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## CITY OF BUSSELTON

### MINUTES FOR THE COUNCIL MEETING HELD ON 28 FEBRUARY 2018

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## MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 28 FEBRUARY 2018 AT 5.30PM.

### 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.32pm and made spacial acknowledgement of Mr Paul Omodeis attendance.

### 2. ATTENDANCE

#### Presiding Member:

Cr Grant Henley Mayor

#### Members:

Cr John McCallum Deputy Mayor  
Cr Coralie Tarbotton  
Cr Ross Paine  
Cr Kelly Hick  
Cr Rob Bennett  
Cr Paul Carter  
Cr Robert Reekie  
Cr Lyndon Miles

#### Officers:

Mr Mike Archer, Chief Executive Officer  
Mr Oliver Darby, Director, Engineering and Works Services  
Mr Paul Needham, Director, Planning and Development Services  
Mr Cliff Frewing, Director, Community and Commercial Services  
Mr Tony Nottle, Director, Finance and Corporate Services  
Ms Sarah Pierson, Manager, Governance and Corporate Services  
Miss Kate Dudley, Administration Officer, Governance

#### Apologies

Nil

#### Approved Leave of Absence

Nil

#### Media:

“Busselton-Dunsborough Times”

#### Public:

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### 3. PRAYER

The prayer was delivered by Father Wayne Warfield of St Mary’s Anglican Church.

#### 4. PUBLIC QUESTION TIME

##### **Response to Previous Questions Taken on Notice**

A response was provided to Mrs Julia Avery on 21 February 2018 regarding her question taken on notice at the Council Meeting on 14 February 2018. The question was how could she encourage the City Council, and in particular Mr Paul Needham to reconsider the Rosemary Drive roundabout as she lives in close proximity to the proposal and was also concerned about her aging mother”.

Further to the response sent to Mrs Avery:

It is projected that with population/traffic growth the frequency and duration of congestion at Causeway Road/Peel Terrace/Albert Street/Queen Street intersections will increase. To assist in reducing congestion the Council has adopted a strategic direction based on traffic studies, models, plans, environmental advice and policies. One of the short term initiatives adopted as part of this strategic direction is the provision of a new north south link east off the Causeway Road. This link is referred to as the Eastern link. The Eastern Link will effectively divert traffic from the Causeway Road/Peel Terrace/Albert Street/Queen Street complex of intersections.

One of the elements of the Eastern Link is the new roundabout at Rosemary Drive/Causeway Road. The location of the roundabout has been selected after various options, linking the Causeway Road and Peel Terrace have been assessed from an safety, environmental and economical perspective. The introduction of a roundabout at this location, provides a safer access from Rosemary Drive to the already busy Causeway Road.

Roundabouts can improve safety by simplifying conflicts, reducing vehicle speeds and providing a clearer indication of the driver’s right of way compared to other forms of channelisation. In general, a well-designed roundabout is the safest type of intersection control.

The Council is aware of a level of community concern in relation to the Eastern Link and is currently assessing the feedback it is receiving.

A detailed response was provided to Mrs. Avery on the 21 February 2018.

##### **Public Question Time**

Nil

#### 5. ANNOUNCEMENTS WITHOUT DISCUSSION

##### **Announcements by the Presiding Member**

Nil

##### **Announcements by other Members at the invitation of the Presiding Member**

Nil

**6. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**7. PETITIONS AND PRESENTATIONS**

A petition was received from Ms Yvonne Avery of 19 Rosemary Drive stating “We, the undersigned residents, request that no roundabout be placed on Rosemary Drive to Causeway Road, Busselton, Western Australia.”

**COUNCIL DECISION**

**C1802/027** Moved Cr McCallum, seconded Councillor R Bennett

That the Council receive and note the petition.

Voting:

For the motion: Mayor G Henley, Councillor J McCallum, Councillor R Reekie, Rob Bennett, Councillor C Tarbotton, Councillor P Carter, Councillor K Hick and Councillor L Miles.

Against the motion: Councillor R Paine.

**CARRIED 8/1**

**8. DISCLOSURE OF INTERESTS**

Nil

**9. CONFIRMATION AND RECEIPT OF MINUTES****Previous Council Meetings****9.1 Minutes of the Council Meeting held 14 February 2018****COUNCIL DECISION**

**C1802/028** Moved Councillor J McCallum, seconded Councillor C Tarbotton

That the Minutes of the Council Meeting held 14 February 2018 be confirmed as a true and correct record with amendment to the question taken on notice.

**CARRIED 9/0**

**Committee Meetings****9.2 Minutes of the Finance Committee Meeting held 15 February 2018****COUNCIL DECISION**

**C1802/029** Moved Councillor P Carter, seconded Councillor R Reekie

That the Minutes of the Finance Committee Meeting held 15 February 2018 be confirmed as a true and correct record.

**CARRIED 9/0****ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION**

At this juncture the Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion, that the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc.

**En Bloc Motion****COUNCIL DECISION/ COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**


**C1802/030** Moved Councillor J McCallum, seconded Councillor C Tarbotton

That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:

- 10.1 Finance Committee - 15/02/2018 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 JANUARY 2018
- 11.1 THIRD PARTY APPEAL RIGHTS IN PLANNING - WALGA
- 15.1 COUNCILLORS' INFORMATION BULLETIN

**CARRIED 9/0****EN BLOC**

**10. REPORTS OF COMMITTEE****10.1 Finance Committee - 15/02/2018 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 JANUARY 2018**

<b>SUBJECT INDEX:</b>	Budget Planning and Reporting
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Financial Services
<b>REPORTING OFFICER:</b>	Manager Financial Services - Kim Dolzadelli
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A FINANCIAL ACTIVITY STATEMENT PERIOD ENDING 31 JANUARY 2018 
	Attachment B INVESTMENT REPORT PERIOD ENDING 31 JANUARY 2018 

**This item was considered by the Finance Committee at its meeting on 15 February 2018, the recommendations from which have been included in this report.**

**PRÉCIS**

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year to date basis for the period ending 31 January 2018.

**BACKGROUND**

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

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

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 26 July 2017, the Council adopted (C1707/163) the following material variance reporting threshold for the 2017/18 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 2017/18 financial year as follows:*

- *Variiances 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 variiances due to timing differences and/or seasonal adjustments are to be reported on a quarterly basis; and*
- *Reporting of variiances only applies for amounts greater than \$25,000.”*

## **STATUTORY ENVIRONMENT**

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

## **RELEVANT PLANS AND POLICIES**

Not applicable.

## **FINANCIAL IMPLICATIONS**

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

### **Long-term Financial Plan Implications**

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

## **STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with Key Goal Area 6 – ‘Open and Collaborative Leadership’ and more specifically Community Objective 6.1 - ‘Governance systems, process and practices are responsible, ethical and transparent’. The achievement of the above is underpinned by the Council strategy to ‘ensure the long term financial sustainability of Council through effective financial management’.

## **RISK ASSESSMENT**

Risk assessments have been previously completed in relation to a number of ‘higher level’ financial matters, including timely and accurate financial reporting to enable the Council to make fully informed financial decisions. The completion of the monthly Financial Activity Statement report is a control that assists in addressing this risk.

## **CONSULTATION**

Not applicable



**OFFICER COMMENT**

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

▪ Statement of Financial Activity

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

▪ Net Current Position

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

▪ Capital Acquisition 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

▪ Reserve Movements Report

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

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

**COMMENTS ON FINANCIAL ACTIVITY TO 31 January 2018**

The Statement of Financial Activity for the period ending 31 January 2018 shows a better than expected Net Current Position (Surplus) of \$17.695M being \$14.77M more than Year to Date Budget.

The following summarises the major variances in accordance with *Council's adopted material variance reporting threshold* that collectively make up the above difference:

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud Variance	2017/18 YTD Bud Variance
	\$	\$	\$	%	\$
<b>Revenue from Ordinary Activities</b>	<b>60,386,753</b>	<b>59,715,406</b>	<b>66,349,855</b>	<b>1.12%</b>	<b>671,347</b>
<b>Expenses from Ordinary Activities</b>	<b>(39,642,926)</b>	<b>(41,631,225)</b>	<b>(68,676,967)</b>	<b>4.78%</b>	<b>1,988,299</b>
					0
					0
<b>Non-Operating Grants, Subsidies and Contributions</b>	6,602,056	15,493,673	43,437,175	-57.39%	(8,891,617)
<b>Loss on Asset Disposals</b>	(491,278)	(5,100)	(6,252)	9532.90%	(486,178)
					0
<b>Capital Revenue &amp; (Expenditure)</b>					0
Land & Buildings	(3,507,061)	(12,080,425)	(16,556,693)	70.97%	8,573,364
Plant & Equipment	(1,095,100)	(2,651,944)	(4,279,400)	58.71%	1,556,844
Furniture & Equipment	(324,225)	(624,370)	(830,212)	48.07%	300,145
Infrastructure	(19,169,463)	(33,716,482)	(60,472,821)	43.15%	14,547,019
Proceeds from Sale of Assets	283,593	337,150	635,150	-15.89%	(53,557)
Proceeds from New Loans	110,000	10,110,000	10,110,000	-98.91%	(10,000,000)
Advances to Community Groups	(110,000)	(260,000)	(260,000)	57.69%	150,000
Transfer to Restricted Assets	(1,820,044)	(360,501)	(625,751)	-404.87%	(1,459,543)
Transfer from Restricted Assets	11,355,871	7,354,556	27,808,739	54.41%	4,001,315
Transfer to Reserves	(8,371,580)	(10,636,909)	(16,285,572)	21.30%	2,265,329
Transfer from Reserves	1,560,543	1,146,659	19,921,964	36.09%	413,884

### **Operating Revenue:**

Revenue from ordinary activities is \$671K more than expected when compared to Year to Date (YTD) Budget with the following items meeting the material variance reporting threshold set by Council for the 2017/2018 Financial Year.

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud Variance	2017/18 YTD Bud Variance
	\$	\$	\$	%	\$
<b>Revenue from Ordinary Activities</b>					
Other Revenue	323,514	237,482	416,167	36.23%	86,032
Interest Earnings	1,634,174	1,320,081	2,262,996	23.79%	314,093

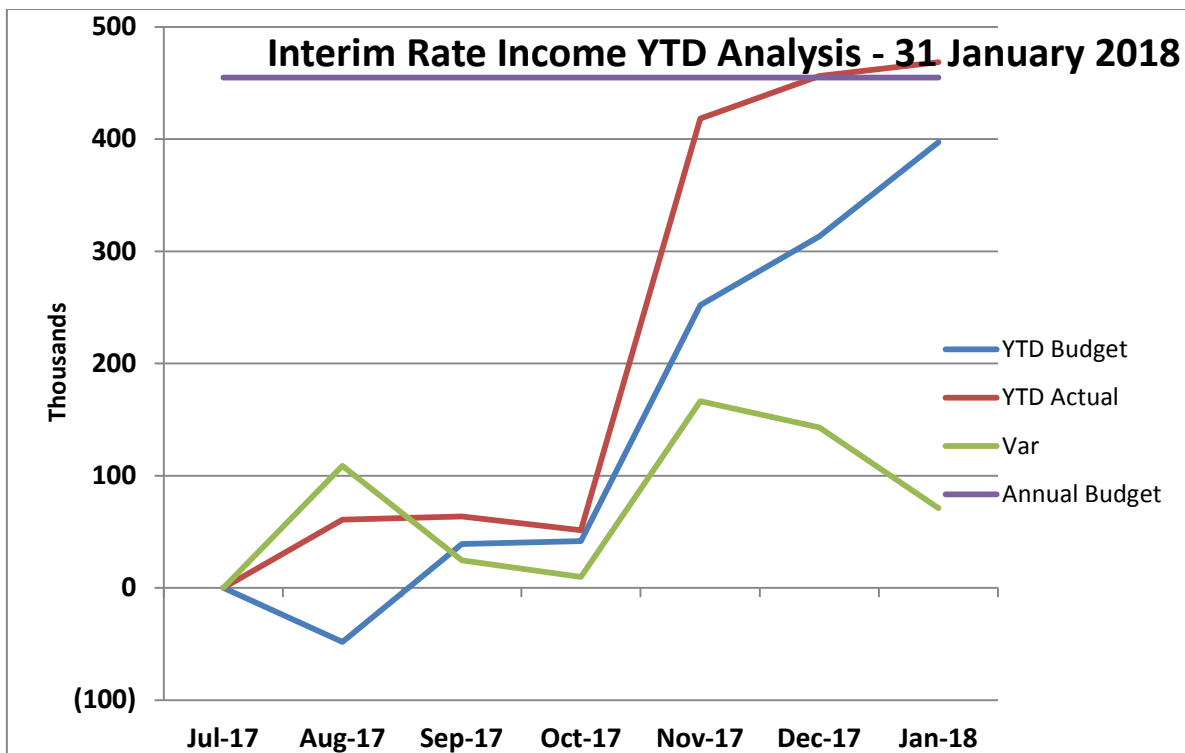
The items predominately impacting the above "Other Revenue" performance is CLAG (Contiguous Local Authority Group) Funding in the amount of \$48K, this item is to be transferred to Trust and Sale of Scrap Materials \$44K.

Interest earnings on Reserves and Restricted funds are currently ahead of YTD Budget in the amount of \$214k with \$103k in Rate Instalment interest currently ahead of YTD Budget, this second item is a timing difference only and it is also expect that Interest earnings on Reserves and Restricted funds will reduce in the coming months as funds are further drawn down to finance Capital projects contained within the City's 2017/2018 Budget.

The Officer notes that the above positive performance of “Other Revenue” and “Interest Earnings” is added to by a positive collective performance of \$271k for Rates, Operating Grants and Subsidies, and Fees and Charges; these items fall below the Material Variance reporting thresholds. The above variations are considered to be that of a timing difference at this stage of the Budget Year with the exception of Rate Revenue which is expected to be a permanent variation. This permanent variation will be the subject to the Mid Term Budget Review which is anticipated to be placed before the Finance Committee and Council in the Month of February/March.

**Interim Rates:**

Officers continue to monitor Interim Rating Income levels and present the following information noting that the YTD Budget has already been achieved; This permanent variation will be the subject to the Mid Term Budget Review which is anticipated to be placed before the Finance Committee and Council in the Month of February/March:



**Operating Expenditure:**

Expenditure from ordinary activities is \$1.988M less than expected when compared to Year to Date (YTD) Budget with the following items meeting the material variance reporting threshold set by Council for the 2017/2018 Financial Year.

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud Variance	2017/18 YTD Bud Variance
<b>Expenses from Ordinary Activities</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>	<b>\$</b>
Materials & Contracts	(8,662,536)	(10,017,884)	(16,832,737)	13.53%	1,355,348
Utilities (Gas, Electricity, Water etc)	(1,287,156)	(1,505,918)	(2,580,822)	14.53%	218,762
Allocations	871,099	993,225	1,996,270	12.30%	(122,126)

**Materials and Contracts:**

The main items affected are listed below, at this stage these variances are considered to be that of a timing nature:

Cost Code	Cost Code Description / GL Activity	YTD Variance
<b><u>Finance and Corporate Services</u></b>		
10251	Business Systems	149,239.84
	<b>Subtotal</b>	<b>149,239.84</b>
<b><u>Community and Commercial Services</u></b>		
10530	Community Services Administration	30,568.45
10591	Geographe Leisure Centre	58,201.45
10600	Busselton Jetty Tourist Park	92,530.43
10635	Regional Centres Program	60,000.00
11151	Airport Operations	(45,185.20)
	<b>Subtotal</b>	<b>196,115.13</b>
<b><u>Planning and Development Services</u></b>		
10820	Strategic Planning	104,617.38
10830	Environmental Management Administration	86,978.72
10925	Preventative Services - CLAG	63,996.40
11170	Meelup Regional Park	62,840.73
	<b>Subtotal</b>	<b>318,433.23</b>
<b><u>Engineering and Works Services</u></b>		
11101	Engineering Services Administration	39,943.69
11106	Street Lighting Installations	82,326.00
11108	Rural Intersection (Lighting) Compliance	26,250.00
11160	Busselton Jetty	327,089.01
12600	Street & Drain Cleaning	29,129.22
A6004	Pedestrian Bridge (Port Geographe)	52,500.00
A9999	Miscellaneous Bridge Maintenance	76,753.17
B1000	Administration Building- 2-16 Southern Drive	(48,760.66)
B1514	Asbestos Removal & Replacement	43,750.00
C8500	Cycleways Maintenance Busselton	(25,924.67)
G0010	Domestic Recycling Collections	119,160.89
G0030	Busselton Transfer Station	42,130.21
G0032	Rubbish Sites Development	54,201.00
G0042	BTS External Restoration Works	131,426.04
M9995	Roller & Grader Hire	(33,211.49)
M9996	Roads Sundry Overhead/Consumables	(94,578.55)
M9998	Street Side Spraying Urban Areas	(27,168.50)
M9999	Road Maintenance Bal Of Budget	194,164.00
R0004	Bsn Foreshore Precinct (not including Skate Park)	(120,606.47)
R0700	Dunsborough Oval and Skate Park	(52,522.23)
R0850	Streetscape Medians & Trees (Kealy)	(42,178.46)
	<b>Subtotal</b>	<b>773,872.20</b>
5280	<b>Transport - Fleet Management</b>	
	<b>Subtotal</b>	<b>112,571.66</b>

**Utilities:**

With over 364 individual accounts at a better than expected result of \$1.29M, a favourable position of \$218K is considered likely to be a timing difference at this stage of the reporting year with the one exception being the City's Administration Building which is currently tracking \$21k below YTD Budget and is considered to be a permanent variation.

This permanent variation will be the subject to the Mid Term Budget Review which is anticipated to be placed before the Finance Committee and Council in the Month of February/March.

**Allocations:**

Allocations are running \$122k under YTD Budget; these items are an internal allocation of administrative costs from the Finance and Corporate Services division.

**Non-Operating Grants, Subsidies and Contributions:**

Non-Operating Grants, Subsidies and Contributions are less than YTD Budget by \$8.89M with the main item impacting on the above result is the timing of the receipt of "Airport Development - Project Grant" with a current negative result of \$9.14M; this is a timing difference in nature only and is offset with the level of current expenditure for this project.

**Capital Expenditure**

As at 31 January 2018, there is a variance of -50.9% or -\$24.97M in total capital expenditure with YTD Actual at -\$24.09M against a YTD Budget of -\$49.07M; with the table below showing those categories exceeding the 10% material variance threshold. The Airport Development makes up for \$12.85M or 51.3% of the overall variance which also assists in explaining the above current YTD shortfall in Non-Operating Grants.

Description	2017/18 Budget YTD Variance
<b>Land</b>	
Property Services Administration	● (50,000)
Parking Control	● (1,525,000)
Dunsborough - Commonage Road Oval	● (1,600,000)
<b>Major Project - Busselton Foreshore</b>	
Foreshore East-Youth Precinct Community Youth Building/SLSC	● (35,387)
<b>Major Project - Administration Building</b>	
Civic and Administration Centre Construction	● (177,747)
<b>Buildings (Other)</b>	
Ambergate Bushfire Brigade Shed	● (71,932)
GLC - Pool Relining	● (120,559)
GLC - Plant Room	● (60,142)
Performing Arts Convention Centre	● (50,000)
Vasse Community Recreation Precinct	● 33,115
Airport Terminal Stage 2	● (4,800,501)
Bsn Jetty Tourist Park Home	● (110,869)
<b>Plant &amp; Equipment</b>	
Finance & Corporate Services Support	● 49,161
Community & Commercial Services Support	● (50,000)
Property Services Administration	● (35,000)
Statutory Planning	● 30,113
Animal Control	● (60,872)
Transport - Workshop	● (43,278)
Plant Purchases (P10)	● (1,313,344)
Plant Purchases (P11)	● (44,662)
Plant Purchases (P12)	● (90,397)
<b>Furniture &amp; Office Equipment</b>	
Information & Communication Technology Services	● 43,810
Business Systems	● (75,896)
Cultural Planning	● (32,000)
Administration Building- 2-16 Southern Drive	● (91,050)
YCAB (Youth Precinct Foreshore)	● (46,827)
<b>Major Project - Busselton Foreshore</b>	
Busselton Foreshore - Stage 3	● 1,072,585
Busselton Tennis Club - Infrastructure	● (1,494,426)
Busselton Foreshore Stage 3: Toddler's Playground	● (108,755)
Busselton Foreshore Jetty Precinct	● (477,495)
Barnard Park Pavillion Landscaping	● 60,157
<b>Major Project - Administration Building</b>	
Administration Building Carpark	● (100,995)
<b>Footpaths Construction</b>	
Dunsborough Lakes Drive to N.C.C.	● (90,861)
Bussell Highway Footpath Sections	● (227,395)
Milward Street – Ford Road to Cookworthy Street	● (32,694)
Armitage Drive Footpath - Navigation Way to Avocet Boulevard	● (35,870)
Vasse Bypass Road Footpath	● (63,995)
<b>Drainage Construction - Street</b>	
Valley Road Drainage Upgrade	● (152,837)
Vasse Highway Drainage Works	● 30,917
Chain Avenue - Drainage Works	● (31,452)
<b>Bridges Construction</b>	
Queen Street Bridge 0240A	● (168,000)
<b>Cycleways Construction</b>	
Busselton Bypass - Country Road Footpath	● (131,350)
<b>Townscape Construction</b>	
Queen Street Upgrade - Duchess to Kent Street	● (71,647)
Dunsborough Road Access Improvements Stage 1	● (335,354)

Description	2017/18 Budget YTD Variance
<b>Boat Ramps Construction</b>	
Port Geographe Boat Trailer Parking Layout Redevelopment	● (96,561)
<b>Beach Restoration</b>	
Sand Re-Nourishment	● 50,653
<b>Parks, Gardens &amp; Reserves</b>	
Rails to Trails	● (87,936)
Vasse Community & Recreation Precinct - AFL Oval Stage 1	● (25,125)
Dunsborough Town Centre	● (51,745)
Administration Building Landscaping Works	● 239,620
Port Geographe - Burgee Close (Western Side of Bridge)	● (55,250)
Port Geographe - Reticulated POS at Layman Rd R/About	● (146,062)
Port Geographe - Reticulation Upgrade Scheme to Bore Water	● (196,137)
Foreshore - Irrigation Renewal	● (35,364)
Vasse River Foreshore - Bridge to Bridge project Stage 1	● (43,550)
Advanced Bore Monitoring Equipment	● (58,331)
Vasse Newtown - AFL Oval Stage 2	● 91,535
<b>Sanitation Infrastructure</b>	
New Cell Development	● (297,806)
Transfer Station Development	● (45,123)
Site Rehabilitation - Busselton	● (379,244)
<b>Airport Development</b>	
Airport Construction Stage 2, Landside Civils & Services Inf	● (4,329,498)
Airport Construction Stage 2, Noise Management Plan	● (178,728)
Airport Construction Stage 2, Airfield	● (1,532,521)
Airport Construction Stage 2, External Services	● (1,415,784)
Airport Construction Stage 1B, Jet Fuel	● (358,750)
Airport Development - Project Expenses	● (194,095)
<b>Main Roads</b>	
Strelly Street	● (291,772)
Layman Road	● 138,959
Peel Terrace	● (609,119)
Queen Street	● (121,004)
Layman Road - Reconstruction Between 3250 and 6190	● (354,530)
Georgiana Molloy Bus Bay Facilities	● (199,610)
Koorabin Drive - Reseal	● (146,417)
<b>Roads to Recovery</b>	
Chapman Hill Road	● 25,563
Puzey Road	● (87,793)
Patton Terrace - Asphalt Overlay	● (156,699)
Yelverton Road- Rural reconstruction & widening	● (138,053)
<b>Council Roads Initiative</b>	
Marine Terrace	● (289,972)
Yelverton Road	● (437,960)
Edwards Road	● (90,204)
Signage (Alternate CBD Entry)	● (34,805)
Strelly Street	● (34,790)
Valley Road	● (27,321)
Senior Citizens Access Road (Peel Tce)	● 25,332
Costello Road - Asphalt Overlay	● 26,808
Greenfield Road (Loop) - One way layout	● (31,865)

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

The majority of capital expenditure variances are considered to be timing at this time, with no impact expected against the net current position. The Officer further notes that where permanent variances are established these will be the subject to the Mid Term Budget Review which is anticipated to be placed before the Finance Committee and Council in the Month of February/March.

### **Investment Report**

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

As at 31 January 2018, the value of the City's invested funds totalled \$83.69M, remaining steady from \$83.64M as at 31<sup>st</sup> December.

During the month of January \$12.5M in term deposit funds matured, with \$0.00M relating to the Airport Redevelopment Project and \$12.5M being general City funds.

Of the \$12.5M of general City funds, \$10.5M was rolled for a further 105 days at 2.52% (on average) and a partial deposit totalling \$2.0M was closed for operational reasons.

A deposit held with the WA Treasury Corp. in the amount of \$6.169M for the Airport Development project matured and was rolled for a further 2 months at 1.68%.

The balance of the 11am account (an intermediary account which offers immediate access to the funds compared to the term deposits and a higher rate of return compared to the cheque account) increased by \$2.0M due to the partial closure of the term deposit. The balance of the Airport Development ANZ cash account remained steady, with expense payments being covered by fresh grant funds.

The RBA left official rates on hold during January and February with projections for Rates to remain steady for some months before beginning to rise possibly at some stage late in 2018.

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

Details of monthly (December - January) transactions made on the Chief Executive Officer's corporate credit card are provided below to ensure there is appropriate oversight and awareness of credit card transactions made.

<b>Date</b>	<b>Amount</b>	<b>Payee</b>	<b>Description</b>
27-Dec-17	\$701.56	Webjet Melbourne	Mayor Flights Aust Coast Conf. Mar '18
30-Dec-17	\$108.96	Cape Cellars	Wine For Captain & Master Astor
03-Jan-18	\$662.73	Snapfish	Canvas Landscape Prints COB
10-Jan-18	\$350.00	Stay Margaret River	Accom: LGCOG
12-Jan-18	\$569.00	Vue Apartment & Day Spa	Accom: Coastal Council Conf Mar 18
12-Jan-18	\$55.30	Trybooking	GST On LGCOG Conference 14-16 Feb
13-Jan-18	\$647.28	The Goose	Sundowner Invited Guests YCAB Opening
16-Jan-18	\$199.00	City Of Albany Visitor Centre	Accom: Albany Exchange (7 Crs & 5 Staff)
16-Jan-18	\$194.00	City Of Albany Visitor Centre	Accom: Albany Exchange (7 Crs & 5 Staff)
16-Jan-18	\$194.00	City Of Albany Visitor Centre	Accom: Albany Exchange (7 Crs & 5 Staff)
16-Jan-18	\$194.00	City Of Albany Visitor Centre	Accom: Albany Exchange (7 Crs & 5 Staff)
16-Jan-18	\$194.00	City Of Albany Visitor Centre	Accom: Albany Exchange (7 Crs & 5 Staff)
16-Jan-18	\$1,240.00	City Of Albany Visitor Centre	Accom: Albany Exchange (7 Crs & 5 Staff)
18-Jan-18	\$271.95	Leederville Cameras	Tripod & Camera Cleaning Kit
19-Jan-18	\$207.00	Vue Apartment & Day Spa	Accom: Extra Night Mar 18

*\*Funds debited against CEO Annual Professional Development Allowance as per employment Contract Agreement*

*+ Allocated against CEO Hospitality Expenses Allowance*



**CONCLUSION**

As at 31 January 2018, the City's financial performance is considered satisfactory.

**COUNCIL DECISION/ COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**C1802/031** Moved Councillor J McCallum, seconded Councillor C Tarbotton



That the Council receives the statutory financial activity statement reports for the period ending 31 January 2018, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

**CARRIED 9/0**

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## 11. PLANNING AND DEVELOPMENT SERVICES REPORT

### 11.1 THIRD PARTY APPEAL RIGHTS IN PLANNING - WALGA

<b>SUBJECT INDEX:</b>	Landuse and Planning Controls
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Development Services and Policy
<b>REPORTING OFFICER:</b>	Manager, Development Services and Policy - Anthony Rowe
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A City of Busselton Submission 3 July 2017  Attachment B WALGA Invitation for Support 

#### PRÉCIS

In 2017 the Western Australian Local Government Association (WALGA) invited member local governments to provide an indication of support for the introduction of Third Party Appeal Rights in Planning. This was invited in response to its discussion paper investigating and comparing approaches in other state jurisdictions and listing their identified advantages and disadvantages.

Subsequent to those submissions, WALGA is requesting, by resolution, an indication of support for the following proposition/model:

*“Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels”*

The recommendation of this report is to decline support for the WALGA model because it is contrary to the principle of making an ‘objective’ development assessment, it is based on a monetary threshold and would apply regardless of whether it was supported in the Local Planning Scheme; which is a democratically derived policy.

The recommendation of this report is instead to indicate to WALGA a qualified support for Third Party Appeal Rights in Planning, that it should be available regardless of monetary value in limited circumstances where a development is not consistent with the conveyed expectation of a democratically derived policy; either it is an unforeseen development or it is a significant variation on an expressed standard.

#### BACKGROUND

WALGA is in the process of reviewing its standing position of “not” supporting the introduction of Third Party Appeal Rights in Planning.

The review commenced in December 2016. It lead to a discussion paper that the City provided comment on in July 2017 (Attachment A).

The Western Australian Planning System, unlike other Australian States, does not provide a **readily accessible** means for a third party to seek judicial review of a planning decision. Only the applicant/owner enjoys the opportunity for judicial review of a planning decision by the State Administrative Tribunal.

As a matter of clarification, a third party can apply to the Supreme Court for judicial review of a planning decision. The jurisdiction of the Supreme Court is expansive but these actions are practically discouraged because the opportunity to appeal is not explicitly identified or known and the potential cost is extremely high (if unsuccessful it can include court costs and the other party's costs including damages). It is also discouraged because of the complexity of the Supreme Court's process.

The motivation to provide for Third Party Appeal Rights in Planning in Western Australia is, therefore, an access to affordable and straightforward processes for judicial review i.e. the SAT.

In December 2016 the WALGA State Council resolved to investigate the advantages of introducing a **merit** based third party appeals rights system in planning (WA). WALGA prepared a discussion paper investigating the approaches used by the other states in Australia and compared the advantages and disadvantages of each.

A 'merit' based appeal is different to a procedural appeal in that it is not factually determined but is an objective judgement, and it is *de Novo* meaning it is not an examination of the planning authority's decision but is a fresh assessment of the merit of a proposal itself, and new evidence can be presented and considered.

The interstate arrangements for third party 'merit' appeals vary greatly. Victoria has the most widely applying access to third party appeals; it is available on all discretionary decisions. Other states have limited access to third party appeals based generally upon the scale, external impacts and also for departures from standard solutions. All jurisdictions have an 'as of right' or 'permitted' category of development where no third party appeal is provided. Some jurisdictions also reverse the appeal right, to remove the applicant's appeal right and only provide it for a third party appeal in certain circumstances.

The WALGA discussion paper identified that whilst there was a wide variation in approach and methods, each state reported they were happy with their unique arrangement. None envied another state.

In response to WALGA's invitation to comment on the discussion paper, thirty eight submissions were received. The submissions were split with 53% in support for some form of third party appeal, 5% requested further investigation and 42% were against the introduction of third party appeals. Most submissions in support of third party appeals expressed a view that there should be limitations on their form and the circumstances in which they should be available.

The feedback received was collated by WALGA and put into 5 options:

1. Support the introduction of third party appeals for decisions made by Development Assessment Panels.
2. Support third party appeals where discretion has been exercised under the R Codes, Local Planning Policy and Local Planning Scheme.
3. Support the introduction of Third Party Appeals Right against development approvals.
4. Support the introduction of Third Party Appeal Rights against development approvals and /or the conditions or absence of conditions of approval.
5. Other.

The above were all conditional to excluding vexatious appeals, limiting the right only to those making submissions, and providing a short period of 14 days to lodge the appeal.

WALGA, further to the receipt of submissions, conducted two workshops in November 2017 to consider the 5 options. There were 40 participants in total at the workshops and they were invited to vote on the 5 options.

Option 5 received the most votes, arguably reflecting there was a lack of satisfaction in either of the other 4 options, but Option 1 received the most votes (nine), followed by Option 2 (six). Consequently, Option 1 is now the preferred model.

As part of furthering its consultation process, and before the WALGA State Council resolves a policy position, WALGA members are now requested (Attachment B) to advise of their support, by resolution by 15 March 2018, on the following (Preferred) model:

*“Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels”*

## **STATUTORY ENVIRONMENT**

The *Planning and Development Act 2005* establishes the Western Australian Planning system. It also provides for Deemed Provisions, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Schedule 2 imposes provisions into the Local Planning Scheme and, at cl.76, it provides for the *Review of planning decisions*. Presently, this only identifies that an ‘affected person’ (either the applicant or the owner) may apply to the State Administrative Tribunal for a review of the planning decision.

If Third Party Appeal Rights were to be introduced, most likely it would extend the category of the *affected person* and the circumstance that makes them ‘affected’.

It is also a feature of the *Planning and Development Act 2005* that once a planning decision is made it can only be overturned by the SAT or by an Order from SAT providing an opportunity for reconsideration by the planning authority.

Presently the applicant has no opportunity to apply to Council to review a decision to ‘refuse’ an application; that can only be made to the SAT. An applicant can apply to Council to have a condition of approval reviewed by virtue of the applicant’s opportunity to apply to modify a planning approval including any imposed conditions.

## **RELEVANT PLANS AND POLICIES**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

### **Long-term Financial Plan Implications**

Nil

## **STRATEGIC COMMUNITY OBJECTIVES**

Nil

## RISK ASSESSMENT

The City is being asked to indicate a position of support that in turn would be the basis of further investigation by WALGA. There are no downside risks consequential to the Council's participation to indicate a preference for a particular model of Third Party Appeal Rights in Planning.

## CONSULTATION

No external consultation is required.

## OFFICER COMMENT

The reasons for the preferred (WALGA) model, *Third Party Appeal Rights for decisions made by Development Assessment Panels*, were:

1. Local Government could appeal a DAP decision and address community concerns removed from Council as the decision maker. This it argued would restore community confidence;
2. The appeal would make DAP more transparent, including the accountability of the elected members on DAP to their electorate; and
3. It would limit appeals to more complex applications of community interest.

The WALGA model is not supported for the following reasons.

The Western Australia planning system provides for democratic consideration at the making of development control policy. It is established by a hierarchy directed initially by State Planning Strategy, but how that is in turn addressed is through the Local Planning Strategy that is prepared in consultation with the community. It is the Local Planning Strategy stage that welcomes the democratic process at the local level; to determine the form of the City and the expectations of land use. Once consultation is settled the Local Planning Strategy then guides the development controls that are articulated in the Local Planning Scheme and further into Local Planning Policy.

Development assessment itself is not a democratic process but an objective assessment against the democratically derived framework. As such, consultation is to serve the purpose of illuminating planning issues to be considered in the objective assessment, to be satisfied of an accord between the proposal and the development control policy.

This follows the *rule of law*, which is an equity principle that requires equal treatment of all applicants on the same issue (consistency), a fair assessment is an objective one made against the reasonable expectations articulated in the framework. Planning also follows a purposive approach, it is to be practically applied, and it is reflected in the term 'due regard'. A literal meaning can be varied if the purpose is maintained, particularly in there is need to find balance between conflicting issues. As a consequence variations on any particular standard can be expected in the practical pursuit of an outcome as long as the overall purpose remains balanced. It is however, the extent of departure from a standard where care must be taken, so as not to be contrary to the democratically derived expectation.

Planning by its nature is often adversarial, the applicant and a potential third party having different interests. Not everyone will be satisfied by the outcome of the initial democratic Local Planning Strategy process, and this dissatisfaction may carry through to the assessment of a development application. How many opportunities to register dissatisfaction should therefore be provided?

*The preferred model (WALGA) is not supported*

The preferred model (WALGA) is not supported because a decision by a Development Assessment Panel (DAP) happens only on a basis of the proposals monetary value; an applicant's option from \$2 million-\$10 million and mandatory if over \$10 million. A DAP will also be required to determine applications contemplated in the Scheme, so a monetary trigger alone would not seem a reasonable basis to again pursue a grievance.

The ability of Council to politically side with residents to appeal a DAP decision (one of the reasons in advocating the preferred model (WALGA) is also a confusion of the democratic process and the objective consideration at development assessment. It undermines the fundamental basis for the creations of DAPs: to force good policy creation by councils; to provide certain expectations for applicants and the community; and to focus assessment upon objective comparison against good policy in the planning framework – the rule of law.

*Why we need third party appeals in planning?*

As comprehensive as the Local Planning Strategy exercise may be, in reality, it is devised at a point in time and land use opportunities can quickly change. The democratic process and the Local Planning Scheme will therefore not resolve all potential opportunities at all times, and the time frame for a Local Scheme Amendment may not be practical.

The ability to address unforeseen development opportunities and to vary standards is therefore a practical approach, however, something not expected nor democratically tested, is arguably worthy of the extra benefit of a third party appeal and should not be dependent upon a monetary trigger alone.

This was the basis for the City's submission (7 July 2017) to WALGA.

The City submission also advocated that the application of third party appeals should be left to each local government to determine.

There are advantages to having third party appeals that may outweigh the fear of delay and additional work/cost for councils (*offsetting efficiencies*). In other jurisdictions it should be noted, the opportunity to appeal is rarely taken in comparison to the volume of applications assessed.

In practice Third Party Appeal Rights in Planning offer the following advantages:

- The opportunity to appeal, for a third party, supports a perception in the community that the planning process is fair, whereas only providing an appeal opportunity to the applicant/owner is seen as unfair;
- Planning considerations are balanced and departures/variations are justified – because either the applicant or the third party may appeal;
- A body of law is established that provides greater certainty in the interpretation of policy (*an offsetting efficiency*);
- The process of review tests the effectiveness of policy, identifying weaknesses that should be tightened (*an offsetting efficiency*);
- There is an outlet for grievance; and
- It is an assurance of planning department competence.

The City, if given the choice, may choose to provide Third Party Appeal Rights in Planning on the following:

- *Use not listed,*
- *Non-conforming use,*
- exceedance of maximum building heights; and
- variations to standards/expectations that would have a significant adverse material impact beyond the site (an objective test for 'significant adverse' can be made for certainty)

This opportunity would only be available for advertised applications and only to those who had made submission during the consultation process.

## **CONCLUSION**

The basis for the preferred model (WALGA) is counterproductive to 'objective' development assessment, the purpose of DAPs. It is recommended the Council not support *for the introduction of Third Party Appeal rights for decisions made by Development Assessment Panels.*

For reason of the advantages identified, it is recommended the City reaffirms its support for WALGA to continue to investigate the introduction of Third Party Appeal Rights in Planning, but for it to apply only in strictly limited circumstances where a development is not consistent with the conveyed expectation of a democratically derived policy.

The basis for the City's submission of 7 July 2017 remains valid and should be reaffirmed.

## **OPTIONS**

1. Decline to support the preferred model - support for the introduction of Third Party Appeal rights for decisions made by Development Assessment Panels.
2. Support the preferred model - support for the introduction of Third Party Appeal rights for decisions made by Development Assessment Panels.
3. Resolve to report no comment on the preferred model.

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

Advice to be supplied to WALGA by no later than 15 March 2018.

## **COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1802/032** Moved Councillor J McCallum, seconded Councillor C Tarbotton

That the Council resolves to indicate to the Western Australian Local Government Association -

1. That it does not support the preferred model - *support for the introduction of Third Party Appeal rights for decisions made by Development Assessment Panels;*
2. That it recommends further investigation into the opportunities for Third Party Appeal Rights in Planning;
3. That it reaffirms the City submission dated 7 July 2017, to support the provision for third party appeals rights in Planning where a development is not consistent with the conveyed expectation of a democratically derived policy; either it is an unforeseen development or it is a significant variation on an expressed standard.

**CARRIED 9/0**

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**12. ENGINEERING AND WORKS SERVICES REPORT**

Nil

**13. COMMUNITY AND COMMERCIAL SERVICES REPORT**

Nil







**14. FINANCE AND CORPORATE SERVICES REPORT**

Nil



## 15. CHIEF EXECUTIVE OFFICER'S REPORT

### 15.1 COUNCILLORS' INFORMATION BULLETIN

<b>SUBJECT INDEX:</b>	Councillors' Information
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Administration Officer - Governance - Katie Dudley
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	<p>Attachment A Planning Applications received by the City between 16 January, 2018 and 31 January, 2018 </p> <p>Attachment B Planning Applications determined by the City between 16 January, 2018 and 31 January, 2018 </p> <p>Attachment C State Administrative Tribunal (SAT) Appeals </p> <p>Attachment D CapeROC Minutes </p> <p>Attachment E Meelup Regional Park Management Committee Minutes </p> <p>Attachment F Bush Fire Advisory Committee Minutes </p>

### PRÉCIS

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

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

### INFORMATION BULLETIN

#### 15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 16 January, 2018 and 31 January, 2018. A total of 49 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 16 January, 2018 and 31 January, 2018. A total of 19 applications (including subdivision referrals) were determined by the

#### 15.1.2 State Administrative Tribunal (SAT) Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 8 February, 2018.

#### 15.1.3 Scheme Amendments

##### Scheme Amendment No. 35

The above scheme was published in the Western Australian Government Gazette on 2 February, 2018.

The purpose of this amendment is to amend Schedule 1 – Interpretations

**15.1.4 CapeROC**

Attachment D shows the minutes of the CapeROC Meeting held on Friday 9 February 2018.

**15.1.5 Meelup Regional Park Management Committee**

Attachment E shows the informal minutes of the Meelup Regional Park Management Committee held on Monday 29 January 2018.

**15.1.6 Bush Fire Advisory Committee**

Attachment F shows the minutes of the Bush Fire Advisory Committee held on Tuesday 12 December 2017.

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1802/033** Moved Councillor J McCallum, seconded Councillor C Tarbotton

That the items from the Councillors' Information Bulletin be noted:

- 15.1.1 Planning and Development Statistics
- 15.1.2 State Administrative Tribunal (SAT) Appeals
- 15.1.3 Scheme Amendments
- 15.1.4 CapeROC
- 15.1.5 Meelup Regional Park Management Committee
- 15.1.6 Bush Fire Advisory Committee

**CARRIED 9/0**

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## 10. REPORTS OF COMMITTEE

### 10.2 Finance Committee - 15/02/2018 - BUDGET AMENDMENT REQUEST

<b>SUBJECT INDEX:</b>	Budget Planning and Reporting
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Finance and Corporate Services
<b>REPORTING OFFICER:</b>	Manager Financial Services - Kim Dolzadelli
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Nil

**This item was considered by the Finance Committee at its meeting on 15 February 2018, the recommendations from which have been included in this report.**

#### **PRÉCIS**

This report seeks recommendation of the Finance Committee to Council for the approval of budget amendments as detailed in this report. Adoption of the Officers recommendation will result in no change to the City's current Amended Budgeted Surplus Position of \$0.

It will however result in a reduction to the City's "Budget Surplus Contingency Holding Account" from \$68,209 to \$53,805 (by \$14,404).

#### **BACKGROUND**

Council adopted its 2017/2018 Municipal Budget on Wednesday, 26 July 2017 with a balanced Budget position.

Since this time Council has been advised of certain funding changes that have impacted the original Budget and Council is now being asked to consider Budget Amendments for the following Key Areas/Projects:

#### **1. "Water Sensitive Urban Design – Centurion Way Detention Basin to Living Stream Projects"**

#### **BACKGROUND**

The City has been successful in securing \$28,164 from the South West Catchment Council (SWCC) for improving the function of a storm water detention basin located near Centurion Way West Busselton.

The Centurion Way detention basin was constructed approximately 30 years ago and during the winter period the basins attenuation function is limited as the basin is readily inundated with little or no treatment of stormwater prior it's to disposal to the conservation category New River wetlands.

#### **PLANNED EXPENDITURE ITEMS**

Design and construct a stilling basin for settlement of suspended solids, installation of gross pollution trap, nutrient removal, revegetation and installation of interpretive signage to demonstrate the values of urban wetlands for biodiversity and water quality.

Officers propose that the 2017/2018 Adopted Budget be amended to reflect the following funding changes, shown in Table 1.

**Table 1:**

<i>Cost Code</i>	<i>Description</i>	<b>Current Budget</b>	<b>Change</b>	<b>Proposed Amended Budget</b>
<b>Revenue</b>				
421-D0018-1215	SWCC – Centurion stormwater grant	0	(28,164)	(28,164)
<b>Expenditure</b>				
421-D0018-3280	SWCC – Centurion stormwater expenditure	0	21,500	21,500
421-10850-3498	SWCC – Centurion stormwater expenditure	0	6,664	6,664
	<b>Net Total</b>	0		0

**PROPOSED OUTCOME**

Improved function of a storm water detention basin located near Centurion Way West Busselton.

**2. “Protection of conservation significant roadside vegetation”**

**BACKGROUND**

The City has secured \$18,000 from the State NRM community action grant program for the protection of four sections of conservation significant road side vegetation (Edwards Road, Princefield Road, Kolhagen Road and Price Road) which include a State and Commonwealth listed endangered vegetation community, six Commonwealth listed flora and eight recorded State listed priority flora species.

**PLANNED EXPENDITURE ITEMS**

The key activities include fencing, weed and feral animal control, seed collection of rare flora and revegetation. The State NRM community action grant program requires the involvement of community environmental volunteers as appropriate, to undertake some of the planned activities.

The following amendments shown below in Table 2 are being sought for approval.

**Table 2:**

<i>Cost Code</i>	<i>Description</i>	<b>Current Budget</b>	<b>Change</b>	<b>Proposed Amended Budget</b>
<b>Revenue</b>				
421-10850-1239	State NRM roadside vegetation grant	(22,550)	(18,000)	(40,550)
<b>Expenditure</b>				
421-10850-3280	State NRM community action expenditure	93,500	11,600	105,100
421-10850-3498	State NRM community action expenditure	28,770	6,400	35,170
	<b>Net Total</b>	99,720	0	99,720

**PROPOSED OUTCOME**

Protection of four sections of conservation significant road side vegetation (Edwards Road, Princefield Road, Kolhagen Road and Price Road)

### 3. “Water Management Plan community consultation”

#### BACKGROUND

The City is currently preparing water management plans for the Lower Vasse River and Toby Inlet as part of a State Government initiative to improve water quality, waterway health and management of Geographe Waterways in the City of Busselton district. The Department of Biodiversity Conservation and Attractions (DBCA) is also concurrently preparing a management plan for the Vasse-Wonnerup wetlands.

Funding for community consultation to assist the preparation of the waterway management plans has been provided to the City under the Vasse Geographe R4R funding program and is identified within Councils 2017/18 Budget.

#### PLANNED EXPENDITURE ITEMS

Part of the City’s community consultation process is being carried out in partnership with the DBCA which includes a joint Aboriginal heritage cultural values study and ethnographic study for the Lower Vasse River, Toby Inlet and the Vasse-Wonnerup wetlands. The purpose of this proposed budget amendment is to include a 50% contribution from DBCA for this study as revenue and corresponding expenditure in Council’s 2017/18 Budget.

The following amendments shown below in Table 3 are being sought for approval.

**Table 3:**

<i>Cost Code</i>	<i>Description</i>	<b>Current Budget</b>	<b>Change</b>	<b>Proposed Amended Budget</b>
<b>Revenue</b>				
421-10830-1239	Environmental Management Administration Operating grants	(58,627)	(6,920)	65,547
<b>Expenditure</b>				
421- 10830-3280	Environmental Management Administration Consultancy	90,890	6,920	97,810
	<b>Net Total</b>	32,263	0	32,263

#### PROPOSED OUTCOME

A joint Aboriginal heritage cultural values study and ethnographic study for the Lower Vasse River, Toby Inlet and the Vasse-Wonnerup wetlands.

### 4. “Funding Request for the Library Consortia”

#### BACKGROUND

The City is a member of “The Library Consortia, consisting of 12 members, which has been in place now for over a year.

As a group, the Consortia have made remarkable savings in divesting of in-house library software systems and moving to a cloud-based solution. It is estimated that the City of Busselton saved over \$60k on purchase and implementation of new software, Library Management System (LMS), to replace the former AMLIB solution which was no longer being developed.

The ongoing success of the project has increased the growth of library membership and therefore the workload associated with maintaining the system.

Libraries are becoming increasingly aware of new functionality much of which would have a beneficial service impact on patrons.

The Consortia have advised they need a dedicated resource to not only manage day to day issues but to assist in deploying those new features. The Consortia is requesting a contribution of \$14,404 from the City of Busselton; the full costs, \$61,575, of the proposal is to be share across the 12 members Costs on the basis of population. The resource is likely to be placed at one of the larger two libraries - Bunbury or Busselton.

#### PLANNED EXPENDITURE ITEMS

The City would make a contribution to the Library Consortia of \$14,404, with the following amendments shown below in Table 4 being sought for approval.

**Table 4:**

<i>Cost Code</i>	<i>Description</i>	<b>Current Budget</b>	<b>Change</b>	<b>Proposed Amended Budget</b>
100-10001-3680	Budget Surplus Contingency Holding Account	68,209	(14,404)	53,805
233- 10380-3295	Library Services - Other Computing Costs	0	14,404	14,404
<b>Net Total</b>		68,209	0	68,209

#### PROPOSED OUTCOME

Provide financial support to the Library Consortia which in turn will enhance patrons experience, address duplication across the 12 member Local Governments, provide dedicated support to member Local Governments and develop and maintain a website to assist patrons to better use the new LMS.

#### 5. “Recognition of Income”

##### BACKGROUND

During July 2016 a one in twenty year rain event damaged both Princefield and Coopers Road.

At that time a Claim was made through MRWA for reimbursement of expenditure under the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) program this was however rejected as it was not a declared event, causing somewhat localised damage and not to the value required for it to be declared.

Notwithstanding the above City Officers have pursued a reinstatement reimbursement from Main Roads via an alternative “Supplement Funding” pool based on the following:

*“Based on the 72 hour storm duration and rainfall recordings as Vasse Highway CB3 gauge the Annual Recurrent Interval (ARI) of the storm event is greater than a 20 year ARI and thus is considered an abnormal rain event as per the Agreement.”*

The amount of \$36,274 excluding GST has subsequently been secured.

#### PLANNED EXPENDITURE ITEMS

As Municipal Road Funds would have been utilised in 2016 it is proposed to return the amount approved to the Road Maintenance Budget, with the following amendments shown below in Table 5 being sought for approval.

**Table 5:**

<i>Cost Code</i>	<i>Description</i>	<b>Current Budget</b>	<b>Change</b>	<b>Proposed Amended Budget</b>
541-M9999-1239	Road Maintenance – Operating Grants	0	(36,274)	(36,274)
541-M9999-3280	Road Maintenance – Contractors	140,000	36,274	176,274
<b>Net Total</b>		140,000	0	140,000

**PROPOSED OUTCOME**

Recognition of income and return of funds to Road Maintenance.

**6. “Youth Community Activities Building (Y CAB)”****BACKGROUND**

With the recent opening of the Youth Community Activities Building (Y CAB) on the foreshore, it is appropriate to establish its own set of operating budget provisions. At the present time, budget provisions have been created and funded in the general Community Development area.

**PLANNED EXPENDITURE ITEMS**

This budget adjustment creates specific operating income and expenditure accounts for the Y CAB where none previously existed. Budgets have been redirected from the Community Development area, with the following amendments shown below in Table 6 being sought for approval.

**Table 6:**

<i>Cost Code</i>	<i>Description</i>	<b>Current Budget</b>	<b>Change</b>	<b>Proposed Amended Budget</b>
330-B1361-3001	Y CAB - Salaries	0	30,000	30,000
330-B1361-3413	Y CAB – Youth Services Program	0	13,350	13,350
330-10530-1751	Community Development – Sundry Income	0	(10,000)	(10,000)
330-10530-3001	Community Development – Salaries	313,400	(20,000)	293,400
330-10530-3260	Community Development – Consultancy	23,350	(13,350)	10,000
<b>Net Total</b>		336,750	0	336,750

**PROPOSED OUTCOME**

Reallocation of Funds to specific Y CAB activity.

**STATUTORY ENVIRONMENT**

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

**RELEVANT PLANS AND POLICIES**

There are multiple Plans and Policies that support the proposed Budget Amendments.

**FINANCIAL IMPLICATIONS**

Budget amendments being sought will result in no change to Council’s Budget Surplus position of \$0.

**Long-term Financial Plan Implications**

N/A

**STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with Key Goal Area 6 – ‘Open and Collaborative Leadership’ and more specifically Community Objective 6.1 - ‘Governance systems, process and practices are responsible, ethical and transparent’. The achievement of the above is underpinned by the Council strategy to ‘ensure the long term financial sustainability of Council through effective financial management’.

**RISK ASSESSMENT**

There is a risk to the City, as there is with all projects undertaken, that the final cost could exceed budget. If this looks to be the case Council will be notified so a suitable offset / project scope back can be identified.

**CONSULTATION**

Consultation has occurred with the appropriate City of Busselton officers.

**OFFICER COMMENT**

The Officer commends the requested Budget Amendment to the Finance Committee for consideration and recommendation to Council.

**CONCLUSION**

Council’s approval is sought to amend the budget as per the details contained in this report. Upon approval the proposed works will be planned, organised and completed.

**OPTIONS**

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

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Should the Officer Recommendation be endorsed, the associated budget amendment will be processed within a month of being approved.

**COUNCIL DECISION****C1802/034**

Moved Councillor P Carter, seconded Councillor J McCallum

**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Finance Committee recommends to Council endorsement of the Requested Budget Amendments contained within this report, resulting in no change to an Amended Budgeted Surplus Position of \$0; noting that the City’s “Budget Surplus Contingency Holding Account” would reduce from \$68,209 to \$53,805 (by \$14,404).

**CARRIED 9/0**



## **11. PLANNING AND DEVELOPMENT SERVICES REPORT**

### **11.2 BUSH FIRE ADVISORY COMMITTEE – REVOCATION AND APPOINTMENT OF BUSH FIRE CONTROL OFFICERS – BUSH FIRES ACT 1954**

<b>SUBJECT INDEX:</b>	Emergency Management
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Ranger and Emergency Services
<b>REPORTING OFFICER:</b>	Community Emergency Services Manager - Blake Moore
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Nil

#### **PRÉCIS**

The purpose of this report is to seek the revocation of all previous appointments of persons as Bush Fire Control Officers, and then subsequently seeks that the persons listed below be appointed to the following designated positions pursuant to Section 38 of the Bush Fires Act 1954.

#### **BACKGROUND**

The revocation and appointment of fire control officers listed has been reviewed and revised and are presented for the consideration of the BFAC prior to being adopted by the Council.

#### **STATUTORY ENVIRONMENT**

Pursuant to section 38 of the Bush Fires Act 1954 (the Act), a local government may appoint bush fire control officer.

A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A (2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

#### **RELEVANT PLANS AND POLICIE**

Council has delegated authority to the Chief Executive Officer in Council resolution C1505/116 to appoint a person to act as a Bush Fire Control Officer pursuant to Section 48 of the Bush Fires Act 1954, subject to the following conditions –

1. The delegation is limited to the appointment of members of volunteer bush fire brigades and City Ranger and Emergency Services staff;
2. In the case of appointment of members of volunteer bush fire brigades, the delegation shall only be exercised where there is a recommendation to appoint from the Bush Fire Advisory Committee; and
3. The delegation does not extend to the appointment of Chief or Deputy Chief Bush Fire Control Officers.

#### **FINANCIAL IMPLICATIONS**

Nil

**Long-term Financial Plan Implications**

Nil

**STRATEGIC COMMUNITY OBJECTIVES**

Strategic Plan Key Goal Area 6 – Leadership

Community Objective 6.1: governance systems, processes and practices are responsible, ethical and transparent.

**RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework.

Risk	Controls	Consequence	Likelihood	Risk Level
Fire Control Officers no longer employed or in the role of Fire control Officer retaining powers of an appointed Fire Control Officer	To revoke and reappoint all Fire Control Officer positions to ensure compliance under the Act.	Minor	Possible	Medium

**CONSULTATION**

There has been formal consultation with the Chief Bush Fire Control Officer, Allan Guthrie in the development of this report of the revocation and appointment of bush fire control officers, to ensure an accurate list of the required Fire Control Officers and compliance with the Bush Fires Act 1954.

**OFFICER COMMENT**

The revocation of all previous Fire Control Officers is designed to ensure that all persons that were formerly in a position to act as a Fire Control Officer, no longer have power which has been appointed by Local government. By revoking and only appointing the current Fire Control Officers ensures that, the City of Busselton is meeting the compliance requirements of the Bush Fires Act 1954.

The list of personnel to be appointed as Fire Control Officers is as shown in the Officer Recommendation.

**OPTIONS**

The BFAC or Council may require changes to be made to the list of Fire Control Officers to be appointed.

**COUNCIL DECISION****C1802/035**

Moved Councillor K Hick , seconded Councillor L Miles

**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council endorse:

1. The revocation of all previous Fire Control Officers
2. The appointment of the following Fire Control Officers listed below
3. All appointments are to be issued with a certificate of appoint pursuant to Section 38 (2E) of the Act

Allan Guthrie	<b>Chief Bush Fire Control Officer</b>	Volunteer Bush Fire Brigade
Christopher Payne	<b>Deputy Chief Bush Fire Control Officers</b>	Volunteer Bush Fire Brigade
Oscar Negus		Volunteer Bush Fire Brigade
Blake Moore	<b>Operational Bush Fire Control Officers</b>	Ranger & Emergency Services
Christopher Ayers		Volunteer Bush Fire Brigade
Paul Blight		Volunteer Bush Fire Brigade
Mark Cannon		Volunteer Bush Fire Brigade
Peter Dawson		Volunteer Bush Fire Brigade
Mark Fisher		Volunteer Bush Fire Brigade
Ray Fokkema		Volunteer Bush Fire Brigade
Barton Hatherly		Volunteer Bush Fire Brigade
David Hunt		Volunteer Bush Fire Brigade
Todd Johnson		Volunteer Bush Fire Brigade
Mark Jolliffe		Volunteer Bush Fire Brigade
Wally Lewis		Volunteer Bush Fire Brigade
Neil McDonald		Volunteer Bush Fire Brigade
Ian McGregor		Volunteer Bush Fire Brigade
Colin Sanderson		Volunteer Bush Fire Brigade
Ian Slee		Volunteer Bush Fire Brigade
Mark Smith		Volunteer Bush Fire Brigade
Kenneth Sue		Volunteer Bush Fire Brigade
Douglas Walters		Volunteer Bush Fire Brigade
Andrew Hunt		Volunteer Bush Fire Brigade
Timothy O'Neill	Volunteer Bush Fire Brigade	
Neville Haddon	Volunteer Bush Fire Brigade	
Annette Batley	Volunteer Bush Fire Brigade	
Ian McDowell	<b>Fire Control Officers for Permit Issuing, Compliance &amp; Enforcement</b>	Ranger & Emergency Services
Owen Anderton		Ranger & Emergency Services
James Wanless		Ranger & Emergency Services
David Boardman		Ranger & Emergency Services
Gordon Boettcher		Ranger & Emergency Services
Sorcha Gillen		Ranger & Emergency Services
Lauren Quigley		Ranger & Emergency Services
Theodorus Brugman		Ranger & Emergency Services
Christopher Barlow		Ranger & Emergency Services
Shayne Lawty		Ranger & Emergency Services

**CARRIED 9/0**

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

Nil

**17. CONFIDENTIAL REPORTS**

Nil

**18. QUESTIONS FROM MEMBERS**

Councillor Bennett asked a question regarding the timeframe of the Eastern Link environmental outcome and if a negative outcome was to occur what would the next step be.

Mayor Henley responded to Cr Bennett's question stating that there is a four to six week expectation for a response from the EPA, regardless of the outcome the decision will be followed by an internal discussion then open for public discussion, most likely in the form of a survey.

**19. PUBLIC QUESTION TIME**

Nil

**20. NEXT MEETING DATE**

Wednesday, 14 March 2018

**21. CLOSURE**

The meeting closed at 5.45pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 36 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 14 MARCH 2018.

DATE: \_\_\_\_\_

PRESIDING MEMBER: \_\_\_\_\_