

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL
HELD ON 24 OCTOBER 2012

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CITY OF BUSSELTON**MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON WEDNESDAY, 24 OCTOBER 2012 AT 5:30 PM.****1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

The Presiding Member opened the meeting at 5.32 p.m.

2. ATTENDANCE

Presiding Member:	Cr Ian Stubbs	Mayor
Members:	Cr Tom Tuffin	
	Cr John McCallum	From 5.33pm
	Cr David Reid	
	Cr Jenny Green	
	Cr Gordon Bleechmore	
	Cr Terry Best	
	Cr Coralie Tarbotton	
	Cr Grant Henley	
	Mr Mike Archer	Chief Executive Officer
	Mr Matthew Smith	Director, Finance & Corporate Services
	Mr Paul Needham	Director, Planning & Development Services
	Mr Oliver Darby	Director, Engineering & Works Services
	Ms Jennifer May	Manager, Commercial Services
	Miss Lynley Rich	Manager, Governance Services
	Miss Katie Wallace	Administration Officer, Governance
Apologies:	Mrs Naomi Searle	Director, Community & Commercial Services
Leave of Absence:	Cr David Binks	
Media:	"Busselton-Dunsborough Times"	
	"Busselton-Dunsborough Mail"	
Public:	9	

5.33pm At this time Councillor McCallum entered the meeting.

3. PRAYER

The Prayer was delivered by Reverend Wayne Warfield from St Mary's Anglican Church.

4. PUBLIC QUESTION TIME

Nil

4.1 Response to Previous Questions Taken on Notice

Nil

4.2 Public Question Time

Nil

5. ANNOUNCEMENTS WITHOUT DISCUSSION**5.1 Announcements by the Presiding Member****Mayor and Deputy Mayor's Absence**

Both myself and the Deputy Mayor, Cr Tuffin, will be absent for the period 27th October to 11th November inclusive to participate in the visit to our Japanese Sister City, Sugito. It was indicated last week that Cr Bleechmore would perform the role of Mayor and Councillor Henley would perform the role of Deputy Mayor. In order for Cr Bleechmore to be able to formally perform this role, such as for signing and sealing purposes, a Council decision is required in accordance with Section 5.35 of the Local Government Act 1995.

COUNCIL DECISION

C1210/288 Moved Councillor Reid, seconded Councillor Tuffin:

That the Council appoints Councillor Gordon Bleechmore to perform the functions of the Mayor and Councillor Gant Henley to perform the functions of Deputy Mayor during the period 27th October 2012 until 11th November 2012.

CARRIED 9/0

Councillor's Resignation

Debra Kurmann has tendered her resignation from the office of Councillor leaving the City of Busselton with 10 of 11 Councillors. This resignation is very saddening, however, we understand her circumstances.

A report will be presented to Council at the 14 November meeting with three possible options for Council consideration, to leave that position vacant, conduct an election, or leave the position vacant and proceed with a proposal to formally reduce the number of elected members to 10. An effort

will be made to arrange a farewell for Debra and thank her for her efforts and commitment to Council.

5.2 Announcements by other Members at the Invitation of the Presiding Member

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PRESENTATIONS

7.1 Petitions

Council received a Petition from the residents of the St George Complex, number 6 Atlanta Elbow Dunsborough containing 7 signatures which states:

"The residents of the St George Complex, number 6 Atlanta Elbow Dunsborough, object to the Telecommunications Infrastructure – Mobile Telephone Base Station being erected 800 metres from our doorstep. The reason for the objection relates to adverse health effects that these towers have."

COUNCIL DECISION

C1210/289 Moved Councillor Henley, seconded Councillor Bleechmore:

That the Petition be received.

CARRIED 9/0

7.2 Presentations by Parties with an Interest

Nil

8. DISCLOSURE OF INTERESTS

The Chief Executive Officer disclosed a financial interest in Item 17.1.

9. CONFIRMATION AND RECEIPT OF MINUTES

ORDINARY MEETING OF COUNCIL

9.1 Minutes of an Ordinary Meeting of Council held on 10 October 2012.

C1210/290 Moved Councillor Best, seconded Councillor Tarbotton:

That the minutes of an Ordinary Meeting of Council held on 10 October 2012 be confirmed as a true and correct record.

CARRIED 9/0

COMMITTEE MEETINGS

9.2 Minutes of a Meeting of the Finance Committee held on 4 October 2012.

C1210/291 Moved Councillor Bleechmore, seconded Councillor Green:

1. That the Council minutes from the Finance Committee meeting held on 4 October 2012 be received.
2. That the Council notes the outcomes from the Finance Committee meeting held on 4 October 2012 being:
 - a) The Committee noted the Information Bulletin – August 2012.
 - b) The Financial Activity Statements – Period Ending 31 August 2012 Item is presented for Council consideration at Item 10.1 of this agenda.
 - c) The List of Payments Made – August 2012 Item is presented for Council consideration at Item 10.2 of this agenda.
 - d) The Proposed Budget Amendment – Fire Tender Insurance Settlement Item is presented for Council consideration at Item 10.3 of this agenda.
 - e) The Petition – Provence Subdivision Rating 2012/13 Item is presented for Council consideration at Item 10.4 if this agenda.
 - f) The Proposed Budget Amendment – Rio Tinto Funding Agreement Item is presented for Council consideration at Item 10.5 of this agenda.
 - g) The Proposed Budget Amendment – Waste Management Item is presented for Council consideration at Item 10.6 of this agenda.
 - h) The Manager, Finance and Information Technology presented a Financial Model of a Loan Schedule which demonstrated the Rating Impact on a \$20M Loan Facility for the Refurbishment of the City Administration Building.

CARRIED 9/0

ADOPTION BY EXCEPTION RESOLUTION

At this juncture Items 10.1, 10.2, 10.4, 11.1, 13.1 and 15.2 were considered in accordance with Clause 5.6 (2) of the Standing Orders via an Adoption by Exception resolution of Council.

C1210/292 Moved Councillor Henley, seconded Councillor Tarbotton:

That the Committee Recommendations for Items 10.1, 10.2 and 10.4 and Officer Recommendations for Items 11.1, 13.1 and 15.2 be adopted.

CARRIED 9/0
EN BLOC

10.1 FINANCE COMMITTEE RECOMMENDATION - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 AUGUST 2012

SUBJECT INDEX:	Financial Operations
STRATEGIC PRIORITY:	Manage the City's resources to provide optimum benefit to the community
BUSINESS UNIT:	Finance
SERVICE:	Financial management and control
REPORTING OFFICER:	Manager, Finance & Information Technology - Darren Whitby
AUTHORISING OFFICER:	Acting Chief Executive Officer – Matthew Smith
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Financial Activity Statements – Period ending 31 August 2012

This item was considered at the Finance Committee meeting held on 4 October, 2012, the outcomes from which require Council Consideration. The Committee Recommendation is included in this report.

PRÉCIS

A local government is to prepare, on a monthly basis, a statement of financial activity that reports on the City's financial performance in relation to its adopted/ amended budget. The report is to include details of budget estimates and financial performance against those estimates to the end of the month to which the statement relates, is to disclose any material variances identified as a result of the above, and is also required to detail the net current asset position for the reporting period.

This report has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations and also to provide the Council with an overview of the City's financial performance on a year to date basis for the period ending 31 August 2012.

BACKGROUND

The Local Government (Financial Management) Regulations detail the form and manner in which financial activity statements are to be presented to the Council. Financial activity statements are to be presented on a monthly basis and are to include the following:

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

- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 23 July 2012, the Council adopted (C1207/187) the following material variance reporting threshold for the 2012/13 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 2012/13 financial year to comprise 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 on a quarterly basis.

CONSULTATION

Not applicable.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This matter aligns with the Council's Strategic Plan 2010-2020 and principally the following Strategic Priority:

- *Organisational Well Being*
Manage the City's resources to provide optimum benefit to the community.

OFFICER COMMENT

In order to fulfil statutory reporting requirements, the following reports are attached:

▶ Statement of Financial Activity

This report provides details of the City's operating revenues and expenditures on a year to date basis, by nature and type (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.

▶ Net Current Position

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 Report

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

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

In addition to the above, the following reports provide further information considered of relevance:

▶ Reserve Movements Report

This report provides summary details of transfers to and from reserve funds, and also associated interest earnings on reserve funds, on a financial year to date basis. An additional report further details the budgeted, and actual, transfers from reserves.

▶ Reserve Transfers to Municipal Fund

This report provides specific detail in respect of expenditures being funded from reserves.

A number of supplementary financial management reports are also provided as appropriate, to further assist the Council in reviewing the City's overall financial performance.

COMMENTS ON FINANCIAL ACTIVITY TO 31 AUGUST 2012

Operating Activity

- Operating Revenue

As at 31 August 2012, there is a variance of some - 0.2% in total operating revenue, with the following categories exceeding the 10% material variance threshold as at the reporting date:

Description	Variance
Operating Grants, Subsidies & Contributions	-73%
Other Revenue	+ 619%
Interest Earnings	-22%

The adverse variance in 'Operating grants, subsidies and contributions' is primarily due to the delay in receipt of the initial Financial Assistance Grants payment of approximately \$396K, albeit this is offset in part by earlier than expected ESL grant funding.

The favourable variance in 'Other Revenue' is primarily attributable to two factors, namely a claim for costs associated with the June 2011 storms (\$149K), and also the receipt of an insurance settlement payment for a fire truck destroyed in the recent Capel fires (\$91K). In respect of the storm claim, these funds are included in the budget, to notionally funds works associated with Geographe Bay Road Dunsborough. With regards to the insurance settlement, these funds have subsequently been remitted to FESA, and also the relevant volunteer bushfire brigade (in respect of ancillary items destroyed).

Finally, the current adverse variance in interest earnings is reflective of the lower interest rates being offered for deposit funds, coupled with a reduced level of funds presently available for investment.

- Operating Expenditure

As at 31 August 2012, there is a variance of some +0.5% in total operating expenditure, with the following categories exceeding the 10% material variance threshold as at the reporting date:

Description	Variance
Materials & Contracts	+ 12%
Other Expenditure	-29%
Allocations Transferred to Capital	-38%
Loss on Asset Disposals	-99%

Notwithstanding the overall nominal variance in this category, the 'Materials and Contracts' expenditure includes approximately \$1M in contractors and plant hire costs directly associated with the June 2012 storms. However, as this event was classified as a natural disaster, the City will be able to claim reimbursement of a reasonable component of these costs through FESA's WANDRRA relief fund.

Other than the above, the current variances are primarily due to timing differences only at this juncture.

Capital Activity

▪ Capital Revenue

As at 31 August 2012, there is a variance of some -5% in total capital revenue, with the following categories exceeding the 10% material variance threshold as at the reporting date.

Description	Variance
Proceeds from Sale of Assets	-99%

The adverse variance in 'Proceeds from Sale of Assets' is attributable to timing differences in the associated Plant and Equipment capital expenditure budget.

It is also worthy of noting that the reduction in the overall variance in this category, as compared to last month, is due to the reversal of a number of 'temporary' reserve transfers made to fund the City's operations pending the receipt of rates revenue.

▪ Capital Expenditure

As at 31 August 2012, there is a variance of some -24% in total capital expenditure, with the following categories exceeding the 10% material variance threshold as at the reporting date:

Description	Variance
Land and Buildings	+ 15%
Plant and Equipment	-91%
Furniture and Equipment	-73%
Infrastructure	-19%
Transfers to Restricted Assets	+ 269%

The attachments to this report include detailed listings of the following capital expenditure (project) items, to assist in reviewing specific variances:

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

At this early juncture in the financial year, the above variances are primarily attributable to timing differences. However, as part of the September quarterly report, an update on the progress of specific programs will be provided.

The favourable variance in 'Transfers to Restricted Assets' is primarily due to the receipt of additional contributions monies, which are initially recognised via the 'Non-operating grants, subsidies and contributions' operating revenue line item.

CONCLUSION

At this early stage of the financial year, the City's financial performance is considered satisfactory, with no specific adverse trends at this time (other than the storm damage expenditure). However over coming months, the performance in respect of a number of budget allocations will be closely monitored. These include, amongst others, interest earnings and employee costs, where adverse variances may become apparent as the financial year progresses.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

COUNCIL DECISION / COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

C1210/293 Moved Councillor Henley, seconded Councillor Tarbotton:

That the statutory financial reports for the period ending 31 August 2012 be received by the Council pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

**CARRIED 9/0
EN BLOC**

10.2 FINANCE COMMITTEE RECOMMENDATION - LIST OF PAYMENTS MADE - AUGUST 2012

SUBJECT INDEX:	Financial Operations
STRATEGIC PRIORITY:	Manage the City's resources to provide optimum benefit to the community
BUSINESS UNIT:	Finance
SERVICE:	Financial management and control
REPORTING OFFICER:	Manager, Finance & Information Technology – Darren Whitby
AUTHORISING OFFICER:	Acting Chief Executive Officer - Matthew Smith
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	List of Payments Made – August 2012

This item was considered at the Finance Committee meeting held on 4 October, 2012, the outcomes from which require Council Consideration. The Committee Recommendation is included in this report.

PRÉCIS

This report provides details of payments made from the City's bank accounts for the month of August 2012, for noting by the Council and recording in the Council Minutes.

BACKGROUND

The Local Government (Financial Management) Regulations, and more specifically Regulation 13, requires that when the Council has delegated authority to the Chief Executive Officer to make payments from the City's bank accounts, that a list of payments made is prepared each month for presentation to, and noting by, the Council.

CONSULTATION

Not applicable.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Where applicable, payments are made in accordance with relevant Council policies.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

OFFICER COMMENT

Not applicable.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

COUNCIL DECISION / COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

C1210/294 Moved Councillor Henley, scended Councillor Tarbotton:

That voucher numbers M104195 – M104395, EF021736 – EF023254, T006752 – T006760 and DD001765 – DD001783, together totalling \$6,285,494.29 be noted.

CARRIED 9/0
EN BLOC

10.4 FINANCE COMMITTEE RECOMMENDATION – PETITION – PROVENCE
SUBDIVISION RATING 2012/13

SUBJECT INDEX:	Rating Operations
STRATEGIC INITIATIVE:	Manage the City's resources to provide optimum benefit to the community
BUSINESS UNIT:	Finance and Information Technology
SERVICE:	Rating Services
REPORTING OFFICER:	Manager, Finance & Information Technology – Darren Whitby
AUTHORISING OFFICER:	Acting Chief Executive Officer – Matthew Smith
DATE OF COMPLETION:	Not applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Nil

This item was considered at the Finance Committee meeting held on 4 October, 2012, the outcomes from which require Council Consideration. The Committee Recommendation is included in this report.

PRÉCIS

As part of the 5th September 2012 Community Access Session, a petition was presented to the Council, relating to the increase in rates levied on properties within the Provence subdivision in 2012/13. At its meeting of 12th September 2012, the Council endorsed (C1209/248) that the petition be received and that the matter be referred to the Chief Executive Officer for a report to be presented to the Council for further consideration.

This report addresses the aforementioned resolution.

BACKGROUND

As part of its 28th March 2012 meeting, the Council was requested to endorse a change in the method of valuation for properties comprised with the Provence and (balance of) Birchfields subdivisions. The subject properties were being rated on an unimproved value (UV) basis, rather than on a gross rental valuation (GRV) basis. For the purposes of rating, and in accord with Section 6.28 of the Local Government Act ('the Act') a local government is to have regard for the predominant use of the land when determining its method of valuation. Where the land is used predominantly for rural purposes, it should be rated on a UV basis and where used predominantly for non-rural purposes, on a GRV basis.

As development has occurred over time, the City has made adjustments to the method of valuation of land, in line with the above methodology. This last occurred in 2007, when the Minister approved the Council's request to amend the method of valuation for the Abbey Waters, Old Broadwater Farm, and the majority of the Birchfields subdivisions, to a GRV basis.

Cognisant of the above, and to ensure the effective comparison of 'like' properties for the purpose of rating, whilst also promoting fairness, equity and consistency in the rating burden, it was appropriate to seek the Minister's approval to a change in the method of valuation for the balance of the Birchfields subdivision and also the Provence subdivision.

At its meeting of 28th March 2012, the Council endorsed (C1203/065) to seek Ministerial approval to have the method of valuation amended for the Provence and (balance of) Birchfields subdivisions to a GRV basis, effective from 1st July 2012. This request was subsequently approved by the Minister, and formally gazetted on 1st June 2012.

As the subject petition only relates to the Provence subdivision, the remainder of this report will, unless specifically identified otherwise, only refer to that locality.

CONSULTATION

There is no requirement under the provisions of the Act for consultation to occur with impacted landowners in relation to a change in the method of valuation. However, as part of the Council's determination, if the Minister's approval to the change in the method of valuation was forthcoming, an explanatory letter was to be issued to affected ratepayers in advance of the issue of 2012/13 rate notices.

Consequent to advice of the Minister's approval, an explanatory letter was issued to all affected ratepayers on 29th June 2012. In addition to providing the reasoning for the change in the method of valuation, the letter advised that, particularly in respect of improved properties, an increase in rates was anticipated, albeit in the absence of actual valuations, this could not be accurately determined. However, with the overall average residential rates levied in 2011/12 being some \$330 higher than that levied for the majority of properties in Provence, this at least provided an indicative estimation of the increase.

STATUTORY ENVIRONMENT

Pursuant to Section 6.28 of the Act, the Minister is to determine the method of valuation of land to be used by a local government as the basis of a rate. Subsection (2) of this Section states:

- (2) In determining the method of valuation of land to be used by a local government, the Minister is to have regard to the general principle that the basis for a rate on any land is to be -
 - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.

POLICY IMPLICATIONS

The change in the method of valuation for properties within the Provence subdivision is in accord with the Council’s Rating Policy (236), which states that land used predominantly for non-rural purposes is to be rated on the basis of a gross rental valuation.

FINANCIAL IMPLICATIONS

Cognisant of budget development timelines, coupled with the need to advertise differential rates in the dollar and associated minimum payments for 21 days prior to budget adoption, the Council’s 2012/13 draft annual budget included a projection for the additional rates to be levied from the proposed change in the method of valuation. This value subsequently formed part of the overall rates revenue to be levied from the residential gross rental value zone groups, thereby informing the associated rates in the dollar.

STRATEGIC IMPLICATIONS

This matter predominantly aligns with Strategic Priority 10 of the Council’s Strategic Plan 2010-2020, which includes the “development of a more user-based rating system”.

OFFICER COMMENT

As detailed in the original report relating to this matter, it was acknowledged that the change in the method of valuation would result in general rate increases for many of the subject properties, and more specifically those where residences had been constructed. Notwithstanding this however, the proposed amendment, if approved, would ensure that the subject properties were now being rated on an equivalent basis to other properties within the City.

In this regard, it is important to note that prior to 2012/13, and due to the prevailing method of valuation, most, if not all, of the improved properties within this subdivision were paying minimum rates, and in 2011/12, this equated to some 24% (or \$280) less than the overall average improved residential rates across the City.

In respect of the 2012/13 financial year, the following provides some level of context as to the impact of the change in the method of valuation on properties within the Provence subdivision:

Average Rates (excluding specified area rates)

	Average Rates		Variance	
	Provence	City	\$	%
Residential – Improved	\$1,301	\$1,242	\$59	4.75%

Residential – Vacant Land	\$910	\$1,156	-\$246	-21.28%
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As detailed above, the average rates levied for improved residential properties in Provence is only \$59 more than the average across the overall City. This is primarily due to the higher comparative GRV for properties within the subdivision, which is some 5% higher than the overall City average. With respect to the vacant land within the subdivision, all 215 lots are on the minimum payment of \$910, some \$246 less than the overall City average.

Breakdown of General Rates Levied (excluding specified area rates)

Value of Rates Levied	No. of Properties	%age of Total Properties
Residential - Improved		
> \$1,600	2	0.5%
> \$1,500	6	1.5%
> \$1,400	38	9.6%
> \$1,300	121	30.6%
> \$1,200	196	49.4%
> \$1,100	32	8.1%
> \$1,000	1	0.3%
TOTAL	396	100%

The above table details the number and percentage of improved residential properties within the Provence subdivision, based on the general rates levied in 2012/13. Of the 396 properties, 88% have been levied general rates of less than \$1,400. With regards to vacant land, all 215 parcels were levied the minimum payment of \$910 in 2012/13.

Comparison with Neighbouring Local Governments General Rates

Based on the average GRV for improved properties within the Provence subdivision (\$16,167), a comparative was undertaken as to the value of general rates that would be levied by a number of neighbouring Councils, comprising the Shire of Augusta- Margaret River, the Shire of Capel, the Shire of Dardanup and the City of Bunbury. The rates levied by the City of Busselton (\$1,301) were the second lowest of the five. Whilst approximately \$283 higher than the lowest value, the City of Busselton rates were some \$270 lower than the highest value. Consequently, and on average, the general rates levied for improved properties within the Provence subdivision are reasonable when compared to those of neighbouring local government authorities.

Provence Specified Area Rate (SAR)

Whilst the above data has been based on general rates, properties within the Provence subdivision are also subject to an SAR. At its meeting of 11th June 2008, the Council approved (C0806/172) the establishment of the SAR, effective from 1st July 2008. The purpose of the reserve, established for

holding SAR funds, is for the maintenance of the approved higher standard of landscaping within the Provence subdivision in accordance with Council Policy 185/3, including future capital replacement of landscaping structures as may be required. In terms of the Council's 2012/13 adopted budget, approximately \$80K is proposed to be raised in SAR funds this year, as compared to approximately \$78K in 2011/12. Whilst the value of SAR funds to be raised in 2012/13 is consistent with the Council's general rate increase, the distribution of the SAR burden has shifted toward improved residential properties in 2012/13. The reason for this relates to the removal of the previous minimum and maximum payments in relation to the SAR, with the burden now directly aligning with each property's valuation.

Based on a random sample of improved residential properties, the SAR has increased by about \$50-\$60 in 2012/13. Conversely, the SAR has reduced by about \$100 within a random sample of vacant land properties.

Other Levies and Charges

Whilst the introduction of the Waste Disposal Charge, coupled with indexed increases to the rubbish and recycling collection charges, and also the Emergency Services Levy, have also impacted on the overall increase in the rates bills applicable to ratepayers within Provence, these levies and charges have been applied to all ratepayers within the City; as applicable.

CONCLUSION

Whilst recognising the change in the method of valuation for properties within the Provence subdivision would result in an increase in general rates, and particularly in respect of improved residential properties, it must also be acknowledged that, prior to 2012/13, there was inconsistency in the rating burden, whereby (particularly) improved properties were being rated comparatively lower than other 'like' properties within the district. The change in the method of valuation has now removed this inconsistency.

Whilst also accepting that the burden for the Provence SAR has shifted to improved properties within the subdivision, the budgeted SAR funds to be levied in 2012/13 represents an increase of only 3% on that budgeted to be levied in 2011/12. Consequently, the (internal) SAR burden is now being driven entirely based on each property's GRV, in the same way as general rates are.

Option

The Council may consider a number of options in respect of this matter. However, any determination to lessen the general rating impact on (particularly) improved properties within the Provence subdivision could be considered as contrary to the Council's Rating Policy, whilst also maintaining the previous inequity within the City's overall rating burden.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

OFFICER RECOMMENDATION

That the Council notes this report in response to the Petition received from ratepayers within the Provence subdivision.

Note: The Committee felt it was important that the petitioners be notified of the response to the Petition received.

COUNCIL DECISION / COMMITTEE RECOMMENDATION

C1210/295 Moved Councillor Henley, seconded Councillor Tarbotton:

That the Council notes this report in response to the Petition received from ratepayers within the Provence subdivision and the petitioners be advised accordingly.

CARRIED 9/0
EN BLOC

11.1 AMENDMENT 172 - REZONING LOTS 63-64 AND 86-87 CORNER BUSSELL HIGHWAY AND HIGH STREET, WEST BUSSELTON FROM 'RESIDENTIAL R30' TO 'RESIDENTIAL R40' WITH ADDITIONAL USE (NO. 78 FOR LIMITED COMMERCIAL USES) AND SPECIAL PROVISIONS (NO. 52) - CONSIDERATION OF ADOPTION FOR FINAL APPROVAL

SUBJECT INDEX:	Town Planning Schemes and Amendments
APPLICATION NUMBER:	AMD20/172
STRATEGIC INITIATIVE:	8: Provide appropriate planning and regulatory measures to ensure orderly and acceptable development of the district.
BUSINESS UNIT:	Development Services
SERVICE:	Strategic Planning
REPORTING OFFICER:	Strategic Land Use Planner – Dane Gaunt
AUTHORISING OFFICER:	Director, Planning and Development Services – Paul Needham
DATE OF COMPLETION:	24 November 2012
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	An amendment to the town planning scheme to enable: <ul style="list-style-type: none">* The recoding of the subject site from Residential R30 to Residential R40.* The development of a limited range of commercial uses.* The introduction of specific development standards for the subject site.
LOT SIZE:	Lot 64 – 1287m ² Lot 63 – 1077m ² Lot 86 – 1213m ² Lot 87 – 859m ²
ZONE:	Residential R30
POLICIES:	<ol style="list-style-type: none">1. <i>WAPC Regional Strategy: SW Framework</i>2. <i>State Planning Policy No. 3 Urban Growth and Settlement/Liveable Neighbourhoods</i>3. <i>Residential Design Codes</i>4. <i>Local Planning Strategy and Scheme Review</i>5. <i>Local Commercial Planning Strategy</i>6. <i>Local Planning Policy 2C Traffic Assessments</i>
ATTACHMENT(S):	A. Location Plan B. Site Aerial C. Scheme Amendment Map D. Schedule of Submissions

PRÉCIS

The Council is asked to consider adopting Amendment 172 to District Town Planning Scheme No. 20 for final approval. The amendment proposes to recode the subject site from Residential R30 to Residential R40 with additional use and special provisions. The amendment does not seek to allow 'Takeaway Food Outlet' within/from the site which was previously proposed and subsequently withdrawn by the proponent for various reasons.

The intent of the proposal is to facilitate the development of a range of generally commercial land uses not otherwise permissible on the subject site and provide for development for residential purposes at an R40 residential density.

The site exhibits favourable attributes for mixed use development including medium density housing to an R40 density. The site was identified in the Shire's Local Commercial Planning Strategy, as adopted by Council, as a transition zone between the existing 'Restricted Business Zone' along Bussell Highway and the residential area to the west.

The proposal was advertised for a period of 42 days and received three submissions from government agencies and seven submissions from the public including adjoining landowners.

Officers recommend that the Council notes the submissions and adopts Amendment No. 172 for final approval unchanged following advertising pursuant to Part V of the Planning and Development Act.

PROPOSAL / BACKGROUND

At its meeting of 14 December 2011, the Council resolved (C1112/388) to initiate a town planning scheme amendment to –

- (i) Recode lots 64, 63 and 86 Bussell Highway; and lot 87 High Street from 'Residential R30' to 'Residential R40';
- (ii) Amend Schedule 4 – Additional Uses to include a number of 'AA' land uses consistent with the transitional nature of the site, in addition to the underlying residential zoning of the land.
- (iii) Amend Schedule 7 – Special Provisions to include a number of special provisions for the subject site addressing various design objectives for any future development on the subject land.

Following the Council's resolution to initiate the amendment the proposal was forwarded to the EPA and it was deemed that formal environmental assessment was not required.

Prior to the proposal being advertised for community consultation, the applicant and proponents requested the inclusion of 'Takeaway Food Outlet'

as a permissible use. The Council resolved to support this change, however, prior to advertising the proposal, the decision to allow the 'Takeaway Food Outlet' component was revoked by the Council at the request of the proponent. As a result the proposal being considered is consistent with the Councils original decision to initiate the amendment dated 14 December 2011.

Attachments A, B and C comprise of the location plan, aerial photograph and scheme amendment map.

STATEMENT OF IMPACT

Whilst the proposal will change the planning framework as it relates to the land, the proposal is requested by the landowner and it is therefore assumed that the landowner believes the proposal to be consistent with their interests.

CONSULTATION

The proposed amendment was advertised for public consultation for 42 days in accordance with the Town Planning Regulations (1967), with the public submission period closing on 5 September 2012. There were three submissions from government agencies and seven submissions from the public, including adjoining landowners.

The main issue raised by nearby landowners was the likely increase in traffic along High Street and entering Bussell Highway.

A schedule of submissions is at Attachment D.

STATUTORY ENVIRONMENT

The Planning and Development Act 2005 (the 'Act') outlines the relevant considerations when preparing and amending local planning schemes. The relevant provisions of the Act have been taken into account in preparing this amendment.

POLICY IMPLICATIONS

The proposed amendment is consistent with relevant State and Local Planning Policies as have been outlined in detail in the amendment initiation report.

FINANCIAL IMPLICATIONS

There are no direct financial implications of the recommendations of this report.

STRATEGIC IMPLICATIONS

The staff recommendation is consistent with Strategic Priority 8 of the City's 2010-20 Strategic Plan, which is to - *'provide appropriate planning and regulatory measures to ensure orderly and acceptable development of the district'*.

OFFICER COMMENT

As outlined in the Schedule of Submissions; three submissions from nearby land owners raised concerns in regards to traffic; and three submissions from nearby land owners raised concerns over the use of the site for a 'Takeaway Food Outlet'.

The concerns over the permissibility of a 'Takeaway Food Outlet' do not need to be commented further, given that this component of the proposal has now been removed, and forms no part of the scheme amendment.

The concerns regarding traffic specifically relate to the likely increase in vehicle movements along High Street; and the increase in vehicles entering Bussell Highway from the subject lot – and the likelihood of traffic signals at the intersection with High Street. The NSW Regional Traffic Authority's *Guide to Traffic Generating Development* indicates that office and commercial land uses generate approximately 10 daily trips per 100m² of gross floor area (GFA). Given that the subject proposal is limited to a plot ratio of 0.6, the total GFA permissible would be 2,661m². This would equate to approximately 266 vehicle movements per day if the site is developed wholly for commercial and office land uses. Another scenario could be that the site includes a small restaurant and a convenience store which may push the traffic generation numbers up to around 340 vehicle movements per day. To put these numbers into perspective the average dwelling generates approximately nine vehicle movements per day.

Furthermore, if the amendment was not successful the site could be developed wholly for residential purposes at the R30 density, in which case the density could result in the number of daily traffic movements reaching around 130 vehicle movements per day. In the existing situation High Street caters for approximately 800 vehicle movements per day. Therefore development in accordance with any one of three scenarios described above could reasonably be expected to yield an increase in traffic by: 16% for the wholly residential scenario under the existing zoning; 33.2% for the wholly commercial or mixed use scenario; and 42.5% if the site contained commercial development including a convenience store and restaurant.

Notwithstanding the above, the actual traffic generation of the development is dependant on the proportion of different uses, which cannot be fully determined at this point. Whilst the actual numbers cannot be determined until the development application stage and the provision of a Traffic Impact Assessment (TIA), it is expected that issues could be adequately resolved at

that stage, but the level of growth would not be beyond what could be reasonably expected in this area.

CONCLUSION

There are not considered to be any issues raised through the consultation process that would result in change to the proposal, or a recommendation to not support the proposal for final approval. As such, approval is recommended.

Options

Should the Council not support the officer recommendation, the Council could consider the following alternative options.

Option 1

Resolve not to adopt the draft amendment for final approval, maintaining the status quo of a 'Residential R30' zoning on the site.

Option 2

A second option would be for the recommended special provisions to be modified further in light of the submissions received, having considered officer comment and government agency response.

Neither of the above options is supported by officers for reasons outlined in the report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will involve the provision of advice of the Council resolution to the applicant and this will occur within one month of the resolution.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1210/296 Moved Councillor Henley, seconded Councillor Tarbotton:

That the Council resolves as follows –

1. Pursuant to Part V of the Planning and Development Act 2005, and having considered the submissions lodged during the advertising period adopts for final approval, Amendment No. 172 to the District Town Planning Scheme No. 20, for the purpose of:
 - i) Recoding Lots 64 (Vol & Folio 2192 856), 63 (Vol & Folio 2192 855) and 86 (Vol & Folio 1670 402) Bussell Highway; and Lot 87 (Vol & Folio 1421 302) High Street from 'Residential R30' to 'Residential R40'; and

- ii) Amending Schedule 4 – Additional Uses of the Scheme Text to include the subject land within the Schedule as follows;

No.	Particulars of Land	Land Use Permitted/Specified	Conditions
78	Lots 64 (Vol & Folio 2192 856), 63 (Vol & Folio 2192 855) and 86 (Vol & Folio 1670 402) Bussell Highway; and Lot 87 (Vol & Folio 1421 302) High Street	Convenience Store Educational Establishment Medical Centre Office Private Recreation Reception Centre Research Establishment Restaurant	1. The Additional Uses specified shall be deemed to be 'AA' uses for the purposes of the Scheme.

- iii) Amending Schedule 7 – Special Provisions of the Scheme Text to include the subject land within the Schedule as follows;

No.	Particulars of Land	Zone	Special Provisions
SP 52	Lots 64 (Vol & Folio 2192 856), 63 (Vol & Folio 2192 855) and 86 (Vol & Folio 1670 402) Bussell Highway; and Lot 87 (Vol & Folio 1421 302) High Street	Residential R40	<p>1. Notwithstanding the provisions contained within Table 1 Zone Objectives & Policies, the Shire may consider the development of the entire site for commercial purposes, residential purposes equivalent to an R40 density or alternatively a mixed-use development to a maximum plot ratio of 0.6.</p> <p>2. Building setbacks applicable to the development shall be a minimum 2 metres from the property boundaries abutting Bussell Highway and High Street on existing lots 63, 86 and 87 and tapering back to 4 metres on existing lot 64. All other building setbacks applicable to the development, including commercial components, shall be in accordance with the R-Code designation for the land.</p> <p>3. Parking shall not be provided along the frontages of Bussell</p>

			<p>Highway or High Street.</p> <p>4. The interface of development with the western and northern boundaries of the site shall be appropriately designed and landscaped to ameliorate any potential impacts of building bulk on the adjoining properties.</p> <p>5. Development of the additional land uses or R40 Residential development shall only be supported where the whole of the land is amalgamated to allow for the integrated development of the site.</p> <p>6. Development of the additional land uses or R40 Residential development shall be based on a maximum of one access point to Bussell Highway.</p>
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iv) Amending the Scheme Map accordingly.

2. Endorses the Schedule of Submissions prepared in response to the community consultation undertaken in relation to Amendment No. 172;
3. Refers Amendment No. 172 to District Town Planning Scheme No. 20, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning; and
4. Where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless the modification affects the intent of the amendment, in which case it shall be referred to the Council for consideration.

CARRIED 9/0
EN BLOC

13.1 CAPE'S REGIONAL ARTS AND CULTURAL FACILITIES NEEDS ASSESSMENT SUBMISSIONS

SUBJECT INDEX:	Arts and Cultural
STRATEGIC INITIATIVE:	Provide a range of quality leisure, cultural, recreation and sporting facilities and services.
BUSINESS UNIT:	Community Services
SERVICE:	Community Development
REPORTING OFFICER:	Maxine Palmer, Manager Community Services
AUTHORISING OFFICER:	Naomi Searle, Director Community and Commercial Services
DATE OF COMPLETION:	March 2013
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Attachment A – Capes Regional Arts and Cultural Facilities Needs Assessment Report

PRÉCIS

Following a further opportunity for community comment the Council is asked to consider adoption of the Capes Regional Arts and Cultural Facilities Needs Assessment for approval which has been a joint initiative by the Capes Region Organisation of Councils (CAPEROC).

The recommendations within the Capes Regional Arts and Cultural Facilities Needs Assessment Report have been presented to both Council and CAPEROC. Officers recommend that it now be adopted as a public document without modification for implementation planning.

BACKGROUND

Through strategic planning and community consultation processes, CAPEROC identified a priority need to increase the level of arts and cultural offerings within the region, including the provision of facilities, services, activities and events. Both Councils have plans to develop arts and cultural facilities and share a vision to strengthen and enhance quality of life by providing the community and tourists with opportunities to participate and engage in arts and cultural activities in both built and natural environments.

The City of Busselton is progressing the development of the Queen Street Cultural Precinct to incorporate a Performing Arts Centre, and the Shire of Augusta-Margaret River is progressing a major refurbishment and expansion to the Margaret River Cultural Centre to incorporate art gallery/museum uses. A Needs Assessment was seen as fundamental planning required to inform the scope of these works.

At a meeting held on 4 November 2011, members of CAPEROC agreed to allocate \$12,500 from both Council's 2011/12 budgets to undertake this Needs Assessment. A further contribution of \$10,000 was also secured from the South West Development Commission.

The scope of the assessment as agreed by both Councils was to provide:

- A comprehensive assessment of the arts and cultural facilities and services located within the City of Busselton and Shire of Augusta-Margaret River.
- Identify all existing arts and cultural facilities across the Capes Region.
- Determine the level of current demand for facilities and services within the arts and cultural sector.
- Project future growth demands for cultural facilities and services within a South West regional context, as well as Capes Regional perspective.
- Review existing strategies and related feasibility studies.
- Make recommendations on funding priorities to leverage State, Federal and corporate funding to meet cultural policy objectives.

The Assessment recommendations were to be based on best value for public expenditure, avoiding unsustainable duplication, increasing participation rates in arts and cultural pursuits and increasing the diversity of arts and cultural experiences, services and facilities available to residents and tourists.

The City of Busselton was nominated to manage the assessment process. During December 2011 a Request for Quotation was advertised in the West Australian where four proposals were received. Peter Alexander was subsequently awarded the contract due to his extensive experience in community consultation and developing Arts and Cultural Needs Assessments. He is also actively involved in both the delivery and the planning of a wide range of cultural activities and is a local resident familiar with the facilities and services currently available.

Community consultation commenced in March 2012 for a period of eight weeks. An overview of the methodology used, consultation conducted and recommendations in the report were provided to Council on 11 July and CAEPROC on 20 July 2012.

The report was presented to Council for adoption on 22 August 2012. At that meeting Council resolved (C1208/246):

"That the Capes Regional Arts and Cultural Facilities Needs Assessment be advertised for community comment for a period of 21 days and the result be reported to Council."

CONSULTATION

The consultant undertook wide ranging consultation and research in the Community across the Capes Region. There were two public meetings in Dunsborough, 114 people attended the meeting at the Naturaliste Community Centre and 94 attended the Old Dunsborough Hall meeting. 34 people attended a meeting in Busselton, 18 in a meeting in Margaret River and 14 in a meeting in Augusta.

Questionnaires were distributed through the public meetings and also through other means across the communities. 236 written and oral responses were received.

In addition there were 44 other direct meetings with key stakeholders/organisations (including some individuals) who sought to pursue particular issues relevant to the Needs Assessment.

The community's input identified underlying values, demand/needs and priorities for facilities relevant to the Capes Region.

The report was advertised for 21 days on the City's website and notices inviting comment appeared in the Council for Community pages of the Busselton and Dunsborough Mail on 5, 12 and 19 September 2012.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The budget for the consultancy services to undertake the Capes Regional Arts and Cultural Facilities Needs Assessment totalled \$35,000. \$12,500 was contributed from each Council in their respective 2011/12 budgets and a further \$10,000 was funded by the South West Development Commission. The full budget allocation was expended and the grant from the South West Development Commission has been acquitted.

By adopting the Needs Assessment and the recommendations therein the Council should consider any financial implications in its future corporate and financial planning. Recommendations with a significant financial implication include:

- Management/curatorial resources for the Busselton Museum at the Old Butter Factory
- Improvements to art storage and security at ArtGeo.
- Approximately \$50,000 to purchase a collapsible stage, acoustic curtains and some lighting and communications improvements at the Naturaliste Community Centre (NCC).
- Structural improvements to the Old Dunsborough Hall
- Additional funding of around \$120,000 to complete the overall development of the Weld Theatre.
- Professional management staffing of the Cultural Precinct
- Further investigation into the feasibility of a cultural precinct in Dunsborough

Should the City proceed with the construction of a Performing Arts Centre in Busselton, Council should consider the design, construction and ongoing operating costs identified in the Needs Assessment, these include:

- Further study to outline and define the precise functional, spatial and technical aspects of the building.
- Architectural drawings.
- A minimum of \$20-\$22 million capital for construction.
- Approximately \$300,000 per year net operating cost.

STRATEGIC IMPLICATIONS

The Arts and Cultural Facilities Needs Assessment supports the City's Strategic Priorities to provide a range of quality leisure, cultural, recreation and sporting facilities and services.

OFFICER COMMENT

The Arts and Cultural Facilities Needs Assessment has provided a comprehensive assessment of arts and cultural facilities and services located within the City of Busselton, and the Shire of Augusta Margaret River.

Consultation with the local communities was extensive. The recommendations consider the needs of the Capes Region as a whole and meet the criteria required by CAPEROC to achieve best value for public expenditure, avoid unsustainable duplication, increase participation rates in arts and cultural pursuits and increase the diversity of arts and cultural experiences, services and facilities available to residents and tourists. Key recommendations include:

- Construction and operating cost estimates and management models for any future Performing Arts Centre in Busselton.
- Management models for the Cultural Precinct that recognise its development potential.
- Sustainable resourcing of the Busselton Museum at the Old Butter Factory.
- Improvements to the ArtGeo gallery, in particular with regard to the storage and security of the City's art collection and the development of the gallery's attractiveness to a broader touring product.
- Improvements to the Naturaliste Community Centre to increase its use as a performing arts facility.
- Retention of the Old Dunsborough Hall in its present size and configuration.
- Opportunities to recognise aboriginal heritage and culture.
- A potential Cultural Precinct in Dunsborough
- The suitability of Cape Naturaliste College as a rehearsal space and venue for community based drama/performance interests.
- The potential for the Our Lady of the Cape School Hall facility to be promoted for smaller performing arts touring activities.

The Arts and Cultural Facilities Needs Assessment report was advertised for 21 days during September 2012 to provide further opportunity for the community to comment on the recommendations. One submission was received which was a request for an outdoor deckchair film festival. This has been passed to the City's Events Coordinator to discuss with the correspondent and ascertain the feasibility of such an idea.

CONCLUSION

Officers recommend the Council adopt the Capes Regional Arts and Cultural Facilities Needs Assessment Report as a public document for further implementation planning

Option

Should the Council not agree with the Officer Recommendation the following options are outlined:

Option 1: Adopt the Arts and Cultural Facilities Needs Assessment Report subject to modifications as required by the Council.

Option 2: Not adopt the Arts and Cultural Facilities Needs Assessment Report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Capes Regional Arts and Cultural Facilities Needs Assessment Report will be made available to the public on the City's website within one week of the Council resolution and an implementation plan will then be developed.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1210/297 Moved Councillor Henley, seconded Councillor Tarbotton:

That the Council adopts the Capes Regional Arts and Cultural Facilities Needs Assessment Report as a guide to future planning.

CARRIED 9/0
EN BLOC

15.2 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC INITIATIVE:	Provide Effective Communication
BUSINESS UNIT:	CEO's Office
SERVICE:	Council and Councillor Services
REPORTING OFFICER:	Various
AUTHORISING OFFICER:	Chief Executive Officer – Mike Archer
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	1 – Marketing and Events Reference Group Meeting Minutes 2 – Busselton Jetty Reference Group Meeting Minutes

PRÉCIS

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**15.2.1 Marketing and Events Reference Group**

A meeting of the Marketing and Events Reference Group was held on 19 September 2012. The meeting minutes are provided at attachment 1.

15.2.2 Planning & Development Services StatisticsPlanning Applications

Attachment PDS1 is a report detailing all Planning Applications received by the City between 16 and 30 September, 2012. Seventeen formal applications were received during this period.

Attachment PDS2 is a report detailing all Planning Applications determined by the City between 16 and 30 September, 2012. A total of twenty one applications (including subdivision referrals) were determined by the City during this period with all approved / supported.

A monthly summary will be provided on every second Council Agenda setting out average processing times and value of planning applications.

15.2.3 Gazetted Scheme Amendments

Amendment 177 to District Town Planning Scheme No. 20 was gazetted on 18 September, 2012. The purpose of the amendment is to:

Rezone Lot 111 Dunn Bay Road, Dunsborough from 'Tourist' to 'Special Purpose' with Special Provisions (No. 46) included in Schedule 7 of District Town Planning Scheme No. 20.

Amendment 180 to District Town Planning Scheme No. 20 was gazetted on 25 September, 2012. The purpose of the amendment is to:

Rezone Lot 202 Dunn Bay Road, Dunsborough from 'Tourist' to 'Special Purpose – Mixed Use' with Special Provision (No. 49) included into Schedule 7 of District Town Planning Scheme No.20.

15.2.4 Busselton Jetty Reference Group

A meeting of the Busselton Jetty Reference Group was held on 5 October 2012. The meeting minutes are provided at attachment 2.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1210/298 Moved Councillor Henley, seconded Councillor Tarbotton:

That items 15.2.1, 15.2.2, 15.2.3 and 15.2.4 of the Councillors' Information Bulletin are noted.

CARRIED 9/0
EN BLOC

ITEMS CONSIDERED BY SEPARATE RESOLUTION

At this juncture, in accordance with Clause 5.6 (3)(a) & (b) of the Standing Orders, those items requiring an Absolute Majority or in which Councillors had declared Financial, Proximity or Impartiality Interests were considered.

10.3 FINANCE COMMITTEE RECOMMENDATION - PROPOSED BUDGET AMENDMENT - FIRE TENDER INSURANCE SETTLEMENT

SUBJECT INDEX:	Budget Planning and Reporting
STRATEGIC PRIORITY:	Manage the City's resources to provide optimum benefit to the community
BUSINESS UNIT:	Finance and Information Technology
SERVICE:	Financial management and control
REPORTING OFFICER:	Manager, Finance & Information Technology – Darren Whitby
AUTHORISING OFFICER:	Acting Chief Executive Officer - Matthew Smith
DATE OF COMPLETION:	Not applicable
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENT(S):	Nil

This item was considered at the Finance Committee meeting held on 4 October, 2012, the outcomes from which require Council Consideration. The Committee Recommendation is included in this report.

PRÉCIS

In early March of this year, a fire tender belonging to the City of Busselton was damaged beyond repair whilst fighting a fire in Capel.

The City has recently received an insurance settlement payment in respect of the fire tender and also sundry items destroyed as part of this same event. Upon receipt, the settlement funds were remitted to the Fire and Emergency Services Authority (FESA), with a nominal settlement sum also paid to the volunteer bushfire brigade for the replacement of the sundry items.

Whilst there are no direct financial implications for the City as a result of the above, this report seeks the Council's endorsement of a budget amendment to formally recognise the associated financial transactions.

BACKGROUND

At the culmination of the associated insurance assessment process, a settlement figure of approximately \$91.3K was determined, comprising \$88.2K for the tender and \$3.1K for the sundry items. Subsequent to being paid to the City, these funds were then remitted to FESA and the relevant volunteer bushfire brigade.

Whilst there are no net financial implications for the City as a result of the above transactions, they have nonetheless produced budget variances in the associated revenue and expenditure line items. From a financial reporting perspective, both the 'Other Revenue' operating revenue category and the 'Other Expenditure' operating expenditure category are now overstated by the subject \$91.3K.

In order to maintain the integrity of financial variance reporting to the Council, it is considered prudent that, via a formal budget amendment, the revenue and expenditure transactions be recognised.

CONSULTATION

Whilst not directly relevant to this report, as part of the insurance claim process, ongoing consultation occurred with the Council's insurer, FESA, and relevant City staff.

STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act refers to expenditure from the municipal fund that is not included in the annual budget.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

This proposal will not result in any net financial implications for the City.

STRATEGIC IMPLICATIONS

This matter aligns with the Council's Strategic Plan 2010-2020, including Strategic Priority 10 - *'Manage the City's resources to provide optimum benefit to the community'*.

OFFICER COMMENT

In order to maintain the integrity of the City's financial reporting systems, and to assist in providing accurate and relevant variance reporting data to the Council, it is recommended that the subject revenue and expenditure transactions be reflected in the Council's amended budget.

In addition to the above, the transactions are presently accounted for within the Financial Services area. Whilst these types of transactions have historically been allocated to this area, it is recommended that the budget amendment be applied to the Ranger Services area, and that the transactions be journalled accordingly. The Ranger Services area includes activities relating to fire prevention, and as such, is an appropriate location

to hold the transactions. It should be noted however that this will not impact on the higher level reporting to the Council.

CONCLUSION

Option

The Council may determine not to support the proposed budget amendment, or alternatively amend the Officer Recommendation as applicable.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be endorsed, an amendment to the 2012/13 adopted budget will be processed by 30 November 2012.

COUNCIL DECISION / COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

ABSOLUTE MAJORITY REQUIRED

C1210/299 Moved Councillor Henley, seconded Councillor McCallum:

That the Council endorses an amendment to the 2012/13 adopted budget, on the following basis:

Business/ Activity Unit	Account Description (including string)	Current Budget \$	Proposed Budget \$
Income			
Ranger Services	<u>Sundry Income (no GST)</u> 441.10930.1751.0000	\$0	\$91,308
Expenditure			
Ranger Services	<u>Insurance Damage Settlements</u> 441.10930.3657.0000	\$0	\$91,308

**CARRIED 9/0
BY ABSOLUTE MAJORITY**

10.5 FINANCE COMMITTEE RECOMMENDATION - PROPOSED BUDGET AMENDMENT - RIO TINTO FUNDING AGREEMENT

SUBJECT INDEX:	Budget Planning and Reporting
STRATEGIC PRIORITY:	Manage the City's resources to provide optimum benefit to the community
BUSINESS UNIT:	Commercial Services
SERVICE:	Community Development
REPORTING OFFICER:	Jenny May Manager Commercial Services
AUTHORISING OFFICER:	Naomi Searle Director Community & Commercial Services
DATE OF COMPLETION:	November 2012
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENT(S):	Nil

This item was considered at the Finance Committee meeting held on 4 October, 2012, the outcomes from which require Council Consideration. The Committee Recommendations are included in this report.

PRÉCIS

This report seeks the Councils endorsement for amendments to be made to the 2012/13 Budget for the allocation of funds as result of the Memorandum of Understanding (MOU) and funding agreement recently entered into between the City of Busselton and Rio Tinto Pty Ltd.

BACKGROUND

The City of Busselton has been working with Rio Tinto in regards to the operation of Fly in Fly out (FIFO) services from the Busselton Regional Airport since their inception approximately five years ago. This has generally been an informal arrangement, however with the increase in services and also Rio Tinto's presence within the region this relationship has progressed to the point of establishing an MOU.

An MOU was entered into on the 24 August 2012 between the City of Busselton and Rio Tinto Iron Ore with the key objective "to develop a mutually beneficial relationship between the City and Rio Tinto based on consultation, engagement and collaboration."

As a result of the MOU the City and Rio Tinto also entered into a Social and Economic Funding Package which is to provide funding to the City of Busselton for agreed social and economic projects within the City to the total value of \$185,000 (excluding GST).

The distribution of the funding is to be allocated to the following projects;

- School Chaplaincy Program - \$35,000;
- Youth Leadership Program - \$80,000;

- Contribution to Busselton Community Resource Centre and Busselton Library Upgrade - \$25,000 and \$10,000 respectively;
- Contribution towards a South West FIFO symposium - \$10,000;
- Youth Enterprise Program - \$25,000.

The City currently funds Youth Care to deliver the School Chaplaincy Program, and Southern Rip, through Artatac to deliver the Youth Leadership Program. It is proposed that the Busselton Family Centre will be funded \$10,000 to deliver a South West FIFO symposium and Southern Rip, through Artatac, be funded \$25,000 to deliver the Youth Enterprise Program. The other projects form the responsibility of the City.

It is recommended that respective budget amendments be made to the 2012/13 adopted budget to reflect the funding received from Rio Tinto.

CONSULTATION

Consultation has occurred between City staff and Rio Tinto, and where appropriate, with external stakeholders or recipients of City subsidies and funds.

STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act 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.

POLICY IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

As part of the City's multi-year funding agreements with Youth Care to deliver the School Chaplaincy Program, and Artatac (Southern Rip) to deliver the Youth Leadership Program, appropriate budget allocations have been incorporated into the 2012/13 adopted budget. Similarly, the operations of the Community Resource Centre has also been incorporated into the adopted budget. This represents \$140,000 that could be offset towards other projects that the Council may choose to undertake during the year. This would be subject to a separate Council report.

Whilst the contribution of \$10,000 towards the Busselton Library upgrade (furniture) was incorporated into the 2012/13 adopted budget, the South West FIFO symposium and Youth Enterprise Program are projects that have not been included and require a Council resolution to create appropriate accounts.

This proposal will not result in any net financial implications in respect of the Council's 2012/13 adopted budget.

STRATEGIC IMPLICATIONS

This matter aligns with the Council's Strategic Plan 2010-2020, including Strategic Priority 10 - *'Manage the City's resources to provide optimum benefit to the community'*.

OFFICER COMMENT

Entering into an MOU and funding agreement with Rio Tinto is a great opportunity for the City and community to work in partnership towards community based projects.

The total funding that Rio Tinto have committed to for the 2012/13 financial year totals an amount of \$185,000 (excluding GST).

CONCLUSION

The ongoing relationship with Rio Tinto has now progressed to a formal MOU and funding agreement for social and economic projects within the City of Busselton. This report requests the Council endorse the budget amendments for the receipt of the funding contributions.

Option

The Council may determine not to support the proposed budget amendment, or alternatively amend the Officer Recommendation as applicable.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be endorsed, an amendment to the 2012/13 budget will be processed by within two (2) weeks after the Council Resolution.

COUNCIL DECISION / COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

ABSOLUTE MAJORITY REQUIRED

C1210/300 Moved Councillor Henley, seconded Councillor McCallum:

In recognition of the contributions made by Rio Tinto as a result of a funding agreement entered into with the Council, that the Council:

1. endorses an amendment to the 2012/13 adopted budget, by the creation of new operational revenue accounts 'Contributions' to the value of \$175,000 (exclusive GST) for the following projects:
 - School Chaplaincy Program - \$35,000 (330.10536);

- Youth Leadership Program - \$80,000 (330.10534);
 - South West FIFO symposium - \$10,000 (10530.3640);
 - Youth Enterprise Program - \$25,000 (10530.3640);
 - Community Resource Centre - \$25,000 (B1113)
2. endorses an amendment to the 2012/13 adopted budget, by increasing the expenditure accounts for the following projects:
- South West FIFO symposium - \$10,000 (exclusive GST) (330.10530.3640);
 - Youth Enterprise Program - \$25,000 (exclusive GST) (330.10534.3640).

CARRIED 9/0
BY ABSOLUTE MAJORITY

10.6 FINANCE COMMITTEE RECOMMENDATION - PROPOSED BUDGET AMENDMENT - WASTE MANAGEMENT

SUBJECT INDEX:	Budget Planning and Reporting
STRATEGIC PRIORITY:	Manage the City's resources to provide optimum benefit to the community
BUSINESS UNIT:	Operations Services
SERVICE:	Waste Management
REPORTING OFFICER:	Engineering Management Accountant - Stephen Wesley Acting Waste Coordinator - Allan Miller
AUTHORISING OFFICER:	Director Engineering & Works Services - Oliver Darby
DATE OF COMPLETION:	31 October, 2012
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENT(S):	Nil

This item was considered at the Finance Committee meeting held on 4 October, 2012, the outcomes from which require Council Consideration. The Committee Recommendations are included in this report.

PRÉCIS

The purpose of this report is to seek an additional net transfer of funds totalling \$108,000 from the Waste Management Facility and Plant Reserve (Waste Reserve) to the 2012-13 budget for essential waste-related works to be carried out.

Essentially, this report recommends that the proposed \$24,000 weighbridge upgrade does not proceed and also recognises a \$90,000 saving on establishing the transfer station. A range of other expenditures as identified in this report are recommended, including \$160,000 for septage ponds and \$62,000 for six other various requirements. This represents a request for an additional \$108,000 to be approved for transfer from the reserve.

BACKGROUND

With the current level of change impacting on the City's Waste Management services a number of budget amendments are being sought. These amendments involve:-

- Not proceeding with the upgrade of the weighbridge at Dunsborough;
- The replacement of the gatehouse at the Busselton Transfer Station;
- Maintaining the transfer station set-up in its current form;
- Additional consultancy budget for specialised works associated with contaminated sites;
- The lining of the existing septage (liquid waste) ponds at Dunsborough;
- Funding for a weatherproof recycling area at Dunsborough to store perishable items that can be used for resale including furniture.

CONSULTATION

Not applicable.

STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act refers to expenditure from the municipal fund that has not been 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.

Section 6.11 of the Local Government Act refers to Reserve accounts where a local government wishes to set aside money for use for a purpose in a future financial year. Expenditures recommended in this report are consistent with the purpose for which the reserve was established.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The tables below detail the projected impact the recommendations contained in this report will have on the Waste Reserve if approved by Council. Each of the budget amendments sought are identified and detailed in the Officers Comment section below.

Adopted 2012-13 Budget

<u>Reserve Movements Budget</u>	Budget 2012/13
<u>121 - Waste/Plant Reserve</u>	
Opening Balance	1,250,226
Interest Earned	62,220
Transfer to Reserves	270,000
Transfer to Reserves Waste Disposal Fee 524-G0032-1612-0000	1,663,760
Transfer from Reserves	
524-G0032-3260-9650 Consultancy for waste strategy, design & master planning	-55,000
524-G0032-3260-9650 Waste Consultancy	-70,000
524-C3479-3280-0000 New Cell Development	-1,500,000
524-C3480-3280-0000 Weighbridge Upgrade	-24,000
524-C3481-3280-0000 Transfer Station Development	-450,000
524-C3477-3280-0000 Bsn tip washdown facility	-94,316
524.G0030.7723.0000 Busselton Waste-Oil Bunk Tank	-11,780

524.B9402.3280.0000 Bsn Waste-Shelter Oil Bunk Tank	-3,850
Closing Balance	1,037,260

Incorporating Proposed Amendments 2012-13 Budget

<u>Reserve Movements Budget</u>	Budget 2012/13
<u>121 - Waste/Plant Reserve</u>	
Opening Balance	1,250,226
Interest Earned	62,220
Transfer to Reserves	270,000
Transfer to Reserves Waste Disposal Fee 524-G0032-1612-0000	1,663,760
Transfer from Reserves	
524-G0032-3260-9650 Consultancy for waste strategy, design & master planning	-55,000
524-G0032-3260-9650 Waste Consultancy <i>* Additional \$7k for works approval for liquid waste ponds at Dunsborough</i>	-77,000
524-C3479-3280-0000 New Cell Development	-1,500,000
524-C3480-3280-0000 Weighbridge Upgrade <i>* Project identified not to proceed</i>	0
524-C3481-3280-0000 Transfer Station Development <i>* Reduction of \$90k for funds not required for transfer station</i>	-360,000
524-C3477-3280-0000 Bsn tip washdown facility <i>* Additional \$10k for nutrient level assessment and additional \$16k for contaminated site specific ground water assessment</i>	-120,316
524.G0030.7723.0000 Busselton Waste-Oil Bunk Tank	-11,780
524.B9402.3280.0000 Bsn Waste-Shelter Oil Bunk Tank	-3,850
<i>New Cost Code required</i> – Transfer of gatehouse from Dunsborough to Busselton	-5,000
<i>New Cost Code required</i> – Weather-proofing of re-saleables area at Dunsborough	-12,000
524.G0030-3360-0000 Groundwater Testing (increase to existing operational budget item)	-12,000
<i>New Cost Code required</i> – Liquid Waste (Septage) Pond Upgrades	-160,000
Closing Balance	929,260

The net impact on the reserve represents an increased transfer from the reserve of \$108,000 and therefore a reduction to the closing balance of \$108,000 for the financial year ending 30 June 2013.

STRATEGIC IMPLICATIONS

This matter aligns with the Council's Strategic Plan 2010-2020, including Strategic Priority 10 - *'Manage the City's resources to provide optimum benefit to the community'*.

OFFICER COMMENT

The following seven separate items represent a written descriptive in support of the budget adjustments being sought from the Council. The subsequent impact on the Waste Reserve is summarised in the Financial Implications section of this report..

1. Weighbridge Upgrade (cost code C3480)

Budget totalling \$24K was assigned to a weighbridge upgrade to take place this financial year. This budget was associated with the age and condition of both the hardware and software being used to operate the weighbridge.

In late June the data storage capacity of the software was reached and the system went down for a period of three weeks. Fortunately a member of the City's IT department was able to access the software database and delete a large number of old weighbridge records, thus freeing up available space. With regards to the old hardware the IT budget will now be used to replace the existing obsolete PC.

A decision has ultimately been made to persevere with the existing software arrangement, thus the \$24K budgeted can be retained in the Waste Reserve until such time that the existing software no longer serves its purpose.

Officers would like to advise that improved software is likely to be needed at the weighbridge sometime in the future, particularly if the State Waste Recovery Targets come into effect. The reporting information that may be required from this is not yet known. To this end, Officers believe it would be beneficial to wait until this time prior to purchasing any new software. This will also provide City Officers time to research the available software on the market to determine the best fit for purposes. It is envisaged that the eventual upgrade will be funded from the Waste Reserve at a future date.

2. New Gatehouse at Busselton Waste facility (incorporate into cost code C3481 - Transfer Station development)

Late last financial year officers requested that \$20K from an insurance payout on the gatehouse destroyed by fire at the Busselton Waste Facility in December 2010 be transferred and held in the Waste Reserve.

It was further proposed that these funds were to be used in the 2012/13 year to partially fund a new gate house as part of the Busselton Transfer Station conversion. Unfortunately due to timing and a lack of knowledge on

how much this was likely to cost the item was not included on the budget at that time.

Instead of utilising all these funds, it is requested that Council approve a reduced allocation of \$5K to replace the existing gatehouse. This can be achieved by approving the shifting of an under-utilised former gatehouse and toilet from the Dunsborough Waste Facility to Busselton. This will have the added benefit of saving an annual amount of \$7K per annum (\$641 per month) which is currently being spent on the hire of the existing temporary gatehouse and toilet at Busselton.

3. Weatherproof Recycling storage area at Dunsborough

The Dunsborough Waste Facility often receives quality second-hand furniture that can be used for resale. This furniture quickly deteriorates when left out doors as it is currently. Employees at the facility have recommended that a roofed structure could be built between two existing sea-containers located at the facility. It is proposed that an 8m wide shelter be built between the containers, with one end closed-in to make the area weatherproof.

This initiative will prevent certain recyclable materials from going into the City's landfill and is strongly recommended as a practical recycling initiative. The cost to construct such a structure is estimated to be in the order of \$12K. It is requested that \$12K be made available from the Waste Reserve in order to carry out this recycling initiative.

4. Busselton Waste Facility Development

City Officers are pleased to report that the conversion of the Busselton Waste Facility into the Busselton Transfer Station and Recycling Centre has been relatively smooth.

A total of \$450K has been budgeted for this development, with \$100K assigned for construction of capital works associated with the transfer station while \$350K was notionally assigned for plant and equipment to transfer waste between Busselton and Dunsborough.

i. Transfer Station Set-up – \$100K budget

In early 2012 City Officers sought approval from the Department of Environment and Conservation (DEC) to set-up a transfer station arrangement with a belief that it would be sufficient to service the City's short to medium-term needs.

Work was subsequently carried out to:

- Fence a hardstand area to capture windblown waste
- Install additional signage
- Construct a push-up barrier for the front-end loader

- Built a wastewater collection pond with drainage to capture run-off from the waste collection pad which is redirected on to the former landfill area, instead of entering the immediate area.

At the time this agreement was made with the DEC they envisaged that the City would adopt a more comprehensive transfer station layout similar to those based on the types of high-volume transfer stations now in operation within metropolitan areas of Perth.

To this end, the original concept design involved constructing a long retaining wall along a built up area and installing pits to enable waste to be directly deposit into hooklift bins. This option was subsequently estimated to have cost several hundred thousands of dollars.

After being in operation for three months now the existing set-up has proven to be adequate and is serving its purpose well.

Of the \$100K earmarked for capital works on the transfer station in the 2012-13 year, less than \$10K has subsequently been required. This has resulted in a budget saving of \$90K.

- ii. Heavy Plant/Equipment for the transportation of waste from Busselton to Dunsborough – \$350K budget

Currently all waste collected at the Busselton Transfer Station is being transported to Dunsborough by a private contractor.

Waste is collected in hooklift bins and transferred to Dunsborough each Monday. This has always been considered a temporary measure until the appropriate plant could be sourced and logistics organised so that the City is able to carry out this process on its own.

City officers have now had time to examine the two available options which are:

- Purchase its own hooklift truck and bins;
- Adapt and use of an existing semi-trailer owned by the City to perform the same service.

After evaluating the options, City officers recommend that the hooklift truck and bins will achieve the most advantageous outcomes. Given the high cost of this equipment a separate business case is being prepared and will be made available to Council, at which point the \$350,000 identified in the current budget will be required to be transferred to a plant and equipment budget.

5. Analytical Services

The City's licences for the landfill sites at Busselton (Rendezvous Rd) and Dunsborough (Vidler Rd) both specify that regular groundwater testing and reporting must be carried out in accordance with DEC specifications.

Until 2012 this testing has been carried out at each site twice-yearly, however latest 2012 licensing requirements for Busselton now requires that testing be carried out quarterly.

In addition to the above testing for organic chemicals is now required annually at both sites, in addition to the routine testing for inorganic substances such as heavy metals, nutrients and ions.

The adopted 2012-13 budget assigned \$18K to the Busselton Waste Facility for analytical services. With the change to quarterly reporting requirements this is now projected to increase to \$30K.

It is requested that Council approve an additional budget allocation for analytical services totalling \$12k to be funded from the Waste Reserve.

6. Consultancies Budget

The 2012-13 budget allocated a total of \$125K for waste related consultancies. This was the estimated cost for:

- the design of the new cell at Dunsborough
- the post-closure management plans
- and the development of a Waste strategy

The tender process which was finalised in August successfully appointed a consultant to undertake these works at a cost of \$129K.

I. Works Approval application Lined Liquid waste ponds

In order for the City to proceed in constructing liquid waste ponds consultancy totalling \$7K is required to undertake a Works Approval application to the DEC (see item 7 below for further information on this matter)

II. Works Approval application wash-down bay construction

Further consultancy budget is also now required in order to get approval from the DEC for the wastewater washing-down bay which is required to clean the City's fleet of rubbish trucks. The former wash-down bay in operation at the Busselton Waste Facility was closed by the DEC in early 2012 due to non-compliance with environmental conditions.

City Officers are currently working with the Water Corporation for approval to pump waste water directly to the Water Corp's wastewater treatment

plant. For this to occur all water collected at the wash-down bay must first go through a gross pollutant trap to remove solids, and an oil-sediment separator to remove hydrocarbons.

Before Water Corporation approval is given the City is required to provide detailed analysis of the nutrient levels found within the water from washing the vehicles. This requires the employ of specialist consultants estimated to cost in the order of \$10K.

III. Contaminated Sites Branch (CSB) contingency

Recently the City received a letter from the Contaminated Sites Branch (CSB) of the DEC regarding ongoing groundwater investigations from bores located in and around the Busselton Waste Facility.

It is yet unknown to what extent the branch will require the City to undertake further interpretation and reporting of groundwater results from the facility. City Officers are currently seeking further clarification in respects of this. It is requested that a further \$16K in consultancy budget be allocated so that any issues stemming from this can be adequately resourced. City Officers believe it is more than likely that further scientific investigations will be requested from the CSB.

In conclusion Council is asked to approve an additional \$33k in Consultancy budget so the above mentioned items can be actioned. It is recommended that these funds are made available from the Waste Reserve.

7. Liquid Waste (Septage) Pond Upgrades

In 2011 the DEC raised concerns regarding the environmental integrity of the liquid waste ponds located at the Dunsborough Waste Facility. Since 2002 these ponds have been in continual use to store septic tank contents and grease trap waste from local businesses.

The DEC's primary concern is that the clay lining of the existing ponds may not be sufficient to prevent contamination of groundwater.

The DEC's recent 2012 licensing conditions again stipulated that the Dunsborough Waste Facilities septage ponds need to be properly lined.

Last year, as part of the waste management report titled "Waste Management Operational Management Resourcing Report Including Changes To Fees And Charges And Waste Stream Analysis" that went to Council at the 27th June 2012 meeting, City Officers included information examining the feasibility of upgrading / replacing the existing ponds in order to continue accepting liquid waste.

This following is an excerpt from this report.

"The City collects approximately 2800 tonnes of liquid waste per annum. The majority of this consists of septic waste from rural septic tanks. A

minimal increase of .50 cents to \$4.50 per 100kg or \$45 per tonne is being proposed for financial year 2012/13.

The handling associated with liquid waste is minor. The waste is deposited in septage ponds where much of it evaporates. The sludge is then left to form a thick crust which is then moved to landfill and buried. Due to the drying required a minimum of two ponds are always in operation.

As part of the new cell construction the existing liquid waste ponds will also be replaced. The DEC has expressed a concern through their licensing arrangements that our existing ponds are non-compliant with current environmental regulations. The non compliance is similar in issue to our existing landfill in that they are not lined appropriately. The ponds must be lined with non permeable clay and a plastic liner.

If Council should decide not to proceed with the construction of the new liquid waste ponds annual revenue of approximately \$100k would be forgone.

An important non financial consideration that should also be factored into any decision is where can liquid waste be disposed if not at the City provided waste site? Interestingly the State Water Corporation which operates the Busselton waste water treatment plant will not accept septic waste. This is due to the chemicals that some septic tanks contain. The nearest alternative place for liquid waste disposal would be the Margaret River Waste Facility."

Further to the above we would like to point out that the Margaret River liquid waste ponds are now at full capacity, with the nearest available ponds located at Burekup, north of Bunbury. Local businesses have provided letters of support to the City for the Dunsborough ponds to be maintained as a valuable public asset.

The original 2012-13 budget includes \$1.5 million for the first stage construction of the new lined cell at Dunsborough. The intention was that this was to include the construction of two new appropriately lined liquid waste ponds for the collection of leachate (this is liquid waste derived from rotting buried material). It was understood at the time, to the best of City Officers knowledge that leachate from the new cell could be collected in the same evaporation ponds where septage waste is also deposited. Hence the existing pond upgrade was considered part of the new cell development.

Unfortunately this has been found to be incorrect. The City's consulting waste specialist and the DEC has informed Officers that these two types of liquid waste must be kept separate and can not be collected in the same ponds.

In conclusion, the City will need to construct a new ponds as part of the new cell development for leachate and a further (new) septage pond system

to replace the existing septage waste ponds that do not meet current environmental requirements.

To this end additional budget is required to construct the liquid waste pond which will cost in the order of \$160K. Council is asked to approve an additional budget allocation for this important and economically viable waste infrastructure. The cost break down for the ponds are as follows:

- \$15K for the excavation and clean-up of the existing ponds
- \$120K for synthetic liners
- \$5k for the purchase of a sludge pump
- \$20K for construction of the new ponds

City Officers strongly recommend keeping liquid waste disposal within the range of waste management services offered to the public by the City.

CONCLUSION

City Officers are seeking approval from Council for the above mentioned budget amendments so that the significant change implementation currently under way at the City's waste sites can continue. The impact on the City's municipal funds from these amendments will be nil as it is recommended that all movements will be funded from the Waste Reserve. The financial implications section of this report details the projected movements through the reserve should these recommendations be adopted by Council.

The net result of all movements if adopted by Council will see a reduction to the Waste Reserve balance of \$108,000 to a budgeted closing 30 June 2013 position of \$929,259.

The adjusted closing balance represents sufficient reserve funds to undertake the budgeted activities in the following 2013/14 year.

OPTION

The Council may determine not to support the proposed budget amendment, or alternatively amend the Officer Recommendation as applicable.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be endorsed, amendments to the 2012/13 budget will be processed by the end of October 2012.

COUNCIL DECISION / COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

ABSOLUTE MAJORITY REQUIRED

C1210/301 Moved Councillor Henley, seconded Councillor McCallum:

That the Council endorses the following amendments to the 2012/13 budget for transfers from the Waste Management Facility and Plant Reserve, resulting in an increase to the amount budgeted for transfer of \$108,000:-

1. Reducing the allocation of \$24,000 for the weighbridge upgrade (524-C3480-3280-0000) back to 0 (zero);
2. Reducing the funds for Transfer Station Development from \$450,000 to \$360,000 (524-C3481-3280-0000);
3. Increasing the Waste Consultancy item (524-G0032-3260-9650) by \$7,000 to \$77,000 to provide for works approvals for liquid waste ponds at Dunsborough;
4. Increasing the funds available for the Busselton Tip Washdown Facility (524-C3477-3280-0000) by \$26,000 to \$120,316 to provide for nutrient level assessment and contaminated site specific ground water assessment;
5. Providing \$5,000 (new cost code required) for transfer of a gatehouse from Dunsborough to Busselton;
6. Providing \$12,000 (new cost code required) for weather-proofing of the re-saleables area at Dunsborough;
7. Increasing the funds available for groundwater testing by \$12,000 to add to existing operational budget item (524.G0030-3360-0000);
8. Providing \$160,000 (new cost code required) for Liquid Waste (Septage) Pond Upgrades.

CARRIED 9/0
BY ABSOLUTE MAJORITY

14.1 BUSSELTON REGIONAL AIRPORT AMENDMENT LOCAL LAW 2012

SUBJECT INDEX:	Local Laws
STRATEGIC INITIATIVE:	5.1.3 Ensure regulatory requirements are met
BUSINESS UNIT:	Legal
SERVICE:	Legal Services
REPORTING OFFICER:	Legal Services Coordinator – Cobus Botha
AUTHORISING OFFICER:	Director Finance and Corporate Services – Matthew Smith
DATE OF COMPLETION:	January 2013
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENT(S):	<ol style="list-style-type: none">1. Current <i>Busselton Regional Airport Local Law 2012</i>2. Proposed <i>Busselton Regional Airport Amendment Local Law 2012</i>3. Previous Report to Council

PRECIS

The Council previously resolved to commence the law making process, carry out the law making procedure for the *Busselton Regional Airport Amendment Local Law 2012 (Airport Amendment Local Law)* and at the close of the public consultation period submit a report to Council. The purpose of this report is for the Council to consider submissions received and whether to make the proposed Airport Amendment Local Law pursuant to Section 3.12 of the *Local Government Act 1995 (the Act)*.

It is recommended that the Council resolve to make the proposed Airport Amendment Local Law.

BACKGROUND

Council resolved at its meeting on 25 July 2012:

1. *That Council commence the law-making process for the Busselton Regional Airport Amendment Local Law 2012, the purpose and effect of the local law being as follows:*
 - i. **Purpose:** *To amend the Busselton Regional Airport Local Law 2012 to clarify the term ‘use of the Airport’ used in the local law.*
 - ii. **Effect:** *The term ‘use of the Airport’ under clause 2.2(4) of the City of Busselton Airport Local Law 2012 will be amended to mean ‘landing and taking off in an aircraft.’*
2. *That the Council authorise the CEO to carry out the law making procedure under section 3.12(3) of the Local Government Act 1995 by following the procedures set out in sequence in the Act; by –*
 - (i) *giving Statewide and local public notice of the proposed amendment local law; and*

(ii) giving a copy of the proposed amendment local law and public notice to the Minister for Local Government.

3. *That the CEO, after close of the public consultation period, submit to Council a report on any submissions received on the proposed local law to enable Council to consider the submissions made and to determine whether to make the amendment local law in accordance with section 3.12(4).*
4. *That the Council undertake to The Joint Standing Committee on Delegated Legislation to ensure the completion of the Local Law making process by 12 December 2012.*
5. *That Council provide The Joint Standing Committee on Delegated Legislation with a copy of the resolutions passed at this meeting with respect to this matter as soon as practicable.*
6. *That Council include under clause 2.2(4) of the 'working version' of the City of Busselton Busselton Regional Airport Local Law 2012 the following notation:*

"A permit referred to in clause 2.2(1) is not to impose terms and conditions inconsistent with air navigation laws, air navigation policy, or requirements, conditions, standards or guidelines imposed by CASA, Airservices Australia or any other agency responsible for implementing air navigation law or policy. It is recommended that where possible, as is the case generally, when applying regulatory requirements, officers seek understanding and clarification of external regulation where applying this Local Law and City regulations generally. "

The previous report to Council (see Attachment 3) contains more detailed information on the background and purpose and intent of the proposed Airport Amendment Local Law.

In addition to the Officer Report as per Attachment 3, a supplementary report was sent to Council prior to the 25 July 2012 Council meeting, advising Council of certain preliminary concerns which the Joint Standing Committee on Delegated Legislation (**JSC**) had in relation to airport officials' powers to deal with animals at the airport. The supplementary report advised that the concerns could be dealt with through a further minor change to the Airport Amendment Local Law. This minor change relates to the power to destroy animals in clause 4.4(3)(b) of the *Busselton Regional Airport Local Law 2012 (Airport Local Law)*, which states:

"(b) may, where the Airport Manager or an authorized person considers that the animal is or may be a danger to persons or property, destroy the animal."

It was suggested that the powers under the Airport Local Law to destroy animals at the airport, should be limited to animals that may be a danger to persons only and not be extended to animals posing a risk to property.

In addition, in terms of Section 3.17 of the Act local laws are required to be consistent with other written laws. State legislation, including the *Wildlife Conservation Act 1950* and Department of Conservation licenses to kill fauna, apply to the airport. Therefore airport officials' powers under the Airport Local Law have to be subject to the provisions under applicable State legislation. Although the City officers are of opinion that the current terms of clause 4.4(3)(b) of the Airport Local Law are not inconsistent with Commonwealth or State legislation, the Council, for the sake of clarity, provided the JSC with an undertaking to amend clause 4.4(3)(b) of the Airport Local Law by deleting the words "*or property*" and inserting the words "*but subject to the provisions of the Wildlife Conservation Act 1950*". If amended in terms of this undertaking clause 4.4(3)(b) would read:

" (b) may, where the Airport Manager or an authorized person considers that the animal is or may be a danger to persons, but subject to the provisions of the Wildlife Conservation Act 1950, destroy the animal."

These changes are reflected in the attached Airport Amendment Local Law 2012 and were endorsed by Council at its 25 July 2012 meeting.

Pursuant to the abovementioned Council resolution, the proposed Airport Amendment Local Law was published for public comment. The period for public submissions closed on 26 September 2012 and following the process under section 3.12 of the Act, the proposed Airport Amendment Local Law is now referred back to Council for consideration of the submissions that have been received, and to resolve whether or not to make the proposed Airport Amendment Local Law.

CONSULTATION

In accordance with the requirements of section 3.12(3)(a) of the Act the proposed Airport Amendment Local Law was advertised publicly in both local and state-wide papers for a minimum of six weeks and a copy given to the Minister for Local Government.

No submissions have been received from the public/community. The Department of Local Government made certain comments and suggestions in respect of minor drafting improvements which have been incorporated into the proposed Airport Amendment Local Law.

STATUTORY ENVIRONMENT

The procedure for making local laws is set out in Section 3.12 of the Act and Regulation 3 of the *Local Government (Functions and General) Regulations 1996*.

In terms of Section 3.12(4) of the Act Council is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed. A decision to make a local law has to be supported by an absolute majority of the Council.

If the Council resolves to make the local law then the process required under section 3.12(5) and (6) of the Local Government Act needs to be carried out. Section 3.12(5) requires that the local law be published in the Government Gazette and a copy be provided to the Minister for Local Government. Section 3.12(6) requires that after the local law has been published in the Government Gazette, the City must give local public notice stating the title of the local law, summarising the purpose and effect of the local law and advising that copies of the local law may be inspected or obtained from the City office.

In accordance with section 3.14 the local law will come into operation 14 days after publication in the Government Gazette.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Costs associated with the advertising and gazettal of the proposed Airport Amendment Local Law will come from the legal budget. These costs are unlikely to exceed \$2,000.00 and there are sufficient funds in the legal budget for this purpose.

STRATEGIC IMPLICATIONS

The strategic implications of the *Busselton Regional Airport Local Law 2012* have been considered by Council at the adoption stage up until 25 January 2012. The subsequent amendments which will be effected by the proposed Airport Amendment Local Law will have no new policy implications.

OFFICER COMMENT

The Joint Standing Committee on Delegated Legislation (**JSC**), which is a committee of State politicians from both houses of the WA Parliament, has delegation from Parliament to scrutinise and recommend the disallowance of local laws to the Parliament of Western Australia. Due to its terms of reference, the JSC cannot consider local laws prior to their publication in the Government Gazette. The changes to be implemented under the proposed

Airport Amendment Local Law have been required by the JSC and therefore it is anticipated that the JSC will not have any concerns with the proposed Airport Amendment Local Law.

The proposed amendments are mainly of a technical nature which, if implemented will not alter the purpose and effect of **the *Busselton Regional Airport Local Law 2012*** as originally adopted. They are also consistent with an undertaking provided to the JSC to amend the *Busselton Regional Airport Local Law 2012* accordingly. Except for a few minor formatting changes (as suggested by Department of Local Government), the attached version of the proposed Airport Amendment Local Law is the same as advertised for public comment.

It is therefore recommended that Council resolve to make the proposed *Busselton Regional Airport Amendment Local Law 2012* as per Officer Recommendations 1 & 2.

OPTIONS

In addition to recommendations under Officer Recommendations 1 & 2 below, Council has the following alternative option:

Option 1

Resolve to refer the proposed Airport Amendment Local Law to the Policy and Legislation Committee for further consideration. In the event Council wishes to resolve in this fashion the suggested wording is as follows:

“The proposed Busselton Regional Airport Amendment Local Law 2012 be referred to the Policy and Legislation Committee for further consideration and a further report be presented to Council in due course.”

However, given the matter has previously been considered by Council and obtained unanimous support, it is recommended that Council resolves as per Officer Recommendations 1 & 2 below.

TIME FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council resolve to make the proposed Airport Amendment Local Law it will need to be gazetted and will come into operation 14 days after that publication. The timeframe for completion of the gazettal process is approximately thirty days from the date of the Council resolution.

COUNCIL DECISION / OFFICER RECOMMENDATION**ABSOLUTE MAJORITY REQUIRED**

C1210/302 Moved Councillor Henley, seconded Councillor McCallum:

1. That the Council resolve to make the *Busselton Regional Airport Amendment Local Law 2012* in accordance with section 3.12(4) of the *Local Government Act 1995*.
2. That the Council authorise the Chief Executive Officer to carry out the processes required to make the *Busselton Regional Airport Amendment Local Law 2012* in accordance with section 3.12(5) and section 3.12(6) of the Local Government Act.

CARRIED 9/0
BY ABSOLUTE MAJORITY

10. REPORTS OF COMMITTEES**10.1 FINANCE COMMITTEE RECOMMENDATION - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 AUGUST 2012**

This Item was considered earlier in the meeting as part of the Adoption by Exception resolution of Council. ([C1210/293, page 10](#))

10.2 FINANCE COMMITTEE RECOMMENDATION - LIST OF PAYMENTS MADE - AUGUST 2012

This Item was considered earlier in the meeting as part of the Adoption by Exception resolution of Council. ([C1210/294, page 12](#))

10.3 FINANCE COMMITTEE RECOMMENDATION - PROPOSED BUDGET AMENDMENT - FIRE TENDER INSURANCE SETTLEMENT

This Item was considered earlier in the meeting as part of the Items Considered by Separate resolution of Council. ([C1210/299, page 35](#))

10.4 FINANCE COMMITTEE RECOMMENDATION - PETITION - PROVENCE SUBDIVISION RATING 2012/13

This Item was considered earlier in the meeting as part of the Adoption by Exception resolution of Council. ([C1210/295, page 18](#))

10.5 FINANCE COMMITTEE RECOMMENDATION - PROPOSED BUDGET AMENDMENT - RIO TINTO FUNDING AGREEMENT

This Item was considered earlier in the meeting as part of the Items Considered by Separate resolution of Council. ([C1210/300, page 38](#))

10.6 FINANCE COMMITTEE RECOMMENDATION - PROPOSED BUDGET AMENDMENT - WASTE MANAGEMENT

This Item was considered earlier in the meeting as part of the Items Considered by Separate resolution of Council. ([C1210/301, page 50](#))

11. PLANNING AND DEVELOPMENT SERVICES REPORT**11.1 AMENDMENT 172 - REZONING LOTS 63-64 AND 86-87 CORNER BUSSELL HIGHWAY AND HIGH STREET, WEST BUSSELTON FROM 'RESIDENTIAL R30' TO 'RESIDENTIAL R40' WITH ADDITIONAL USE (NO. 78 FOR LIMITED COMMERCIAL USES) AND SPECIAL PROVISIONS (NO. 52) - CONSIDERATION OF ADOPTION FOR FINAL APPROVAL**

This Item was considered earlier in the meeting as part of the Adoption by Exception resolution of Council. ([C1210/296, page 23](#))

11.2 APPOINTMENT OF FIRE CONTROL OFFICERS

SUBJECT INDEX:	Bush Fire Control and Emergency Services
STRATEGIC INITIATIVE:	Strategic Priority 1.1.3 – Provide for a healthy community.
BUSINESS UNIT:	Environmental Services
SERVICE:	Ranger and Fire Services
REPORTING OFFICER:	Tim Wall, Ranger & Emergency Services Manager
AUTHORISING OFFICER:	Paul Needham, Director Planning and Development Services
DATE OF COMPLETION:	24 November 2012
VOTING REQUIREMENT:	Simple majority
ATTACHMENT(S):	Nil

PRÉCIS

This report recommends that Council review the appointment of Bush Fire Control Officers (BFCO) for the purpose of enforcing the relevant provisions of the Bush Fires Act 1954.

BACKGROUND

The Bush Fires Act 1954 (the Act) provides the power for Council to appoint BFCO to carry out duties as outlined in the Act, for the prevention and control of bushfire within the district of Busselton. The duties of BFCO include but are not limited to the issue of burning permits during the restricted burning periods 2 November to 14 December and 1 March to 12 May each year and control of bushfires outside gazetted town boundaries.

Council may appoint Bushfire Brigade members as BFCO to perform the duties required by the Act, and to oversee the running of their respective bushfire brigades. Where a Bushfire Brigade nominates a member for appointment as a BFCO, the nomination is submitted to Council's Bushfire Advisory Committee for endorsement, following which BFCO nominations are submitted to Council with a recommendation for appointment.

Each year Council is requested to review BFCO appointments and to revoke appointment that are no longer required. The last review of BFCO appointments occurred at a meeting of Council on 12 October 2011.

CONSULTATION

City staff have consulted with the following individuals and bodies in respect to the review of BFCO appointments:

Bush Fire Advisory Committee
Chief Bush Fire Control Officer
Deputy Chief Bush Fire Control Officer
FESA District Office

STATUTORY ENVIRONMENT

Relevant statutory context is set out in the Bush Fires Act 1954, Section 38, Appointment of Fire Control Officers.

POLICY IMPLICATIONS

The City's Bush Fire Strategic Plan was adopted in 2005 and is the overarching plan for the Shire's management of bush fire issues and includes provisions relating to the appointment, role and responsibility of a BFCO.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This proposal is considered relevant to the Shire's Strategic Plan 2010-2020:

Key Result Area: Community and Social wellbeing
Strategic Priority 3: Provide for a Health community

OFFICER COMMENT

To ensure the City is meeting its obligations under the Act, to regulate the issue of permits and reduce the impact of a bushfire, it is necessary for Council to review the appointment of BFCO for the district of Busselton. The changes proposed reflect resignation/appointment of staff and a request from Yallingup Rural Bush Fire Brigade.

SUMMARY

It is asked that the Council endorse the officer recommendation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Subsequent to endorsement by the Council, recommendations contained within this report will be actioned forthwith.

OFFICER RECOMMENDATION

That the Council:

1. Pursuant to section 38 of the Bush Fires Act 1954:

- a) Appoints the following persons as Bush Fire Control Officers.

Yallingup Rural Bush Fire Brigade	Mark Fisher
City Ranger	David Boardman
City Ranger	Simon Cann

- b) Revokes the appointment of the following persons as Bush Fire Control Officers.

City Ranger	Gregory Tennant
City Ranger	Michael Waight
City Ranger	Rhys Nathanielsz
City Ranger	Samsiah Rice

Note: Officers provided Council with a revised recommendation which had an additional Ranger appointed in part 1a.

COUNCIL DECISION

C1210/303 Moved Councillor Best, seconded Councillor Reid:

That the Council:

1. Pursuant to section 38 of the Bush Fires Act 1954:

- a) Appoints the following persons as Bush Fire Control Officers.

Yallingup Rural Bush Fire Brigade	Mark Fisher
City Ranger	David Boardman
City Ranger	Simon Cann
City Ranger	James Wanless

- b) Revokes the appointment of the following persons as Bush Fire Control Officers.

City Ranger	Gregory Tennant
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City Ranger	Michael Waight
City Ranger	Rhys Nathanielsz
City Ranger	Samsiah Rice

CARRIED 9/0

12. **ENGINEERING AND WORKS SERVICES REPORT**

Nil

13. **COMMUNITY AND COMMERCIAL SERVICES REPORT**

13.1 **CAPES REGIONAL ARTS AND CULTURAL FACILITIES NEEDS ASSESSMENT SUBMISSIONS**

This Item was considered earlier in the meeting as part of the Adoption by Exception resolution of Council. [\(C1210/297, page 30\)](#)

14. **FINANCE AND CORPORATE SERVICES REPORT**

14.1 **BUSSELTON REGIONAL AIRPORT AMENDMENT LOCAL LAW 2012**

This Item was considered earlier in the meeting as part of the Items Considered by Separate Resolution of Council. [\(C1210/302, page 56\)](#)

15. CHIEF EXECUTIVE OFFICER'S REPORT**15.1 BUSSELTON FORESHORE REDEVELOPMENT - THE COMMITMENT OF FUNDS TOWARDS THE PROGRESS OF REDEVELOPMENT BY COUNCIL**

SUBJECT INDEX:	Busselton Foreshore Redevelopment
STRATEGIC INITIATIVE:	1: Provide a range of quality leisure, cultural, recreational and sporting facilities and services. 4: To assist and provide for the economic development of the district.
BUSINESS UNIT:	Major Projects
SERVICE:	Major Projects
REPORTING OFFICER:	Major Projects Officer – Pip Sawyer
AUTHORISING OFFICER:	A/Chief Executive Officer – Matthew Smith
DATE OF COMPLETION:	2 November 2012
VOTING REQUIREMENT:	Absolute Majority – Part 1 Simple Majority – Part 2
ATTACHMENT(S):	Nil

PRECIS

Following adoption of the Busselton Foreshore Master Plan in March 2012 and successful submission to Royalties for Regions for redevelopment of the Signal Park precinct (\$6.1 million), the City has been unsuccessful in obtaining further funding from either the WA State Government or the Commonwealth to progress this regionally significant major project. A funding strategy has been prepared as a staged plan for Busselton foreshore redevelopment that proposes funding over 2 years and project implementation over 3 years. The strategy has been presented to the WA State Government.

This report seeks the Council's consideration of:

1. The allocation of \$500,000 from the Infrastructure Development Reserve to carry out site investigations, civil engineering studies and preliminary detailed design work. This will enable service infrastructure planning and approvals across the redevelopment area, essential to bring the project to the "shovel ready" state of preparedness required by Royalties for Regions funding guidelines
2. The allocation of the \$1,150,000, from a total of \$1,400,000 available through the 2012/13 Country Local Government Funding program (CGLF) towards the upgrade of the section of Queen Street north of Marine Terrace
3. The allocation of \$5,000,000 over 3 years (in cash and in kind) towards the implementation of Busselton Foreshore redevelopment, should the

funding strategy presented to the WA State Government prove successful in obtaining the necessary funds.

BACKGROUND

Following completion of the Busselton Jetty restoration (Stage 1 Jetty Precinct), redevelopment of Busselton Foreshore itself began with a successful submission in 2010/11 to the WA State Government Royalties for Regions funding programme for Stage 2 (Signal Park Precinct). The \$6.1 million received for Stage 2 Signal Park has enabled redevelopment of the public realm along the beachfront west of Queen Street, including reconstruction of the seawall and re location of the foreshore car parks to create a widened promenade and increased space for community use. It will be complete at the end of 2012.

The City's subsequent application to Royalties for Regions in 2011/12 to fund the next stage of works was unsuccessful. It comprised:

- the replacement and upgrade of coastal defences between Queen Street and the Goose Café;
- a portion of the buy back costs of the Nautical Lady lease and;
- the re location of Busselton Tennis Club.

Since then, at a Special Meeting convened on 15 December 2010, Council resolved (C1012/458), to enter into a preliminary agreement with the sub-lessee of the Nautical Lady Fun Park (Lot 431 Queen Street) for the re-acquisition of the leasehold interest with a remaining term of 32 years. This acquisition is in accordance with the adopted Busselton Foreshore Master Plan and has been completed, funded by the City of Busselton.

The City's parallel application to Regional Development Australia in 2011/12 in respect of the Youth Community and Events precinct was also unsuccessful. The \$5.6 million funding submission was one of three selected by the local SW area committee to go forward at the Federal level but was not supported. The precinct comprises:

- a landscaped regional skate and BMX park;
- the Youth Community and Events building with Busselton Surf Life Saving Club as anchor tenants;
- adventure playground/s

Pending further funding from State and/or Federal sources, the completion of current work at Signal Park precinct will bring redevelopment work on Busselton Foreshore to a close at the end of 2012. In an effort to maintain momentum and continue the progress made to date, the City of Busselton recently wrote to the Department of Regional Development and Lands outlining the situation and received a reply in June 2012 from the Director General, Mr Paul Rosair. This correspondence has resulted in the preparation

of a funding strategy, "The Busselton Foreshore Redevelopment Proposed Partnership Strategy" as a strategic funding document which, following its presentation to Councillors at a briefing, was sent to Mr Ian Fletcher, Chairman of the Regional Development Council (RDC) on 20th September 2012.

The document proposes that funding from a number of State Government agencies, grouped to maximise available funding avenues, is provided over 2 years, to enable implementation of the Busselton Foreshore Master Plan over a 3 year construction period commencing in 2013. The document sets out the City of Busselton's intention to commit to the financing and completion of site investigations and the preliminary detail design of infrastructure necessary to bring the overall Busselton Foreshore redevelopment project to "tender ready" by March 2013 and "shovel ready" by July 2013. This level of preparation is a requirement of the Royalties for Region funding guidelines.

PROPOSAL

In order to achieve "shovel ready" status the City of Busselton needs to engage consultants to carry out a number of surveys, studies and reports that will underpin the design and provision of infrastructure, essential services and civil engineering work required across the redevelopment area. This work will culminate in the preliminary detail design needed to plan, cost and approve the provision of water, power, telecommunications, roads and other essential services to Busselton Foreshore in support of the community and commercial development proposed in the Master Plan.

The Council is requested to approve a commitment to funding items 1 and 2 below and to agree to commit funds to item 3, should the "The Busselton Foreshore Redevelopment Proposed Partnership Strategy" be successful:

1. Site investigations and preliminary detailed design work

To bring the overall redevelopment area to "shovel ready" by July 2013 it is estimated that funds totalling \$500,000 will be required for the preliminary detail design of infrastructure to service Busselton Foreshore redevelopment. The proposed work will include:

- coastal modelling
- geotechnical survey
- environmental survey
- road survey and design
- drainage design
- services design (electrical, sewer, water, gas, telecommunications)
- coastal defences detailed design
- civil engineering

It is proposed that these funds are sourced from the City's Infrastructure Development Reserve in 2012/13, which sets aside funds to facilitate the identification, design and development of new infrastructure and other capital projects. In terms of the Council's adopted budget for 2012/13, the closing balance of the Infrastructure Development Reserve will be \$2,157,451. (Please see Attachment A – Extract from City of Busselton Annual Budget) However, this total may be subject to change should there be other demands on the Infrastructure Development Reserve.

2. The upgrade of streetscape for the section of Queen Street between Marine Terrace and the rear of the Equinox café

This section of Queen Street, north of Marine Terrace, is the main entry to Busselton Foreshore and the Jetty as well as the continuation of Busselton's main street linking the CBD with the Foreshore. The upgrade to this portion of road will create a clearly identifiable and welcoming point of arrival for visitors to Busselton Foreshore, the Jetty and its attractions and, through its urban design, a visual link to the Queen Street cultural precinct. The Council is requested to assign \$1,150,000 from the Country Local Government Funding program in 2012/13 towards these works, including:

- a new road surface, bus bays and re surfacing of 2 existing roundabouts
 - hard and soft landscape works, banner/lighting poles and street furniture
 - the use of exposed aggregate and/or interlocked pavers, in a design complementary to the new cultural precinct streetscape .
3. A commitment to provide \$5,000,000 in cash and in kind to the Busselton Foreshore redevelopment project over 3 years.

The City of Busselton has already indicated that it wishes to contribute to this major project and will now commit to doing so, should additional funding to complete the project be made available by the WA State Government and its agencies.

STATUTORY ENVIRONMENT

The Master Plan is the strategic document that provides guidance for the planning and land use of the Site. It will be supported by a Development Guide Plan to be presented to the Council for adoption and endorsed by the Western Australian Planning Commission.

As the site covered by the Master Plan is composed of reserves and not privately owned land, development is controlled by the planning scheme for the purpose of the reservation and administered through the Land Administration Act 1997 (LAA). The LAA is administered by the Minister for Regional Development and Lands in his statutory role as Minister for Lands, with advice provided by the Department of Regional Development and Lands. Further control on the use of the reserve is protected by the Management Order conditions which may range from specific land

management restrictions to the granting to the management body of the power to lease.

The precincts as outlined are consistent with the reserve rationalisation process currently in progress through the Department of Regional Development and Lands and subject to parliamentary process.

POLICY IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

The financial implications from making the funding commitments described in the report are:

<u>1. Commitment to become "shovel ready"</u>	<u>\$500,000</u>
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The work outlined in this report carries an estimated cost of \$500,000. It is proposed to source these funds from the City's Infrastructure Development Reserve in 2012/13 which is shown with a closing balance of \$2,157,451 for 30 June 2013. The Infrastructure Development Reserve is for the purpose of setting aside funds to facilitate the identification, design and development of new infrastructure and other capital projects.

2. Upgrade to Queen Street

It is proposed to assign \$1,150,000 in funding from the Country Local Government Fund (CLGF) in 2012/13 towards the upgrade of Queen Street from Marine Terrace, North towards the Foreshore.

The \$1,150,000 is comprised of all of the \$700,000 allocation from the CLGF Regional Allocation under the Capes Regional Tourism Precinct Strategy in partnership with the Augusta Margaret River (AMR) Shire through the Capes Regional Economic Strategy (CAPEROC), with the remaining portion funded from the CLGF Direct Grant allocation. The total amount of CLGF funding available is \$1,400,000 with \$250,000 allocated to the Dunsborough Foreshore Redevelopment.

3. Commitment by the City of Busselton

That the City of Busselton commits to a contribution of \$5 million over 3 years to the Busselton Foreshore redevelopment project (in cash and in kind) as set out in the "Busselton Foreshore Redevelopment Proposed Partnership Strategy", should the funding strategy be successful and funds obtained from the WA State Government and its agencies.

STRATEGIC IMPLICATIONS

The proposal is consistent with the City's Strategic Plan 2010-2020 which identifies Busselton Foreshore redevelopment as a high priority of the Council, and one of the five key major projects for the City to achieve. The following strategic priorities are relevant:

Strategic Priority 1: 'Provide a range of quality leisure, culture, recreational and supporting facilities and services'

Strategic Priority 4: 'To assist and provide for the economic development of the district'.

The redevelopment of Busselton Foreshore will have the capacity to deliver social and economic benefits to the local community and the region, as renewal of the public realm proceeds and new community and commercial uses create opportunity and choice. Together with a high quality landscape upgrade to public parkland along the foreshore, the development of new commercial leaseholds and community facilities will provide new business, employment and training options in the District while revitalising the image of Busselton as a contemporary, as well as a traditional, holiday destination.

OFFICER COMMENT

This report seeks the Council's consideration and approval for the funding commitments proposed. Completion of the foreshore redevelopment as adopted in the Master Plan is dependant on the availability of funding from State Government and its agencies. In order to take maximum advantages of the funding opportunities it is important that the City:

- Abides by the funding guidelines of the relevant funding agencies including the WA State Government Royalties for Regions program which requires the applicant to be "shovel ready"
- Makes preparations to commit its own funds to this major urban renewal project in order to maintain a viable claim to partnership in the funding strategy proposed to the WA State Government as well as contribute to its own economic and social development.
- Acts to ensure that the high quality of public realm set by the initial stage of redevelopment at Signal Park is consistent over the lifetime of the project
- Acts to ensure that the level of public access and amenity on the Reserves vested in the City of Busselton is improved and maintained for community enjoyment, and the capacity to host events on Busselton Foreshore is increased as a result of the redevelopment, achieving the City's aim to be the "Events Capital of Regional WA".

It is particularly important that the City of Busselton “kick starts” the redevelopment process by undertaking the site investigations, studies preliminary detail design work listed. These works, taken as a whole, provide essential baseline information, much of which will be requested by prospective investors and developers responding to the commercial EOI process proceeding to the second stage of the EOI process. The provision of accurate technical information will assist them to assess project costs and asset longevity enabling them to make better informed decisions. This is likely to improve the City’s ability to attract its investor of choice.

The proposed work will provide the City of Busselton with technical and civil engineering information, essential for public utilities such as the Water Corporation and Western Power, in order to plan services and infrastructure for the foreshore. Where the City can identify and provide easements for services, located and constructed to enable access over the long term and in line with the design of the Master Plan, it will reduce installation and site remediation costs. It may also simplify future work by providing spare capacity in a convenient location.

The completion of this preparatory work will assist the accurate development of cost estimates for the detailed design of infrastructure in each precinct of the redevelopment and therefore for community and commercial construction projects and leaseholds in each precinct. The ability to provide detailed and documented construction cost estimates as part of a funding application, for example to LotteryWest or the Department of Sport and Recreation, greatly increases the chances of obtaining the funding requested.

The risk does exist that, should the project not attract funding from the WA State Government, the Council will have expended funds on the foreshore that will not repay the investment immediately. However, current population growth in the City and the South West region, ensures that redevelopment of the public realm along Busselton Foreshore will take place in the near to medium term if not the current, preferred, timeframe between 2013 to 2015. The coastal defence studies, civil engineering and survey work will all remain relevant and essential to implementation of the redevelopment plans, particularly new economic development opportunities and community facilities.

It should also be noted that the sum of \$500,000 is a cost estimate at this stage. Should the budget be made available, it will only be expended on a case by case basis as each study, survey, or design brief is approved as being necessary.

With respect to the proposed allocation of CGLF funds to the upgrade of Queen Street, north of Marine Terrace, this project is seen by staff as having the ability to maintain the momentum of development on Busselton Foreshore. It is a logical progression of work following on from the Signal Park precinct and its implementation will require little input from external sources as the City has the capacity to execute much of the work in house.

The detail design of a pedestrian friendly and welcoming entry point to Busselton Foreshore will contribute towards the pedestrian and vehicular links between the Foreshore and Busselton CBD. Most importantly, it will support the City's growing events calendar by providing a high quality focal point for sponsors, the community and visitors', drawing attention to Geographe Bay and the views to the Jetty.

With respect to the proposal for a \$5,000,000 contribution from the City of Busselton to the implementation of the Foreshore Master Plan (in cash and in kind) over a 3 year period should the WA State Government support this project, the Council has previously acknowledged the necessity of making a major contribution towards the foreshore redevelopment, naming it a high priority in the Strategic Action Plan 2010 to 2020 revised in October 2011. The sum proposed is proportional to the funding support requested and in line with programme guidelines.

Lastly, it should be understood that, if this funding strategy is successful, the works programme will need to be undertaken as a single, continuous undertaking. Project implementation will run concurrently in some areas and consecutively in others with the potential of disruption to some annual events and seasonal activities. Although events and seasonal activities will be taken into account as part of the project scheduling and management, it is likely that there may be some inconvenience to the public and temporary economic distress to commercial enterprises on the foreshore. It is therefore important to note that the continuous timeline proposed for the implementation works will deliver considerable time and cost savings across the project.

If the funding strategy is only partially successful, then the Council will need to make decisions on its future contribution to the project. The City has developed a good working relationship with WA State Government agencies and, as a result, received indications that identified community infrastructure and facilities projects on the foreshore are likely to receive substantial funding. Two examples are, partnership funding for the Youth Community and Events precinct and the funding over two years of the Active Sports precinct. The City will have the opportunity to reconsider its level of contribution to the project based on the success or otherwise to the grant applications.

CONCLUSION

It is requested that the Council approve the allocation of funding contribution to Busselton Foreshore redevelopment as:

1. \$500,000 from the Infrastructure Development Reserve for site investigations, studies and preliminary detail design of infrastructure leading to "shovel readiness" by July 2013

2. Allocation of \$1,150,000 from the CLGF in 2012/13 for the upgrade of streetscape in Queen Street north of Marine Terrace
3. The commitment of \$5,000,000 over 3 years in cash and in kind as the City of Busselton's contribution towards Busselton Foreshore redevelopment, should the WA State Government and its agencies provide funds to enable the project to proceed

OPTIONS

1. The Council has the option to reject the proposal to transfer \$500,000 from the Infrastructure Development Reserve for the site investigations, studies and preliminary detail design of infrastructure.
2. The Council has the option not to allocate any funds from the Country Local Government fund towards the upgrade of Queen Street as part of the Busselton Foreshore Project.
3. The Council has the option of not making a commitment of \$5,000,000 over 3 years (in cash and kind) should the City of Busselton be successful in its funding strategy.
4. The Council has the option to not proceed with any combination of the above.

However, this action may adversely affect the City's chances of obtaining funding under the Royalties for Regions programme.

TIMELINE FOR IMPLEMENTATION

The officer recommendation will be implemented as soon as practicable with the preparation of consultant briefs for the study of specialised areas, including coastal modelling, design of coastal defences and geo technical survey as an urgent priority.

A considerable amount of work has already been completed towards the detailed design of the Queen Street section described, including the preparation of a concept for the hard and soft landscape work and an initial proposal for the road engineering. Further work to complete detail design and document the work will proceed as soon as funding is available

Implementation of the third funding commitment, of \$5,000,000 towards the redevelopment of the foreshore project, will only commence if (and when) the City is successful in obtaining funding support from the WA State Government along the lines proposed in the funding strategy document.

OFFICER RECOMMENDATION**ABSOLUTE MAJORITY REQUIRED**

That the Council amends the 2012/13 budget as follows:

- 1a) transfers \$500,000 from the Infrastructure Development Reserve to Busselton Foreshore - Stage 3 Site investigations, studies and preliminary detail design of infrastructure (new cost code required)
- 1b) approves the expenditure of \$1,150,000 from the combined Direct and Regional CLGF funding for 2012/13 to fund the proposed streetscape upgrade of Queen Street, North of Marine Terrace
- 1c) deletes the budget expenditure allocation of \$5,600,000 against the Busselton Foreshore Precinct (cost code 3070), along with the associated budget grant allocation of \$5,600,000, due to the grant application being unsuccessful.

That the Council agrees:

SIMPLE MAJORITY REQUIRED

- 2) to commit to a contribution of \$5 million over 3 years in cash and in kind to the implementation of the Busselton Foreshore Master Plan, as set out in the Busselton Foreshore Redevelopment Proposed Partnership Strategy", should the strategy be successful and funds obtained from the WA State Government and its agencies.

Note: Officers provided Council with a revised recommendation. It was identified that the concepts within the "Busselton Foreshore Redevelopment Proposed Partnership Strategy" should be endorsed by Council, along with the agreement to the \$5 million contribution should it prove successful.

COUNCIL DECISION**ABSOLUTE MAJORITY REQUIRED**

C1210/304 Moved Councillor McCallum, seconded Councillor Tarbotton:

1. That the Council amends the 2012/13 budget as follows:
 - a) transfers \$500,000 from the Infrastructure Development Reserve to Busselton Foreshore - Stage 3 Site investigations, studies and preliminary detail design of infrastructure (new cost code required);
 - b) approves the expenditure of \$1,150,000 from the combined Direct and Regional CLGF funding for 2012/13 to fund the proposed streetscape upgrade of Queen Street, North of Marine Terrace;
 - c) deletes the budget expenditure allocation of \$5,600,000 against the Busselton Foreshore Precinct (cost code 3070) along with the

associated budget grant allocation of \$5,600,000, due to the grant application being unsuccessful.

SIMPLE MAJORITY REQUIRED

2. That the Council:
- a) endorses the "Busselton Foreshore Redevelopment Proposed Partnership Strategy";
 - b) agrees to commit to a contribution of \$5 million over 3 years in cash and in kind to the implementation of the Busselton Foreshore Master Plan, as set out in the "Busselton Foreshore Redevelopment Proposed Partnership Strategy", should the strategy be successful and funds obtained from the WA State Government and its agencies.

**CARRIED 9/0
BY ABSOLUTE MAJORITY**

15.2 COUNCILLORS' INFORMATION BULLETIN

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1210/298, page 32](#))

16. MOTIONS of which previous notice has been given

Nil

17. CONFIDENTIAL REPORTS**17.1 CONTRACT RENEWAL CHIEF EXECUTIVE OFFICER**

SUBJECT INDEX:	Human Resources - Recruitment
STRATEGIC INITIATIVE:	Management of the organisation for high levels of motivation and effectiveness
BUSINESS UNIT:	Corporate Services
SERVICE:	Employee Services and Risk
REPORTING OFFICER:	Manager, Corporate Services – Sarah Pierson
DATE OF COMPLETION:	25 th October 2012
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENT(S):	Proposed Contract of Employment

This report was presented for consideration to be introduced as an item of urgent business at the Council meeting on 24 October, 2012 to enable the timely formalisation of the contractual discussions held during the CEO's performance review.

Councillors indicated their preparedness to consider the report and the Presiding Member therefore accepted the item.

The report is confidential in accordance with Section 5.23(2)(a)&(b) of the Local Government Act 1995 in that it relates to matters affecting an employee and the personal affairs of a person. It was provided to Councillors and the Chief Executive Officer only.

DISCLOSURE OF INTEREST	
Name / Position	Mr Mike Archer, Chief Executive Officer
Item No. / Subject	17.1 – Contract Renewal Chief Executive Officer
Type of Interest	Financial Interest

COUNCIL DECISION / OFFICER RECOMMENDATION**ABSOLUTE MAJORITY REQUIRED**

C1210/305 Moved Councillor Tuffin, seconded Councillor Reid:

That the Council, being satisfied with the provisions of the proposed employment contract, endorses the offering of a new contract of employment to Mr Mike Archer in the role of Chief Executive Officer, with the new contract to come into effect as of 8th August 2012 for a term of 5 years.

CARRIED 9/0
BY ABSOLUTE MAJORITY

18. QUESTIONS FROM MEMBERS

Councillor Tom Tuffin asked the Chief Executive Officer if he was aware of the status of the vacant block located opposite the City administration building as he noticed the 'for sale' signs have been removed.

Response: Chief Executive Officer

The Chief Executive Officer advised that he will be meeting with the real estate agent responsible for the property listing in the in the coming week.

Councillor Grant Henley announced a wishing of good travels to Councillor Stubbs and Councillor Tuffin, as they visit our Sister City, Sugito, representing the City of Busselton. On behalf of BASSCA, he wished the Councillors a fruitful trip and said the visit will continue to strengthen the bond between the two cities.

19. PUBLIC QUESTION TIME

Nil

20. NEXT MEETING

14 November 2012

21. CLOSURE

The meeting closed at 5.45pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 76 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON _____

DATE: _____

PRESIDING MEMBER: _____