### **CONCLUSION**

As at 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

<b>Strategic Theme:</b>	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.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Finance Coordinator - Jeffrey Corker
<b>Authorised By:</b>	Director Corporate Strategy and Performance - Sarah Pierson
<b>Nature of Decision:</b>	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. 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.

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

During debate, Cr Mikayla Love foreshadowed an alternative to the committee recommendation.

The committee recommendation was lost.

#### **COUNCIL DECISION**

**C2405/129** Moved Cr Kate Cox, seconded Cr Jarrod Kennedy

**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.**

**LOST 0 / 9**

**FOR: Nil**

**AGAINST: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

With the committee recommendation being lost, the alternative motion was moved and carried.

### **COUNCIL DECISION**

**C2409/130** Moved Cr Mikayla Love, seconded Cr Kate Cox

**That the Council endorses the Fees and Charges as detailed in the “Schedule of Fees and Charges – 2024/25” as per Attachment 2 – Draft Schedule of Fees and Charges – 2024/25, effective from and including 1 July 2024.**

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,  
Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

**BY ABSOLUTE MAJORITY**

### **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

<b>Strategic Theme:</b>	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.
<b>Directorate:</b>	Community Planning
<b>Reporting Officer:</b>	Leisure Centres Coordinator - Mary Everuss
<b>Authorised By:</b>	Director Community Planning - Gary Barbour
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	Nil

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

The committee recommendation was moved and carried.

### COUNCIL DECISION

**C2405/131** Moved Cr Jarrod Kennedy, seconded Cr Val Kaigg

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	<b>New capital project funded from the Furniture Equipment Reserve</b>				
	<b>New Project # TBA– Leisure Centres GLC Spin Bikes (C)</b>				
	-	-	180,000	-	(180,000)
<b>TOTALS</b>	-	-	180,000	-	(180,000)

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

**BY ABSOLUTE MAJORITY**

**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 26<sup>th</sup> 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
<b>Item 1</b>	-	-	-	180,000	(180,000)	-
<b>TOTALS</b>	-	-	-	<b>180,000</b>	<b>(180,000)</b>	-

**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**

**11.1. The Future of the Geographe Leisure Centre**

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.3 Provide well planned sport and recreation facilities to support healthy and active lifestyles.
<b>Directorate:</b>	Community Planning
<b>Reporting Officer:</b>	Manager Community and Recreation – Dave Goodwin
<b>Authorised By:</b>	Director Community Planning – Gary Barbour
<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>	Paatsch Situational Analysis report- CONFIDENTIAL

The officer recommendation was moved and carried.

**COUNCIL DECISION**

**C2405/132** Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy

That the Council authorise the CEO to:

1. Commence a site identification process for a new District Leisure and Recreation Centre
2. Undertake further feasibility analysis and assessment to confirm the scope, cost and potential funding sources for the development of a new District Leisure and Recreation facility.

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

**OFFICER RECOMMENDATION**

That the Council authorise the CEO to:

1. Commence a site identification process for a new District Leisure and Recreation Centre
2. Undertake further feasibility analysis and assessment to confirm the scope, cost and potential funding sources for the development of a new District Leisure and Recreation facility.

## **EXECUTIVE SUMMARY**

This report seeks the Council's endorsement of the preferred direction for the future of the Geographe Leisure Centre and authorisation to proceed to a new site identification and feasibility, scope, and cost estimate for a new District Leisure and Recreation facility.

## **STRATEGIC CONTEXT**

Provision of sport and recreation facilities is aligned directly to the Council's strategic priority to provide well planned sport and recreation facilities, to support healthy and active lifestyles. This supports the aspirations of Key Theme 2, Lifestyle, within the City's Strategic Community Plan.

The recommendations contained in this report align to the City's Sport and Recreation Facilities Strategy, an important strategic document that seeks to responsibly guide the City's investment in sport and recreation. The responsible management of ratepayer funds to provide for community needs now and in the future is also a key strategic priority of the City's Strategic Community Plan.

## **BACKGROUND**

On 13 May 2020, Council adopted the City of Busselton Sport and Recreation Facilities Strategy (2020-2030) (SRFS) as a guide for future planning (C2005/130). The SRFS provides a long-term strategy to inform, guide and underpin the planning and provision of indoor and outdoor community sporting and recreation facilities to meet existing and future needs of the City district and subdistricts. It is the result of a comprehensive analysis incorporating demographic data, industry trends, review of relevant policies, plans and strategies, extensive community consultation, and stakeholder engagement and feedback.

The reconfiguration of the Geographe Leisure Centre (GLC) indoor pool space was recognised as a key priority in Key Area 3 (Priority 5) of the SRFS and includes a project to redevelop the indoor pool in 2024/25 by completing a reconfiguration of the current learn to swim, beach play area.

Further to the project to redevelop the indoor pool at the GLC, the SRFS also recommends (Key Area 3 Priority 6) that the City construct 2 or 3 additional courts at the GLC in years 2026/27. The recent review of this priority as part of the overall review of the SRFS has found that there is still an increasing need for more indoor multipurpose courts within the district.

Recently completed rare flora investigations suggest that whilst it is achievable to extend the footprint of the GLC building to include 3 additional courts, any further extension beyond 3 courts is unlikely due to protected habitats. This would make any additional expansion in the future, including extra car parking, unachievable.

The SRFS review has triggered a need to investigate the provision of aquatics facilities further. Through community consultation, and due to significant cost escalation, it has become apparent that the projects, Priority 5 (to redevelop and increase the carrying capacity of the current indoor aquatic space) and Priority 6 (construct additional courts at the GLC) may not now be the most effective long-term solutions to sustainably service the growth in population. There is now a risk of overcapitalising on the restricted GLC site, and it is questionable if the current site is the most suitable to cater for increased growth and usage by the population of the city in future years.



## OFFICER COMMENT

During 2023, as part of the SRFs review process, the city engaged Paatsch Group to lead the delivery of a review of the Geographe Leisure Centre including a review of the 2017 Masterplan.

The report developed by Paatsch consulting (confidential attachment 1) is the culmination of a seven-phase process to determine the strategic future of the GLC. Following the situational analysis process and extensive consultation with the City, the report examines the options available to the City for the future of the Geographe Leisure Centre.

Three key conclusions have been made following the situational analysis:

- (1) The facility is 25 years old and has a constrained precinct footprint due primarily to:
  - Significant challenges extending the facility to the East due to environmental issues, including the presence of endangered flora.
  - The need for the current aquatic facilities to continue to operate and service the community while new or redeveloped facilities are constructed.
- (2) The GLC needs a new design strategy that is contemporary, in line with current facility trends and meets community demands. The population in the region is continuing to grow and the City must ensure it has both a short- and long-term plan to meet the growing population needs. This is especially important for the aquatic footprint and court space, putting pressure on services and community competitions.
- (3) Following a GLC management review, it has been identified that regardless of the future direction, an immediate spend is required to address the current GLC aquatic facility issues to avoid a facility failure and lengthy closure.

The situational analysis identified two options for the future development / redevelopment of the GLC:

The options (as numbered in confidential attachment 1) are:

### **Option 1**

#### **New District Leisure and Recreation Centre on new site**

Pursue development of a completely new District Leisure and Recreation facility on a new site, inclusive of aquatic facilities, health club, courts and associated facilities. This will require the City to identify a significant portion of land to accommodate this facility. This option would involve maintaining the current facility until such time as the new facility is complete. Given the condition of the current facility and a normal development timeline of 6-10 years for a new facility, it is recommended that the City would need to commence the site identification process ASAP.

The development of the new facility would also provide the opportunity for the City to consider alternative uses of the current GLC site which could include discussions with the State Government as to whether the existing GLC land could be transferred to the City as freehold land, enabling the City to sell or develop the land with proceeds used to help finance the new GLC facility.

The new build option also provides the opportunity to investigate development sites leading into the development areas of Vasse and towards Dunsborough. Development in these areas would enable a site that services the broader region, including growth areas, thereby potentially offsetting the need for a future aquatic or leisure facility in the long term in the Vasse/Dunsborough area.

Based on a generic, high-level Schedule of Accommodation and consultation with all parties, the test fit concepts for this option were based on the following:

- It is recommended that the development is delivered as one project.
- Allowance will be needed for new access roads, roadworks modifications or authority services extensions to the new site boundary.
- Due to the development being a Greenfield Site, operations at the GLC can continue unimpeded.

## **Option 2**

### **Redevelop GLC on current site and relocate court facilities**

This option involves the redevelopment of the aquatic facilities in the current GLC three court location, extending out into the area occupied by the creche and gym, and the relocation and expansion of the court facilities to a new site. This option would allow for the concurrent development of new entry and fitness facilities at the GLC and the maintenance of current aquatic and entry facilities at the GLC until redevelopment works are complete. Further analysis would be required as to how the creche, and gym facilities would be accommodated during the redevelopment works.

Before any redevelopment of aquatic facilities occurs on the current GLC three court location, the City will need to identify a suitable location and develop a new independent indoor court facility. Two sub options have been identified for the court facilities as detailed in confidential attachment 1.

Development of a court only facility elsewhere (dependant on location) may also provide the opportunity for further aquatic or recreational facilities to be added later to service the growing population of the region. This option would pose some challenges in terms of integrated management and sustainability, but these challenges are not seen as insurmountable.

With this option, operations at the GLC will be significantly impeded by site redevelopment. A staged approach is suggested for this option due to the necessity of continuing operations while the redevelopment of the current site is concluded. The following is a schedule of how the stages could be conducted:

- Stage 1: Develop new carparking.
- Stage 2: New water treatment plant developed & new courts x 6.
- Stage 3(a): New aquatic solution (learn to swim & indoor pool) on previous court site
- Stage 3(b): New entrance, new health club (level 1) & temporary crèche.
- Stage 4: Redevelopment of existing aquatic facilities.
- Stage 5: Move crèche into old group fitness area and expand cafe into old entrance area.
- Stage 6: Expansion of existing carpark to the East.

### **Statutory Environment**

Not Applicable

### **Relevant Plans and Policies**

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

Plan:

[City of Busselton Community Infrastructure Plan 2022-2035](#)

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

City of Busselton Sport and Recreation Facilities Strategy (2020-2030)

Policy:

[Asset Management](#)

### **Financial Implications**

Financial implications for both Option 1 and Option 2 are significant.

High level cost estimates suggest that a new greenfield site development has an indicative cost of \$107 million.

High level cost estimates suggest that a redeveloped GLC on the current site and relocation of the court facilities has an indicative cost of \$105 million.

The intent of the officer recommendation is to undertake a full feasibility to refine the cost estimate to a greater level of certainty. It is also intended that a review of funding options including potential grants and partnership arrangements be explored to reduce the use of the City's own source funds. Once a funding strategy has been determined it will require allocation of funds in the LTFP. A budget allocation of \$100,000 for planning and feasibility will be required for 2024/25 budget to inform the final cost of the project.

### **External Stakeholder Consultation**

City officers conducted 3 stakeholder information sessions one in June 2023 and then October 2023 and March 2024 to discuss this project.

### **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework. Please see Section 11 page 50 of confidential attachment 1.

### **Options**

As an alternative to the proposed recommendation the Council could:

- Redevelop GLC on its current site and relocate the court facilities to another site.
- Not extend the footprint of the GLC and maintain the existing provision

## CONCLUSION

The Paatsch Group support the officer's recommendation and establishing a new District Recreation and Leisure facility on a Greenfield site as the logical step forward.

The option to develop a new integrated aquatic and leisure facility in the City (ideally between Busselton and Dunsborough) would appear to also be the most effective and sustainable solution to cater for the growing population and demand.

## 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
Site analysis and selection	October 2024
Confirm preliminary scope and cost of site civil and associated works (i.e. transport access) to prepare the site for development Geotech Civil engineering Transport engineering	March 2025
Review statutory planning for site	March 2025
Confirm value of site and that owner is willing to discuss selling/partnership options then confirm site	March 2025
Undertake further feasibility analysis and assessment to confirm the scope and cost of the new facility on the new site	June 2025

**11.2. 2024-2025 Bushfire Risk Reduction Notice**

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.2 Work with key partners to facilitate a safe, healthy and capable community. Key Theme 4: Leadership 4.1 Provide opportunities for the community to engage with Council and contribute to decision making.
<b>Directorate:</b>	Community Planning
<b>Reporting Officer:</b>	Manager Community Safety – Rachel Runco
<b>Authorised By:</b>	Director Community Planning – Gary Barbour
<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>	<ol style="list-style-type: none"> <li>1. Bush Fire Risk Reduction Notice 2024-2025 [<b>11.2.1</b> - 3 pages]</li> <li>2. Bushfire Notice Review - Community Engagement Report [<b>11.2.2</b> - 46 pages]</li> <li>3. Draft Bushfire Risk Reduction Notice for Community Consultation [<b>11.2.3</b> - 3 pages]</li> <li>4. Amendments implemented to Bushfire Risk Reduction Notice to incorporate Commun [<b>11.2.4</b> - 3 pages]</li> </ol>

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

**SUBSTANTIVE MOTION**

Moved Cr Jodie Richards, seconded Cr Richard Beecroft

**That the Council:**

- 1. Endorse the adoption of the 2024-2025 Bushfire Risk Reduction Notice.**
- 2. Support the planned consultation approach and timeline for implementation of the approved 2024-2025 Bushfire Risk Reduction Notice as described within the officer comment section of this report.**

During debate, Cr Kate Cox moved an amendment to the officer recommendation

**AMENDMENT**

**C2405/134** Moved Cr Kate Cox, seconded Cr Mikayla Love

**That the Council:**

- 1. Endorse the adoption of the 2024-2025 Bushfire Risk Reduction Notice subject to amending point 5 of the Managed Fuel Area definition within the Notice to read *“Unless Managed Vegetation, available Surface Fine Fuel loads must be reduced and maintained at an average compressed depth of 15mm, by Passive Fuel Reduction methods that do not permanently remove or reduce the quantity or occurrence of the native plants, shrubs, and trees within the subject area.***
- 2. Support the planned consultation approach and timeline for implementation of the approved 2024-2025 Bushfire Risk Reduction Notice as described within the officer comment section of this report.**

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

The amendment was carried.

The substantive motion inclusive of amendments was carried.

**COUNCIL DECISION**

**C2405/135** Moved Cr Jodie Richards, seconded Cr Richard Beecroft

**That the Council:**

- 1. Endorse the adoption of the 2024-2025 Bushfire Risk Reduction Notice subject to amending point 5 of the Managed Fuel Area definition within the Notice to read *“Unless Managed Vegetation, available Surface Fine Fuel loads must be reduced and maintained at an average compressed depth of 15mm, by Passive Fuel Reduction methods that do not permanently remove or reduce the quantity or occurrence of the native plants, shrubs, and trees within the subject area.***
- 2. Support the planned consultation approach and timeline for implementation of the approved 2024-2025 Bushfire Risk Reduction Notice as described within the officer comment section of this report.**

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,  
Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

### **OFFICER RECOMMENDATION**

That the Council:

1. Endorse the adoption of the 2024-2025 Bushfire Risk Reduction Notice.
2. Support the planned consultation approach and timeline for implementation of the approved 2024-2025 Bushfire Risk Reduction Notice as described within the officer comment section of this report.

### **EXECUTIVE SUMMARY**

In October 2023, Council endorsed (C2310/139) the planned consultation approach and timeline to review the City's Bushfire Notice. The Bushfire Risk Reduction Notice (Notice), attachment 11.2.1, has been developed by the City's technical officers and a Community Reference Group (CRG), under section 33 of the *Bush Fires Act 1954* (Act). The Notice supports achievement of a consistent level of fire mitigation and fuel reduction actions on privately owned land throughout the municipal area.

The presented Notice is significantly amended from the 2023-2024 Firebreak and Fuel Hazard Reduction Notice. These changes are considered best practice to align the requirements to be more consistent with the relevant standards, simplification of categories and requirements to support greater achievement of compliance by landowners and updating of terminology to reduce conflict or confusion with other requirements or approvals issued to landowners.

The Notice will be reviewed and distributed annually moving forward, to remain current and consistent with legislative changes, and to ensure alignment with community values.

### **STRATEGIC CONTEXT**

A regular review of the City's Notice supports the good governance of the district.

### **BACKGROUND**

Under section 33 of the Act, Local Governments may require a landowner or occupier:

- "a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;*
- b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire."*

The City does this annually by publishing a notice in the Government Gazette and in local papers. Associated documentation in pamphlet format is also mailed out to all residents with annual rates notices. The Notice is approved under delegation by the City of Busselton CEO, and enforced by authorised fire control officers, primarily the City's Rangers between 15 November and 30 April each year.

On 11 March 2020, Council adopted a revised draft Notice for consultation (C2003/084). The draft Notice was released for community consultation between 9 April and 31 May 2021, having been deferred during 2020 because of issues associated with the early phases of the Covid-19 pandemic.

There was an overwhelming response to the consultation process by the community, with a high degree of community interest and concern in relation to potential financial, environmental and amenity impacts that could potentially result from implementation of the draft Notice. As such, Council considered a matter of urgent business at its ordinary meeting of 28 April 2021 and resolved not to instigate changes to the Notice for 2021/2022.

On 24 August 2021, Council further considered the outcomes of the community consultation process and determined that the current Notice would remain in place for the 2021/2022 and 2022/2023 fire seasons (C2108/187).

At its Ordinary meeting of 21 September 2022, Council supported formation of a community reference group (CRG) to guide and inform the Notice review process (C2209/228). Following development of the CRG, Council endorsed the planned structure for and timing of broader community consultation in relation to the drafted changes on 18 October 2023 (C2310/139).

Consultation in relation to the draft Bushfire Risk Reduction Notice (attachment 11.2.3) was open for a period of 6 weeks, between 22 January 2024 and 6 March 2024.

Following conclusion of the consultation period, a workshop was held with the CRG on 8 March 2024 to consider the perspectives, feedback and suggestions proposed by the community through this period, with the advertised Notice amended to reflect the consultation outcomes. Consultation feedback was then assessed and considered by the CRG, with changes to the consulted Notice implemented as described in the officer comment below. The draft 2024-2025 Bushfire Risk Reduction Notice has subsequently been endorsed by the City's Bush Fire Advisory Council (BFAC), for the Council's consideration.

#### **OFFICER COMMENT**

The City's current Notice has been substantially unchanged over the past 14 years. During this period there has been notable change in State planning and building regulations in relation to development in areas of bushfire risk. This includes changes to adopted terminology, bushfire prone area mapping, climate risk mapping and insurance guidelines, along with the development by the State of Guidance Note - Section 33 Fire-Break Notice (Guidelines).

As a result, it has been identified and acknowledged for the past four years that a significant review of the City's Notice was required. The structure of the presented Notice is substantially different to the adopted 2023-2024 Firebreak and Fuel Hazard Reduction Notice that was in force over the last summer. This Notice adheres to the structure outlined in the Guidelines, incorporating content and format that address specific regulatory requirements. It is considered that having a Notice with greater clarity will enhance compliance with the proposed requirements among landowners and occupiers. Once finalised, it is the intention of officers to supplement the Notice with category



specific guidance documentation that also includes additional information related to general bushfire hazard and preparedness more broadly, along with other relevant provisions of the Act and *Bush Fires Regulations 1954* that are advisory, and not enforceable under s.33 of the Act.

Within the City's 2023/2024 Notice, there are ambiguous requirements that landowners are recommended to implement that are difficult to enforce. The proposed Notice only includes requirements that must be implemented on a property and, as such, will improve the ability for owners and occupiers to interpret and understand, while also improving the ability for authorised officers to enforce.

In line with the Guidelines, the presented Notice also clearly defines all definitions utilised, which is an improvement from the 2023/2024 Notice.

Another flaw with the City's 2023/2024 Notice, is the difficulty for both owners/occupiers, and authorised officers, to clearly define the category a property sits within. This means that at times there is a difference in opinion of a properties categories, and what is required on that category to be compliant with the Notice requirements. The proposed changes would see a reduction in categories that properties fall into, reducing from eight categories in the 2023/2024 Notice down to three new categories:

- Category 1 – All lots 1,100m<sup>2</sup> or less.
- Category 2 – All lots greater than 1,100m<sup>2</sup> but less than 5ha.
- Category 3 – All lots 5ha or greater.

The proposed categories are measurable through land size, meaning any landowner/occupier can easily identify the category their property sits within. In the 2023/2024 Notice the categories are distinguished by descriptive words, that are not specifically defined within the Notice, which creates ambiguity.

The land-size categories within the presented Notice have been developed through spatial analysis of property sizes that currently exist within the City. Location and frequency are carefully considered concerning remnant and continuous vegetation, considering advice from CRG members who have firsthand experience as first responders to bushfire emergencies. This advice included feedback on situations where firebreaks upon an individual property were of highest value, and where strategic common firebreaks improve response.

The presented Notice also removes an assumption that exists within the 2023/2024 Notice that Bushfire Management Plans (BMP) relevant to a specific property will be enforced by way of s33 inspections. This amendment is aligned with the Guidelines that specifically state:

*“Where a property is subject to an approved Bushfire Management Plan (BMP), property owners must still comply with all the requirements of the fire-break Notice issued under section 33 of the BF Act.”*

The feedback from the community consultation process led to several key changes in the presented Notice, from the version which was advertised for community consultation. The amendments, along with a summary of justification of each are detailed in attachment 11.2.4.

These amendments have been implemented in collaboration with the CRG, integrating broader community feedback deemed relevant by the CRG during the community consultation period.

## **Next Steps**

Following adoption of the Notice, significant actions will be required to ensure it is implemented with success for the 2024/2025 summer. These actions include:

- A community engagement and education plan will be developed and executed between August and October 2024, incorporating community workshops, pop-up information stalls, and direct engagement with residents' associations to present the adopted changes tailored to each community.
- The development of category-specific information sheets and guidelines will provide straightforward explanations of how the Notice requirements will be applied.
- Development of short videos that explain practically how to apply each individual requirement.
- Improved information on the City's website to provide landowners and occupiers access to developed documentation, along with a self-assessment allowing them to understand the actions required specific to their property address.
- Development of required changes within the City's business information systems to allow amended inspection process workflows to be smoothly implemented.
- Training of City authorised officers to allow consistent understanding and application of the Notice.

## **Statutory Environment**

The statutory framework for the Bushfire Notice is set out in the *Bush Fires Act 1954*, specifically section 33(1), which states that, inter alia -

- “(1) *Subject to subsection (2) a local government...may,...as a measure for preventing the outbreak of a bush fire, or for preventing the spread... of a bush fire... give notice in writing... to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in its newspaper circulating in the area requiring...them...to do...all or any of the following things –*
- (a) *To...clear upon the land fire-breaks in such manner...as are specified in the Notice, and thereafter to maintain the fire-breaks...;*
- (b) *To act as... specified...with respect to anything which is upon the land, and which...is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,*

*And the Notice may require the owner or occupier to do so –*

- (c) *As a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land...”*

In addition, the bush fire risk treatment standards 2020, made by the FES Commissioner under section 35AA of the Act, apply to land in the State designated as bush fire prone under the *Fire and Emergency Services Act 1998* section 18p. These standards set out permissible vegetation and clearing treatments within 20m of a relevant building within defined risk treatment area.

Under Delegation DA 3 – 01, The City of Busselton CEO has delegated authority for all the Powers and Duties of the Local Government under the *Bush Fires Act 1954*. Adoption of the annual Notice is typically undertaken under this delegated authority.

Due to the significant interest and extent of change to the 2024/2025 Notice, a decision of the Council is appropriate. However, it is anticipated that future annual review and adoption of the Notice will continue to be undertaken under by the CEO under delegated authority in future years.

### **Relevant Plans and Policies**

Key policy guidance is set out in State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7) and the associated Guideline for Planning in Bushfire Prone Areas.

### **Financial Implications**

To successfully implement an amended Notice for the 2024-25 season budget may be required to support development of community education mediums, community engagement sessions, and advertisement of the changes. It is anticipated this will be included in the 2024-25 financial year budget.

Council previously supported officers investigating the costs of posting the Notice and associated documentation at the end of September/early October 2024 to improve the timing in relation to when requirements would be required to be implemented. It is anticipated that this postage would be approximately \$37k per annum. These costs could be reduced by obtaining permissions from property owners to provide this correspondence via email.

### **External Stakeholder Consultation**

Extensive consultation has been undertaken to develop this Notice.

### **Stakeholder working group:**

Six 3-hour sessions were held with the project CRG to form the Notice presented for endorsement. This group was comprised of members from the following groups and agencies:

- Toby inlet catchment group
- Yallingup Land Conservation District Committee
- Dunsborough Coastal & Land Care
- Busselton Dunsborough Environment Centre
- Yallingup Residents Association
- Residents of Eagle Bay Association
- Injidup Residents Association
- Dunsborough and Districts Progress Association
- Bushfire Ready
- City Volunteer Fire Control Officers
- Department of Fire and Emergency Services
- Department of Biodiversity, Conservation and Attractions
- Office of Bushfire Risk Management
- Western Australian Local Government Association
- City of Busselton elected members

This group guided, informed, and made decisions on the final inclusions within the developed Notice.

### **Karri Karrak**

Following endorsement of the Notice by BFAC, City officers met with Karri Karrak 11 April 2024 where they were presented with a copy of the proposed changes and feedback was requested. This request was also reiterated via email following this meeting. At the date of writing, no formal response in relation to the proposed changes has been provided to the City.

### **BFAC**

The City's Bush Fire Advisory Committee received updates on the project at their quarterly meetings between January 2023 and March 2024 and nominated BFAC members to participate in the CRG.

BFAC was provided an opportunity to review and provide feedback on the drafted Notice at their meeting December 2023, which was considered by City officers, prior to the broader community consultation process that ran between January 2024 and March 2024.

At the BFAC meeting 12 March 2024, the Committee reviewed the draft Notice with an officer recommendation considered for endorsement:

*That the Bush Fire Advisory Committee:*

1. *Endorse the 2024-2025 Bushfire Risk Reduction Notice.*

The Committee put forward an alternative motion:

*"That the Bush Fire Advisory Committee:*

1. *Request City Officers and DFES staff undertake a practical assessment of the turnaround area specifications.*
2. *Endorse the 2024-2025 Bushfire Risk Reduction Notice subject to the revision of the 'Turnaround Area' definition."*

As a result, staff from the City and DFES undertook a field assessment to validate the description could be applied when undertaking a 3-point turn with the largest fire appliance in the City's fleet and amended the Turnaround Area definition within the Notice (attachment 11.2.1):

Original:

***"Turnaround area:** means an area of trafficable surface with a minimum turning circle of 9 metres to support a large fire appliance vehicle. The turnaround area must be kept clear of encroaching vegetation and overhanging branches to a height of 4 metres."*

Updated:

***"Turnaround area** means an area of trafficable surface that allows a large fire appliance vehicle to turn around. The turnaround area must:*

- *Be kept clear of encroaching vegetation and overhanging branches to a height of 4 metres.*
- *Be within 30 metre proximity to the habitable building.*
- *Turn around can be a loop with a minimum 10 metre radius or a trafficable bay sufficient to support a three-point turn by an 8.3m fire appliance."*

## Community consultation outcomes

Consultation was undertaken with the wider community in relation to the revised Notice for a 6-week period between 22 January 2024 and 3 March 2024. Consultation was undertaken through a variety of methods and mediums including:

- Three informal 'pop-up' sessions in community shopping centres over the engagement period and spoke to 48 residents directly, answered questions and encouraged submissions.
- Presentation of the project and draft Notice at four local community group/associations meetings/events which had a combined attendance of 154 residents.
- An open-door community workshop was held at the Naturaliste Community Centre on 15 February 2024. There were 26 residents in attendance.
- The City's *YourSay* platform.
- Advertisement of the survey and sessions in the local papers, and on the City's website and Facebook page.

The City's *YourSay* platform was utilised to disseminate information regarding the proposed changes. It included a category-specific visual information sheet detailing descriptions for each proposed category, outlining the practical requirements of the Notice, an overview of the development process, key dates, a Q&A section, and a survey for community feedback. The page also provided contact details for the City officer managing the project to allow community members to directly discuss the project.

During the consultation period there were 1,560 visits to the consultation page, 1,171 views of the survey, with 701 participants who viewed or downloaded a document, and 109 survey responses. 18 submissions were also received directly via email. A detailed consultation report is found in attachment 11.2.2, with a summary of the key results listed below.

- 85% of respondents agreed with all or most of the draft requirements in Category 1.
- Category 2 applied to 79 percent of responders, with the majority of suggested amendments aligning with the requirements of this category or the definitions in the Notice.
- 74% agreed with all or most of the proposed requirements for Category 2.
- 77% agreed with all or most of the proposed requirements for Category 3.
- 11% of respondents felt the Notice definitions required improvement.

The project CRG met for a final workshop on 8 March 2024, where the broader community consultation outcomes were considered and discussed, with several changes implemented to the Notice as a result.

## Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with no risks of a medium or greater level identified.

## Options

As an alternative to the proposed recommendation the Council could:

1. Not support adoption of the presented Notice, with the understanding this would mean that for the 2024/2025 season the 2023/2024 Notice would remain in place.

2. Request further community consultation of the presented Notice, prior to adoption.
3. Adopt the Notice, subject to further amendments.

## CONCLUSION

Endorsement of the recommendation of this report will allow the City to implement a Notice for the 2024/2025 bushfire season that has been developed through a comprehensive, community focussed review that allowed careful balancing of community engagement and values with mitigation of bushfire risks.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Development of community engagement and education plan and documentation.	1 August 2024
Amendment of relevant pages on City website	1 August 2024
System amendments and authorised officer training	30 September 2024
Implementation of community engagement sessions	August – September 2024
Publishing of 24-25 Notice in Local Newspapers, and the Government Gazette	October 2024
Review of 24-25 Notice with CRG	March 2025

**11.3. Application for Development Approval - DA23/0468 - Grouped Dwelling - 2/48 Hammond Road, Yallingup**

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.
<b>Directorate:</b>	Community Planning
<b>Reporting Officer:</b>	Planning Development and Policy Coordinator – Stephanie Navarro
<b>Authorised By:</b>	Director Community Planning – Gary Barbour
<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. Site Aerial [<b>11.3.1</b> - 1 page]</li> <li>2. Location Aerial [<b>11.3.2</b> - 1 page]</li> <li>3. Development Plans (Version C2) - Current [<b>11.3.3</b> - 8 pages]</li> <li>4. Additional justification from Applicant following initial round of consultation [<b>11.3.4</b> - 2 pages]</li> <li>5. Development Plans (Version C) - Superseded [<b>11.3.5</b> - 14 pages]</li> <li>6. Original justification from Applicant [<b>11.3.6</b> - 2 pages]</li> <li>7. Previously Approved Development Plans [<b>11.3.7</b> - 8 pages]</li> <li>8. Schedule of Submissions from both rounds of consultation on this development application [<b>11.3.8</b> - 18 pages]</li> <li>9. Site Photos [<b>11.3.9</b> - 2 pages]</li> <li>10. Officer Report [<b>11.3.10</b> - 21 pages]</li> </ol>

The officer recommendation was moved and carried.

**COUNCIL DECISION**

**C2405/136** Moved Cr Mikayla Love, seconded Cr Jarrod Kennedy

**That the Council determines:**

1. That application DA23/0468 submitted for development approval for Grouped Dwelling on Lot 2 (No. 2/48) Hammond Road, Yallingup, is considered by the Council to not be consistent with the Local Planning Scheme No. 21 and the objectives of the zone within which it is located.
2. To refuse the development application as it does not meet the following matters to be considered when determining a development application as listed under clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* –

**(2)(c) any approved State planning policy;**

**It is deemed that the proposed development does not comply with State Planning Policy 7.3 Residential Design Codes as it does not comply with the**

design principles of the clause/s –

Clause 5.1.3 Lot Boundary Setbacks – Proposed setback of 1.5m to the rear (western) elevation in lieu of a deemed-to-comply setback of 6m is considered not to meet the associated design principles namely in terms of having an unacceptable impact upon neighbouring properties in terms of building bulk.

- (2)(m)** *the compatibility of the development with its setting, including –*
- (i)** *the compatibility of the development with the desired future character of its setting; and*
  - (ii)** *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

It is deemed that the rear (western) elevation and proposed rear (western) lot boundary setback would result in unacceptable building bulk when viewed from the property to the west and would detract from the visual amenity of the neighbouring property.

**(2)(n)** *the amenity of the locality including the following – ...*

- (ii)** *the character of the locality;*

It is deemed that the rear (western) elevation and proposed rear (western) lot boundary setback would result in unacceptable building bulk when viewed from the property to the west and would be inconsistent with the character of the locality.

**CARRIED 8 / 1**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Cr Andrew Macnish**

**EN BLOC**

### **OFFICER RECOMMENDATION**

That the Council determines:

1. That application DA23/0468 submitted for development approval for Grouped Dwelling on Lot 2 (No. 2/48) Hammond Road, Yallingup, is considered by the Council to not be consistent with the Local Planning Scheme No. 21 and the objectives of the zone within which it is located.
2. To refuse the development application as it does not meet the following matters to be considered when determining a development application as listed under clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* –



*(2)(c) any approved State planning policy;*

It is deemed that the proposed development does not comply with State Planning Policy 7.3 Residential Design Codes as it does not comply with the design principles of the clause/s –

Clause 5.1.3 Lot Boundary Setbacks – Proposed setback of 1.5m to the rear (western) elevation in lieu of a deemed-to-comply setback of 6m is considered not to meet the associated design principles namely in terms of having an unacceptable impact upon neighbouring properties in terms of building bulk.

*(2)(m) the compatibility of the development with its setting, including –*

- (i) the compatibility of the development with the desired future character of its setting; and*
- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

It is deemed that the rear (western) elevation and proposed rear (western) lot boundary setback would result in unacceptable building bulk when viewed from the property to the west and would detract from the visual amenity of the neighbouring property. ☐

*(2)(n) the amenity of the locality including the following – ...*

- (ii) the character of the locality;*

It is deemed that the rear (western) elevation and proposed rear (western) lot boundary setback would result in unacceptable building bulk when viewed from the property to the west and would be inconsistent with the character of the locality.

## **EXECUTIVE SUMMARY**

The City has received a development application for a proposed Grouped Dwelling at Lot 2 (No. 2/48) Hammond Road, Yallingup (the Site).

The application is being brought to the Council for determination pursuant to Councillor call in provisions.

Having considered the application, including submissions received, City officers consider that the proposed development is **not** consistent with the City of Busselton *Local Planning Scheme No. 21* (Scheme) and the broader, relevant planning framework.

Therefore, the application is recommended for refusal.

## **STRATEGIC CONTEXT**

This development application is considered in the context of the City's Strategic Community Plan, and in particular the objective to facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.

## BACKGROUND

Key information regarding the application is set out below:

1. **Landowner:** RR Radic Holdings Pty Ltd
2. **Applicant:** Ox Studio (Drew O'Dwyer)
3. **Relevant site history:**

Prior to 2020, the Site was part of the larger parent lot that included the Site (lot 2), as well the lot to the east (Lot 1) and the associated common property forming part of the access leg.

The table below provides a summary of the development and subdivision applications for the parent lot and the Site that are considered relevant to this application –

Date	Reference	Summary
1 February 2010	DA09/0243	<p>Development application for a second dwelling (i.e. grouped dwelling) was refused under Delegated Authority due to insufficient area for existing and proposed effluent disposal systems.</p> <p>This additional dwelling was located to the rear of the existing Single House on the parent lot (still in place). This dwelling was two storeys in height and had a minimum 6.46m setback to the rear (western) lot boundary.</p>
27 July 2011	DA09/0243 (C1107/237 Council resolution)	At its meeting held on this date the Council reconsidered this decision and approved the development application.
26 September 2014	WAPC14/0035	<p>Subdivision approval granted for two survey strata lots (Lot 1 – 448sqm, Lot 2 – 541sqm [including battleaxe leg]) with no common property) approved by the Western Australian Planning Commission (WAPC).</p> <p>It is noted that this approval lapsed.</p>
5 May 2020	WAPC19/0033	<p>Subdivision approval granted by the WAPC for 2 Lot Survey-Strata (Lot 1 and Lot 2 [the Site]) and Common Property.</p> <p>Note: For the purposes of assessing Natural Ground Level (NGL) for DA21/0644 (below) and the current development application, the levels indicated on the approved subdivision plans have been used in accordance with the definition of NGL under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> (Regulations).</p>

13 October 2020	WAPC19/0033.01	Subdivision clearance for two lots obtained and new titles subsequently issued.
10 December 2021	DA21/0644	<p>Development approval for a new three storey Grouped Dwelling was approved under Delegated Authority by the Director of Planning and Development.</p> <p>This development application was approved with a condition requiring it be substantially commenced within 2 years. However, under the State Government Notice of Exemptions due to the Covid State of Emergency an additional 2 years is automatically applied and therefore this approval is still currently valid provided it is substantially commenced by 10 December 2025.</p>

**4. General description of the site**

The original parent lot was 988.95m<sup>2</sup> and has been subdivided into the following –

- Lot 1 (front lot) – 451m<sup>2</sup>
- Lot 2 (rear lot – the Site) – 482m<sup>2</sup> (includes 38m<sup>2</sup> of battle axe)
- Common Property (access leg) – 56m<sup>2</sup>

The property slopes approximately 4.25m from the south-eastern lot corner to the north-western corner.

**5. Current development/use:**

The Site is currently vacant however previously contained a small deck, outbuilding with a nil setback to the southern lot boundary (used for parking of vehicles) and driveway associated with the existing dwelling on the parent lot. These structures were removed at the time of subdivision clearance.

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

Zoning – Residential.

Density – R10.

Special Control Areas – Yallingup Special Character Area and Landscape Value area.

**6. Land use permissibility:**

Pursuant to the Scheme, a Grouped Dwelling is discretionary ('D') land use in the Residential zone 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:**

This application proposes the following modifications to the previous development approval granted under Delegated Authority on 10 December 2021 –

### **Ground Floor**

- The carport has been enclosed along the eastern and southern lot boundaries.
- Laundry added to the Ground Floor accessed via the store at the rear of the carport.
- Reconfiguration of the entry and foyer.
- Western elevation of the Games Room was extended from 6.529m to 10.28m.
- Reconfiguration of the terrace and garden bed to the north of the Games Room.
- Increased the finished floor level of the Games Room by 570mm from 17.65 to 18.22
- Removed mezzanine level from Games Room resulting in changes to the finished floor levels of the levels above.
- Changes to location of retaining walls associated with vehicle access and maneuvering areas.

### **First Floor**

- Internal layout has been reconfigured.
- Removed the first-floor balcony.
- Decreased the finished floor level of the Bed 2 by 1.67m as a result of removing mezzanine below from 23.02 RL to 21.35 RL.

### **Upper Floor**

- New second floor lounge and terrace above the Games Room on Ground Floor/ Bed 2 on the First Floor. Increasing the height of this portion of the development by a maximum of 1.52m from 26.17 RL to 26.75 RL – 27.69 RL following the slope of the roof.
- Increased the roof height above the Games Room by 190mm from 28.22 RL to 28.41 RL.
- Reconfigured layout of internal layout and “squared off” pantry.

This report is supported by the following attachments:

- Attachment 1 – Site Aerial
- Attachment 2 – Location Aerial
- Attachment 3 – Development Plans version C2 (current version being considered - amended following initial round of consultation)
- Attachment 4 – Additional justification from Applicant following initial round of consultation
- Attachment 5 – Development Plans version C (submitted initially as part of amendment to previous development approval)
- Attachment 6 – Original justification from Applicant submitted initially as part of amendment to previous development approval
- Attachment 7 – Previously approved Development Plans
- Attachment 8 – Schedule of Submissions from both rounds of consultation on this development application
- Attachment 9 – Site Photos
- Attachment 10 – Officer Report

## **OFFICER COMMENT**

The following identifies the key areas of discretion that form part of the reasons for the refusal of this proposed development. Other areas of discretion that have not been discussed below are considered to meet the relevant planning framework, including the design principles of State Planning Policy 7.3 Residential Design Codes (R-codes) (where applicable) and therefore have not been discussed further below –

### **Key Areas of Discretion**

#### **Height of the Upper Floor**

The relevant building height control for this development is as per Schedule 4 of the Scheme. In accordance with the Pennock Supreme Court decision, it was determined that the provisions contained within Schedule 4 take precedence over all other provisions within the Scheme (including clause 4.5 which gives the City discretion to vary the provisions contained within the Scheme). There is no discretion to vary the height requirements contained within Schedule 4.

The NGL approved at subdivision in this section of the lot is 18.25 RL, the previous Grouped Dwelling application was approved with a maximum height for the portion of the dwelling containing the Great Room of 28.22 RL, 9.97m above NGL. Due to a change in the wall height, the dwelling has increased 100-200mm, as a result the maximum height now currently proposed is 28.41 RL. The dwelling as proposed is over height and the development must be lowered to be no greater than 28.25 RL.

The applicant has advised that they would be willing to alter the roof pitch to reduce the overall height of the development to bring it into compliance with Schedule 4 via a condition of development approval if development approval were to be granted.

#### **Setback of the rear (western) elevation**

As the Site has a residential density of R10, under Clause 5.1.3 Lot Boundary Setbacks of the R-codes the Deemed-To-Comply (DTC) setback to the rear boundary is 6m in accordance with Table B.

Where an application does not meet the DTC it is required to be assessed against, and deemed to meet, the relevant Design Principle of P3.1.

An excerpt of the relevant clause of the R-codes is provided below -

<b>5.1.3 Lot boundary setbacks</b>	
<p><b>DESIGN PRINCIPLES</b> Development demonstrates compliance with the following design principles (P)</p> <p><b>P3.1</b> Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> <li>reduce impacts of building bulk on adjoining properties;</li> <li>provide adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p><b>P3.2</b> Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>does not have any adverse impact on the amenity of the adjoining property;</li> <li>ensures sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.</li> </ul>	<p><b>DEEMED-TO-COMPLY</b> Development satisfies the following deemed-to-comply requirements (C)</p> <p><b>C3.1</b> Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <ol style="list-style-type: none"> <li>buildings set back from lot boundaries in accordance with Table B and Tables 2a and 2b (refer to Figure Series 3 and 4);</li> <li>for carports, patios, verandahs or equivalent structures, the lot boundary setbacks in Table B and Tables 2a and 2b may be reduced to nil to the posts where the structure*: <ul style="list-style-type: none"> <li>is not more than 10m in length and 2.7m in height;</li> <li>is located behind the primary street setback; and</li> <li>has eaves, gutters and roofs set back at least 450mm from the lot boundary.</li> </ul> </li> </ol> <p><small>Note: Pillars and posts with a horizontal dimension of 450mm by 450mm, or less, do not constitute a boundary wall.</small></p> <p><small>Note: *There are separate building code requirements which may also apply.</small></p> <ol style="list-style-type: none"> <li>unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, set back in accordance with Table 2b as though they have a wall height of 2.4m above the floor level;</li> <li>separate single house, grouped or multiple dwelling buildings on the same lot, or facing portions of the same multiple dwelling building, set back from each other as though there were a lot boundary between them;</li> <li>minor projections such as a chimney, eaves overhang, or other architectural feature, not projecting more than 0.75m into a setback area; and</li> <li>the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way, communal street or battleaxe lot access leg, to a maximum reduction of 2m (refer to Figure 4f).</li> </ol>

### Ground Floor

A key consideration that was used to justify the reduced setback to the rear boundary for the previous grouped dwelling approval was the location of the deck and associated screening on the adjoining property to the west. The dimensions and setback of the deck/screening have been confirmed on site.

The following is a summary of the dimensions of the deck/screening and the length of the western (rear) elevation of the proposed dwelling in relation to the neighbouring property –

#### ***Deck/Screen on neighbouring property to the west***

- Length – 6m
- Setback to southern lot boundary – 2.2m
- Distance of northernmost point of the deck/screen from southern lot boundary – **8.2m**

#### ***Initial Approval***

- Length – 6.529m
- Setback to southern lot boundary – 1.146m
- Distance of northernmost point of the Games room from southern lot boundary – **7.6m**

Note – The reduction to the DTC setback was deemed appropriate as the Games Room would not extend beyond the deck/screen on the neighbouring property and therefore the visual impact of the development was effectively mitigated.

#### ***Current Proposal***

- Length – 10.28m
- Setback to southern lot boundary – 1.5m
- Distance of northernmost point of the Games room from southern lot boundary – **11.78m**

Note – In addition to the Games room, a 2.22m high retaining wall with a 1.6m screen is proposed which will be 1.2m in length beyond the Games Room.

It has been requested that the Applicant reduce the length of the Games Room to be in line with the screening on the adjoining property however they have requested that the application be determined based on the current design.

It is considered that based on the current design that the development will have an unacceptable impact upon the neighbouring property to the west in terms of building bulk and therefore should not be supported. It is noted that the other elements of the design principles, in terms of ventilation, sunlight and privacy would be deemed to be met.

### **Upper Floor**

As a result of the changes to the internal ceiling heights of the ground and first floor, the addition of the lounge room and terrace to the upper floor results in additional height and bulk to this elevation. The previous approval had a maximum height for this portion of the development at 26.17 RL. In this portion of the Site the NGL ranges from 17.75 RL to 16.75 RL and therefore the maximum height of this elevation above NGL has been approved at 8.42m to 9.42m. The addition of the lounge and terrace to the upper floor as well as a change to the roof design has increased the height of this elevation to 27.69 RL to 26.75 RL and therefore a maximum height of 9.94m – 10m.

The applicant has been requested to remove this from the proposed development however they have request that the application be determined based on the current design.

It is considered that based on the current design that the development will have an unacceptable impact upon the neighbouring property to the west in terms of building bulk and therefore should not be supported. It is noted that the other elements of the design principles, in terms of ventilation, sunlight and privacy would be deemed to be met.

### **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 3.7 Planning in Bushfire Prone Areas*

*State Planning Policy 7.3 Residential Design Codes*

### **Relevant Plans and Policies**

#### **Local Planning Policy 3.01 Reflective Building Materials**

Provides guidelines for acceptable non-reflective building colours and materials.

### **Local Planning Policy 3.02 Yallingup Special Character Area**

Provides guidelines for development within the Yallingup Special Character Area.

#### **Financial Implications**

There are no financial implications associated with the officer recommendation.

However, if the decision to refuse the development application was appealed by the Applicant at the State Administrative Tribunal (Tribunal) and a mediated outcome was not able to be reached the matter would proceed to a final hearing in the Tribunal. The cost to the City associated with a hearing, including expert witness and legal representative costs, could be anywhere between \$60,000 to \$100,000.

#### **External Stakeholder Consultation**

The development application was originally advertised to six surrounding landowners via letter with the consultation period running from 12 November 2023 to 11 December 2023. Submissions were received on behalf of four parties, all raising objections to the proposed development.

The key concerns that were raised during this consultation period are summarised below:

- Concerns regarding overlooking from living spaces on First and Second Floor.
- Concerns regarding the extension to the rear elevation resulting in additional building bulk.
- Concerns regarding increase to building footprint and impact upon open space.
- Concerns regarding enclosing carport and impact in terms of building bulk.

Following the conclusion of the advertising period, a summary of these key concerns was provided to the Applicant and the Applicant was advised that they should reduce the height and length of the western elevation (Games Room) to bring it in line with the previous approval. Subsequently the Applicant made some modifications to the development plans and provided additional justification.

These were then referred to the same six surrounding landowners from 19 March 2024 to 5 April 2024. Submissions were received on behalf of three parties, all raising objections to the proposed development.

A complete schedule of submission is provided at Attachment 8.

#### **Risk Assessment**

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



### **Options**

As an alternative to the proposed recommendation the Council could:

1. Refuse the proposal for different and/or additional reasons; or
2. Approve the proposal, subject to conditions.

### **CONCLUSION**

It is deemed, in its current form, that the proposed development does not comply with the relevant planning framework and therefore the application should be refused.

### **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 the Council's decision	Within 2 weeks of Council decision

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

<b>Strategic Theme:</b>	Key Theme 1: Environment 1.1 Ensure protection and enhancement of environmental values is a central consideration in land use planning Key Theme 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.
<b>Directorate:</b>	Community Planning
<b>Reporting Officer:</b>	Major Development and Subdivision Coordinator – Andrew Watts
<b>Authorised By:</b>	Director Community Planning – Gary Barbour
<b>Nature of Decision:</b>	Regulatory: To determine an application/matter that directly affects a person’s right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Location Plan [<b>11.4.1</b> - 1 page]</li> <li>2. Applicant Cover Letter [<b>11.4.2</b> - 1 page]</li> <li>3. Previous Decision Notice and Approved Plans [<b>11.4.3</b> - 65 pages]</li> <li>4. Plans of Proposed Additional Haulage Route [<b>11.4.4</b> - 2 pages]</li> <li>5. D A 17-086601 Schedule of submissions v 2 [<b>11.4.5</b> - 17 pages]</li> </ol>

Prior to the meeting, Cr Anne Ryan foreshadowed a motion that was different to the officer recommendation. In accordance with clause 10.18(6) of the City of Busselton *Standing Orders Local Law 2018*, it was taken to be an alternative and considered first.

There was opposition and debate ensued.

The motion was carried.

<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2405/137</b> Moved Cr Anne Ryan, seconded Cr Jodie Richards</p> <p><b>That the Council determines:</b></p> <ol style="list-style-type: none"> <li><b>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.</b></li> <li><b>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.</b></li> </ol>
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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 until 31 December 2024. The site shall be fully rehabilitated in accordance with an approved Rehabilitation Management Plan (as approved under condition 3.2) by the expiry date of this development approval.
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.**

**4.12 Details of entry signage to be erected within the lot boundaries adjacent to all driveways and pit entrances, visible and legible to vehicles entering/exiting the Site. Signage shall include the following details:**

- a) **Approved operating hours;**
- b) **Site contact details;**
- c) **Approved haulage route and times; and**
- d) **School bus times.**

**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, including the use of any vehicle or machinery, or the transportation/hauling of materials, shall be restricted to the hours between:**
    - a) 7:00am and 6:00pm Mondays to Fridays; and**
    - b) 7:00am and 1:00pm Saturdays for rehabilitation works only. No extractive works are permitted on Saturdays.**
    - c) No works of any kind to be carried out at any time on Sundays or public holidays.**
  - 7.3 Within one week of each school term's commencement, details of the school bus exclusion time for both am and pm shall be submitted to and approved by the City in consultation with the relevant school bus operators. The times should include the bus operating times on the haulage routes including a 15min exclusion window either side of the earliest and latest bus time.**

- 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 70 truck movements (i.e. 35 trucks entering and 35 trucks exiting the site) shall be permitted on any operating day (i.e. Sundays and public holidays are not operating days). No truck movements shall be permitted on any other day or outside the approved operating hours.
- 7.6** Notwithstanding Conditions 7.4 and 7.5 above, should more than 70 truck movements per day and/or an alternative haulage route be proposed, a Traffic Management Plan is to be submitted to and approved in writing by the City; with the Plan being submitted to the City at least 7 working days prior to any haulage not consistent with Conditions 7.4 or 7.5 occurring.  
*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 pasture zone 2 details approved 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** Native Revegetation Zone 1 of the approved Rehabilitation Plan shall be implemented this planting season in accordance with the approved details, including any notes placed thereon in red by the City.
- 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.**

**7.13 Trucks may not arrive at the Site prior to 6:45am and may not leave the Site after the relevant closing time stipulated by condition 7.2.**

**CARRIED 8 / 1**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Cr Mikayla Love**

#### **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 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 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 70 truck movements (i.e. 35 trucks entering and 35 trucks exiting the site) shall be permitted on any operating day (i.e. Sundays and public holidays are not operating days). No truck movements shall be permitted on any other day or outside the approved operating hours.
- 7.6 Notwithstanding Conditions 7.4 and 7.5 above, should more than 70 truck movements per day and/or an alternative haulage route be proposed, a Traffic Management Plan is to be submitted to and approved in writing by the City; with the Plan being submitted to the City at least 7 working days prior to any haulage not consistent with Conditions 7.4 or 7.5 occurring.  
*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 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.**

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 exceeded 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:

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

## 12. INFRASTRUCTURE AND ENVIRONMENT REPORTS

### 12.1. RFT07/24 Dunsborough Lakes Landscape Maintenance

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.12 Provide well maintained community assets through robust asset management practices.
<b>Directorate:</b>	Infrastructure and Environment
<b>Reporting Officer:</b>	Parks and Environment Technical Officer - Iain Ferry
<b>Authorised By:</b>	Director Infrastructure and Environment - Oliver Darby
<b>Nature of Decision:</b>	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. CONFIDENTIAL REDACTED - RFT 07-24 - Tender Evaluation Report with appendices [12.1.1 - 19 pages]

The officer recommendation was moved and carried.

#### COUNCIL DECISION

**C2405/138** Moved Cr Mikayla Love, seconded Cr Jarrod Kennedy

**That the Council endorses the outcome of the evaluation panel's assessment of the tender submissions received in response to RFT07/24 Dunsborough Lakes Estate Landscape Maintenance and accepts the tender submission from Brody Kuyer as trustee for the Kuyer Family Trust trading as New Image Landscaping and Maintenance as most advantageous to the City.**

**CARRIED 8 / 1**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Cr Andrew Macnish**

**EN BLOC**

#### OFFICER RECOMMENDATION

That the Council endorses the outcome of the evaluation panel's assessment of the tender submissions received in response to RFT07/24 Dunsborough Lakes Estate Landscape Maintenance and accepts the tender submission from Brody Kuyer as trustee for the Kuyer Family Trust trading as New Image Landscaping and Maintenance as most advantageous to the City.

#### EXECUTIVE SUMMARY

The City invited tenders under RFT 07/24 Dunsborough Lakes Estate Maintenance (the RFT) for the supply of landscape maintenance services within the estate. This report recommends that Council endorse the outcome of the evaluation panel's assessment and accept the tender submission from

from Brody Kuyer as trustee for the Kuyer Family Trust trading as New Image Landscaping and Maintenance as most advantageous to the City.

**STRATEGIC CONTEXT**

The nature of the works supports the enhancement of our natural areas and reserves, in alignment with Key Theme 1 of the City’s Strategic Community Plan – Environment.

**BACKGROUND**

The City of Busselton's Operations Services operating budget includes the requirement for ongoing landscape maintenance within subdivision parks and street gardens. This is currently delivered within the Dunsborough Lakes Estate by a combination of subcontract services (expiring on 30 June 2024) and City Parks staff. An operational analysis by City Officers has highlighted that overall efficiencies will be obtained by redirecting City staff to the growing Vasse townsite and increasing subcontract maintenance at Dunsborough Lakes estate.

**OFFICER COMMENT**

On 6 March 2024, tenders were invited via VendorPanel and advertised in ‘The West Australian’ newspaper and on the City of Busselton website. A total of 39 potential respondents viewed the proposed request for tender which closed at 2.00pm (AWST) on Wednesday 10th April 2024. The City received five tender submissions from the following tenderers:

- Environmental Industries Pty Ltd (Environmental Industries)
- Landscape and Maintenance Solutions Pty Ltd (Landscape Maintenance Solutions)
- Leafy Umbrella Pty Ltd trading as Manglesii Contracting (Manglesii Contracting)
- Brody Kuyer as Trustee for the Kuyer Family Trust trading as New Image Landscaping and Maintenance (New Image Landscaping and Maintenance)
- Sanpoint Pty Ltd As Trustee for the Fiore Family Trust trading as LD Total (LD Total)

**Assessment Process**

In accordance with the City’s procurement practices and procedures, tender assessments were carried out by a tender evaluation panel comprising City officers with relevant skills and experience.

The tender assessment process included:

- Assessing tenders received against relevant compliance criteria. The compliance criteria were not point scored. Each submission was assessed on a Yes/No basis as to whether each criterion was satisfactorily met.
- Assessing compliant tenders against the following qualitative criteria (weighted as indicated in the table below)

Criteria	Weighting
Relevant Experience	10%
Local Benefit	5%
Occupational Health and Safety	10%



Respondents Resources	10%
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The qualitative criteria were scored depending on the extent to which the respondent was able to appropriately satisfy each criterion and the tenders scored and ranked to determine the most advantageous outcome to the City, based on principles of best value for money. That is, although price was a consideration, the tender containing the lowest price will not necessarily be accepted by the City and nor will the tender rank the highest on the qualitative criteria.

The qualitative criteria were scored depending on the extent to which each tenderer was able to appropriately satisfy each criterion. The tendered prices were then assessed together with the weighted qualitative criteria and the tenders scored and ranked to determine the most advantageous outcome to the City, based on principles of best value for money.

### Summary of Assessment Outcomes

The evaluation panel assessed the tenders for each of the separable portions the result of which are outlined below. The outcome of the evaluation panel's assessment was as follows:

- New Image Landscaping and Maintenance ranked first overall (first on price and joint-first on qualitative criteria). New Image provided details of relevant experience with similar City of Busselton works, and an excellent local benefit submission. New Image's tendered price was the lowest of the five tenderers.
- LD Total ranked second overall (fourth on price and third on qualitative criteria). LD Total provided relevant experience with multiple large estate maintenance contracts. Detailed personnel and resources. WHS criteria including management plan, policy, forms. LD Total's tendered price was ranked fourth.
- Landscape Maintenance Solutions ranked third overall (second on price and fifth on qualitative criteria). Landscape Maintenance solutions provided brief details of multiple maintenance projects, a basic equipment list and WHS plan. Landscape Maintenance Solution's tendered price was ranked second.
- Manglesii Contracting ranked fourth overall (third on price and fourth on qualitative criteria). Manglesii Contracting provided relevant experience with a small City of Busselton contract in Vasse, a satisfactory WHS system and particularly good local benefit. Manglesii Contracting's tendered price was ranked third.
- Environmental Industries ranked fifth overall (fifth on price and joint-first on qualitative criteria). Environmental Industries provided relevant experience with multiple Local Government contracts in the Perth metro area, a comprehensive WHS system and resource list. Environmental Industries tendered price was the highest of the five tenderers.

All the tenderers were able to deliver the scope of services, however New Image Landscaping and Maintenance's qualitative criteria and price ranked very highly.

The outcomes of the evaluation panel's assessment are further outlined in the Confidential Evaluation Report (Attachment 1). Based on the combination of price and the qualitative criteria it is recommended the tender submission from New Image be accepted.

### **Statutory Environment**

In accordance with section 3.57 of the Act, a local government is required to invite tenders before it enters into a contract of prescribed kind under which another person is to supply goods and services. Part 4 of the *Local Government (Functions and General) Regulations 1996*:

- Request that tenders be publicly invited for such contracts where the estimated cost of providing the required goods and/or services exceeds \$250,000; and
- Under Regulations 11, 14, 18, 20 and 21a, provides the statutory framework for inviting and assessing tenders and awarding contracts pursuant to this process.

The officer recommendation complies with the above-mentioned legislative requirements.

As the contract value is greater than \$500,000, and in accordance with section 5.43(b) of the Act and Council delegation DA 1-04, Council endorsement of the successful tenderer is required.

### **Relevant Plans and Policies**

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

Plan:

[Asset Management Plan](#)

Policy:

[Asset Management](#)

[Regional Price Preference](#)

[Work Health & Safety](#)

### **Financial Implications**

The estimated total value of the requirements over the full contract term is \$120,000 per annum or \$600,000 over the total five-year term including extensions.

The requirements will be funded from the 2024/25 proposed budget cost centre 1017.

### **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 considering 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. Award the tender in full or in part to an alternative tenderer. In the view of the Officers this could result in the tender being awarded that is not most advantageous to the City.
2. Decline to accept any tender. Officers do not consider that this will represent the most advantageous outcome for the City. It will also result in significant delays to the contract award and the provision of landscape services to the estate.

### **CONCLUSION**

It is recommended that the Council accept the tender submission from Brody Kuyer as Trustee for the Kuyer Family Trust trading as New Image Landscaping and Maintenance

### **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>
Contract Award	31 May 2024
Commence Contract	1 July 2024

### 13. ECONOMIC AND BUSINESS DEVELOPMENT REPORTS

#### 13.1. Business Development, Events and Marketing Program Outcomes - April 2024

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.5 Facilitate events and cultural experiences that provide social connection. Key Theme 3: Opportunity 3.3 Continue to promote the District as the destination of choice for events and unique tourism experiences.
<b>Directorate:</b>	Economic and Business Development
<b>Reporting Officer:</b>	Events Coordinator - Peta Pulford
<b>Authorised By:</b>	Director Economic and Business Development - Maxine Palmer
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. ESP Recommendations 2024-2025 [13.1.1 - 3 pages]

Prior to the meeting, Cr Andrew Macnish foreshadowed a motion that was different to the officer recommendation. In accordance with clause 10.18(6) of the City of Busselton *Standing Orders Local Law 2018*, it was taken to be an alternative and considered first.

The motion was carried.

#### COUNCIL DECISION

**C2405/139** Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy

**That the Council:**

- Endorses the following single year funding allocation towards the below community focused event, to be funded from the 2023/2024 Events Budget:**

Event Name	Event Date	Cash funding allocation
Go Blue for June 2024	1-30 June 2024	\$4,000
<b>TOTALS</b>		<b>\$4,000</b>

- Recommends the following funding allocations to the below community focused events to be funded from the 2024/2025 - 2026/2027 Events Budgets:**

Event Name	Event Date	Cash funding allocation
Women's Mental Health Soiree	13 July 2024	2024/2025 \$0
South West Jiu Jitsu Championship	11 August 2024	2024/2025 \$4,000 2025/2026 \$4,000 2026/2027 \$4,000

South West Japan Festival	16-17 August 2024	2024/2025 \$1,000
Dunsborough SongFest	8-10 October 2024	2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000
Dunsborough Ladies Classic Bowls Carnival	24-25 October 2024	2024/2025 \$1,000
Coastrek	25 October 2024	2024/2025 \$5,000
2024 Busselton Show	1-2 November 2024	2024/2025 \$10,000 2025/2026 \$10,000 2026/2027 \$10,000
Pride Wellbeing Festival	1-10 November 2024	2024/2025 \$5,000
Dunsborough Street Party	8 November 2024	2024/2025 \$10,000 2025/2026 \$10,000 2026/2027 \$10,000
White Ribbon Silent March	26 November 2024	2024/2025 \$2,000
Christmas in Mitchell Park	13 December 2024	2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000
Vasse Community Christmas Festival	14 December 2024	2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000
Taj's Small Fries	15-19 January 2025	2024/2025 \$10,000 2025/2026 \$10,000 2026/2027 \$10,000
Art in the Park	17-19 January 2025	2024/2025 \$1,000 2025/2026 \$1,000 2026/2027 \$1,000
Busselton Junior Tennis Tournament	19-22 January 2025	2024/2025 \$2,000 2025/2026 \$2,000 2026/2027 \$2,000
Dunsborough Arts Festival (additional funding)	28 February – 4 March 2025	2024/2025 \$5,000
March Open Tennis Tournament	1-4 March 2025	2024/2025 \$3,500 2025/2026 \$3,500 2026/2027 \$3,500
Busselton Fringe Festival	1-30 March 2025	2024/2025 \$25,000 2025/2026 \$25,000 2026/2027 \$25,000
Down South MTB Festival	31 May – 1 June 2025	2024/2025 \$3,000 2025/2026 \$3,000 2026/2027 \$3,000
<b>TOTALS</b>		<b>2024/2025 \$102,500</b> <b>2025/2026 \$83,500</b> <b>2026/2027 \$83,500</b>

**3. Recommends the following funding allocations to the below economic focused events to be funded from the 2024/2025 - 2026/2027 Events Budgets:**

Event Name	Event Date	Cash funding allocation
Busselton Caravan & Camping Show	21-22 September 2024	2024/2025 \$10,000
Shelter Garden Party	12 October 2024	2024/2025 \$5,000
Cape to Cape MTB	17-20 October 2024	2024/2025 \$12,500 2025/2026 \$12,500 2026/2027 \$12,500
Tour of Margaret River – Busselton event hub	31 October – 3 November 2024	2024/2025 \$10,000
Pair'd, Margaret River Region	14-17 November 2024	2024/2025 \$25,000
Yahava KoffeeWorks Cool Water Classic	16 November 2024	2024/2025 \$18,750 2025/2026 \$18,750 2026/2027 \$18,750
IRONMAN WA FOC Room Nights	27 November – 1 December 2024	2024/2025 \$20,000 2025/2026 \$20,000 2026/2027 \$20,000
IRONMAN WA Volunteer Program	27 November – 1 December 2024	2024/2025 \$20,000 2025/2026 \$20,000 2026/2027 \$20,000
Yallingup Malibu Classic	1 December 2024	2024/2025 \$4,000 2025/2026 \$4,000 2026/2027 \$4,000
The Beerfarm Rodeo	28 February – 1 March 2025	2024/2025 \$15,000
Trans Cape SwimRun	8 March 2025	2024/2025 \$4,375 2025/2026 \$4,375 2026/2027 \$4,375
Alcohol. Think Again Beach Volleyball Tour	8-9 March 2025	2024/2025 \$2,500
XTERRA Dunsborough	5-6 April 2025	2024/2025 \$12,500 2025/2026 \$12,500 2026/2027 \$12,500
A'Van Club of Australia	28 April – 5 May 2025	2024/2025 \$3,000
Australian Women Pilots' Association Annual Conference 2025	30 April – 4 May 2025	2024/2025 \$3,000
Busselton Festival of Triathlon	2-4 May 2025	2024/2025 \$70,000 2025/2026 \$70,000 2026/2027 \$70,000
<b>TOTALS</b>		<b>2024/2025 \$235,625</b> <b>2025/2026 \$162,125</b> <b>2024/2025 \$162,125</b>

**4. That all City of Busselton funding recipients be informed their funding is contingent upon the recipient/s collecting and reporting in their acquittal the data relevant to the economic development or other benefit of their event. The acquittal report will be assessed by the City and will inform ongoing funding considerations including contractual obligations for subsequent years.**

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

**BY ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION**

That the Council:

1. Endorses the following single year funding allocation towards the below community focused event, to be funded from the 2023/2024 Events Budget:

Event Name	Event Date	Cash funding allocation
Go Blue for June 2024	1-30 June 2024	\$4,000
<b>TOTALS</b>		<b>\$4,000</b>

2. Recommends the following funding allocations to the below community focused events to be funded from the 2024/2025 - 2026/2027 Events Budgets:

Event Name	Event Date	Cash funding allocation
Women’s Mental Health Soiree	13 July 2024	2024/2025 \$0
South West Jiu Jitsu Championship	11 August 2024	2024/2025 \$4,000 2025/2026 \$4,000 2026/2027 \$4,000
South West Japan Festival	16-17 August 2024	2024/2025 \$1,000
Dunsborough SongFest	8-10 October 2024	2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000
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Event Name	Event Date	Cash funding allocation
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<b>TOTALS</b>		2024/2025 \$102,500 2025/2026 \$83,500 2026/2027 \$83,500

3. Recommends the following funding allocations to the below economic focused events to be funded from the 2024/2025 - 2026/2027 Events Budgets:

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Tour of Margaret River – Busselton event hub	31 October – 3 November 2024	2024/2025 \$10,000
Pair'd, Margaret River Region	14-17 November 2024	2024/2025 \$25,000
Yahava KoffeeWorks Cool Water Classic	16 November 2024	2024/2025 \$18,750 2025/2026 \$18,750 2026/2027 \$18,750



Event Name	Event Date	Cash funding allocation
IRONMAN WA FOC Room Nights	27 November – 1 December 2024	2024/2025 \$20,000 2025/2026 \$20,000 2026/2027 \$20,000
IRONMAN WA Volunteer Program	27 November – 1 December 2024	2024/2025 \$20,000 2025/2026 \$20,000 2026/2027 \$20,000
Yallingup Malibu Classic	1 December 2024	2024/2025 \$4,000 2025/2026 \$4,000 2026/2027 \$4,000
The Beerfarm Rodeo	28 February – 1 March 2025	2024/2025 \$15,000
Trans Cape SwimRun	8 March 2025	2024/2025 \$4,375 2025/2026 \$4,375 2026/2027 \$4,375
Alcohol. Think Again Beach Volleyball Tour	8-9 March 2025	2024/2025 \$2,500
XTERRA Dunsborough	5-6 April 2025	2024/2025 \$12,500 2025/2026 \$12,500 2026/2027 \$12,500
A'Van Club of Australia	28 April – 5 May 2025	2024/2025 \$3,000
Australian Women Pilots' Association Annual Conference 2025	30 April – 4 May 2025	2024/2025 \$3,000
Busselton Festival of Triathlon	2-4 May 2025	2024/2025 \$70,000 2025/2026 \$70,000 2026/2027 \$70,000
<b>TOTALS</b>		2024/2025 \$235,625 2025/2026 \$162,125 2024/2025 \$162,125

## EXECUTIVE SUMMARY

A meeting of the Business Development, Events and Marketing Program (BDEMP) was held on Wednesday 17 April 2024. This report presents the recommendations to be considered at this meeting.

## STRATEGIC CONTEXT

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

## BACKGROUND

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

'Marketing and Events Reference Group' (MERG), to make recommendations to Council with respect to the marketing and events budget allocations.

At its meeting of 22 June 2011, the Council resolved (C1106/201) to introduce a 3% Differential Rate on industrial and commercial rated properties which has increased over time to 10%. The proceeds from the differential rate are allocated towards funding events and marketing.

The proposed 2024/2025 budget for marketing and events totals \$1,441,618:

- \$1,039,137– Events budget
- \$383,770– Marketing and Economic Development initiatives budget
- \$18,711 – City led events

#### **OFFICER COMMENT**

A BDEMP meeting was held on Wednesday 17 April 2024, with the following key matters presented:

- Update on events held since the last meeting on 14 February 2024 and major upcoming events;
- Update of funding awarded through the Economic Development and Marketing funding rounds 2 and 3, and Quick Response Grants, awarded under CEO delegation;
- Consideration of funding applications received from the Busselton and Dunsborough-Yallingup Chambers of Commerce, considered in a separate agenda report; and
- Consideration of funding applications for the 2023/2024 - 2026/2027 events budgets.

#### **Requests for funding**

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

#### **Requests for Funding – 2023/2024 Events Budget**

An application was received in the funding round for the 2024/2025 Events Sponsorship Program for the Go Blue for June series of events, fundraising for the Busselton Hospice. They are proposing to hold a variety of activities across the City of Busselton for the month of June including Blue Dress Run, Bluey & the Buskers, BCCI Sundowner, Community Man Walk in Dunsborough, Partnering with Vasse Lions for Blue themed event at Vasse Village, Winter Solstice Bay Plunge and Quiz Night, all aiming to raise awareness and funds for the Busselton Hospice.

However as these events all fall within June 2024, they are outside of the 2024/2025 funding round period.

With the cancellation of the 2024 Yallingup Shred Fest, this returns \$10k to the funding pool for 2023/2024. BDEMP recommend that Go Blue for June is supported with a funding allocation of the requested \$4k in cash and in-kind support up to the value of \$1000, to be paid from the 2023/2024 Events Budget.

In summary, the BDEMP reference group recommend the following community focused events, to be funded from the 2023/2024 Events Budget:

Event Name	Event Date	Cash funding allocation
Go Blue for June 2024	1-30 June 2024	\$4,000
<b>TOTALS</b>		<b>\$4,000</b>

### Requests for Funding –2024/2025 Events Sponsorship Program Round 1

Round 1 of the 2024/2025 Events Sponsorship Program opened on 1 March 2024, closing 2 April 2024. Thirty-five (35) applications for funding through the Events Budget were received for a total of \$707,612.

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

- Community focused events - Provide social benefit and promote community connection, promote cultural diversity and inclusion, provide place making adding vibrancy and activation.
- Economic focused events – aim to attract visitation to the region, bring economic return in the form of visitor and event spend with local business, attract significant media exposure, attract funding from other sources,

The Events team evaluated all funding applications against criteria derived from the identified Diversity, Localise, Hallmark and Venues strategies. A copy of the Sponsorship Evaluation Assessment Forms for economic and community focused events is attached to demonstrate the criteria. An overall score was allocated and funding recommendations based on this.

Funding recommendations are allocated on the following basis:

#### Community focused events

Events that score:

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

#### Economic Focused events

Events that score:

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

Officers recommend the following funding allocations, a full summary and recommendations for discussion is outlined in Attachment 3.

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

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

**The following requests have been submitted for funding for community focused events from the 2024/2025 Events Budget:**

**Women's Mental Health Soiree – Hilton Garden Inn – 13 July 2024**

This is a new proposed event, run by an individual community member. It is a soiree style event for women's mental health which includes lunch, drinks, guest speakers, educational presentations, and take-home resources. They are proposing to ticket the event at \$150 per person, with an expectation to sell 100 tickets. They have requested City funding of \$10,500 cash, which is their entire event budget, to pay for room hire, food and beverages, decorations and gift bags for attendees.

*Evaluation score – 5*

***Recommendation – \$0 cash + up to \$537 in-kind (billboard hire)***

*Justification – Funding requested was to cover the entire cost of event + additional \$500. This is a ticketed event, expecting to bring in \$15k in ticket sales. There was no demonstrated affiliation with local or national mental health organisations or charities.*

**South West Jiu Jitsu Championship – Geographe Leisure Centre – 11 August 2024**

This is the second annual South West Jiu Jitsu Championship, with competition for juniors (6+) up to adults. Based on 2023 numbers and level of interest, they expect over 300 competitors, and more than 300 spectators from state wide clubs. They have received previous City funding of \$4k cash + \$680 in-kind venue hire, and they have requested the same level of funding for their 2024 event.

*Evaluation score – 8*

***Recommendation – \$4k cash + \$680 in-kind***

*Justification – Growing event, support requested amount.*

**South West Japan Festival – Various venues – 16-17 August 2024**

This multicultural festival has been held previously in Bunbury, and is looking to expand into Busselton to celebrate our sister city relationships. It invites people of all cultures to celebrate, appreciate and engage with Japanese culture. Features of the event include Sushi Train & Entertainment at Busselton Jetty, performers at the stage area and cultural market stalls. They estimate they will attract attendance of 1,500 across all events. This is their first time applying for City funding, and they have requested \$1k cash + up to \$500 in-kind towards equipment hire and performers.

*Evaluation score – 10*

***Recommendation – \$1,000 cash + up to \$500 in-kind.***

*Justification – Reasonable request for funding, award full requested amount.*

### **Dunsborough SongFest – Various venues – 8-10 October 2024**

SongFest has been held in Dunsborough since 2010, providing a weekend of concerts, workshops & community singing events held across various community venues. This event attracts more than 1000 attendees from choir and performance groups throughout the state. They have previously received multi-year funding of \$5k per year. They have requested another multi-year agreement of \$5k cash per year towards venue hire, drawcard artist, equipment hire, marketing & promotion.

*Evaluation score – 8*

**Recommendation – \$5k cash.**

*Justification – Continued strong event, recommend maintaining previous funding level.*

### **Dunsborough Ladies Classic Bowls Carnival – Dunsborough & Districts Country Club – 24-25 October 2024**

This is a 2-day lawn bowls carnival which is open to all female bowlers registered with a bowls club within Australia. The event has been held since 2013 attracting 150 bowlers from outside of the region, but this is their first time seeking funding from the City. They have requested \$1k cash, towards prizes, catering and greens preparation and maintenance.

*Evaluation score – 7*

**Recommendation – \$1k cash.**

*Justification – Reasonable request for funding, recommend requested amount.*

### **Coastrek – Yallingup to Dunsborough - 25 October 2024**

Coastrek is a team charity hiking challenge which has been held in this location since 2023. The course runs from Yallingup to Dunsborough, with two different course options, a 35km and a 20km. They are estimating 1,600 participants, with more than 50% of these to come from outside of the region. This is the first time they have applied for funding. They have requested \$15,000 towards marketing and promotions and equipment hire costs.

*Evaluation score – 11*

**Recommendation – \$5k cash + up to \$1k in-kind.**

*Justification – Consistent with funding awarded to similar events.*

### **2024 Busselton Show – Churchill Park – 1-2 November 2024**

The annual agricultural show showcases many aspects of agricultural life in the region. The Busselton Show has been an annual event since 1861 with estimated attendance of 6,500 over the weekend. Previous funding of \$10k was given in 2023. They have requested \$12k cash and \$2k in-kind towards entertainment in the City of Busselton Free Family Entertainment zone which includes pony rides, bouncy castle, the Instrukta road safety truck, reptile display, ropes course, a climbing wall, face painting, Bluey characters and the Junkadelic band.

*Evaluation score – 9*

**Recommendation – \$10k cash + up to \$500 in-kind/3 years.**

*Justification – Continued strong event, recommend maintaining previous funding level.*

### **Pride Wellbeing Festival – Various venues – 1-10 November 2024**

This festival celebrates the vibrant diversity of the local LGBTQIA+ community. It has a strong focus on community connection, education, mental health and wellbeing. There will be a variety of events held in a number of venues, with an estimated 1,500 attendees across the festival. It has been held since 2023, and this is the first time they have applied for funding. They have requested \$9,812 cash + \$1,168 in-kind towards marketing and advertising, speakers/facilitators/performers, equipment hire, catering, event insurance, mental health resources.

*Evaluation score – 10*

***Recommendation – \$5k cash + up to \$1k in-kind.***

*Justification – Consistent with funding awarded to similar events.*

### **Dunsborough Street Party – Dunsborough Town Centre – 8 November 2024**

The Dunsborough Street Party is held in the heart of Dunsborough to bring together people of all ages and from all walks of life, to create a feeling of connection and community in a fun atmosphere. It supports local businesses both in the town centre and through using them as suppliers and vendors. There is an estimated 2,000 attendees. The street party was first held in this format in 2023, with funding from the City of \$7.5k. They are requesting funding of \$10k cash +\$900 in-kind towards sound, stage, lighting, portable toilets, crowd control, traffic management and security.

*Evaluation score – 12*

***Recommendation – \$10k cash + up to \$900 in-kind/ 3 years.***

*Justification – Growing event, reasonable request for funding, encouraging more Dunsborough events.*

### **White Ribbon Silent March – Busselton CBD/Mitchell Park – 26 November 2024**

This 'Silent' march honours the memory of individuals who have fallen victim to Family, Domestic and Sexual Violence with a march and ceremony. There will be a guest speaker, performances and art with an estimated 150 attending. They have been previously funded \$1k from the Donations fund, this is the first time applying for events funding. They have requested funds of \$4k cash towards traffic management costs, equipment hire and signage.

*Evaluation score – 8*

***Recommendation – \$2k cash + up to \$500 in-kind.***

*Justification – Consistent with funding awarded to similar events.*

### **Christmas in Mitchell Park – Mitchell Park – 13 December 2024**

This is a family-friendly Christmas celebration with community performances and entertainment, activities and workshops, food trucks and stalls They estimate 450 attendees. They have had previous funding of \$5,610 (which included Yoga in November funding). They have requested \$7,600 cash + up to \$1,200 in-kind, towards print advertising, printing of posters/flyers, equipment hire and purchases, sound audio and operator, entertainment.

*Evaluation score – 10*

***Recommendation – \$5k cash + up to \$1,200 in-kind.***

*Justification – Consistent with funding awarded to similar events.*

### **Vasse Community Christmas Festival – Koorup Oval, Vasse – 14 December 2024**

This is an expanded Christmas community fair culminating with carols. It will also include market stalls, Vasse Bush Fire Brigade demonstration and water play park. They are also seeking to provide Auslan interpreters to translate the carols and a Quiet Zone for those with sensory issues. They are estimating 1,000 attendees and have had previous funding of \$3k. They are requesting funding of \$9.2k + \$500 in kind, towards marquee and stage hire, PA system, lighting and screen, toilet hire including disability, plus hire of an Auslan interpreter.

*Evaluation score – 10*

***Recommendation – \$5k cash + up to \$500 in-kind/ 3 years.***

*Justification – Consistent with funding awarded to similar events.*

### **Taj's Small Fries Yallingup – Yallingup Mainbreak – 15-19 January 2025**

This event is Western Australia's biggest, best and most prestigious junior surfing event, with 2025 being the event's 20<sup>th</sup> anniversary. There is an estimated attendance of 1,400 across the four days of competition. Previously the event has received multi-year funding of \$10k per year. Organisers are requesting funding of \$18k cash + \$5k in-kind towards event safety – jetski and water safety personnel, event equipment hire, additional celebration of the 20<sup>th</sup> anniversary, marketing and promotion campaign.

*Evaluation score – 6*

***Recommendation – \$10k cash + up to \$1k in-kind/ 3 years.***

*Justification – Continued strong event, recommend maintaining previous funding level.*

### **Art in the Park – Mitchell Park – 17-19 January 2025**

This is the 66<sup>th</sup> annual open air art exhibition, offering a wide selection of handmade and original art for exhibition and sale over 3 days, with an estimated 1,800 visitors over the 3 days. They have been previously funded \$1k pa from the Donations fund, this is the first time they have applied for events funding. They have requested funding of \$2k cash + \$500 in-kind towards advertising, banners, venue hire and workshop materials.

*Evaluation score – 9*

***Recommendation – \$1k cash + up to \$500 in-kind/3 years.***

*Justification – In line with previous funding provided.*

### **Busselton Junior Tennis Tournament – Busselton Tennis Centre – 19-22 January 2025**

Junior tennis players, aged 8-16 from all over Australia, attend this event. It has been held since 1988. They have had previous funding with a 3 year agreement of \$2k per year. They have requested \$3k cash towards preparation of grass courts, hard court lighting, Tennis West Affiliation Fees, marketing and promotion.

*Evaluation score – 6*

***Recommendation – \$2k cash/3 years.***

*Justification – No growth of event, maintaining previous funding level.*



### **Dunsborough Arts Festival – Dunsborough Foreshore – 28 February – 4 March 2025**

This Festival is a celebration of local arts and culture, music, indoor and outdoor sculpture, artist talks and workshops, culminating with an evening concert and fireworks display. This event is currently on a 3 year multi-year agreement of \$15k per year 2022/23 - 2024/25. They have requested additional funding to assist with increasing costs and extra requirements to increase safety and compliance of the event, including professionally prepared risk management plan, increased fees for sound, lighting and stage, crowd control barriers and security required for liquor license, additional lighting towers and generators required for safety and additional toilets. They are requesting \$7k cash + \$576 in-kind, for production of traffic management plan.

*Evaluation score – 11*

***Recommendation – \$5k cash additional for 2024/2025 + up to \$576 in-kind.***

*Justification – This amount will bring in line with funding for other major community events like Festival of Busselton and Fringe. This is the last year of funding so can re-assess for a new multi year agreement after this.*

### **March Open Busselton Tennis Tournament – Busselton Tennis Centre – 1-4 March 2025**

This tournament is for all levels of tennis players aged from 16 to 60+ years and the event is in it's 76<sup>th</sup> year. They had previous 3 year funding agreement of \$3.5k per year. They are requesting funding of \$6k cash towards preparation of grass courts, hard court lighting, Tennis West Affiliation Fees, marketing and promotion.

*Evaluation score – 6*

***Recommendation – \$3,500 cash.***

*Justification – No growth of event, maintaining previous funding level.*

### **Busselton Fringe Festival 2025 – Various venues – 1-30 March 2025**

This is a performance festival incorporating theatre, dance, music, circus and comedy performances as well as free family activities throughout the final weekend. They are estimating attendance of 2,500 across all events. Previously had multi-year funding of \$20k per year. They are requesting funding of \$35k cash + \$4k in-kind towards the venue hire, entertainment, marketing and promotion, hire of audio visual and infrastructure, free family activities.

*Evaluation score - 9*

***Recommendation - \$25k cash + up to \$2k in-kind/3 years.***

*Justification – Growing event, increase of 25% on previous funding.*

### **Down South Mountain Bike Festival – Dunsborough & Districts Country Club – 31 May – 1 June 2025**

This is round 4/5 of the State Cross Country Mountain Bike racing series which features a series of races designed for all levels and ages. They have had previous multi-year funding of \$3k per year. They are requesting funding of \$3k cash towards first aid costs, professional timing, event promotion and prizes.

*Evaluation score - 8*

***Recommendation - \$3k cash/3 years.***

*Justification - Continued strong event, recommend maintaining previous funding level.*



In summary, the BDEMP reference group recommend the following community focused events, to be funded from the 2024/2025 Events Budget and support multi year funding agreement where recommended:

Event Name	Event Date	Cash funding allocation
Women's Mental Health Soiree	13 July 2024	2024/2025 \$0
South West Jiu Jitsu Championship	11 August 2024	2024/2025 \$4,000 2025/2026 \$4,000 2026/2027 \$4,000
South West Japan Festival	16-17 August 2024	2024/2025 \$1,000
Dunsborough SongFest	8-10 October 2024	2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000
Dunsborough Ladies Classic Bowls Carnival	24-25 October 2024	2024/2025 \$1,000
Coastrek	25 October 2024	2024/2025 \$5,000
2024 Busselton Show	1-2 November 2024	2024/2025 \$10,000 2025/2026 \$10,000 2026/2027 \$10,000
Pride Wellbeing Festival	1-10 November 2024	2024/2025 \$5,000
Dunsborough Street Party	8 November 2024	2024/2025 \$10,000 2025/2026 \$10,000 2026/2027 \$10,000
White Ribbon Silent March	26 November 2024	2024/2025 \$2,000
Christmas in Mitchell Park	13 December 2024	2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000
Vasse Community Christmas Festival	14 December 2024	2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000
Taj's Small Fries	15-19 January 2025	2024/2025 \$10,000 2025/2026 \$10,000 2026/2027 \$10,000
Art in the Park	17-19 January 2025	2024/2025 \$1,000 2025/2026 \$1,000 2026/2027 \$1,000
Busselton Junior Tennis Tournament	19-22 January 2025	2024/2025 \$2,000 2025/2026 \$2,000 2026/2027 \$2,000

Event Name	Event Date	Cash funding allocation
Dunsborough Arts Festival (additional funding)	28 February – 4 March 2025	2024/2025 \$5,000
March Open Tennis Tournament	1-4 March 2025	2024/2025 \$3,500 2025/2026 \$3,500 2026/2027 \$3,500
Busselton Fringe Festival	1-30 March 2025	2024/2025 \$25,000 2025/2026 \$25,000 2026/2027 \$25,000
Down South MTB Festival	31 May – 1 June 2025	2024/2025 \$3,000 2025/2026 \$3,000 2026/2027 \$3,000
<b>TOTALS</b>		<b>2024/2025 \$102,500</b> <b>2025/2026 \$83,500</b> <b>2026/2027 \$83,500</b>

The following requests have been received for funding for economic focused events from the 2024/2025 – 2026/2027 Events Budget:

#### **Busselton Caravan & Camping Show – Churchill Park – 21 – 22 September 2024**

The event organiser is Caravan & Camping Industry WA, this event is the premier tourism event for the caravan and camping industry in the South-West, with a wide array of exhibits and displays, latest innovations in caravans, campers, recreational vehicles, and outdoor equipment. The event will also feature free entertainment including rides, activities and music. The estimated attendance is 6,000 total, including 1,000 from outside the region. The estimated economic impact is \$1,149,760. They are requesting funding of \$10k cash and \$6,787 in-kind towards marketing and promotion, security, equipment hire, AV hire. In kind: Event application fee, venue hire, electricity and reticulation marking, temporary building permit, bin hire and digital event signage.

*Evaluation score – 15.*

**Recommendation - \$10k cash + up to \$2k in-kind.**

*Justification – Reasonable request for funding, award full requested cash amount, reduced in-kind.*

#### **Shelter Garden Party – Busselton Foreshore – 12 October 2024**

This is a new event, with activities including dining activations featuring local seafood and produce; a wine list that celebrates the South West's most innovative winemakers; a marching brass band, rides, games and live music, a mash-up of modern day Oktoberfest and an English garden party. Estimated attendance of 1,000 today, including 450 from outside the region. The estimated economic impact is \$202,500. They are requesting funding of \$20k cash towards marketing and promotion, event infrastructure hire, entertainment and attractions.

*Evaluation score – 11*

**Recommendation – \$5k cash + up to \$1k in-kind.**

*Justification – New untested event. Cannot recommend full funding, recommend one year seed funding to help event establish.*

### **Cape to Cape MTB – Dunsborough & Cape Naturaliste region – 17-20 October 2024**

The Cape to Cape MTB (C2C) is Australia's largest, longest running and most popular four-day MTB (mountain bike) stage race. The event is held over 4 days, with Day 4 being in the City of Busselton. It has been held since 2008 and the estimated attendance is 2,820, including 1,100 from outside of the region. The estimated economic impact is \$3,720,000 + \$456,000 local event spend. They have received previous multi-year funding of \$10k per year. They are requesting funding of \$20k cash + \$5k in-kind towards event marketing and promotion, equipment hire, community engagement, supplier engagement.

*Evaluation score – 16*

***Recommendation – \$12.5k cash + up to \$2k in-kind.***

*Justification – Continued strong event, increase of 25% on previous funding.*

### **Tour of Margaret River – Busselton Foreshore (hub) + various race locations throughout region – 31 October – 3 November 2024**

The Tour of Margaret River (TOMR) is Australia's only Pro-Am cycling event for teams, and is widely recognised as the Australian Teams Championships. The event has been held since 2009 and the estimated attendance is 3,660 including 3,000 from outside the region. The estimated economic impact is \$2,956,800 + \$60k local spend. They received funding in 2015 of \$5k. They are requesting funding of \$40k cash towards event infrastructure, equipment hire, family activities, marketing and promotion.

*Evaluation score – 13*

***Recommendation – \$10k cash + up to \$2k in-kind.***

*Justification – New untested event at this location, funding request is high. Cannot recommend full funding. Majority of event (racing) held in other local government areas.*

### **Pair'd, Margaret River Region – Various locations through City of Busselton + Shire of Augusta-Margaret River – 14-17 November**

Featuring an extensive and diverse program, this festival offers over 30 unique events, held at eight distinctive venues, including enchanting beachfront locales, pristine forest settings, and renowned local wineries. The proposed City of Busselton events – beach location club, collaborations with Shelter Brewing, Busselton Pavilion, Albertos's and various winery locations. The estimated attendance is expected to be 10,000 across the event, with the estimated economic impact being \$8,100,000. They are requesting funding of \$175k cash + \$25k in-kind towards marketing and promotion, accommodation and operational facets of the main program events within the City of Busselton.

*Evaluation score - 16*

***Recommendation - \$25k cash + up to \$5k in-kind***

*Justification – Extremely high ask for new event. Event is owned and funded by Tourism WA. Funding will be on the basis of specific value add to the City of Busselton.*

### **Yahava KoffeeWorks Cool Water Classic – Dunsborough to Busselton – 16 November 2024**

This event is a 20km open water swim following the coastline from Dunsborough to Busselton. The event is open to solos, duos or teams of 3-5 people. It was first held in 2023, and attendance is estimated at 1,500 total with 975 from outside the region. They have received previous funding of \$15k cash + \$5k in-kind. They are requesting funding of \$30k cash + \$10k in-kind towards event promotion to intrastate and national, equipment hire, venue hire and water safety.

*Evaluation score – 15*

***Recommendation – \$18,750 cash + up to \$5k in-kind/3 years.***

*Justification – Growing event, increase of 25% on previous funding.*

### **IRONMAN WA FOC Room Nights – MRBTA - 27 November – 1 December 2024**

MRBTA supports this event through an in-kind event partnership which involves cooperative destination marketing initiatives and tourism industry engagement. This agreement also includes assistance to secure and coordinate a required 150 free of charge (FOC) room nights per event within 10km of the event centre, across 3-4.5 star accommodation standards. Funds are used to auspice a financial reimbursement or subsidy to accommodation providers involved in providing free room nights, to help them recover service costs or overheads associated with providing the rooms FOC. Funds requested would be provided directly to participating accommodation providers to underwrite financial costs associated with providing room inventory (linen, cleaning and servicing administration) via ongoing, in-kind support of the event. This works out at \$133 per room per night. They have received previous funding in a multi-year agreement of \$20k per year. They are requesting funding of \$20k cash per year.

*Evaluation score – 10*

***Recommendation – \$20k cash per year/3 years.***

*Justification – Supports success of a hallmark event, recommend maintain previous funding level.*

### **IRONMAN WA Volunteer Program – Busselton Local Organising Committee (BLOC) - 27 November – 1 December 2024**

The BLOC objective is to work alongside event organisers to create a community event that enhances Busselton while engaging local volunteers to support an international triathlon event. BLOC works to recruit the 1000+ volunteers required in the lead up and event dates. Funding is used to feed volunteers across the five-day duration, provide a volunteer thank you function, gifts and awards, cover costs of the Volunteer Tent over Event weekend, and volunteer insurance. BLOC facilitates payments to 20+ community and sporting groups that provide volunteers for aid station and various roles over the event. They have received previous funding in a multi-year agreement of \$20k per year. They are requesting funding of \$20 cash per year.

*Evaluation score – 10*

***Recommendation – \$20k cash per year/3 years.***

*Justification – Supports success of a hallmark event, recommend maintain previous funding level.*

### **Yallingup Malibu Classic – Yallingup Mainbreak – 1 December 2024**

This Longboard Surfing Competition is held at Yallingup Beach to showcase talented male and female surfers from juniors to veterans and attracts surfers from interstate. 2024 will be the 40<sup>th</sup> year of this iconic event. Estimated attendance of 400 including 200 from outside the region. The estimated economic impact is \$64,340. They received previous funding with a multi-year agreement of \$4k per year. They are requesting funding of \$4k cash.

*Evaluation score – 9*

***Recommendation - \$4k cash/ 3-year.***

*Justification – Continued strong event, recommend maintaining previous funding level.*

### **The Beerfarm Rodeo – Beer Farm – 28 February – 1 March 2025**

The Beerfarm Rodeo is a 2 day event, featuring music, rodeo, local food trucks, market vendors, family entertainment and on-site camping. The event has been held previously in 2017, 2018 and 2024. The estimated attendance is 4,000 including 1,600 from outside the region. Estimated economic impact is \$838,400 + \$60k local event spend. They received \$15k previous funding in 2024. They are requesting funding of \$30k cash towards event infrastructure hire including additional shade, seating and bar setups.

*Evaluation score - 15*

***Recommendation - \$15k cash + up to \$1k in-kind.***

*Justification – Maintain previous funding level to support provision of additional infrastructure, allow in-kind for billboard hire and some event fees.*

### **Trans Cape SwimRun – Cape Naturaliste Lighthouse to Dunsborough Bay Yacht Club – 8 March 2025**

This is a single day endurance event incorporating swimming and running from the Cape Naturaliste Lighthouse to the Dunsborough Bay Yacht Club, teams of 2 compete in the event together. The event has been held since 2020, with estimated attendance of 700, including 500 from outside the region. The estimated economic impact is \$276,920 + \$24,500 local spend. They have received previous multi-year funding of \$3.5k per year. They are requesting funding of \$5k cash towards equipment hire, water safety and prizes.

*Evaluation score - 15*

***Recommendation - \$4,375 cash + up to \$500 in-kind.***

*Justification – Continued strong event, recommend increase of 25% on previous funding.*

### **Alcohol. Think Again Beach Volleyball Tour Round 9 – Busselton Foreshore – 8-9 March 2025**

The Alcohol. Think Again (ATA) Beach Volleyball Tour is a series of volleyball competitions that take place at various locations in Western Australia from October to April. The estimated attendance is 250 total, with 200 coming from outside the region. The estimated economic impact is \$103,828, They are requesting funding of \$5k cash + \$650 in-kind.

*Evaluation score – 7*

***Recommendation – \$2.5k cash + up to \$500 in-kind.***

*Justification – Consistent with funding awarded to similar events.*

### **XTERRA Dunsborough – Dunsborough & Districts. Country Club – 5 – 6 April 2025**

XTERRA is the ultimate mix of triathlon and adventure racing; featuring ocean swimming, trail running and mountain bike riding, conducted in a friendly, welcoming atmosphere for everyone. The weekend features 6 different off-road races for 2025 with the Long Course race confirmed as the Triathlon WA off-road State Championships. This event has been held since 2013, with estimated attendance being 4,809 including 4,500 from outside the region. Estimated economic impact is \$6,600,000. They had previous multi-year funding of \$10k per year. They are requesting funding of \$20k cash towards strategic marketing activities and key initiatives, social media, advertising (print and online), grassroots marketing and ambassadors, filming and a professional photographer.

*Evaluation score – 15*

***Recommendation – \$12.5k cash.***

*Justification – Continued strong event, increase of 25% on previous funding.*

### **A'van Club of Aust Inc 2025 National Gathering – Various venues – 28 April – 5 May 2025**

The National Gathering of the A'Van Club is held annually in various states of Australia. It is a week long event attracting over 200 vans. There will be eight days of organised events and activities within the region. The estimated attendance is 350 which are all from outside the region. The estimated economic impact is \$360,000. They are requesting funding of \$5k cash towards venue hire for AGM and gala dinner and marquee hire.

*Evaluation score – 11*

***Recommendation – \$3k cash.***

*Justification – Consistent with funding awarded to similar events.*

### **Australian Women Pilots' Association Annual Conference 2025 – Various venues – 30 April – 4 May 2025**

This conference is held annually in different locations across Australia and this is the first time it has been held in Busselton. The conference includes an education day with guest speakers and workshops, an air navigation trial, AGM and a formal dinner, and day tours of the region. The attendance is expected to be 200, all from outside the region. The estimated economic impact is \$239,700 + \$127,350 local spend. They are requesting funding of \$7.5k cash + \$1,070 in-kind towards costs associated with welcome dinner – venue, hire costs etc, in-kind request for waiving of landing and parking fees at Busselton Margaret River Airport for delegates.

*Evaluation score - 10*

***Recommendation - \$3k cash + up to \$1,070 in-kind.***

*Justification - Consistent with funding awarded to similar events.*

### **Busselton Festival of Triathlon – Busselton Foreshore & surrounds – 2-4 May 2025**

This two-day event featuring the Busselton 100, Foreshore Triathlon and SunSmart Kids Triathlon, along with a number of functions, please a community event on the Saturday night. This event has been held since 2002 and the estimated economic impact is \$3,307,400. Estimated attendance is 6,475 including 5,460 from outside the region. They have received previous multi-year funding of \$60k per year + \$5k in-kind. They are requesting funding of \$88k cash + \$5k in-kind towards the volunteer program, event marketing, traffic management, photography and equipment hire.

Evaluation score – 12

**Recommendation – \$70k cash + up to \$5k in-kind**

*Justification – Increase reflects raise in major costs such as traffic management, but not to full 25% due to budget constraints*

In summary, BDEMP recommend the following economic focused events, to be funded from the 2024/2025 Events Budget and support multi-year funding agreement where recommended:

Event Name	Event Date	Cash funding allocation
Busselton Caravan & Camping Show	21-22 September 2024	2024/2025 \$10,000
Shelter Garden Party	12 October 2024	2024/2025 \$5,000
Cape to Cape MTB	17-20 October 2024	2024/2025 \$12,500 2025/2026 \$12,500 2026/2027 \$12,500
Tour of Margaret River – Busselton event hub	31 October – 3 November 2024	2024/2025 \$10,000
Pair'd, Margaret River Region	14-17 November 2024	2024/2025 \$25,000
Yahava KoffeeWorks Cool Water Classic	16 November 2024	2024/2025 \$18,750 2025/2026 \$18,750 2026/2027 \$18,750
IRONMAN WA FOC Room Nights	27 November – 1 December 2024	2024/2025 \$20,000 2025/2026 \$20,000 2026/2027 \$20,000
IRONMAN WA Volunteer Program	27 November – 1 December 2024	2024/2025 \$20,000 2025/2026 \$20,000 2026/2027 \$20,000
Yallingup Malibu Classic	1 December 2024	2024/2025 \$4,000 2025/2026 \$4,000 2026/2027 \$4,000
The Beerfarm Rodeo	28 February – 1 March 2025	2024/2025 \$15,000
Trans Cape SwimRun	8 March 2025	2024/2025 \$4,375 2025/2026 \$4,375 2026/2027 \$4,375
Alcohol. Think Again Beach Volleyball Tour	8-9 March 2025	2024/2025 \$2,500
XTERRA Dunsborough	5-6 April 2025	2024/2025 \$12,500 2025/2026 \$12,500 2026/2027 \$12,500
A'Van Club of Australia	28 April – 5 May 2025	2024/2025 \$3,000

Event Name	Event Date	Cash funding allocation
Australian Women Pilots' Association Annual Conference 2025	30 April – 4 May 2025	2024/2025 \$3,000
Busselton Festival of Triathlon	2-4 May 2025	2024/2025 \$70,000 2025/2026 \$70,000 2026/2027 \$70,000
<b>TOTALS</b>		<b>2024/2025 \$235,625</b> <b>2025/2026 \$162,125</b> <b>2024/2025 \$162,125</b>

### Statutory Environment

Not Applicable.

### Relevant Plans and Policies

The BDMP reference group recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Events](#)

[Sponsorship Arrangements](#)

The BDMP reference group recommendation aligns with the City's Events and Sponsorship Arrangements Policies which provides event organisers with information on the event application and approval process and event sponsorship guidelines.

### Financial Implications

The proposed 2024/2025 budget for marketing and events totals \$1,441,618:

- \$ 1,039,137 – Events budget
- \$ 383,770 – Marketing and Economic Development initiatives budget
- \$ 18,711 – City led events

The proposed budget allocates \$1,1039,137 towards the 2024/2025 Events Budget. Funds currently committed from the 2024/2025 Events Budget through multi-year sponsorships totals \$654,000, leaving a balance of \$385,137 for Rounds 1 and 2 of the Event Sponsorship Program or other initiatives. If all recommendations within this report are supported, this will leave a balance of \$47,012.



### **External Stakeholder Consultation**

Consultation has been undertaken with the BDEMP reference group members with representatives comprising the Busselton and Dunsborough Yallingup Chambers of Commerce and Industry, Margaret River Busselton Tourism Association and the City of Busselton.

### **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City’s risk management framework, with risks assessed taking into account any controls already in place. The officer recommendation does not introduce any risks identified as being of a high or medium level.

### **Options**

Council may choose not to support the recommendations made by the BDEMP reference group and resolve not to endorse part or all of the recommendations.

### **CONCLUSION**

The BDEMP reference group has been established by Council to make recommendations on the way in which funds raised through the industrial and commercial differential rate for the purposes of events and marketing are allocated. This report contains the recommendations made at the 17 April 2024 BDEMP reference group meeting, which if endorsed by Council, will result in the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support Council’s vision of being recognised as the ‘Events Capital WA.’

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

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

<b>Milestone</b>	<b>Completion Date</b>
All applicants advised of outcome of funding decision	20 May 2024
Fully executed grant funding agreements completed	30 June 2024

**13.2. Busselton and Dunsborough Yallingup Chambers of Commerce and Industries - Funding Proposal**

<b>Strategic Theme:</b>	Key Theme 3: Opportunity 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
<b>Directorate:</b>	Economic and Business Development
<b>Reporting Officer:</b>	Manager Economic Development and Property - Trevor Ayers
<b>Authorised By:</b>	Director Economic and Business Development - Maxine Palmer
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. BCCI Grant Proposal to Co B 2024 25 [ <b>13.2.1</b> - 5 pages] 2. DYCCI Funding Proposal 24 25 N2 [ <b>13.2.2</b> - 10 pages]

Prior to the meeting, Cr Andrew Macnish foreshadowed a motion that was different to the officer recommendation. In accordance with clause 10.18(6) of the City of Busselton *Standing Orders Local Law 2018*, it was taken to be an alternative and considered first.

The motion was carried.

**COUNCIL DECISION**

**C2405/140** Moved Cr Andrew Macnish, seconded Cr Jodie Richards

**That the Council:**

- 1. Endorse the following funding allocations from the Business Development, Events and Marketing Program (BDEMP) reserve:**

Organisation	Financial Year	Funding allocation
<b>Busselton Chamber of Commerce and Industry (BCCI)</b>	2023/24 budget	\$60,000
	2024/25 budget	\$60,000
<b>Dunsborough-Yallingup Chamber of Commerce and Industry (DYCI)</b>	2023/24 budget	\$40,000
	2024/25 budget	\$40,000

- 2. To give effect to the funding allocations in resolution 1, enter into separate multi year funding agreements for the 2024/25 and 2025/26 financial years with BCCI and DYCCI that include:**
  - a. measurable key performance indicators (KPIs) including one requiring the reporting of economic benefit / value of the Chamber’s initiatives that quantifies the return on the funding invested.**

- b. targets to increase long-term financial sustainability;
- c. a condition that year two funding is dependent on the KPIs being met or exceeded; and
- d. a condition requiring a presentation to the Elected Members of performance against KPIs by 30 April each year, followed by a formal written report submitted to the City by 22 May each year, which will then form the basis for an officer report to the Council (in June).

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

**BY ABSOLUTE MAJORITY**

### **OFFICER RECOMMENDATION**

That the Council:

1. Endorse the following funding allocations from the Business Development, Events and Marketing Program (BDEMP) reserve:

Organisation	Financial Year	Funding allocation
Busselton Chamber of Commerce and Industry (BCCI)	2023/24 budget	\$60,000
	2024/25 budget	\$60,000
Dunsborough-Yallingup Chamber of Commerce and Industry (DYCI)	2023/24 budget	\$40,000
	2024/25 budget	\$40,000

2. To give effect to the funding allocations in resolution 1, enter into separate multi year funding agreements for the 2024/25 and 2025/26 financial years with BCCI and DYCCI that include:
  - a. measurable key performance indicators (KPIs);
  - b. targets to increase long-term financial sustainability;
  - c. a condition that year two funding is dependent on the KPIs being met or exceeded; and
  - d. a condition requiring a presentation to the Council of performance against KPIs by 30 April each year.

### **EXECUTIVE SUMMARY**

This report presents the Busselton and Dunsborough Yallingup Chambers of Commerce requests for funding support for Council consideration.

## STRATEGIC CONTEXT

Providing support and assistance to the two local Chambers of Commerce and Industry provides a further opportunity for them to work towards self-sufficiency while ensuring they can continue to provide support to local business and industry as per their charters.

## BACKGROUND

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

At its meeting of 22 June 2011, Council resolved (C1106/201) to introduce a 3% Differential Rate on industrial and commercial rated properties which has increased over time to 10%. The proceeds from the differential rate are allocated towards funding events and marketing.

The Dunsborough-Yallingup Chamber of Commerce and Industry (DYCCI) and the Busselton Chamber of Commerce and Industry (BCCI) have submitted individual proposals seeking funding support from the City of Busselton through BDEMP for ongoing operations over the course of the next two (2) years; 2024/25, and 2025/26.

In 2022, individual grant agreements and associated KPIs were developed to provide financial assistance to BCCI and the DYCCI through until June 2024. At that time, the Chambers were struggling financially and this funding was seen as a way to support their recovery. The funding provided was as follows:

Funding to the BCCI under a two-year Grant Agreement:

- 2022/23 Financial Year - \$50,000 (fifty thousand dollars).
- 2023/24 Financial Year - \$50,000 (fifty thousand dollars).

Funding to the DYCCI under a two-year Grant Agreement:

- 2022/23 Financial Year - \$25,000 (twenty five thousand dollars).
- 2023/24 Financial Year - \$25,000 (twenty five thousand dollars).

Key Performance Indicators included participation in the City's Community Capacity Building Program to assist with identifying ways of achieving financial sustainability, identify ways in which the Chambers could collaborate and avoid duplication of resources with an aim of ensuring each Chambers ongoing viability and independence.

In December 2023, in accordance with KPIs identified in their respective grant agreements, both Chambers presented on their previous years' operations to Council. Each Chamber gave an overview of how they had met the terms of the grant agreement and provided value to the City and businesses they represent.

Subsequent to the Council briefing, both the BCCI and DYCCI have submitted new requests for funding. These submissions were reviewed, with both Chambers also making presentations, at the BDEMP meeting of 17 April 2024.

These proposals have been developed and streamlined by both Chambers after feedback from draft proposals presented to City officers during their development. Attachments 1 and 2 contain the funding proposals.

## **OFFICER COMMENT**

### **Busselton Chamber of Commerce and Industry (BCCI)**

BCCI have submitted a funding request as follows:

- 2024/25: \$60,000
- 2025/26: \$60,000
- Total \$120,000 over two years.

The BCCI currently services a total of 182 members. The requested 2024/25 funding allocation is expected to be just over 20% of BCCI's total operating expenses.

Their proposal for funding is to provide resourcing to work towards a self-sustaining model over a number of years whereby they can increase revenue streams from membership and sponsor growth, fee for service training, support services and event income.

As part of their funding proposal, BCCI has provided a strategic plan for financial sustainability to be achieved over a three-year period, including proposed measurable outcomes aligned to the City's Economic Development Strategy 2022-2027.

A two-year agreement has benefits of providing longer term certainty for BCCI to develop, implement and review actions while they work towards financial sustainability. It lessens the administrative processes associated with the development, submission and approval of a new agreement each year, allowing them to focus on achieving outcomes.

Officers recommend a two-year funding agreement, for the amounts of \$60,000 per year with the 2nd year to be dependent on the BCCI achieving the first year's key performance indicators and key performance indicators for the 2nd year being agreed between the BCCI and City officers. This will allow for a review of the ongoing relevance of the proposed measurable targets against outcomes achieved.

### **Dunsborough Yallingup Chamber of Commerce and Industry (DYCCI)**

DYCCI has submitted the following request:

- 2024/25: \$40,000
- 2025/26: \$40,000 plus CPI % Increase
- Total: \$80,000 (plus CPI % Increase on previous year) over two years

DYCCI currently services a member base of 102 active members and sponsors. The requested 2024/25 funding allocation is expected to be just over 50% of the DYCCI's total operating expenses. They are currently in a rebuilding phase, with a new committee and administration "seeking to achieve self-sufficiency over the next few years."

In order to work towards this, DYCCI has identified a need for more resources to build sustainable practices that will enhance growth and development of the Chamber, with a series of actions to be undertaken over the next 12 months as they commence this process.

DYCCI has provided a plan to increase membership and corporate sponsorship, enhance event revenue and seek additional funding through grants and sponsorships with associated measurable actions.

Funding will provide DYCCI with financial stability to engage administrative support through this rebuilding phase.

Officers recommend a two-year funding agreement, for the amounts of \$40,000 per year, with the 2nd year to be dependent on the DYCCI achieving the first year's key performance indicators and key performance indicators for the 2nd year being agreed between the BCCI and City officers.

This will provide DYCCI with a level of financial security whilst they seek to increase external revenue streams and determine a course of action to work towards financial sustainability.

### Business in Busselton

The City of Busselton has approximately 4,376 operational businesses, of which 2,652 (60% are sole traders) as identified in the table drawn from REMPLAN data below:

Staff Size	Busselton		
	Jun-21	Jun-22	Jun-23
Non employing	2,394	2,545	2,652
1-4	1,092	1,116	1,111
5-19	462	464	492
20-199	100	111	115
200+	3	3	6
<b>Total</b>	<b>4,051</b>	<b>4,239</b>	<b>4,376</b>

DYCCI and BCCI both operate as a not-for-profit member-based organisation serving to support and advocate for the respective business communities they represent.

Chambers of Commerce play an important role in providing support, promotion, connectivity and advocacy for the business community. They are a conduit for their members to organisations such as the Small Business Development Corporation, Regional Chamber of Commerce and Industry and provide independent advocacy to all levels of government and their agents.

While it is of great benefit for the City of Busselton and broader community to have robust well-functioning Chambers of Commerce, local governments do not generally fund operational activities of Chambers. It could be seen that by being financially reliant on the local government, the Chamber is beholden to the local government and therefore disempowered from independent advocacy on behalf of its members.

It is in the interest of the City and the Chambers for them to be supported to seek revenue streams from alternate sources that lessen the dependence on the City for operations; and work more towards a sponsorship relationship with the City. The recommended support is intended as catalyst funding for the two Chambers with an expectation that the City's contribution will decrease over time. City officers will work closely with the two Chambers over the term of these agreements to assist them to work towards this.

Consideration needs to be given that ongoing and increasing funding provided to BCCI and DYCCI decreases the total funding available for other economic development and marketing activities. The Economic Development and Marketing Grants program is newly established in 2023/24. There has been a good response rate for applications, with projects totalling \$96,675 for the first three of the four rounds. It is anticipated that as the program gains traction into the second year, there will be a strong response rate from the business community for this competitive funding for new and innovative projects.

Based on a budget of \$283,138 for 2024/25 and deducting BCCI request for \$60,000 and DYCCI for \$40,000 (a total of \$100,000) there would only be approximately \$183,000 remaining to fund four rounds of Economic Development and Marketing Grants and all other project submissions.

Last year, the two Chambers were funded a total of \$75,000 as core operational funding (\$50,000 for the BCCI and \$25,000 for the DYCCI). While the substantial increase in requested funds runs counter to a progression towards self-sufficiency, it is believed that an approach that focusses on meeting agreed measurable targets with a greater level of support at City officer level should assist in working towards this. The requirement to meet the agreed indicators prior to the 2nd years funding being guaranteed also ensures these measures are being focussed on.

Initially, both Chambers were seeking three-year agreements with incrementally increasing contributions from the City each year, a reduction to a two-year agreement with no increase to the funding in the 2nd year provides a level of certainty to the two Chambers as they look to improve their operations at the same time as enabling the City of Busselton to review its effectiveness after the 1st year.

It is proposed to keep the funding at a fixed rate for both Chambers in the second year, rather than including a CPI increase, with the expectation that increased funding from other sources will be able to more than cover the difference as a (small) initial step towards financial self-sufficiency.

### **Statutory Environment**

In accordance with section 6.8 of the *Local Government Act 1995* an absolute majority decision is required in order to authorise expenditure that is not included within the existing municipal budget. The recommendation within this report includes expenditure for future years.

### **Relevant Plans and Policies**

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

Plan:

Not applicable.

Policy:

[Sponsorship Arrangements](#)

### **Financial Implications**

The conduit for funding the City's business sector is through the Marketing and Events stream of the Business Development, Events and Marketing Funding Program, to *"support and facilitate programs, services and projects that align to the City of Busselton Economic Development Strategy 2022-2027 and contribute to the City of Busselton's economic, social, environmental and cultural development."*

The total budget for the Marketing and Economic Development Initiatives budget for 2023/2024 is as follows:

- Adopted budget 2023/2024 - \$273,564
- Carried over from 2022/2023 - \$97,229
- Total - \$370,793

Currently a total of \$273,564 has been expended in this financial year. There are enough funds for the requests for by the two Chambers for 2024/25 funding to be paid in advance from existing available funds. This recommendation will however also commit \$100,000 from the following years budget.

### **External Stakeholder Consultation**

Council officers engaged with both Chambers of Commerce during the development of their proposals, with the BDEMP reference group discussing both proposals with the Chambers as part of its consideration of the applications. Both Chambers also presented to Council on their operations and future plans in December 2023.

### **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. Choose to amend the officer recommendation for one or both Chamber applications or
2. Decline support for either or both Chamber applications.

### **CONCLUSION**

The BDEMP reference group has been established by the Council to make recommendations on the way in which funds raised through the Commercial, Industrial and Holiday Homes differential rate are allocated for the purposes of events and marketing.

The Economic Development and Marketing stream of this fund is to support objectives contained in the City of Busselton Economic Development Strategy 2022-2027.

The BCCI and DYCCI have been operating for a number of years as key representative bodies for local businesses. Ongoing representation of the Chambers as advocates for local businesses is seen as a key economic development activity. BCCI and DYCCI provide a valuable conduit to their respective business community and are seeking funding to work towards financial sustainability.

Should Council support the recommendation for allocation of funding to BCCI and DYCCI, individual funding agreements with the City will be required. These will be developed to include robust and



measurable KPIs, focusing on increased opportunities for collaboration to lessen duplication of services; and each Chamber making significant progress towards financial sustainability over the two-year period of funding, with the meeting of year-one KPI's required before year-two funding is released.

#### **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>
Funding agreements finalised (with KPI's) and year one funding released	30/6/2024

### 13.3. Lease of the proposed Marine Discovery Building

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.3 Make decisions that respect our strategic vision for the District.
<b>Directorate:</b>	Economic and Business Development
<b>Reporting Officer:</b>	Executive Support Officer - Tiffany Sweatman
<b>Authorised By:</b>	Director Economic and Business Development - Maxine Palmer
<b>Nature of Decision:</b>	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
<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. Concept Design [ <b>13.3.1</b> - 7 pages] 2. Location Plan [ <b>13.3.2</b> - 1 page]

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

The officer recommendation was carried.

#### **COUNCIL DECISION**

**C2405/141** Moved Cr Jodie Richards, seconded Cr Andrew Macnish

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

1. **Provide in principle support to enter into a lease with Busselton Jetty Inc (BJI) for the construction and operation of a Marine Discovery Building, as per the concept design in attachment 1, situated within Lot 501, Reserve 38558, Busselton Foreshore, as depicted in attachment 2, subject to state and federal government approval of funding and authorisation to commence the project.**
2. **Agree that the terms and conditions of the lease are to be subject to a further report and decision of the Council, and are to consider:**
  - a. **Responsibilities for the maintenance and insurance of the asset;**
  - b. **Annual costs and budget to maintain and insure the asset; and**
  - c. **The financial benefit to the Jetty Maintenance Reserve.**

**CARRIED 6 / 3**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,  
Cr Andrew Macnish and Cr Richard Beecroft**

**AGAINST: Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy**

## **OFFICER RECOMMENDATION**

That the Council:

1. Provide in principle support to enter into a lease with Busselton Jetty Inc (BJI) for the construction and operation of a Marine Discovery Building, as per the concept design in attachment 1, situated within Lot 501, Reserve 38558, Busselton Foreshore, as depicted in attachment 2, subject to state and federal government approval of funding and authorisation to commence the project.
2. Agree that the terms and conditions of the lease are to be subject to a further report and decision of the Council, and are to consider:
  - a) Responsibilities for the maintenance and insurance of the asset;
  - b) Annual costs and budget to maintain and insure the asset; and
  - c) The financial benefit to the Jetty Maintenance Reserve.

## **EXECUTIVE SUMMARY**

Under the direction of the Project Control Group (PCG), Busselton Jetty Inc (BJI) and City of Busselton, officers have developed an alternative shore based concept to house the Marine Discovery Centre (MDC). \$15.88m remains in state and federal funding to design, service and construct the building. BJI will be responsible for the fit out of the building for their operations.

The proposed site is Lot 501 on the corner of Jetty Way and Foreshore Parade. In the Busselton Foreshore Masterplan this site was envisaged to house a two to three storey development of small retail spaces. There has been no interest in the site for this purpose. Designs have been developed for a three storey building with different marine based experiences on each level (refer to the concept design at attachment 1). The Marine Discovery Building will permanently house the MDC, which is currently being installed temporarily in the Ballarat Room of Railway House.

This report seeks the Council's in principle support for the MDC concept and a lease with BJI to operate the proposed Marine Discovery Building. Council's support of the concept and tenure arrangements are necessary for the business case to the state and federal government and their decision to approve the funding of the project to progress to detailed design and construction.

## **STRATEGIC CONTEXT**

Providing a lease arrangement to operate a Marine Discovery Building in this location enables BJI to generate additional income that will help bridge the gap in funding jetty maintenance that currently needs to be filled by an annual contribution from municipal funds. As such, it satisfies the strategic priorities of providing a responsible approach to managing ratepayer funds as well as respecting the vision for the district by maintaining significant assets.

## **BACKGROUND**

BJI is a Busselton based voluntary incorporated association who have a vision for the Busselton Jetty to be a must-see coastal attraction, connecting community and the environment. Their mission is to sustain the Jetty and its environment for all generations.

BJI is obligated to provide funds for the preservation and maintenance of the Busselton Jetty from their operations under a licence agreement with the City (Licence). The Licence stipulates the terms under which BJI was granted the right to conduct certain commercial activities at the Busselton Jetty (Licenced Activities) in consideration for payment of an annual licence fee. The fee is 25% of annual gross revenue that BJI generate, with certain exclusions. The Licence also defines maintenance obligations. The initial term of the Licence expires in 2038, with BJI having an option to extend the initial term for 3 further terms of 7 years each.

In 2019, BJI was successful in obtaining \$13m in Federal Government funding to develop an Australian Underwater Discovery Centre (AUDC), at the end of the Jetty. With rising construction costs, BJI sought State and Local Government assistance towards the project. In 2021 the State Government announced a contribution of \$9.5m (funding previously allocated the Busselton Margaret River Airport new terminal).

In late 2021, BJI completed detailed designs and received cost estimates which were some \$25m over budget. Unable to secure the additional budget, BJI rescope the project to meet a \$26m budget and redeveloped their business case for the construction of the following:

- A Marine Discovery Centre;
- Underwater viewing from a glass bottom submarine;
- An exhibition space for travelling displays;
- Twelve underwater sculptures (since installed);
- Access platforms and ladders for divers, snorkellers and swimmers;
- Visitor showers and change room facilities;
- A new platform at the end of the Jetty for boats to park;
- A food and beverage village;
- Three new marine themed electric vehicles to transport visitors;
- Upgrades to the end of the Jetty for power, water, sewer, fire and fibre optics to future; and
- Proof facilities and ensure the main utilities are ready for installation of the AUDC.

At the ordinary meeting of Council on 11 May 2022, the Council resolved (C2205/099) to support the redesigned project and authorised the CEO to negotiate and enter into a legal agreement for the delivery of the project based on terms and conditions linked to the construction, and subject to obtaining all relevant approvals. The licence fee structure was to be primarily based on the same percentage of gross revenue (25%) as the existing licence fee for the Licence.

In June 2022 BJI entered a contract with Perkins Builders to deliver the main infrastructure components of the revised project, renamed the Busselton Village and Marine Discovery Centre Project (BVMDC). At this stage, the final design requirements had not been established. Subsequent engineering specifications determined that the portion of the Jetty required for construction (section 10) would need to be raised to accommodate a 'sacrificial' design for the Village. Cost, structural certification, design and timing implications led to BJI terminating the contract with Perkins Builders in February 2023.

Since this time the City has been working with BJI on various revisions of the project, which has largely been driven by the requirement to acquit the federal funding component by what was initially June 2023. To ensure continued project delivery post 30 June 2023 the federal government indicated support to transfer the unspent balance of their funding (\$7,447,702) to the state via the agency of DPIRD, subject to a supported business case. DPIRD have since established a Project

Control Group (PCG) to oversee further rescoping of the project to ensure it aligns with the original purpose and outcomes.

On 13 December 2023, Council resolved (2312/206) to enter into a lease and licence with BJI for a portion of the Ballarat Room, in Railway House to temporarily accommodate the MDC element of the project. The interactive software and hardware had already been developed and this gave BJI a location in which to install and to operate the MDC whilst a permanent solution was progressed. The term of that lease is two years with an option exercisable by the City of a further two years.

The proposed Marine Discovery Building, if funded, will be the permanent home for the MDC.

## **OFFICER COMMENT**

### **Marine Discovery Building overview**

The concept design for the MDB (attachment 1) is a preliminary draft and subject to change based on detailed design and further costings, should the project receive sufficient funding to proceed. The design is a three-storey structure, the ground floor will house a reception/ticket sale area, a kiosk, office space, and the Jetty Museum/Exhibition area which will take up the majority of the ground floor space. The first floor will have the MDC, a theatre/VR Room and Enviro/Schools Space. The concept for the second floor is a marine themed mini golf space, a roof top function/event area and a bar. The outside of the building will have a decorative screen which will give the suggestion of bubbles under the sea. The business case developed by BJI shows the facility will generate a profit which can provide a return to the Jetty Maintenance Reserve. Goals from the development are to:

- Increase transfers into the Jetty Maintenance Reserve to cover the future maintenance of the Jetty and reduce reliance on ratepayer funds.
- Offer an alternative indoor experience on the foreshore, accessible all year round.
- Support the sustainability of BJI's operations.

A detailed business case has been developed by BJI for the MDB, this is being independently reviewed and refined for the funding submission.

The proposed MDB is also expected to meet the following community and visitor needs:

- Increase customer experiences at the Busselton Foreshore, catering for locals and visitors;
- Increase tourism offerings in the region, providing a permanent site for the MDC;
- Increase revenue for contribution to the Jetty Maintenance Reserve;
- Increase availability of family-friendly "all-weather" activities;
- Meet demand for eco-tourism activities;
- Educate the public on the importance of clean oceans;
- Provide a shorter experience for visitors who have insufficient time for a return train ride;
- Mitigate income risks from bad weather impacts when the UWO cannot be accessed;
- Overcome capacity issues associated with the UWO; and
- Allow BJI to package up a number of experiences to sell online, targeting international high yield travellers.

## **Lease considerations**

The key provisions of the proposed lease with BJI will be worked through between the parties on receipt of the independent review of the business case. Noting the primary goal of the development of this asset is to generate increased transfers from BJI's revenues into the JMR, it is therefore imperative that the agreed rent fully covers the cost of maintenance and insurance of the new asset (the MDB) and provides a meaningful contribution to the JMR. The draft business case supports this objective.

### **Term**

The Reserve purpose of Lot 501 is "Recreation and Community." The City has management of the Reserve with power to lease (consistent with the reserve purpose) for any period not exceeding 21 years and subject to the prior approval of the Minister for Lands. A term of 21 years would be considered suitable.

### **Tenure**

Exclusivity in the form of a lease would be granted over the entirety of Lot 501, as shown on the plan in attachment 2.

### **Building fit-out and maintenance**

BJI will be responsible for the fit out of the building and the maintenance of all internal components within the leased area. All costs to maintain and insure the building and its surrounds will be passed through to BJI.

### **Services and Cleaning costs**

All utility costs will be paid by BJI including power, water and telecommunications. BJI will be responsible for cleaning of the internal building. External cleaning of the building will be organised by the City and the costs passed through to BJI.

### **Rent**

The driver for the MDB is to increase visitation and therefore the percentage of income generated from the activity being paid into the Jetty Maintenance Reserve (JMR) under the Jetty Licence Agreement. Due to the complexities of administering the current Licence, both parties have agreed a flat annual rent is preferable. It has proposed that the rental amount will be derived from the finalised business case and include the cost to maintain and insure the new MDB asset and provide for a return to the JMR that is equivalent to 25% of annual gross revenue.

## **Statutory Environment**

### **Local Government Act 1995**

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirements of section 3.58 of the Local Government Act 1995 (the Act). However under regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 disposition of local government property to incorporated bodies with objects of benevolent, cultural, educational or similar nature are exempt from the advertising and tender requirements of the Act.

## **Land Administration Act 1997**

Lot 501 is located on Reserve 38558 and managed by the City under a Management Order with power to lease or licence for purposes consistent with the designated purpose of 'Recreation and Community' for periods up to 42 years, subject to the consent of the Minister for Lands. Formal approval under section 18 of the Land Administration Act must be obtained from the Department of Planning Lands and Heritage (DPLH) to the form of lease/licence. City officers have sought informal, officer level, support for the proposition from the DPLH which has raised no issues.

### **Relevant Plans and Policies**

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

Plan:

Busselton Foreshore Masterplan

Policy:

Asset maintenance policy

The City's asset maintenance policy has been used to forecast building maintenance costs in the draft business case.

### **Financial Implications**

#### **Existing Licence Fee (Jetty based activities)**

The licence fee payable by BJI pursuant to the existing Busselton Jetty Licence (generated from entrance fees, operation of the Jetty train, the UWO and the Interpretive Centre) is based on payment of 25% of BJI's gross revenue, payable in biannual instalments into the Jetty Maintenance Reserve (JMR).

Currently the amount required to be placed into the JMR to meet the cost of asset replacement and annual maintenance of the Jetty exceeds the amount generated from foreshore commercial rents and the 25% of gross profit contributed by BJI. The shortfall to the JMR is made up of municipal funds. For the period ended 30 June 2022 and 2023 the following contributions were required to meet that shortfall:

- Financial year 2021/2022 - \$452,304
- Financial year 2022/2023 - \$343,064

It is expected the MDB will generate sufficient revenue to help reduce the amounts contributed to the JMR each year from ratepayers.

### **External Stakeholder Consultation**

BJI had previously undertaken extensive public and stakeholder consultation in relation to the various versions of the AUDC and Village Project. This has included articles in the City's Bay to Bay publication, customer surveys, social media, local and Statewide newspapers and other publications. The response (for a facility on the Jetty) has been largely well received.

Whilst previous consultation has informed the concept for the on-shore MDB there has been no specific community engagement for the MDB concept to avoid raising expectations should the project not be funded to progress.

The proposed building concept has been discussed with the other foreshore commercial operators who have not raised specific objections but are concerned about the increasing demand for parking on the foreshore and disruptions during construction.

The PGC is the current forum for State agency stakeholder consultation and is ongoing.

**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 not provide in principle support for a lease for the Marine Discovery Building to BJI; or
2. Require different or other terms and conditions to be considered.

**CONCLUSION**

The use of Lot 501 on the corner of Jetty Way and Foreshore Parade provides an ideal location for a permanent home for the Marine Discovery Centre and other marine experiences which relate to the Jetty and Geographe Bay. Use of this land for the MDB operated by BJI is in keeping with the site’s designated purpose of ‘Recreation and Community’.

The draft business case developed by BJI has demonstrated operating the building for its design purpose will support increase transfers into the Jetty Maintenance Reserve to help cover the future maintenance of the Jetty and reduce reliance on the ratepayer. The MDB will also offer an alternative indoor experience on the foreshore which will be accessible all year round and support the sustainability of BJI’s operations.

The Council are requested to give in principle support for the MDC concept and a lease with BJI to operate the proposed Marine Discovery Building on Lot 501, Reserve 38558 Jetty Way. The Council’s support of the concept and tenure arrangements are necessary for the business case to the state and federal government and a decision to approve the funding of the project to progress to detailed design and construction.

**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
Submission of the Council’s decision to the Project Control Group	By 20 May 2024



#### **14. CORPORATE STRATEGY AND PERFORMANCE REPORTS**

NIL

## 15. CHIEF EXECUTIVE OFFICER REPORTS

### 15.1. Elected Member Information Bulletin

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Executive Assistant to Council - Katie Banks
<b>Authorised By:</b>	Chief Executive Officer - Tony Nottle
<b>Nature of Decision:</b>	Noting: The item is simply for information purposes and noting.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Council Tender Report - April 2024 [<b>15.1.1</b> - 1 page]</li> <li>2. SAT Reviews Update - April 2024 [<b>15.1.2</b> - 2 pages]</li> <li>3. Resolution Status Update as at 2 May 2024 [<b>15.1.3</b> - 44 pages]</li> <li>4. Civil Litigation Update - April 2024 [<b>15.1.4</b> - 1 page]</li> <li>5. Letter from Hon David Templeman MLA [<b>15.1.5</b> - 3 pages]</li> <li>6. Letter to Minister Hon Chris Bowen MP [<b>15.1.6</b> - 1 page]</li> </ol>

The officer recommendation was moved and carried.

#### COUNCIL DECISION

**C2405/142** Moved Cr Mikayla Love, seconded Cr Jarrod Kennedy

**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
- Civil Litigation Update
- Correspondence from Hon David Templeman MLA Minister for Culture and the Arts; Sport and Recreation; International Education; Heritage
- Correspondence to Hon Chris Bowen MP Minister for Climate Change and Energy

*\*Shall not be in any way read that the Council endorses or supports or agrees with the matter being 'noted'. In addition, this 'noting' form of communication does not excuse any party from any obligation or responsibility in relation to the matter/s being 'noted'. It is simply a recognition that the CEO has authorised the placing of the information (being 'noted') on the public Council agenda (as opposed to other media or not at all).*

**CARRIED 8 / 1**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Cr Andrew Macnish**

**EN BLOC**

**OFFICER RECOMMENDATION**

That the items from the Councillors Information Bulletin be noted\*:

- Minutes of Committee Meetings
- Minor Donations Program
- Current Active Tenders
- State Administrative Tribunal Reviews Update
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**EXECUTIVE SUMMARY**

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

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

**INFORMATION BULLETIN**

**Minutes of Committee Meetings**

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

<b>Committee</b>	<b>Meeting Date</b>	<b>Minutes</b>
Airport Advisory Committee	3 April 2024	<a href="#">Minutes</a>
CEO Performance Review Committee	17 April 2024	<a href="#">Minutes</a>

**Minor Donations Program – April 2024**

The Minor Donations Program is currently on hold and scheduled for review. Therefore, no applications were approved in April.

### **Current Active Tenders**

The Tender update for April is provided at Attachment 1.

### **State Administrative Tribunal Reviews Update**

The Current State Administrative Tribunal Reviews is at Attachment 2

### **Council Resolution Status Update**

The Council Resolution Status update is at Attachment 3

### **Civil Litigation Update**

The Civil Litigation Update is at Attachment 4.

### **Correspondence from Hon David Templeman MLA Minister for Culture and the Arts; Sport and Recreation; International Education; Heritage**

Correspondence from Hon David Templeman MLA regarding the motorsport industry in Western Australia is provided at Attachment 5.

### **Correspondence to Hon Chris Bowen MP Minister for Climate Change and Energy**

Correspondence to Hon Chris Bowen MP Minister for Climate Change and Energy regarding the proposed Offshore Wind Area in the Indian Ocean off Bunbury at Attachment 6.

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

### 16.1. Review of Dog Management Control - Cr Anne Ryan

Cr Anne Ryan, having given notice, moved the below motion.

The motion was carried.

#### **COUNCIL DECISION**

**C2405/143** Moved Cr Anne Ryan, seconded Cr Jodie Richards

**That the Council requests the CEO:**

- 1. Undertake a comprehensive review of the current Dog Management Controls to be presented to Council by or before September 2024 which includes the following:**
  - a. City wide consultation in relation to the current dog management controls; and**
  - b. Assessment of feasibility of seasonal dog exercise areas.**

**CARRIED 9 / 0**

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil**

#### **NOTICE OF MOTION**

Cr Anne Ryan has given notice that at the meeting on 15 May 2024, she will move the above motion.

#### **REASONS**

Councillors receive many complaints in relation to dogs. The majority of dog owners are responsible and adhere to the rules and have well behaved dogs; some however flout the local laws and have unruly/uncontrolled animals and are of the belief that everyone should love their dog.

Defecating on beaches, dogs on beaches that are not dog beaches, lack of signage, lack of rangers to police the rules, dogs belonging to visitors (in peak periods) and more are all complaints from the public.

The last review which was done was in 2015 and we have now grown substantially. Are these Local Laws working for us? Do we need to make changes in certain areas. What's working and what isn't. This is something for the community to articulate and this Motion seeks to garner information from residents and ratepayers of the issues emanating from dogs.

In conjunction with the Peak Periods Policy Resolution, and a presentation recently in relation to dogs, this NoM seeks to explore the matter further.

## **OFFICER COMMENT**

It is acknowledged that a review of the City's dog management controls is due.

As such, Officers support the proposed action of undertaking a comprehensive review of the City's current dog management controls, including an assessment of the feasibility and need of seasonal dog exercise areas with a report presented to the Council by September 2024.

Outcomes from this review, particularly in relation to management of current seasonal changes can be incorporated when workshopping with the Council the peak period issues and subsequent potential possible mitigation strategies that could be implemented to address identified community concerns.

**17. URGENT BUSINESS**

Nil

**18. CONFIDENTIAL MATTERS**

Nil

**19. CLOSURE**

The Presiding Member closed the meeting at 7:49pm.

**These minutes for the Ordinary Council Meeting 15 May 2024 were confirmed as a true and correct record on**

**Date:**

19/5/24

**Presiding Member:**

