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CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 9 MAY 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 9 MAY 2018 AT 5.30PM.

1. **DECLARATION OF OPENING/ACKNOWLEDGEMENT OF COUNTRY/ACKNOWLEDGEMENT OF VISITORS/DISCLAIMER**

The Presiding Member open the meeting at 5.43pm.

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, Acting 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 Services

Apologies

Nil

Approved Leave of Absence

Nil

Media:

“Busselton-Dunsborough Times”

Public:

Nil

3. **PRAYER**

The prayer was not delivered in the absence of the Pastor.

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. DISCLOSURE OF INTERESTS

The Mayor noted that a declaration of impartiality interest had been received from:

- Cr Paul Carter in relation to Agenda Item 12.1

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 12.1 was discussed.

6. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

7. QUESTION TIME FOR PUBLIC**Response to Previous Questions Taken on Notice**

Nil

Question Time For Public

Nil

8. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings****8.1 Minutes of the Council Meeting held 24 April 2018****COUNCIL DECISION****C1805/080**

Moved Councillor J McCallum, seconded Councillor P Carter

That the Minutes of the Council Meeting held 24 April 2018 be confirmed as a true and correct record.

CARRIED 9/0**Committee Meetings****8.2 Minutes of the Finance Committee held 19 April 2018****COUNCIL DECISION****C1805/081**

Moved Councillor R Reekie, seconded Councillor C Tarbotton

That the Minutes of the Finance Committee Meeting held 19 April 2018 be confirmed as a true and correct record.

CARRIED 9/0

8.3 Minutes of the Policy and Legislation Committee Meeting held 17 April 2018

COUNCIL DECISION

C1805/082

Moved Councillor K Hick , seconded Councillor J McCallum

That the Minutes of the Policy and Legislation Committee Meeting held 17 April 2018 be confirmed as a true and correct record.

CARRIED 9/0

9. **RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS**

Nil

9.1 **PETITIONS**

Nil

9.2 **PRESENTATIONS**

Nil

9.3 **DEPUTATIONS**

Nil

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

Nil

11. 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, i.e. all together.

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

C1805/083 Moved Deputy Mayor McCallum, seconded Councillor Tarbotton

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

- 12.2 Policy and Legislation Committee - 17/04/2018 - POLICY TEMPLATE
- 12.3 Finance Committee - 19/04/2018 - ASSET MANAGEMENT REPORT
- 12.5 Finance Committee - 19/04/2018 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 MARCH 2018
- 13.1 AMENDMENT 34 TO LOCAL PLANNING SCHEME 21 & DRAFT STRUCTURE PLAN - LOT 34 SHEOAK DRIVE, YALLINGUP - CONSIDERATION FOR FINAL APPROVAL
- 15.2 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES
- 17.1 COUNCILLORS' INFORMATION BULLETIN

CARRIED 9/0

EN BLOC

12. REPORTS OF COMMITTEE MEETINGS

12.2 Policy and Legislation Committee - 17/04/2018 - POLICY TEMPLATE

SUBJECT INDEX:	Council Policies
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance and Corporate Services
REPORTING OFFICER:	Manager Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Council Policy Template ⇒ Attachment B Corporate Governance Framework ⇒ Attachment C Executive Practice Template ⇒

This item was considered by the Policy and Legislation Committee at its meeting on 17 April 2018, the recommendations from which have been included in this report.

PRÉCIS

This report presents for adoption a revised Council policy template (Attachment A) and seeks Council's support for a programme of review of Council policies in accordance with the principles outlined in the Corporate Governance Framework (Attachment B).

BACKGROUND

In August 2017 the CEO commissioned a high level independent review of the City's governance systems, undertaken over a 3 month period by Mr John Woodhouse LLB B.Juris (Woodhouse Review). Included in the scope of the review was the City's policy and procedure framework, where Mr Woodhouse noted a number of opportunities for improvement.

Generally, Mr Woodhouse noted that while good practices were observed, those practices were not always documented and in some cases proper practices were lacking. He identified at a broad level an opportunity for the City to improve its governance systems and to ensure that all of the City's operations are underpinned by well documented, contemporary systems and processes.

In relation to Council policies specifically, Mr Woodhouse made the following recommendations:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

Mr Woodhouse also made a number of recommendations in relation to Operational Practice and Procedures (OPPs), including the development of a new OPP, setting out guidelines for preparing an OPP and review of all OPPs.

As a result of the above, Officers have developed a new Council policy template, a new template for OPPs, proposed to be called executive practices, and a Corporate Governance Framework intended to guide the review and future development of the City's policies and procedures.

This report presents the proposed Council policy template for adoption, with the Corporate Governance Framework and executive practice template provided for contextual information purposes and the noting of Council; with the Corporate Governance Framework intended to be a living document and further developed over time, and the executive practice being operational in nature.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

Nil

FINANCIAL IMPLICATIONS

Adoption of the Council policy template will not have any direct financial implications. The proposed policy review programme will be resourced internally, noting an additional governance resource has been included as part of the 2018/2019 workforce planning to assist with this and the implementation of the Woodhouse Review recommendations more broadly.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The aim of the Woodhouse Review was to help achieve governance systems that deliver responsible, ethical and accountable decision-making. Similarly the ongoing review of Council policies, as per the Officer Recommendation, also assists with this.

RISK ASSESSMENT

There are no risks associated with the Officer Recommendation identified as being of a medium or greater level.

CONSULTATION

In developing the Council policy template (and the associated Corporate Governance Framework) Officers conducted some desktop research, looking at the Council policies of a range of other local governments including Albany, Belmont, Geraldton, Joondalup, Rockingham and Stirling.

OFFICER COMMENT

Policy making is an important function of local government. Policies guide decision making and therefore affect all those who may be impacted by a decision. The Woodhouse review made three (3) key recommendations in relation to Council Policies, detailed already in the Background section of this report.

Corporate Governance Framework

In response Officers have developed a Corporate Governance Framework (the Framework), its purpose being to provide a governance structure for the development and maintenance of policies, practices, delegations and other corporate documents intended to guide the City's practices and approach to decision making.

The Framework is intended to provide overarching guidance for City staff in the development of policies, practices and procedures and attempts to set out the inter-relationships between the various documents. While it is, at this early stage, seen as a work in progress document, it provides some immediate guidance on key documents such as council policies and executive practices.

Given its evolving nature, Officers feel a framework document which is noted and supported by Council but which can be added to as we mature, is more appropriate than a fixed council policy, as recommended by Mr Woodhouse.

The Framework sets out the purpose of a Council policy and confirms, as per the Woodhouse Review, a Council policy as being a high level strategic document setting out the general approach that Council intends in relation to a particular issue. Importantly the Framework states that, while there will be exceptions, a Council policy should outline the 'what' and should not detail the 'how'.

The 'how' or the more operational detail should instead, in most instances, be set out in executive practices. The purpose and structure of an executive practice is outlined at 4.2 of the Framework; that is to outline a CEO direction and / or outline how a Council directive is to be implemented and apply to the whole or significant components of the organisation.

Below that, the Framework acknowledges the importance of operating procedures, documents that set out detailed internal operating steps, and the existence of guidelines, advisory documents that provide information and assist officers to make informed and well researched decisions.

This report seeks Council's endorsement of the broad structure outlined in the Framework and, most importantly, the form and function of Council policies as generally high level strategic documents.

Council Policy Template

Council policies are currently grouped under three (3) headings:

- Community policies
- Governance and administration policies
- Services policies

The Woodhouse Review found that, with some exceptions, the majority of Council adopted policies have been adopted in the last 3 years. In the case of the majority, the structure is:

- Purpose
- Scope
- Policy Content

Despite the presence of a scope heading the Woodhouse review found that very few of the policies clearly state who they are intended to apply to, and that very little context for the policy is generally given.

In response to these findings a new Council policy template is proposed. The template contains clear headings and guidance notes which will assist in ensuring that Council policies adopt a consistent structure, set out as follows:

- Purpose
- Scope
- Definitions
- Strategic Context
- Policy Statement
- Related Documents
- Responsibility and review information

It will also ensure that there is clarity as to why each Council policy exists and what decision/s they guide. A numbered outline format is proposed so that easy reference can be made to any point or concept in the policy. Council's endorsement of the proposed Council policy template is sought.

Executive Practice Template

Similar to the Council policy template, a new executive practice template has also been developed (Attachment C) to replace the current OPP template. Clearer headings, a numbered outline format and guidance notes should assist with consistency, along with imposing (as per the Framework) some additional oversight by Governance. The structure proposed is as follows:

- Purpose
- Scope
- Enabling policy or strategy (where appropriate)
- Practice Statement (including any necessary procedural elements, process steps / flow charts where appropriate)
- Definitions
- Related Documents
- Responsibility and review information
- CEO approval (electronic)

The name executive practice, as opposed to operational practice and procedure, is designed to signify that these documents are determined and approved by the executive as opposed to the Council, while removing any confusion between this level of document and the next level, being operational procedures. An alternate name could be operational practice, however executive practice was preferred.

Implementation

Subject to adoption it is recommended that all Council policies are reviewed (noting the City's ongoing policy review approach) to determine their fit with the Framework, that is, are they sufficiently strategic in nature or do they contain operational level detail, and their appropriateness, that is, do they still reflect the desired approach of Council.

It is recommended that any which have been reviewed within the last twelve months and are considered current and suitably strategic in nature be automatically translated to the new format, without the need for Council readoption. All others however are to be presented to this Committee over the next twelve months for review, with governance to develop a timetable or schedule of review.

At the same time the CEO will oversee a review of the City's current OPPs, translating them into Executive Practices and / or developing new Executive Practices as required (for instance as a result of the review of Council policies).

CONCLUSION

The Woodhouse Review made a number of important recommendations to improve the City's governance structures. This report and its recommendations are provided in response to the recommendations and findings relating to Part 5 of the report - Policies and Procedures. Adoption of the Officer's Recommendation will enable the City to progress its review of Council policies utilising a consistent, modern template and with a clear direction as to the purpose of a Council policy. It will also enable Officers to continue with confidence the work they have started in the development of a Corporate Governance Framework and in reviewing the current OPPs.

OPTIONS

Council may choose not to adopt the Officer's recommendation and instead seek further changes or development of the Council policy template.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised Council policy template would be effective immediately upon endorsement by Council.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1805/084

Moved Deputy Mayor McCallum, seconded Councillor Tarbotton

That the Council:

1. Adopts the Council policy template as per Attachment A to be used in the development of all new Council policies.
2. Support the form and function of a Council Policy as outlined in the Corporate Governance Framework (presented at Attachment B) and the proposal for review of Council policies as outlined in this report, and specifically authorises the CEO to translate any Council policies that have been reviewed within the last twelve months into the new Council policy template, without referral back to Council.
3. Notes and supports the continued development of a Corporate Governance Framework in a form similar to that presented at Attachment B.

CARRIED 9/0

EN BLOC

12.3 Finance Committee - 19/04/2018 - ASSET MANAGEMENT REPORT**SUBJECT INDEX:**

STRATEGIC OBJECTIVE:	Assets are well maintained and responsibly managed.
BUSINESS UNIT:	Engineering and Facilities Services
ACTIVITY UNIT:	
REPORTING OFFICER:	Asset Coordinator - Daniel Hall
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

This item was considered by the Finance Committee at its meeting on 19 April 2018, the recommendations from which have been included in this report.

PRÉCIS

The Purpose of this report is to provide the finance committee with asset management information relevant to the financial management of the City of Busselton. It will outline what the activities are and how they may or may not impact the financial management of the City. It is not intended as an exhaustive list of all the asset management undertakings for the period, rather a targeted report detailing issues relevant to the Finance Committee.

This report provides an overview of methodology proposed distribution of developer contributions monies to asset renewal projects. It is intended to provide this overview prior to the Council undertaking the 2018/19 Annual budget deliberations.

Asset Management Report

The Asset Management team have recently undertaken an exercise of matching currently held developer contributions monies with potential renewal / upgrade projects. The purpose being to create an avenue by which these funds can be expended to realise their purpose of providing a benefit to the community. A large proportion of these funds have been held by the City for some time. This has occurred for a variety of reasons, however the most common factors being that on its own the amount is too minor to undertake any meaningful renewal works, or the purpose for which it has been collected is no longer relevant or not required to be undertaken. This has led to the situation where large sums of money have built up over time. In order to release these funds for the community benefit a decision needs to be made on how we can best apply these funds. A planned approach to accessing these funds will ensure that they are able to be effectively expended on assets which require renewal.

The contributions referred to above were collected as a requirement of the City's Development Contribution Policy (2010), which is administered under the guidance of the Local Planning Policy Manual. The Local Planning Policy Manual comprises nine local planning policies overall. These are enforced under Local Planning Scheme 21.

The Development Contribution Policy is item six within the Local Planning Policy Manual. It sets out the basis for assigning a contribution amount in instances where a development approval has (or is likely to) increase demand for community infrastructure. The Policy seeks to undertake this in an equitable manner, reflecting the size and nature of the development.

The Development Contribution Policy provides detailed information of the following areas:

- Percentage for Art,
- Mosquito Control Contribution,
- Road, Footpath and Cycle Network Upgrade Contribution; and
- Drainage Infill Contributions.

This report provides detail on planned expenditure of Road, Footpath and Cycle Network Upgrade Contribution and Drainage Infill Contributions.

The Assessment

There is currently a total amount of \$1,890,955 in unspent contributions funds for Road, Footpath and Cycle Network Upgrade Contributions. This is made up of \$1,616,405 in contributions under the old policy and \$274,550 from the new policy.

Old Policy

The individual amounts making up the total under the old Policy, have been broken into three categories based on values as shown in the table below.

Table 1 Contributions by Value

Category (individual CWKS)	Amount	Percentage of Total
Less than \$10,000	\$894,359	55%
\$10,001 – \$20,000	\$190,111	12%
\$20,001 plus	\$531,935	33%
Total	\$1,616,405	100%

As the table demonstrates, the highest percentage is attributed to contributions of less than \$10,000 at 55%. This total of \$894,359 is made up of 588 individual amounts, each with a different intended purpose. This highlights the difficulty that can be faced when trying to allocate this money against an appropriate renewal project matching its very specific purpose. The next highest in terms of overall value is the contributions over \$20,001 (33%), followed by \$10,001– \$20,000 (12%).

In terms of where it is proposed the funds can be spent, this is governed by the localities within the Municipal area. Table 2 below shows the total amounts broken down and summarised by locality.

Table 2 Contributions by Locality

Locality	Amount \$
Abbey	124,097
Acton Park	9,790
Ambergate	36,178
Boallia	1,001
Bovell	1,006
Broadwater	338,520
Busselton	199,779
Carbunup River	24,479
Chapman Hill	5,566
Dunsborough	139,927
Eagle Bay	21,053
Geographe	40,087

Kalgup	5,330
Kaloorup	1,036
Ludlow	1,994
Marybrook	14,725
Metricup	20,922
Quedjinup	13,552
Quindalup	36,184
Sabina River	6,251
Tutunup	4,646
Vasse	47,916
Walsall	2,056
West Busselton	313,371
Wilyabrup	18,072
Wonnerup	4,146
Yallingup	59,056
Yallingup Siding	41,957
Yalyalup	76,719
Yelverton	6,989
Total	1,616,405

The intention when collecting these contributions was to benefit the immediate area in which the development took place. This unfortunately meant that in most instances specific roads and infrastructure in the new development were nominated as the intended target for these monies.

The proposal with the contributions of less than \$10,000 is that they should be applied to infrastructure renewal and upgrades on any project within the geographical locality that they were intended. By doing this, a large proportion of these funds can be expended, and will benefit the local community as intended, if not necessarily on a specific road or pathway.

For contributions greater than \$10,000 more target specific expenditure should be applied, however there are instances where the specified works have already been completed or the specified infrastructure is no longer required or possible, in which case the monies should be applied to the immediate surrounding area.

By following this proposed distribution it will be possible to expend some \$770,250 of these funds on capital road projects in 2018/2019, and a further \$115,200 on projects other than roads, (footpaths and community infrastructure). A further \$565,000 has also been identified as being able to be utilised on projects in the next few years both as direct contribution to specific projects or as the City's required matching contribution to projects funded by other sources, e.g. Regional Roads Group. By doing this the City can generate significant funding for some projects. Members of the Finance Committee have previously been briefed on these proposals.

New Policy

The amounts received under the new policy are to fund Distributor Road Upgrades and Dual Use Path (DUP) and Footpath Upgrades as per the requirements of the Policy. Distributor Roads as defined within the Policy are roads managed by the City that provide a linkage between neighbourhoods and serve larger catchment areas. These roads are shown in Table 3 below.

Table 3 Distributor roads as Defined within the Policy.

Road Name	Locality
Bussell Highway	Busselton
Albert Street	Busselton
Causeway Road	Busselton
Barlee Street	Busselton
West Street	Busselton
Strelley Street	Busselton
Fairway Drive	Broad Water
Cape Nat Road	Dunsborough
Naturaliste Tce	Dunsborough
Layman Road	Geographe

The contributions under the new policy for DUP and footpaths are governed by locality and generally intended to be used for upgrades in older urban areas. This is designed to bring the paths in these older areas up to a modern standard (particularly in path width) to accommodate increased usage generated by development of these areas.

Table 4 provides an overview of the amounts collected within each locality for both roads and paths.

Table 4 Contributions by Locality

	Busselton	Broadwater	Dunsborough	Geographe	Rural	Total
Distributor Road Upgrades	3,140	183,690	4,602	4,193	38,511	234,136
DUP & Footpath Upgrades	15,378	10,152	1,202	13,682	-	40,414
Total	18,518	193,842	5,804	17,875	38,511	274,550

Distribution of Funds

The next stage in the process, following the determination of available funds, categories for expenditure and locality to be expended; was to assess all asset management plan projects within the current planning horizon and determine whether they could be funded / part funded via the contributions.

This was required to be carried out within the locality and asset type parameters as determined at the time the contributions were collected. For example a contribution collected for footpaths within Broadwater would need to be allocated to a footpath project within the locality of Broadwater. It was determined that, where appropriate, funds could be grouped together for one project, however would still need to comply by asset type and locality.

Engineering & Works Services – Regional Road Group/Busselton Traffic Study Funding Update

The following information provides an update of the progress of the works and design services of the various roadworks projects funded via the South West Regional Road Group and the Busselton Traffic Study (Traffic Study). This information forms part of the CEO's KPI's.

Project Name - Strelly Street**Project Budget \$549,859****Financial information**

Job	Budget	YTD Actual	Commitments	Project Balance	Status
S0035 Strelly Street	\$549,859	\$372,568	\$107,070	\$70,220	In progress See detail below

Project Scope

This project is part of the Traffic Study

- Short term- Construction of a direct link from the Busselton Bypass to West Street and essentially the Old Bussell Highway/Albert Street. This is known as the Strelly/ Barlee/West Street Connection which offers alternative access to Busselton Town Centre, the foreshore and the Western portion of the Busselton Township. The first stage involves the relocation of services and possible land resumptions where after the construction of a new roundabout at the intersection of Strelly/Barlee Street will be undertaken.
- Long Term – Construction of Dual carriageway to the above route is envisaged by 2036.

Progress Report**Works in Progress**

The detailed design for the roundabout has been undertaken by an external Contractor and is complete.

The undergrounding of power lines and the installation of street lights at the intersection of Steely/Barlee Street has been completed at the end of 2017.

Relocation of services, water main, and upgrade of existing asbestos cement pipes to polyethylene pipes. These works are now completed.

Relocation of services other services i.e. Telstra and NBN. Two Telstra pits and associated fibre optic needs have also been relocated out of the new road alignment.

Land resumptions – Four (4) parcels of land are required to be able to fit the new reworked (MRWA) roundabout at the intersection of Strelly Street/Barlee Street intersection. City officers have issued legal agreements and are in the process of finalising the purchase of the land. This is a potential risk to the project.

Community consultation - Once the land requirements have been resolved a letter drop will be organised to all the property owners in the Light Industrial Area (LIA) advising them of the works. City officers have met with the directly affected landowners earlier this year to discuss the project and will be dealing with them on a one-on-one basis as part of the way forward to progress the project from design to implementation. Officers are looking at night works to avoid traffic and business related issues.

Construction works - It's anticipated that the works will be commenced with in the 4th quarter of the 2017/18 FY i.e. May 2018 – June 2018 running through to the 2018/2019 FY.

Project Risks

Purchase of Land -This could potentially delay the implementation of the project.

Funding - Construction of the roundabout in the current financial year is dependent on the outcome of the funding remaining after all services have been relocated and the land purchases have been finalised. Note however the City has already secured additional funding via RRG for the 2018/2019 Financial Year, which equates to \$450,000 (\$300,000 from the RRG and \$150,000 from the City). Current outstanding funds will either be spent on the construction works or the purchase of land. No carry over is expected on this project.

Project Name – Layman Road**Project Budget \$672,701*****Financial information***

Job	Budget	YTD Actual	Commitments	Project Balance	Status
S0049 Layman Road	\$672,701	\$531,365	\$1,260	\$140,076	Completed

Project Scope

This project was undertaken over four years and consisted of a full reconstruction, upgrade of drainage, street lighting and minor landscaping. This was from Navigation Way to Ford Road.

Progress Report***Works in Progress***

This project has been completed.

Project Risks

Nil. The Regional Road Group (RRG) have agreed that the project balance can be used on the Strelly Street Project. No carry over expected on this project.

Project Name – Causeway Road**Project Budget \$139,032*****Financial information***

Job	Budget	YTD Actual	Commitments	Project Balance	Status
S0051 Causeway Road	\$139,032	\$75,829	\$68,716	\$-5,514	Ongoing

Project Scope

This project is part of the Traffic Study

- Short Term- Construction of a roundabout on Causeway Road providing access to the new Eastern Link Bridge and Rosemary Drive.
- Short term- Construction of dual lane roundabout at Rosemary Drive, a dual lane roundabout at Strelly Street and dual lanes between Strelly St and Rosemary Drive
- Long Term – Construction of dual carriageway from Busselton Bypass to Peel Terrace, 2036.

Note- Funding Received to date is predominantly for the detailed design of the above works that includes the new roundabout at Rosemary Drive.

Progress Report***Works in Progress***

The majority of this funding is going towards the cost of the detail designs work being undertaken by Calibre as well as the relocation of services such as fibre optic communication cables.

It was recently agreed to add the Strelly Street Roundabout and the dual laning of Causeway road from Rosemary Drive to Causeway Road. This detailed design work will be underway shortly.

This year's funding has been expended and commitments finalised by the end of the financial year (FY)

Project Risks

Note however the City has already secured funding via RRG for the 2018/2019 FY which equates to \$750,000 (\$500,000 from the RRG and \$250,000 from the City).

Funding and costs for the new inclusions requires detailing and programming. Consideration of how the stages of the projects are implemented requires further planning.

Project Name – S0064 Peel Terrace

Project Budget \$1,102,549

Financial information

Job	Budget	YTD Actual	Commitments	Project Balance	Status
S0064 Peel Terrace	\$1,102,549	\$62,331	\$800,822	\$239,395	Ongoing

Project Scope

This project is part of the Traffic Study

- This is for the reconstruction of the section of road along Peel Terrace from Queen Street to Stanley Place, construction of a new roundabout at the intersection of Peel Terrace and Camilleri Street and construction of a new roundabout at the intersection of Peel Terrace and Brown Street. The project includes all design works and service relocations.

Progress Report

Works in Progress

Design Works – the design work on the section of Peel Terrace between Queen Street and Brown Street is currently underway and preliminary design drawings were completed in December 2017; these drawing are predominantly finalised.

These works include the upgrade of the existing road pavement between Queen Street and Stanley Place, as this section of road is in desperate state of repair. A new roundabout at the intersection Peel Terrace, Stanley Place and Cammilleri Street, as well as a new roundabout at Peel Terrace and Brown Street.

Relocation of services - Western Power undergrounding of power along Peel Terrace has been designed to be delivered in two phases. Phase 1 is the undergrounding of power and new street lights on Peel Terrace between Queen Street and Camilleri Street. Phase 2 is the undergrounding of power and new street lighting on Peel Terrace between Camilleri Street and Brown Street.

The designs for these works have been submitted to Western Power in July/August 2017. The City received the quotation for undertaking these works in January 2018, and purchase orders have been raised for Western Power to undertake these works. These works are now under construction.

Relocation of services - Telstra and Optus. Two pits, Telstra and Optus, and the associated fibre optic needs to be relocated out of the new Eastern Link road alignment. The designs are in progress and a quote for these works has been received. These works have now been completed.

Land resumptions - both the two new roundabouts at Peel Terrace/Cammilleri Street and Peel Terrace/Brown Street will be encroaching land that falls outside the existing road reserve. The new roundabout at Cammilleri Street encroaches Reserve 52822 – State WA – Current Purposes – Carpark. The new roundabout at Brown Street encroaches Lot 7 (73 Peel Terrace) of which the owner is City of Busselton.

Environmental approvals are currently underway. The environmental approval for the new Eastern Link Bridge was submitted for approval to Environmental Protection Authority (EPA) in early January. The EPA have determined that the project does not need to be assessed and is currently in an appeals period. The EPBC (Commonwealth) have determined that the eastern link is to be assessed as a controlled action. We are now working on this with our environmental consultants.

In addition to the above, the Council resolved through a Notice of Motion not to proceed with the Eastern Link for a period of 6 months, whilst further consultation on the Traffic Study is undertaken. From a construction point of view this means that the roundabout connecting the Eastern Link/Cammilleri and Peel Terrace cannot proceed, nor the Stanley Road intersection upgrade (as this upgrade is specific to the roundabout noted above). This is because if the Council resolved in the future not to proceed with the Eastern link then the roundabout connecting the Eastern Link/Cammilleri and Peel Terrace would not be required (at this point in time). Instead a modified intersection at Stanley and Peel would be required and the roundabout at Peel and Brown would still be required.

Note that the section of Peel Terrace from Causeway Road to the Western side of Stanley Road is still required to be reconstructed. It is planned to complete these works with the unspent funds by the end of the 2017/2018 FY. These works were originally due to be completed in conjunction with the other works on Peel Terrace to provide an economy of scale, however the above noted delays have prevented this from occurring as originally planned. Therefore this section of road will be constructed separately.

Project Risks

Western Power delays in getting the undergrounding of power completed before mid-April 2018 could potentially delay the road upgrades for the new roundabouts at Peel Terrace /Cammilleri Street and Peel Terrace/Brown Street.

Environmental approvals have delayed the construction of the new Eastern Link Bridge over the Vasse River. (Note comment above)

The Council endorsed NoM has delayed the commencement of the Eastern Link pending further public consultation.

Funding - Construction of the roundabouts and the upgrade of Peel Terrace in the current financial year is dependent on the outcome of the funding remaining after all services have been relocated. Note however the City has already secured funding via RRG for the 2018/2019 FY which equates to \$750,000 (\$500,000 from the RRG and \$250,000 from the City).

Project Name – S0066 Queen Street

Project Budget \$254,412

Financial information

Job	Budget	YTD Actual	Commitments	Project Balance	Status
S0066 Queen Street	\$254,412	\$27,403	\$24,713	\$202,296	Ongoing

Project Scope

This project is part of the Traffic Study.

- Short term- Minor modifications to the road layout and lanes on the section of Queen Street from Peel Terrace and Albert Street. Detailed design and modelling associated with traffic congestion and the improvement of traffic flow into the town centre. Redesign and re-programming of traffic signal sequencing at the intersection of Queen and Albert and West/Albert.
- Long Term- The intersection to be upgraded to accommodate Causeway Road to be a dual carriage way.

Note- Funding received to date is predominantly for the detailed design of the above works.

Progress Report***Works in Progress***

Detailed modelling has been undertaken of numerous options associated with the intersection treatments for this area.

City Officers have narrowed the intersection design of Queen/Albert Street down to a roundabout in lieu of traffic signals. This option will require additional traffic modelling and preliminary designs to establish if this is a viable option. Preliminary concepts are underway for the roundabout that connects Queen and Albert St.

No final design has been determined at this point as priority has been given to the completion of the Eastern Link, Peel Terrace upgrade and the Barlee Street/Strelly Street upgrades, noting that we would expect to complete the detailed design of this area towards the end of the financial year. It is likely that this will not expend all of the current funds allocated to this project and remaining funds may have to be returned to the MRWA RRG or transferred to other RRG projects.

City officers have engaged a specialist consultant to do a detailed assessment of the traffic signal sequencing along all the entire Bussell Highway to establish if there are options to switch over from normal traffic to peak flow traffic. This work has been completed and officers are working with MRWA to re synchronize the traffic lights on Queen/Albert and Albert/West.

Minor road upgrades have been completed, lane upgrades and channelization.

Relocation of Services such as Telstra and Western Power is currently being investigated.

This investigation is still underway working in consultation with MRWA.

Project Risks

A final design of this intersection cannot be completed until further detailed modelling of various options can be finalised. This is in order to develop the most appropriate design that caters for all the associated different factors such as East/West and North/South Access, minimising service relocation, minimising land acquisition, and minimising the use of the reserve, all with the intention of improving traffic flow. This can only be done when other elements of the Traffic Study are finalised. This will be the most complicated and risky part of the overall project and will require the appropriate attention to finalise. Currently City officers are prioritising the Eastern Link works, Peel Terrace works and the Barlee Street/Strelly Street connection.

Remaining funds may be required to be carried over. However the City will request consideration to use these funds on Barlee Street/Strelly Street intersection works, noting that RRG approval will be required for this to occur. Alternatively the funds on completion of design works will have to be returned to the RRG funding pool.

Project Name – Layman Road

Project Budget \$600,000

Financial information

Job	Budget	YTD Actual	Commitments	Project Balance	Status
S0067 Layman Road	\$600,000	\$5,034	\$0	\$594,966	Ongoing

Project Scope

Reconstruction between SLK 3250 and SLK 3620; asphalt overlay between SLK 5010 to 5110 and asphalt overlay with drainage improvements between SLK 6000 to 6500.

Project Scope

Funding has been provided for all elements of Busselton Dunsborough Traffic Implementation Works (Traffic Study) noting that the predominant action for this funding is the construction of the Eastern Link, connecting Causeway Road to Peel Terrace via a bridge from Rosemary Drive/Causeway Road to Peel Terrace (between Stanley Place and Cammilleri Street). This link road will provide East Busselton and Geographe-bound traffic with a more direct route.

Indicative estimated cost \$3.8M (*this project costing excludes potential land acquisition, relocation of services, draining and landscaping*).

Progress Report

Works in Progress

The City has received a grant from the federal bridge renewal program of \$1.25 million towards the construction of the bridge spanning the Vasse River.

The bridge design, roundabout design (Rosemary, Causeway and Eastern Link Connection) and Peel Terrace design is in the detailed design phase and practically complete. Once complete the final design for the works, predominantly for the eastern link bridge and Causeway Road roundabout, will be put out to tender. It is likely that works on the bridge portion of the works will only be able to commence after the winter of 2018, noting that prior to this works on Peel Terrace and on Causeway Road and portions of the Eastern Link can be completed in stages.

In addition to the above, the Council resolved through a Notice of Motion not to proceed with the construction of the Eastern Link for a period of 6 months, whilst further consultation on the Traffic Study is undertaken. From a construction point of view this means that the roundabout connecting the Eastern Link/Cammilleri and Peel Terrace cannot proceed, nor the Stanley Road intersection upgrade (as this upgrade is specific to the roundabout noted above), nor the construction of the Bridge, nor the construction of the Rosemary/Causeway roundabout nor the section of road connecting the Eastern Link Bridge to the Causeway/Rosemary roundabout. These works (other than design works or similar) cannot proceed until further consultation has taken place and a further report presented to the Council.

Environmental approvals are currently underway. The environmental approval for the new Eastern Link Bridge was submitted for approval to Environmental Protection Authority (EPA) in early January. The EPA have determined that the project does not need to be assessed and is currently in an appeals period. The EPBC (Commonwealth) have determined that the eastern link is to be assessed as a controlled action. We are now working on this with our environmental consultants.

City officers finalised in January 2018 negotiations with Guides WA and Scouts WA re relocation of their facilities, which are currently located on the land where the new road works (roundabout) will be located.

Consultation on these works has commenced and meetings have been held with the general public, specific resident and stakeholders during November and December 2017. Full details of the project have also been advertised in the local press, project hand-outs have been developed and are available in the Admin building front desk. Information is also available on the City's External website and the "Council's "Have Your Say" website. Note further consultation is now due to take place.

Project Risks

Full project budget is currently insufficient however the City's Long Term Financial Plan (LTFP) provides a mechanism by which funds can be sourced via reallocation of part of the Waste Levy. Project delayed by EPA approvals.

Current Progress – Narrow Seal Rural Roads

Rural single lane seal roads were first identified as a priority area within the 2013 Roads Asset Management Plan. Along with the adoption of the plan, staff presented a report to the Council on the condition assessment and renewal program for rural single lane seal roads.

The report outlined that a large amount of road improvements were carried out in the 1960s, when State and Federal Government funding was made available to seal lengths of existing gravel roads. A majority of these roads were sealed to a width of 3.7m, which was deemed adequate at the time but no longer conforms to current road width standards.

The result of this work carried out in the 1960's was that the City now has some eighty two kilometers of rural single lane seal roads with an average seal age of twenty one years and nearing the end of its useful life; twenty five years being the predicted average useful life for a seal within the City of Busselton.

The report also noted that maintenance costs on these narrow seal roads were indicatively very high, as both the seal edges and the gravel shoulders wear out more than on full width sealed roads. This is on the basis that the shoulders on the narrow seal roads get exposed to more traffic.

The plan provided detail on the rural single lane seal roads and identified a priority list of roads considered to be the most essential for renewal works within the first ten years of the plan. These priorities were based on location and linkage provided within the overall network, traffic volumes, school bus routes, tourism factors and condition.

The roads listed as priority roads in 2013 were Boallia Road, Hairpin Road, North Jindong Road, Tom Cullity Drive, Puzey Road, Yelverton Road and Wonnerup South Road. Works to Abbeys Farm Road were already in progress and therefore not included in the priority list.

Single lane Seal sections of Yoongarillup, Chapman Hill and Don Road have since been added to this list on the basis of providing network linkage in line with the other priority roads. These were added during the 2015 review.

Table 5 shows the list of priority rural single lane seal roads as it stood in 2015. Some of these roads have since been renewed as outlined in the works completed column of Table 7 below.

Table 5: 2015 Priority Rural Single Lane Seal Roads

Road Name	Priority Sections of Single Lane Seal Km (2015)
Tom Cullity Drive	1.9
Puzey Road	4.5
Yelverton Road	4.7
North Jindong Road	4.4
Yoongarillup Road	3.1
Boallia Road	5.3
Wonnerup South Road	5.0
Hairpin Road	5.1
Chapman Hill Road	1.6
Don Road	1.9
Total Kilometers	37.5

The remainder of the rural single lane seal roads are shown in Table 6. These will also be required to be renewed over time however will be subject to further assessment before this happens. These remaining roads are generally lower traffic roads with less strategic importance than those listed as priority roads. It is anticipated that the works to renew these, whilst including some level of upgrade works, will also include like for like renewal and rationalisation.

Like for like renewal may involve simply replacing the narrow seal with a new narrow seal and rationalisation could mean returning the road back to a gravel (unsealed) surface. The option of returning the road back to gravel would require some level of consultation with affected landowners before it can be undertaken.

It should also be noted here that once the priority roads are completed, the targeted and prioritised renewal of these narrow roads will cease. This will mean that all works to the remainder of the rural single lane seal roads will be assessed and prioritised against all other proposed road renewal projects. An outcome of this may be that these roads are not renewed at the same rate as the priority roads.

Table 6: Remainder of Rural Single Lane Seal Roads

Road Name	Length of Single Lane Seals (km)
Kaloorup Road	3.03
Sugarloaf Road	2.45
Wildberry Road	0.24
Dawson Drive	0.24
Wonnerup East Road	3.73
Capel - Tutunup Road	3.36
Floodgate Road	0.70
Old Vasse Highway	1.25
Marybrook Road	0.95
Chambers Road	0.95
Florence Road	0.11
Blythe Road	1.95
Yalyalup Road	1.98
Henry Road	1.54
Oates Road	0.82
Gale Road	5.57
Willanup Rise	0.30
Princefield Road	5.86
Yallingup Siding Road	0.41
Doyle Road	1.13
Slee Road	0.82
Nuttman Road	2.23
Injidup Spring Road	0.32
Downs Road	1.60
Total Kilometers	41.50

Subsequent works programs since the 2015 review have seen a reduction in the total kilometers of priority narrow seal roads. Table 7 shows the anticipated remaining kilometers at the conclusion of the 2017/2018 Capital works program which will see 4.7km of narrow seal for Yelverton Road renewed.

Table 7: 2019 Priority Rural Single Lane Seal Roads

Road Name	Priority Sections of Single Lane Seal Km (2015)	Works Completed 2015/16 – 2017/18Km	Remaining Kms at Conclusion of 2017/18
Miamup Road	0.45	0.45	0
Tom Cullity Drive	1.9	1.9	0
Puzey Road	4.5	4.5	0
Yelverton Road	4.7	4.7	0
North Jindong Road	3.1	0	3.1
Yoongarillup Road	4.4	0	4.4
Boallia Road	5.3	0	5.3
Wonnerup South Road	5.0	1.10	5.0
Hairpin Road	5.1	0	5.1
Chapman Hill Road	1.6	0	1.6
Don Road	4.9	0	4.9
Total Kilometers	37.5	11.1	26.4

The total 11.1km of reconstruction was undertaken at a total cost of approximately \$3.9M and will leave 26.4km of priority narrow seals remaining. During this period other works have also been undertaken to roads outside of the priority narrow list such as risk reduction works to Capel-Tutenup Road (\$121,000) for the reconstruction of a dangerous and extremely poor condition junction used by school buses, and the reconstruction and widening works to Miamup Road, at a cost of \$220,000. Miamup Road was handed to the City as a donated asset following a review of roads within the LGA boundaries; unfortunately a large section of this was immediately added to the priority single lane rural seals. These works were completed economically by combining them with reconstruction works to the adjoining Tom Cullity Rd.

During this time the City has also upgraded a large section of Carter Road for \$381,000. By sealing this previously unsealed road, the City has improved safety and reduced the whole of life costs to maintain this busy section of road.

The works undertaken to the priority narrow seals have also subsequently reduced the overall distance of narrow seal rural roads. The total will be reduced from eighty two kilometers down to around seventy one kilometers at the conclusion of the 2017/2018 financial year.

Chart 1 Overall Narrow Seal Roads Distance by Condition

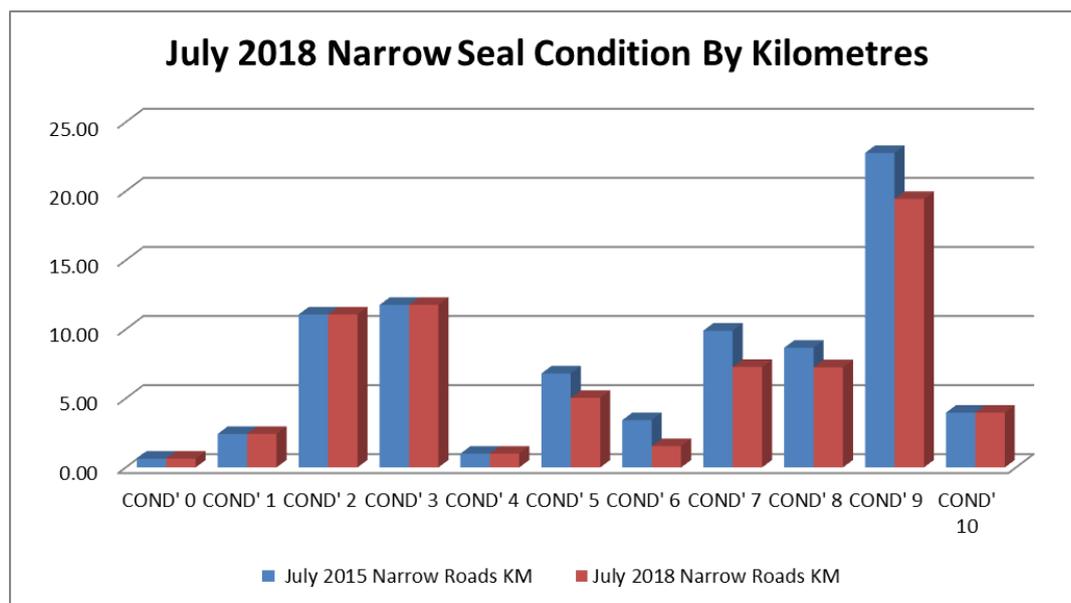


Chart 1 illustrates the spread of condition ratings and how they have reduced over time. As the chart shows, the reductions have occurred from condition five through to condition nine. In the normal course of events you would expect that the reductions would work from condition ten, nine and downwards, essentially reducing the worst condition first.

The scheduling of the works takes into account other factors in addition to condition. These factors include safety issues (mixed width seals, edge condition etc.), traffic (vehicles per day, school bus and heavy traffic routes etc.) and factors for tourism and network linkages. These factors will, from time to time, alter the priority over and above condition; however the end goal of reducing the total kilometers of narrow roads remains the same.

Also as noted above, as the program progresses there will be consideration for some roads to be returned to gravel or renewed in another manner that reflects their current usage or strategic importance.

Table 8 Narrow Roads Changes in Condition Ratings over Time

	COND' 0	COND' 1	COND' 2	COND' 3	COND' 4	COND' 5	COND' 6	COND' 7	COND' 8	COND' 9	COND' 10	Total
July 2015 Narrow Roads KM	0.64	2.43	11.08	11.77	1.00	6.80	3.42	9.90	8.66	22.77	3.967	82.44
July 2018 Narrow Roads KM	0.64	2.43	11.08	11.77	1.00	5.03	1.53	7.27	7.25	19.44	3.965	71.40
	0	0	0	0	0	-1.77	-1.89	-2.63	-1.41	-3.34	-0.002	-11.04
						Decrease						

The largest reduction in condition rating has occurred in condition nine with 3.34km being renewed. The second highest was condition seven at 2.63km. The other reductions were spread amongst conditions eight, six and five.

Indicative delivery of the projects are as follows:

				2018/19 Forecast	2019/20 Forecast	2020/21 Forecast	2021/22 Forecast	2022/23 Forecast	2023/24 Forecast	2024/25 Forecast	2025/26 Forecast	2026/27 Forecast
36. Asset Management Plan - Roads Construction (Muni and Reserve)				3,290,000	3,402,000	3,518,800	3,640,000	3,870,000	3,910,000	3,955,000	4,000,000	4,120,000
		Annual resheets unsealed roads and shouldering		450,000	460,000	460,000	470,000	470,000	480,000	480,000	500,000	500,000
		Yoongarillup Rd (rural widening)		800,000	800,000	800,000						
		Sugarloaf rd (upgrade reconstruct)		700,000								
		North Jindong (rural widening)						780,000	800,000			
		Capel Tutenup (rural widening)				800,000	500,000					
		Wonnerup South Rd (rural widening)								800,000	800,000	500,000
		Boallia Rd (rural widening)							1,000,000	800,000		
		Hairpin Rd (rural widening)					750,000	750,000				

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1805/085

Moved Deputy Mayor McCallum, seconded Councillor Tarbotton

That the Council note the Asset management report and update for March 2018 and endorse the methodology and progress with respect to the use of Contributions as contained within this report for inclusion in the 2018/2019 Draft Budget

CARRIED 9/0

EN BLOC

12.5 Finance Committee - 19/04/2018 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 MARCH 2018

SUBJECT INDEX:	Budget Planning and Reporting
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Financial Services
REPORTING OFFICER:	Manager Financial Services - Kim Dolzadelli
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Statement of Financial Activity - Period Ended 31 March 2018⇒ Attachment B Investment Report - Period Ended 31 March 2018⇒

This item was considered by the Finance Committee at its meeting on 19 April 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 March 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:

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

NA.

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 March 2018

The Statement of Financial Activity for the period ending 31 March 2018 shows a better than expected Net Current Position (Surplus) of \$8.35M being \$17.4M 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
	\$	\$	\$	%	\$
Revenue from Ordinary Activities	62,864,124	62,128,830	66,421,049	1.18%	735,294
Expenses from Ordinary Activities	(49,424,580)	(51,918,076)	(68,674,825)	4.80%	2,493,496
Non-Operating Grants, Subsidies and Contributions	9,451,695	19,540,764	43,655,339	-51.63%	(10,089,069)
Profit on Asset Disposals	48,793	16,100	22,400	203.06%	32,693
Loss on Asset Disposals	(492,393)	(5,250)	(6,252)	-9278.91%	(487,143)

Capital Revenue & (Expenditure)					
Land & Buildings	(3,701,898)	(13,822,643)	(16,636,693)	73.22%	10,120,745
Plant & Equipment	(1,432,843)	(3,851,528)	(4,279,400)	62.80%	2,418,685
Furniture & Equipment	(398,844)	(726,969)	(830,212)	45.14%	328,125
Infrastructure	(31,587,045)	(43,014,256)	(60,684,321)	26.57%	11,427,211
Proceeds from Sale of Assets	297,911	612,850	635,150	-51.39%	(314,939)
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	(2,325,563)	(462,501)	(625,751)	-402.82%	(1,863,062)
Transfer from Restricted Assets	16,685,068	11,354,556	27,808,739	46.95%	5,330,512
Transfer to Reserves	(10,370,591)	(12,466,040)	(16,285,572)	16.81%	2,095,449
Transfer from Reserves	4,185,307	1,146,659	19,921,964	265.00%	3,038,648

Operating Revenue:

Revenue from ordinary activities is \$735K 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
	\$	\$	\$	%	\$
Revenue from Ordinary Activities					
Other Revenue	401,078	301,664	426,167	32.96%	99,414
Interest Earnings	1,972,595	1,697,247	2,262,996	16.22%	275,348

The items predominately impacting the above "Other Revenue" performance is Sale of Scrap Materials \$81K.

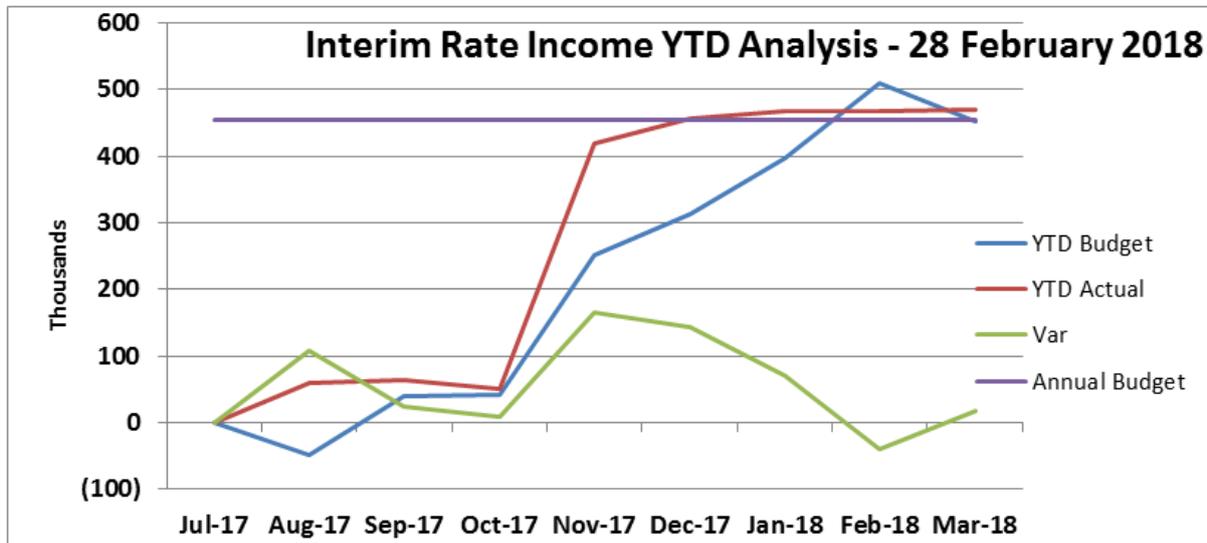
Interest earnings on Reserves and Restricted funds are currently ahead of YTD Budget in the amount of \$315k with \$103k in Rate Instalment and Late Payment interest currently ahead of YTD Budget, Rate Instalment interest is a timing difference only and it is also expect that Interest earnings on Reserves 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.

Interest on Municipal Funds are behind YTD Budget by the amount of \$143k and it is expected that this variation will become a permanent variation; this will however be offset with other positive Revenue outcomes.

The Officer notes that the above positive performance of "Other Revenue" and "Interest Earnings" is added to by a positive collective performance of \$360k for Rates, Operating Grants and Subsidies, and Fees and Charges; these items fall below the Material Variance reporting thresholds. These variations are considered to be that of a timing difference with the exception of Rate Revenue which is expected to be a permanent variation.

Interim Rates:

Officers continue to monitor Interim Rating Income levels and present the following information noting that the YTD Budget has already been achieved;



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
	\$	\$	\$	%	\$
Expenses from Ordinary Activities					
Materials & Contracts	(10,704,547)	(12,518,872)	(16,914,999)	14.49%	1,814,325
Allocations	1,229,185	1,394,699	1,996,270	11.87%	(165,514)

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
Finance and Corporate Services		
10250	Information & Communication Technology Services	● (58,082)
10251	Business Systems	● 163,007
Subtotal		● 104,925
Community and Commercial Services		
10591	Geographe Leisure Centre	● 68,219
10600	Busselton Jetty Tourist Park	● 63,424
10635	Regional Centres Program	● 80,000
10900	Cultural Planning	● 32,534
11151	Airport Operations	● (52,373)
Subtotal		● 191,805
Planning and Development Services		
10820	Strategic Planning	● 135,027
10830	Environmental Management Administration	● 80,500
10850	Implement Management Plans Other	● 25,870
10922	Preventative Services - Mosquitoes	● 26,856
10925	Preventative Services - CLAG	● 63,996
11170	Meelup Regional Park	● 63,211
Subtotal		● 395,461

Cost Code	Cost Code Description / GL Activity	YTD Variance
Engineering and Works Services		
11101	Engineering Services Administration	● 103,332
11106	Street Lighting Installations	● 83,526
11108	Rural Intersection (Lighting) Compliance	● 33,750
11160	Busselton Jetty	● 414,796
11300	Sanitation Waste Services Administration	● 33,327
12602	Foreshore and CBD Maintenance	● (41,663)
A6004	Pedestrian Bridge (Port Geographe)	● 67,500
A9999	Miscellaneous Bridge Maintenance	● 96,460
B1000	Administration Building- 2-16 Southern Drive	● (50,455)
B1113	Community Resource Centre	● 25,678
B1514	Asbestos Removal & Replacement	● 56,250
C8500	Cycleways Maintenance Busselton	● (28,120)
G0010	Domestic Recycling Collections	● 132,784
G0030	Busselton Transfer Station	● 65,112
G0031	Dunsborough Waste Facility	● 30,848
G0032	Rubbish Sites Development	● 70,867
G0033	Green Waste	● 36,562
G0042	BTS External Restoration Works	● 103,241
M9983	Road Clearing Offset Implementation	● 27,180
M9995	Roller & Grader Hire	● (33,211)
M9996	Roads Sundry Overhead/Consumables	● (114,498)
M9998	Street Side Spraying Urban Areas	● (39,188)
M9999	Road Maintenance Bal Of Budget	● 301,190
R0004	Bsn Foreshore Precinct (not including Skate Park)	● (121,280)
R0008	Dunn Bay Road-Surrounds	● (27,331)
R0017	Yallingup-Surrounds	● (27,707)
R0269	Seymour Park (Dunn Bay/Lorna St Pos)	● (29,660)
R0700	Dunsborough Oval and Skate Park	● (45,388)
R0850	Streetscape Medians & Trees (Kealy)	● (38,344)
R2001	Tree Planting - Urban Verges / Policy NOM.No. 05/06: 24	● (25,616)
Subtotal		● 1,059,940
5280	Transport - Fleet Management	● 135,207
Total		● 1,887,338

Allocations:

Allocations are running \$165k 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 \$10.9M 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 \$9.98M; this is a timing difference in nature and effectively Municipal Funds are currently being utilised to offset the level of current expenditure for this project.

Capital Expenditure

As at 31 March 2018, there is a variance of -39.56% or -\$24.3M in total capital expenditure with YTD Actual at -\$37.12M against a YTD Budget of -\$61.41M; 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 \$
Land		
Property Services Administration	●	(50,000)
Parking Control	●	(1,525,000)
Airport Development	●	38,114
Dunsborough - Commonage Road Oval	●	(1,600,000)
Major Project - Administration Building		
Civic and Administration Centre Construction	●	(79,629)
Buildings (Other)		
Ambergate Bushfire Brigade Shed	●	(92,484)
Aged Housing Capital Improvements - Winderlup Court (City)	●	(29,997)
GLC - Pool Relining	●	(207,262)
GLC - Plant Room	●	(81,714)
Performing Arts Convention Centre	●	(75,000)
Vasse Community Recreation Precinct	●	27,284
Airport Terminal Stage 2	●	(6,300,501)
Bsn Jetty Tourist Park Home	●	(143,503)
Plant & Equipment		
Community & Commercial Services Support	●	(50,000)
Property Services Administration	●	(35,000)
Transport - Workshop	●	(43,278)
Plant Purchases (P10)	●	(1,114,944)
Plant Purchases (P11)	●	(63,241)
Plant Purchases (P12)	●	(1,181,497)
	●	0
Furniture & Office Equipment	●	0
Information & Communication Technology Services	●	26,596
Business Systems	●	(118,668)
Geographe Leisure Centre	●	(25,736)
Administration Building- 2-16 Southern Drive	●	(83,250)
YCAB (Youth Precinct Foreshore)	●	(35,091)
	●	0
Major Project - Busselton Foreshore	●	0
Busselton Foreshore - Stage 3	●	532,743
Busselton Tennis Club - Infrastructure	●	(1,739,356)
Busselton Foreshore Stage 3: Toddler's Playground	●	(85,764)
Busselton Foreshore Jetty Precinct	●	(615,147)

Description	2017/18 Budget YTD Variance \$
Major Project - Administration Building	
Administration Building Carpark	● (100,995)
Footpaths Construction	
Bussell Highway Footpath Sections	● (292,365)
Milward Street – Ford Road to Cookworthy Street	● (41,229)
Armitage Drive Footpath - Navigation Way to Avocet Boulevard	● (33,759)
Drainage Construction - Street	
Vasse Highway Drainage Works	● 18,093
Chain Avenue - Drainage Works	● (40,652)
Johnston Avenue Drainage Upgrade - Stage 2	● (87,240)
Car Parking Construction	
Meelup Coastal Nodes - Carpark upgrade	● (39,085)
Bridges Construction	
Queen Street Bridge 0240A	● 72,000
Cycleways Construction	
Busselton Bypass - Country Road Footpath	● (160,612)
College Avenue Shared Path	● (113,652)
Townscape Construction	
Queen Street Upgrade - Duchess to Kent Street	● (91,447)
Dunsborough Road Access Improvements Stage 1	● (430,846)
Boat Ramps Construction	
Port Geographe Boat Trailer Parking Layout Redevelopment	● (93,064)
Beach Restoration	
Sand Re-Nourishment	● 32,609
Parks, Gardens & Reserves	
Rails to Trails	● (102,094)
Elijah Circle POS	● (29,963)
Vasse Community & Recreation Precinct - AFL Oval Stage 1	● (33,452)
Churchill Park	● (32,138)
Dunsborough Town Centre	● (66,563)
Administration Building Landscaping Works	● 207,714
Port Geographe - Layman Road Native Tree Planting	● (26,162)
Port Geographe - Burgee Cove (Western Side of Bridge)	● (70,887)
Port Geographe - Reticulated POS at Layman Rd R/About	● (186,916)
Port Geographe - Reticulation Upgrade Scheme to Bore Water	● (251,679)
Foreshore - Irrigation Renewal	● (45,220)
Vasse River Foreshore - Bridge to Bridge project Stage 1	● (53,943)
Advanced Bore Monitoring Equipment	● (74,997)
Vasse Newtown - AFL Oval Stage 2	● 36,418

Description	2017/18 Budget	YTD Variance \$
Sanitation Infrastructure		
New Cell Development	●	(414,508)
Transfer Station Development	●	(27,784)
Site Rehabilitation - Busselton	●	(522,674)
Airport Development		
Airport Construction Stage 2, Landside Civils & Services Inf	●	(3,989,627)
Airport Construction Stage 2, Noise Management Plan	●	(262,062)
Airport Construction Stage 2, Airfield	●	2,782,450
Airport Construction Stage 2, External Services	●	(1,793,233)
Airport Construction Stage 1B, Jet Fuel	●	(461,250)
Airport Development - Project Expenses	●	(239,969)
Main Roads		
Strelly Street	●	(42,748)
Layman Road	●	35,206
Causeway Road	●	(28,444)
Peel Terrace	●	(769,798)
Queen Street	●	(154,133)
Layman Road - Reconstruction Between 3250 and 6190	●	(264,754)
Georgiana Molloy Bus Bay Facilities	●	(199,610)
Koorabin Drive - Reseal	●	(180,723)
Roads to Recovery		
Patton Terrace - Asphalt Overlay	●	(117,161)
Craig Street - Asphalt Overlay	●	77,408
Yelverton Road- Rural reconstruction & widening	●	73,157
Council Roads Initiative		
Marine Terrace	●	(305,632)
Yelverton Road	●	(287,829)
Edwards Road	●	(114,920)
Signage (Alternate CBD Entry)	●	(42,605)
Valley Road	●	(35,127)
Greenfield Road (Loop) - One way layout	●	(41,007)

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

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 March 2018, the value of the City's invested funds totalled \$79.87M, down from \$82.99M as at 28th February. The majority of the decrease is attributed to the use of funds on the Airport Redevelopment Project.

During the month of March five term deposits held with two different institutions totalling \$15.5M matured. All were renewed for a further 110 days at 2.60% (on average).

A fixed term deposit, in the amount of \$6.24M; held with the WA Treasury Corp, being Airport Redevelopment Project funds; matured. An amount of \$2.03M was transferred to the WATC cash account so as to have the funds available for drawdown when the next milestone is achieved. An amount of \$4.21M was renewed for a further 306 days at 2.07%.

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) remained steady. The balance of the Airport Development ANZ cash account decreased by \$3.14M, with funds being drawn down to meet ongoing expenditure.

The RBA left official rates on hold during March and April. Future movements remain uncertain at this point.

Chief Executive Officer – Corporate Credit Card

Details of monthly (February - March) 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.

Date	Amount	Payee	Description
27-Feb-18	-\$153.00	City Of Albany Visitor Centre	Accom: Albany Exchange (Refund)
01-Mar-18	\$795.00	Aust Inst Company Directors	* Membership CEO
02-Mar-18	\$146.00	Equinox Café	Superfoiler Executive Dinner
06-Mar-18	\$82.90	Sarah's Flowers	Flowers - Get Well Terry Best
08-Mar-18	-\$194.00	City Of Albany Visitor Centre	Accom: Albany Exchange (Refund)
08-Mar-18	-\$194.00	City Of Albany Visitor Centre	Accom: Albany Exchange (Refund)
11-Mar-18	\$362.68	Mantra On Hay	Accomm: Airport Meeting
13-Mar-18	\$102.70	Crown Atrium Buffet	Dinner & Drinks - Airport Meeting
13-Mar-18	\$25.00	Mantra On Hay	Parking - Airport Meeting
13-Mar-18	\$14.99	Mantra On Hay	Dinner Drink- Airport Meeting
13-Mar-18	\$19.30	Velvet Espresso, Perth	Lunch - Airport Meeting

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

+ Allocated against CEO Hospitality Expenses Allowance

CONCLUSION

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

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1805/086

Moved Deputy Mayor McCallum, seconded Councillor Tarbotton

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

CARRIED 9/0

EN BLOC

13.1 AMENDMENT 34 TO LOCAL PLANNING SCHEME 21 & DRAFT STRUCTURE PLAN - LOT 34 SHEOAK DRIVE, YALLINGUP - CONSIDERATION FOR FINAL APPROVAL

SUBJECT INDEX:	Town Planning Schemes and Amendments
STRATEGIC OBJECTIVE:	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Strategic Planning and Development
REPORTING OFFICER:	Principal Strategic Planner - Louise Koroveshi
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan⇒ Attachment B Aerial Photograph⇒ Attachment C Zoning Map⇒ Attachment D Proposed Structure Plan⇒ Attachment E Bushfire Attack Level Assessment⇒ Attachment F Commonage Policy Area Consolidated Structure Plan⇒ Attachment G Schedule of Submissions⇒

PRÉCIS

The Council is requested to consider adopting for final approval draft Amendment 34 to *Local Planning Scheme 21* (LPS21). The Amendment seeks to delete 'Additional Use 39' from Schedule 2 – 'Additional Uses' of LPS21 which currently applies to Lot 34 Sheoak Drive, Yallingup. The Amendment is accompanied by a draft Structure Plan that proposes the subdivision of the subject land into nine rural residential lots.

Amendment 34 was adopted for public consultation by the Council on 13 December 2017. Advertising of the Amendment resulted in three government agency submissions and 13 public submissions. A common element of the majority of the public submissions related to the recreational use of the dam within the subject land. After consideration of the submissions received, officers are of the view that none of the matters raised are substantial enough to warrant changes to the Amendment or the Structure Plan as proposed.

Officers are recommending that the Council adopts Amendment 34 and the Structure Plan for final approval and referral to the Western Australian Planning Commission/Minister for Planning for final approval.

BACKGROUND

The proposal comprises a Scheme Amendment and a related Structure Plan for Lot 34 Sheoak Drive, Yallingup.

The 15 hectare property is zoned 'Rural Residential' and is located in a 'Landscape Value Area' under LPS21. Lot 34 also has Additional Uses pursuant to Schedule 2 of LPS21 for a range of tourist, recreational, community and commercial uses.

The property is located approximately 5km south west of the Dunsborough Town Centre, within the Commonage rural residential area (Attachment A). The subject land was created via the subdivision of the original landholding approximately 20 years ago (Location 4207 McLachlan Road) which created 75 rural residential lots of varying sizes, including a number of rural production lots. Lot 34 was identified, at that time, for tourist development and a rural service/community centre and fire station.

The subject land is bound by Sheoak Drive to the west, Sonning Loop to the north, the McLachlan Road reserve to the east and a rural residential lot to the south. Lot 34 is vacant and mostly cleared, apart from an area of remnant vegetation in the northern portion of the property. A large dam is located in the western portion of the subject land (Attachment B). The surrounding land has been subdivided and developed for rural residential purposes.

Each component of the proposal is outlined below under appropriate subheadings.

Scheme Amendment

Amendment 34 would amend Schedule 2 – ‘Additional Uses’ by removing ‘Additional Use 39’. The permissible uses are: Community Centre; Child Care Centre; Recreation Facility; Art & Craft Studio; Rural Holiday Resort; Private Recreation; Licensed Restaurant; Reception Centre; and Shop having a gross leasable area of 150m².

Existing and proposed zoning maps are provided at Attachment C.

Structure Plan

The Structure Plan would change the planning framework for the land and facilitate future subdivision and development (Attachment D). The key elements of the proposal are –

- nine rural residential lots ranging in size from 0.9ha to 4.4ha;
- a new road that would connect Kinross Loop (which currently terminates to the east of the subject land) with Sheoak Drive;
- connectivity between Sonning Loop and the proposed Kinross Loop ‘extension’ via a pedestrian access way for emergency purposes and a cul-de-sac;
- proposed Lots 1, 3 and 4 have developable areas that would not adversely impact on remnant vegetation; and
- retention of the dam within the largest lot.

The following information has been provided to support the proposal:

- i. Bushfire Management Plan;
- ii. Environmental Assessment;
- iii. Site and Soil Evaluation for On-Site Effluent Disposal; and
- iv. Engineering Services Assessment.

Bushfire Management Plan

The subject land is designated bushfire prone on the State Map of Bushfire Prone Areas. In response a Bushfire Management Plan (BMP) has been prepared for the subject land, by a suitably qualified fire consultant, in accordance with the WAPC *State Planning Policy 3.7 – Planning in Bushfire Prone Areas 2015/Guidelines for Planning in Bushfire Prone Areas 2017*.

The key findings of the BMP are summarised as follows -

- i. Pre-development vegetation is assessed ‘Class B – Woodland’ in the northern corner of the subject land and ‘Class G – Grassland’ for the remainder of the property, excluding the dam.
- ii. The topography has an approximate grade of 10% upslope of the dam to the northeast corner of the land and approximately 3% elsewhere. Gradients are classified as ‘very gently inclined’ to ‘gently inclined’.

- iii. The bushfire hazard level assessment, based on slope and vegetation types, classifies the land as having a 'Low' (the grassland area) to 'Moderate' (the woodland area) bushfire hazard level.
- iv. The BMP Bushfire Attack Level (BAL) assessment finds that future residential development will be located in areas having a moderate bushfire hazard level at BAL-29 or lower (Attachment E). This meets the performance principle of "Element 1: Location of Development" of the Guidelines.
- v. Each proposed lot can accommodate an Asset Protection Zone that does not exceed BAL-29. This meets the acceptable solution A2.1 of "Element 2: Siting and Design of Development" of the Guidelines.
- vi. Sheoak Drive is a constructed road that provides connection to Biddle Road to the north and Marrinup Drive to the south. The structure plan proposes the delivery of a new road that will connect Kinross Loop to Sheoak Drive. Kinross Loop currently terminates to the east of the subject land. Three alternative access routes would be available for public, private and emergency vehicles once subdivision occurs and this meets the acceptable solution A3.1: Two Access Routes of "Element 3: Vehicle Access" of the Guidelines.
- vii. The proposed cul-de-sac meets acceptable solution A3.3: Cul-de-sac of "Element 3: Vehicle Access" (maximum length 600m and servicing no more than 8 lots) of the Guidelines and will be required to be constructed to standards set out in the Guidelines.
- viii. A proposed pedestrian access way meets acceptable solution A3.6: Emergency Access Way of "Element 3: Vehicular Access" (maximum length 600m and will provide connectivity between the cul-de-sac and Sonning Loop) of the Guidelines and will be required to be constructed to the standards set out in the Guidelines.
- ix. The BMP states that future landowners will be required to provide their own water supply for potable use and emergency firefighting to the standards set out by acceptable solution A4.2: Non-Reticulated Areas of "Element 4: Water" of the Guidelines.

Environmental Assessment

The key findings of the environmental assessment are summarised below –

- *Acid sulfate soils* – The majority of the site is mapped 'low' to 'moderate' risk with the northern portion of the subject land having no risk.
- *Flora and vegetation survey* – The remnant vegetation in the northern portion of the subject land belongs to the Cowaramup Cd Complex (Marri, Jarrah and Banksia woodland) of which 58% of the pre-European extent remains. The vegetation is in 'Good' to 'Very Good' condition. No vegetation of conservation significance occurs on the property.
- *Fauna survey* – It is unlikely that the remnant vegetation on the subject land supports a diverse faunal assemblage or provides habitat critical to conservation significant fauna.

Site and Soil Evaluation for On-Site Effluent Disposal

The soils on the subject land were found to be well drained with a high phosphorous retention index making the subject land suitable for on-site effluent disposal without the need for soil amendment.

Engineering Services Assessment

This assessment finds that the subject land can be serviced with power and communications infrastructure from existing nearby networks.

Commonage Community and Fire Facility

Some years ago the City made an agreement with a number of developers in the Commonage area to allow a higher density of subdivision. This was on the basis of delivering a community benefit and resulted in agreements directly with landowners/developers in the 'South Biddle Road Precinct' for an additional per lot development contribution over and above the Commonage Implementation Policy Contribution (noting that the policy has since been superseded by the Developer Contribution Area requirements outlined in Local Planning Scheme 21). The contributions collected through that process were to fund the development of basic community facilities in the Commonage/South Biddle area. The City currently holds approximately \$959,347 in contributions from the South Biddle Road Precinct.

At the time of the agreements it was broadly intended that the community facilities would be developed on Lot 34 Sheoak Drive (identified as a 'Rural Service/Community Centre & Fire Station' on the Commonage Policy Area Consolidated Structure Plan – refer to Attachment F). Since that time it has now become apparent that such an extensive community hall would not be appropriate for the community in the Commonage as it would most likely be under-utilised.

The Yallingup Rural Volunteer Bushfire Brigade (VBFB) area includes the Commonage, Injidup and a large portion of the viticulture/tourism area of the City. The location of the VBFB main station is relatively distant from the more populated areas, with some fire appliances housed at a different location. Accessibility to the station/firefighting appliances and response times in some emergency situations has been less than ideal as a result, and it has become apparent that the VBFB may in future benefit from a new station to give better protection to the community, as well as housing firefighting appliances and providing a training centre at a more central location.

The City has previously considered a proposal to accommodate a community and firefighting/training facility on Lot 201 Balmoral Drive, Quindalup (refer to Attachment F). At that time, officers undertook a comparative assessment of the suitability of both sites for that purpose and found Lot 201 Balmoral Drive to be the more practical option. Lot 34 Sheoak Drive is relatively isolated from significant roads by windy local roads and would result in slower response times during emergency situations. Site topography is undulating, cleared of vegetation and highly visible, and such a facility would be therefore likely to generate a perceived negative impact on the amenity of the immediate area.

Lot 201 Balmoral Drive has faster accessibility to the broader road network, better site conditions (flat and screened by established non-native vegetation) and less potential impacts on the surrounding community. The site already accommodates commercial activities (Bakery), with the planning framework allowing for the further development of complementary low-key commercial, community and tourist land uses. The location of a community and firefighting/training facility would consolidate this site as a community hub for the Commonage area.

In light of the above, Amendment 11 to LPS21 (and an associated structure plan) was adopted for final approval by the Council on 10 February 2017 and is pending final approval from the WAPC/Minister for Planning. The Amendment would facilitate the creation of a 'Public Purposes' reserve for the future development of a community and firefighting/training facility for the Commonage area on Lot 201 Balmoral Drive, as well as the acquisition of the proposed reserve by the City for the potential development of such a facility, subject to the terms and conditions of an executed Contract of Sale between the City and the landowner.

STATUTORY ENVIRONMENT

The key elements of the statutory environment with respect to this proposal are set out in the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015* and the relevant objectives, policies and provisions of the *City of Busselton Local Planning Scheme No. 21*. Each is discussed below under appropriate subheadings.

Planning and Development Act 2005

The *Planning and Development Act 2005* outlines the relevant considerations when preparing and amending local planning schemes. The relevant provisions of the Act have been taken into account in preparing and processing this Amendment.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015*, which came into operational effect on 19 October 2015, identifies three different levels of amendments – basic, standard and complex. The resolution of the local government is to specify the level of the amendment and provide an explanation justifying this choice. This Amendment is considered to be a ‘standard’ amendment.

The Regulations provide separate processes for the approval of Scheme amendments and structure plans, adherence to which would advance the draft Structure Plan ahead of the Amendment. However as the Structure Plan is reliant upon the change in zoning proposed in the Amendment and the nature of the proposal supports their assessment in parallel, the Structure Plan and Amendment are being progressed concurrently. Progression of the draft Structure Plan will therefore assume the process and timeframes associated with the Amendment.

Local Planning Scheme No. 21

The property is zoned ‘Rural Residential’ and is located within a ‘Landscape Value Area’ under LPS21. The Landscape Value Area requires development to be compatible with the maintenance and enhancement of the existing rural and scenic character of the locality.

The proposal is considered to be consistent with the relevant provisions relating to the zoning of the subject land under LPS21.

RELEVANT PLANS AND POLICIES

The key policies relevant to the proposal are:

- I. *State Planning Policy 3.7: Planning for Bushfire Management and Guidelines for Planning in Bushfire Prone Areas 2017*;
- II. *State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy*;
- III. *Draft City of Busselton Local Planning Strategy*; and
- IV. *Commonage Policy Area Consolidated Structure Plan*.

Each is addressed below under appropriate subheadings.

State Planning Policy 3.7: Planning for Bushfire Management and Guidelines for Planning in Bushfire Prone Areas 2017

SPP 3.7 directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the State Map of Bush Fire Prone Areas. The accompanying *Guidelines for Planning in Bushfire Prone Areas* provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7, providing advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

The key elements of the Guidelines relevant to the proposal are:

- Element 1: Location of Development;
- Element 2: Siting and Design of Development;
- Element 3: Vehicle Access.

The intent of Element 1 is to ensure that the subdivision, development or land use is located in areas with the least possible risk from bushfire, to help minimise risk to people, property and infrastructure.

Element 2 intends to ensure that the siting of development minimises the level of bushfire impact. The fire management plan provided in support of the proposal suggests that bush fire risk to rural residential development can be managed to an acceptable level.

The intent of Element 3 is to ensure that residents and the community, as well as emergency services, have safe access and egress from both the subdivision and individual houses/development.

The BMP finds that the subject land is suitable for subdivision and development consistent with SPP 3.7 and the associated Guidelines.

State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy

State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy (LNRSP) designates the area as 'Rural Residential' and it is referred to as 'Commonage'. The document acknowledges that the area has environmental features worth preserving as well as acknowledging that the area is zoned and identified for Rural Residential development.

Draft City of Busselton Local Planning Strategy

The draft LPS sets the long term broad planning direction for the whole of the District of the City of Busselton and provides the strategic rationale for decisions related to the progressive review and amendment of LPS21.

The draft LPS identifies the subject land as 'Rural Residential' and part of the broader 'Commonage' rural residential area. A relevant strategy of the draft LPS is to support and pro-actively plan to identify suitable areas for re-subdivision/consolidation of existing rural residential development in the Commonage and Dunbarton rural residential areas.

The draft LPS was adopted for final approval by the Council in September 2016 and is currently pending endorsement by the WAPC.

Commonage Policy Area Consolidated Structure Plan

The Commonage Policy Area Consolidated Structure Plan (CPACSP) provides the basis for subdivision in the Commonage area and specifies the minimum and average lot sizes for each of the precincts identified thereon. The subject land is located within 'Cluster Precinct 6' and the CPACSP sets out an average lot size of 2ha. The CPACSP however, allows consideration of more intensive development patterns within this precinct with lot sizes ranging upwards from 5,000m² and scope to consider smaller lot sizes in certain circumstances.

The subject land is designated as a proposed tourist site and a location for a 'Rural Service/Community and Fire Station'.

FINANCIAL IMPLICATIONS

There are not considered to be any long term financial implications for the City arising from the proposal.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The Officer Recommendation is consistent with Key Goal Area 2.1 of the *City of Busselton Strategic Community Plan 2017*, which is - '*planning strategies that foster the development of neighbourhoods that meet our needs as we grow*'.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The implementation of the Officer Recommendation will involve adopting the Amendment and the related Structure Plan for final approval and referral to the Western Australian Planning Commission and Minister for Planning for final approval. In this regard, there are no significant risks identified.

CONSULTATION

The Amendment was advertised for 42 days ending 13 April 2018. Three government agency submissions and 13 public submissions were received. A Schedule of Submissions is provided at Attachment G.

The main matters raised in the public submissions are summarised below –

1. The dam has, and continues to be, used by locals and visitors for a range of recreational pursuits and will be lost as a recreational asset as a result of the Amendment and Structure Plan.
2. Impact on privacy and amenity as the subject land is largely cleared.
3. Access to the dam/standpipe for firefighting purposes should be retained.

With respect to point 1 - a common element of 12 of the public submissions related to the use of the dam within the subject land by locals and visitors for a range of water and land-based recreational activities and the perceived loss of that amenity should the Amendment and the Structure Plan be adopted as proposed.

In considering the nature of the submissions, it is important to note that the dam and its surrounds are not actually in the public realm. Lot 34 and the dam it contains is private land, and from a significant public liability perspective for the landowner, members of the public (other than the local fire brigade) should not be entering the property and using the dam or its surrounds for any purpose.

With respect to point 2 - the prospective development outcome of nine rural residential lots would be commensurate with surrounding land uses, less intensive than the development of the subject land for the range of additional uses potentially possible under LPS21 and would most likely have a reduced overall impact on the privacy and amenity of the immediate locality.

With respect to point 3 - as has occurred elsewhere within the broader Commonage area, firefighting resources such as water supplied by dams and associated infrastructure have been placed within easements (normally in favour of the City of Busselton) on lot titles, to ensure continuation of access in perpetuity, and created at the subdivision stage of the planning process. It is envisaged that the same would occur for this situation.

After consideration of the submissions received, officers are of the view that the matters raised are not substantial enough to warrant recommending changes to the Amendment or the Structure Plan as proposed.

OFFICER COMMENT

Amendment 34 and the related Structure Plan would remove 'Additional Use 39' for Lot 34 Sheoak Drive, Yallingup and facilitate the future subdivision of the land for conventional rural residential development. The landowner has approached the City regarding the proposal in response to the previous decisions of the Council to progress Amendment 11 to LPS21 that essentially identifies Lot 201 Balmoral Drive, Quindalup, in preference to the subject land, as the location for a community and firefighting/training facility within the Commonage area.

Under LPS21 and 'Additional Use 39' Lot 34 could potentially accommodate some, or all, of the following land uses: Community Centre; Child Care Centre; Recreation Facility; Art & Craft Studio; Rural Holiday Resort; Private Recreation; Licensed Restaurant; Reception Centre; and Shop. Although the subject land is 15ha in area, it is mostly cleared, visually prominent from Sheoak Drive and is located in an essentially 'residential area' (i.e. there no commercial or tourist land uses in the immediate surrounds). Lot 201 Balmoral Drive already accommodates a commercial activity (Bakery), with the planning framework allowing for the further development of complementary low-key commercial, community and tourist land uses. The location of a community and firefighting/training facility would consolidate Lot 201 as a community hub for the Commonage area.

The Structure Plan is considered to represent a valuable opportunity to consolidate rural residential development, coordinate the delivery of safer bushfire evacuation and emergency services access and improve the local road network in the Commonage. This is considered to be consistent with the intent of the CPACSP and the requirements of SPP 3.7.

CONCLUSION

Officers are recommending that Amendment 34 to Local Planning Scheme 21 and the related Structure Plan be adopted for final approval and referred to the Western Australian Planning Commission/Minister for Planning for final approval.

OPTIONS

Should the Council not support the Officer Recommendation, the Council could instead resolve –

1. To not adopt the Amendment and Structure Plan for final approval (and provide a reason for such a decision). It should be noted that under the relevant legislation there is no right of appeal against a Council decision not to adopt an amendment for final approval.
2. To seek further information before making a decision.

Officer assessment has not revealed any substantive issue or reasonable grounds that would support either of these options.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will involve the referral of Amendment 34 and the Structure Plan to the Western Australian Planning Commission for final approval and this will occur within one month of the resolution.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1805/087 Moved Deputy Mayor McCallum, seconded Councillor Tarbotton

That the Council:

1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts for final approval Amendment 34 to the City of Busselton Local Planning Scheme 21 for the purposes of:
 - a. Removing 'Additional Use 39' from Lot 34 Sheoak Drive, Yallingup.
 - b. Amending Schedule 2 – 'Additional Uses' by deleting 'Additional Use 39'.
 - c. Amending the Scheme map accordingly.
2. Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, endorses the Schedule of Submissions at Attachment G prepared in response to the public consultation undertaken in relation to Amendment 34.
3. Upon preparation of the necessary documentation, refers Amendment 34 to the Western Australian Planning Commission for consideration for final approval according to the *Planning and Development Act 2005*.
4. Pursuant to r.56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should directions be given that modifications to Amendment 34 are required, direct these modifications to be undertaken accordingly, on behalf of the Council, unless they are considered by Officers likely to significantly affect the purpose and intent of the Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.
5. Advises the Western Australian Planning Commission that the Amendment is considered a 'standard' amendment pursuant to the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reasons:

- i. The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
 - ii. The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
6. Adopts the draft Structure Plan for Lot 34 Sheoak Drive, Yallingup, depicted at Attachment D for final approval, pursuant to the deemed provisions of Part 7 of the City of Busselton Local Planning Scheme 21.

**CARRIED 9/0
EN BLOC**

15.2 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES

SUBJECT INDEX:	Events Regional Economic Development Tourism Development Sponsorship & Grant Applications
STRATEGIC OBJECTIVE:	Events and unique tourism experiences that attract visitors and investment.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Commercial Services
REPORTING OFFICER:	Events Coordinator - Peta Tuck
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

A meeting of the Marketing and Events Reference Group (MERG) was held on Wednesday 07 March 2018. This report presents the recommendations from this meeting.

BACKGROUND

The Council, at its meeting of 13 April 2011 (C1104/114), resolved to endorse the implementation of a differential rating system whereby properties rated within the Industrial and Commercial zones across the City would directly contribute toward the City's continued support of tourism, marketing and event activities. This resolution also endorsed the establishment of a 'Key Stakeholders Reference Group' (now known as MERG) to make recommendations to Council with respect to the marketing and events budget allocations.

Further to this, at its meeting of 22 June 2011 (C1106/201), Council resolved to introduce a 3% Differential Rate on the abovementioned properties and as a result, \$180k was included in the 2011/2012 budget towards events and marketing. Council increased the Differential Rate to 6% in 2012/2013 (totalling \$360k), 7% in 2013/2014 (totalling \$379k), 8% in 2014/2015 (totalling \$488k), 9% in 2015/16 (totalling \$556k) and 10% in 2016/2017 (totalling \$624k) and 2017/18 (totalling \$647,400). The Differential Rate is capped at 10%.

The 2018/2019 draft budget includes an allocation of \$674,914 in the Differential Rates budget, with a proposed split of \$438,694 for events (65%) and \$236,220 for marketing (35%).

A further \$250k is allocated towards events from the municipal budget. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

Since the MERG meeting held on 22 November 2017, 79 events have been held. Some of the major events of that period include the Ironman WA, Dunsborough RodeoFest, Festival of Busselton, Busselton Half Marathon and Fun Run, Busselton Jetty Swim, Busselton Fringe Festival, Dunsborough Arts Festival, SuperFoiler Grand Prix and the South West Craft Beer Festival.

A meeting of the Marketing and Events Reference Group (MERG) was held on Wednesday 07 March 2018, with the following key matters presented at the meeting;

- Update on events held since the last meeting and upcoming major events;
- Update on progress of the Go Karts movie to be filmed in Busselton;
- Proposed extension of the Ironman WA contract for a further one year until 2020;
- Proposal for the funding of the 2018 Australian Women's Masters Hockey Championships and 2019 Australian Men's Masters Hockey Championships;
- Proposal for the funding of Western Force vs Hong Kong Women's Rugby Game
- Proposal to provide support to the OZ Rock 2019 music event;

This report provides recommendations on the proposed funding allocations for the above points.

STATUTORY ENVIRONMENT

Nil.

RELEVANT PLANS AND POLICIES

The recommendations are in line with Council policies.

FINANCIAL IMPLICATIONS

The 2018/2019 draft budget includes an allocation of \$674,914 in the Differential Rates budget, with a proposed split of \$438,694 for Events (65%) and \$236,220 for Marketing (35%).

A further \$250k is allocated towards events from the municipal budget. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

Funds already committed in 2018/2019 for Multi Year Agreements through the Differential Rates budget totals \$327,425, leaving a total of \$111,269 to be allocated to Rounds 1 and 2 of the 2018/2019 Events Sponsorship Programme.

Funds already committed in 2018/2019 for Multi Year Agreements through the Municipal budget totals \$245,000, leaving a total of \$5,000.

It is recommended that the \$236,200 budgeted for marketing be transferred to the Airport Marketing Reserve as part of the City's required contribution towards an airline incentive package for the Busselton-Margaret River Airport Development Project.

Long-term Financial Plan Implications

The marketing and events budget, including both the municipal contribution and funds generated through the Differential Rate, are in line with the City's Long Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

This matter aligns with the City of Busselton's endorsed Strategic Community Plan 2017, principally with Key Goal Area 4: Economy - Diverse, resilient, prosperous, and the following community objective:

4.3 Events and unique tourism experiences that aid in attracting visitors and investment.

RISK ASSESSMENT

The recommendations contained within this report are considered low risk and as such a formal risk assessment is not provided.

CONSULTATION

Consultation has been undertaken with members of the MERG, consisting of representatives from the Busselton and Dunsborough Yallingup Chamber of Commerce and Industry, Margaret River Busselton Tourism Association, Busselton Jetty Inc. and the City of Busselton.

OFFICER COMMENT

The MERG considers funding proposals in accordance with a Terms of Reference which guides the operations of the group and an Events Sponsorship Programme.

Supporting the development and attraction of new events throughout the year, the Events Sponsorship Programme promotes the City of Busselton as an attractive event tourism destination for a range of events.

Requests for Funding via MERG

Ironman WA

Under their existing contract, Ironman Oceania was funded by the City until 2017, with the option to extend the contract to include events in 2018 and 2019. Late last year, they advised that they wished to exercise their option to extend for 2018 and 2019.

Ironman Oceania was successful in negotiating an additional 3 year funding agreement with Tourism WA, which has secured their event through until and including the event in 2020. Subsequently, Ironman Oceania has requested that the City grant them an additional year of funding on top of the extension period to include the 2020 event, so that the contracted period with the City aligns with that of Tourism WA.

The current agreed funding is as follows:

2018/2019 - \$168k (municipal funds) + \$22k (MERG) = \$190k

2019/2020 - \$168k (Municipal funds) + \$27k (MERG) = \$195k

The requested funding amount for additional year in 2020 is \$200k.

It is recommended that the City enter into an additional one year contract for the event in 2020, for an amount of \$200k to be funded through the 2020/21 Municipal Events Budget (\$168k) and the 2020/2021 Differential Rates Events Budget (\$32k).

2018 Australian Women's Masters Hockey Championships & 2019 Australian Men's Masters Hockey Championships

On 28 June 2017, representatives from Hockey Australia visited the City to discuss a proposal for a two year agreement to host the Australian Women's Masters Hockey Championships in September 2018, and then the Australian Men's Masters Hockey Championships in September/October 2019. The proposal was that for each of these years, 2/3 of the matches would be played in Bunbury and 1/3 of the matches would be in Busselton, due to the fact that Bunbury has two synthetic hockey pitches while Busselton has only one.

It is anticipated there will be approximately 140 matches played in 2018 (Bunbury hosting 93, Busselton hosting 47) and approximately 302 matches in 2019 (Bunbury 202, Busselton 100).

The estimated number of players and supporters in 2018 is 1350 with an economic benefit of more than \$1.66m to the region. This economic impact is expected to be even higher in 2019 at more than \$3.6m, with an estimated 2752 players and supporters attending. Hockey Australia has requested funding support of \$30k in 2018 and \$50k in 2019 from the City of Bunbury, which is going to Council on 21 March.

Hockey Australia have requested funding support from the City of Busselton for the total amount of \$40k - \$15k in 2018 for the Women's event, and \$25k for the Men's event.

It is recommended that Council support these requested funding amounts, to be funded through the Differential Rates Events Budgets in 2018/2019 and 2019/2020.

Western Force vs Hong Kong Women's Rugby Game

The City has been contacted to see if it would be interested in hosting a Western Force vs Hong Kong Women's Rugby Game at Barnard Park on Saturday 19 May 2018.

Western Force have requested funding of \$20k from the City, which will be utilised for the game, free clinics, school visits and player meet & greet sessions. They have also indicated they will bring in grandstand seating and AV equipment.

It is not recommended that this request for funding be supported through MERG.

Oz Rock 2019

The City has received correspondence from Mick Pember, partner of Down Under Events that previously staged the Oz Rock concerts in 2014 and 2015. Mr Pember, as a sole operator, is interested in reviving the Oz Rock concept with a proposed concert at Barnard Park on Saturday 26 January 2019.

Mr Pember will be seeking permission and support from the City, with support to take the form of financial and/or in-kind support. He has not indicated a dollar figure for possible cash support, he is at this stage seeking an indication of whether the City is prepared to support in any form.

It is recommended that Council provide in-kind support to the Oz Rock 2019 music festival in the form of ground hire and event fee waivers. Based on 10,000 attendees, this will be approximately \$22k.

CONCLUSION

MERG has been assigned 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 07 March 2018 meeting, which if endorsed by Council, will result in the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support Council's vision of being recognised as the 'Events Capital WA.'

OPTIONS

Council may choose not to support the recommendations made by the Marketing and Events Reference Group and resolve not to endorse part or all of the recommendations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council's decision, the outcomes will be communicated to all members of the Marketing and Events Reference Group and relevant event organisers for their information and implemented where required.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1805/088

Moved Councillor J McCallum, seconded Councillor C Tarbotton

That Council:

1. Enter into a further one year contract for the 2020 Ironman Western Australia event, to be funded from the 2020/21 Municipal and Differential Rates Events Budgets.
2. Enter into a multi-year funding agreement with Hockey Australia for \$15k for the 2018 Australian Women's Masters Hockey Championships and \$25k for the 2019 Australian Men's Masters Hockey Championships, to be funded from the 2018/19 and 2019/20 Differential Rates Events Budgets.
3. Provide in-kind support to the Oz Rock 2019 music event, in the form of ground hire and event fee waivers.

CARRIED 9/0

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17.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors Information
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Executive Assistant to Council - Katie Banks
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received 1 April 2018 - 15 April 2018⇒ Attachment B Planning Applications Determined - 1 April 2018 - 15 April 2018⇒

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

Planning Applications

Attachment A is a report detailing all Planning Applications received by the City between 1 April, 2018 and 15 April, 2018. A total of 32 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 April, 2018 and 15 April, 2018. A total of 47 applications (including subdivision referrals) were determined by the City during this period with 46 approved / supported and 1 refused / not supported.

15.1.2 Current Active Tenders

2017/2018 TENDERS

RFT24/17 PROVISION OF TRAFFIC MANAGEMENT SERVICES

The City of Busselton invited tenders for the provision of traffic management services within the City of Busselton. The tender was advertised on 16 December 2017, with a closing date of 16 January 2018. A total of 7 tenders were received. The evaluation was completed. Under Regulation 18(5) of the *Local Government (Functions and General) Regulations 1996* a local government may decline to accept any tender. At the Council meeting held on 11 April 2018, Council resolved to decline to accept any tender on the basis that the tenders received did not present best value for money. Council requested the CEO establish a panel of pre-qualified suppliers for the provision of traffic management services to the City pursuant to Part 4 Division 3 of the *Local Government (Functions and General) Regulations 1996* and the City's Purchasing Policy.

RFT01/18 MANUFACTURE AND INSTALLATION OF BUSSELTON FORESHORE PLAY SPACE

Following an Expressions of Interest (EOI 01/17) process for making a preliminary selection among prospective tenderers, the City of Busselton invited tenders for the manufacture, construction and installation of a new play space located within the Busselton foreshore precinct in between the Equinox Restaurant and Bar and Railway House, Busselton. The following five (5) tenderers were invited to submit a tender:

Company	Location
Earthcare (Australia) Pty Ltd T/A Earthcare Landscapes	Bibra Lake, Perth
Environmental Industries Pty Ltd	Canning Vale, Perth
Perkins (WA) Pty Ltd T/A Perkins Builders (Corporation)	Bunbury and Busselton
Phase 3 Landscape Constructions Pty Ltd	O'Connor, Perth
Total Eden Pty Ltd T/A Landscape Australia	Bibra Lake, Perth

The tender closed on 30 January 2018. A total of 4 tenders were received. The evaluation has been completed and Council resolved at its 14 March 2018 meeting to delegate authority to the CEO to negotiate and agree final terms and conditions with and to award a contract for a finalised lump sum price to Phase 3 Landscape Constructions Pty Ltd. Contract negotiations have since been finalised and a contract awarded to Phase 3 Landscape Constructions Pty Ltd.

RFT02/18 CITY OF BUSSELTON COASTAL ADAPTATION STRATEGY

The City of Busselton invited tenders for the City of Busselton Coastal Adaptation Strategy. The tender was advertised on 6 January 2018, with a closing date of 13 February 2018. A total of 4 tenders were received. The evaluation has been completed and a contract has been awarded by the CEO under delegation to Advisian Pty Ltd.

RFT03/18 CRUSHING SERVICES FOR CONSTRUCTION AND DEMOLITION MATERIAL WITHIN CITY OF BUSSELTON

The City of Busselton invited tenders for crushing services for construction and demolition material within the City of Busselton. The tender was advertised on 3 February 2018, with a closing date of 27 February 2018. A total of two tenders were received. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in April 2018.

RFT04/18 SUPPLY AND DELIVERY OF IRRIGATION COMPONENTS

The City of Busselton invited tenders for the supply and delivery of irrigation components to the City. The tender was advertised on 24 February 2018, with a closing date of 20 March 2018. A total of 2 tenders were received. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO.

RFT05/18 CONSTRUCTION OF DUNSBOROUGH TOWNSCAPE STAGE 4

The City of Busselton invited tenders for the construction of Dunsborough Townscape Stage 4. The tender was advertised on 7 April 2018, with a closing date of 1 May 2018. The value of the contract is expected to exceed the CEO's delegated authority.

Council resolved at its 28 March 2018 meeting to delegate authority to the CEO to negotiate and agree final terms and conditions and to award a contract for a finalised lump sum price, provided that the contract value for the accepted tender does not exceed \$680,000. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in May 2018.

RFT06/18 DESIGN AND CONSTRUCTION OF AMBERGATE FIRE STATION

The City of Busselton invited tenders for the design, fabrication and installation of a fire station and amenities facility to be located at Apex Reserve, Ambergate. The tender was advertised on 14 April 2018, with a closing date of 3 May 2018. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in May 2018.

RFT07/18 LANDSCAPING FOR PUBLIC OPEN SPACES AT LAYMAN ROAD AND BURGEE COVE, BUSSELTON

The City of Busselton invited tenders for the landscaping of land comprising the public open space at Layman Road and Burgee Cove, Busselton. The tender was advertised on 21 April 2018, with a closing date of 10 May 2018. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in May 2018.

PQS01/18 SUPPLY OF QUARRY PRODUCTS

The City of Busselton requested applications to join a panel of pre-qualified suppliers (PQS) for the provision of quarry products to the City. The request was advertised on 21 April 2018, with a closing date of 8 May 2018. In accordance with delegation LG3M the CEO has authority to appoint applicants to be part of a panel of pre-qualified suppliers for provision of goods and services to the City. It is anticipated that the evaluation will be completed and a recommendation report made to the CEO in June/July 2018.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1805/089 Moved Councillor J McCallum, seconded Councillor C Tarbotton

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

- 17.1.1 Planning and Development Statistics
- 17.1.2 Current Active Tenders

CARRIED 9/0

EN BLOC

12.1 Policy and Legislation Committee - 17/04/2018 - NEW COUNCIL POLICY - PORTABLE ADVERTISING SIGNS IN PUBLIC PLACES

SUBJECT INDEX:	Activities in Thoroughfares and Public Places and Trading Local Law 2015
STRATEGIC OBJECTIVE:	Development is managed sustainably and our environment valued.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Draft Council Policy - Portable Advertising Signs in Public Places (as presented for consultation)⇒ Attachment B Draft Council Policy - Portable Advertising Signs in Public Places (with track changes)⇒

This item was considered by the Policy and Legislation Committee at its meeting on 17 April 2018, the recommendations from which have been included in this report.

DISCLOSURE OF INTEREST	
Date	9 May 2018
Meeting	Council Meeting
Name/Position	Paul Carter, Councillor
Item No./Subject	12.1 - New Council Policy - Portable Advertising Signs in Public Places
Type of Interest	Impartiality
Nature of Interest	I disclose that I have an association with First National Real Estate Busselton.

PRÉCIS

This new Council Policy has been developed as a means of providing a regulatory framework for the design and placement of portable advertising signs within the City of Busselton. The policy, underpinned by the *Activities in Thoroughfares and Public Places and Trading Local Law 2015* (the Local Law), is intended to provide clear direction to local business as to where they can display portable advertising signs, the types of signs requiring a permit, and the restrictions with regard to the number of signs and the times they may be displayed.

The City is now seeking the Council's endorsement of the new policy.

BACKGROUND

The Council endorsed the draft policy, Attachment A, for consultation on 8 November 2017 (C1711/272). This consultation has now been completed and has resulted in proposed minor changes to the draft policy as shown at Attachment B.

The results of the consultation and proposed changes are detailed in the consultation section of this report.

STATUTORY ENVIRONMENT

Pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, a role of Council is to determine the local government's policies.

Pursuant to clause 3.2 of the *Activities in Thoroughfares and Public Places and Trading Local Law 2015* (the Local Law):

- (1) *A person shall not without a permit, erect, place or maintain an advertising sign:*
 - (a) *on or above a thoroughfare;*
 - (b) *on a path;*
 - (c) *over any path where the resulting vertical clearance between the sign and the path is less than 2.5 metres (s.45B of the Building Regulations 2012 requires a vertical clearance of 2.75 metres and supercedes this clause of the Local Law);*
 - (d) *in any location where the sign is likely to obstruct line of sight along a thoroughfare or cause danger to the person using the thoroughfare; or*
 - (e) *on any natural feature including a rock or tree on a thoroughfare, or on any bridge or the structural approaches to a bridge;*
- (2) *Notwithstanding subclauses (1) and (2), a permit is not required in respect of a home open sign or garage sale sign provided that:*
 - (a) *the sign neither exceeds 500mm in height or 0.5m² in area;*
 - (b) *the sign is placed or erected on a thoroughfare no more than half an hour prior to the garage sale or home open and is removed within half an hour of the close of the garage sale or home open; and*
 - (c) *there is no more than one garage sale or home open sign at any road intersection and no more than six separate signs which delineate not more than 2 alternative routes to the home open or garage sale.*

Pursuant to section 29(1) of the Local Government (Functions and General) Regulations (the Regulations):

- (1) *A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if:*
 - (a) *it occurs in a public place; and*
 - (b) *either:*
 - i. *the presence of the goods presents a hazard to public safety, or obstructs the use of any place; or*
 - ii. *where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.*

It should be noted that the Council Policies cannot override the statutory requirements of a Council Local Law or State Government legislation.

RELEVANT PLANS AND POLICIES

This report proposes adoption of a new Council Policy – Portable Advertising Signs in Public Places.

FINANCIAL IMPLICATIONS

There are two potential sources of income as a result of the implementation of this policy and enforcement of the Local Law.

The first relates to income generated as the result of the City impounding portable advertising signs displayed contrary to the Local Law. The impound fee, as prescribed in the Adopted Schedule of Fees and Charges for the 2017/18 financial year, is \$74 per sign. It is unlikely there would be any significant income as a result of the City impounding signs as, in many cases the cost to replace the sign would be less than the impound fee and as such, the owner of the sign is unlikely to claim it. Businesses may be more inclined to pay the impound fee if the City has cause to impound more costly "A" or "T" frame signs, or banner signs that are displayed without a permit following the implementation of this policy.

The second relates to the annual application fee for a permit to display a portable advertising sign, which is currently \$213.00 per application. This fee would be payable by all businesses who currently display the "A" or "T" frame signs that are prevalent in the Busselton and Dunsborough CBDs, and who wish to continue to display these signs.

It should be noted that these fees are not new fees. The sign impound fee dates back to the Adopted Schedule of Fees and Charges for the 2010/11 financial year, while the application fee was introduced as a new fee in 2015/16.

Long-term Financial Plan Implications

No significant implications.

STRATEGIC COMMUNITY OBJECTIVES

The draft policy aligns with and supports Council's Key Goal Area 3 – Environment: valued, conserved and enjoyed; and more specifically Community Objective 3.1 – development is managed sustainably and our environment valued.

This policy provides a regulatory framework for the design and placement of portable advertising signs within the City of Busselton. In doing so it provides a mechanism for the management of portable advertising signage in the natural and built environment.

RISK ASSESSMENT

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

The greatest risk associated with the implementation of this policy and enforcement of the Local Law is one of reputational harm to the City. One of the community objectives in key goal area 4 (Economy) of the City's Strategic Community Plan 2017 is "*a community where local business is supported and in turn drives our economy*". Enforcement of the Local Law through implementation of this policy may be seen by some local business as restricting their ability to use this type of advertising, thereby adversely affecting their business and contradictory to the community objective.

That being said, it is not the intent of the policy to stop the use of portable advertising signs altogether. The intent is to manage their use by ensuring the placement of signs does not restrict pedestrian and/or vehicular access, and to ensure the signs are constructed and placed in a manner that does not present a safety risk to the wider community. The policy will also ensure a 'level playing field' for businesses.

It is however, the intent to prevent the use of portable advertising signs as a means of remotely advertising a business and to manage the number and placement of signs used to advertise garage sales and homes open. In essence the policy will provide the City with clear guidance on how to ensure compliance with the Local Law.

CONSULTATION

The draft policy was available for public comment from the end of January 2017 to 19 March 2017. A notice was published in local newspapers, and on the City's website and Facebook page. Letters were mailed to all real estate agencies within our district, to builders of display homes, and to the following regional business associations:

- Busselton Chamber of Commerce and Industry
- Dunsborough Yallingup Chamber of Commerce
- Margaret River Wine Association
- Margaret River Busselton Tourist Association
- Real Estate Institute of Western Australia

In addition to the above, a letter drop was conducted to businesses within the Busselton Central Business District and Dunsborough Town Centre.

A total of 11 responses were received. Nine of the respondents represented single businesses including retail, hospitality, building, and a consultancy; one represented a not-for profit community group; and one represented the real estate industry as a group.

The following is a summary of the issues raised by respondents and an officer comment in relation to the issues. The number column indicates how many of the respondents raised the point in question (or something similar).

Item	Issue	Number	Officer Comment
1	Portable advertising signs are important to my business	4	The policy does not seek to prohibit the use of portable advertising signs. It seeks to: provide clarity on when and where the signs may be displayed; restrict the number of signs displayed; stop businesses from using these signs as a means of remotely advertising their business, and provide guidelines regarding the manufacture and method of display of the signs so as to reduce the risk of harm to the general public.
2	We disagree with the payment of a permit application fee	3	This fee is set in the Schedule of Fees and Charges for the financial year and is established to cover the cost of administering the permit application. The fee for 2017/18 is set at \$213. As part of the roll out of the new policy, the City supports either a zero or discounted application fee. However, it is recommended this be considered by Council when determining the Schedule of Fees and Charges for 2018/19 and thereby, not determined by this report.
3	We would like to see more support, rather than obstacles, for small business from our local government	2	Please refer to the officer comment for item 1.

4	There is no visual street frontage to display my sign	2	The draft policy requires signs to be placed on the property boundary (clause 5.2(b)); and placed directly in front of, or as near as is practically possible to the business to which it relates (clause 5.8(a)). Officers will consider applications to display signs in places other than directly in front of a business based on merit however, one of the intents of the policy is to stop businesses using portable advertising signs as a means of remotely advertising a business. If the applicant is able to demonstrate there is no practical alternative to displaying the sign in front of their business it is likely their application will be supported.
5	I do not place signs to obstruct thoroughfares, cause danger, or obstruct vehicle line of sight	2	The draft policy provides a framework that considers the safe placement of portable advertising signs so as to reduce potential public safety risks.

Item	Issue	Number	Officer Comment
6	I currently use a mix of vertical banner and "A" frame signs; will I be permitted to use both	1	One of the intents of the new policy is to reduce the proliferation of portable advertising signs in the community. Under the draft policy businesses may use one or the other, not multiple types of signs.
7	Having signs out during the day, when the business is closed, is important for restaurants to advertise the fact they are open in the evening	1	It is a requirement of the policy that portable advertising signs are only displayed during business operating hours. Should we allow these signs to remain in place when the business owner is not present may expose the City to claims of public liability in the event someone is injured as a result of the sign being left unattended. This risk would be increased during stormy weather. Noting that it is a further requirement of the draft policy for the signs to be removed by the owner during periods of severe weather warnings.
8*	Placement of signs 30 minutes before a home open and removal 30 minutes after is not workable as there may only be 15 minutes between two open homes	1	It is a requirement of the Local Law that home open signs be placed and removed within this timeframe. As such, the Policy cannot be written to override the Local Law. In practice however, Rangers would exercise discretion. Specifically they would however, deal with home signs that are placed out days before a home open, or signs that remain in place for days following the home open. Clause 5.15(c) of the draft policy, which had been included as a means of reinforcing this requirement of the Local Law, has been deleted from the draft at Attachment A.
9*	Placement of signs on roundabouts, traffic islands and median strips is fundamental to the effectiveness of the home open signs. There is a difference between roundabouts on main roads and residential areas.	2	The draft policy at Attachment A has been amended so this restriction refers only to: <ul style="list-style-type: none"> • Bussell Highway • Busselton Bypass • Caves Road • Busselton CBD • Dunsborough Townsite This change will allow real estate agents and residents conducting garage sales to display their signs on roundabouts and median treatments in residential areas.

10*	Technological change will occur, why not have electronically illuminated or animated display	1	The use of this type of technology may cause more of a distraction for motorists. However, this could be revisited when and if this technology becomes available (and affordable).
11*	Not allowing signs to be used more than one kilometre from the home open is not workable in rural residential areas	1	The draft policy has been amended so that signs in rural and rural residential areas may be displayed up to two kilometres from the open home.
12*	Signs are usually placed on the most convenient traffic route 6-24 hours before the home open	1	Please refer to the comment for item 8. Allowing signs to be in place one day before a home open would seem reasonable however, it should be no more than one day and the signs should be removed on the day the home is open (late afternoon/early evening).
Item	Issue	Number	Officer Comment
13*	It (Real Estate industry) is a self-regulating system which has cause virtually no valid concern for anyone	1	Real estate signs, including home open and for sale, are often left out for periods in excess of that permitted by the Local Law. A drive around the district will show plenty of examples where the industry is not self-regulating.
14	Is it necessary to display the permit number on the sign, who will pay for it	1	From a regulatory perspective it's important we are able to distinguish between signs that have a permit to be displayed, and those that do not.
15	Limiting the number and placement of signs seriously restricts business from promoting themselves, some display 2-6 signs	1	The intent of the policy is to restrict the number of signs displayed by a business, and not allowing them to display their signs remotely throughout the district. Allowing businesses to display multiple signs would make enforcement of the Local Law very difficult. There are other options available for a business owner to promote their business.
16	It is unfair to allow mobile traders to have two signs whereas fixed business may only have one	1	One of the signs displayed by a mobile business will need to be displayed immediately adjacent to their business. The other sign will need to be displayed in accordance with the requirements of the policy and/or Local Law. Fixed businesses have opportunities to use other methods outside their business to promote it such as fixed signs.

Items 8-12 (marked with an asterisk) were included in the submission from the real estate industry.

Other comments in support of the draft policy include (the number of respondents in brackets who made this or a similar comment):

- Signs blown down in stormy weather are not always removed by business owners (public safety risk) (1)
- Existing signs have rough or sharp edges and are weighed down by brick and timber offcuts (public safety risk) (1)
- Businesses display multiple signs creating obstructions (1)
- Removal of unauthorised signs would reduce public safety risk (2)
- An amicable way to resolve the sign issue would greatly improve the appeal of the town for tourism and pedestrian access (1)
- We appreciate there should be regulation of portable signs to prevent visual clutter (1)

- Signs are visual pollution which detracts from the visual amenity of our town (2)
- There are alternative ways of advertising businesses (e.g. newspapers, social media) (1)
- I strongly oppose the use of portable or temporary advertising signs (1)

OFFICER COMMENT

As a result of the feedback received during the consultation period, and where considered appropriate by officers, changes have been made to the draft policy. Those changes are shown in the “track changed” copy of the policy at Attachment B.

It is now recommended that Council adopt the draft policy so that it can be implemented in accordance with the timeframe detailed below.

To ensure businesses are provided ample opportunity to apply for permits to display portable advertising in accordance with the requirements of the Local Law and the new policy, a six month grace period is recommended, until 31 December 2018, before the City commences enforcement action. The six month grace period would not apply to signs that would not be approved under the provisions of the Local Law or policy.

The general approach to enforcement is proposed to be as follows:

- In the first instance the owner of the unauthorised or illegal sign be given 48 hours to remove the sign (if the sign is an obstruction or considered a public safety risk, the City may collect the sign and return it to the owner, or may direct the owner to remove it immediately)
- There be no penalty for a first offence unless the owner refuses to comply. In these cases, the City will impound the sign and may issue the owner a written caution
- For a second offence, the City will again direct to the owner to remove the sign and may issue a written caution.
- If the owner then refuses to comply, the City will impound the sign and may issue an infringement
- For third and subsequent offences the City will impound the sign and may issue an infringement. In extreme cases, for repeat offenders, the City may consider prosecution.

CONCLUSION

Whilst the Local Law governing the use of portable advertising signs has been in place for some time (since February 2015 in its current form), there has been limited direction in how to apply the requirements with regard to the portable sign permit applications process, and the enforcement and removal of unauthorised signs. The new policy provides this guidance and provides a clear framework for the management of portable advertising signs in our District.

OPTIONS

Council may amend or reject the new policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new policy will come into effect as soon as it is adopted by the Council.

Following its adoption, there will be a six month grace period to allow business owners in particular the opportunity to apply for a permit to display portable advertising signs in accordance with the Local Law and the new policy. The six month grace period will run from 1 July 2018 to 31 December 2018. The City will finalise the application process prior to that and will develop a letter for businesses to advise them of this process.

Signs not requiring a permit will need to comply with the requirements of the Local Law and the new Policy as soon as it is endorsed by Council.

Enforcement of the Local Law will be in accordance with the details provided in the comments above. Commencement of the enforcement process would be dependent on whether the sign that is being displayed requires a permit or not, and whether or not it would be permitted under the Local Law.

OFFICER RECOMMENDATION

That the Council adopts the new Council Policy – Portable Advertising Signs in Public Places as follows:

CPXXX	Portable Advertising Signs in Public Places	V1
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1.0 PURPOSE

1.1 The purpose of this policy is to provide a regulatory framework for the design and placement of portable advertising signs within the City of Busselton. Council supports the need for signage to promote tourism, business, public events and community groups and services but also supports the need for regulation so that signage does not adversely impact the amenity and streetscapes of the City.

2.0 SCOPE

2.1 This policy will guide the City, local business and the community on circumstances where portable advertising signs may be displayed in public places within the District; and also circumstances where signs may be removed from public places if displayed contrary to this policy and/or our Local Law.

2.2 This policy does not cover:

- a. fixed directional tourism signs or signs promoting public events;
- b. signs and advertising devices on or in the vicinity of highways and main roads that come under the control of the Commissioner of Main Roads; or
- c. signs, advertising or otherwise, that are covered under separate legislation (including election signage), local planning policies or the town planning scheme.

3.0 DEFINITIONS

General

Advertising sign: a sign that is used for the purpose of advertisement or to draw attention to a product, business, person or event and includes a home open sign and garage sale sign.

In the case of signs advertising a business or commercial venture they shall only display material which advertises the business or the products available from the business to which the sign relates.

Busselton City Centre: the area bounded by the Marine Terrace, the Lower Vasse River Brown Street and West Street.

Carriageway: a portion of a road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of these portions divided by a median strip, the expression means each of those portions separately.

Dunsborough Town Centre: the area bounded by Caves Road, Cape Naturaliste Road, Dugalup Brook and Geographe Bay Road; and the area bounded by Seymour Boulevard, Chieftan Crescent and Seymour Park.

Event: an occurrence proposed to be held within the City of Busselton on private or public land, either indoor or outdoor by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation, cultural or community purposes. This includes but is not limited to:

- a. concerts and music festivals;
- b. motorsport events, motor vehicle rallies and displays;
- c. sporting events;
- d. cultural and community events;
- e. shows and fairs;
- f. exhibitions, wine and food festivals; and
- g. surfing events.

Footpath: an area that is open to the public that is designated for, or has as one of its main uses, as use by pedestrians and includes dual use or shared paths.

Local Law: the City of Busselton *Activities in Thoroughfares and Public Places and Trading Local Law 2015*.

Median strip: any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate two one-way carriageways for vehicular traffic proceeding in opposing directions.

Portable sign: includes 'A' frame or inverted 'T' signs, garage sale signs, home open signs, horizontal and vertical banner signs, and variable message signs (including trailer mounted)

Public place: any thoroughfare or place the public is allowed to use, whether or not the thoroughfare is on private property, and includes local government land/property but does not include premises on private property from which trading is lawfully conducted.

Sporting and community sign: a portable advertising sign erected by not-for-profit sporting, or community groups or services for the purpose of advertising a sporting or community event (eg. cultural activities, sporting registration days, arts and craft fairs, market days or other events of public interest).

Thoroughfare: a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

Traffic controlled intersection: an intersection that has traffic control lights, stop signs, or give way signs directing traffic.

Traffic island: any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection to guide vehicular traffic.

Sign Types

'A' frame or 'T' frame sign: a self-supporting sign of rigid, lightweight material that is capable of being easily moved by hand, in 'A' or 'T' frame configuration.

Garage sale sign: a sign made from cardboard/corflute, paper or other lightweight material that is used to direct persons to a garage sale at residential premises.

Home open sign: a sign made from cardboard/corflute or other lightweight material used to direct persons to a home for sale that is open for inspection and includes display homes.

Horizontal banner sign: a sign made of lightweight, non-rigid material such as cloth, canvas or similar attached by rope or similar material to poles or other vertical anchoring points.

City project sign: a sign made from cardboard/corflute or other lightweight material used to promote constructions projects being undertaken by the City.

Vertical banner sign: a fabric or similar material sign with a single mast constructed of carbon-fibre or similar flexible material attached to a weighted base or otherwise anchored to the ground. These are typically marketed as 'teardrop', 'feather' or 'blade wing' signs.

Variable message sign: an electronic sign that is capable of displaying a single message, or a series of messages.

4.0 LEGISLATION

4.1 Clause 3.2 of the Local Law:

- (1) *A person shall not without a permit, erect, place or maintain an advertising sign:*
 - (a) *on or above a thoroughfare;*
 - (b) *on a path;*
 - (c) *over any path where the resulting vertical clearance between the sign and the path is less than 2.5 metres (Note: s.45B of the Building Regulations 2012 require a vertical clearance of 2.75 metres and would prevail over the Local Law);*
 - (d) *on or within 1 metre of a carriageway;*
 - (e) *in any other location where the sign is likely to obstruct line of sight along a thoroughfare or cause danger to the person using the thoroughfare; or*
 - (f) *on any natural feature including a rock or tree on a thoroughfare, or on any bridge or the structural approaches to a bridge.*

- (2) *Notwithstanding subclauses (1) and (2), a permit is not required in respect of a home open sign or garage sale sign provided that:*
 - (a) *the sign neither exceeds 500mm in height or 0.5m² in area;*
 - (b) *the sign is placed or erected on a thoroughfare no more than half an hour prior to the garage sale or home open and is removed within half an hour of the close of the garage sale or home open; and*
 - (c) *there is no more than one garage sale or home open sign at any road intersection and no more than six separate signs which delineate not more than 2 alternative routes to the home open or garage sale.*

4.2 Under section 29(1) of the *Local Government (Functions and General) Regulations 1996* (the Regulations):

- (1) *A contravention of a regulation or Local Law made under the Act can lead to the impounding of goods involved in the contravention if:*
- (a) *it occurs in a public place; and*
 - (b) *either:*
 - i. *the presence of the goods presents a hazard to public safety, or obstructs the use of any place; or*
 - ii. *where the regulation or Local Law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or Local Law.*

5.0 POLICY CONTENT

General

5.1 Portable advertising signs are not to be:

- a. erected, placed or maintained on roundabouts, traffic islands, median strips, or within 10m of traffic controlled intersections at or around the following locations:
 - i. Bussell Highway;
 - ii. Busselton Bypass;
 - iii. Caves Road;
 - iv. Busselton Central Business District;
 - v. Dunsborough Townsite;
- note: Busselton Bypass, Caves Road and a portion of the Bussell Highway come under the control of Main Roads Western Australia (MRWA) and as such, the control and placement of signs at those locations requires MRWA approval. Where there are compliance issues regarding the placement of signs at those locations, the City and MRWA work closely together to resolve those issues; or
- b. attached to existing signs, including other advertising signs, or on any road related infrastructure such as traffic sign supports, bus shelters, or on or between trees or other vegetation; or
 - c. electronically illuminated or have an electronic or animated display; or
 - d. placed on any footpath where the speed limit on the road abutting the footpath is 60 kilometres per hour or greater; or
 - e. mounted to a vehicle and/or trailer.

5.2 Portable advertising signs in public places shall:

- a. have no moving parts once the sign is in place;
- b. be placed on the property boundary and provide a minimum of 1.2 metres clearance from the abutting thoroughfare.
- c. be weighted or anchored to retain their position in all weather conditions other than the circumstance in (d) below;
- d. be removed by the owner during periods of severe weather warnings issued by the Bureau of Meteorology;
- e. be manufactured from high quality materials (metal, plastic, wood or fabric) and have professional sign writing and/or graphics (including blackboards that are professionally presented);

- f. be designed and supported in a manner that ensures there is no risk of injury to the public through sharp edges, projections, potential trip hazards or similar; and
- g. in the case of signs that advertise a business or other commercial venture, only be displayed during operating hours of the business or other commercial venture to which it relates.

Signs requiring a permit

- 5.3 The City of Busselton *Activities in Thoroughfares and Public Places and Trading Local Law 2015* establishes the need for a permit to display certain types of portable advertising signs.
- 5.4 Subject to clause 2.2, permits are required for 'A' or 'T' frame signs, horizontal and vertical banner signs; and variable message signs that:
 - a. promote or advertise a business or any other commercial venture; and
 - b. promote or advertise a sporting event, community event, community group or community service.
- 5.5 A permit application fee will be charged for signs that advertise a business or commercial venture, but will not be charged for signs promoting charitable, not-for-profit, sporting or community events or services. To not be charged a fee an organisation or individual is required to be a not-for-profit organisation (with an incorporation certificate) or a charitable organisation. The permit application fee is prescribed in Council's adopted Schedule of Fees and Charges.
- 5.6 The owner of a portable advertising sign advertising a business or commercial venture will be required to provide evidence of current public liability insurance to the value of \$10,000,000, which indemnifies the City of Busselton against any claims for damages arising from the sign on the public land.
- 5.7 Portable advertising signs for which a permit is required and has been issued will be required to indelibly display, the current permit number at the top right hand corner on one external face of the sign. Permits will generally be issued for 3 years, unless the sign is only required for a short duration, or unless this policy requires otherwise; after which the permit holder will be required to apply for a permit renewal.
- 5.8 'A' or 'T' frame signs shall:
 - a. be limited to a maximum of one sign per business premises and placed directly in front of, or as near as is practically possible to the business to which it relates;
 - b. be placed with a set back from the carriageway of no less than 0.5m, and placed to maintain a clear thoroughfare (footpath) width of no less than 1.8m; and
 - c. have a maximum vertical or horizontal dimension of 1.2m and have an area allocated for advertising of no more than 0.9m² on either side.
- 5.9 Horizontal banner signs:
 - a. will only be approved when promoting or advertising sporting or community events or services;
 - b. shall have a maximum height of 1.5m;
 - c. shall have a maximum width of 2.5m; and
 - d. may be displayed for a maximum period of 14 days before an event and removed by the owner no later than one day after the event.
- 5.10 Vertical banner signs shall:
 - a. be a fabric sign with a single mast;

- b. have a maximum flag size of 2.8m by 1.0m with a maximum height, including the stand, of 3.5m (when placed on an open verge);
 - c. have a maximum flag size of 2.0m by 1m with a maximum height, including the stand, of 2.5m (when placed on a footpath);
 - d. be no more than 60cm wide below 2m high; and
 - e. have no more than one vertical banner per 4m of street frontage (with a maximum of four banners per business) and excludes the use of an 'A' or 'T' frame sign (where more than one vertical banner is displayed, each banner shall display a different product or message).
- 5.11 The City will not approve the use of variable message signs in a public place for the purpose of advertising a business or commercial venture.
- 5.12 Owners of approved business or commercial ventures that have no fixed business location may apply to use up to two portable advertising signs ('A' or 'T' frame, or other lightweight signs but not including banner or variable message signs) to advertise the location from which the business is currently being undertaken. The first sign to be at the approved trading location, the second is to be located within 500 metres driving distance of that location and shall otherwise comply with the requirements of this policy and the Local Law.

Signs not requiring a permit

- 5.13 Permits are not required for garage sale signs or home open signs. The owner of the signs is responsible for their placement and removal in accordance with this policy and the Local Law. Removal of the signs includes all materials from which the sign is constructed, and all materials used to secure the signs in place.
- 5.14 Garage sale signs are to include the address details, street number and street name, of the premises in which the garage sale is being held.
- 5.15 Restrictions:
- a. no more than six separate signs shall be used to advertise or promote the same garage sale, or home open;
 - b. signs are not to be displayed more than one kilometre from the garage sale or home open (two kilometres in rural and rural residential areas), within 250m of any other sign advertising or promoting the same garage sale or home open, or within 50m of any other portable advertising sign; and
 - c. the signs should not delineate any more than two alternative routes to the garage sale, or home open.
- 5.16 Garage sale signs, and home open signs shall:
- a. be free standing and not affixed to any sign, post, power or streetlight pole, or similar structure (including trees and other vegetation);
 - b. not exceed 500mm in height or 0.5m² in area;
 - c. not obstruct the vision of a driver of a vehicle entering or leaving a street or other public place; and
 - d. not interfere with the safe and convenient passage of pedestrians.

City project specific signs

- 5.17 City project specific signs have been developed by the City as a means of promoting public works and projects it is undertaking throughout the District. These signs will only be displayed during construction works when there are workers on site.

- 5.18 As the approving authority for portable advertising signs, the City will be deemed to have approval to display these signs without the need to apply for individual permits.

Refusal of Applications

- 5.19 Applications that do not comply with the requirements of the Local Law and this Policy will be refused by the City.

Removal of unauthorised signs

- 5.20 Portable advertising signs placed contrary to this policy and/or the Local Law may be impounded by the City.
- 5.21 Impounded signs may be claimed by the owner following payment of an impound fee as prescribed in Council’s Schedule of Fees and Charges. In addition to the impound fee, owners of impounded signs may also receive a written caution and/or an infringement.

Policy Background

Policy Reference No – TBD
 Owner Unit – Ranger and Emergency Services
 Originator – Ranger and Emergency Services Coordinator
 Policy Approved by – Council
 Date Approved –
 Review Frequency – as required
 Related Documents – *Activities in Thoroughfares and Public Places and Trading Local Law 2015*

History

Council Resolution	Date	Information
		Date of Implementation Version 1

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C1805/090 Moved Councillor J McCallum, seconded Councillor K Hick

That the Council adopts the new Council Policy – Portable Advertising Signs in Public Places, (incorporating a change to wording within 5.2 g. of the policy, allowing signage to be displayed when a business is attended rather than only during the operating hours of a business) as follows:

COMMITTEE RECOMMENDATION

CPX XX	Portable Advertising Signs in Public Places	V 1
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1.0 PURPOSE

- 1.1 The purpose of this policy is to provide a regulatory framework for the design and placement of portable advertising signs within the City of Busselton. Council supports the need for signage to promote tourism, business, public events and community groups and services but also supports the need for regulation so that signage does

not adversely impact the amenity and streetscapes of the City.

2.0 SCOPE

- 2.1 This policy will guide the City, local business and the community on circumstances where portable advertising signs may be displayed in public places within the District; and also circumstances where signs may be removed from public places if displayed contrary to this policy and/or our Local Law.
- 2.2 This policy does not cover:
- a. fixed directional tourism signs or signs promoting public events;
 - b. signs and advertising devices on or in the vicinity of highways and main roads that come under the control of the Commissioner of Main Roads; or
 - c. signs, advertising or otherwise, that are covered under separate legislation (including election signage), local planning policies or the town planning scheme.

3.0 DEFINITIONS

General

Advertising sign: a sign that is used for the purpose of advertisement or to draw attention to a product, business, person or event and includes a home open sign and garage sale sign. In the case of signs advertising a business or commercial venture they shall only display material which advertises the business or the products available from the business to which the sign relates.

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Carriageway: a portion of a road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of these portions divided by a median strip, the expression means each of those portions separately.

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Event: an occurrence proposed to be held within the City of Busselton on private or public land, either indoor or outdoor by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation, cultural or community purposes. This includes but is not limited to:

- a. concerts and music festivals;
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- c. sporting events;
- d. cultural and community events;
- e. shows and fairs;
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- g. surfing events.

Footpath: an area that is open to the public that is designated for, or has as one of its

main uses, as use by pedestrians and includes dual use or shared paths.

Local Law: the City of Busselton *Activities in Thoroughfares and Public Places and Trading Local Law 2015*.

Median strip: any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate two one-way carriageways for vehicular traffic proceeding in opposing directions.

Portable sign: includes 'A' frame or inverted 'T' signs, garage sale signs, home open signs, horizontal and vertical banner signs, and variable message signs (including trailer mounted)

Public place: any thoroughfare or place the public is allowed to use, whether or not the thoroughfare is on private property, and includes local government land/property but does not include premises on private property from which trading is lawfully conducted.

Sporting and community sign: a portable advertising sign erected by not-for-profit sporting, or community groups or services for the purpose of advertising a sporting or community event (eg. cultural activities, sporting registration days, arts and craft fairs, market days or other events of public interest).

Thoroughfare: a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

Traffic controlled intersection: an intersection that has traffic control lights, stop signs, or give way signs directing traffic.

Traffic island: any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection to guide vehicular traffic.

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Horizontal banner sign: a sign made of lightweight, non-rigid material such as cloth, canvas or similar attached by rope or similar material to poles or other vertical anchoring points.

City project sign: a sign made from cardboard/corflute or other lightweight material used to promote constructions projects being undertaken by the City.

Vertical banner sign: a fabric or similar material sign with a single mast constructed of carbon-fibre or similar flexible material attached to a weighted base or otherwise anchored to the ground. These are typically marketed as 'teardrop', 'feather' or 'blade wing' signs.

Variable message sign: an electronic sign that is capable of displaying a single message, or a series of messages.

4.0 LEGISLATION

4.1 Clause 3.2 of the Local Law:

(1) *A person shall not without a permit, erect, place or maintain an advertising sign:*

- (a) *on or above a thoroughfare;*
- (b) *on a path;*
- (c) *over any path where the resulting vertical clearance between the sign and the path is less than 2.5 metres (Note: s.45B of the Building Regulations 2012 require a vertical clearance of 2.75 metres and would prevail over the Local Law);*
- (d) *on or within 1 metre of a carriageway;*
- (e) *in any other location where the sign is likely to obstruct line of sight along a thoroughfare or cause danger to the person using the thoroughfare; or*
- (f) *on any natural feature including a rock or tree on a thoroughfare, or on any bridge or the structural approaches to a bridge.*

(2) *Notwithstanding subclauses (1) and (2), a permit is not required in respect of a home open sign or garage sale sign provided that:*

- (a) *the sign neither exceeds 500mm in height or 0.5m² in area;*
- (b) *the sign is placed or erected on a thoroughfare no more than half an hour prior to the garage sale or home open and is removed within half an hour of the close of the garage sale or home open; and*
- (c) *there is no more than one garage sale or home open sign at any road intersection and no more than six separate signs which delineate not more than 2 alternative routes to the home open or garage sale.*

4.2 Under section 29(1) of the *Local Government (Functions and General) Regulations 1996* (the Regulations):

(1) *A contravention of a regulation or Local Law made under the Act can lead to the impounding of goods involved in the contravention if:*

- (a) *it occurs in a public place; and*
- (b) *either:*
 - i. *the presence of the goods presents a hazard to public safety, or obstructs the use of any place; or*
 - ii. *where the regulation or Local Law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or Local Law.*

5.0 POLICY CONTENT

General

5.1 Portable advertising signs are not to be:

- a. erected, placed or maintained on roundabouts, traffic islands, median strips, or within 10m of traffic controlled intersections at or around the following locations:
 - i. Bussell Highway;
 - ii. Busselton Bypass;
 - iii. Caves Road;

- iv. Busselton Central Business District;
- v. Dunsborough Townsite;

note: Busselton Bypass, Caves Road and a portion of the Bussell Highway come under the control of Main Roads Western Australia (MRWA) and as such, the control and placement of signs at those locations requires MRWA approval. Where there are compliance issues regarding the placement of signs at those locations, the City and MRWA work closely together to resolve those issues; or

- b. attached to existing signs, including other advertising signs, or on any road related infrastructure such as traffic sign supports, bus shelters, or on or between trees or other vegetation; or
- c. electronically illuminated or have an electronic or animated display; or
- d. placed on any footpath where the speed limit on the road abutting the footpath is 60 kilometres per hour or greater; or
- e. mounted to a vehicle and/or trailer.

5.2 Portable advertising signs in public places shall:

- a. have no moving parts once the sign is in place;
- b. be placed on the property boundary and provide a minimum of 1.2 metres clearance from the abutting thoroughfare.
- c. be weighted or anchored to retain their position in all weather conditions other than the circumstance in (d) below;
- d. be removed by the owner during periods of severe weather warnings issued by the Bureau of Meteorology;
- e. be manufactured from high quality materials (metal, plastic, wood or fabric) and have professional sign writing and/or graphics (including blackboards that are professionally presented);
- f. be designed and supported in a manner that ensures there is no risk of injury to the public through sharp edges, projections, potential trip hazards or similar; and
- g. in the case of signs that advertise a business or other commercial venture, only be displayed when the business or other commercial venture to which it relates is attended by a representative of the business or commercial venture.

Signs requiring a permit

5.3 The City of Busselton *Activities in Thoroughfares and Public Places and Trading Local Law 2015* establishes the need for a permit to display certain types of portable advertising signs.

5.4 Subject to clause 2.2, permits are required for 'A' or 'T' frame signs, horizontal and vertical banner signs; and variable message signs that:

- a. promote or advertise a business or any other commercial venture; and
- b. promote or advertise a sporting event, community event, community group or community service.

5.5 A permit application fee will be charged for signs that advertise a business or commercial venture, but will not be charged for signs promoting charitable, not-for-profit sporting or community events or services. To not be charged a fee an organisation or individual is required to be a not-for-profit organisation (with an incorporation certificate) or a charitable organisation. The permit application fee is prescribed in Council's adopted Schedule of Fees and Charges.

- 5.6 The owner of a portable advertising sign advertising a business or commercial venture will be required to provide evidence of current public liability insurance to the value of \$10,000,000, which indemnifies the City of Busselton against any claims for damages arising from the sign on the public land.
- 5.7 Portable advertising signs for which a permit is required and has been issued will be required to indelibly display, the current permit number at the top right hand corner on one external face of the sign. Permits will generally be issued for 3 years, unless the sign is only required for a short duration, or unless this policy requires otherwise; after which the permit holder will be required to apply for a permit renewal.
- 5.8 'A' or 'T' frame signs shall:
- be limited to a maximum of one sign per business premises and placed directly in front of, or as near as is practically possible to the business to which it relates;
 - be placed with a set back from the carriageway of no less than 0.5m, and placed to maintain a clear thoroughfare (footpath) width of no less than 1.8m; and
 - have a maximum vertical or horizontal dimension of 1.2m and have an area allocated for advertising of no more than 0.9m² on either side.
- 5.9 Horizontal banner signs:
- will only be approved when promoting or advertising sporting or community events or services;
 - shall have a maximum height of 1.5m;
 - shall have a maximum width of 2.5m; and
 - may be displayed for a maximum period of 14 days before an event and removed by the owner no later than one day after the event.
- 5.10 Vertical banner signs shall:
- be a fabric sign with a single mast;
 - have a maximum flag size of 2.8m by 1.0m with a maximum height, including the stand, of 3.5m (when placed on an open verge);
 - have a maximum flag size of 2.0m by 1m with a maximum height, including the stand, of 2.5m (when placed on a footpath);
 - be no more than 60cm wide below 2m high; and
 - have no more than one vertical banner per 4m of street frontage (with a maximum of four banners per business) and excludes the use of an 'A' or 'T' frame sign (where more than one vertical banner is displayed, each banner shall display a different product or message).
- 5.11 The City will not approve the use of variable message signs in a public place for the purpose of advertising a business or commercial venture.
- 5.12 Owners of approved business or commercial ventures that have no fixed business location may apply to use up to two portable advertising signs ('A' or 'T' frame, or other lightweight signs but not including banner or variable message signs) to advertise the location from which the business is currently being undertaken. The first sign to be at the approved trading location, the second is to be located within 500 metres driving distance of that location and shall otherwise comply with the requirements of this policy and the Local Law.

Signs not requiring a permit

- 5.13 Permits are not required for garage sale signs or home open signs. The owner of the signs is responsible for their placement and removal in accordance with this policy and the Local Law. Removal of the signs includes all materials from which the sign is constructed, and all materials used to secure the signs in place.
- 5.14 Garage sale signs are to include the address details, street number and street name, of the premises in which the garage sale is being held.
- 5.15 Restrictions:
- a. no more than six separate signs shall be used to advertise or promote the same garage sale, or home open;
 - b. signs are not to be displayed more than one kilometre from the garage sale or home open (two kilometres in rural and rural residential areas), within 250m of any other sign advertising or promoting the same garage sale or home open, or within 50m of any other portable advertising sign; and
 - c. the signs should not delineate any more than two alternative routes to the garage sale, or home open.
- 5.16 Garage sale signs, and home open signs shall:
- a. be free standing and not affixed to any sign, post, power or streetlight pole, or similar structure (including trees and other vegetation);
 - b. not exceed 500mm in height or 0.5m² in area;
 - c. not obstruct the vision of a driver of a vehicle entering or leaving a street or other public place; and
 - d. not interfere with the safe and convenient passage of pedestrians.

City project specific signs

- 5.17 City project specific signs have been developed by the City as a means of promoting public works and projects it is undertaking throughout the District. These signs will only be displayed during construction works when there are workers on site.
- 5.18 As the approving authority for portable advertising signs, the City will be deemed to have approval to display these signs without the need to apply for individual permits.

Refusal of Applications

- 5.19 Applications that do not comply with the requirements of the Local Law and this Policy will be refused by the City.

Removal of unauthorised signs

- 5.20 Portable advertising signs placed contrary to this policy and/or the Local Law may be impounded by the City.
- 5.21 Impounded signs may be claimed by the owner following payment of an impound fee as prescribed in Council's Schedule of Fees and Charges. In addition to the impound fee, owners of impounded signs may also receive a written caution and/or an infringement.

Policy Background

Policy Reference No – TBD
Owner Unit – Ranger and Emergency Services
Originator – Ranger and Emergency Services Coordinator
Policy Approved by – Council
Date Approved –
Review Frequency – as required
Related Documents – *Activities in Thoroughfares and Public Places and Trading Local Law 2015*

History

Council Resolution	Date	Information
		Date of Implementation Version 1

Reason:

The Committee were supportive of the display of signs that advertise a business or other commercial venture not being restricted by their operating hours, allowing signage to be displayed when attended by a representative of the business or commercial venture.

CARRIED 9/0

12.6 Finance Committee - 19/04/2018 - BUDGET AMENDMENT REQUEST

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

This item was considered by the Finance Committee at its meeting on 19 April 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.

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. "Railway House"**BACKGROUND**

Railway House opened to the public in March 2017 and is located at the heart of the Busselton Foreshore.

Railway House integrates the original old Busselton Railway Station, with an interpretive and function centre; the Busselton Visitor Centre and Administration Centre for the Busselton Jetty.

Housed in the Ballarat Room within Railway House is a fabulous exhibition which explores the region's rich timber heritage, including the Ballarat Engine, the oldest surviving Australian-made locomotive.

PLANNED EXPENDITURE ITEMS

Build a special purpose cabinet to house a model of the "Le Geographe" at Railway House (which is currently on permanent loan to the City and in our possession). The balance of funds are to be used to research 'women in the timber industry' which if progressed will add to the material displayed at the Ballarat Room.

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>	Current Budget	Change	Proposed Amended Budget
Revenue				
Transfer from Restricted Asset	Restricted Asset - Railway House Donations	0	(1,137.60)	(1,137.60)
330-10900-1766-0000	Railway House Donations	0	(2862.40)	(-2862.40)
Expenditure				
330-10900-3260-0000	Consultancy	0	1,500	1,500
330-10900-7743-0000	Minor Furniture and Fittings	77,030	2,500	79,530
Net Total		77,030	0	77,030

PROPOSED OUTCOME

Improvements to the Ballarat Room at Railway House.

2. “Regional Road Group Projects”**BACKGROUND**

A budget amendment is being requested to transfer left over funds between Regional Road Group Projects Strelly Street and Layman Road. The Layman Road project has been bought in under Budget and approval has been received to transfer \$100,000 in Regional Road Group (RRG) funding from this project to the Strelly Street project.

As this funding requires a 1/3 contribution from the City a total transfer of funds of \$150,000 is being sought between the two projects; \$100,000 RRG and \$50,000 municipal funds.

PLANNED EXPENDITURE ITEMS

Increased expenditure on Strelly Street project.

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

Table 2:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
S0035	RRG Project Strelly Street	549,859	150,000	699,859
S0049	RRG Project Layman Road	672,701	-150,000	522,701
Net Total		1,222,560	0	1,222,560

PROPOSED OUTCOME

Increased expenditure on Strelly Street project and retention of grant funding.

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/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1805/091

Moved Councillor J McCallum, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council endorse the requested budget amendments contained within this report, resulting in no change to an amended budgeted surplus position of \$0.

CARRIED

CARRIED 9/0

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**18.1 PROPOSED DEVELOPMENT OF A FUEL SALES AND CONVENIENCE RETAIL OUTLET ON LAND AT THE CORNER OF DUNN BAY ROAD AND CYRILLEAN WAY, DUNSBOROUGH**

Councillor Kelly Hick has given notice that at the Council meeting on 9 May 2018, she will move the following motion:

MOTION

With respect to proposed development of a fuel sales and convenience retail outlet on land at the corner of Dunn Bay Road and Cyrillean Way, Dunsborough:

1. The City advise, as a matter of priority, interested parties on actions and outcomes undertaken to date in relation to the following:
 - (i) negotiating with the developers and other landowners in Dunsborough to find an alternative site for the proposed convenience store or service station
 - (ii) discussions with the landowner of the subject land possible alternative uses of the land
 - (iii) persuading the developers that the development will be contrary to the good planning of the Dunsborough town centre.
2. The City explores further options (including the obtaining of external legal advice) to facilitate the community wishes including:
 - (i) the enforcement of the 'Convenience Store' definition applied by the SAT which limits fuel sales to petrol only, thereby excluding the sale of diesel at convenience stores
 - (ii) at a State Government level, prohibiting a fuel retailer at the proposed location based on health and environmental concerns
 - (iii) further investigations of possible alternative locations for the Puma service station/convenience store and alternative uses and/or the rezoning of the land at the corner of Dunn Bay Rd and Cyrillean Way Dunsborough.
 - (iv) Officers to present a report for Council consideration as soon as practicable, but no later than three months from resolution, on the outcomes arising from 2(i), (ii) and (iii) above.

Reasons

It is timely to determine actions taken to date and options available to Council in this matter given:

- (i) the proposed development of a convenience store at the corner of Dunn Bay Road and Cyrillean Way Dunsborough (if approved) would not be a permitted use under the City's Town Planning Scheme 21 (as amended)
- (ii) the proposed development would substantially inhibit the City's strategic plans and policies for the Dunsborough town centre
Anecdotal feedback, together with surveys and petitions undertaken, indicate that the vast majority of residents/ratepayers of Dunsborough are opposed to the development at the current proposed location.

CEO COMMENT

The City has consistently advised that the proposed development is not considered to be consistent with the relevant planning framework. That includes advice provided to the applicant and landowner's representatives prior to the lodgement of the original application for development approval, as well as recommendations presented to the Southern Joint Development Assessment Panel (DAP) on two occasions; recommendations that the DAP has endorsed on both occasions.

The City has also, on a number of occasions, indicated to both the landowners and the proposed operators of the development that there are a number of more appropriate forms of development that could occur on the land, and that there are also considered more appropriate sites for the form of development that is proposed. To date, neither the landowners nor the proposed operators has shown an interest in having further discussions with the City to those ends. The City, however, remains open to such discussions. Should the notice of motion be supported by the Council, the City could provide further advice to the community regarding the action taken to date.

It is the City's view that development in the Dunsborough Town Centre should contribute towards the creation of a town centre that is a place that is attractive, pleasant and safe to walk around. It is considered that development that does not have buildings fronting the street for the vast majority of the street frontage, and which instead has extensive vehicle hardstand areas and wide vehicle crossovers, which will generate relatively high vehicle traffic volumes, is fundamentally inconsistent with that aim. Whilst, as in any community, there will be a diversity of opinion, it is clear that there is a very significant level of community concern regarding the proposed development.

The State Administrative Tribunal (SAT) has, however, made a decision which indicates that the perceived inappropriateness of the proposed development has not been sufficiently clearly articulated in the planning framework. The Council has made a number of recent decisions that have and will result in that being more clearly articulated.

Specifically, that has been achieved via Amendment 35 to the City's town planning scheme, which has already been finally approved, and Amendment 29, which is now awaiting final approval of the Western Australian Planning Commission (WAPC) and Hon. Minister for Planning. The Council has also resolved to prepare an 'Activity Centre Plan' (ACP) for the Dunsborough Town Centre, which will provide further, more detailed guidance. Should there be a need for a further planning decision regarding the proposed development, the changes to the City's town planning scheme provided for in Amendments 35 and 29 would have a significant bearing on that decision (as may the ACP, although the timeframe for final approval of the ACP is somewhat longer).

Should the notice of motion be supported by the Council, the City would need to engage external legal advice to address points 2 (i) and (ii) of the motion. City officers would not allocate resources to further exploration of those matters without a Council resolution requiring that occur.

It is the view of officers that the City has taken all reasonable and necessary actions to date with respect to the proposed development and the associated community concerns. The City in general and the Council in particular need to recognise that the City must act appropriately and reasonably, recognising the constraints that are imposed on the City through legislation, including the local government and town planning legislation. The further actions proposed

in the motion are not seen by officers as being necessary, but nor are they seen as being inappropriate or unreasonable.

It is worth noting, though, that there are some members of the community who seem to think that the City 'should leave no stone unturned' in trying to prevent the proposed development from occurring. There are two key reasons why that would not be appropriate. Firstly, the City has certain statutory duties and responsibilities, and must always act in good faith in discharging those. Secondly, the City has to make responsible use of finite resources. In deciding when and where to allocate resources to a particular objective, the City has to consider what the likelihood of success is and the potential impact on our ability to meet other objectives.

Councillor Paine moved the following amendments to Cr Hick's Motion.

C1805/092 Moved Councillor R Paine

Amendments as shown below:

~~With respect to proposed development of a fuel sales and convenience retail outlet on land at the corner of Dunn Bay Road and Cyrillean Way, Dunsborough:~~

~~The Council requests that the CEO bring a report to Council, as a matter of priority, enumerating the actions and outcomes undertaken to date in relation to the following:~~

1. The City advise, as a matter of priority, interested parties on actions and outcomes undertaken to date in relation to the following:
 - (i) negotiating with the developers and other landowners in Dunsborough to find an alternative site for the proposed convenience store or service station
 - (ii) discussions with the landowner of the subject land possible alternative uses of the land
 - (iii) persuading the developers that the development will be contrary to the good planning of the Dunsborough town centre.
2. ~~The City explores further options (including the obtaining of external legal advice) to~~ The Council requests that the CEO explores further options (including the obtaining of external legal advice) to facilitate the community wishes including:
 - (i) the enforcement of the 'Convenience Store' definition applied by the SAT which limits fuel sales to petrol only, thereby excluding the sale of diesel at convenience stores
 - (ii) at a State Government level, prohibiting a fuel retailer at the proposed location based on health and environmental concerns
 - (iii) further investigations of possible alternative locations for the Puma service station/convenience store and alternative uses and/or the rezoning of the land at the corner of Dunn Bay Rd and Cyrillean Way Dunsborough.
 - (iv) ~~Officers to present a report for Council consideration as soon as practicable, but~~ The Council requests that the CEO presents a report for Council consideration as soon as practicable, but

no later than three months from resolution, on the outcomes arising from 2(i), (ii) and (iii) above.

Voting:

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

Against the motion: Councillor R Bennett.

CARRIED 8/1

The substantive motion was moved including Cr Paine's amendments

COUNCIL DECISION

C1805/093 Moved Councillor K Hick, seconded Councillor R Bennett

Proposed development of a fuel sales and convenience retail outlet on land at the corner of Dunn Bay Road and Cyrillean Way, Dunsborough.

With respect to proposed development of a fuel sales and convenience retail outlet on land at the corner of Dunn Bay Road and Cyrillean Way, Dunsborough:

1. The Council requests that the CEO bring a report to Council, as a matter of priority, enumerating the actions and outcomes undertaken to date in relation to the following:
 - (i) negotiating with the developers and other landowners in Dunsborough to find an alternative site for the proposed convenience store or service station
 - (ii) discussions with the landowner of the subject land possible alternative uses of the land
 - (iii) persuading the developers that the development will be contrary to the good planning of the Dunsborough town centre.

2. The Council requests that the CEO explores further options (including the obtaining of external legal advice) to facilitate the community wishes including:
 - (i) the enforcement of the 'Convenience Store' definition applied by the SAT which limits fuel sales to petrol only, thereby excluding the sale of diesel at convenience stores
 - (ii) at a State Government level, prohibiting a fuel retailer at the > proposed location based on health and environmental concerns
 - (iii) further investigations of possible alternative locations for the Puma service station/convenience store and alternative uses and/or the rezoning of the land at the corner of Dunn Bay Rd and Cyrillean Way Dunsborough.
 - (iv) The Council requests that the CEO presents a report for Council consideration as soon as practicable, but no later than three months from resolution, on the outcomes arising from 2(i), (ii) and (iii) above.

CARRIED 9/0

14. ENGINEERING AND WORKS SERVICES REPORT

Nil

12.4 Finance Committee - 19/04/2018 - 2018/19 DRAFT LIST OF FEES AND CHARGES

SUBJECT INDEX:	Financial Management: Financial Operations
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Financial Services
REPORTING OFFICER:	Financial Compliance Officer - Jeffrey Corker
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A 2018/19 Draft List of Fees and Charges⇒

This item was considered by the Finance Committee at its meeting on 19 April 2018, the recommendations from which have been included in this report.

PRÉCIS

In accordance with Regulation 5(2) of the Local Government (Financial Management) Regulations, a local government is to undertake a review of its fees and charges regularly; and not less than once in every financial year. This report provides the Finance Committee with a recommended Schedule of Fees and Charges to apply for the financial year commencing on 01 July 2018, for its consideration and consequent recommendation to the Council.

BACKGROUND

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

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

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

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

The above matters have been considered as part of the annual fees and charges review and the fees and charges recommended are in accordance with recent planning and discussions relating to the City's Long Term Financial Plan.

Finally, whilst Section 6.16(3) of the Act states that a schedule of fees and charges is to be adopted by the Council when adopting the annual budget, fees and charges may also be imposed during a financial year. In order for the 2018/19 schedule of fees and charges to be effective from the commencement of the new financial year, the Council is required to adopt its schedule in advance of 30 June 2018, such that any statutory public notice periods (including gazettal's where required) can be complied with.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

The Council's Draft Long Term Financial Plan, which was subject to Workshops with SMG and Councillors in March 2018, reflects an annual increase in Fees and Charges revenue of 2.9% (the 10 year average Local Government Cost Index). This matter has been considered as part of the review process.

FINANCIAL IMPLICATIONS

Whilst fees and charges revenue includes items that the Council has no authority to amend, it is important that, where possible, controllable fees and charges are appropriately indexed on an annual basis, to assist in offsetting the increasing costs of providing associated services. This may include increases beyond normal indexation in particular cases in line with Section 6.17 of the Act.

Long-term Financial Plan Implications

In terms of the Council's currently adopted budget, revenue from fees and charges (excluding waste collection charges) equates to approximately 20.4% of budgeted rates revenue and 14% of total operating revenue (excluding non-operating grants). As such, fees and charges form an integral and important component of the City's overall revenue base in relation to the Long Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

The schedule of fees and charges adopted by the Council encompasses 'whole of organisation' activities. As such, all Key Goal Areas within the Council's Strategic Community Plan 2017 are in some way impacted. More specifically however, this matter aligns with Key Goal Area 6 – 'Leadership' and particularly Community Objective 6.1 - 'Governance system, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

There are several risks that the Council needs to be mindful of when reviewing its schedule of fees and charges. Firstly, in an effort to assist in recovering costs associated with the provision of services, it is important that, where applicable, fees and charges are increased on an annual basis in line with relevant economic indicators. Should this not occur the provision of services is required to be increasingly subsidised by other funding sources. Conversely however, a balance is also required to ensure that fees and charges are maintained at levels so as not to adversely impact on the financial ability for ratepayers to utilise those services, which may otherwise result in a net reduction in revenue.

CONSULTATION

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

OFFICER COMMENT

The 2018/19 draft Schedule of Fees and Charges has been guided by a general escalation of 2.9% over currently adopted fees and charges, which represents the average of the Local Government Cost Index (LGCI) over the past 10 years. This methodology is consistent with the Fees and Charges revenue extrapolation as comprised within the Council's current Draft Long Term Financial Plan.

Notwithstanding this however, in numerous instances this principle is not appropriate, with other factors also requiring consideration. The following provides an overview, by Directorate, of noteworthy instances where an LGCI extrapolation has not been utilised, whilst also discussing, where relevant, newly proposed fees and charges.

Planning and Development Services

Health Related Fees

- **Food Premises Fees**
The Service Fee - High Risk is included as the complete annual fee rather than charged as two inspection fees as previously listed. No overall change to the actual charge to high risk premises except required 2.9% increase.
- **Stallholders**
The Temporary Business Fee has been removed and these fees will now be considered under Stallholder fees and these fees have also been changed to what has been paid by food stallholders previously.
- **Traders**
Fees associated with traders have recently increased substantially. It is proposed that many remain the same for the 2018/19 financial year as they were introduced in 2017/18. It is proposed to reduce the Itinerant Trader Permit Fee from the introductory fee of \$2,500 to \$1,500 due to community feedback and justification of fee for service.
- **Outdoor Eating Facility Fee**
This is about to be introduced into the community and is recommended to be left at the same rate as 2017/18. The Application for Transfer of an Outdoor Eating Facility Permit is proposed to be reduced to \$66, which is the same as the fee listed for the Food Registration transfer.
- **Public Building Fees**
It is proposed to leave these fees at the 2017/18 rates (other than the inspection fee).
- **Park Home, Annexe & Misc. Caravan Park Fees**
It is proposed to leave these fees at the 2017/18 levels.
- **Noise Monitoring Fees**
It is proposed to leave these fees at the 2017/18 levels due to a maximum statutory fee permitted to be charged and the breakdown being proposed is proportional to that fee (other than the Noise Monitoring Fee and the Noise Monitoring Report).
- **Effluent Disposal Fee**
Local Government Report fee is proposed to be reduced to \$120 as the recommended Department of Health fee is \$118. Additionally, the Copy of Approval – Apparatus for Treatment of Sewage fee is proposed to be reduced to \$50 to better reflect the cost of providing that service.

Town Planning Related fees

- Portable Sign License Fees

This fee is transferred from Ranger and Fire Services - Miscellaneous to Town Planning to coincide with the implementation of the Portable Advertising Signs Policy. The introductory fee will demonstrate good will to local businesses.

Ranger & Fire Service Related Fees

- Cat Traps

Reference to Dogs removed the description as the traps are only used to trap cats. This is a fully refundable bond/deposit and as such there is no need to increase it.

- Application for beach/reserve vehicle access permit

Description changed to Application for beach/reserve/commercial fisher vehicle access permit. Annual permit changed to match the renewal of a permit, applicants will be encouraged to apply for a 3 year permit.

Engineering & Works Services

Waste Disposal and Sanitation Fees

- No increases proposed for 2018/19 with the exception of the Commercial Green Waste fee within the General Waste, Building and Construction Unseparated Waste section.

Finance & Corporate Services

Administration / Miscellaneous Fees

- Council Minutes

Annual subscription fee not increased as already considered cost prohibitive.

- Publications

Book stocks remain excessively high. Wholesale pricing allows City to offer to retail stores in the area.

- City of Busselton License Plates

Cost considered prohibitive resulting in low sales. Fee reduced after discussion with PR department.

Cemetery Fees

- Land Grant for Right of Burial

Fee reforms in 2009-2015 brought the City to parity with similar facilities within the state. Annual price increases have now put us out ahead so further increases at this time are consider cost prohibitive.

Hire Facilities All

- General

Introduction of private use and registered charity use to reflect community needs.

Current practice is to allow 50% discount to registered charities but nearly all applicants apply for the discount due to wording of various documents. Suggest spelling this out throughout the hire fees and remove discount offer from hire forms. Some fees and charges previously listed under other departments have been consolidated into this section.

- Facility Hire Bonds

Consolidated bonds for hireable facilities other than recreation and art precinct for ease of application, clarity and equity. Divided bonds into risk groups to address antisocial behaviour experienced with high risk functions.

- **Miscellaneous Facility Fees**
Wedding / Private Functions - Neighbouring Local Governments charge much lower fees while Local Governments in the metropolitan area have much higher fees. Will cap the price this year and undertake full review in the coming year. It is suggested that Council consider requiring other functions to make application such as parties with bouncy castles as we have to attend and direct placement.

Booking Deposit – New fee added. Many users book months in advance but cannot afford to pay full price at time of booking. It is suggested that Council move to a deposit format matching the 10% cancellation fee.

Extraordinary Clean – New fee structure to replace previous fixed \$360 charge. This fee is to cover a) facility left dirty - fee to come out of bond; or b) by arrangement for groups not wishing to clean after their event.

Churchill Park Hall

- Removed food vs. no food pricing. Minimal price changes. The kitchen is available to all users and most users access whether they have paid or not. Recommend removing fee and holding price down to encourage better activation of this space.

High Street Hall

- Removed food vs. no food pricing. Minimal price changes. The kitchen is available to all users and most users access whether they have paid or not. Recommend removing fee and holding price down to encourage better activation of this space.

Rural Halls

- Removed food vs. no food pricing. Minimal Price Changes. The kitchen is available to all users and most users access whether they have paid or not. Recommend removing fee and holding price down to encourage better activation of this space.

Undalup Function Room

- Added Registered Charity - Fees for registered charities aimed at attracting more use of facility;
- Added food/alcohol vs. no food/no alcohol options - Food / Alcohol split considered relevant as we have been getting requests for functions that do not want the kitchen - as these are mainly short duration functions, hourly fees only have been added for this class
- Reduced existing fees by 40% - The 40% fee reduction is in response to the average discount given to all user (except internal) in the year the room has been in use.
- Lights / PA per event – Fee has been deleted as it is a minimal cost. Use has been added in as goodwill to customers.

Busselton Community Resource Centre

- Added hourly fees for all user types - Community feedback has been that half- and full-day options are too expensive for groups that only need an hour or two of use.

Busselton Youth and Community Activity Building

- Added Private and Registered users
- Adjusted price up to sit between halls and Undalup room - YCAB pricing was considered quite low compared to existing halls (Churchill and High Street). Those fees were not raised and YCABs have been raised marginally to reflect class of facility. Usage will be monitored over the coming year and prices may need adjustment again to ensure appropriate activation of all spaces.

Community & Commercial Services

Indoor Community Facilities

- New fee structure moved under Finance and Corporate Services

Events & Casual Ground Hire

- Use of Busselton Foreshore Stage
Once the new amphitheatre is complete the stage will be available for use. There is no charge proposed for community use of the stage.

Naturaliste Community Centre

- General
Various wording changes and some fees unchanged so as to align them with GLC Fees.
- Multi-Purpose Activity Room (Half)
Storage fees altered to clarify that the fee applies monthly and also it allows current fee for storage to apply to floor area (including stadium) used for storage as well as shelves. New fees have been included to recoup some of the expense of upgraded Audio Visual equipment fitted permanently to the rooms. New fees have been included for Casual Hire which are the same as casual Stadium hire, facilitates increased casual hire of the room for various activities.
- Group Fitness
New NCC fee to attract membership by local FIFO population.
- Crèche / Activity Room
No changes proposed to bring fees into alignment with the GLC.
- Shower
Low usage so fee reduced to \$4pp to encourage usage.

Geographe Leisure Centre

- Swimming Pool
Local regular not for profit aquatic user groups (local swimming clubs and local user groups) –must also pay lane hire- This is very Low cost in comparison to other local Recreation Centres: Margaret River charge \$9.50 per hour, LLC charge \$13.00 per hour, Cockburn \$25.00 per hour.
In the 2015/16 budget the introduction of a lane hire fee for swimming club was introduced at \$10.00 per lane per hour. During consultation with the swimming clubs, this rate was revised and reduced to \$2.00 which was designed to increase by \$1.00 per financial year. It failed to increase in the 2016-17 fees and charges, so it is now recommended that the price for 2018-19 should be \$5.00. This will still be priced well below other centres, but honour the agreement in place.

Learn to Swim & one on one Private Lessons– Increase of price is to suit the value of the activity, when bench marked with other providers of private lessons; GLC prices were lower in comparison. Suggest increase of price for 15 minutes one on one private lesson to \$20.00 from \$18.50, and for 30 minutes to \$40.00 from \$36.00.
- Fitness Centre
Lifestyle Seniors Program - Price to remain the same to help encourage referral attendance and coincide with current literature while program builds momentum.

- Personal / Group Training
30 & 60 minute Personal Training - removal of fees not required due to PT licence agreement in place.
- Sports Stadium
Stadium Bond Hire – no increase to fee, remain at \$500 as it's a bond and don't believe any need to increase it to an odd figure.
- Vacation care program, per child per day
Increase due to changes to new government Child Care Subsidy resulting in no cap on for child care allowance for families who earn less than \$185k per year and families who earn between \$185k to \$350k, will receive an increase in current cap. CCB will be paid direct to the service instead of the individuals. Increase includes excursion expense. CPI and CCS changes – little change to client final costs after subsidy.
- Various Membership Packages
6, 3, and 1 month options added. Remote shift worker membership fee added to attract new members. A fee for 'Rehabilitation Membership Insurance 3 month only' has been introduced as a new membership type that applies to those paid by insurance companies and requires a Health Professional to accompany client for rehabilitation purposes.
- Health Suites
The commercial rate has been removed as it was proving to be unattractive and not utilised due to being overpriced.

Busselton Jetty Tourist Park

- Overnight Rates
Description changed from "up to maximum 6 people" to 5 people for all seasons.
New charge for the two new cabins (both cabins are identical and hence will fall under the same "olive shell cabin" rate) that will be constructed and available from August 2018.
- Weekly Rates
Description changed from "up to maximum 6 people" to 5 people for all seasons.
New charge for the two new cabins (both cabins are identical and hence will fall under the same "olive shell cabin" rate) that will be constructed and available from August 2018.
- Miscellaneous
Linen Hire fees altered due to change in charges from the service provider to incorporate fee for single bed and new fee below for queen/double bed.

Busselton-Margaret River Airport

- Passenger Fees
Passenger facilitation fee for RPT flights and Passenger screening charge - Description updated and charge changed to POA (Price on Application). This has been changed to reflect the change in charges through negotiated contracts for commercial airlines expected to come on board over the next year.
Passenger facilitation fee for open and closed charter flights - Change to description only. Also this fee has not been increased by CPI. Fees have not been increased to facilitate continuation of FIFO charter services and to encourage possible increase in services/recognition of moving to negotiated based contracts.

- Landing fees & General Aviation Charges
Some description changes, deletions and additions to reflect changes to Airport and new fee structure.
Aircraft greater than 5700 kg MTOW per part 1000kg - No CPI increase to landing fee to ensure continuation of FIFO charter services and to facilitate possible increase in services/recognition of moving to negotiated based contracts.
- Secure Car Park
No CPI increase these fees. This is to maintain car parking numbers (reduce car pooling; drops/pickups) and any inconvenience resulting from development project.
- Other Fees
Hanger Access Key fee deleted as the keys are no longer used.
- Fuel Levy
Delete fee as ABP have taken responsibility/ownership of the Avgas facility and agreement with Busselton Aero Club terminated.

CONCLUSION

As part of the annual fees and charges review, the currently adopted fees and charges have been reviewed in line with the requirements of the Local Government Act and other relevant legislation as applicable. Where considered relevant, fees and charges have been increased by, or above, LGCI estimates in recognition of increased costs associated with the provision of services. In other instances, the prevailing fees and charges are considered adequate (and as such, no changes are recommended). Furthermore, a number of new fees and charges have been proposed, or amendments to existing fees structures recommended. Consequently, it is recommended that the Finance Committee endorses the draft Schedule of Fees and Charges for 2018/19 as recommended, for subsequent consideration by the Council.

OPTIONS

The Finance Committee may determine to recommend amendments to the draft Schedule of Fees and Charges as it deems appropriate

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Consequent to adoption by the Council, the Schedule of Fees and Charges for 2018/19 will become effective from and including 01 July 2018.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council endorses the Fees and Charges as detailed in the "Draft List of Fees and Charges 2018/19" as per Attachment A - Schedule of Fees and Charges, effective from and including 01 July 2018.

COMMITTEE RECOMMENDATION AND AMENDED OFFICER RECOMMENDATION**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council endorses the Fees and Charges as detailed in the "Draft List of Fees and Charges 2018/19" as per Attachment A - Schedule of Fees and Charges, effective from and including 01 July 2018; with additions/deletions/modifications as follows (as indicated in red text):

DESCRIPTION	ADOPTED FEE 2017/18 (Exc GST)	DRAFT FEE 2018/19 (Exc GST)	DRAFT FEE 2018/19 (Inc GST)
<u>Railway House Exhibition Hire (NEW)</u>			
Railway House exhibition hire (per week)	New	139.09	153.00
Installation and dismantle fee (per hour)	New	45.45	50.00
Artists required to apply & sign booking form. Additional exhibition charges based on cost-recovery are assessed on a case-by-case basis			
<u>Building certificates and written advice (Building Act 2011)</u>			
Certificate of design compliance for class 2-9 buildings construction value up to \$2M	0.09% of the GST inclusive estimated value of works, with a minimum of \$262; plus GST.	0.09% of the GST inclusive estimated value of works, with a minimum of \$262 350; plus GST.	0.09% of the GST inclusive estimated value of works, with a minimum of \$262 385; plus inc GST.
Certificate of Construction/ Building Compliance	Hourly fee of \$125, minimum of \$262 plus GST	Hourly fee of \$125, minimum of \$262 plus GST	Hourly fee of \$125 \$165, minimum of \$262 385; plus inc GST.
<u>Public Building Fees</u>			
The maximum "Statutory" fee for consideration of an application for approval is \$832 (inc GST)			
< 500 persons	160.00	160.00	160.00
500 - 999 persons	216.00	216.00	216.00
1,000 - 2,999 persons	432.00	432.00	432.00
3,000 - 4,999 persons	720.00	720.00	720.00
> 5,000 persons	844.00	844.00 832.00	844.00 832.00
Public Building Inspection Fee (including events)	108.00	108.00	108.00
<u>TOWN PLANNING RELATED FEES</u>			

Permit to use (waived on the first callout or inspection)	162.00	167.00	167.00
Permit to commence (waived on the first callout or inspection)	162.00	167.00	167.00
Portable Sign Licence Fee - Introductory (NEW)			50.00 Zero

Reason:

The above additions/deletions/modifications were identified as necessary updates after the Finance Committee agenda had been published.

COUNCIL DECISION**C1805/094**

Moved Councillor G Henley, seconded Councillor J McCallum

That the Council endorses the Fees and Charges as detailed in the "Draft List of Fees and Charges 2018/19" as per Attachment A – Schedule of Fees and Charges, effective from and including 01 July 2018; with additional/deletions/modifications as follows (as indicated in red text) and with further amendments to the Undalup Function Room fees and charges as indicated in red and highlighted in yellow:

CARRIED 9/0

DESCRIPTION	ADOPTED FEE 2017/18 (Exc GST)	DRAFT FEE 2018/19 (Exc GST)	DRAFT FEE 2018/19 (Inc GST)
<u>Railway House Exhibition Hire (NEW)</u>			
Railway House exhibition hire (per week)	New	139.09	153.00
Installation and dismantle fee (per hour)	New	45.45	50.00
Artists required to apply & sign booking form. Additional exhibition charges based on cost-recovery are assessed on a case-by-case basis			
<u>Building certificates and written advice (Building Act 2011)</u>			

Certificate of design compliance for class 2-9 buildings construction value up to \$2M	0.09% of the GST inclusive estimated value of works, with a minimum of \$262; plus GST.	0.09% of the GST inclusive estimated value of works, with a minimum of \$262 350; plus GST.	0.09% of the GST inclusive estimated value of works, with a minimum of \$262 385; plus inc GST.
Certificate of Construction/ Building Compliance	Hourly fee of \$125, minimum of \$262 plus GST	Hourly fee of \$125, minimum of \$262 plus GST	Hourly fee of \$125 \$165, minimum of \$262 385; plus inc GST.
Public Building Fees			
The maximum "Statutory" fee for consideration of an application for approval is \$832 (inc GST)			
< 500 persons	160.00	160.00	160.00
500 - 999 persons	216.00	216.00	216.00
1,000 - 2,999 persons	432.00	432.00	432.00
3,000 - 4,999 persons	720.00	720.00	720.00
> 5,000 persons	844.00	844.00 832.00	844.00 832.00
Public Building Inspection Fee (including events)	108.00	108.00	108.00
TOWN PLANNING RELATED FEES			
Permit to use (waived on the first callout or inspection)	162.00	167.00	167.00
Permit to commence (waived on the first callout or inspection)	162.00	167.00	167.00
Portable Sign Licence Fee - Introductory (NEW)			50.00 Zero

DESCRIPTION	ADOPTED FEE 2017/18 (Exc GST)	DRAFT FEE 2018/19 (Exc GST)	DRAFT FEE 2018/19 (Inc GST)
FINANCE & CORPORATE SERVICES			
Undalup Function Room			
Function Centre - No Food / No Alcohol			
Community Group - Hourly - Business Hours	New	68.18	75.00
Commercial - Hourly - Business Hours	New	95.45	105.00
Private Use - Hourly Business Hours	New	109.09	120.00
Registered Charity - Hourly - Business Hours	New	31.82	35.00
Community Group - Hourly - After Hours / Weekends	New	136.36122.73	150.00135.00
Commercial - Hourly - After Hours / Weekends	New	190.91181.82	210.00200.00
Private Use - Hourly After Hours / Weekends	New	218.18	240.00
Registered Charity - Hourly - After Hours / Weekends	New	68.1863.64	75.0070.00
Function Centre - With Food and / or Alcohol			
Community Group - Hourly - Business Hours	New	113.64104.55	125.00115.00
Community Group - per Half Day - Business Hours	New	272.73250.00	300.00275.00
Community Group - per Full Day - Business Hours	New	500.00454.55	550.00500.00
Commercial - Hourly Business Hours	New	159.09	175.00
Commercial - per Half Day - Business Hours	New	454.55386.36	500.00425.00
Commercial - per Full Day - Business Hours	New	545.45681.82	600.00750.00
Private Use - Hourly - Business Hours	New	181.82	200.00
Private Use - Per Half Day - Business Hours	New	727.27	800.00
Private Use - per Full Day - Business Hours	New	1,090.91	1,200.00
Registered Charity - Hourly - Business Hours	New	59.0954.55	65.0060.00
Registered Charity - Per Half Day - Business Hours	New	136.36122.73	150.00135.00
Registered Charity - per Full Day - Business Hours	New	204.55227.27	225.00250.00
Community Group - Hourly - After Hours / Weekends	New	227.27204.55	250.00225.00
Community Group - per Half Day - After Hours / Weekends	New	600.00545.55	660.00600.00
Community Group - Per Full Day - After Hours / Weekends	New	1,000.00909.09	1,100.001000.00
Commercial - Hourly - After Hours / Weekends	New	318.18	350.00
Commercial - per Half Day - After Hours / Weekends	New	818.18900.00	900.00990.00
Commercial - Per Full Day - After Hours / Weekends	New	1,090.911363.64	1,200.001500.00
Private Use - Hourly - After Hours / Weekends	New	363.64	400.00
Private Use - per Half Day - After Hours / Weekends	New	1,545.45	1,700.00
Private Use - per Full Day - After Hours / Weekends	New	2,181.82	2,400.00
Registered Charity - Hourly - After Hours / Weekends	New	113.64104.55	125.00115.00
Registered Charity - Per Half Day - After Hours / Weekends	New	300.00272.73	330.00300.00
Registered Charity - Per Full Day - After Hours / Weekends	New	500.00454.55	550.00500.00
Kitchen Only			
Community - per half day - Business Hours	409.09	204.55186.36	225.00205.00
Commercial - per half day - Business Hours	545.45	272.73281.82	300.00310.00
Private - per half day - Business Hours	636.36	318.18	350.00
Registered Charity - per Half Day Business Hours	New	100.0090.91	110.00100.00

Community - per half day - After Hours / Weekends Hours	818.18	409.09372.73	450.00410.00
Commercial - per half day - After Hours / Weekends Hours	1,090.91	545.45559.09	600.00615.00
Private - per half day - After Hours / Weekends Hours	1,272.73	636.36	700.00
Registered Charity - per Half Day - After Hours / Weekends	New	204.55186.36	225.00205.00
Community - per full day - Business Hours	727.27	363.64331.82	400.00365.00
Commercial - per full day - Business Hours	1,000.00	500.00	550.00
Private - per full day - Business Hours	1,090.91	545.45	600.00
Registered Charity - per Full Day Business Hours	New	181.82163.64	200.00180.00
Community - per full day - After Hours / Weekends Hours	1,454.55	727.27659.09	800.00725.00
Commercial - per full day - After Hours / Weekends Hours	1,636.36	818.18990.91	900.001090.00
Private - per full day - After Hours / Weekends Hours	1,909.09	954.551090.91	1,050.001200.00
Registered Charity - per Full Day - After Hours / Weekends	New	363.64327.27	400.00360.00
Additional Charges			
Dance Floor Rental (Each Event)	40.91	40.91	45.00

Reason:

The committee and amended officer's recommendation for the Undalup Function Room fees is to apply a 40% discount to all Commercial, Community Group and Registered Charities, based on the average discounts given across these fee categories over the past year. As part of the construction of the Civic and Administration centre {building} the Undalup Function Room was included as an affordable venue available to the community of Busselton. As such it is appropriate to ensure Community Groups and Registered Charities receive the most benefit from this venue. Therefore it is proposed the Community Group and Registered Charity hire fees be more significantly reduced and the Commercial hire fees be discounted less to offset any potential loss in revenue. (Proposed fees have been rounded for ease of use).

15.1 PROPOSED DUNSBOROUGH FORESHORE CAFE/KIOSK (A CLASS RESERVE R22965): REVISION OF CONCEPT DESIGN AND FUNCTION

SUBJECT INDEX:	Tourism Development
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Property and Business Development
REPORTING OFFICER:	Manager, Commercial Services - Jennifer May
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Site Plan⇒ Attachment B Proposed Built Form⇒ Attachment C Environmental Design and Construction Concept ⇒ Attachment D View from Geographe Bay⇒ Attachment E View from Geographe Bay Rd⇒ Attachment F Acknowledgement of revised development concept:Department of Planning, Lands and Heritage⇒ Attachment G Original Concept Design (Cafe/Kiosk)⇒

PRÉCIS

This report presents revised design concepts for a commercial café/kiosk to be located on the Dunsborough foreshore on Crown land (a portion of 'A Class' Reserve Number R22965) known as 'Centennial Park', the results from community and stakeholder consultation carried out in late 2017 and recommends Council authorise the CEO to take the necessary steps to proceed with the proposed café/kiosk development.

BACKGROUND

The genesis of this project goes back to at least 2008, with the need for a waterfront café / restaurant identified as part of master planning for redevelopment of the Dunsborough foreshore. This master planning, and the resultant Dunsborough Foreshore Concept Plan, endorsed by Council in 2010 (C1001/018), was initiated by the Dunsborough Yallingup Chamber of Commerce and Industry (DYCCI), with a key objective being to improve the pedestrian linkage and view corridor between the Dunsborough town centre and the foreshore and to rejuvenate and revitalise the landscape, parking and amenity of the foreshore itself. Significantly it was also noted, and remains the case today, that there is not a cafe / restaurant or similar where people can go and enjoy the waterfront experience anywhere in Dunsborough.

In March 2014, following extensive consultation on the location of a site for a café/kiosk (undertaken between 2011-2013) the Council resolved (C1403/055) to support, for the purposes of community consultation, a proposed containment zone on the Dunsborough foreshore ('A Class' Reserve Number R22965), for potential future commercial development of a café and/or kiosk up to 150m2 plus 50m2 alfresco area.

The resolution resulted from a strategic review of alternative sites for a café and/or kiosk conducted by the City of Busselton in consultation with the Dunsborough/Yallingup Chamber of Commerce (DYCCI Inc) and the Dunsborough and Districts Progress Association (DDPA Inc). The strategic review of sites was initiated following community concerns a café and/or kiosk was not appropriate within the redeveloped foreshore land at the juncture of Dunn Bay Road and Geographe Bay Road, the location previously endorsed by Council in January 2010 (C1001/018) and in June 2012 (C1206/144).

On 25 June 2014, Council resolved (C1406/154) to acknowledge public submissions received on the proposed containment zone for the café/kiosk and to write to the Minister for Lands requesting an amendment to the management order to provide the City with the power to lease an area of approximately 200m². Council also resolved to seek preliminary Registrations of Interest (RoI) from the private sector to lease a portion of the Reserve, within the containment zone for a café/kiosk development, while at the same time seeking power to lease the Reserve from the then Department of Lands (DoL).

Following the Council decision of 25 June 2014, City officers publicly sought RoIs and received three submissions by the closing date of 29 September 2014. All proponents were then invited to submit a more detailed proposal by 20 February 2015.

On 22 April 2015, Council resolved (C1504/106) to nominate the Margaret River Hospitality Group PL (MRHG) (formerly, White Elephant Gnarabup Beach Pty Ltd) as the potential future lessee of a portion of Reserve R22965 (Centennial Park, Dunsborough) for the development of a café and kiosk up to 150m² plus 50m² alfresco area and for staff to negotiate a non-binding Heads of Agreement.

The main components of the café proposal were:

- Seating: Café internal area (90 sqm) – 90 people and alfresco area (50 sqm – 50 people);
- Internal Toilets provided (25m²);
- Kitchen, cool room and dry store (35m²);
- Basic post and beam structure with a single pitch raked roof over the café area and another smaller single pitched roof over the alfresco area. The building will be elevated on concrete piles to protect against storm surge and proposed to sit about 1.0m above surrounding contours;
- Environmentally sustainable building design;
- Any vegetation loss will be replanted. No removal of peppermint trees;
- No external walls or fences (other than a roofed bin store) which will be screened with wall cladding;
- Roof is 5.0m above natural ground level at highest point;
- Proposed Lease Term: 20 Years with an option for a further 10 years;
- Landscaping maintenance requirements in licenced area around the curtilage of the building area to be by Lessee;
- Hospitality offering: Quality breakfast and lunch with a takeaway option;
- Liquor licencing: Preference for local beer and wine, and;
- Additional car-parking to be negotiated through the lease

Officers wrote to the DoL on 16 October 2015 advising of the MRHG as preferred proponent and reaffirming its previous request for the management order over Reserve R22965 to be amended to reflect a change in purpose from 'Camping and Recreation' to 'Recreation and Foreshore Management' and seeking power to lease/licence a portion of the Reserve for a period of up to 30 years to facilitate the preferred proponent's proposal.

This request was not progressed; rather DoL advised that due to policy changes, the land would be required to be excised from the Reserve for a head lease between the State of WA and the City, and a sub-lease agreement prepared between the City and the proponent.

On 8 June 2016, DoL advertised its intention to amend the purpose of the Reserve and excise out the land for the café/kiosk and invited public comment. DoL received objections from several of the landowners on Geographe Bay Road and in the vicinity of the proposed site. DoL subsequently advised the City the advertising process it had conducted did not adequately address the statutory requirements of the Land Administration Act 1997, in that Ministerial approval to advertise had not been sought. Accordingly, DoL indicated they would need to readvertise.

In early 2017, the MRHG advised the City it would be interested in reviewing the concept and functionality design to try and resolve some of the community concerns previously expressed, in particular visibility of the building from Geographe Bay Road, parking issues and the environmental sustainability of the building.

The revised design concept integrates a commercial development area with new public/community facilities and, while it results in a larger total building area of 400m², a commercial area of 200m² (as originally supported by Council) has been retained. The revised covered areas proposed are:

Commercial space (200m²) consisting:

- kitchen (30m²)
- dining space (105m²)
- kiosk (15m²)
- al-fresco (50m²)

Public (community) space (200m²) consisting:

- community circle area (50m²)
- outdoor showers (40m²)
- ablutions (50m²)
- public deck (60m²)

The revised concept potentially provides the following benefits to the local area:

- Community: improved facilities and amenity; upgraded public ablutions; strengthens the sense of place; enjoyment of the beach year round; positive local economic/tourism benefits and the development of community pride in sustainability;
- Environment: Touches the earth lightly (uses screw piles with no concrete pads) and is elevated off the ground to protect vegetation and prevent inundation in a major storm event; 100% sustainable energy production is proposed with a 200 panel solar array on the roof; renewable construction materials; pre-fabricated modular construction to reduce on-site impact; simple decommissioning of structure at the end of the life; all existing trees to remain with reintroduction of native vegetation;
- Public facility upgrades: Relocation of public ablutions within the proposed development; re-direction of existing bicycle path to improve cyclists, car and pedestrian flow;
- Eliminates car/pedestrian clash points on-site; car-park redesign to improve traffic flow onto Geographe Bay Road, and;
- Introduction of bike parking/repair stations and more bins for cleaner beaches

The revised concepts submitted by the MRHG are shown in Attachments A-E of this report.

At its meeting on 22 August 2017, Council endorsed (C1708/205) the inviting of community comment on the revised design concepts, prior to the progression of State and Local Government statutory processes relating to property disposition. Community consultation was undertaken in September and October 2017 through a variety of activities, a summary of which is provided in the Consultation section of this report.

City Officers presented the results of the community consultation to the Council at a briefing on 8 November 2017, whereby Council requested Officers to work with MRHG regarding community feedback received about the proposal and in particular the holding of functions (weddings) as a key component of their business operations, as well as concerns regarding parking and removal of vegetation.

City Officers met with MRHG in January 2018 to discuss community and Council feedback, with the below adjustments agreed to. These were subsequently presented to the Council at a briefing on 21 March 2018;

- Lease area (200m²) consisting:
 - commercial space (150m²)
 - al-fresco (50m²)
- Reduced public amenity area (showers and decked community circle)
- Toilet facilities - with City of Busselton contribution
- Car parking area to remain unchanged with no clearing of vegetation (formalization of car park line marking to be addressed)
- Realignment / relocation of the cycle/footpath
- Café/kiosk offering including;
 - Breakfast and lunch
 - Small groups/business type functions up to 24 per year
 - No wedding, 18th and 21st functions
 - Serving of alcohol under liquor licence
 - Business hours from 7.00am until early evening (latest 8.00pm).

STATUTORY ENVIRONMENT

The following statutory requirements are relevant in considering this matter.

Land Administration Act 1997 ("LAA")

The café and kiosk concept proposed by the MRHG is located on Crown land being an 'A' Class reserve (Reserve 22965) which is vested with the City for the purposes of 'Camping and Recreation'. The City does not currently have the power to lease. DoL advice is that the land requires excision from the Reserve to facilitate a café development and approvals are required by both houses of the WA Parliament.

The Department of Planning, Lands and Heritage (DPLH), previously DoL, reviewed the revised draft concepts as presented to the Council in August 2017 and recommended further community consultation to occur prior to any further statutory processes progressing in accordance with the LAA. Attachment F of this report is the written response from the DPLH. The community consultation was completed in September and October 2017 and subject of this report.

Local Government Act 1995 ("LG Act")

A future café/kiosk development would require the City to sub-lease Crown land, which constitutes a 'disposal of property' under the LG Act.

Section 3.58 (2) states that a local government can dispose of property to the highest bidder at public auction, or to the person at public tender. Section 3.58 (3, 4) allows for the disposal of property other than by public auction or by tender. It requires Council to give local public notice of its intention to dispose of the property, and consider any submissions which are received within the specified period. Should Council resolve in the future to proceed with a café/kiosk, commercial areas would be excised from the Reserve by the Minister for Lands and leased to the City of Busselton who would then sub-lease the land to the MRHG. The sub-lease will require LG Act actions described above s3.58 (3, 4). The community areas would be licensed to the MRHG, affording non-exclusive use of the land and buildings.

RELEVANT PLANS AND POLICIES

The following plans and policies are relevant in considering this matter.

State Planning Policy 2.6, State Coastal Planning (SPP2.6) (Western Australian Planning Commission)

From a land use planning point of view, the Department of Planning (DoP: now the Department of Planning, Lands and Heritage) has previously advised that if the development is within the intent of the Reserve and within scale to the surroundings there would be no objection.

The revised development concepts (as outlined in Attachment A-E of this report) have attempted to address many of the points raised in feedback from DoP, including risks from coastal inundation. Attachment C illustrates the proposed dry screw pile foundations which mitigate risk of inundation.

Dunsborough Foreshore Management Plan (2009)

The Dunsborough Foreshore Management Plan (DFMP) documents both the current state and values for the Reserve and provides generic principles and specific actions and recommendations in order to guide future management of the Dunsborough foreshore reserves. Should Council resolve to proceed with a future lease of land for a café development, the management plan should be updated to reflect both the new foreshore improvements at the foot of Dunn Bay Road and proposed commercial development zone.

FINANCIAL IMPLICATIONS

The Officer recommendation includes authorising the CEO to enter into a Heads of Agreement (HoA) with the proponent for the café/kiosk. It is expected that a lease arrangement will be executed with MRHG in the future which will have positive financial result in that future revenue will be generated from this agreement.

Long-term Financial Plan Implications

The proposal includes new public facilities and the proponent utilising the existing public ablution block as a storage area. While the specific details have not been agreed, a major refurbishment of the public ablution block is scheduled for 2022/23 at a value of \$300k, this allocation or parts thereof could be included in the negotiations with the proponent as potential contributions to areas that have non-exclusive use by the future lessee such as parking or public toilets.

STRATEGIC COMMUNITY OBJECTIVES

This report aligns with the following City of Busselton Key Goal Areas identified in the City's 2017 Strategic Community Plan:

Key Goal Area 2: Places and Spaces

- 2.2 Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.

Key Goal Area 4: Economy

- 4.1 An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice.
- 4.2 A community where local business is supported and in turn drives our economy.
- 4.3 Events and unique tourism experiences that attract visitors and investment.

RISK ASSESSMENT

An assessment of the potential risks of implementing the Officers recommendation was undertaken, and as a result, risks rated as medium or above have been identified.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
<u>Reputational Risk</u> Adverse community response to the proposed revised concept with a larger building footprint.	Further advertising and public comment through statutory processes allowing residents and peak community groups including the Dunsborough/Yallingup Chamber of Commerce and Industry Inc, and the Dunsborough and Districts Progress Association Inc to provide submissions.	Moderate	Unlikely	Medium
<u>Reputational Risk</u> The Department of Planning, Lands and Heritage refuses the City's request to amend the management order with power to lease and/or State Parliament refuses the request to change the purpose of the Reserve	Regular engagement with the Regional Manager(s) of the Department of Planning, Lands and Heritage	Moderate	Possible	Medium

CONSULTATION

Community consultation in regard to the revised concept plans was performed in September and October 2017. This included the following activities;

Stakeholder/Community	Description	Consultation Dates
Department of Lands	Briefing to Regional Manager Ron Pumphrey on 04 August 2017. Ron advised the Department of Planning, Lands and Heritage (DPLAH) will support the progress of the proposal to fruition subject to meeting necessary statutory and policy requirements.	04/08/17
Dunsborough and Districts Progress Association Inc	Board meeting presentation	31/08/217
Dunsborough Yallingup Chamber of Commerce and Industry Inc	Board meeting presentation	September meeting
Local Media: Council for Community Information Page	Invitation to comment and display of image. Further information and comments to be provided via the City's website over advertising period	13 and 20 September 2017

Stakeholder/Community	Description	Consultation Dates
Social Media - Facebook	Facebook posts pointing to Yoursay content for survey	13 September to 4 October
City of Busselton Media Release	Release media statement advising of process for comments and period	13 September
City of Busselton web page and Your Say Survey	Invitation to comment on the concept. Text and graphic information included site location, building materials, building area, building height, proposed services, artistic impression, tenure type	13 September to 4 October
Community direct mail to local residents	Letter describing the proposal along with text and graphics as shown on the website invite to attend focus group.	08 September
Invitation to other stakeholders for comment	Member for Vasse (Libby Mettam); Members for South West (email) Traditional Owners (Josh Whiteland and Wayne Webb) – personal meeting invitation Dunsborough Coast and Landcare – personal meeting	13 September to 4 October
Forums group meetings at Dunsborough and Districts Country Club	Presentation of concepts and question and answer sessions; Community concerns	18-27 September

The Your Say *Busselton Dunsborough Foreshore Café (Revised Concept Plan) Public Comment* was open to the community from 13 September 2017 – 18 October 2017 and provided the proposal and concept drawings for download as well as a survey for the community to complete. A total of 1487 unique visits were recorded during the comment period with 778 visitors downloading documents and 151 visitors participating in the survey. Visitors were asked if they supported the revised concept plan for the proposed Dunsborough Foreshore Café Development of which 60.9% responded Yes and 39.1% responded No.

When asked “You answered Yes to supporting the revised concept plan – what elements do you like most?” visitors responded in the following order (liked most to least);

- Environmentally Sustainable Design;
- Integration of public amenities, outdoor showers, public toilets, public deck;
- Family friendly hospitality offering;
- More parking on the reserve; and
- Other – general support of a Café.

When asked “You answered No that you do not support the revised concept plan – what elements do you not agree with?” visitors responded in the following order (agree with most to least);

- Other - comments ranged from concerns with removal of Peppermint Trees* to not needing another Café in Dunsborough;
- Visual Impact;
- Impact on local residents; and
- Noise.

(* Note: No peppermint Trees will be affected)

Consultation with key stakeholders included Dunsborough Yallingup Chamber of Commerce and Industry (DYCCI Inc.), Dunsborough Coast and Land Care Inc and Dunsborough and Districts Progress Association Inc (DDPA Inc.) and generally indicated support for a Café/kiosk however concerns relating to the potential for adverse environmental impacts, parking and traffic congestion, noise in the immediate vicinity and some community concern.

OFFICER COMMENT

Council has previously nominated the MRHG as the preferred proponents to develop a café and kiosk up to 150m² plus 50m² alfresco area on the Dunsborough foreshore. The original proposal supported by Council was a basic post and beam structure, with a single pitch raked roof over the café area and another smaller single pitched roof over the alfresco area. The building was proposed to be elevated on concrete piles to protect against storm surge and sit approximately 1.0m above surrounding contours. The original RoI design concept submitted by the MRHG (February 2015) is shown at Attachment G.

In response to community feedback a revised proposal was submitted by the MRHG in early 2017. The revised proposal included an integrated commercial development area with new public/community facilities and results in a larger total building area of 400m². The location of the revised building concept remains within a 'containment zone' previously supported by Council advertised as part of the RoI process but is south east of the previously proposed MRHG site, behind a row of peppermint trees which will result in it having very low visibility from Geographe Bay Road.

The revised concept also includes community facilities and amenities in the form of upgraded public ablutions and adds to the Dunsborough foreshore experience by facilitating enjoyment of the beach year round and supporting the local economy. The revised building form is sensitive to the environment as it touches the earth lightly (uses screw piles with no concrete pads) and is elevated off the ground to protect vegetation and prevent inundation in a major storm event. The concept proposes a 100% sustainable energy production with a 200 panel solar array and renewable construction materials. Pre-fabricated modular construction to reduce the on-site impact will be used and allow for simple decommissioning of the structure at the end of the life. There is to be no removal of existing vegetation.

Community consultation undertaken in September and October 2017 indicated that there is good support for a café / kiosk in the proposed location with the majority of community members completing the Your Say survey supporting the environmentally sustainable design, the family friendly hospitality offering and integration of the public amenities. Previous community consultation performed back in 2011 indicated strong support for a café/kiosk on the Dunsborough foreshore and Council has previously indicated support for MRHG café/kiosk proposal.

Community concerns were raised over the inclusion of wedding functions as a core component of the proponents business and the proponent has since agreed to exclude weddings, 18th and 21st birthday functions with a small number of business related functions to be held during the year. The business hours have also been reduced with the core offering being breakfast and lunch with opening hours from 7.00am to approximately 3.00pm. Other community concerns included the environmental impact and the proponent has revised plans to increase the car park so as to reduce the any impact on the native vegetation. The building form takes into account environmentally sustainable measures so as to reduce any environmental impacts on the foreshore area.

Funding of the public community spaces and facilities has not yet been quantified. Following Council adoption of the Officer recommendation, Officers will negotiate a draft Heads of Agreement that is mutually acceptable to both Council and the proponent.

CONCLUSION

Council is being requested to consider the revised concepts and operating terms for the Dunsborough foreshore Café/kiosk proposal submitted by MRHG following further community consultation in late 2017. The revised concept and building plan for a commercial café/kiosk combined with community facilities (community seating; outdoor showers; new public ablutions; public viewing deck) on the Dunsborough foreshore has been recently revised in an effort to improve social, economic and environmental outcomes and incorporate both community and Council concerns.

OPTIONS

Council may elect to:

- Not support the revised design concept (Attachment A- E)
- Support the previously endorsed design concept (Attachment G)
- Discontinue facilitating a café/kiosk on the Dunsborough foreshore.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council adoption of the Officer Recommendation, Officers will commence negotiations with MRHG for a mutually acceptable draft Heads of Agreement, which may inform the development of a future sub-lease (including funding of community facilities. The Heads of Agreement will address matters relating to lease term, ground rent and private/public contributions to infrastructure improvements such as parking, public toilets and other public facilities.

OFFICER RECOMMENDATION

That the Council:

1. Endorses the draft concept designs (as shown in Attachment A-B to the report) as the guide for further design development of the proposed commercial café/kiosk;
2. Delegates authority for the CEO to enter into a Heads of Agreement with Margaret River Hospitality Group Pty Ltd;
3. Authorises the CEO to advertise an intended disposition of property transaction, being a 200m² portion of Reserve 38588 (proposed Lot 561), by leasehold in accordance with Section 3.58 (and, if applicable Section 3.59) of the Local Government Act 1995 and presents a further report to Council following the closure for public submissions;
4. Delegates to the CEO to request Officers of the Department of Planning, Lands and Heritage to progress statutory advertising and parliamentary approvals for the excision of a portion of the 'A' Class reserve (Reserve Number R22965) known as 'Centennial Park' to accommodate the café/kiosk development proposed in this report;
5. Delegates to the CEO to enter into a new head lease with the Minister for Lands in relation to a portion of 'A Class' Reserve Number R22965 known as 'Centennial Park' to accommodate the café/kiosk development proposed in this report.

6:03 pm At this point a motion was put by Cr Paine to suspend the meeting.

COUNCIL DECISION

C1805/095

Moved Councillor R Bennett, seconded Councillor J McCallum

Councillor Paine put a motion to suspend the meeting due to an urgent personal phone call.

CARRIED 9/0

6:04 pm At this time Councillor R Paine left the meeting.

6:06 pm At this time Councillor R Paine returned to the meeting.

COUNCIL DECISION

C1805/096

Moved Councillor R Bennett, seconded Councillor J McCallum

That the Council defers for a month so councillors can have a fully briefed onsite inspection.

Voting:

For the motion: Councillor R Paine, Councillor L Miles, Councillor J McCallum, Councillor R Reekie, Councillor R Bennett and Councillor K Hick.

Against the motion: Councillor G Henley, Councillor P Carter and Councillor C Tarbotton .

CARRIED 6/3

15. URGENT BUSINESS

Nil

16. CONFIDENTIAL REPORTS

Nil

21. CLOSURE

The meeting closed at 6.08pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 111 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 23 MAY 2018.

DATE: _____ PRESIDING MEMBER: _____