



Ordinary Council Meeting

# Minutes

20 November 2024

## MINUTES

**Minutes of a meeting of the Busselton City Council held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Wednesday 20 November 2024 at 5:30pm.**

### **CITY OF BUSSELTON**

Minutes from the Council Meeting held on Wednesday, 20 November 2024

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## 1. OFFICIAL OPENING

The meeting opened at 5.33pm.

The Presiding Member welcomed Councillors, staff, guests and members of the public to the Ordinary Council Meeting of 20 November 2024.

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

This meeting was audio recorded for minute taking purposes and will be livestreamed on the City of Busselton YouTube channel.

Pastor Joe O'Donovan from Church 242 Vasse read a prayer as part of the opening of this meeting.

## 2. ATTENDANCE

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

<b>OFFICERS</b>	
Mr Tony Nottle	Chief Executive Officer
Mr Brad Reynolds	Acting Director Infrastructure and Environment
Mr Gary Barbour	Director Community Planning
Ms Maxine Palmer	Director Economic and Business Development
Ms Sarah Pierson	Director Corporate Strategy and Performance
Ms Tegan Robertson	Governance and Risk Coordinator
Ms Carmel Brown	Governance Officer

<b>APOLOGIES</b>
Nil

<b>LEAVE OF ABSENCE</b>
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Cr Mikayla Love
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<b>APPLICATION FOR LEAVE OF ABSENCE</b>
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Nil
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**3. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

Nil

**4. DISCLOSURES OF INTEREST**

**DISCLOSURES OF FINANCIAL INTEREST**

Nil

**DISCLOSURES OF IMPARTIALITY INTEREST**

The Presiding Member noted that a disclosure of impartiality interest had been received from Cr Val Kaigg in relation to Confidential Item 18.1 Saltwater Budget Amendment and Communications Plan.

## 5. CONFIRMATION AND RECEIPT OF MINUTES

### 5.1. Ordinary Council Meeting 16 October 2024

#### **COUNCIL DECISION**

**C2411/316** Moved Mayor Phill Cronin, seconded Cr Val Kaigg

**That the minutes of the ordinary Council meeting adjourned 16 October 2024 and resumed 23 October 2024 be confirmed as a true and correct record (as published at 20 November 2024 on the City of Busselton's [website](#), inclusive of any confidential material published on the restricted internal Docs on Tap application).**

**CARRIED 7 / 0**

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

**AGAINST: Nil**

5.44pm: At this time, Cr Richard Beecroft joined the meeting electronically.

## 6. PUBLIC QUESTION TIME

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

The following questions were taken on notice at the 16 October 2024 ordinary Council meeting. Below is a summary of the questions and responses provided by the CEO.

#### **Dr. Andrew Dickie**

##### **Question:**

How many individual water samples from the Lower Vasse River collected between 1 November 2023 and 31 May 2024 showed red alert levels of toxic cyanobacteria?

##### **Response:**

The City does not conduct water sampling within the Lower Vasse River. This is conducted by the Department of Water and Environmental Regulation (DWER) Aquatic Science Branch. The City received a copy of approximately 1,000 individual sample point results contained within over 60 emails from DWER email addresses over the period 1 November 2023 to 31 May 2024 in relation to water sampling of the Lower Vasse River. The City is not aware what the term “red alert level” refers to and the question would be better directed to DWER as the agency responsible for sampling. The City relies on advice from the WA Department of Health on alert levels. As previously advised, on two occasions during this period City of Busselton erected temporary warning signs based on the advice of the Department of Health following identification of high levels of cyanobacteria.

##### **Question:**

On how many occasions last summer did the City of Busselton issue a public warning about red alert levels of cyanobacteria on its website or in community newspapers?

##### **Response:**

The City has previously responded to questions regarding the number and nature of public warnings issued between November 2023 and May 2024. As previously advised, the City received notification from the Department of Health in relation to high levels of toxic cyanobacteria in the Lower Vasse River on 28 December 2023, and 6 February 2024. In response, the City installed temporary warning signs, additional to the permanent signage, and confirmed this approach (to provide the public warning by way of signage) with the Department of Health. The City did not receive a request for any additional action to be taken from the Department of Health following this correspondence.

At the March 2024 ordinary Council meeting, in response to a similar question raised during Public Question Time, the City committed to seeking additional clarity from the Department of Health on their recommended mediums for public warnings regarding the Lower Vasse River’s water quality when alerts are received. The City has not received any notifications from the Department of Health in relation to high levels of toxic cyanobacteria in the Lower Vasse River since this Council meeting. The City has committed, as previously advised in response to a related question at the July 2024 ordinary Council meeting, that the medium to be utilised for issuing future warnings will be as recommended by the Department of Health on each occasion but likely will include signage, and public notice on Facebook and the City’s website.

**Mrs Michelle Shackleton**

**Question:**

What were the findings of the risk assessment [evaluating the City's ability and resources to effectively manage and deliver Saltwater construction within the specified timeline and budget] and where were they published?

**Response:**

Since 2019, Business Cases developed for funding applications have been published on the City's website, on the Saltwater project page. A requirement of State and Federal funding applications is the submission of a project risk assessment. The current published Business Case has an assessment of risks starting on page 62, this includes a risk titled 'cost overruns' and other risks which could affect the timely delivery of the project.

**Mr Don Evill**

**Question:**

What are the costings for the hire of various Saltwater venues?

**Response:**

The hire rates for Saltwater were approved by Council in 2023 and are listed and available on the City of Busselton website in the list of Council Fees & Charges.

Below are the fees you requested and the full list can be found on the City of Busselton website [here](#). You'll find all the Saltwater fees listed on page 24.

- function room 1 - \$100ph
- function room 2 - \$100ph
- function room 3 - \$100ph
- If you combine all 3 rooms together, it is \$250ph for all 3.



## 6.2. QUESTION TIME FOR PUBLIC

### **Mrs Michelle Shackleton**

**Question:**

In relation to confidential item 18.1 Saltwater Budget Amendment and Communications plan, what satisfaction is available to the residents and rate payers of the City of Busselton when the details of this item are released?

**Response:**

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

This item was considered by the Council at a special council meeting on 30 October 2024. At that time, the Council resolved to refer the item to this meeting, so further information could not be released to the community at that stage. The decision that the Council make tonight with regards to this item will determine what information can be released to the public. Following the release of further information, the community may choose to further engage with the Council.

**Question:**

Can the City release further information regarding local jobs created during the construction of Saltwater?

**Response:**

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

This information whilst probably available will need to come from the contractor.

**Question:**

The subject of risk management has been raised by the community at the past two Annual General Meetings, with the latter revealing that the City has about 100 risks captured in the corporate risk register, but still no risks above a low-level rating. Given the complexity of the Saltwater project, how did the project proceed with an assessed low level of risk?

**Response:**

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

The Council made a decision to proceed with the construction of Saltwater in November 2021 based on the information available at the time and broadly on the basis of the social and economic benefits that a performing arts and convention centre such as Saltwater would bring to the community. There was a medium financial risk tabled at that time.

For a project of this size the City has a dedicated project risk register (separate to recorded corporate risks) which is used to manage delivery risk over the life of the project, this includes contract risks, and risks around budget, schedule and project scope. Currently there are 56 risks on the register, a number of these have a high residual rating even with the implementation of available mitigation strategies due to the complex and technical nature of the building and the prevailing construction environment.

**Mr Keith Sims**

**Question**

In relation to attachment 10.4.1 Monthly Financial Report – September 2024, the report identifies Saltwater costs for ‘design’ and ‘other’. What do these costs relate to?

**Response:**

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

The Saltwater project is broken down into 5 project codes. The design of structure / professional fees project code is for costs associated with the architect and the sub-consultants required for design work, and for legal and other professional fees.

Since entering into the contract there have been general and architectural design revisions and clarifications required, which is normal for a complex building project like this. There was an amount of just under \$2.5M allocated for design / professional fees.

The other item is for interest payable on payments to the contractor.

**Question**

In relation to Saltwater, of the \$38m contract and \$3m contingency how much is remaining to be paid/spent?

**Response:**

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

Of the \$38m contract and \$3m contingency, there is, based on last review, approximately \$5.8m remaining to be paid. These funds are not on the current budget and is part of the item under consideration at this meeting.

**Question:**

Is it correct that the state government is providing \$70,000 per year for 3 years to subsidise Saltwater ticket sales? Can you please confirm and advise what are the grant conditions and who will be the recipients?

**Response:**

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

The Regional Arts Venues Support Grant is provided at \$70,000 per year (pro-rata from when Saltwater opens) with the intention to expand the programming budget of regional venues (not to subsidise ticket sales).

The City of Busselton is the sole recipient of the grant funds.

The purpose of the grant, as stated in the City’s application, is to:

1. Increase access for young people and children to inspiring arts experiences;
2. Promote a greater understanding and respect for First Nations stories within the wider community; and
3. Introduce the community to new art forms they’ve not had access to previously.

**Dr Andrew Dickie**

**Question:**

Is there any estimate of the potential future legal costs the City will incur in relation to the construction of Saltwater?

**Response:**

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

No, there is no estimated figure.

**Mr Don Evill**

**Question:**

In relation to attachment 10.5.1 List of Payments for Council September 2024, in September 2024 the City paid an amount of \$20,625 for a musical performer. Could you provide further detail on that payment?

**Response:**

**(Mayor Phill Cronin)**

We will take that question on notice.

**Question:**

Over the period of July – September 2024, the City has spent a total of \$13,510 on catering. There are further payments for catering that have been listed separately with information about what the catering was for. Is there any reason why some catering expenses are not listed with this detail in the City's financial reports?

**Response:**

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

The description attributed to payment line items in the City's financial reporting is generated by the City's financial management software and meets the requirements of the *Local Government Act 1995*. The list of payments is reviewed each month by the Finance Committee, which then makes a recommendation to the Council. However, we will take this question on notice to provide further information about these specific payments.

**Question:**

Over the period of July – September 2024, the City spent a total of \$9,985 on Council and staff refreshments. Can you clarify why this amount of money has been spent on Council and staff refreshments?

**Response:**

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

We will take that question on notice.

**Mr Darren Glover**

**Question:**

With regards to public participation at council meetings, what mechanisms do the Mayor, Councillors and members of the public have available to improve the quality of interactions going forward?

**Response:**

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

The City's Meetings, Information Sessions and Decision-Making Council Policy outlines the various mechanisms available to members of the community to engage with elected members, including regular community access sessions and public agenda presentations. We encourage the public to utilise these forums for a more informal and interactive discussion with elected members. At item 14.2 on this agenda (2025 Council and Committee Meeting Dates), officers are recommending a fortnightly schedule for council meetings in 2025, which would mean community access sessions are held twice a month on the first and third Wednesdays.

**Ms Jane Bennett**

**Question:**

What action has the City taken following the attempted removal of the tree beside Phoebe Abbey House?

**Response:**

**(Mayor Phill Cronin)**

There is no action available to the City. As the tree is not currently on the Heritage List, the owners of the property are within their rights to remove it.

**Question:**

In a recent heritage study, Phoebe Abbey House was identified as a management category 1 property. At the 16 October 2024 ordinary council meeting, the Council resolved to commence the process to enter the tree on the grounds of Phoebe Abbey House individually onto the Heritage List. The minutes of this meeting show three elected members voted against this motion. Can you explain the reasons for this?

**Response:**

**(Mayor Phill Cronin)**

Decisions made in a council meeting are collectively a decision of the Council, and not one elected member. I can't comment on the individual reasons of Councillors for voting one way or the other.

**Question:**

What other options are available to the Council to protect places, and specifically flora, of historical significance?

**Response:**

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

There is federal and state environmental legislation that relates to clearing, which defines thresholds related to the number and significance of the items to be cleared, and the federal or state approval processes to be followed. At a local level, the City has limited ability to protect individual trees. In the proposed new Local Planning Scheme there is a proposal looking at greater protections for some

trees, but currently the only mechanisms available to the City are through the heritage list (if the item is of historical significance) or through the current federal and state legislation.

## 7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

### 7.1. PETITIONS

#### 7.1.1. Petition - Dunsborough Town Football Club

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.1 Provide opportunities for the community to engage with Council and contribute to decision making.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Manager Legal, Governance and Risk - Ben Whitehill
<b>Authorised By:</b>	Chief Executive Officer - Tony Nottle
<b>Nature of Decision:</b>	Advocacy: to advocate on its own behalf or on behalf of its community to another level of government/body/agency.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. Petition DTFC Redacted [7.1.1.1 - 43 pages] 2. Petition DTFC Additional Page Redacted [7.1.1.2 - 1 page]

#### COUNCIL DECISION

**C2411/317** Moved Cr Anne Ryan, seconded Cr Andrew Macnish

**That the Council receive the petition and refer it to the CEO to prepare a report to the Council.**

**CARRIED 8 / 0**

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

**AGAINST: Nil**

#### OFFICER RECOMMENDATION

**That the Council receive the petition and refer it to the CEO to prepare a report to the Council.**

A petition with 481 signatures (Attachments 1 and 2) was received from the petitioners on 21 October 2024 requesting as follows in relation to the Dunsborough Town Football Club:

*That the Council extend the existing lease terms for DTFC at the current facilities at Dunsborough Playing Fields for a long term tenure (minimum 10 years, with optional extension periods) to enable future certainty to the club and its members.*

The requirements for a petition to be considered by Council are set out in clause 6.9(1) of the *City of Busselton Standing Orders Local Law 2018* (Standing Orders). The petition substantially complies with those requirements however some of the signatories are not electors of the district.

In response to a petition presented to the Council, the Council may, pursuant to clause 6.9(3) of the Standing Orders, determine to:

- (a) receive the petition;
- (b) reject the petition;
- (c) receive the petition and refer it to the CEO to prepare a report to the Council / Committee;
- (d) receive the petition and refer it to the CEO for action.

It is recommended that the petition be received by the Council and referred to the CEO to prepare a report to the Council.

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

Ms Natasha Blefari representing Dunsborough Town Football Club spoke in relation to  
7.1.1 Petition - Dunsborough Town Football Club.

## **7.3. DEPUTATIONS**

Nil

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

Nil



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

**ADOPTION BY EXCEPTION RESOLUTION EN BLOC**

**COUNCIL DECISION**

**C2411/319** Moved Cr Val Kaigg, seconded Cr Jodie Lee

That the Committee Recommendations for items 10.2, 10.4 and 10.5, and Officer Recommendations for items 11.1, 11.2, 14.1, 14.2 and 15.1 be carried en bloc.

Item	Report
10.2	Aeration Trial
10.4	Monthly Financial Report – Year to Date 30 September 2024
10.5	List of Payments Made – September 2024
11.1	Reconsideration of DA17/0866.01 - Modification to Development Approval - Industry - Extractive (Gravel) Lot 2 Nuttman Rd & Lot 3 Chapman Hill East Rd Chapman Hill
11.2	Community Assistance Program Assessment
14.1	Budget Adoption – Benefits and Risks of an Early June Adoption
14.2	2025 Council and Committee Meeting Dates
15.1	Elected Member Information Bulletin

**CARRIED 8 / 0**

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

**AGAINST: Nil**

**10. REPORTS OF COMMITTEE**

**10.1. Review of Airport Advisory Committee**

<b>Strategic Theme:</b>	Key Theme 3: Opportunity 3.4 Develop aviation opportunities at the Busselton Margaret River Airport. Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>Directorate:</b>	Economic and Business Development
<b>Reporting Officer:</b>	Manager Airport – Jennifer May
<b>Authorised By:</b>	Director of Economic and Business Development – Maxine Palmer
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. Airport Working Group Draft Terms of Reference (with Committee amendments) [10.1.1 - 3 pages]

This item was considered by the Airport Advisory Committee at its meeting held on 2 October 2024, the recommendations of which have been included in this report.

**COUNCIL DECISION**

**C2411/320** Moved Cr Jodie Lee, seconded Cr Val Kaigg

**That the Council:**

- 1. Disband the Airport Advisory Committee.**

**ABSOLUTE MAJORITY REQUIRED**

- 2. Establish the Airport Working Group with a terms of reference as attached at Attachment 1 inclusive of the following Committee amendments:**
  - a. adding the word “One” at the beginning of paragraph 3.1(e);
  - b. adding the word “One” at the beginning of paragraph 3.1(f); and
  - c. adding a new paragraph 3.5 stating “Notwithstanding the Group membership outlined in this Terms of Reference the Group may invite other stakeholders to present.”

- 3. That the following elected members be appointed to the Airport Working Group:**

- Position 1 - Cr Anne Ryan
- Position 2 - Cr Jodie Lee
- Position 3 - Cr Mikayla Love
- Deputy Position - Cr Richard Beecroft

**CARRIED 8 / 0**

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

**AGAINST: Nil**

**BY ABSOLUTE MAJORITY**

**COMMITTEE RECOMMENDATION**

That the Council:

1. Disband the Airport Advisory Committee.

**ABSOLUTE MAJORITY REQUIRED**

2. Establish the Airport Working Group with a terms of reference as attached at Attachment 1 inclusive of the following Committee amendments:
  - a. adding the word "One" at the beginning of paragraph 3.1(e);
  - b. adding the word "One" at the beginning of paragraph 3.1(f); and
  - c. adding a new paragraph 3.5 stating "Notwithstanding the Group membership outlined in this Terms of Reference the Group may invite other stakeholders to present."

3. That the following elected members be appointed to the Airport Working Group:

Position 1 -

Position 2 -

Position 3 -

Deputy Position -

*[Appointments to be confirmed via a nomination process]*

**OFFICER RECOMMENDATION**

That the Council:

1. Disband the Airport Advisory Committee.

**ABSOLUTE MAJORITY REQUIRED**

2. Establish the Airport Working Group with a terms of reference as attached at Attachment 1.

3. That the following elected members be appointed to the Airport Working Group:

Position 1 -

Position 2 -

Position 3 -

Deputy Position -

*[Appointments to be confirmed via a nomination process]*

## EXECUTIVE SUMMARY

This report considers the effectiveness of replacing the Airport Advisory Committee (AAC) with an Airport Working Group and proposes the terms of reference defining the purpose and function of such a working group. It recommends the AAC be disbanded and that an Airport Working Group be established.

## STRATEGIC CONTEXT

The management of formal committees, reference groups and working groups aligns with delivering governance systems that facilitate open, ethical and transparent decision making.

## BACKGROUND

At the 31 January 2024 ordinary Council meeting the Council resolved (C2401/7):

*“Requests the CEO undertake a broader review of the terms of reference of the AAC to clarify the purpose and function of the committee, and meeting frequency and processes, to provide a report to Council at the March 2024 Ordinary Council meeting.”*

Officers completed a review of the AAC terms of reference and its operation and presented a report to the Council recommending disbanding the AAC and setting up an Airport Working Group in its place. The recommendation, considered at the ordinary Council meeting on 20 March 2024, was not endorsed by the Council (C2403/62).

The AAC has now met a further three times and, following the meeting held on 21 August 2024, Officers are recommending that an Airport Working Group would be more productive and facilitate discussion on the strategic direction and matters for the Airport. This report presents the benefits of replacing the AAC with an Airport Working Group.

## OFFICER COMMENT

The AAC is a committee established under section 5.8 of the *Local Government Act 1995* (Act). Section 5.8 of the Act states that a local government may establish committees to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

The objectives of the AAC as stated in the terms of reference are:

- a. To foster liaison and cooperation between the City of Busselton and all stakeholders associated with the Busselton Margaret River Airport (Airport);
- b. To provide a forum for the discussion of issues and the formulation of suggestions and recommendations on issues associated with the Airport;
- c. To make recommendations to the Council on matters associated with the future development of the Airport; and
- d. Consult with the community, aviation, tourism, business and government organisations about the project, operations and potential impacts of the Airport.

The AAC has primarily been used as a vehicle for receiving status update reports which are then recommended to be noted by the Council. It has been rare for the AAC to consider and make recommendations on matters requiring a decision of the Council (for example commercial

transactions, leases or tenders relating to the airport). These types of matters have typically been considered directly by the Council rather than the AAC. Primarily, this has been due to the need for timely decision making. If these matters were instead sent to the Council via the AAC there would be a one-to-two-month delay in decision making.

Other activities undertaken by members of the AAC have typically occurred outside of the formal AAC meeting where presentations have been made by Officers or third parties to members on various issues or proposals. These activities align more closely with the objectives set out in the AAC terms of reference but are not undertaken by members as part of a formal committee meeting agenda, nor do they require recommendations to the Council. In these instances, to facilitate discussion on presentations or proposals these matters are discussed outside of the standing orders of the AAC, reducing the effectiveness of the committee.

Given that the AAC is serving merely as a vehicle to receive operational status update reports, officers recommend that the AAC be disbanded and that an Airport Working Group be established in its place. The informality and flexibility of a working group is preferred as this can allow for discussion between Officers and Councillors without the formality of a written committee report, which is often not the most effective mechanism, and further allow for external parties to attend and participate in the discussion openly. Officers will also be able to invite Subject Matter Experts (SME) and stakeholders to attend the working group and present to the group on matters of interest relating to the Airport. Further, where proposals or opportunities are better facilitated through workshops, a working group will allow for this and for stakeholders and/or SMEs to attend and participate. It is proposed that the new Airport Working Group will be more fit for purpose for delivering the stated objectives.

A recent report presented to the AAC in April 2024 and then again in August 2024, where Officers had been working on a general aviation lease proposal with the Busselton Aero Club is a good example of where a working group would have facilitated early discussion between Officers, Councillors and the Aero Club to expedite an outcome. In this instance, the formal standing orders of a Council committee hindered negotiations and discussions in achieving an outcome that was in the end supported by all parties. An Airport Working Group would have efficiently enabled the Aero Club to be present in open discussions with both Officers and Councillors and other Airport stakeholders in finalising a recommendation that will go to the Council for consideration.

A proposed terms of reference for the Airport Working Group is attached to this report as Attachment 1.

To meet the previous reporting provided to the AAC (and the Council) via the status update reports it is instead proposed to include standardised quarterly operational updates in the Elected Member Information Bulletin (EMIB) in the months of February, May, September, and November.

The quarterly operational updates will contain brief key highlights and operations updates along with the key statistical and financial information (passenger numbers, aircraft movements etc.). Revenue and expenditure of note can also be captured in the report. Financial performance against budget is already captured in Finance Committee reporting. The objective of these reports will be to provide Elected Members and the community with a concise and informative snapshot of the Airport's operations and projects.

### **Statutory Environment**

Section 5.8 of the Act states that a committee of the Council can only be established by absolute majority. Paragraph 9.1 of the AAC terms of reference state that the termination of the committee shall be by an absolute majority decision of the Council.

### **Relevant Plans and Policies**

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

Plan:

Not applicable.

Policy:

Not applicable.

### **Financial Implications**

Not applicable.

### **External Stakeholder Consultation**

Feedback from the Aero Club President following the August AAC meeting expressed support for a working group whereby more informal two-way discussion could occur. SW Aviation Services attend most AAC meetings as members of the public and would also value a more informal working group environment.

### **Risk Assessment**

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

### **Options**

As an alternative to the proposed recommendation the Council could retain the AAC and not establish the Airport Working Group.

### **CONCLUSION**

The disbanding of the Airport Advisory Committee in favour of the Airport Working Group will facilitate more detailed discussion on airport related activities, operations and strategic matters and allow for invited airport users and stakeholders to participate in discussions where appropriate. The inclusion of business update reports in the EMIB ensures that performance related information for the airport is still provided to the Council on a regular basis.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

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

<b>Milestone</b>	<b>Completion Date</b>
Establish Airport Working Group	December 2024
Commence standardised quarterly business update reporting to the Council	November 2024

**10.2. Aeration Trial**

<b>Strategic Theme:</b>	Key Theme 1: Environment 1.3 Work with key partners to improve the health of the Vasse River and other waterways in the Geographe catchment.
<b>Directorate:</b>	Infrastructure and Environment
<b>Reporting Officer:</b>	Director Infrastructure and Environment - Oliver Darby
<b>Authorised By:</b>	Director Infrastructure and Environment - Oliver Darby
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	Nil

This item was considered by the Waterway Management Committee at its meeting held on 23 October 2024, the recommendations of which have been included in this report.

**COUNCIL DECISION**

**C2411/321 Moved Cr Val Kaigg, seconded Cr Jodie Lee**

**That the Council requests the CEO to proceed with a subsurface aeration trial (subject to attaining the appropriate approvals) on a section of the Lower Vasse River to determine feasibility for the method to improve water quality and reduce the occurrence of algal blooms in the Lower Vasse River.**

**CARRIED 8 / 0**

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

**AGAINST: Nil**

**EN BLOC**

**COMMITTEE RECOMMENDATION**

**That the Council requests the CEO to proceed with a subsurface aeration trial (subject to attaining the appropriate approvals) on a section of the Lower Vasse River to determine feasibility for the method to improve water quality and reduce the occurrence of algal blooms in the Lower Vasse River.**

**OFFICER RECOMMENDATION**

That the Council requests the CEO to proceed with a subsurface aeration trial (subject to attaining the appropriate approvals) on a section of the Lower Vasse River to determine feasibility for the method to improve water quality and reduce the occurrence of algal blooms in the Lower Vasse River.



## **EXECUTIVE SUMMARY**

This report seeks Council endorsement to proceed with a subsurface aeration trial on a section of the Lower Vasse River to determine whether this methodology would be suitable for the long-term improvement of water quality and reduction of algal blooms in the Lower Vasse River (LVR). The trial would be subject to attaining approvals from the Vasse Taskforce and relevant government agencies.

## **STRATEGIC CONTEXT**

The officer recommendation aligns with Strategic Priority 1.3: Work with key partners to improve the health of the Vasse River and other waterways in the Geographe catchment, and (less directly) to Strategic Priority 1.2: Work with the community to manage and enhance natural areas and reserves and their biodiversity.

## **BACKGROUND**

The City of Busselton is currently the Interim Asset Manager for the LVR, working as part of the Revitalising Geographe Waterways program and the Vasse Taskforce to improve the water quality of the LVR (and Toby Inlet). Water quality issues have caused considerable community concern, with local rivers, inlets and waterways, one of the highest priorities cited by the community in the recent MARKYT Community Scorecard Survey.

The City continues to implement strategies to improve the LVR (and Toby Inlet), in accordance with adopted waterway management plans. Item 7.1 provides an update of previous and current works.

Further to these works, there has been significant community and officer interest in the potential of subsurface aeration, oxygenation and mixing of water within the LVR to reduce cyanobacterial blooms, by using fine air bubble diffuser systems. Oxygenation is not currently necessary in the LVR due to existing appropriate levels of dissolved oxygen, aeration and water mixing. However, companies supplying subsurface aeration systems have advised these systems have been used successfully in conditions similar (although not identical) to that experienced in the LVR, where algal blooms are present. Note, at present there have been no identified identical circumstances to the LVR. Systems have however, been used with reported success in water treatment systems, lakes, and dams.

This report recommends that the City progresses a trial of an aeration system subject to the appropriate approvals being obtained.

## **OFFICER COMMENT**

Officers are seeking the opportunity to work with appropriately experienced contractors/suppliers to trial sub surface aeration, oxygenation and/or water mixing systems, that may have the potential of improving water quality in the long term for the length of the LVR. These systems consist of weighted pipes that, when connected to a compressed air pump, produce bubbles that agitate the water and introduce air into the water body.

Companies supplying these systems have advised they have been successful in various situations where water quality has been problematic on an ongoing basis.

While there are many factors that influence water quality in the LVR (as detailed in agenda item 7.1), officers recommend a trial of these systems in a section of the LVR that can be hydrologically

separated (using floating curtains) so that the water quality can be monitored to assess trial outcomes. This trial would be additional to the ongoing work of current management strategies as per the LVR Waterway Management Plan.

It is essential that the trial is not detrimental to the already existing sensitive water quality issues, flora, and fauna. The method may have the potential to introduce detrimental effects to the waterway. Any risks will need to be adequately mitigated, and it is not yet clear whether this water treatment method will be a viable long term solution. Should the Committee and subsequently Council agree to proceed with the trial, officers will work with the Vasse Taskforce and various agencies to determine the most appropriate way to proceed, and to seek the appropriate approvals and environmental management consultant.

The exact approvals, control and testing requirements however are currently unknown and will be further understood (and communicated to the Council as required) through the approvals process and development of trial management plan. As the infrastructure associated with the trial is not considered to be significant, we would expect the main conditions to be associated with ensuring there is no deterioration of water quality associated with the trial, including to downstream environments.

Officers would also need to work with regulators and waterway management stakeholders to ensure that the information received from the trial is relevant to make ongoing decisions with regards to the feasibility of this water treatment method.

While it is unknown how long these processes will take, officers hope to be able to commence a trial in February 2025 or appropriate timeline as suggested by Environmental experts and Agencies.

### **Statutory Environment**

To proceed state and federal government approvals will be required. Additionally, endorsement will be required from the Vasse Taskforce and associated Government agencies, in particular the Department of Water and Environmental Regulation (DWER).

### **Relevant Plans and Policies**

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

Plan:

[Lower Vasse River Waterway Management Plan](#)

Policy:

[Environment](#)

### **Financial Implications**

Costs associated with the potential trial are estimated to be in the region of \$50,000 which includes, the provision of curtains, power supply, compressed air pumps, water quality monitoring, approvals, and management plans which will be covered by existing budgets.

### **External Stakeholder Consultation**

Initial discussions with DWER have indicated that the most appropriate method to progress the trial is assessment under the *Vasse Taskforce Water Quality Decision Support Framework*, for review by the Taskforce.

### **Risk Assessment**

No risks of a medium or greater level have been identified, with progression of the trial subject to approval requirements.

### **Options**

As an alternative to the proposed recommendation the Council could determine not to proceed with the trial, and to continue with its current management strategies.

### **CONCLUSION**

Subject to obtaining approvals from the Vasse Taskforce and appropriate government agencies, officers recommend proceeding with a subsurface aeration trial on a section of the LVR to determine whether this methodology would be suitable for the long-term improvement of water quality and reduction of algal blooms for the length of the LVR.

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

Officers will commence seeking the various agency approvals as soon as Council decides to proceed with the trial. However, no timeline can be provided for this approval process.

### 10.3. Infrastructure and Environment Budget Amendments

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
<b>Directorate:</b>	Infrastructure and Environment
<b>Reporting Officer:</b>	Engineering Management Accountant - Stephen Wesley
<b>Authorised By:</b>	Director Infrastructure and Environment - Oliver Darby
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	Nil

This item was considered by the Finance Committee at its meeting held 6 November 2024, the recommendations of which have been included in this report. Prior to the meeting, officers foreshadowed an amendment to the committee recommendation. In accordance with clause 10.18(7) of the City of Busselton *Standing Orders Local Law 2018* the committee recommendation was considered first.

#### SUBSTANTIVE MOTION

That the Council endorse the following requested budget amendments:

Amendment Description					
Project Description					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant Funding	Reserves or Restricted Assets Funding
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	(Increase) / Decrease
1	Reallocate existing adopted funding for Drainage Capital Projects				
	Project 15178 - Alan Street pits & pipes (C): change funding from 1048 - Other Infrastructure Reserve to 1058: Road Reserve				
	Project 15179 - Barnard Road pits & pipes (C): change funding from 1048 - Other Infrastructure Reserve to 1058: Road Reserve				
	Project 15180 - Chieftan Cr pits & pipes (C): change funding from 1048 - Other Infrastructure Reserve to 1058: Road Reserve				
	Project 15181 - Gibney Street pits & pipes (C): change funding from 1048 - Other Infrastructure Reserve to 1058: Road Reserve				

2	<b>Assign Roads to Recovery Grant funding Existing Projects listed below, in replacement of the adopted reserve funding</b>				
	<b>Project 15182 - Prowse Way pits &amp; pipes (C)</b>				
	-	-	-	(130,099)	130,099
	<b>Project 15170 - Project Prowse Way (C)</b>				
	-	-	-	(267,018)	267,018
	<b>Project 15183 - Bower Road pits &amp; pipes (C)</b>				
	-	-	-	(163,866)	163,866
	<b>Project 15161 - John Street (C)</b>				
	-	-	-	(63,292)	63,292
	<b>Project 15169 - Clubhouse Drive (C)</b>				
				(176,387)	176,387
	<b>Project 15174 - Marrinup Drive (C)</b>				
				(202,000)	202,000
	<b>Project 15199 - Siesta Park Road - Asphalt Overlay (C)</b>				
			(108,811)	108,811	
3	<b>Main Roads Direct Grant Balancing - switch funding source from Road Reserve to Grant</b>				
	<b>Project 11189 - Metricup Yelverton Road - Gravel Resheet (C)</b>				
	-	-	-	(120,000)	120,000
4	<b>Project 15165 - 'Barnard Road (C)</b>				
	-	-	-	(133,142)	133,142
4	<b>Dunsborough Lake Drive Drainage Relining - new project</b>				
	<b>Project NEW - Dunsborough Lakes Drive Pipe Relining funded from Drainage Reserve</b>				
	-	-	130,000	-	(130,000)
5	<b>Watering Truck - Plant &amp; Equipment Improvements - add budget</b>				
	<b>Project 15273 - Watering Unit WHS Improvements P136100 (C)</b>				
	-	-	20,000		(20,000)
6	<b>New Capital Project to be funded from the Community Facilities - City District</b>				
	<b>Project 14915 - Busselton Foreshore disability carousel renewal</b>				
	-	-	45,000	-	(45,000)
7	<b>New Capital Project to be funded from Community Facilities - Dunsborough</b>				
	<b>Project 14916 - Dunsborough Foreshore disability carousel renewal</b>				
	-	-	45,000	-	(45,000)
8	<b>Add budget from Footpath &amp; Cycleway Reserve</b>				
	<b>Project 14893 - Bay View Crescent - Curtis Bay Lot 62 to Lot 4 (C)</b>				
	-	-	80,000	-	(80,000)
9	<b>Add budget from Parks and Gardens Reserve</b>				
	<b>Project 14909 - Lou Weston Basketball System upgrades (C)</b>				
	-	-	16,550	-	(16,550)

10	<b>Add budget from the Waste Management Facility and Plant Reserve</b>				
	<b>Project 12428 - Re-use shop Busselton Transfer Station (C)</b>				
	-	-	60,000	-	(60,000)
11	<b>Add budget from Road Reserve</b>				
	<b>Project NEW - Peel Terrace Profile and Overlay</b>				
	-	-	70,000	-	(70,000)
12	<b>Add Budget from Parks &amp; Garden Reserve</b>				
	<b>Project NEW - Mitchell Park Playground</b>				
			56,000		(56,000)
13	<b>Switch funding source from Road Reserve to LRCI Direct Grant</b>				
	<b>Project 15173 – Bower Road</b>				
				(554,828)	554,828

**LAPSED FOR WANT OF A MOVER**

With the Committee Recommendation having lapsed for want of a mover, the amended Officer Recommendation was moved and carried.

**COUNCIL DECISION**

**C2411/322** Moved Cr Val Kaigg, seconded Cr Jarrod Kennedy

**That the Council endorse the following requested budget amendments:**

<b>Amendment Description</b>					
<b>Project Description</b>					
	<b>Budgeted Municipal Net Current Position</b>	<b>Operational Expenditure Budget</b>	<b>Capital Expenditure Budget</b>	<b>Grant Funding</b>	<b>Reserves or Restricted Assets Funding</b>
<b>Item #</b>	<b>Increase / (Decrease)</b>	<b>Increase / (Decrease)</b>	<b>Increase / (Decrease)</b>	<b>(Increase) / Decrease</b>	<b>(Increase) / Decrease</b>
1	<b>Reallocate existing adopted funding for Drainage Capital Projects</b>				
	<b>Project 15178 - Alan Street pits &amp; pipes (C): change funding from 1058: Road Reserve to 1048 - Other Infrastructure Reserve</b>				
	<b>Project 15179 - Barnard Road pits &amp; pipes (C): change funding from 1058: Road Reserve to 1048 - Other Infrastructure Reserve</b>				
	<b>Project 15180 - Chieftan Cr pits &amp; pipes (C): change funding from 1058: Road Reserve to 1048 - Other Infrastructure Reserve</b>				
	<b>Project 15181 - Gibney Street pits &amp; pipes (C): change funding from 1058: Road Reserve to 1048 - Other Infrastructure Reserve</b>				

	<b>Assign Roads to Recovery Grant funding Existing Projects listed below, in replacement of the adopted reserve funding</b>				
	<b>Project 15182 - Prowse Way pits &amp; pipes (C)</b>				
	-	-	-	(130,099)	130,099
	<b>Project 15170 - Project Prowse Way (C)</b>				
	-	-	-	(267,018)	267,018
	<b>Project 15183 - Bower Road pits &amp; pipes (C)</b>				
	-	-	-	(163,866)	163,866
2	<b>Project 15161 - John Street (C)</b>				
	-	-	-	(63,292)	63,292
	<b>Project 15169 - Clubhouse Drive (C)</b>				
				(176,387)	176,387
	<b>Project 15174 - Marrinup Drive (C)</b>				
				(202,000)	202,000
	<b>Project 15199 - Siesta Park Road - Asphalt Overlay (C)</b>				
				(108,811)	108,811
	<b>Main Roads Direct Grant Balancing - switch funding source from Road Reserve to Grant</b>				
	<b>Project 11189 - Metricup Yelverton Road - Gravel Resheet (C)</b>				
3	-	-	-	(120,000)	120,000
	<b>Project 15165 - 'Barnard Road (C)</b>				
	-	-	-	(133,142)	133,142
	<b>Dunsborough Lake Drive Drainage Relining - new project</b>				
4	<b>Project NEW - Dunsborough Lakes Drive Pipe Relining funded from Drainage Reserve</b>				
	-	-	130,000	-	(130,000)
	<b>Watering Truck - Plant &amp; Equipment Improvements - add budget</b>				
5	<b>Project 15273 - Watering Unit WHS Improvements P136100 (C)</b>				
	-	-	20,000		(20,000)
	<b>New Capital Project to be funded from the Community Facilities - City District</b>				
6	<b>Project 14915 - Busselton Foreshore disability carousel renewal</b>				
	-	-	45,000	-	(45,000)
	<b>New Capital Project to be funded from Community Facilities - Dunsborough</b>				
7	<b>Project 14916 - Dunsborough Foreshore disability carousel renewal</b>				
	-	-	45,000	-	(45,000)
	<b>Add budget from Footpath &amp; Cycleway Reserve</b>				
8	<b>Project 14893 - Bay View Crescent - Curtis Bay Lot 62 to Lot 4 (C)</b>				
	-	-	80,000	-	(80,000)
	<b>Add budget from Parks and Gardens Reserve</b>				
9	<b>Project 14909 - Lou Weston Basketball System upgrades (C)</b>				
	-	-	16,550	-	(16,550)

10	<b>Add budget from the Waste Management Facility and Plant Reserve</b>				
	<b>Project 12428 - Re-use shop Busselton Transfer Station (C)</b>				
	-	-	60,000	-	(60,000)
11	<b>Add budget from Road Reserve</b>				
	<b>Project NEW - Peel Terrace Profile and Overlay</b>				
	-	-	70,000	-	(70,000)
12	<b>Consolidate Budgets x 2 and Add Budget from Parks &amp; Garden Reserve</b>				
	<b>Remove Project – 12846 Mitchell Park Landscape Upgrade Stage 2</b>				
			(66,000)		66,000
	<b>Remove Project – 10951 Mitchell Park Upgrade</b>				
			(37,000)		37,000
	<b>Project NEW - Mitchell Park Playground</b>				
		159,000		(159,000)	
13	<b>Switch funding source from Road Reserve to LRCI Direct Grant</b>				
	<b>Project 15173 – Bower Road</b>				
				(554,828)	554,828

CARRIED 8 / 0

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

AGAINST: Nil

BY ABSOLUTE MAJORITY

**COMMITTEE RECOMMENDATION**

That the Council endorse the following requested budget amendments:

Amendment Description					
Project Description					
	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant Funding	Reserves or Restricted Assets Funding
Item #	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	(Increase) / Decrease
1	<b>Reallocate existing adopted funding for Drainage Capital Projects</b>				
	<b>Project 15178 - Alan Street pits &amp; pipes (C): change funding from 1048 - Other Infrastructure Reserve to 1058: Road Reserve</b>				
	<b>Project 15179 - Barnard Road pits &amp; pipes (C): change funding from 1048 - Other Infrastructure Reserve to 1058: Road Reserve</b>				



	<b>Project 15180 - Chieftan Cr pits &amp; pipes (C): change funding from 1048 - Other Infrastructure Reserve to 1058: Road Reserve</b>			
	<b>Project 15181 - Gibney Street pits &amp; pipes (C): change funding from 1048 - Other Infrastructure Reserve to 1058: Road Reserve</b>			
	<b>Assign Roads to Recovery Grant funding Existing Projects listed below, in replacement of the adopted reserve funding</b>			
	<b>Project 15182 - Prowse Way pits &amp; pipes (C)</b>			
	-	-	(130,099)	130,099
	<b>Project 15170 - Project Prowse Way (C)</b>			
	-	-	(267,018)	267,018
	<b>Project 15183 - Bower Road pits &amp; pipes (C)</b>			
	-	-	(163,866)	163,866
2	<b>Project 15161 - John Street (C)</b>			
	-	-	(63,292)	63,292
	<b>Project 15169 - Clubhouse Drive (C)</b>			
			(176,387)	176,387
	<b>Project 15174 - Marrinup Drive (C)</b>			
			(202,000)	202,000
	<b>Project 15199 - Siesta Park Road - Asphalt Overlay (C)</b>			
			(108,811)	108,811
	<b>Main Roads Direct Grant Balancing - switch funding source from Road Reserve to Grant</b>			
	<b>Project 11189 - Metricup Yelverton Road - Gravel Resheet (C)</b>			
3	-	-	(120,000)	120,000
	<b>Project 15165 - 'Barnard Road (C)</b>			
	-	-	(133,142)	133,142
	<b>Dunsborough Lake Drive Drainage Relining - new project</b>			
4	<b>Project NEW - Dunsborough Lakes Drive Pipe Relining funded from Drainage Reserve</b>			
	-	130,000	-	(130,000)
	<b>Watering Truck - Plant &amp; Equipment Improvements - add budget</b>			
	<b>Project 15273 - Watering Unit WHS Improvements P136100 (C)</b>			
5	-	20,000		(20,000)
	<b>New Capital Project to be funded from the Community Facilities - City District</b>			
	<b>Project 14915 - Busselton Foreshore disability carousel renewal</b>			
6	-	45,000	-	(45,000)
	<b>New Capital Project to be funded from Community Facilities - Dunsborough</b>			
	<b>Project 14916 - Dunsborough Foreshore disability carousel renewal</b>			
7	-	45,000	-	(45,000)
	<b>Add budget from Footpath &amp; Cycleway Reserve</b>			
	<b>Project 14893 - Bay View Crescent - Curtis Bay Lot 62 to Lot 4 (C)</b>			
8	-	80,000	-	(80,000)

9	<b>Add budget from Parks and Gardens Reserve</b>				
	<b>Project 14909 - Lou Weston Basketball System upgrades (C)</b>				
	-	-	16,550	-	(16,550)
10	<b>Add budget from the Waste Management Facility and Plant Reserve</b>				
	<b>Project 12428 - Re-use shop Busselton Transfer Station (C)</b>				
	-	-	60,000	-	(60,000)
11	<b>Add budget from Road Reserve</b>				
	<b>Project NEW - Peel Terrace Profile and Overlay</b>				
	-	-	70,000	-	(70,000)
12	<b>Add Budget from Parks &amp; Garden Reserve</b>				
	<b>Project NEW - Mitchell Park Playground</b>				
			56,000		(56,000)
13	<b>Switch funding source from Road Reserve to LRCI Direct Grant</b>				
	<b>Project 15173 – Bower Road</b>				
				(554,828)	554,828

**OFFICER RECOMMENDATION**

That the Council endorse the following requested budget amendments:

Amendment Description					
Project Description					
	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant Funding	Reserves or Restricted Assets Funding
Item #	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	(Increase) / Decrease
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	Project 15180 - Chieftan Cr pits & pipes (C): change funding from 1048 - Other Infrastructure Reserve to 1058: Road Reserve				
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	-	-	-	(130,099)	130,099
	Project 15170 - Project Prowse Way (C)				
	-	-	-	(267,018)	267,018
	Project 15183 - Bower Road pits & pipes (C)				
	-	-	-	(163,866)	163,866
	Project 15161 - John Street (C)				
	-	-	-	(63,292)	63,292
	Project 15169 - Clubhouse Drive (C)				
				(176,387)	176,387
	Project 15174 - Marrinup Drive (C)				
				(202,000)	202,000
	Project 15199 - Siesta Park Road - Asphalt Overlay (C)				
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6	New Capital Project to be funded from the Community Facilities - City District				
	Project 14915 - Busselton Foreshore disability carousel renewal				
	-	-	45,000	-	(45,000)
7	New Capital Project to be funded from Community Facilities - Dunsborough				
	Project 14916 - Dunsborough Foreshore disability carousel renewal				
	-	-	45,000	-	(45,000)
8	Add budget from Footpath & Cycleway Reserve				
	Project 14893 - Bay View Crescent - Curtis Bay Lot 62 to Lot 4 (C)				
	-	-	80,000	-	(80,000)
9	Add budget from Parks and Gardens Reserve				
	Project 14909 - Lou Weston Basketball System upgrades (C)				
	-	-	16,550	-	(16,550)

10	Add budget from the Waste Management Facility and Plant Reserve				
	Project 12428 - Re-use shop Busselton Transfer Station (C)				
	-	-	60,000	-	(60,000)
11	Add budget from Road Reserve				
	Project NEW - Peel Terrace Profile and Overlay				
	-	-	70,000	-	(70,000)
12	Add Budget from Parks & Garden Reserve				
	Project NEW - Mitchell Park Playground				
			56,000		(56,000)
13	Switch funding source from Road Reserve to LRCI Direct Grant				
	Project 15173 – Bower Road				
				(554,828)	554,828

### EXECUTIVE SUMMARY

This report seeks the Council's approval of budget amendments for items within the Infrastructure and Environment Directorate. Adoption of the officer recommendation will have no impact on the City's budgeted net current position.

### STRATEGIC CONTEXT

The nature of these works supports the provision of a local road network that allows for the safe movement of people through the district, in alignment with Key Theme 2 of the City's Strategic Community Plan – Lifestyle, and is also in support of Key Theme 4 – Leadership in terms of the responsible management of ratepayer funds.

### BACKGROUND

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

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

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

### OFFICER COMMENT

The Council adopted its 2024/25 municipal budget on 31 July 2024 and since then, officers have identified the following budget items that require adjustments within the Infrastructure and Environment Directorate. It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice, budgets are reviewed on a regular basis.

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

1. Adjustments impacting the budget balance or net position of the city; **Nil**
2. Adjustments with no impact on the budget balance; items: **All items**
3. Adjustments to transfer budget between capital and operational undertakings. **Nil**

**Item 1 - Reallocate funding for Drainage Capital Projects**

**4 Projects**

It has been found that the six drainage Capital projects within the 2024/25 adopted budget, (as listed in the table below) are currently being funded from the wrong City Reserve.

These projects are in four separate locations and consist of two civil work types being Road works and Drainage works. The Road works are being correctly funded from the Road Reserve while the Drainage works (those in the table below) should be funded from the Other Infrastructure Reserve. This is in line with the source of funding associated with other Drainage Capital projects. The separation of the Project budget across two work types created the administrative error resulting in both work types being funding from the Road Reserve.

This amendment seeks Council approval to fund the Drainage element of each project from the Other Infrastructure Reserve as opposed to the Road Reserve.

Description	Project	Budget 2024/25	Current Reserve Funding Source	Adjusted New Funding Source
Alan Street pits & pipes (C)	15178	\$31,446	1058: Road Reserve	1048 - Other Infrastructure Reserve
Barnard Road pits & pipes (C)	15179	\$26,929	1058: Road Reserve	1048 - Other Infrastructure Reserve
Chieftan Cr pits & pipes (C)	15180	\$66,683	1058: Road Reserve	1048 - Other Infrastructure Reserve
Gibney Street pits & pipes (C)	15181	\$31,446	1058: Road Reserve	1048 - Other Infrastructure Reserve

Please note that the same treatment is not needed for the two projects listed in the table below. The source of funding will change as per budget amendment Item 3 (next request) where it is proposed that these projects be funded from a grant and not the City Road Reserve.

Description	Project	Budget 2024/25	Current Reserve Funding Source	Adjusted New Funding Source
Prowse Way pits & pipes (C)	15182	\$130,099	1058: Road Reserve	Subject to an alternative Item 3 Budget Amendment request
Bower Road pits & pipes (C)	15183	\$163,866	1058: Road Reserve	Subject to an alternative Item 3 Budget Amendment request

The Other Infrastructure Reserve Budgeted closing balance will decrease to \$1,000,645.

The Road Reserve Budgeted closing balance will increase up to \$1,441,532.

**Item 2 – Assign Roads to Recovery Grant funding omitted in the Budget**

City Officers were notified late in the budget development process of a new grant “funding pool allocation” under the Federal Governments Roads to Recovery program. Unfortunately, this funding it was not identified in the budget process prior to 1 July.

Every five years all regional Local Governments are granted a funding allocation under the Roads to Recovery program to be used specifically for Road related works. Since the inception of the program in 2005, now in its 21st year, the City has primarily directed these funds exclusively for Road Renewal works priorities by the Roads Asset Management Plan.

The new five-year allocation for 2024/25 to 2028/29 totals \$8,140,307. The table below shows the guaranteed scaled amounts that will be allotted for each year.

Location	Funding recipient	Total funding amount	Nominal annual distribution				
			2024-25	2025-26	2026-27	2027-28	2028-29
WA	City of Busselton	\$8,140,307	\$1,202,545	\$1,480,056	\$1,757,566	\$1,850,070	\$1,850,070

This funding represents an additional \$1.2m in available Road Capital funding for the 2024-25 financial year. It is proposed that we do not add extra civil works onto the current program at this time. The proposal is to instead seek Council approval to fund the four existing Road and Drainage renewal projects that are currently earmarked to be funded from the Citys Road Reserve. This is simply changing the source of funding and leaving the equivalent amount of money in the Road Reserve. Further budget amendments in the year may look to make changes to the civil construction schedule to add projects that have resulted from damage to various roads caused by the recent wet weather. These are currently being scoped and investigated.

The projects listed in the table below are those selected to have their funding source amended from the Road Reserve to Roads to Recovery grant funded.

	Description	Project	Budget 2024/25	Current Funding Source	Proposed Funding Source
1	Prowse Way pits & pipes (C)	15182	130,099	1058: Road Reserve	Roads to Recovery
2	Prowse Way (C)	15170	267,018	1058: Road Reserve	Roads to Recovery
3	Bower Road pits & pipes (C)	15183	163,866	1058: Road Reserve	Roads to Recovery
4	John Street (C)	15161	63,293	1058: Road Reserve	Roads to Recovery
5	Clubhouse Drive (C)	15169	176,387	1058: Road Reserve	Roads to Recovery
6	Marrinup Drive (C)	15174	202,000	1058: Road Reserve	Roads to Recovery
7	Siesta Park Road - Asphalt Overlay (C)	15199	108,811	1058: Road Reserve	Roads to Recovery
Total			1,111,474		

This amendment will result in \$1,111,474 being retained in the Road Reserve and will ensure that the city utilises its Roads to Recovery 2024/25 grant allocation.

The Road Reserve Budgeted closing balance will increase up to \$2,553,006 after this amendment.

### Item 3 – Main Roads Direct Grant balancing

### Projects 11189 & 15165

The City was notified of its annual Direct Grant allocation from Main Roads late in the financial year. The grant totalled \$587,950.

City Officers had earlier assigned \$334,808 of forecast Direct grant to the two road capital projects listed below. Thus, \$253,142 of the grant remains unallocated against eligible works.

Description	Project	Budget 2024/25	Road Reserve	Main Roads Direct Grant	Funding Source
Nuttman Road(C)	12596	180,282	0	\$180,282	Main Roads Direct Grant
Downs Road – Unsealed Resheet (C)	15200	154,526	0	\$154,526	Main Roads Direct Grant
<b>TOTAL</b>				\$334,808	Direct Grant Assigned
				\$587,950	Grant Received
				\$253,142	Unallocated Grant

To fully assign the grant the first recommendation is to fund project 11189 - Metricup Yelverton Road - Gravel Resheet valued at \$120,000 from the Direct Grant. Thus, an equivalent amount will be retained in the Road Reserve.

The second recommendation is to assign the remaining amount totalling \$133,142 to project Barnard Road (C) project number 15165. It has a total project budget of \$151,980. Thus, the contribution towards this project, from the Road Reserve will drop to \$18,838.

The Road Reserve Budgeted closing balance will increase up to \$2,810,485 after this amendment.

#### **Item 4 - Dunsborough Lake Drive Drainage**

#### **Project NEW**

Council Approval is sought to access \$130,000 from the Other Infrastructure Reserve (1048) for a drainage relining project to be carried out in Dunsborough Lakes. This item was omitted from the 2024/25 budget due to an administration error with a carryover of budget for a similar undertaking in the same area. Using a new methodology, the City has begun relining old and ageing HELICOIL / corrugated storm water pipes. In most circumstances the relining of existing pipes is far more economical than digging up and replacing pipes. It also results in far less disruption to the community especially for pipes in suburban areas. Pipe relining is a form of asset renewal that extends the useful of existing drainage infrastructure.

A budget totalling \$112,215 was carried over from last financial year into this year, with those works now having been completed. A second allocation of \$130,000 was earmarked in the budget planning process for the continuation of relining works. The Council should be aware that pipe relining within the Dunsborough Lakes area will be ongoing and could be required over the next few years. This will depend on the ongoing collection of pipe condition data over other parts of the network.

The Other Infrastructure Reserve Budgeted closing balance will decrease to \$870,645.

#### **Item 5 – Watering Truck - Plant & Equipment Improvements**

#### **Project 15273**

For approximately nine months of each year the Parks & Environment Business Unit runs a watering truck for the mobile irrigation of new plants and trees. A recent review has found improvements can be made from both a workplace health and safety (WHS) and efficiency perspective by installing a remote-controlled water cannon. The cost of these works will be in the order of \$20,000. The Council's approval is sought to draw down this amount from the Plant Replacement Reserve (1051).

The current system consists of a hose operated on the driver's side of the vehicle. The new equipment will provide greater safety for the operator by being able to discharge water from the passenger side of the vehicle, with watering capable from various directions via a remote-controlled mounted water cannon. It will also supply a higher flow rate of water resulting in improved watering efficiency.

The Plant Replacement Reserve Budgeted closing balance will decrease to \$662,398 as a result of this amendment.

**Item 6 – Busselton Foreshore disability carousel renewal (C)**

**Project 14915**

This item was on budget last financial year. Unfortunately, the budget was not carried over, yet the works have been committed. Approval is sought to add this back onto the budget for this financial year. The budget is for \$45,000 and funded from the Community Facilities - City District monies.

**Item 7 – Dunsborough Foreshore disability carousel renewal (C)**

**Project 14916**

This item was on budget last financial year. Unfortunately, the budget was not carried over, yet the works have been committed. Approval is sought to add this back onto the budget for this financial year. The budget is for \$45,000 and funded from the Community Facilities – Dunsborough monies.

**Item 8 – Bay View Crescent - Curtis Bay Lot 62 to Lot 4 (C)**

**Project 14893**

A section of shared path in Dunsborough has incurred \$80,000 in costs over budget. The original estimate did not include a coastal rock wall to protect and provide stability to the path as the preferred alignment was still being decided. The final alignment chosen was the one closer to the seafront and as such the project cost increased with the addition of the seawall.

City Officers seek Council approval to draw \$80,000 from the Footpath and Cycleways Reserve (1035) to cover this additional cost.

The Footpath and Cycleways Reserve Budgeted closing balance will decrease to \$1,168,385 as a result of this amendment.

**Item 9 - Lou Weston Basketball System upgrades (C)**

**Project 14909**

\$32,000 was put on budget in the 2023/24 Financial year for upgrades to the Basketball system at the Lou Western facility. Some costs associated with the project were not accrued at the end of the year, and as such were not included in the 2023/24 financial year. Subsequently, the remaining budget totalling \$9,757 was not carried over into the 2024/25 financial year. The City has since incurred further costs totalling \$16,550. The total cost of the project spanning the two financial years came in at \$38,793. City Officers seek Council approval to add \$16,550 to the Project budget recommended to be sourced from the Parks and Reserves Reserve.

The Parks and Reserves Reserve Budgeted closing balance will decrease to \$200,413 as a result of this amendment.

**Item 10 - Re-use shop Busselton Transfer Station (C)**

**Project 12428**

Council approval is sought to increase the budget by \$60,000 for the Busselton Transfer Station Re-use Shop Project. The Project was estimated at \$275,000 with \$236,065 outlaid last financial year. The remaining budget totalling \$38,935 was carried forward into this financial year. Works associated with asphaltting cost more than originally estimated and a decking / walkway and ramp costing has come in at \$41,326.



The Waste Management Facility and Plant Reserve Budgeted closing balance will decrease from \$3,905,892 to \$3,845,893 as a result of this amendment.

**Item 11 - Peel Terrace Profile and Overlay**

**Project NEW**

Council approval is sought to add \$70,000 to the budget for a profile and overlay on a section of Peel Terrace. This project was provisionally planned for completion this financial year utilising road maintenance budget. However, due to winter weather conditions maintenance priorities have been revised and this has resulted in insufficient road maintenance funds to complete this project. Subsequently, the value and nature of these works have proven challenging to categorise as either Capital or Maintenance. It has been resolved that the works represent a partial replacement of the existing seal and thus will be treated as Capital.

The 2024/25 Budget also includes the renewal of the section of footpath adjacent to this section of road and therefore it is appropriate to complete the road resurfacing and footpath replacement at the same time. (Footpath project 12579 - Peel Terrace Cammilleri St to Brown St)

The Road Reserve Budgeted closing balance will decrease to \$2,740,485 after this amendment.

**Item 12 - Mitchell Park Playground**

**Project NEW**

There are two parts to this amendment.

The first is seeking to consolidate the \$66,000 budget against Project 12846 Mitchell Park Landscape Upgrade Stage 2(C) and the \$37,000 budget against 10951 Mitchell Park Upgrade into a new project titled Mitchell Park Playground with a budget totalling \$103,000. The second part of the project is seeking to add an additional \$56,000 to be drawn from the Parks and Reserves Reserve. This will result in a revised budget totalling \$159,000.

Costs have increased as the original design was for soft fall mulch or play sand, however due to the potential of wind swirl and high use, maintenance impacts on current operational resources were factored in with this being a high-profile site. The proposed Play Matta (soft fall product) was the best solution for this area and has less environmental impacts than the traditional rubber soft fall products.

The Parks and Reserves Reserve Budgeted closing balance will decrease to \$144,413 as a result of this amendment.

**Item 13 – Bower Road**

**Project 15173**

Bower Road is being funded by LRCI grant funds. This change was made as part of a late change to the budget and was not reflected in the adopted capital schedule, hence this amendment is to formally recognise the amended funding source from the road reserve to grant funding.

**Statutory Environment**

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

### Relevant Plans and Policies

There are multiple plans and policies that support the proposed budget amendments, in particular, the Asset Management Plan and Long-Term Financial Plan.

Plan:

Asset Management Plan

Policy:

Asset Management.

### Financial Implications

Item #	(Increase) / Decrease in Operational Revenue	Increase / (Decrease) in Operational Expenditure	(Increase) / Decrease in Capital Revenue	Increase / (Decrease) in Capital Expenditure	(Increase) / Decrease in Reserves and/or Restricted Assets Funding	Increase / (Decrease) in Net Current Position
1	-	-	-	-	-	-
2	-	-	(130,099)	-	130,099	-
2	-	-	(267,018)	-	267,018	-
2	-	-	(163,866)	-	163,866	-
2	-	-	(63,293)	-	63,293	-
2	-	-	(176,387)	-	176,387	-
2	-	-	(202,000)	-	202,000	-
2	-	-	(108,811)	-	108,811	-
3	-	-	(120,000)	-	120,000	-
3	-	-	(133,142)	-	133,142	-
4	-	-	-	130,000	(130,000)	-
5	-	-	-	20,000	(20,000)	-
6	-	-	-	45,000	(45,000)	-
7	-	-	-	45,000	(45,000)	-
8	-	-	-	80,000	(80,000)	-
9	-	-	-	16,550	(16,550)	-
10	-	-	-	60,000	(60,000)	-
11	-	-	-	70,000	(70,000)	-
12	-	-	-	56,000	(56,000)	-
13	-	-	(554,828)	-	554,828	-
<b>TOTALS</b>	-	-	<b>(1,919,444)</b>	<b>522,550</b>	<b>1,396,894</b>	-

### External Stakeholder Consultation

Nil Required

### **Risk Assessment**

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

### **Options**

The Council could decide not to proceed with any or all the proposed budget amendment requests.

### **CONCLUSION**

The Council's approval is sought to amend the budget as outlined in this report.

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

The officer recommendation will be implemented in full by December 2024

**10.4. Monthly Financial Report - Year to Date 30 September 2024**

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Manager Financial Services – Paul Sheridan
<b>Authorised By:</b>	Director Corporate Strategy and Performance – Sarah Pierson
<b>Nature of Decision:</b>	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies. Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. Monthly Financial Report - September 2024 [ <b>10.4.1</b> - 19 pages] 2. Investment Report - September 2024 [ <b>10.4.2</b> - 1 page] 3. Loan Schedule - September 2024 [ <b>10.4.3</b> - 1 page]

This item was considered by the Finance Committee at its meeting held 6 November 2024, the recommendations of which have been included in this report.

**COUNCIL DECISION**

**C2411/323** Moved Cr Val Kaigg, seconded Cr Jodie Lee

**That the Council receives the statutory monthly financial report for the period ending 30 September 2024, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.**

**CARRIED 8 / 0**

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

**AGAINST: Nil**

**EN BLOC**

**COMMITTEE RECOMMENDATION**

**That the Council receives the statutory monthly financial report for the period ending 30 September 2024, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.**

## **OFFICER RECOMMENDATION**

That the Council receives the statutory monthly financial report for the period ending 30 September 2024, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

## **EXECUTIVE SUMMARY**

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year-to-date basis, for the period ending 30 September 2024.

## **STRATEGIC CONTEXT**

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

## **BACKGROUND**

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

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

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

At its meeting on 31 July 2024, the Council adopted (C2407/206) the following material variance reporting thresholds for the 2024/25 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 2024/25 financial year as follows:*

- *Variances equal to or greater than 10% of the year-to-date budget amount as detailed in the Income Statement by Nature and Type/Statement of Financial Activity report, however variances due to timing differences and/or seasonal adjustments are to be*

*reported only if not to do so would present an incomplete picture of the financial performance for a particular period; and*

- *Reporting of variances only applies for amounts greater than \$50,000.*

## **OFFICER COMMENT**

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

### Statement of Financial Activity

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

### Statement of Financial Position

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

### Basis of Preparation Note (Note 1)

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

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

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

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

Provides a breakdown by directorate and cost centre of each of the variances on the face of the Statement of Financial Activity that meet the Council's adopted material variance threshold for 2024/25.

### Net Current Position Summary Report

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

### Capital Acquisition & Construction Report

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

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

- Infrastructure

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

#### Reserve Movements Report

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

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

#### Net Current Position Chart

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

#### Comments on Financial Activity to 30 September 2024

The Statement of Financial Activity (FAS) for the year to date (YTD) shows an overall Net Current Position (NCP) of \$57.4M as opposed to the YTD budget of \$58.4M. The following table summarises the major YTD cash variances that appear on the face of the FAS, which, in accordance with Council's adopted material variance reporting threshold, collectively make up the above difference.

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

Description	2024/25 Actual YTD \$	2024/25 Budget YTD \$	2024/25 Budget \$	2024/25 YTD Bud Variance %	2024/25 YTD Bud Variance \$	Change in Variance Current Month \$
<b>Amount Attributable to Operating Activities (excluding non-cash items)</b>				<b>(0.66%)</b>	<b>(432,047)</b>	<b>375,055</b>
<b>Revenue from Operating Activities</b>				<b>0.63%</b>	<b>513,133</b>	<b>108,671</b>
1. Interest Earnings	1,599,679	1,150,274	3,786,039	39.07%	449,405	174,634
<b>Amount Attributable to Financing Activities (excluding non-cash items)</b>						
2. Proceeds from New Loans	-	1,872,921	3,872,921	(100.00%)	(1,872,921)	(1,872,921)
3. Advances to Community Groups	-	(62,500)	(250,000)	100.00%	62,500	20,833
4. Transfer to Restricted Assets	(5,407,697)	-	-	(100.00%)	(5,407,697)	(256,209)
5. Transfer from Restricted Assets	4,543,125	2,439,408	9,757,632	86.24%	2,103,717	2,127,713
6. Transfer from Reserves	5,912,330	4,988,266	43,355,661	18.52%	924,064	2,159,338

### **Investment Report**

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

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

As at the 30<sup>th</sup> September the value of the City’s invested funds increased to \$109.29M from \$105.28M as at 31<sup>st</sup> August 2024. The increase is due to rates funds received.

As at the 30<sup>th</sup> September 2024 the 11am account balance is \$22.0M, being an increase from \$18.0M from 31<sup>st</sup> August 2024. The increase of \$4.0M to the 11am account is due to rate funds received.

During the month of September, no term deposits matured.

The official cash rate remained steady during the month of September 2024 at 4.35%. The timing and nature of further movements of the cash rate are currently uncertain.

### **Borrowings Update**

During the month no new loans were drawn, with \$850K of principal and \$371K of interest repaid on existing loans. The attached Loan Schedule outlines the status of all existing loans YTD.

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

Details of transactions made on the Chief Executive Officer’s corporate credit card during September 2024 are provided below to ensure there is appropriate oversight and awareness.

<b>Date</b>	<b>Payee</b>	<b>Description</b>	<b>\$ Amount</b>
2/09/2024	BEHAVIOUR HELP	TRAINING REGISTRATION- YOUTH SERVICES STAFF	165.00
2/09/2024	BEHAVIOUR HELP	TRAINING REGISTRATION- YOUTH SERVICES STAFF	165.00
5/09/2024	PERTH AIRPORT	PERTH APT PARKING - AUST. TOP TOURISM TOWN AWARDS IN CANBERRA - MAYOR CRONIN	49.60
10/09/2024	ENVATO.COM	AUDIO JINGLES- PR	23.87
11/09/2024	KITCHEN TAKEOVERS	COUNCIL WORKSHOP CATERING	137.00
12/09/2024	BISTRO BRETON	CEO WORKING LUNCH	62.00
12/01/1900	TICKETS BCCI	BCCI - REGIONAL FUTURE BREAKFAST LAUNCH- S.ADDISON-BROWN	21.97
13/09/2024	7-ELEVEN BUSSELTON	COB CREDIT CARD USED ON PERSONAL PURCHASE IN ERROR- INVOICE TO BE RAISED	11.50
18/09/2024	EVENTBRITE -CITY OF SWAN	LOCAL GOVT CHIEF OFFICERS GROUP FORUM -1 DAY REGISTRATION*	450.00
24/08/2024	WEST AUSTRALIAN	MONTHLY DIGITAL SUBSCRIPTION	28.00



Date	Payee	Description	\$ Amount
30/09/2024	MAILCHIMP	BAY TO BAY NEWSLETTER	404.00
		<b>TOTAL</b>	<b>1,517.94</b>

*\*CEO Professional Development Allowance*

### **Donations & Contributions Received**

To the best of officer's knowledge, during the month no non-infrastructure assets (bridges, roads, POS etc), donations or contributions were received by the City or its key management personnel.

### **Statutory Environment**

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

### **Relevant Plans and Policies**

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

Plan:

Annual Adopted Budget 2024-2025 (and subsequent adopted amendments)

[Strategic Community Plan 2021-2031](#)

[Corporate Business Plan 2022-2026](#)

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

Policy:

There are no relevant policies for this report.

### **Financial Implications**

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

### **External Stakeholder Consultation**

Not applicable.

### **Risk Assessment**

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

### **Options**

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

## **CONCLUSION**

As at 30 September 2024, the City's net current position stands at \$57.4M, and cash reserve balances remain sufficient for their purposes.

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

Not Applicable.

### 10.5. List of Payments Made - September 2024

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Manager Financial Services – Paul Sheridan
<b>Authorised By:</b>	Director Corporate Strategy and Performance – Sarah Pierson
<b>Nature of Decision:</b>	Noting: The item is simply for information purposes and noting.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. List of Payments for Council September 2024 [<b>10.5.1</b> - 11 pages]</li> <li>2. CONFIDENTIAL - Confidential List of Payments for Council September 2024 [<b>10.5.2</b> - 1 page]</li> <li>3. List of Payments for Council September 2024 YTD Industry &amp; Regional Allocations [<b>10.5.3</b> - 1 page]</li> </ol>

This item was considered by the Finance Committee at its meeting held 6 November 2024, the recommendations of which have been included in this report.

#### COUNCIL DECISION

**C2411/324** Moved Cr Val Kaigg, seconded Cr Jodie Lee

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

<b>CHEQUE PAYMENTS</b>	120077 - 120086	22,749.86
<b>ELECTRONIC TRANSFER PAYMENTS</b>	105614 - 106154	14,552,724.33
<b>TRUST ACCOUNT</b>	EFT# TR000063 - TR000067	89,752.66
<b>PAYROLL</b>	01.09.2024 - 30.09.2024	1,941,226.33
<b>INTERNAL PAYMENT VOUCHERS - DIRECT DEBITS</b>	DD #5861 - 5908	340,733.23
<b>SYSTEM GENERATED PAYMENTS - BOOKABLE</b>	REF-2	32.00
<b>TOTAL PAYMENTS</b>		<b>16,947,218.41</b>

**CARRIED 8 / 0**

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

**AGAINST: Nil**

**EN BLOC**

### **COMMITTEE RECOMMENDATION**

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

<b>CHEQUE PAYMENTS</b>	120077 - 120086	22,749.86
<b>ELECTRONIC TRANSFER PAYMENTS</b>	105614 - 106154	14,552,724.33
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<b>SYSTEM GENERATED PAYMENTS - BOOKABLE</b>	REF-2	32.00
<b>TOTAL PAYMENTS</b>		<b>16,947,218.41</b>

### **OFFICER RECOMMENDATION**

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

CHEQUE PAYMENTS	120077 - 120086	22,749.86
ELECTRONIC TRANSFER PAYMENTS	105614 - 106154	14,552,724.33
TRUST ACCOUNT	EFT# TR000063 - TR000067	89,752.66
PAYROLL	01.09.2024 - 30.09.2024	1,941,226.33
INTERNAL PAYMENT VOUCHERS - DIRECT DEBITS	DD #5861 - 5908	340,733.23
SYSTEM GENERATED PAYMENTS - BOOKABLE	REF-2	32.00
TOTAL PAYMENTS		16,947,218.41

### **EXECUTIVE SUMMARY**

This report provides details of payments made from the City's bank accounts for the month of September 2024 for noting by the Council and recording in the Council meeting minutes.

### **STRATEGIC CONTEXT**

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

### **BACKGROUND**

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

## **OFFICER COMMENT**

In accordance with regular custom, the list of payments made for the month of September 2024 is presented for information (noting the confidential payments list in a separate confidential attachment).

As September is the last month of the first quarter of the 2024/25 financial year, a summary report of all payments grouped by industry and region has been attached for information purposes.

Where possible, the City attempts to procure locally however market-based factors may mean this is not always possible or cost effective. These factors include the availability of local suppliers, the capability of the local suppliers for providing the goods or services, and the value for money proposition of local suppliers. For example, some specialised services require expertise which cannot be found in the City of Busselton. Further, it is important to recognise that on large contracts there may be subcontracting to local suppliers which again may not be seen as local procurement in the data. The same would apply to the Southwest data also.

### **Statutory Environment**

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

### **Relevant Plans and Policies**

Not applicable.

### **Financial Implications**

Not applicable.

### **External Stakeholder Consultation**

Not applicable.

### **Risk Assessment**

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

### **Options**

Not applicable.

## **CONCLUSION**

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

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

Not applicable.

## 11. COMMUNITY PLANNING REPORTS

### 11.1. Reconsideration of DA17/0866.01 - Modification to Development Approval - Industry - Extractive (Gravel) Lot 2 Nuttman Rd & Lot 3 Chapman Hill East Rd Chapman Hill

<b>Strategic Theme:</b>	Key Theme 1: Environment 1.1 Ensure protection and enhancement of environmental values is a central consideration in land use planning Key Theme 3: Opportunity 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth. Key Theme 4: Leadership 4.1 Provide opportunities for the community to engage with Council and contribute to decision making.
<b>Directorate:</b>	Community Planning
<b>Reporting Officer:</b>	Manager Planning and Development – Joanna Wilson
<b>Authorised By:</b>	Director Community Planning – Gary Barbour
<b>Nature of Decision:</b>	Regulatory: To determine an application/matter that directly affects a person’s right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. Previous Decision Notice [11.1.1 - 8 pages] 2. Previous Schedule of Submissions [11.1.2 - 17 pages]

#### COUNCIL DECISION

**C2411/325** Moved Cr Val Kaigg, seconded Cr Jodie Lee

#### That the Council:

1. Acknowledges that the Amendment to Development Approval – Industry – Extractive (gravel) at Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill was previously granted approval with conditions by the Council on 15 May 2024 (the Decision).
2. Acknowledges that, pursuant to review proceedings under the *State Administrative Tribunal Act 2004* (the SAT Act), the Applicant has provided additional information to the City, responding to concerns raised in the Decision.
3. Acknowledges further that the Tribunal has now invited the City to reconsider its decision.
4. Pursuant to section 31(2)(a) of the SAT Act, sets aside the Decision and substitutes its new decision as follows:
  - i. That application DA17/0866.01 submitted for Amendment to Development Approval – Industry – Extractive (gravel) on Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill, is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located.

- ii. To grant development approval for the proposal subject to the following conditions:

**GENERAL CONDITIONS:**

1. The development hereby approved is permitted to operate up to 10 February 2026. The development must be undertaken in accordance with the following requirements:
  - a. All extraction, crushing and screening works are discontinued as from July 2024 and will not recommence;
  - b. All gravel stockpiles must be removed (and not replaced) by no later than 31 May 2025;
  - c. All armour rock stockpiles must be removed (and not replaced) by no later than 10 February 2026;
  - d. The site shall be fully rehabilitated in accordance with an approved Rehabilitation Management Plan (as approved under condition 4.2), with completion of all rehabilitation works being no later than 1 September 2025;
  - e. Truck numbers and haulage routes are to remain consistent with conditions 7.4 and 7.5, unless otherwise approved by the City under condition 7.6.
2. The owner must ensure that the development is undertaken in accordance with the approved plans and the details contained within the Site and Development Plans and Application Material, other than as modified by the conditions below. Where there is any conflict between condition 1 and an approved plan, the requirements of condition 1 shall prevail. The expiry of the term does not prevent the completion of rehabilitation required by this approval or an approved plan.
3. If at any time, any of the conditions have not been complied with, all extraction activities (including haulage) must cease until such time as the breach has been rectified, to the satisfaction of the City in writing.

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

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

- d) Staging of revegetation process;
- e) Ripping and/or other treatments to the base of the pit;
- f) Spreading of stockpiled topsoil;
- g) Re-use of any stockpiled vegetation;
- h) Planting methodology, native species list (mix of trees, shrubs and ground covers), planting densities;
- i) Criteria for assessment of whether the revegetation has been satisfactorily completed; and
- j) Weed management plan.

4.4 A revised Water Management Plan, including additional details regarding stormwater retention measures to prevent the flow of stormwater into neighbouring properties.

4.5 Details of warning signage to be erected along the transport route. Signage shall include signs on both approaches to the pit along Nuttman Road 100m from the access.

4.6 A Dust Management Plan, including details validating the water supply available for dust suppression to implement the approved and procedures associated with management of dust on the unsealed section of the haul route.

4.7 Details for the upgrading of the existing crossover to ensure that adequate sightlines are achieved.

4.8 Plans for the widening of Nuttman Road to:

- a) A minimum unsealed carriageway width of 7.0 metres from the crossover to the subject site north to the sealed section of Nuttman Road; and
- b) Widening of the sealed section of Nuttman Road to 6.2m with 0.80m gravel shoulders (7m formation).

*(such plans shall specify the width, alignment, gradient and type of construction proposed for the upgrades, including all relevant horizontal cross-sections and longitudinal-sections showing existing and proposed levels, together with details of vegetation, pinch points and culverts and where necessary how such culverts will be upgraded).*

4.9 A 3D Digital Terrain Model indicating the following in Australian Height Datum:

- a) Existing ground levels;
- b) Maximum extraction depths; and
- c) Minimum final ground levels after rehabilitation.

4.10 The following bonds being provided to the City:

- a) A road maintenance bond of \$20,000 (being an unconditional bank guarantee) to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at the cost of the owner. The City may use the bond to maintain the affected public roads as it deems necessary.
- b) A dust bond of \$6,000, which shall be held against satisfactory compliance with the Dust Management Plan.



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

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

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

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

**PRIOR TO COMMENCEMENT OF EXTRACTION CONDITIONS:**

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

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

- 6. Notwithstanding Condition 5 above, gravel can be extracted from and crushed on the site for the purpose of upgrading Nuttman Road and/or the crossover, in the following circumstances:
  - 6.1 Where all plans, details and bonds required by Condition 4 have been provided to and approved by the City, and implemented to the satisfaction of the City; and

**6.2 With the prior written approval of the City.**

**ONGOING CONDITIONS:**

- 7. The owner must ensure that the plans, details and works undertaken to satisfy Conditions 1, 2, 3, 4, 5 and 6 are subsequently implemented and maintained for the life of the development and, in addition, the following conditions must be complied with:**
- 7.1 The development hereby approved shall be limited to: the excavation or movement of gravel from its natural state on the site; screening of material; crushing of gravel; transportation of gravel within or off the site; associated drainage works and access ways; and rehabilitation works. At no time shall any blasting works be carried out.**
- 7.2 Operating hours, including the use of any vehicle or machinery, or the transportation/haulage of materials, shall be restricted to the hours between:**
- a) 7:00am and 6:00pm Mondays to Fridays; and**
  - b) 7:00am and 1:00pm Saturdays for rehabilitation works only. No extractive works are permitted on Saturdays.**
  - c) No works of any kind to be carried out at any time on Sundays or public holidays.**
- 7.3 Within one week of each school term's commencement, details of the school bus exclusion time for both am and pm shall be submitted to and approved by the City in consultation with the relevant school bus operators. The times should include the bus operating times on the haulage routes including a 15min exclusion window either side of the earliest and latest bus time.**
- 7.4 The designated haulage route is to the Busselton Bypass, northwards along Nuttman Road to Walsall Road and then north along Chapman Hill Road. No other routes may be used, until trucks have reached the Busselton Bypass.**
- 7.5 A maximum number of 70 truck movements (i.e. 35 trucks entering and 35 trucks exiting the site) shall be permitted on any operating day (i.e. Sundays and public holidays are not operating days). No truck movements shall be permitted on any other day or outside the approved operating hours.**
- 7.6 Notwithstanding Conditions 7.4 and 7.5 above, should more than 70 truck movements per day and/or an alternative haulage route be proposed, a Traffic Management Plan is to be submitted to and approved in writing by the City; with the Plan being submitted to the City at least 7 working days prior to any haulage not consistent with Conditions 7.5 or 7.6 occurring.**

*Note: The City will only approve additional movements or alternate routes where it is determined that an acceptable Traffic Management Plan has been provided. The City will not approve additional truck movements and/or an alternative haulage route for more than 20 working days in any calendar year. Any additional days will require a Modification to Development Approval to be submitted to, and approved by, the City.*

- 7.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the pasture zone 2 details approved pursuant to Condition 4.2 concurrently with the extraction of the following 2 hectare area.**
- 7.8 The lowest level of excavation shall always be a minimum of 300mm above the maximum water table level and no dewatering works are to be undertaken.**
- 7.9 Further to condition 7.8 (level of extraction), the final land surface (after rehabilitation for pasture) should be 500mm above the maximum seasonal groundwater.**
- 7.10 Native Revegetation Zone 1 of the approved Rehabilitation Plan shall be implemented this planting season in accordance with the approved details, including any notes placed thereon in red by the City.**
- 7.11 The owner must submit to the City annually within three months of every anniversary of the issue of the Permit to Commence certificate a written report detailing the following to the satisfaction of the City:**
- a) A survey conducted by a licensed surveyor certifying:
    - i. The extent/size and location of the area which has been extracted;**
    - ii. The extent/size and location of the area which has been rehabilitated;**
    - iii. The extent/size and location of the area which is currently under operation;****
  - b) Details as to which conditions of this development approval have been complied with and how the conditions have been complied with; and**
  - c) No extraction operations, including stockpiling or transportation of extracted material, are to be undertaken on the site at any time when an annual written report is due and has not been submitted to the City.**
- 7.12 No development (including any extraction) may be carried out at any time when any bond that is required to be in force and effect under Condition 4.10 is not in full force and effect.**
- 7.13 Trucks may not arrive at the Site prior to 6:45am and may not leave the Site after the relevant closing time stipulated by condition 7.2.**

#### **ADVICE TO APPLICANT**

- 1. If the applicant and/or owner are aggrieved by this determination, including any conditions of approval, there is a right to lodge a request for reconsideration. The application form and information on fees payable can be found on the City's website.**
- 2. If the applicant and/or owner are aggrieved by this determination, there may also be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal and must be lodged within 28 days of the determination being made by the City of Busselton.**

3. This Notice of Determination grants Development Approval to the development the subject of this application (DA17/0866.01). It cannot be construed as granting Development Approval for any other structure shown on the approved plans which was not specifically included in this application.
4. Please note it is the responsibility of the applicant / owner to ensure that, in relation to Condition 1, this Development Approval remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
5. Before the issuing of any Notices pursuant to Condition 3 of the Approval, the City will, at its discretion, provide the details of any alleged breach to the Applicant and provide the Applicant with typically 48 hours minimum, to respond to the alleged breach prior to the issuing of a Notice, unless for safety reasons it is necessary for a lesser period or no period to apply.
6. Please be advised that when forwarding payment of bonds to the City of Busselton, whether it be in person or through the mail, you will need to include a copy of this correspondence (decision on application for development approval) for receipting purposes.
7. In accordance with the requirements of the *Local Government (Uniform Local Provisions) Regulations 1996*, you are hereby notified that any vehicle access from the land to a road or other public thoroughfare must be in accordance with the City's adopted Crossover Policy and Vehicle Crossovers Technical Specification.
8. In regard to Condition 6.3, the school bus times are likely to vary at the beginning of each school year, the applicant is advised to contact the Public Transport Authority each year for the updated timetable.

**CARRIED 8 / 0**

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

**AGAINST: Nil**

**EN BLOC**

#### **OFFICER RECOMMENDATION**

That the Council:

1. Acknowledges that the Amendment to Development Approval – Industry – Extractive (gravel) at Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill was previously granted approval with conditions by the Council on 15 May 2024 (the Decision).
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- ii. To grant development approval for the proposal subject to the following conditions:

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  - b. All gravel stockpiles must be removed (and not replaced) by no later than 31 May 2025;
  - c. All armour rock stockpiles must be removed (and not replaced) by no later than 10 February 2026;
  - d. The site shall be fully rehabilitated in accordance with an approved Rehabilitation Management Plan (as approved under condition 4.2), with completion of all rehabilitation works being no later than 1 September 2025;
  - e. Truck numbers and haulage routes are to remain consistent with conditions 7.4 and 7.5, unless otherwise approved by the City under condition 7.6.
2. The owner must ensure that the development is undertaken in accordance with the approved plans and the details contained within the Site and Development Plans and Application Material, other than as modified by the conditions below.  
Where there is any conflict between condition 1 and an approved plan, the requirements of condition 1 shall prevail. The expiry of the term does not prevent the completion of rehabilitation required by this approval or an approved plan.
3. If at any time, any of the conditions have not been complied with, all extraction activities (including haulage) must cease until such time as the breach has been rectified, to the satisfaction of the City in writing.

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- a) Description of the finished profile of the soils of the extraction area post extraction;
  - b) Final ground contours, finished profile with embankments not to be steeper than 1 in 5;
  - c) Proposed vegetation assemblage for the area post extraction, given the soil profile, topography and a description of the ecological values and functions that are expected to be returned to the revegetation offset site;
  - d) Staging of revegetation process;
  - e) Ripping and/or other treatments to the base of the pit;
  - f) Spreading of stockpiled topsoil;
  - g) Re-use of any stockpiled vegetation;
  - h) Planting methodology, native species list (mix of trees, shrubs and ground covers), planting densities;
  - h) Criteria for assessment of whether the revegetation has been satisfactorily completed; and
  - j) Weed management plan.
- 4.4 A revised Water Management Plan, including additional details regarding stormwater retention measures to prevent the flow of stormwater into neighbouring properties.
- 4.5 Details of warning signage to be erected along the transport route. Signage shall include signs on both approaches to the pit along Nuttman Road 100m from the access.
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- a) A minimum unsealed carriageway width of 7.0 metres from the crossover to the subject site north to the sealed section of Nuttman Road; and
  - b) Widening of the sealed section of Nuttman Road to 6.2m with 0.80m gravel shoulders (7m formation).
- (such plans shall specify the width, alignment, gradient and type of construction proposed for the upgrades, including all relevant horizontal cross-sections and longitudinal-sections showing existing and proposed levels, together with details of vegetation, pinch points and culverts and where necessary how such culverts will be upgraded).*
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- a) Existing ground levels;

- b) **Maximum extraction depths; and**
- c) **Minimum final ground levels after rehabilitation.**

**4.10 The following bonds being provided to the City:**

- a) **A road maintenance bond of \$20,000 (being an unconditional bank guarantee) to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at the cost of the owner. The City may use the bond to maintain the affected public roads as it deems necessary.**
- b) **A dust bond of \$6,000, which shall be held against satisfactory compliance with the Dust Management Plan.**
- c) **A rehabilitation bond of \$30,000, which shall be held against satisfactory compliance with Condition 4.2 of this approval.**
- d) **Further to conditions 4.10 (a)-(c) (bond conditions), the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:**
  - i. **The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs;**
  - ii. **Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City;**
  - iii. **If at any time part of the bond is called upon, used or applied by the City in accordance with the legal agreement, the restoration of the bond to the full amount required by these conditions; and**
  - iv. **The ability to lodge a caveat over the site to secure the City's interest.**

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

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

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

**d) School bus times.**

**PRIOR TO COMMENCEMENT OF EXTRACTION CONDITIONS:**

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

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

- 6. Notwithstanding Condition 5 above, gravel can be extracted from and crushed on the site for the purpose of upgrading Nuttman Road and/or the crossover, in the following circumstances:**
  - 6.1 Where all plans, details and bonds required by Condition 4 have been provided to and approved by the City, and implemented to the satisfaction of the City; and**
  - 6.2 With the prior written approval of the City.**

**ONGOING CONDITIONS:**

- 7. The owner must ensure that the plans, details and works undertaken to satisfy Conditions 1, 2, 3, 4, 5 and 6 are subsequently implemented and maintained for the life of the development and, in addition, the following conditions must be complied with:**
  - 7.1 The development hereby approved shall be limited to: the excavation or movement of gravel from its natural state on the site; screening of material; crushing of gravel; transportation of gravel within or off the site; associated drainage works and access ways; and rehabilitation works. At no time shall any blasting works be carried out.**
  - 7.2 Operating hours, including the use of any vehicle or machinery, or the transportation/haulage of materials, shall be restricted to the hours between:**
    - a) 7:00am and 6:00pm Mondays to Fridays; and**
    - b) 7:00am and 1:00pm Saturdays for rehabilitation works only. No extractive works are permitted on Saturdays.**
    - c) No works of any kind to be carried out at any time on Sundays or public holidays.**
  - 7.3 Within one week of each school term's commencement, details of the school bus exclusion time for both am and pm shall be submitted to and approved by the City in consultation with the relevant school bus operators. The times should include the bus operating times on the haulage routes including a 15min exclusion window either side of the earliest and latest bus time.**
  - 7.4 The designated haulage route is to the Busselton Bypass, northwards along Nuttman Road to Walsall Road and then north along Chapman Hill Road. No other routes may**



be used, until trucks have reached the Busselton Bypass.

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

*Note: The City will only approve additional movements or alternate routes where it is determined that an acceptable Traffic Management Plan has been provided. The City will not approve additional truck movements and/or an alternative haulage route for more than 20 working days in any calendar year. Any additional days will require a Modification to Development Approval to be submitted to, and approved by, the City.*

- 7.7** No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the pasture zone 2 details approved pursuant to Condition 4.2 concurrently with the extraction of the following 2 hectare area.
- 7.8** The lowest level of excavation shall always be a minimum of 300mm above the maximum water table level and no dewatering works are to be undertaken.
- 7.9** Further to condition 7.8 (level of extraction), the final land surface (after rehabilitation for pasture) should be 500mm above the maximum seasonal groundwater.
- 7.10** Native Revegetation Zone 1 of the approved Rehabilitation Plan shall be implemented this planting season in accordance with the approved details, including any notes placed thereon in red by the City.
- 7.11** The owner must submit to the City annually within three months of every anniversary of the issue of the Permit to Commence certificate a written report detailing the following to the satisfaction of the City:
- a) A survey conducted by a licensed surveyor certifying:
    - i. The extent/size and location of the area which has been extracted;
    - ii. The extent/size and location of the area which has been rehabilitated;
    - iii. The extent/size and location of the area which is currently under operation;
  - b) Details as to which conditions of this development approval have been complied with and how the conditions have been complied with; and

- c) **No extraction operations, including stockpiling or transportation of extracted material, are to be undertaken on the site at any time when an annual written report is due and has not been submitted to the City.**
  
- 7.12 No development (including any extraction) may be carried out at any time when any bond that is required to be in force and effect under Condition 4.10 is not in full force and effect.**
  
- 7.13 Trucks may not arrive at the Site prior to 6:45am and may not leave the Site after the relevant closing time stipulated by condition 7.2.**

#### **ADVICE TO APPLICANT**

- 1. If the applicant and/or owner are aggrieved by this determination, including any conditions of approval, there is a right to lodge a request for reconsideration. The application form and information on fees payable can be found on the City's website.**
- 2. If the applicant and/or owner are aggrieved by this determination, there may also be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal and must be lodged within 28 days of the determination being made by the City of Busselton.**
- 3. This Notice of Determination grants Development Approval to the development the subject of this application (DA17/0866.01). It cannot be construed as granting Development Approval for any other structure shown on the approved plans which was not specifically included in this application.**
- 4. Please note it is the responsibility of the applicant / owner to ensure that, in relation to Condition 1, this Development Approval remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.**
- 5. Before the issuing of any Notices pursuant to Condition 3 of the Approval, the City will, at its discretion, provide the details of any alleged breach to the Applicant and provide the Applicant with typically 48 hours minimum, to respond to the alleged breach prior to the issuing of a Notice, unless for safety reasons it is necessary for a lesser period or no period to apply.**
- 6. Please be advised that when forwarding payment of bonds to the City of Busselton, whether it be in person or through the mail, you will need to include a copy of this correspondence (decision on application for development approval) for receipting purposes.**
- 7. In accordance with the requirements of the *Local Government (Uniform Local Provisions) Regulations 1996*, you are hereby notified that any vehicle access from the land to a road or other public thoroughfare must be in accordance with the City's adopted Crossover Policy and Vehicle Crossovers Technical Specification.**
- 8. In regard to Condition 6.3, the school bus times are likely to vary at the beginning of each school year, the applicant is advised to contact the Public Transport Authority each year for the updated timetable.**

## EXECUTIVE SUMMARY

The Applicant has sought review in the State Administrative Tribunal (Tribunal) of the Council's decision of 15 May 2024 to vary the conditions of the amendment to Development Approval – Industry – Extractive (gravel) at Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill.

As part of the review the Tribunal has invited the City to reconsider its decision, by 29 November 2024.

The Applicant has submitted additional information and advised that all material has been extracted, crushed and screened and currently stockpiled on site. The outstanding extraction activities comprise of the material being transported off site and the rehabilitation to be finalised.

## STRATEGIC CONTEXT

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

## BACKGROUND

The Council is asked to reconsider its previous decision and vary two conditions of the Amendment to Development Approval – Industry – Extractive (gravel) at Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill.

The conditions that are recommended to be varied are Condition 1 and Condition 2 below:

### *Condition 1*

*The development hereby approved is permitted to operate until 31 December 2024. The site shall be fully rehabilitated in accordance with an approved Rehabilitation Management Plan (as approved under condition 3.2) by the expiry date of this development approval.*

### *Condition 2*

*The owner must ensure that the development is undertaken in accordance with the approved plans and the details contained within the Site and Development Plans and Application Material (Attachment B and C), other than as modified by the conditions below.*

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

Key information regarding the application is set out below —

1. **Landowner/s:** Brian Baker
2. **Applicant:** Leeuwin Civil Pty Ltd
3. **Site area:** 76.67 Ha

4. **General description of site:** Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road are located towards the southern end of Nuttman Road, just north of the junction with Chapman Hill East Road. Lot 2 has frontage to Nuttman Road while Lot 3 has frontage to Chapman Hill East Road. The application site is located within the rural zone and the surrounding lots are predominately farmed, however there are a number of smaller lots within the vicinity of the site. Lot 3 is heavily vegetated whereas Lot 2 is predominately cleared with a clump of vegetation towards the middle of the lot. The extraction area is located on the boundary of the two lots and would result in the removal of some vegetation.
5. **Current development/use:** The northern portion of the Site is used for agricultural pursuits and contains a dwelling and ancillary accommodation. A previous sand extraction (DA ref: DA12/0338) was located in the central portion of the Site.
6. **Brief description of proposed development:** The original development approval was to extract approximately 170,000 cubic metres of gravel from an area of 9.73 hectares and includes screening and crushing of gravel on site. The haulage route as specified by condition 7.4 of the approval allows for transport of materials to Bussell Highway by travelling northwards along Nuttman Road to Walsall Road and then north along Chapman Hill Road.

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

7. **Applicable Zoning and Special Control Area designations:** The Site is located within the Rural Zone.
8. **Land-use permissibility:** Industry – Extractive is an ‘A’ use in the Rural Zone, meaning that it is a use that may be permitted in the Zone at the reasonable discretion of the City, following a compulsory period of consultation and consideration of any submissions received.

Consultation has not been undertaken in relation to the proposed amended conditions as it is considered that the changes that have been made largely address the issues raised by the Council. However, all submitters have received notification that the matter will be returning to Council for reconsideration so have the ability to present to Council, if inclined.

The following attachments are provided –

- Attachment 1 – Previous Decision Notice
- Attachment 2 – Previous Schedule of Submissions

#### **OFFICER COMMENT**

Each of the conditions that are sought to be varied are discussed below, including how these have been addressed by the Applicant –

## Condition 1

### *Existing Condition 1*

*The development hereby approved is permitted to operate until 31 December 2024. The site shall be fully rehabilitated in accordance with an approved Rehabilitation Management Plan (as approved under condition 3.2) by the expiry date of this development approval.*

All gravel material on site has been extracted, screened and crushed and it is currently stockpiled ready to be transported off site. The applicant requires the expiry date of Condition 1 to be extended to enable sufficient time to transport all the material off site, including the removal of armour rock that was uncovered during extraction. No increase in the number of truck movements has been proposed.

It is considered by officers that an extension of time to allow for the transportation of the material for an additional 6 months is acceptable. The removal of the material is dependent on a number of factors, including that gravel is not useable during the wetter months and it is acknowledged that the current timeframe could not be achieved to transport all the material. Furthermore, in light of the location of the stockpiles, rehabilitation cannot be completed until the stockpiles are removed and then within the following planting season.

Condition 1 is proposed to be amended to allow for an additional 6 months to remove the gravel stockpiles; an extension to February 2026 to remove the armour rock and the site being rehabilitated in the next planting season. The revised wording for Condition 1 is as follows:

### *Revised Condition 1*

*The development hereby approved is permitted to operate up to 10 February 2026. The development must be undertaken in accordance with the following requirements:*

- f. All extraction, crushing and screening works are discontinued as from July 2024 and will not recommence;*
- g. All gravel stockpiles must be removed (and not replaced) by no later than 31 May 2025;*
- h. All armour rock stockpiles must be removed (and not replaced) by no later than 10th February 2026;*
- i. The site shall be fully rehabilitated in accordance with an approved Rehabilitation Management Plan (as approved under condition 4.2), with completion of all rehabilitation works being no later than 1 September 2025; and*
- j. Truck numbers and haulage routes are to remain consistent with conditions 7.4 and 7.5, unless otherwise approved under by the City under condition 7.6.*

## Condition 2

### *Existing Condition 2*

*The owner must ensure that the development is undertaken in accordance with the approved plans and the details contained within the Site and Development Plans and Application Material (Attachment B and C), other than as modified by the conditions below.*

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

A minor change is proposed to condition 2 - *'The expiry of the term does not prevent the completion of rehabilitation required by this approval or an approved plan'*. The additional wording is to ensure that rehabilitation can be completed without the need for a new development approval, notwithstanding the wording of the approval or an approved plan.

#### *Revised Condition 2*

*The owner must ensure that the development is undertaken in accordance with the approved plans and the details contained within the Site and Development Plans and Application Material (Attachment B and C), other than as modified by the conditions below.*

*Where there is any conflict between condition 1 and an approved plan, the requirements of condition 1 shall prevail. The expiry of the term does not prevent the completion of rehabilitation required by this approval or an approved plan.*

#### **Additional Advice Note**

An additional advice note has been recommended by officers (advice note 5) to address the City's practice for issuing 214 Notices under the *Planning and Development Act 2005* pursuant to Condition 3. Noting, that the Act does not require such advice notes to be provided, however, officers are recommending inserting the provision as a matter of operational practice to address the concerns raised by the Applicant. The advice note does not however prevent the City issuing Notices without prior warning where clear issues of safety would apply.

#### **Statutory Environment**

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

#### **Zoning**

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

- a. *To provide for the maintenance or enhancement of specific local rural character.*
- b. *To protect broad acre agricultural activities such as cropping and grazing and*
- c. *intensive uses such as viticulture and horticulture as primary uses, with other rural activities as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- d. *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways, to protect sensitive areas especially the natural valley and watercourse systems from damage.*

- e. *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.*
- f. *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.*
- g. *To provide for development and expansion of the viticultural, winemaking and associated tourism activities and other industries related to agricultural activities, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.*
- g. *To provide for the extraction of basic raw materials, where appropriate.*

### **Land-use and permissibility**

The proposed land use is defined as follows:

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

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

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

### **Matters to be considered**

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

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy; (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*

- (g) *any local planning policy for the Scheme area; (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance;*
- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, maneuvering and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*

### **Relevant Plans and Policies**

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

#### **State Planning Policy 2.4 - Basic raw materials**

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

- ensure BRM and its regional importance is considered at the earliest stages of the planning process;



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

### **Local Planning Policy 2.3 - Extractive Industries**

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

### **Financial Implications**

There are no financial implications associated with the officer recommendation.

However, if the matter were to be refused or the proposed conditions varied, it would proceed to a final hearing in the Tribunal then expert witness and legal representative costs could be anywhere between \$60,000 to \$100,000.

### **External Stakeholder Consultation**

Consultation on the original development application was undertaken by mailing letters to surrounding land-owners and a public notice in the newspaper.

Submissions were received from 39 separate properties at the conclusion of the advertising period, with the majority objecting to the proposed amendments to conditions. A submission in support of the proposal was also received, signed by 24 persons representing 16 properties.

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

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

Consultation has not been undertaken in relation to the proposed amended conditions as it is considered that the changes that have been made largely address the issues raised by the Council. However, all submitters have received notification that the matter will be returning to Council for reconsideration so have the ability to present to Council, if inclined.

### **Risk Assessment**

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

**Options**

As an alternative to the proposed recommendation the Council could:

1. Affirm the previous decision and refuse to vary the decision, setting out reasons for doing so;
2. Vary the decision, by applying additional or different conditions;

Should the applicant not agree with the decision then the matter would be programmed through to a final hearing where the Tribunal is the decision-maker. As the Officer Recommendation is for approval then the City would need to engage an independent planning witness who could provide evidence as to why the proposal was inconsistent with orderly and proper planning. The City would also need to engage an independent representative (usually a lawyer) to represent the City in proceedings. As mentioned under financial implications, this could be in the vicinity of \$60,000 - \$100,000.

**CONCLUSION**

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

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

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

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

**11.2. Community Assistance Program Assessment**

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

**COUNCIL DECISION**

**C2411/326 Moved Cr Val Kaigg, seconded Cr Jodie Lee**

**That the Council endorse the following funding allocation, to be funded from the 2024/2025 Community Assistance Program budget:**

Applicant		Allocation
1	South West Academy of Sport	\$10,000.00
2	Vasse Soccer Club	\$4,800.00
3	Geographe Cycle Club Inc	\$525.00
4	Busselton Water Polo Association	\$6,950.00
5	Geographe Bay Yacht Club	\$20,000.00
6	WAAC (Freedom State)	\$1,563.60
7	Naturaliste Family Playgroup	\$6,659.79
8	Lamp Inc	\$3,000.00
9	Dunsborough Toy Library	\$733.00
10	Busselton Surf Life Saving Club	\$6,552.00
11	Busselton Jetty Inc	NIL
12	Fishability Inc	\$5,000.00
13	Busselton Hospice Care	\$10,000.00
	<b>TOTAL</b>	<b>\$75,783.39</b>

**CARRIED 8 / 0**

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

**AGAINST: Nil**

**EN BLOC**

**OFFICER RECOMMENDATION**

That the Council endorse the following funding allocation, to be funded from the 2024/2025 Community Assistance Program budget:

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13	Busselton Hospice Care	\$10,000.00
	<b>TOTAL</b>	<b>\$75,783.39</b>

**EXECUTIVE SUMMARY**

Annually, the City allocates financial assistance to community groups and not-for-profit organisations through the Community Assistance Program (CAP). This funding supports programs, services, and projects that enhance the social, environmental, and cultural development of the district. This report summarises the recommendations from the CAP Advisory Panel meeting held on October 24, 2024, and seeks formal approval for the submissions proposed for funding in the second CAP round for the 2024/2025 financial year.

**STRATEGIC CONTEXT**

This report's recommendations align with the Strategic Community Plan's goals and priorities, specifically by supporting projects that promote a safe, healthy, and capable community.

## BACKGROUND

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

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

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

Round 2 applications for the Community Assistance Program 2024/2025 closed on 4 October 2024, with 13 submissions received. The Community Assistance Advisory Panel, including Mayor Phill Cronin, Councillors Mikayla Love and Jarrod Kennedy, the Community Development Officer, and the Recreation & Community Development Coordinator, assessed these on 24 October 2024.

Twelve applications were recommended for funding: eight for Assistance Grants (up to \$10,000), three for Revitalisation Grants (up to \$10,000), and one for Revitalisation Plus Grants. These recommendations form the basis of this report.

## OFFICER COMMENT

The Community Assistance Program (CAP) aims to support the social, environmental, and cultural development of the City of Busselton by promoting capacity building among community groups and not-for-profit organisations. During the CAP Advisory Panel meeting held on 24 October 2024, a total of 13 funding requests were reviewed, with 12 applications recommended for approval, as detailed below.

Applicant	South West Academy of Sport
Project Title	City of Busselton Athletes Development Program
Project Description	The applicant is seeking funding to support local City of Busselton athletes with gym memberships and local workshops. There are currently 8 gym memberships, and potentially another 16 to be onboarded.
Request	\$10,000.00
Panel Recommendation	\$10,000.00

Applicant	Vasse Soccer Club
Project Title	Ensuring sustainability and long term use of resources
Project Description	The applicant is seeking funding to provide much needed resources for the club including new soccer goals, first aid kits and gazebos to provide sun safety for players and coaches.
Request	\$4,800.00
Panel Recommendation	\$4,800.00

Applicant	Geographe Cycle Club Inc
Project Title	Club Trailer
Project Description	The applicant is seeking funding to restore club trailer to make it road worthy.
Request	\$577.00
Panel Recommendation	\$525.00
Comment	The lesser amount is due to the CAP not covering re-licensing fees which is an ongoing yearly cost.

Applicant	Busselton Water Polo Assoc
Project Title	Water Polo Scoreboard
Project Description	The applicant is seeking funding to purchase an electronic scoreboard to meet the standards and integrity of local competitions, Regional and State tournaments.
Request	\$10,000.00
Panel Recommendation	\$6,950.00
Comment	\$6,950 reflects 60% of the quote supplied.

Applicant	Geographe Bay Yacht Club
Project Title	Male & Female Changeroom Upgrades
Project Description	This is a revitalisation plus grant application to upgrade male and female changerooms to achieve safe and accessible changing rooms to align to sporting industry guidelines. City officers have been involved in this project from the outset including Sport & Recreation, Leasing and Facilities.
Request	\$25,000.00
Panel Recommendation	\$20,000.00

Applicant	WAAC (Freedom State)
Project Title	LGBTIQA+ Art Series
Project Description	The applicant is seeking funding to provide a safe, community focused place for LGBTIQA+ youth to connect over an art program run by a peer mentor.
Request	\$2,150.00
Panel Recommendation	\$1,563.60
Comment	Panel recommended the lesser amount due to the in-kind staff costs stated in the project total cost, these are not to be included.

Applicant	Naturaliste Family Playgroup
Project Title	Enhancing outdoor play space
Project Description	The applicant is seeking funding to upgrade outdoor lawn, play equipment and add additional seating to make a more inviting and safe area for children to play.
Request	\$6,659.79
Panel Recommendation	\$6,659.79
Comment	Approved however CAP funding will be subject to successful Lotterywest funding being awarded to Naturaliste Family Playgroup.

Applicant	Lamp Inc
Project Title	Suicide Prevention Music Video
Project Description	The applicant is seeking funding to create a Suicide Prevention Music Video.
Request	\$5,740.00
Panel Recommendation	\$3,000.00
Comment	The Panel supported this application following a presentation at the Community Access Session on 6 November 2024.

Applicant	Dunsborough Toy Library
Project Title	Technology upgrade
Project Description	The applicant is seeking funding to upgrade current IT infrastructure to align with modern standards.
Request	\$733.00
Panel Recommendation	\$733.00

Applicant	Busselton Surf Life Saving Club
Project Title	Starfish Nippers
Project Description	The applicant is seeking funding to create a new program which is focused on providing beach and aquatic activities for local youth with a disability.
Request	\$7,545.00
Panel Recommendation	\$6,552.00
Comment	The \$6,552 is reflective of 60% of the total quote.

Applicant	Fishability
Project Title	Fishability Busselton
Project Description	The applicant is seeking funding to purchase new rods and reels for fishing program. Part of the purchase is specifically for electric casting reels for participants who have an incapacitation/restriction of use with either their hands or arms.
Request	\$5,000.00
Panel Recommendation	\$5,000.00

Applicant	Busselton Jetty Inc
Project Title	Solar Panel and battery storage – Busselton Jetty UWO
Project Description	The applicant is seeking funding to install 12.3kW solar panels and 13.8kWh battery storage on the UWO Building.
Request	\$10,000.00
Panel Recommendation	\$NIL
Comment	This is the second grant requested for the same project. The last CAP grant allocated in the previous financial year was for \$10,000 and has yet to be acquitted. Due to these reasons the Panel has not recommended funding this project further.

Applicant	Busselton Hospice Care Inc
Project Title	Community & Carer Education: Death Literacy through Death and CCC Cafés
Project Description	The applicant is seeking funding to deliver an ongoing series of CCC and death cafes over a 10 month period to increase death literacy within the community.
Request	\$10,000.00
Panel Recommendation	\$10,000.00

### **Statutory Environment**

Not Applicable

### **Relevant Plans and Policies**

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

Plan:

[Community Development Plan 2022-2027](#)

Policy:

[Sponsorship Arrangements](#)

The Sponsorship Arrangements Policy outlines the Community Bids Program (now referred to as the Community Assistance Program, CAP) as one of the initiatives through which sponsorship can be allocated.

The CAP provides community groups and not-for-profit organizations with the opportunity to seek support for initiatives that offer benefits to the broader community. This program is an integral part of the Community Development Plan.

### **Financial Implications**

The 2024/2025 budget for the CAP totals \$210,000. Funds currently committed totals \$52,610, leaving a balance of \$157,390 for any further grants.

If all funding recommendations included in this report are accepted, a balance of \$81,606.61 will remain. There will be one further funding round this financial year, opening in February 2025.



**External Stakeholder Consultation**

Not Applicable

**Risk Assessment**

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

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

**Options**

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

**CONCLUSION**

The Community Assistance Program (CAP) has evolved over time to address the needs of the community, with funding available to advance priority goals and objectives identified in the Community Development Plan. All recommendations align with the Strategic Community Plan’s aspirations and priorities by continuing to support projects that promote a safe, healthy, and capable community.

It is recommended that the Council endorse the funding allocations specified in the officer's recommendation, as endorsed by the CAP Advisory Panel.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

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

Milestone	Completion Date
Applicants notified of outcomes following the Council’s resolution	November 2024
Fully executed grant funding agreements completed with recommended funding recipients	November 2024

## **12. INFRASTRUCTURE AND ENVIRONMENT REPORTS**

NIL

**13. ECONOMIC AND BUSINESS DEVELOPMENT REPORTS**

**13.1. Business Development, Events and Marketing Program Outcomes - October 2024**

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

**COUNCIL DECISION**

**C2411/327 Moved Cr Jodie Lee, seconded Cr Val Kaigg**

**That the Council:**

- 1. Endorse the following funding allocations towards the below community focused events, to be funded from the 2024/2025 - 2025/2026 Events Budgets:**

Event Name	Event Date	Cash Funding Allocation
Carols by the Jetty	07 December 2024	2024/2025 \$3,000 2025/2026 \$3,000
Festival of Busselton	31 December 2024 – 31 January 2025	2024/2025 \$25,000 2025/2026 \$25,000
Festival of Busselton SUP Dragon Race	04 January 2025	2024/2025 \$0
<b>TOTALS</b>		<b>2024/2025 \$28,000 2025/2026 \$28,000</b>

- 2. Endorse the following funding allocations towards the below economic focused events, to be funded from the 2024/2025 - 2025/2026 Events Budgets:**

Event Name	Event Date	Cash Funding Allocation
Cape Naturaliste Pro	17-20 October 2024	2024/2025 \$10,000
Busselton Runners Club Bay Run	08 February 2025	2024/2025 \$3,000 2025/2026 \$3,000
Music concert (artist yet to be publicly announced)	22 March 2025	2024/2025 \$5,000

Music concert (artist yet to be publicly announced)	26 April 2025	2024/2025 \$5,000
<b>TOTALS</b>		2024/2025 \$23,000 2025/2026 \$13,000

**CARRIED 8 / 0**

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

**AGAINST: Nil**

**BY ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION**

That the Council:

1. Endorse the following funding allocations towards the below community focused events, to be funded from the 2024/2025 - 2025/2026 Events Budgets:

Event Name	Event Date	Cash Allocation	Funding
Carols by the Jetty	07 December 2024	2024/2025 \$3,000	2025/2026 \$3,000
Festival of Busselton	31 December 2024 – 31 January 2025	2024/2025 \$25,000	2025/2026 \$25,000
Festival of Busselton SUP Dragon Race	04 January 2025	2024/2025 \$0	
<b>TOTALS</b>		2024/2025 \$28,000	2025/2026 \$28,000

2. Endorse the following funding allocations towards the below economic focused events, to be funded from the 2024/2025 - 2025/2026 Events Budgets:

Event Name	Event Date	Cash Funding Allocation
Cape Naturaliste Pro	17-20 October 2024	2024/2025 \$10,000
Busselton Runners Club Bay Run	08 February 2025	2024/2025 \$3,000 2025/2026 \$3,000
Music concert (artist yet to be publicly announced)	22 March 2025	2024/2025 \$5,000
Music concert (artist yet to be publicly announced)	26 April 2025	2024/2025 \$5,000
<b>TOTALS</b>		2024/2025 \$23,000 2025/2026 \$13,000

**EXECUTIVE SUMMARY**

A meeting of the Business Development, Events and Marketing Program (BDMP) was held on Wednesday 16 October 2024. This report presents the recommendations to be considered at this meeting of the Council.

## STRATEGIC CONTEXT

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

## BACKGROUND

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

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

The adopted 2024/2025 budget for events, marketing and economic development initiatives totals \$1,441,618:

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

## OFFICER COMMENT

A BDEMP meeting was held on Wednesday 16 October 2024, with the following matters presented:

- Update on events held since the last meeting on 21 August 2024 and major upcoming events.
- Update on outcomes of funds awarded through the Economic Development and Marketing funding rounds; and
- Consideration of funding applications received through the Events Sponsorship Program 2024/2025 Round 2.

## Requests for funding

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

## Requests for Funding –2024/2025 Events Sponsorship Program Round 2

Round 2 of the 2024/2025 Events Sponsorship Program opened on 1 September 2024, closing 30 September 2024. A total of seventeen (17) eligible applications for funding through the 2024/2025 Events Budget were received, comprising of the following:

- Eight (8) applications were for community focused events in 2024/2025, for a total of \$68,075.
- Nine (9) applications were for economic focused events in 2024/2025, for a total of \$118,500.

Recognising that the allocation of funding through the Events Sponsorship Program is currently under review, it was resolved to only assess and make recommendations on the events that required a sooner answer, either due to imminence of their upcoming event or the scale of their event requiring more planning time. Other funding recommendations will be deferred until a further BDMP meeting on 13 November 2024.

Two (2) applications were received for hallmark economic focused events in 2025/2026, for a total of \$240,000. Due to not yet having received their post event reports, discussion around the funding of these events has also been deferred until the November meeting.

A further three (3) applications were received for a total of \$84,000, however these were deemed ineligible due to not being within the specified event period.

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

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

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

Funding recommendations are allocated on the following basis:

### Community focused events

Events that score:

11 or more are to be considered for event sponsorship funding

6 - 10 funding to be considered if funds available in that round, potential partial funding

5 or less are not to be considered at all.

### Economic focused events

Events that score:

13 or more are to be considered for event sponsorship funding

8 - 12 funding to be considered if funds available in that round, potential partial funding

7 or less are not to be considered at all.

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

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

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

**Carols by the Jetty – Busselton Foreshore – 07 December 2025**

- Family-friendly Christmas celebration with community performances and entertainment
- Event organiser: Cornerstone Church of Christ
- Venue: Busselton Foreshore Amphitheatre
- Estimated total attendance: 2,530
- Previous funding: \$3k per year MYA
- Funding request: \$3,700
- Evaluation score: 6

**Recommendation: \$3k cash + up to \$500 in-kind, MYA**

- Justification: This event remains a popular community celebration. They have sought additional funding due to increased costs of hiring equipment. The requested increase is not supported as the event is not seeking to diversify in any way.

**Festival of Busselton 2025 – Various locations – 31 December 2024 – 31 January 2025**

- Month long festival with a variety of community events, running since 1964
- Event organiser: Festival of Busselton Inc Committee
- Venue: Various locations throughout COB
- Estimated total attendance: 32,025 (across all events)
- Previous funding: \$25k per year/MYA
- Funding request: \$25k
- Evaluation score: 7

**Recommendation: \$25k cash + up to \$12.5k in-kind, MYA**

- Justification: This is one of the City's hallmark events, with strong community sentiment and following with residents and visitors. This provides free and low cost activities for the month

of January, with many holiday makers booking to align with the festival dates. It is heavily reliant on the City and other grant partners for funding and would likely be unable to continue if not supported to the same level.

#### **Festival of Busselton Dragon SUP Race – Busselton Beach (in front of The Goose) – 04 January 2025**

- Team SUP board race part of Festival of Busselton
- Event organiser: SUP Life
- Venue: Busselton Beach (in front of the Goose)
- Estimated total attendance: 262
- Previous funding: Nil
- Funding request: \$1,375
- Evaluation score: 4

#### **Recommendation: \$0**

- Justification: The City's funding does not support individual components of events that are already funded i.e. Festival of Busselton. Therefore, this event did not meet the funding criteria and is not recommended.

#### **The following requests have been received for economic focused events from the 2024/2025 Events Budget:**

##### **World Surf League Cape Naturaliste Pro – Yallingup Beach - 17 – 20 October 2024**

This event has previously been funded under a multi-year agreement, \$15k per year 2021/2022 – 2023/2024. Due to an administrative error, the event organiser was given incorrect written advice that they already had secured City funding for their event in October 2024 when in fact their funding agreement had expired in 2023. This led to them not applying in Round 1 of the 2024/2025 Event Sponsorship program.

It is therefore recommended that the Cape Naturaliste Pro surf event is funded despite not falling within the current round, and they understand that if approved, this funding will be received retrospectively.

- Part of the WA Pro Surf Series which has been designed specifically to promote WA's world class waves, driving regional tourism and providing a competitive pathway for our emerging local talent into the World Surf League.
- Event organiser: Surfing WA/World Surf League
- Estimated economic impact: \$400,000
- Estimated total attendance: 1,200
- Estimated visitors (outside of region): 500
- Previous funding: \$15k per year/3 years
- Funding request: \$10k cash
- Purpose: Water safety, event sanctioning, marketing and promotion
- Evaluation score: 11



**Recommendation: \$10k cash, single year**

- Justification: Had they applied in Round 1, it is likely that they would have been funded. The event met expected outcomes for previous funding. \$10k is the amount they were (incorrectly) advised they were to receive for their 2024 event, however they are happy to accept this figure. It is recommended for a single year agreement only, and they have been advised they will need to re-apply in March 2025.

**Busselton Runners Club Bay Run – Busselton Foreshore – 08 February 2025**

- Annual running event comprising 5km, 10km, 21km half marathon and full 42km marathon
- Event organiser: Busselton Runners Club
- Estimated economic impact: \$119,612
- Estimated total attendance: 5,120
- Estimated visitors (outside of region): 2000
- Previous funding: \$6k
- Funding request: \$3k
- Purpose: Traffic management, timing, event infrastructure, promotional costs
- Evaluation score: 13

**Recommendation: \$3k cash + up to \$1k in-kind, MYA**

- Justification: This home grown event continues to be a popular sell out event, with more than half of their competitors being here solely for their event rather than for Jetty Swim. They have reduced their funding request from previous years, which had increased to assist with preparation of new traffic management and safety plans with the addition of the full marathon distance. The requested amount is reasonable and full requested funding is recommended.

**Music concert – Signal Park, Busselton – 22 March 2025**

- Live concert by an Australian artist - supported by local and national artists as opening acts.
- Event organiser: Macro Music
- Estimated economic impact: \$1,737,375
- Estimated total attendance: 6170
- Estimated visitors (outside of region): 5000
- Previous funding: \$15k
- Funding request: \$15k + in-kind venue hire
- Purpose: Event infrastructure, transport and logistics, security, power and tech requirements
- Evaluation score: 11

**Recommendation: \$5k cash + up to \$5k in-kind, single year**

- Justification: Reflecting the community's desires and as highlighted in the Events Strategy, music events are an important part of the City's events calendar. In the aftermath of COVID and with various other pressures, many music festivals have been cancelled and struggle to return. Therefore, it is important that the City supports them where possible.

Due to limited funding, the City is unable to support the requested amount. While this is a commercial event, it is recognised that they will have substantial additional costs due to the move to Signal Park, from their previous venue of Barnard Park. This move is due to the City's efforts to take pressure off the Barnard Park sporting grounds, to allow for ground rehabilitation between sporting seasons.

The additional costs include re-design of previous plans including noise management, traffic management and site plans. Therefore, some funding is recommended to offset these costs, as well as allocation of in-kind venue and other fees.

#### **Music concert – Signal Park – 26 April 2025**

- Live performance by Australian group, supported by local and national artists as opening acts.
- Event organiser: Macro Music
- Estimated economic impact: \$1,737,375
- Estimated total attendance: 6,170
- Estimated visitors (outside of region): 5000
- Previous funding: \$15k
- Funding request: \$15k + in-kind venue hire
- Purpose: Event infrastructure, transport and logistics, security, power and tech requirements
- Evaluation score: 10

#### **Recommendation: \$5k cash + up to \$5k in-kind, single year**

- Justification: The reasons are the same as the other concert. Due to limited funding, the City is unable to support the requested amount. While this is a commercial event, it is recognised that they will have substantial additional costs due to the move to Signal Park, from their previous venue of Barnard Park. This move is due to the City's efforts to take pressure off the Barnard Park sporting grounds, to allow for ground rehabilitation between sporting seasons.

The additional costs include re-design of previous plans including noise management, traffic management and site plans. Therefore, some funding is recommended to offset these costs, as well as allocation of in-kind venue and other fees.

#### **Statutory Environment**

The Officer Recommendation supports the general function of a local government under the *Local Government Act 1995* to provide for the good government of persons in its district.

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

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

Plan:

Not applicable.

Policy:  
[Events](#)

The Officer Recommendation aligns with the City's Events Policy which specifies that the attraction, development, and approval of Events will be in accordance with the following objectives:

- a. generation of direct and indirect economic benefits to the community.
- b. generation of social benefit, vibrancy, and promotion of cultural diversity and inclusion.
- c. creation of a calendar of Events which brings visitors to the District year round and provides broad activation across the District and
- d. positive promotion of the District and the South West region of WA.

**Financial Implications**

The adopted budget for 2024/2025 for marketing and events totals \$1,441,618:  
\$ 1,039,137 – Events budget  
\$ 383,770 – Marketing and Economic Development initiatives budget  
\$ 18,711 – City led events

The adopted budget allocates \$1,039,137 towards the 2024/2025 Events Budget.

Funds currently committed for 2024/2025:

- Events Budget - \$977,125 through multi-year sponsorships and Round 1, leaving a balance of \$62,012 for Round 2 of the Event Sponsorship Program and other initiatives. If all recommendations within this report are supported, this will leave a balance of \$11,012.

**External Stakeholder Consultation**

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

**Risk Assessment**

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

**Options**

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

## CONCLUSION

The BDEMP reference group has been established by Council to make recommendations on the way in which funds raised through the industrial and commercial differential rate for the purposes of events and marketing are allocated. This report contains the recommendations made at the 16 October 2024 BDEMP reference group meeting, which if endorsed by the Council, will result in the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support the Council's vision of being recognised as the 'Events Capital WA.'

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Applicants advised of outcome of funding decision	20 November 2024
Fully executed grant funding agreements completed	30 December 2024

**14. CORPORATE STRATEGY AND PERFORMANCE REPORTS**

**14.1. Budget Adoption - benefits and risks of an early June adoption**

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Manager Financial Services - Paul Sheridan
<b>Authorised By:</b>	Director Corporate Strategy and Performance - Sarah Pierson
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. Existing Budget Timelines [ <b>14.1.1</b> - 3 pages] 2. Early Budget Adoption Timelines [ <b>14.1.2</b> - 3 pages]

**COUNCIL DECISION**

**C2411/328** Moved Cr Val Kaigg, seconded Cr Jodie Lee

**That the Council resolves to maintain the annual budget adoption date as being mid - late July, and not to bring it forward to the earliest possible date in June.**

**CARRIED 8 / 0**

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

**AGAINST: Nil**

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**OFFICER RECOMMENDATION**

**That the Council resolves to maintain the annual budget adoption date as being mid - late July, and not to bring it forward to the earliest possible date in June.**

**EXECUTIVE SUMMARY**

At its ordinary council meeting on 31 July 2024 the Council resolved (C2407/195) in response to a notice of motion from Cr Macnish:

*“The CEO report to the Council a proposed budget development and adoption schedule that describes the risks associated with early adoption versus the cashflow benefits of the receipt of rate revenue at the earliest possible statutory compliant juncture. This report to be considered by the Council in 2024 (in readiness for implementation for setting the 2025/26 budget).”*

This report is provided in response and recommends that the Council retain the existing annual budget development timeframes and specifically adoption of the annual budget towards the end of July each year.

## **STRATEGIC CONTEXT**

Adoption of the annual budget is a key strategic decision, with an accurate and well formulated budget supporting good governance and effective operational performance.

## **BACKGROUND**

Under the *Local Government Act 1995* (the Act) (Section 6.2), a local government is to prepare and adopt an annual budget no earlier than 1 June and by no later than 31 August each year.

Historically, the annual budget has been presented to the Council in late July each year. While the budget collation process for the forthcoming financial year is essentially completed prior to that time, the final closing surplus/ deficit for the preceding financial year is not known, nor are the opening reserve balances (providing funding for the budgeted, largely capital, works program) confirmed with certainty until at least mid-July, when the City's accounts are rolled over to the new financial year. This process is quite intensive and usually occurs during June and into the first two weeks of July. Based on the effect of the final closing position on the draft budget (surplus or deficit) and the reserve balances, the draft budget is again reviewed prior to presentation to the Council.

## **OFFICER COMMENTS**

The following reasons supported the Notice of Motion, and presumably the Council decision. Officers have provided a comment in response to each, and an overall summary at the end with respect to *'the risks associated with early adoption versus the cashflow benefits of the receipt of rate revenue at the earliest possible statutory compliant juncture'*.

### **Reason:**

*It is understood each week the current year's budget is delayed could cost \$19,000 in lost interest revenue. Each week waiting for budget adoption (and the subsequent printing and sending of rate notices) is therefore valuable.*

### **Officer Comment:**

This is a reasonable estimate of the weekly interest earned on invested funds in the first few months post the rates due date, given current interest rates and current patterns of cash inflows following rates issuance. It should be noted however that interest rates are predicted to fall over the next year or so. Also, cash inflow patterns may not be the same if ratepayers choose (for reasons described further below) to pay in instalments because of changes to the rates issuance timing, therefore affecting the pool of investable funds and potentially lowering this estimate. It is also important to recognise that the 'lost revenue' will only be 'regained' for one year in the event the budget was brought forward, as after that we would revert to an annual cycle again.

### **Reason:**

*The process of budget development is very well known to staff but such a consideration and assessment as proposed will allow elected members to gauge both the risks of the variance in estimation of the quantum of the end of financial year position (a not insignificant input to the annual budget) and the transparency of the (early and mid and to some degree, the latter stages of the) development process.*

**Officer Comment:**

The budget development schedule proposed for the 2024/25 budget process, based on typical timeframes, is attached for information (Attachment 1). It does not involve an estimation of the year end surplus or deficit, as the budget is developed as a “zero to zero”. Any actual surplus, once known following year end finalisation, is included in the budget as the opening position and then immediately transferred to the New Infrastructure Development Reserve (and / or as per the 2023/24 budget surplus to the Sport and Recreation Facilities Reserve). Therefore, it initially has no bearing on the funding of activities for the year in question. As noted below however an earlier budget adoption will have impacts on certainty of reserve funding and inclusion of carry overs, both elements being significant at the City of Busselton.

**Reason:**

*This NoM sets a timeframe as importantly, the zipform contractor used to print the rates notices becomes heavily booked in June/July and a select booking will probably be required to be made by the end of January (and this assumption should also be assessed).*

**Officer Comment:**

The notice of motion (NoM) and ultimately the Council’s decision requires officers to present a budget adoption schedule to the Council. That schedule is developed each year regardless to guide the budget development process. The 2024/25 budget development schedule reflects timeframes that have been typical for the last few years, and as such officers are currently able to proactively book with Zipform. The Zipform booking is usually confirmed in May, once exact dates for the July Council meeting for budget adoption are known. In the event of an earlier budget adoption (in early June), the booking would need to be made in March or April at the latest.

**Reason:**

*Currently, an estimated 2024/25 adoption process tracks as:*

- *Budget Adoption – 31 July 2024*
- *Rates Data lodgement – 7 August 2024*
- *Rates Issuance – 15 September 2024*
- *Due Date – 20 September 2024*

**Officer Comment:**

No specific comment other than to note that rates for the 2024/25 period were issued on the 15<sup>th</sup> August 2024, not September, which appears to be a typo.

**Reason:**

*This shows rate revenue cash flowing 11 weeks into the financial year. 11 times \$19,000 is over \$200,000.*

**Officer Comment:**

Advice from the Department of Local Government Sport & Cultural Industries (the Department), is that all dates should be calculated from 1st of July, that is the start of the financial year the rates are applicable to. Therefore, the issuance date of rates notices should be no earlier than 1st of July, regardless of budget adoption. This also ensures that we have the required information from external agencies and that we also have the most up to date rates record in terms of interim inclusions from the prior financial year. For example, the Office of State Revenue sends out a list of seniors/pensioners that are considered no longer eligible to a State Government rebate in the first or second week of July annually. There were 857 in 2024/25. If the annual notice issue date was

before 1<sup>st</sup> of July (or even on 1st of July) these would include ineligible rebates which would need to be re-issued once all adjustments have been completed.

Section 6.50(2) of the Act states that there must be “...35 days after the date noted on the rate notice as the date the rate notice was issued”, for the rates to be due. As such, based on an earliest issuance date of 1<sup>st</sup> July, the 5th of August is the earliest rates due date. This is 6 to 7 weeks earlier than the typical due date (mid-late September usually), giving a theoretical interest loss of approximately \$114k to \$130K. Factors likely to reduce this figure however include:

- The long-term trend of higher interest rates is predicted to soften somewhat over the next year, making the weekly interest earning potential lower than that estimated;
- Ratepayers are used to rates being payable in mid-September. Anecdotally some ratepayers also rely on tax return refunds to pay rates. Those that do may not have received that refund in early August and may be reticent to pay their rates in full, instead choosing instalment options. This may reduce the pool of investable funds, therefore reducing the interest earning potential;
- If the budget was to be adopted in June, officers will be more likely to commence spending on projects and non-‘business as usual’ works from the 1st of July, when currently spending does not commence in earnest until the budget has been adopted. This would reduce the pool of investable funds, also reducing the theoretical interest loss.

**Reason:**

*An early adoption will mean estimating the end of financial year position. This ‘risk’ is mitigated by the Council already resolving to Reserve those unspent funds. Additionally, good accounting practices will enable the best forecasts to be made.*

**Officer Comment:**

It is true that long standing council practice is to transfer whatever opening surplus position the City may have into the New Infrastructure Reserve on the 1st of July. Therefore, the budget is technically developed “zero to zero”, with the opening surplus not factoring at all into the municipal net current position at year end. Early adoption will however present risks of errors and inaccurate estimates in the budget through the opening positions of reserves, and therefore the amount of funds available to enable new budgeted activities funded from those reserves to occur.

In the last month of a financial year there is a considerable influx of supplier invoicing, the processing of which extends into the first week of July. Also, during the first week of July and into the second week, meetings with managers from across the organisation take place to determine what any year end expenditure accruals should be. The combination of these two activities has an impact on what the final balances of many of the reserves will be.

The impact of not knowing accurate carry-over figures also creates a risk that there may not be enough funds in reserves for the new program of works and the eventual carry over items. Officers may commence works on projects they think will be carried over, that, due to their quantum, may not be able to be added, or which may result in new budgeted projects being taken off the budget. If work has already commenced on these works, issues will arise. This is a particularly high risk at the City of Busselton due to the unusually high (compared to other local government’s) usage of and number of reserves despite the reserve consolidation amendment in 2023.

Further, during budget development wages are allocated against the projects in the forecast program of works. This in turn drives the allocation of Public Works Overheads to these projects. Carried over works often require an internal wages element, so any future budget amendment or



actual re-allocation of wages to these carried over jobs could have significant impacts on the funding arrangements that were already assigned or balanced during the budget development phase. Not knowing the final carry-over positions of these works could pose risks of ongoing budget variances.

Finally, conducting the review and subsequent amendment of the budget in August to include the carry-overs would overlap with finalisation of the year end statutory financial statements, as well as preparation for the year end audit. Additional resourcing may be required which could also eat into any theoretical interest benefit, or delays to compliance activities such as the audit could result. There may also be reputational risks to the City in publishing a significant re-cast of the adopted capital program so soon into the financial year.

**Reason:**

*Now the Council has reset its LTFP and will be reviewing it again early in the calendar year, it is believed the cashflow benefits could very easily outweigh any perceived risk. Accordingly, the report from the CEO would seem justified.*

**Officer Comment:**

If best practice is to be encouraged per the Departments Integrated Planning & Reporting Framework, then the review of the LTFP should commence after the budget adoption (September to December) so that the LTFP can be reset each year with the adopted budget as the base. It is important that the LTFP is reviewed and adopted to inform development of the budget, with an earlier budget development timeline narrowing the window for this review (the LTFP would likely need to be adopted in October).

**Summary of risks and benefits of early adoption:**

Attachment 2 presents draft revised timeframes to cater for a budget adoption in early June. The budget development process would need to commence internally in November with salaries and wages and be largely completed in December through to end of February. Due to this overlapping with the Christmas and January school holiday periods, it is likely that key staff would not be available to contribute to the budget development process and / or that the responsibility of this would fall to a reduced workforce. This may result in inaccurate/unreliable estimates and forecasts and will place pressure on the overall timeline. Further, in some service areas, such as the Airport for example, forecasting of the next financial year's revenue and expenditure projections is dependent on external parties providing the necessary information. Bringing the development of the draft budgets forward could mean that the City may need to rely on "guesstimates" in developing their budgets, rather than accurate third-party information.

It is noted that the timeline presented (either the typical or the revised for early adoption) does not currently factor in specific time to brief elected members more comprehensively in relation to services as part of the operating budget. There is an intention to commence providing more service information to elected members as part of the budget briefing process and a schedule to fully accommodate that is being developed, with additional sessions with elected members potentially needed. Earlier adoption of the budget would however make this difficult.

Overall bringing forward the timeline for budget adoption presents risks with respect to the estimation of the year end position and opening reserve balances, and the presentation of a quality budget given the compressed timeframes and the need to progress the budget substantially during the December / January holiday period. There may also be concern within the community about the

earlier need to pay rates – essentially within a 12-month period of paying their last rates – especially where people rely on their tax returns coming in before the due date.

Given the Department's advice that the rates should be calculated from and therefore issued no earlier than 1st of July, adopting a budget on or around 1st of June would only result in rates being issued in July and due at earliest early August. Therefore, when the risks are weighed against the cash flow benefits, which are for one year only and are at most \$130k and likely lower due to the impacts discussed above (interest rates, potential for more people to pay in instalments, and higher levels of spend earlier), officers do not recommend bringing forward budget adoption.

### **Statutory Environment**

The preparation and adoption of an annual budget is dictated by the *Local Government Act 1995*, and in particular Section 6.2.(1).

### **Relevant Plans and Policies**

Not Applicable

### **Financial Implications**

The financial implications are based on estimates and assumptions which are difficult to quantify.

As outlined above the amount of additional interest earnings through adoption of an earlier budget will have some **positive** impact on the timing of municipal cash balances and therefore the pool of investable funds. Based on current interest rates and with all other factors being the same estimated positive benefits would be between \$114k to \$130k for one year only.

The following factors could however **negatively** impact on this:

- Expenditure brought forward
- Softening interest rates
- Reduced cash inflow patterns
- Additional internal resources potential due to overlapping of competing statutory compliance activities

Overall the benefits are likely to be insignificant in the context of the City's overall budget.

### **External Stakeholder Consultation**

Not Applicable

### **Risk Assessment**

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

There have however been some risks identified in not implementing the officer recommendation, and instead choosing to bring the budget adoption forward to early June. These are captured below. 4 high risks and 5 medium risks have been identified.

**Risk: *Unknown or inaccurate reserve funding allocations leading to inaccurate funding of proposed works program***

Category	Consequence	Likelihood	Rating
Financial	Moderate	Likely	High
Operational	Minor	Likely	Medium

**Risk: *Impact of carry-over works being unknown at budget adoption leading to an unachievable program of works when combined with the already budgeted works***

Category	Consequence	Likelihood	Rating
Operational	Moderate	Likely	High

**Risk: *Negative response by ratepayers to the timing of rate notices leading to changes to cash inflow***

Category	Consequence	Likelihood	Rating
Financial	Moderate	Likely	High
Reputation	Minor	Possible	Medium

**Risk: *Lack of access to key staff during early budget development stages leading to budgeting and forecasting inaccuracies leading to on-going material variances***

Category	Consequence	Likelihood	Rating
Financial	Moderate	Likely	High
Reputation	Insignificant	Possible	Low
Operational	Minor	Possible	Medium

**Risk: *Year end and budget development/adoption delays causing non-compliance with department deadlines***

Category	Consequence	Likelihood	Rating
Operational	Moderate	Possible	Medium
Reputation	Minor	Possible	Medium

### **Options**

As an alternative to the proposed recommendation the Council could request the CEO to bring forward adoption of the budget to the first week of June.

### **CONCLUSION**

While there would be some financial benefit to adopting the budget earlier (in June) this benefit would be insignificant in the context of the City's overall budget and would be for one year only. It would also bring with it risks in terms of estimating end of year and opening reserve balances for the City's capital works program, with the potential for the program to be overstated in terms of new works and carryovers. There may also be concern within the community about the earlier need to pay rates. Therefore, officers do not recommend bringing forward budget adoption.

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

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

<b>Milestone</b>	<b>Completion Date</b>
Commencement of budget development activities	Per budget schedule

## 14.2. 2025 Council and Committee meeting dates

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Manager Legal, Governance and Risk - Ben Whitehill
<b>Authorised By:</b>	Director Corporate Strategy and Performance - Sarah Pierson
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	Nil

### COUNCIL DECISION

**C2411/329** Moved Cr Val Kaigg, seconded Cr Jodie Lee

**That the Council adopts the following schedule for ordinary council meetings and committees of Council in the 2025 calendar year:**

	Ordinary Meeting of Council	Finance Committee	Audit and Risk Committee	Policy & Legislation Committee	CEO Performance Review Committee	Meelup Regional Park Committee	Waterway Management Committee
Jan	29 Jan			22 Jan			
Feb	12 Feb	12 Feb	26 Feb		19 Feb		
	26 Feb						
Mar	12 Mar	12 Mar		26 Mar		24 Mar	
	26 Mar						
Apr	9 Apr	9 Apr					
	23 Apr						
May	14 May	14 May	7 May	28 May	21 May		
	28 May						
June	11 June	11 June					
	25 June						

**MID YEAR RECESS: 30 June – 18 July**

<b>July</b>	30 July	23 July		30 July			23 July
<b>Aug</b>	13 Aug	13 Aug	6 Aug		20 Aug		
	27 Aug						
<b>Sept</b>	10 Sept	10 Sept		24 Sept			
	24 Sept						
<b>Oct</b>	8 Oct	8 Oct					
	22 Oct						
<b>Nov</b>	12 Nov	12 Nov	26 Nov		5 Nov	24 Nov	
	26 Nov						
<b>Dec</b>	10 Dec	3 Dec		10 Dec			3 Dec
<b>YEAR END RECESS: 15 December – 16 January</b>							
<b>CARRIED 8 / 0</b>							
<b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b>							
<b>AGAINST: Nil</b>							
<b>EN BLOC</b>							

**OFFICER RECOMMENDATION**

**That the Council adopts the following schedule for ordinary council meetings and committees of Council in the 2025 calendar year:**

	Ordinary Meeting of Council	Finance Committee	Audit and Risk Committee	Policy & Legislation Committee	CEO Performance Review Committee	Meelup Regional Park Committee	Waterway Management Committee
<b>Jan</b>	29 Jan			22 Jan			
<b>Feb</b>	12 Feb	12 Feb	26 Feb		19 Feb		
	26 Feb						
<b>Mar</b>	12 Mar	12 Mar		26 Mar		24 Mar	
	26 Mar						
<b>Apr</b>	9 Apr	9 Apr					
	23 Apr						

	Ordinary Meeting of Council	Finance Committee	Audit and Risk Committee	Policy & Legislation Committee	CEO Performance Review Committee	Meelup Regional Park Committee	Waterway Management Committee
May	14 May	14 May	7 May	28 May	21 May		
	28 May						
June	11 June	11 June					
	25 June						
<b>MID YEAR RECESS: 30 June – 18 July</b>							
July	30 July	23 July		30 July			23 July
Aug	13 Aug	13 Aug	6 Aug		20 Aug		
	27 Aug						
Sept	10 Sept	10 Sept		24 Sept			
	24 Sept						
Oct	8 Oct	8 Oct					
	22 Oct						
Nov	12 Nov	12 Nov	26 Nov		5 Nov	24 Nov	
	26 Nov						
Dec	10 Dec	3 Dec		10 Dec			3 Dec
<b>YEAR END RECESS: 15 December – 16 January</b>							

**EXECUTIVE SUMMARY**

This report presents the proposed dates for ordinary council meetings and committee meetings in 2025 for the Council’s adoption.

**STRATEGIC CONTEXT**

Setting and publishing the meeting dates for ordinary council meetings and committee meetings for the coming calendar year supports Strategic Priority 4.2, by delivering governance systems that facilitate open, ethical and transparent decision making.

**BACKGROUND**

Since July 2022 the City of Busselton has held one ordinary council meeting per month, typically on the third Wednesday of the month. Prior to this time the Council operated on a fortnightly cycle.

The objectives of the monthly schedule were to reduce the administrative overhead associated with fortnightly meeting processes, to reduce the in person demands on elected members, and to

introduce a dedicated public agenda presentation session and the return the community access session to a more informal monthly engagement mechanism.

At the 20 March 2024 ordinary council meeting a notice of motion for a fortnightly meeting schedule was considered by the Council and was lost (C2403/72).

## **OFFICER COMMENT**

It is acknowledged that some elected members have indicated a preference to return to the fortnightly meeting cycle. While the 2024 monthly meeting schedule was considered overall to be effective, officers appreciate that meeting agendas do tend to be larger with a monthly cycle and that this can, dependant on the level of debate, result in longer meetings. In recognition of this, the proposed meeting schedule for 2025 recommends a return to fortnightly ordinary council meetings.

### **Ordinary Council Meetings**

It is recommended that meetings are convened on the second and fourth Wednesday of the month, except for January, July and December. This leaves the first and third Wednesday of the month available for community access sessions or public agenda presentations (or a combination thereof).

As has been practice, it is recommended that the Council take a mid-year and an end of year recess period aligned to the Western Australian school holidays. To accommodate two ordinary Council meetings in June, the mid-year recess has been reduced from 4 weeks (in 2024) to 3 weeks (in 2025). It is proposed that the ordinary Council meeting dates in January and July shift to the fifth Wednesday of the month to accommodate the recess. Only one meeting is possible in the month of December due to the Christmas holiday periods. In April two meetings are recommended however officers note that the second meeting falls in between Easter and Anzac Day. Given this, the Council may opt for one meeting only for April, being the 9<sup>th</sup> April. This would require an adjustment to the officer recommendation.

Where urgent decisions are required which cannot await the next ordinary Council meeting, it is recommended these matters continue to be dealt with through special meetings.

### **Meetings of Committees of Council**

Committee meetings are recommended to be held on Wednesdays, in the morning wherever possible. The proposed committee meeting schedule is as set out in the Officer Recommendation.

In determining the committee meeting schedule, the following matters were considered:

- Finance Committee meetings need to occur by the second Wednesday of the month to enable the City to meet requirements under the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* that statements of financial activity be presented at an ordinary meeting of the council within 2 months after the end of the relevant month.
- The Audit and Risk Committee meets quarterly with a meeting prior to or in March to consider the Compliance Audit Return and a meeting in November to consider the annual financial audit report and findings.
- The Policy and Legislation Committee is to meet six times per year.
- The CEO Performance Review Committee is to meet quarterly.
- The Meelup Regional Park Committee is to meet twice per year.
- The Waterways Management Committee is to meet twice per year.



- The Airport Advisory Committee was not included as there is a committee recommendation at Item 10.1 of this agenda to disband that committee and establish a working group in its place.

### **Meetings of Other Committees**

The Local Emergency Management Committee, established pursuant to the Emergency Management Act WA 1995, meets a minimum of twice per year. Meetings will be called in accordance with the Local Emergency Management Committee Terms of Reference. Adoption of the meeting schedule by the Council is not required.

The Bush Fire Advisory Committee, established pursuant to the Bush Fires Act 1954, meets quarterly. Meetings will be called in accordance with the Bush Fire Advisory Committee Terms of Reference. Adoption of the meeting schedule by the Council is not required.

### **Statutory Environment**

Pursuant to section 5.3 of the Local Government Act 1995 (Act), a Council must hold Ordinary Meetings and may hold Special Meetings of Council. Ordinary Meetings of Council must be held no more than three months apart (s 5.3(2) of the Act).

Regulation 12 of the *Local Government (Administration) Regulations 1996* (the Regulations) requires a local government to publish on its official website at the beginning of the year:

- Meeting details for Ordinary Council Meetings in that year
- Meeting details for Committee meetings in that year, for Committees that are required under the Act be open to members of the public, or which are proposed to be open to members of the public.

### **Relevant Plans and Policies**

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

Plan:

Not applicable.

Policy:

[Meetings, Information Sessions and Decision Making Processes](#)

### **Financial Implications**

Not Applicable

### **External Stakeholder Consultation**

Not Applicable

### **Risk Assessment**

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

### **Options**

As an alternative to the proposed recommendation, the Council could choose to retain the monthly ordinary Council meeting cadence in 2025, or adopt other alternative dates for ordinary council and committee meetings in 2025. Specifically also the Council may choose to have only one meeting in April (if supportive of the fortnightly meeting cadence).

### **CONCLUSION**

It is recommended that the Council adopt the proposed meeting schedule for ordinary council meetings and committee meetings for the 2025 calendar year.

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

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

<b>Milestone</b>	<b>Completion Date</b>
Advertising of Council and Committee meetings pursuant to Regulation 12 of the <i>Local Government (Administration) Regulations 1996</i>	Prior to 31 December 2024

## 15. CHIEF EXECUTIVE OFFICER REPORTS

### 15.1. Elected Member Information Bulletin

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Executive Assistant to Council - Katie Banks
<b>Authorised By:</b>	Chief Executive Officer - Tony Nottle
<b>Nature of Decision:</b>	Noting: The item is simply for information purposes and noting.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Council Tender Status Update Report October 2024 [<b>15.1.1</b> - 2 pages]</li> <li>2. Current Running SAT Reviews [<b>15.1.2</b> - 2 pages]</li> <li>3. Council Resolution Status Update October 2024 [<b>15.1.3</b> - 43 pages]</li> <li>4. Civil Litigation Report October 2024 [<b>15.1.4</b> - 1 page]</li> <li>5. Correspondence: Department of Fire and Emergency Services [<b>15.1.5</b> - 2 pages]</li> <li>6. Correspondence: Lower Vasse River - Restoration of River Health [<b>15.1.6</b> - 6 pages]</li> <li>7. Correspondence: Local Government Amendment Bill 2024 [<b>15.1.7</b> - 4 pages]</li> <li>8. Minutes South West Country Zone August 2024 [<b>15.1.8</b> - 40 pages]</li> </ol>

#### COUNCIL DECISION

**C2411/330** Moved Cr Val Kaigg, seconded Cr Jodie Lee

**That the items from the Elected Member Information Bulletin be noted\*:**

- Minutes of Committee Meetings
- Minor Donations Program
- Current Active Tenders
- State Administrative Tribunal Reviews Update
- Council Resolution Status Update
- Civil Litigation Update
- Correspondence: Department of Fire and Emergency Services
- Correspondence: Lower Vasse River – Restoration of River Health
- Correspondence: Local Government Amendment Bill 2024
- Minutes – South West Country Zone WALGA meeting 23 August 2024

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

**CARRIED 8 / 0**

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

**AGAINST: Nil**

**EN BLOC**

**OFFICER RECOMMENDATION**

**That the items from the Elected Member Information Bulletin be noted\*:**

- **Minutes of Committee Meetings**
- **Minor Donations Program**
- **Current Active Tenders**
- **State Administrative Tribunal Reviews Update**
- **Council Resolution Status Update**
- **Civil Litigation Update**
- **Correspondence: Department of Fire and Emergency Services**
- **Correspondence: Lower Vasse River – Restoration of River Heath**
- **Correspondence: Local Government Amendment Bill 2024**
- **Minutes – South West Country Zone WALGA meeting 23 August 2024**

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

**EXECUTIVE SUMMARY**

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

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

**INFORMATION BULLETIN**

**Minutes of Committee Meetings**

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

<b>Committee</b>	<b>Meeting Date</b>	<b>Minutes</b>
Airport Advisory Committee	2 October 2024	<a href="#">Link</a>
Finance Committee	2 October 2024	<a href="#">Link</a>
Waterway Management Committee	23 October 2024	<a href="#">Link</a>

### Minor Donations Program – October 2024

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

As outlined below, 10 applications were approved throughout October 2024 totaling \$4,500. Additionally, the annual donation to each local school within the district in support of end of year school awards were approved, totaling \$2,300.

Total minor donations approved as at 30 October 2024 total \$9,050.

Recipient	Purpose	Amount
Ms Claire Colegate	Representing Western Australia in the AFL National Masters Carnival.	\$250.00
St George's Anglican Church, Parish of Dunsborough	Contributing towards a free Community Christmas Meal for community members.	\$1,000.00
Mrs Tegan Harrison	Representing Western Australia in the AFL National Masters Carnival.	\$250.00
Miss Peta Greening	Representing Western Australia at the 2024 Marcus Oldam Australian Interschool Equestrian Championships.	\$250.00
Mr William McAllister	Representing Western Australia at the Robocup Junior National Championships in Brisbane.	\$250.00
Busselton Brass Inc	Commissioning Tim Middleton to compose two pieces for the band.	\$750.00
Miss Poppy Redman Carr	Representing Western Australia in the Australian Junior Surfing Championships in New South Wales.	\$250.00
Miss Lexi Chidgey	Attending the National Youth Science Forum in Brisbane.	\$250.00
St Mary's Operating Account	Contributing towards a Community Christmas Lunch for Community Members and Christmas Lighting and Nativity Display.	\$1,000.00
Mr Remy North	Representing Western Australia in the Australian Junior Surfing Championships in New South Wales.	\$250.00
12 schools within the district (primary and secondary)	Annual sponsorship of end of year school awards \$100 per primary school and \$200 per secondary school	\$2,300.00
	<b>TOTAL</b>	<b>\$6,800.00</b>

### Current Active Tenders

The Tender update for October 2024 is provided at attachment 1.

### State Administrative Tribunal Reviews Update

The Current State Administrative Tribunal Reviews is provided at attachment 2.

### **Council Resolution Status Update**

The Council Resolution Status update for October 2024 is provided at attachment 3.

### **Civil Litigation Update**

The Civil Litigation Update for October 2024 is at attachment 4.

### **Correspondence: Department of Fire and Emergency Services**

Correspondence from Commissioner Klemm, DFES regarding the Local Government Grant Scheme administration processes and communication is provided at attachment 5.

### **Correspondence: Lower Vasse River – Restoration of River Health**

Correspondence from Chief Executive Officer, Tony Nottle to Minister Sanderson regarding the Lower Vasse River is provided at attachment 6.

### **Correspondence: Local Government Amendment Bill 2024**

Correspondence from Chief Executive Officer, Tony Nottle to Minister Beazley regarding the Local Government Amendment Bill 2024 is provided at attachment 7.

### **Minutes – South West Country Zone WALGA meeting 23 August 2024**

The minutes from the South West Country Zone WALGA meeting held on 23 August 2024 are provided at attachment 8.

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

Nil

**17. URGENT BUSINESS**

Nil

## 18. CONFIDENTIAL MATTERS

The presiding member called on a Councillor to move a motion to close the meeting to the public.  
The motion was moved and carried.

### **COUNCIL DECISION**

**C2411/331** Moved Cr Kate Cox, seconded Cr Jodie Lee

**That the Council close the meeting to the public to consider Item 18.1.**

**CARRIED 8 / 0**

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

**AGAINST: Nil**

6.14pm: At this time, the meeting was closed to the public and the livestream of the meeting was ceased.



## 18.1. Saltwater Budget Amendment and Communications Plan

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.4 Establish a performing arts facility for the District.
<b>Directorate:</b>	Office of the CEO
<b>Reporting Officer:</b>	Chief Executive Officer – Tony Nottle
<b>Authorised By:</b>	Chief Executive Officer – Tony Nottle
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Budget Amendment Details <b>(18.1.1)</b></li> <li>2. Communications Plan Saltwater 2024 <b>(18.1.2)</b></li> <li>3. Saltwater Council Decisions 2010 – 2024 <b>(18.1.3)</b></li> <li>4. Open Statement to the Community <b>(18.1.4)</b></li> </ol>

DISCLOSURE OF INTEREST	
Date	20 November 2024
Meeting	Ordinary Council
Name/ Position	Cr Val Kaigg
Item No./ Subject	18.1 – Saltwater Budget Amendment and Communications Plan
Type of Interest	Impartiality Interest
Nature of Interest	I am a member with voting rights of the Busselton Repertory Club who lease Weld Theatre, also my niece owns and is director of Jazz Attack Dance Academy Busselton who will ultimately be one of the users of Saltwater

This report contains information of a confidential nature pursuant to section 5.23(2)(c) and 5.23(2)(d) of the *Local Government Act 1995*, as it:

- Contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- Contains information relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

The officer recommendation was moved, there was opposition and debate ensued. During debate, Cr Andrew Macnish and Cr Jarrod Kennedy foreshadowed an alternative to the substantive motion. The substantive motion was lost.

### SUBSTANTIVE MOTION

**C2411/333** Moved Cr Kate Cox, seconded Cr Val Kaigg

**That the Council:**

1. For the reasons outlined in this report, endorses a change to the forecast Saltwater project value from \$44,550,000 at tender award to \$51,550,000; and
2. Endorse the following budget amendment:

a. movement of \$5,380,978 already allocated as part of the original forecast value of \$44,550,000, from the following reserves and restricted accounts onto the City's 2024/2025 budget to be spent as originally planned:

- Capital grants (\$144,709)
- Loan funds (\$1,778,418)
- Saltwater Reserve (\$2,656,297)
- Parks and Gardens Reserve (\$144,413)
- Furniture and Equipment Reserve (\$229,519)
- Corporate IT Reserve (\$54,683)
- New Infrastructure Development Reserve (\$300,389)
- Community Facilities – City District Restricted Account (\$72,550)

b. a new amount of \$7,000,000 to enable the project to reach completion to be allocated from the:

- New Infrastructure Development Reserve (\$1,278,295)
- Building Reserve (\$5,264,952)
- Legal Expenses Reserve (\$340,000)
- Community Facilities – City District Restricted Account (\$116,753)

3. Endorse the attached Saltwater Busselton Communications Plan (Confidential Attachment 2) and authorises the CEO to implement the actions within the Plan.

LOST 3 / 5

FOR: Mayor Phill Cronin, Cr Val Kaigg and Cr Kate Cox

AGAINST: Cr Anne Ryan, Cr Jodie Lee, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft

With the substantive motion being lost, Cr Andrew Macnish moved his foreshadowed alternative motion. There was opposition and debate ensued.

#### SUBSTANTIVE MOTION

Moved Cr Andrew Macnish, seconded Cr Jodie Lee

**That the Council:**

1. For the reasons outlined in this report, endorses a change to the forecast total Saltwater project cost from \$44,550,000 at tender award to \$51,550,000; and
2. Endorses the following amendments to the 2024/25 budget:
  - a. movement of \$5,380,978 already allocated as part of the original forecast cost of \$44,550,000, from the following reserves and restricted accounts onto the budget to be spent as originally planned:
    - Capital grants (\$144,709)
    - Loan funds (\$1,778,418)
    - Saltwater Reserve (\$2,656,297)
    - Parks and Gardens Reserve (\$144,413)
    - Furniture and Equipment Reserve (\$229,519)
    - Corporate IT Reserve (\$54,683)

- **New Infrastructure Development Reserve (\$300,389)**
  - **Community Facilities – City District Restricted Account (\$72,550)**
- b. a new amount of \$7,000,000 to enable the project to reach completion, funded from the following reserves and through New Loan Borrowings of \$5,264,952 over a loan term of 10 years:
- **New Infrastructure Development Reserve (\$1,278,295)**
  - **Legal Expenses Reserve (\$340,000)**
  - **Community Facilities – City District Restricted Account (\$116,753)**
- c. Loan repayments and associated fee expenditure of \$360,000 to be added to the budget under project 10022 Saltwater.
- d. To offset c. above, the budgeted interest earnings revenue that will be derived to be increased by \$360,000
3. Authorises the CEO to give local public notice under Section 6.20 of the *Local Government Act 1995* of the proposed New Loan Borrowings.
4. Requests the CEO to make provision in the Long-Term Financial Plan and the 2025/2026 Budget for an additional 1% rate increase for the purpose of funding additional loan repayments, with the revenue from the extra 1% to be structured so as not to be absorbed into general revenue (given it is a short term extra-ordinary item until the additional debt is paid off), for example by transferring it to a reserve for purposes of making loan repayments.
5. Requests the CEO to undertake for future budgets a review of costs to identify savings associated with the provision of arts and culture services and for these savings to be directed to paying off the new Saltwater loan borrowings. This will take priority in the service review and for this service, will be completed in time for the 2025/26 budget.
6. Requests the CEO to review Saltwater user fees, excluding community hire fees, with a view to generally increasing them where commercially viable by 10% above those proposed as part of a review of the operational business plan. Any increases are to be reflected in revenues in the LTFP's operations for the Saltwater project.
7. Endorses for release the 'Project Costs' sub-section of the Saltwater Busselton Project Update public statement at Attachment 4 with changes to reflect the loan funding as per this alternative motion.
8. Endorses for release the 'Advertising of a Saltwater Business Plan' sub-section of the Saltwater Busselton Project Update public statement at Attachment 4.
9. Endorses for release the Council decision history of the project as at Attachment 3 inclusive of links to the relevant minutes (inclusive of decision and where publicly available agenda item) of each council decision, and including making public the agenda item and decision of the Council made 31 July 2019 regarding the funding agreement (C1907/131) and the agenda item (excluding the attachment) regarding the Audit and Risk Committee recommendation for a second piece of legal advice re s3.59 (C2406/178).

**10. Requests the CEO to convene a workshop with Elected Members to review the Saltwater Communications Plan and the remaining aspects of the public statement to ensure that further communications regarding the construction of the Saltwater venue include a purely factual narrative detailing all aspects relating to the background of the Saltwater project, separate from promotional communications in relation to the operations of Saltwater.**

During debate, Cr Jodie Lee moved an amendment to the substantive motion. The amendment was carried.

**AMENDMENT**

**C2411/334** Moved Cr Jodie Lee, seconded Cr Andrew Macnish

**That the Council amend point 8 of the substantive motion, by adding to the end of the sentence the words "to occur after the workshop required by point 10".**

**CARRIED 8 / 0**

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

**AGAINST: Nil**

**COUNCIL DECISION**

**C2411/339** Moved Cr Andrew Macnish, seconded Cr Jodie Lee

**That the Council:**

- 1. For the reasons outlined in this report, endorses a change to the forecast total Saltwater project cost from \$44,550,000 at tender award to \$51,550,000; and**
- 2. Endorses the following amendments to the 2024/25 budget:**
  - a. movement of \$5,380,978 already allocated as part of the original forecast cost of \$44,550,000, from the following reserves and restricted accounts onto the budget to be spent as originally planned:**
    - Capital grants (\$144,709)
    - Loan funds (\$1,778,418)
    - Saltwater Reserve (\$2,656,297)
    - Parks and Gardens Reserve (\$144,413)
    - Furniture and Equipment Reserve (\$229,519)
    - Corporate IT Reserve (\$54,683)
    - New Infrastructure Development Reserve (\$300,389)
    - Community Facilities – City District Restricted Account (\$72,550)
  - b. a new amount of \$7,000,000 to enable the project to reach completion, funded from the following reserves and through New Loan Borrowings of \$5,264,952 over a loan**

**term of 10 years:**

- **New Infrastructure Development Reserve (\$1,278,295)**
  - **Legal Expenses Reserve (\$340,000)**
  - **Community Facilities – City District Restricted Account (\$116,753)**
- c. **Loan repayments and associated fee expenditure of \$360,000 to be added to the budget under project 10022 Saltwater.**
- d. **To offset c. above, the budgeted interest earnings revenue that will be derived to be increased by \$360,000**
3. **Authorises the CEO to give local public notice under Section 6.20 of the *Local Government Act 1995* of the proposed New Loan Borrowings.**
4. **Requests the CEO to make provision in the Long-Term Financial Plan and the 2025/2026 Budget for an additional 1% rate increase for the purpose of funding additional loan repayments, with the revenue from the extra 1% to be structured so as not to be absorbed into general revenue (given it is a short term extra-ordinary item until the additional debt is paid off), for example by transferring it to a reserve for purposes of making loan repayments.**
5. **Requests the CEO to undertake for future budgets a review of costs to identify savings associated with the provision of arts and culture services and for these savings to be directed to paying off the new Saltwater loan borrowings. This will take priority in the service review and for this service, will be completed in time for the 2025/26 budget.**
6. **Requests the CEO to review Saltwater user fees, excluding community hire fees, with a view to generally increasing them where commercially viable by 10% above those proposed as part of a review of the operational business plan. Any increases are to be reflected in revenues in the LTFP's operations for the Saltwater project.**
7. **Endorses for release the 'Project Costs' sub-section of the Saltwater Busselton Project Update public statement at Attachment 4 with changes to reflect the loan funding as per this alternative motion.**
8. **Endorses for release the 'Advertising of a Saltwater Business Plan' sub-section of the Saltwater Busselton Project Update public statement at Attachment 4, to occur after the workshop required by point 10.**
9. **Endorses for release the Council decision history of the project as at Attachment 3 inclusive of links to the relevant minutes (inclusive of decision and where publicly available agenda item) of each council decision, and including making public the agenda item and decision of the Council made 31 July 2019 regarding the funding agreement (C1907/131) and the agenda item (excluding the attachment) regarding the Audit and Risk Committee recommendation for a second piece of legal advice re s3.59 (C2406/178).**
10. **Requests the CEO to convene a workshop with Elected Members to review the Saltwater Communications Plan and the remaining aspects of the public statement to ensure that further communications regarding the construction of the Saltwater venue include a purely factual narrative detailing all aspects relating to the background of the Saltwater**

project, separate from promotional communications in relation to the operations of Saltwater.

**LOST 4 / 4**

**FOR: Cr Anne Ryan, Cr Jodie Lee, Cr Andrew Macnish and Cr Richard Beecroft**

**AGAINST: Mayor Phill Cronin, Cr Val Kaigg, Cr Kate Cox and Cr Jarrod Kennedy**

**PRESIDING MEMBER CASTING VOTE: FOR**

**ABSOLUTE MAJORITY NOT ACHIEVED**

In accordance with section 5.21(3) of the *Local Government Act 1995*, as the votes were equally divided Mayor Phill Cronin cast a second vote and the motion was lost (absolute majority not achieved). With the substantive motion being lost, Cr Jarrod Kennedy moved his foreshadowed alternative motion. There was opposition and debate ensued. During debate Cr Val Kaigg foreshadowed an alternative to the substantive motion. The substantive motion was lost.

### **COUNCIL DECISION**

**C2411/336** Moved Cr Jarrod Kennedy, seconded Cr Kate Cox

**That the Council:**

- 1. For the reasons outlined in this report, endorses a change to the forecast Saltwater project value from \$44,550,000 at tender award to \$51,550,000; and**
- 2. Endorse the following budget amendment:**
  - a. movement of \$5,380,978 already allocated as part of the original forecast value of \$44,550,000, from the following reserves and restricted accounts onto the City's 2024/2025 budget to be spent as originally planned:**
    - **Capital grants (\$144,709)**
    - **Loan funds (\$1,778,418)**
    - **Saltwater Reserve (\$2,656,297)**
    - **Parks and Gardens Reserve (\$144,413 )**
    - **Furniture and Equipment Reserve (\$229,519)**
    - **Corporate IT Reserve (\$54,683)**
    - **New Infrastructure Development Reserve (\$300,389)**
    - **Community Facilities – City District Restricted Account (\$72,550)**
  - b. a new amount of \$7,000,000 to enable the project to reach completion to be allocated from the**
    - **New Infrastructure Development Reserve (\$1,278,295)**
    - **Building Reserve (\$5,264,952)**
    - **Legal Expenses Reserve (\$340,000)**
    - **Community Facilities – City District Restricted Account (\$116,753)**
- 3. Endorses for release the 'Project Costs' sub-section of the Saltwater Busselton Project Update public statement at Attachment 4.**

4. Requests the CEO to undertake for future budgets a review of costs to identify savings associated with the provision of arts and culture services and for these savings to be directed to funding transfers to the building reserve. This will take priority in the service review and for this service, will be completed in time for the 2025/26 budget.
5. Requests the CEO to review Saltwater user fees, excluding community hire fees, with a view to generally increasing them where commercially viable by 10% above those proposed as part of a review of the operational business plan. Any increases are to be reflected in revenues in the LTFP's operations for the Saltwater project.
6. Endorses for release the Council decision history of the project as at Attachment 3 inclusive of links to the relevant minutes (inclusive of decision and where publicly available agenda item) of each council decision, and including making public the agenda item and decision of the Council made 31 July 2019 regarding the funding agreement (C1907/131) and the agenda item (excluding the attachment) regarding the Audit and Risk Committee recommendation for a second piece of legal advice re s3.59 (C2406/178).
7. Requests the CEO to convene a workshop with Elected Members to review the Saltwater Communications Plan and the remaining aspects of the public statement to ensure that further communications regarding the construction of the Saltwater venue include a purely factual narrative detailing all aspects relating to the background of the Saltwater project, separate from promotional communications in relation to the operations of Saltwater.

**LOST 3 / 5**

**FOR: Mayor Phill Cronin, Cr Kate Cox and Cr Jarrod Kennedy**

**AGAINST: Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish and Cr Richard Beecroft**

With the substantive motion being lost, Cr Val Kaigg moved her foreshadowed alternative motion. There was opposition and debate ensued. The motion was carried.

#### **COUNCIL DECISION**

**C2411/337** Moved Cr Val Kaigg, seconded Cr Andrew Macnish

**That the Council:**

1. For the reasons outlined in this report, endorses a change to the forecast total Saltwater project cost from \$44,550,000 at tender award to \$51,550,000; and
2. Endorses the following amendments to the 2024/25 budget:
  - a. movement of \$5,380,978 already allocated as part of the original forecast cost of \$44,550,000, from the following reserves and restricted accounts onto the budget to be spent as originally planned:
    - Capital grants (\$144,709)
    - Loan funds (\$1,778,418)
    - Saltwater Reserve (\$2,656,297)
    - Parks and Gardens Reserve (\$144,413)
    - Furniture and Equipment Reserve (\$229,519)
    - Corporate IT Reserve (\$54,683)

- **New Infrastructure Development Reserve (\$300,389)**
  - **Community Facilities – City District Restricted Account (\$72,550)**
- b. a new amount of \$7,000,000 to enable the project to reach completion, funded from the following reserves and through New Loan Borrowings of \$5,264,952 over a loan term of 10 years:
- **New Infrastructure Development Reserve (\$1,278,295)**
  - **Legal Expenses Reserve (\$340,000)**
  - **Community Facilities – City District Restricted Account (\$116,753)**
- c. Loan repayments and associated fee expenditure of \$360,000 to be added to the budget under project 10022 Saltwater.
- d. To offset c. above, the budgeted interest earnings revenue that will be derived to be increased by \$360,000
3. Authorises the CEO to give local public notice under Section 6.20 of the *Local Government Act 1995* of the proposed New Loan Borrowings.
4. Requests the CEO to make provision in the Long-Term Financial Plan and the 2025/2026 Budget for an additional 1% rate increase for the purpose of funding additional loan repayments, with the revenue from the extra 1% to be structured so as not to be absorbed into general revenue (given it is a short term extra-ordinary item until the additional debt is paid off), for example by transferring it to a reserve for purposes of making loan repayments.
5. Requests the CEO to undertake for future budgets a review of costs to identify savings associated with the provision of arts and culture services and for these savings to be directed to paying off the new Saltwater loan borrowings. This will take priority in the service review and for this service, will be completed in time for the 2025/26 budget.
6. Endorses for release the 'Project Costs' sub-section of the Saltwater Busselton Project Update public statement at Attachment 4 with changes to reflect the loan funding as per this alternative motion.
7. Endorses for release the 'Advertising of a Saltwater Business Plan' sub-section of the Saltwater Busselton Project Update public statement at Attachment 4, to occur after the workshop required by point 9.
8. Endorses for release the Council decision history of the project as at Attachment 3 inclusive of links to the relevant minutes (inclusive of decision and where publicly available agenda item) of each council decision, and including making public the agenda item and decision of the Council made 31 July 2019 regarding the funding agreement (C1907/131) and the agenda item (excluding the attachment) regarding the Audit and Risk Committee recommendation for a second piece of legal advice re s3.59 (C2406/178).
9. Requests the CEO to convene a workshop with Elected Members to review the Saltwater Communications Plan and the remaining aspects of the public statement to ensure that



**further communications regarding the construction of the Saltwater venue include a purely factual narrative detailing all aspects relating to the background of the Saltwater project, separate from promotional communications in relation to the operations of Saltwater.**

**CARRIED 6 / 2**

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

**AGAINST: Cr Kate Cox and Cr Jarrod Kennedy**

**BY ABSOLUTE MAJORITY**

**Reasons (summary):**

1. After failing to achieve an absolute majority on the previous motions, the Council acknowledged the preference to reach a decision on the matter at this meeting, to:
  - a. enable the funds to progress construction to be moved from reserves and restricted accounts to the City's 2024/25 budget; and
  - b. enable the release of information to the public to provide transparency around the project.
2. Providing funding for the project's completion through new loan borrowings, rather than from the City's Building Reserve, with an associated 1% rate increase provisioned for in the Long-Term Financial Plan (for the purpose of funding the additional loan repayments):
  - a. ensures funding for Saltwater construction is clearly and separately identified so as not to adversely affect the funding of existing operations;
  - b. ensures the completion of the new facility is funded by current and future rate payers and restores a measure of equity to the funding mix (with reserve funds having been created by ratepayers of the past) and;
  - c. enables Building Reserve funding to be maintained for future asset management requirements.
3. The difference between paying interest on an infrastructure loan as opposed to earning interest on funds in term deposit is minimal.
4. Undertaking a service review and identifying opportunities for savings associated with arts and culture services may enable budget for one element of that service to be shifted to fund another (Saltwater) addressing service equity considerations (ahead of more detailed service level analysis in coming years).
5. The community will be able to follow the decision-making process followed by the Council for the project, which is important for the governance accountability of the Council. A workshop is required to consider the separation between the provision of relevant project information and the need to rebound and portray the upsides of the project.

The presiding member called on a Councillor to move a motion to open the meeting to the public.  
The motion was moved and carried.

**COUNCIL DECISION**

**C2411/338** Moved Cr Anne Ryan, seconded Cr Kate Cox

**That the meeting be re-opened to members of the public.**

**CARRIED 8 / 0**

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

**AGAINST: Nil**

7.40pm: At this time, the meeting was reopened to the public and the livestream recommenced. The presiding member read out the decision to the gallery.

**19. CLOSURE**

The meeting closed at 7.40pm.

These minutes for the Ordinary Council meeting were confirmed as a true and correct record on

Date:

Presiding Member:

