

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

CITY OF BUSSELTON

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL
HELD ON 22 AUGUST 2012

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CITY OF BUSSELTON**MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON WEDNESDAY, 22 AUGUST 2012 AT 5:30 PM****1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

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

2. ATTENDANCE

Presiding Member: Cr Ian Stubbs Mayor

Members:
Cr Tom Tuffin
Cr John McCallum
Cr David Reid
Cr Gordon Bleechmore
Cr Terry Best
Cr Coralie Tarbotton
Cr Grant Henley

Officers:
Mr Matthew Smith A/ Chief Executive Officer
Mr Paul Needham Director, Planning & Development Services
Mr Oliver Darby Director, Engineering & Works Services
Mrs Naomi Searle Director, Community & Commercial Services
Mr Darren Whitby A/ Director, Finance & Corporate Services
Miss Lynley Rich Manager, Governance Services
Miss Katie Wallace Administration Officer, Governance

2.1 Absent: Cr David Binks

2.2 Leave of Absence: Cr Jenny Green
Cr Debra Kurmann

Media: "Busselton-Dunsborough Times"
"Busselton-Dunsborough Mail"

Public: 3

3. PRAYER

The Prayer was delivered by Pastor Tony Peak from the Abundant Life Centre.

4. PUBLIC QUESTION TIME

4.1 Response to Previous Questions Taken on Notice

Nil

4.2 Public Question Time

Mr Rob Griffiths asked if the Council would consider using a bulldozer to push the built up seaweed at Port Geographe into the ocean which would disperse with the assistance of the spring tides.

Response, Director Engineering and Works Services:

The Director, Engineering and Works Services was unable to provide a comment, however advised Mr Griffiths that future positive plans related to Port Geographe are currently underway.

5. ANNOUNCEMENTS WITHOUT DISCUSSION

5.1 Announcements by the Presiding Member

Nil

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

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

C1208/225 Moved Councillor Henley, seconded Councillor Reid:

That Council grant leave of absence for Councillor Debra Kurmann from 1 November 2012 through to 31 December 2012 inclusive, during which time 3 Ordinary Council meetings will be held.

CARRIED 8/0

7. PRESENTATIONS

7.1 Petitions

Nil

7.2 Presentations by Parties with an Interest

Nil

8. DISCLOSURE OF INTERESTS

Nil

9. CONFIRMATION AND RECEIPT OF MINUTES**ORDINARY MEETING OF COUNCIL**

9.1 Minutes of an Ordinary Meeting of Council held on 8 August 2012.

RECOMMENDATION

C1208/226 Moved Councillor Bleechmore, seconded Councillor Best:

That the minutes of an Ordinary Meeting of Council held on 8 August 2012 be confirmed as a true and correct record.

CARRIED 8/0

SPECIAL COUNCIL MEETING

9.2 Minutes of a Special Council Meeting held on 30 July 2012.

RECOMMENDATION

C1208/227 Moved Councillor Tarbotton, seconded Councillor Reid:

That the minutes of a Special Meeting of Council held on 30 July 2012 be confirmed as a true and correct record.

CARRIED 8/0

COMMITTEE MEETINGS

C1208/228 Moved Councillor Bleechmore, seconded Councillor Henley:

Finance Committee

9.3 Minutes of a Meeting of the Finance Committee held on 2 August 2012.

RECOMMENDATION

1. That the minutes from the Finance Committee meeting held on 2 August 2012 be received.
2. That the Council notes the outcomes from the Finance Committee held on 2 August 2012 being:
 - a) The Committee noted the Finance Information Bulletin for June 2012.

- b) The Financial Activity Statements Item is presented for Council Consideration at item 10.1 of this agenda.
- c) The List of Payments Made – June 2012 Item is presented for Council Consideration at item 10.2 of this agenda.
- d) The Committee noted the voluntary contribution proposed by Rio Tinto.

Audit Committee

9.4 Minutes of a meeting of the Audit Committee held on 2 August 2012.

RECOMMENDATION

1. That the minutes from the Audit Committee held on 2 August 2012 be received.
2. That the Council notes the outcomes from the Audit Committee held on 2 August 2012 being:
 - a) The Financial Management Systems Review item is presented for Council Consideration at item 10.3 of this agenda.

Meelup Regional Park Management Committee

9.5 Minutes of a Meeting of the Meelup Regional Park Management Committee held on 10 July 2012.

RECOMMENDATION

1. That the minutes from the Meelup Regional Park Management Committee meeting held on 10 July 2012 be received.
2. That the Council notes the outcomes from the Meelup Regional Park Management Committee held on 10 July being:
 - a) The Coastal Nodes Master Plan item is presented for Council Consideration at item 10.4 of this agenda.
 - b) The Committee noted the Environmental Officer's Report.

Policy and Legislation Committee Meeting

9.6 Minutes of a Meeting of the Policy and Legislation Committee held on 8 August 2012.

RECOMMENDATION

1. That the minutes from the Policy and Legislation Committee meeting held on 8 August 2012 be received.
2. That the Council notes the outcomes from the Policy and Legislation Committee meeting held on 8 August being:

- a) The Proposed Revocation of Local Planning Policy Provision 2B: 'Location and Operation of Commercial Heliports' item is presented for Council Consideration at Item 10.5 of this agenda.
- b) The Review of Policy Relating to Staff Presentations on Termination item is presented for Council Consideration at Item 10.6 of this agenda.
- c) The Review of Foreshore Reserves - Works and Development Policy and Proposed Adoption of Private Works and Development an Foreshore and Landscape Protection Reserves Policy item is presented for Council Consideration at item 10.7 of this agenda.
- d) Officers, with the Committee discussed the General Discussion Items.

CARRIED 8/0

ADOPTION BY EXCEPTION RESOLUTION

At this juncture Items 10.1, 10.2, 10.3, 10.5, 10.6, 10.7, 11.1, 11.2, 12.1, 12.2, 12.4, 14.1, 14.2 and 15.1 were considered in accordance with Clause 5.6 (2) of the Standing Orders via an Adoption by Exception resolution of Council.

C1208/229

Moved Councillor Bleechmore, seconded Councillor Best:

That the Committee Recommendations for Items 10.1, 10.2, 10.3, 10.5, 10.6 and 10.7 and the Officer Recommendations for Items 11.1, 11.2, 12.1, 12.4, 14.1, 14.2 and 15.1 be adopted.

CARRIED 8/0
EN BLOC

10.1 FINANCE COMMITTEE RECOMMENDATION - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 30 JUNE 2012

SUBJECT INDEX:	Financial Operations
STRATEGIC PRIORITY:	Manage the City's resources to provide optimum benefit to the community
BUSINESS UNIT:	Finance
SERVICE:	Financial management and control
REPORTING OFFICER:	Manager, Finance & Information Technology - Darren Whitby
AUTHORISING OFFICER:	Director, Finance & Corporate Services – Matthew Smith
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Financial Activity Statements for period ending 30 June 2012

This item was considered by the Finance Committee at its meeting on 2 August 2012, the recommendations from which require Council consideration. The Committee Recommendations have been included in this report.

PRÉCIS

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

This report has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations and also to provide the Council with an overview of the City's financial performance on a year to date basis for the period ending 30 June 2012.

BACKGROUND

The Local Government (Financial Management) Regulations detail the form and manner in which financial activity statements are to be presented to the Council. Financial activity statements are to be presented 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 Local Government (Financial Management) Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

At its meeting of 19 July 2011, the Council adopted (C1107/222) the following material variance reporting threshold for the 2011/12 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 2011/12 financial year to comprise variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/ Statement of Financial Activity report, however variances due to timing differences and/ or seasonal adjustments are to be reported on a quarterly basis.

CONSULTATION

Not applicable.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

OFFICER COMMENT

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

▶ Statement of Financial Activity

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

▶ Net Current Position

This report provides details of the composition of the net current asset position on a year to date basis, and reconciles with the net current position as per the Income Statement by Nature and Type/ Financial Activity Statement.

▶ Capital Acquisitions Report

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

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

▶ Reserve Movements Report

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

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

COMMENTS ON FINANCIAL ACTIVITY TO 30 JUNE 2012

Pursuant to Council Resolution C1107/222, 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, which are due to timing differences and/or seasonal adjustments; are only to be reported on a quarterly basis. Consequently, this report (for the quarter ending 30 June 2012) provides details of all variances, equal to or above the reporting threshold, irrespective of timing differences.

Operating Activity

As at 30 June 2012:

- There is a variance of approximately -4% in operating revenue

- There is a variance of approximately -3% in operating expenditure

A summary of material variances within the operating revenue and expenditure activities (on a year to date basis) is provided within the body of this report.

Capital Activity

As at 30 June 2012:

- There is a variance of approximately -38% in capital revenue
- There is a variance of approximately -25% in capital expenditure

Capital Revenue

As detailed above, as at 30 June 2012, there is a variance in capital revenue in the order of -38%. The below table details the City's capital revenue budget and actual revenue on a year to date basis.

Description	Actual YTD \$	Amended Budget YTD \$	Amended Budget \$	Variance YTD \$	Variance YTD %
Proceeds from Sale of Assets	1,205,935	1,298,100	1,298,100	-92,165	-7.1%
Proceeds from New Loans	100,000	900,000	900,000	-800,000	-88.9%
Self Supporting Loans -Principal Repayments	222,096	170,358	170,358	51,738	30.4%
Transfers from Restricted Assets	9,505,066	12,343,306	12,343,306	-2,838,240	-23.0%
Transfers from Reserves	4,407,767	10,293,243	10,293,243	-5,885,476	-57.2%
TOTAL	15,440,864	25,005,007	25,005,007	-9,564,143	-38.3%

The reportable variances in relation to capital revenue activities are summarised as follows:

- *Proceeds from New Loans*

The 2011/12 adopted budget includes two new loan facilities totalling \$0.8M (Berryman Road Reserve acquisition and GLC geothermal heating). Neither of these loans were drawn during 2011/12. However, at its meeting of 14 September 2011, the Council approved (C1109/287) a self supporting loan of \$0.1M in favour of the Geographe Bay Tourism Association, with this facility being funded in November 2011.

- *Self Supporting Loans – Principal Repayments*

This variance primarily relates to the early (and unbudgeted) repayment of self-supporting loan number 184 by the Busselton Jetty Environment and Conservation Association.

- *Transfers from Restricted Assets*

Of the \$12.3M annual budget allocation, approximately \$9.7M relates to the Busselton and Dunsborough Foreshore projects, \$1.1M relates to the Busselton Jetty refurbishment, with a further \$0.7M applicable to the Cultural Precinct (Queen Street) upgrade. Whilst all other significant transfers have been processed, the variance is primarily attributable to timing differences associated with the Foreshore projects, meaning that annual budget transfers were not able to be processed in full.

- *Transfers from Reserves*

Details of the annual budget, and actual transfers from Reserves processed in 2011/12, are provided within the attachments to this report. However, the variance is largely attributable to several matters. Firstly the budgeted transfer of \$1.8M for the Nautical Lady did not proceed. Secondly, budgeted transfers of approximately \$0.8M for the revised scope of works for the Cultural Precinct were not made (pursuant to Council Resolution C1204/101). Thirdly, the budgeted transfer of \$0.6M in relation to the Busselton Swimming Jetty was not processed, as the associated expenditure had not been incurred. Fourthly, a number of budgeted plant replacements did not occur, resulting in an under-transfer of approximately \$0.7M from the Plant Replacement Reserve.

Capital Expenditure

As at 30 June 2012, there is a variance in capital expenditure in the order of -25%. The below table details the City's capital expenditure budget and actual expenditure on a year to date basis.

Description	Actual YTD \$	Amended Budget YTD \$	Amended Budget \$	Variance YTD \$	Variance YTD %
Land & Buildings	3,340,976	7,823,170	7,823,170	-4,482,194	-57.3%
Plant & Equipment	3,434,186	5,120,897	5,120,897	-1,686,711	-32.9%
Furniture & Equipment	1,079,653	1,573,070	1,573,070	-493,417	-31.4%
Infrastructure	16,381,427	26,331,928	26,331,928	-9,950,501	-37.8%
Loan Repayments – Principal	810,583	772,823	772,823	37,760	4.9%
Advances to Community Groups	100,000	100,000	100,000	0	0.0%
Transfers to Restricted Assets	3,425,172	687,856	687,856	2,737,316	398.0%
Transfers to Reserves	7,667,222	5,953,648	5,953,648	1,713,574	28.8%
TOTAL	36,239,219	48,363,392	48,363,392	-12,124,173	-25.1%

The attached financial reports include categorised listings of the following capital expenditure activities that identify associated variances by individual line item:

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

The reportable variances in relation to other capital expenditure activities are summarised as follows:

- *Transfers to Restricted Assets*

The variance is primarily attributable to the quarantining of the unspent component of grants and contributions received during 2011/12, including the BJECA contribution to the Busselton Jetty refurbishment, the contribution to the Port Geographe bridge and other sundry grants monies. In addition to the above, the variance is also impacted by the (unbudgeted) interest earnings on the Busselton and Dunsborough foreshore grants.

- *Transfers to Reserves*

The variance is attributable to several specific matters. Firstly, interest earnings on reserves exceeded annual budget estimates by approximately \$0.36M. Secondly, an unbudgeted amount of \$1.1M was transferred to the new Untied Grant Reserve, pursuant to Council Resolution C1206/162. Finally, and in terms of Council Resolution C1206/163, an unbudgeted transfer of \$0.26M was made to the Waste Facilities and Plant Reserve.

Operating Activities – Variance Reporting

At its meeting of 19 July 2011, the Council adopted (C1107/222) a material variance reporting threshold with respect to financial activity statement reporting for the 2011/12 financial year to comprise variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/ Statement of Financial Activity; however variances due to timing differences and/ or seasonal adjustments are to be reported on a quarterly basis.

As the June 2012 financial activity statements reflect the fourth quarterly report for the 2011/12 financial year, the following table identifies and briefly comments on variances that exceed the reporting threshold as at 30 June 2012.

<u>OPERATING REVENUE</u> <u>BY NATURE & TYPE</u>					
Description	Actual YTD \$	Amended Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Operating Grants,	5,106,374	2,760,593	2,345,781	85.0%	This variance is primarily attributable to the following:

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD \$	Amended Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Subsidies and Contributions					<ul style="list-style-type: none"> ▪ The early (and unbudgeted) receipt of 2 quarterly WA Local Government Grants Commission Financial Assistance Grant payments (attributable to 2012/13), totalling approximately \$1.1M. ▪ Additional WA Local Government Grants Commission Financial Assistance Grant funding of approximately \$0.1M (above annual budget estimates). ▪ The (unbudgeted) reimbursement from FESA of approximately \$0.75M in relation to expenses incurred in the clean-up of the June 2011 storms. ▪ The (unbudgeted) receipt of a contribution of approximately \$0.35M in respect of the Port Geographe bridge construction. <p>The above is in addition to numerous other minor grant and contribution funding matters.</p>
Interest Earnings	3,220,035	2,290,000	930,035	40.6%	<p>This variance is attributable to the following:</p> <ul style="list-style-type: none"> ▪ Rates related interest charges (late payment and instalment) exceed annual budget estimates by approximately \$30K. ▪ Interest on municipal funds (inclusive of accrued interest) exceeded annual budget estimates by approximately \$31K. ▪ Interest on reserve funds (inclusive of accrued interest) exceeded annual budget estimates by approximately \$369K. ▪ Interest (unbudgeted) on the Busselton and Dunsborough Foreshore restricted grant monies amounted to approximately \$500K.
Non-Operating Grants, Subsidies and Contributions	8,200,267	14,096,939	-5,896,672	-41.8%	<p>This variance is primarily attributable to the following:</p> <ul style="list-style-type: none"> ▪ Timing differences in respect of the Community Resource Centre grant funding (variance of -\$2.3M). ▪ A timing difference in respect of boat ramp grant funding (variance of -\$1.0M). ▪ A timing difference in respect of Busselton and Dunsborough Foreshore related grant funding (variance of -\$0.7M). ▪ A (budgeted) shortfall in the value of

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD \$	Amended Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
					<p>donated assets brought to account in 2011/12 (variance of -\$0.6M).</p> <ul style="list-style-type: none"> ▪ A shortfall in the Airport Security Screening grant of -\$0.4M (due to a reduced scope of works). ▪ A timing difference in respect of the GLC geothermal project grant funding (variance of -\$0.3M). ▪ A timing difference in respect of the Airport building upgrade grant funding (variance of -\$0.2M) <p>The above is in addition to numerous other minor grant and contribution funding matters.</p>
Profit on Asset Disposal	164,962	233,021	-68,059	-29.2%	This (non cash) variance is primarily attributable to timing differences as reflected by the variance (underspend) in the Plant and Equipment capital expenditure budget.

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD \$	Amended Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Utilities (Gas, Electricity, Water etc)	1,682,740	1,899,803	-217,063	-11.4%	The variance is primarily attributable to electricity usage (variance of -\$0.1M) and water consumption charges (variance of -\$0.1M). As these expenditures span across a large number of individual areas, there will be a number of varying reasons for the overall favourable variance as at 30 June 2012.
Other Expenditure	2,160,247	2,453,626	-293,379	-12.0%	<p>This variance is primarily attributable to the following:</p> <ul style="list-style-type: none"> ▪ Community events expenditure (variance of -\$192K) ▪ Donations, sponsorships and regional development strategies (collective variance of -\$60K). ▪ Other valuation expenses (variance of -\$74K). ▪ Rating valuations expenditure (variance of \$121K – due to full payment of 2012 valuation expenses).

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD \$	Amended Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
					▪ Elected Member related expenses (variance of -\$45K).
Loss on Asset Disposals	96,044	46,055	49,989	108.5%	This (non cash) variance is primarily due to a number of higher than projected 'book' losses being incurred in respect of truck and prime mover changeovers.

CONCLUSION

For the financial year ending 30 June 2012, the City achieved a closing surplus position of \$1.44M. However, it is worthy of noting that this result was consequent to the following:

- As part of the 2011/12 Annual Budget Review, the Council endorsed (C1204/101) that, should finances allow, transfers from reserves for the revised scope of works for the Queen Street Cultural Precinct (\$762K), and also the Busselton Swim Jetty (\$603K), not proceed. Whilst the Swim Jetty project had not progressed sufficiently by 30 June to enable consideration of municipal funding, the budgeted reserve transfers relating to the Cultural Precinct (additional works) were able to be funded from Municipal funds.
- Pursuant to Council Resolution C1206/163, a further transfer to the Waste Management Facility and Plant Reserve of \$262K was made, represented by insurance pay-out monies (\$20K) and also the consolidated waste management surplus for 2011/12 (\$242K).

Should the above transfers not have occurred, the surplus would have been in the vicinity of \$2.45M.

Whilst capital performance, and more specifically capital acquisitions and construction, fell short of annual budget projections, operating performance fared well, with overall variances (to annual budget projections) below 5% in both instances. It is worthy of note that, unlike recent years, operating expenditure variances were minor in most cases with, for example, materials and contracts expenditure falling short of annual budget estimates by only \$70K. Additionally, core operating revenues such as rates, fees and charges, and other revenue, all performed in line with annual budget estimates.

With regards to capital expenditure, the variance was primarily attributable to timing differences in a select number of significant projects, which have in turn impacted on the capital revenue component (as off-setting equity transfers were not able to be processed). Notwithstanding this however, as part of its 2012/13 budget deliberations, the Council will consider a

schedule of proposed carry-over items, to ensure that worthwhile projects are progressed in 2012/13.

In summary of the above, it is considered that the City's financial performance for 2011/12 was generally robust, with the large majority of operating commitments satisfied by year end. Moreover, and due to the favourable closing surplus position, the Council will be requested to deliberate the most appropriate use of any residual surplus funds as part of its 2012/13 budget adoption.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

COUNCIL DECISION / COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

C1208/230 Moved Councillor Bleechmore, seconded Councillor Best:

That the unaudited statutory financial reports for the period ending 30 June 2012 be received by the Council pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

CARRIED 8/0
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10.2 FINANCE COMMITTEE RECOMMENDATION - LIST OF PAYMENTS MADE - JUNE 2012

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

This item was considered by the Finance Committee at its meeting on 2 August 2012, the recommendations from which require Council consideration. The Committee Recommendations have been included in this report.

PRÉCIS

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

BACKGROUND

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

CONSULTATION

Not applicable.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

OFFICER COMMENT

Not applicable.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

COUNCIL DECISION / COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

C1208/231 Moved Councillor Bleechmore, seconded Councillor Best:

That voucher numbers M103660 – M104028, EF020764 – EF021357, T006744 – T006747 and DD001723 – DD001750, together totalling \$10,629,709.51 be noted.

**CARRIED 8/0
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10.3 AUDIT COMMITTEE RECOMMENDATION - FINANCIAL MANAGEMENT SYSTEMS REVIEW

SUBJECT INDEX:	Financial Operations
STRATEGIC PRIORITY:	Be a responsible accountable local government
BUSINESS UNIT:	Finance and Information Technology
SERVICE:	Financial management and control
REPORTING OFFICER:	Manager, Finance & Information Technology – Darren Whitby
AUTHORISING OFFICER:	Director, Finance & Corporate Services – Matthew Smith
DATE OF COMPLETION:	Not applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Financial Management Systems Review – March 2012

This item was considered by the Audit Committee at its meeting on 2 August 2012, the recommendations from which require Council consideration. The Committee Recommendations have been included in this report.

PRÉCIS

Pursuant to Section 6.10 of the Local Government Act (the 'Act') and Regulation 5 of the Local Government (Financial Management) Regulations (the 'Regulations'), the financial management duties of the Chief Executive Officer include a requirement to review the appropriateness and effectiveness of the City's financial systems. This review is to be undertaken not less than once in every four financial years, with the outcomes of the review to be reported to the Council.

The City's appointed Auditor undertook the Financial Management Systems Review during March 2012, and this report provides the Council, via the Audit Committee, with a summary of the review's findings.

BACKGROUND

The City's financial management systems were last formally reviewed in June 2008. Cognisant of Regulation 5 of the Regulations, a further formal review was required to be undertaken by June 2012.

During March 2012, the City's appointed Auditor was contracted to undertake this review, on behalf of the Chief Executive Officer.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Section 6.10 of the Act and Regulation 5 of the Regulations refer to the financial management duties of the Chief Executive Officer. More specifically, Regulation 5(2) states in part:

The CEO is to-

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This matter aligns with the following Strategic Priority as comprised within the Council's Strategic Plan 2010-2020:

- Strategic Priority 9 – *Be a responsible, accountable local government.*

OFFICER COMMENT

The Financial Management Systems Review was comprehensive, with the Auditor undertaking, amongst others, the following activities:

- Detailed systems documentation was prepared detailing controls, procedures and reconciliations in relation to all sources of income, including:
 - * Rates;
 - * Town Planning and Building Fees;
 - * Health and Building Inspection Fees;
 - * Building Hire Fees and Ground Rental Charges;
 - * Cemetery Fees;
 - * Dog and Cat Registration Fees;
 - * Ranger Fines;
 - * Bonds;
 - * Private Works;
 - * Library Charges;
 - * Kookaburra Caravan Park Charges;
 - * Busselton Airport Charges;
 - * Geographe Leisure Centre Charges;
 - * Dunsborough Waste Facility Site Charges;
 - * Naturaliste Community Centre Charges;

- * Art Geo Exhibition and Courthouse Gallery Charges; and
 - * General Administration Income.
-
- A site visit was conducted for the Busselton Library, Dunsborough Library, Kookaburra Caravan Park, Busselton Airport, Geographe Leisure Centre, Dunsborough Waste Facility Site, Naturaliste Community Centre, Art Geo Exhibition Gallery and Courthouse Gallery to review the above controls and procedures over the collection, receipting, recording and banking of cash collected offsite.
 - The collection, receipting, invoicing and posting procedures over cash receipts were tested on a sample basis.
 - A review of credit control procedures in respect to sundry debtors and rates debtors was undertaken.
 - The security of cash and banking procedures were also reviewed to ensure the appropriate controls and procedures are in place.
 - Onsite visit to the Busselton Depot was completed reviewing security over stocks held and allocation / costings of stocks used.
 - Payroll controls and procedures were reviewed to ensure effective controls are in place, and tests were performed on a sample basis to ensure these controls were operating effectively.
 - Controls and procedures over the authorisation of purchase orders and making of payments were reviewed, with a sample of payments tested.
 - A review of credit card processes and procedures, and test transactions on a sample basis, was undertaken.
 - The procedures for preparation of monthly accounts and general ledger account reconciliations were reviewed.
 - The procedures for preparation of the annual Financial Statements and annual Budget were reviewed and assessed for efficiency.
 - The Annual Budget Review was reviewed to ensure compliance with Regulation 33A of the Local Government (Financial Management) Regulations 1996.
 - Information technology systems were subject to a detailed review which assessed physical security, access security, data backups, contingency plans, compliance and systems development.
 - Detailed analysis and testing was performed in order to review the allocation of overheads and administration costs.
 - A review of registers maintained (including key register, tender register

etc) and Council minutes, was undertaken.

- Policies and procedures in respect to insurance, recording claims and insuring newly acquired assets, were reviewed.

As a result of the above, the Auditor has made a number of recommendations to further improve the City's overall financial management systems. The recommendations, their risk ratings and implications, and an associated management comment, are all fully detailed within the Financial Management Systems Review document, as attached to this report. Consequently, this report will not make specific comment on each of the recommendations. However, of the eight recommendations, two have a medium risk rating, with the remainder rated as low. With respect to the medium risk items, the following is worthy of note:

Master-file Accuracy and Validity

The City's Information Technology staff have developed an Audit Report that details any changes to bank account details made to Creditor and Employee master-files. This report will be run, reviewed and validated by the relevant Manager on a regular basis; and at least monthly.

Administration Overhead Allocation

Whilst acknowledging the importance of this activity, it has been of a lower priority over recent times, especially in consideration of the ongoing changes to the organisational structure (which directly impact on the associated allocation calculations). This review will be undertaken in advance of the 2013/14 budget development.

The other items are primarily operational in nature, and have/ will be addressed within the timeframes as included in the report.

CONCLUSION

As discussed within the Financial Management Systems Review, the Auditor states that in the context of Council's overall operations, it is considered that operating procedures and systems are adequate. Furthermore, testing indicated that internal procedures and controls are appropriate, compliant with statutory requirements, with supporting reconciliations of key accounts being completed on a timely basis. Finally, and subject to the recommendations as detailed within the report, the overall findings reflect that processes and procedures have been designed, implemented and monitored to ensure compliance with stated policy and the requirements of Section 6.10 of the Local Government Act.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

OFFICER RECOMMENDATION

That the Council notes the outcomes of the 2012 Financial Management Systems Review.

Note: The Committee felt it was necessary that Officers provide a status update in relation to the progress of the Auditors recommendations by March 2013.

COUNCIL DECISION / COMMITTEE RECOMMENDATION

C1208/232 Moved Councillor Bleechmore, seconded Councillor Best:

That the Council notes the outcomes of the 2012 Financial Management Systems Review with a status update to be provided to the Audit Committee by 31 March 2013.

CARRIED 8/0
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10.5 POLICY AND LEGISLATION COMMITTEE RECOMMENDATION - PROPOSED
REVOCATION OF LOCAL PLANNING POLICY PROVISION 2B: 'LOCATION
AND OPERATION OF COMMERCIAL HELIPORTS'

SUBJECT INDEX:	Local Planning Policies
APPLICATION NUMBER:	PO12/03
STRATEGIC PRIORITY:	Strategic Priority 8: <i>'Provide appropriate planning and regulatory measures to ensure orderly and acceptable development of the district.'</i>
BUSINESS UNIT:	Planning and Development Services
SERVICE:	Strategic Planning
REPORTING OFFICER:	Planning Officer – William Hosken
AUTHORISING OFFICER:	Director Planning and Development Services – Paul Needham
DATE OF COMPLETION:	22 September 2012
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	Rescinding of <i>Local Planning Policy 2B: Location and Operations of Commercial Heliports</i>
LOT SIZE:	N/A
ZONE:	N/A
POLICIES:	<i>Local Planning Policy 2B: Location and Operation of Commercial Heliports Policy</i>
ATTACHMENT(S):	Attachment A: <i>Local Planning Policy 2B: Location and Operation of Commercial Heliports Policy</i> Attachment B: Commercial Aviation at sites other than the Busselton Regional Airport – Discussion Paper and associated Council report

This Item was considered by the Policy and Legislation Committee at its meeting on 8 August 2012, the recommendations from which require Council consideration. The Committee Recommendations have been included in this report.

PRECIS

The Council is requested to amend Local Planning Policy 2 – Traffic and Transport to delete policy provision *2B: Location and Operation of Commercial Heliports*. The policy provision has limited use and relevance and the matters addressed therein can be appropriately addressed through existing development assessment processes, including reference to subsidiary legislation which deals with aviation matters.

It is recommended that the Council support the officer recommendation to revoke this policy provision and provide public notification of the action.

PROPOSAL / BACKGROUND

The *Local Planning Policy 2B: Location and Operations of Commercial Heliports Policy* (Attachment A) outlines the Council's broad policy position that commercial aviation sites will not be supported other than at the

Busselton Regional Airport site, owing to the impacts associated with such land uses. The policy also includes guidelines for the assessment and approval of proposals at the airport site.

On 13 May 2009, Council endorsed a discussion paper (see Attachment B) outlining the key issues and considerations relating to commercial aviation at sites other than the Busselton Regional Airport (C0905/134). This paper discussed issues associated with commercial aviation sites and operations, including:

- * Noise;
- * Parking and traffic;
- * Air safety;
- * Economic impacts.

The paper also outlined various policy options that may be considered, including:

1. Retain the current policy;
2. Revoke the existing policy, but not develop a new policy, and consider any future proposals on their merits in the context of the broader regulatory framework that already exists;
3. Develop a new policy which increases the scope for commercial aviation outside the Busselton Regional Airport, but does this via broad principles, rather than via prescriptive or detailed standards; or
4. Develop a new policy which increases the scope for commercial aviation outside the Busselton Regional Airport, and establishes some prescriptive/ detailed standards for assessment of proposals.

The provisions of the *Location and Operation of Commercial Heliports Policy* are currently contained within Local Planning Policy 2B, and it is now proposed to revoke these provisions in accordance with option 2 above. Discussion and reasoning relating to this recommendation is contained within the 'Officer Comment' section of this report.

STATEMENT OF IMPACT

The proposed policy revocation, particularly removal of the prohibition of commercial aviation at sites other than the Busselton Regional Airport, will not itself result in any impact on particular private landowners. Although this action will allow for commercial aviation proposals on private land in other parts of the district, this will be at the discretion of the Council to consider the impacts associated with any such proposal.

CONSULTATION

The discussion paper relating to commercial aviation sites was the subject of public consultation during 2009. Five submissions were received indicating:

- * Concern for the operation of helicopter aircraft in close proximity to residences, tourist operations, wildlife and stock – have experienced issues;
- * Concern about safety and noise caused by helicopter flights and training flights, particularly at take off, during low fly-overs, and in frequent intervals;
- * Consider the airport to be most appropriate location, but do not necessarily object to hot air balloon operations;
- * Significant separation distances should be in place (2/3/10kms), should not be located west of Bussell Highway.

STATUTORY ENVIRONMENT

The *Location and Operations of Commercial Heliports* provisions are adopted pursuant to Clause 103 of District Town Planning Scheme No. 20 and the policy is listed in Schedule 10 (Planning Policies) of the Scheme, although draft Local Planning Scheme No. 21 does not include a Schedule 10. The process for amending and rescinding Local Planning Policies is set out in Clause 103 and includes a requirement for the Council to formally publish any rescission notice of a Local Planning Policy.

The broad powers in the City of Busselton's *District Town Planning Scheme No. 20* that require the City to consider issues relating to traffic, access, neighbourhood amenity and the relationship to development on adjoining land provide the ability for the City to consider many of the concerns associated with commercial aviation land use.

Various legislative requirements apply to commercial aviation sites, addressing certain aspects of such an operation.

As identified in the discussion paper, aircraft noise is excluded in the provisions of the *Environmental Protection (Noise) Regulations 1997*, and there are no legislated or clearly applicable standards relating to the regulation of noise from aviation activities in Western Australia.

Fuel storage is addressed in the *Dangerous Goods Safety Act 2004* and associated subsidiary legislation, with licensing administered by the Department of Mines and Petroleum.

Aviation safety matters are regulated by the Civil Aviation Safety Authority (CASA).

POLICY IMPLICATIONS

The provisions of the *Location and Operations of Commercial Heliports Policy* are included as part 2B of the *Traffic and Transport Policy*. This policy will be modified in accordance with the Council resolution.

State Planning Policies 5.1 and 5.3 address land use planning in the vicinity of the Perth and Jandakot airport, and while certain principles relating to

noise management and land use may be relevant, these policies relate only to identified areas.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The proposal reflects the following strategic priorities of the City's *Strategic Plan 2010-2020* -

* Strategic Priority 5: *'Provide for a high standard transport system to and within the district'*; and,

* Strategic Priority 8: *'Provide appropriate planning and regulatory measures to ensure orderly and acceptable development of the district.'*

OFFICER COMMENT

The Commercial Heliports Policy has been the subject of very limited use since its inception, owing partly to the exclusion of this as a land use other than at the airport site. While local planning policies are to be given due regard, prohibition of any land uses is more appropriately included in the Town Planning Scheme which carries an appropriate level of statutory weight. If continuance of this exclusion were proposed, although this is not part of the officer recommended position, the policy is not considered to be the most appropriate mechanism to achieve this.

The basis for the officer recommendation to revoke these provisions entirely is that exclusion (or prohibition) is unnecessary, owing to the existence of other legislative controls which can appropriately address the impacts associated with such a proposed land use, and undesirable should the Council want to encourage the development of low key (in relation to commercial airport operations) aviation pursuits for local recreation and as a regional tourist attraction.

As outlined in the 'Statutory Environment' section of this report, various other pieces of legislation (including the town planning scheme) govern those matters which are indicated in the current policy provisions as being of concern. The City has limited jurisdiction over some of these matters, such as air safety, noise management and flight paths, although others such as amenity, signage and parking can be addressed under the Scheme.

Noise

As outlined in the discussion paper, noise is considered to be the most common concern relating to commercial aviation. Many aspects of commercial aviation noise are unable to be controlled under the town planning scheme such as the model of aircraft operated, flight paths and heights. Matters which may be controlled via a planning approval relate principally to land use, including the appropriateness of a site for the

development of a take off facility (including car parking and access, fuel storage, etc.) and the frequency and timing of such operations.

In practice, noise concerns are addressed through the preparation of a 'Noise Management Plan' (as has been done for the Airport itself), which may be required prior to assessment and determination (in accordance with Clause 11(2)(b) of the town planning scheme) or as a condition of planning consent depending upon the nature of a given proposal. This will allow for consideration of noise impacts from a proposal on sensitive land uses in the vicinity, such as any form of residential accommodation. The practice of assessing noise impact based on a Noise Management Plan is considered by officers to appropriately account for the variety of factors which contribute to the noise emitted from any particular proposal.

CONCLUSION

It is recommended that *Local Planning Policy Provision 2B: Location and Operation of Commercial Heliports Policy* be rescinded and public notification of the action provided.

Essentially, it is not considered that a policy is necessary or appropriate.

Options

Should the Council not support the officer recommendation, the following options may be considered:

1. Revise the current policy to increase the scope for commercial aviation at sites other than the Busselton Regional Airport and provide guidance for the location and assessment of proposals.

Under this option, officers will prepare a revised policy for consideration by the Council.

2. Retain the current policy.

Officers do not support this option as outlined in the 'Officer Comment' section of this report.

3. Resolve to, following the introduction of Local Planning Scheme No. 21, prepare an amendment to the town planning scheme to include prohibition or further regulation of commercial aviation land uses as identified from identified areas.

This may be considered in addition to the officer recommendation or options 1 or 2.

In accompaniment of a resolution in accordance with options 1 or 3, the Council may provide guidance as to areas whereby commercial aviation sites are not generally supported, for example, in a manner similar to *Local Planning Policy 5A: Extractive Industries* or by identifying that commercial aviation sites will only be supported in the 'Agriculture' zone.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If the Council supports the officer recommendation, advertising of the proposed rescission will occur within one month of the Council resolution.

COUNCIL DECISION / COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

C1208/233 Moved Councillor Bleechmore, seconded Councillor Best:

That the Council –

1. Pursuant to clause 103 of District Town Planning Scheme 20, amends *Local Planning Policy 2 – Traffic and Transport Policy* to rescind policy provision 2B: *Location and Operation of Commercial Heliports*.
2. Publish notice of this rescission once in a local newspaper circulating in the District.

CARRIED 8/0
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10.6 POLICY AND LEGISLATION COMMITTEE RECOMMENDATION - REVIEW OF
POLICY RELATING TO STAFF PRESENTATIONS ON TERMINATION

SUBJECT INDEX:	Governance: Committee Meetings
STRATEGIC INITIATIVE:	Be a responsible, accountable local government
BUSINESS UNIT:	Corporate Services
SERVICE:	Human Resources
REPORTING OFFICERS:	Manager, Corporate Services – Sarah Pierson Manager, Governance Services - Lynley Rich
AUTHORISING OFFICER:	Director, Finance and Corporate Services – Matthew Smith
DATE OF COMPLETION:	22 August 2012
VOTING REQUIREMENT:	Simple majority
ATTACHMENT(S):	Current Staff Presentations on Termination policy

This Item was considered by the Policy and Legislation Committee at its meeting on 8 August 2012, the recommendations from which require Council consideration. The Committee Recommendations have been included in this report.

PRÉCIS

As part of the Council's ongoing policy review, the policy relating to Staff Presentations on Termination is presented for review and updating. It is recommended that this policy is updated to provide a flat maximum amount that may be spent on a function to recognise service provided to the City of Busselton by a departing member of staff. This is as opposed to a variable amount dependant on years of service and will in effect reduce the overall amount able to be spent.

BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

CONSULTATION

A review of the practice that is outlined within the current policy with Directors and relevant Managers has demonstrated that employees can be adequately recognised for their contribution to the organisation within what are considered more reasonable parameters, as demonstrated in the recommendations relating to a function.

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 has proposed to do this on recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

POLICY IMPLICATIONS

This report proposes the update of an existing policy of the Council. It is considered relevant to maintain a policy in this regard to ensure there are ceiling limits applied to any proposed departure gift or function. The proposed policy, while setting upper limits on the Council's contribution, enables the CEO to determine the appropriate recognition within these parameters and, in doing so, to take into account other factors, such as the employee's full-time or part-time status, and the specific contribution of the employee with regard to the service provided to the City.

FINANCIAL IMPLICATIONS

There is a budget item provided for Council recognition of the contribution of employees to be utilised for the purpose of making a presentation upon an employee's termination.

STRATEGIC IMPLICATIONS

The Staff Presentations On Termination policy has long been in existence and is well regarded by employees as a form of recognising their contribution to the City. While it does recognise employee contributions upon departure, it is considered to contribute to a level of good will and motivation for existing employees, in that their contributions are valued.

OFFICER COMMENT

The presentations on termination policy has been utilised to recognise employee contributions for a long period of time. Other local governments have similar policy provisions in place to provide a tangible expression of appreciation for service provided to the City, as measured by years of service. The current review process is intended to provide what are considered to be more appropriate guidelines for a leaving function by reducing the amount available for this purpose and providing a flat maximum amount.

It is considered the proposal in the recommendation provides an adequate and more appropriate contribution to a gathering to recognise a departing employee, who for reasons of retirement, career progression, family reasons or other have decided to leave the City of Busselton. The opportunity for colleagues and friends to gather for this purpose creates a positive experience, but can be undertaken in a more cost effective manner. Therefore, the function aspect of this policy is recommended to be changed

at this time and prior to consideration of potentially refocusing the policy towards service recognition for existing employees.

To follow that, officers are of the opinion that there is further scope to review the application of this policy, with potential for an approach such as those witnessed in other local governments, whereby following the completion of a certain year of service the gift presentation is made to the employee (not upon departure) and a small token gift can be provided when the employee later departs. It is, however, considered that this proposal needs more development prior to being formally recommended. The purpose of this report is therefore primarily to reduce the capacity for expenditure in the area of termination functions in the first instance, and to recognise the appropriateness of the CEO making an assessment as to the type of function dependant on the full-time or part-time employment status and the contribution of the departing employee.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised policy that is recommended would be effective immediately upon adoption by the Council.

Options

The Council may determine to make some changes to the intent of the policy or that a policy is not required for this matter, in which case the practice would cease.

OFFICER RECOMMENDATION

1. That the Council adopts the following updated "Presentations on Termination" Policy:

171	Presentations on Termination	V2 Draft
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1. PURPOSE

This policy is to provide a framework for recognising the contribution of employees of the City of Busselton when they voluntarily leave the employ of the City. The Council values the contribution to the City made by employees, and views a gift and minor function to enable colleagues to farewell the departing employee as appropriate recognition.

2. SCOPE

The policy may be applied for employees voluntarily leaving the City of Busselton who have served a minimum of two years.

3. POLICY CONTENT

It is appropriate that employees who have provided exemplary service to the City of Busselton during their period of employment are recognised for the contribution that they have made when voluntarily leaving the employ of the City.

The Chief Executive Officer, on behalf of the Council, is authorised to make a contribution to a gift for a departing employee of the City of Busselton, up to the value outlined in the table below, and subject to other employees contributing additional funds for the gift.

Years of Service	Council Contribution
> 2, ≤ 3 Years	\$50
> 3, ≤ 6 Years	\$100
> 6, ≤ 7 Years	\$120
> 7, ≤ 8 Years	\$140
> 8, ≤ 9 Years	\$160
> 9, ≤ 10 Years	\$180
> 10 ≤ 11 Years	\$200
> 11, ≤ 12 Years	\$225
> 12, ≤ 13 Years	\$250
> 13, ≤ 14 Years	\$275
> 14, ≤ 15 Years	\$300
> 15, ≤ 16 Years	\$325
> 16, ≤ 17 Years	\$355
> 17, ≤ 18 Years	\$385
> 18, ≤ 19 Years	\$415
> 19, ≤ 20 Years	\$445
> 20, ≤ 21 Years	\$475
> 21, ≤ 22 Years	\$510
> 22, ≤ 23 Years	\$545
> 23, ≤ 24 Years	\$580
> 24, ≤ 25 Years	\$615
> 25, ≤ 26 Years	\$650
For Each Year of Service thereafter:	\$35

Gifts enabled under this policy may be presented to the employee at a minor function authorised by the CEO for this purpose to which other employees of the City of Busselton shall be invited. The Council contribution to an employee's function for this purpose is not to exceed \$200 and wherever possible, if employees depart the employ of the City at a similar time, one function shall be held for several employees for cost effectiveness.

4. APPLICATION OF THE POLICY

The policy shall be applied by Human Resources and Governance staff, at the discretion of the Chief Executive Officer taking into consideration whether the employee was employed on a full-time or part-time basis, employment history of the employee and

opportunities for the minor function to be combined for a number of departing employees.

Policy Background

Policy Reference No. - 171
 Owner Unit – Human Resources
 Originator – Historical
 Policy approved by – Council
 Date Approved – For consideration
 Review Frequency – As required
 Related Documents – N/A

Note: The Committee was of the opinion that more emphasis should be placed on rewarding current employees and recognising their service during their employment rather than being presented a gift upon their departure from the organisation. A second recommendation was included to reflect this.

COUNCIL DECISION / COMMITTEE RECOMMENDATION

C1208/234 Moved Councillor Bleechmore, seconded Councillor Best:

1. That the Council adopts the following updated "Presentations on Termination" Policy:
2. That the gift contribution for departing employees be reviewed by the Policy and Legislation Committee within twelve months with a view to recognise the service of employees during their employment.

171	Presentations on Termination	V2 Draft
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1. PURPOSE

This policy is to provide a framework for recognising the contribution of employees of the City of Busselton when they voluntarily leave the employ of the City. The Council values the contribution to the City made by employees, and views a gift and minor function to enable colleagues to farewell the departing employee as appropriate recognition.

2. SCOPE

The policy may be applied for employees voluntarily leaving the City of Busselton who have served a minimum of two years.

3. POLICY CONTENT

It is appropriate that employees who have provided exemplary service to the City of Busselton during their period of employment are recognised for the contribution that they have made when voluntarily leaving the employ of the City.

The Chief Executive Officer, on behalf of the Council, is authorised to make a contribution to a gift for a departing employee of the City of Busselton, up to the value outlined in the table below, and subject to other employees contributing additional funds for the gift.

Years of Service	Council Contribution
> 2, ≤ 3 Years	\$50
> 3, ≤ 6 Years	\$100
> 6, ≤ 7 Years	\$120
> 7, ≤ 8 Years	\$140
> 8, ≤ 9 Years	\$160
> 9, ≤ 10 Years	\$180
> 10 ≤ 11 Years	\$200
> 11, ≤ 12 Years	\$225
> 12, ≤ 13 Years	\$250
> 13, ≤ 14 Years	\$275
> 14, ≤ 15 Years	\$300
> 15, ≤ 16 Years	\$325
> 16, ≤ 17 Years	\$355
> 17, ≤ 18 Years	\$385
> 18, ≤ 19 Years	\$415
> 19, ≤ 20 Years	\$445
> 20, ≤ 21 Years	\$475
> 21, ≤ 22 Years	\$510
> 22, ≤ 23 Years	\$545
> 23, ≤ 24 Years	\$580
> 24, ≤ 25 Years	\$615
> 25, ≤ 26 Years	\$650
For Each Year of Service thereafter:	\$35

Gifts enabled under this policy may be presented to the employee at a minor function authorised by the CEO for this purpose to which other employees of the City of Busselton shall be invited. The Council contribution to an employee's function for this purpose is not to exceed \$200 and wherever possible, if employees depart the employ of the City at a similar time, one function shall be held for several employees for cost effectiveness.

4. APPLICATION OF THE POLICY

The policy shall be applied by Human Resources and Governance staff, at the discretion of the Chief Executive Officer taking into consideration whether the employee was employed on a full-time or part-time basis, employment history of the employee and

opportunities for the minor function to be combined for a number of departing employees.

Policy Background

Policy Reference No. - 171

Owner Unit – Human Resources

Originator – Historical

Policy approved by – Council

Date Approved – For consideration

Review Frequency – As required

Related Documents – N/A

CARRIED 8/0
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10.7 POLICY AND LEGISLATION COMMITTEE RECOMMENDATION - REVIEW OF FORESHORE RESERVES - WORKS AND DEVELOPMENT POLICY AND PROPOSED ADOPTION OF PRIVATE WORKS AND DEVELOPMENT ON FORESHORE AND LANDSCAPE PROTECTION RESERVES POLICY

SUBJECT INDEX:	Governance: Committee Meetings
STRATEGIC INITIATIVE:	Be a responsible, accountable local government
BUSINESS UNIT:	Environmental Planning
SERVICE:	Planning and Development Services
REPORTING OFFICERS:	Coordinator Environmental Planning – Will Oldfield
AUTHORISING OFFICER:	Director, Planning and Development Services – Paul Needham
DATE OF COMPLETION:	22 August 2012
VOTING REQUIREMENT:	Simple majority
ATTACHMENT(S):	Current Foreshore Reserves – Works and Development Policy

This Item was considered by the Policy and Legislation Committee at its meeting held on 8 August 2012, the recommendations from which require Council consideration. The Committee Recommendations have been included in this report.

PRÉCIS

As part of the Council's ongoing policy review, the policy relating to Foreshore Reserves – Works and Development has been reviewed. It is considered that the framework established by the existing policy is relevant, however, it has been rewritten to address a number of key matters in determining the appropriate uses of foreshore and landscape protection reserves. It has also been redeveloped in the standard policy format adopted by the Committee for the purposes of the Policy Review Program.

BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

CONSULTATION

While this policy has an external focus, it seeks to replicate the requirements of an existing policy. In addition, it provides a process for Councillors to request through the Mayor and CEO that the matter be determined by Council and it is therefore not proposed that any form of public consultation on the policy is warranted. The policy relating to vegetation removal on reserves without permission (Council Policy 420) has

also undergone a consultative process and this policy provides the approval process to assist the prevention of unauthorised acts occurring.

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 has proposed to do this on recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

POLICY IMPLICATIONS

This report proposes the adoption of a Council policy to replace an existing policy.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Sound policy development and review processes contribute to a responsible and accountable Local Government in accordance with the City's Strategic Plan.

OFFICER COMMENT

Review of the Council Policy 134/3 – Foreshore Reserves – Works and Development has resulted in the following key changes:

- * A change in title to reflect that the policy applies to private works on all City managed land.
- * A description of the land to which the policy applies (Scope). The new policy now also applies to recreational parklands (urban POS reserves) and reserves managed for landscape protection. This is an improvement because it recognises that there are significant natural values in bushland reserves that need protecting, and that encroachment also occurs in urban POS reserves.
- * A definition of development to make it clear what kinds of activities are intended to be dealt with through this policy.
- * Principles and Powers sections that state unauthorised construction, placement, planting or similar works are not supported and that potentially, offenders, can be prosecuted thus providing the regulatory disincentive for such actions.
- * A basis for approval must be in the public interest/benefit and the economic, social and environmental impacts must be considered.

- * A process for seeking approval of existing infrastructure and/or new proposals for infrastructure.
- * A clear statement of who (Department of Regional Development and Lands, Council and staff as appropriate) has the power to approve and how decisions will be made.
- * A clear statement that just because action has not taken to remove works, that does not constitute a form of approval.

CONCLUSION

The revised policy provides more detail and clarity than the previous version of the policy and presents the content in the standard policy format making the policy easier to understand and implement and therefore is recommended for adoption.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised policy that is recommended would be effective immediately upon adoption by the Council.

Options

The Council may determine to maintain the existing policy or to revise aspects of the recommended policy.

COUNCIL DECISION / COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

C1208/235 Moved Councillor Bleechmore, seconded Councillor Best:

1. That the Council adopts the following “Private Works and Development on Foreshore and Landscape Protection Reserves” Policy to replace the existing “Foreshore Reserves – Works and Development” Policy:

134	Private Works and Development on Foreshore and Landscape Protection Reserves	V2 Draft
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1. PURPOSE

This policy establishes a decision making process for consideration of proposals for private development / improvement / upgrading / vegetation removal or modification, including all forms of access and public facility development, but excludes ongoing maintenance, in coastal, other foreshore and landscape protection reserves whether these works are undertaken by the City or other individuals, groups or agencies. This is designed to achieve preservation of the landform and natural vegetation of coastal,

other foreshore and landscape protection reserves while providing public and adjoining owners reasonable access to use and pass through such reserves.

2. SCOPE

This policy applies to all City reserves managed for the purpose of foreshore or landscape protection or recreation or other reserves that include areas of coastal or riparian foreshore.

3. POLICY CONTENT

3.1 Definition

Development for the purpose of this policy includes any private works that change the current or natural state of the subject reserve and includes the construction or placement of any structure, planting of lawns and gardens, making of access paths, installation of reticulation and the removal of vegetation. (Procedures in relation to the illegal removal of vegetation or damage are included in Council Policy 240 – Reserves Vegetation Protection Policy.)

3.2 Principles

It is Council Policy to generally preserve the natural land form and vegetation of City managed land while providing public and adjoining occupiers reasonable access and providing facilities for improved public use of such reserves. Proposals for private use of City-managed land will only be supported where it can clearly be demonstrated that such use is consistent with maintenance of landscape, ecological, social and recreational values of the land, and is in the broad public interest.

Modification of vegetation and land form on foreshore reserves, including the planting of lawns and gardens, to extend the area of private occupation or enhance the private use of a reserve is not supported. Such works can contribute to the loss of native vegetation, interferes with natural processes and habitats and, potentially leads to higher maintenance requirements by the City and cost to ratepayers.

Powers relating to development of City managed Land

Provisions exist for the potential prosecution and subsequent fining of persons developing City managed land without authorisation under:

- The Local Government Act - Regulation No.5 of Local Government (Uniform Local Provisions) Regulations (1996);
- The District Town Planning Scheme No. 20 (1999);
- Property Local Law 2010.
- Land Administration Act 1997

3.3 Implementation

Approval process

Proposals for any private development, construction, including provision of public facilities and all forms of new access shall be referred to the Council for consideration. Where such proposals are of a minor nature and considered consistent with the intent of the policy this requirement may be addressed by the referral of any such application to all Councillors, and for Councillors to be given a period of not less than 7 days to request the CEO to refer the matter to Council for determination. More significant proposals should be referred direct to Council.

Proposals shall be detailed and address the impact of the development and means by which preservation of the values of the reserve can be maximised. Proposals shall take into account current Local Laws, the Town Planning Scheme, State Coastal Planning Policy SPP2.6, any adopted Foreshore Management Plan, advice from the Department of Planning and the Department of Transport and any specific coastal management recommendations from the Department of Transport.

Proposals will be required to get all relevant statutory approvals, including planning consent. Where development is proposed on Crown land (as distinct from freehold land owned by the City), the planning application needs to be authorised by the Department of Regional Development and Lands as landowner. Where works require ongoing maintenance, a licence agreement will be entered into with the City and the Department. Where works may be of a temporary nature, a bond shall be lodged equivalent to the cost of removing the works and rehabilitating the land.

Works associated with firebreaks and fuel reduction will be determined at an officer level consistent with an adopted Fire Management Plan or Reserve Management plan.

Development without approval

Where lawns/grassing and other gardens or facilities have been extended into reserves prior to the adoption of Council Policy 134/3 (June 1994), and without the approval (of the then) Shire, a retrospective acknowledgement of the works may be issued. Such acknowledgement will only be issued where the works provide a net public benefit, taking into account long term maintenance requirements, and do not give rise to a public safety risk. Any retrospective acknowledgement of such works will be on the basis that any City maintenance will be determined by and at the sole discretion of the City and may be amended from time to time.

Where the criteria of public benefit and safety are not met the works should be removed or private maintenance and/or ongoing upgrading ceased. In such cases the City will liaise with the adjacent land owners to confirm who undertook the development. If the party responsible for the works cannot be identified the City may remove the development and reinstate the area consistent with the surrounding reserve.

If the responsible party can be identified they will be requested to remove the works and reinstate the area consistent with the surrounding reserve. Issues associated with unauthorised removal of vegetation will be dealt with under policy "240 – Reserves Vegetation Protection Policy".

It is acknowledged that there are locations where approval and/or inappropriate works have been undertaken and the City has not taken action for, in some cases, considerable periods of time. That should not, in any case, be interpreted as constituting de facto approval of those works. The City does not have the resources and nor would it necessarily be in the public interest to address all instances of non-compliance simultaneously. The City will prioritise action appropriately and may develop strategic approaches from time to time to facilitate compliance in particular areas.

Delineation of City Managed Reserves

The City has a standard reserve delineation marker. The standard marker is a 150 mm diameter post marked "R" and is to be located at the boundary corners or at a distance of not greater than 25 metres along the common reserve / private land boundary. Delineation of City reserves should be undertaken on a progressive basis to enable the public and adjoining landowners to more easily determine what is public and private land.

CARRIED 8/0
EN BLOC

11.1 LOT 2 OF SURVEY-STRATA PLAN 43812 CAPE CLAIRAULT ROAD,
YALLINGUP - DWELLING

SUBJECT INDEX:	Development/Planning Applications
APPLICATION NUMBER:	DA11/0306
STRATEGIC INITIATIVE:	8: Provide appropriate planning and regulatory measures to ensure orderly and acceptable development of the district
BUSINESS UNIT:	Development Services
SERVICE:	Statutory Planning
REPORTING OFFICER:	Coordinator Statutory Planning – Joanna Wilson
AUTHORISING OFFICER:	Director Planning and Development Services – Paul Needham
DATE OF COMPLETION:	5 September 2012
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	Dwelling
LOT SIZE:	1 Hectare
ZONE:	Conservation Landscape Value Area
POLICIES:	<i>Local Rural Planning Strategy;</i> <i>State Planning Policy 6.1 - Leeuwin Naturaliste Ridge;</i> <i>Bush Fire Protection Local Planning Policy Provisions;</i> <i>Planning for Bush Fire Protection Guidelines</i>
ATTACHMENT(S):	Attachment A – Location Plan Attachment B – Aerial Plan Attachment C – Floor plans and elevations

PRÉCIS

Development Application DA11/0306 proposes a dwelling to be constructed on a vacant survey-strata lot at Injidup. Ten survey-strata lots and the development of the Injidup Guest House resulted from a Memorandum of Understanding that the City entered into with the original landowner in 1996, which saw some 640 hectares of land gifted to the State to form part of the Leeuwin-Naturaliste National Park. The subject lot is survey-strata lot 2 and, if developed, will be the fourth dwelling to be constructed.

The key issues for consideration relate to the proposed location within the prescribed building envelope and the impact on the visual amenity of the area. It is recommended that the application be approved, subject to appropriate conditions, in particular relating to landscape management plans and materials.

PROPOSAL / BACKGROUND

The Council is asked to consider an application for planning consent for approval of a dwelling on Lot 2 of survey-strata plan 43812.

Site

The site is located along Cape Clairault Road, Yallingup, in the area generally known as Injidup. The site is currently 1 hectare in area and the approved building envelope corresponds with the total area of the survey-strata lot. A location plan is included as Attachment A.

Subdivision approval exists for a re-subdivision of the survey-strata plan, which will result in land that is currently designated as common property becoming part of the various survey-strata lots. This will result in the subject site becoming 2.1 hectares in area in the near future. However, the area of the building envelope will remain at 1 hectare.

Locality

Cape Clairault Road is located at the western end of Wyadup Road, and provides access to the well-known Injidup beach and surf break. The area is predominantly National Park, with the Injidup Spa Retreat (Guesthouse) and the Conservation-zoned 10 survey-strata lots spread out along almost the entire length of Cape Clairault Road. A small number of other privately-owned lots are zoned Conservation, while there is a 90-lot rural residential subdivision on the eastern-side of the Ridge on Wyadup Road. An aerial plan is included as Attachment B.

Proposal

Plans for a large, single-storey with basement dwelling were originally submitted. Concerns were raised by FESA, DEC and City officers over the location and design of the dwelling. A revised design was received and plans of the proposed development are included as Attachment C.

The revised design proposes a predominantly single-storey dwelling, with a lower, basement level taking advantage of the natural contours of the site, with a single room at a second-storey level to be used as an office and a separate roof-top terrace. The dwelling also has been re-sited closer to the rear of the property to take into account officer concerns regarding visual amenity and fire safety.

History

The survey-strata plan was created after a Memorandum of Understanding ("the MOU") was reached between the then land owner and the City. Subdivision approval was granted for the Injidup guesthouse site, 38 rural residential lots, and the survey-strata plan comprising 10 lots and common property. As part of those subdivision approvals, some 640 hectares of land was ceded to the State as national park.

STATEMENT OF IMPACT

Approval of the application will allow development to occur in line with the applicant's expectations. Adoption of the staff recommendation for approval will provide for this benefit to the owner to be realised.

Potential impacts on other landowners, the National Park and visitors to the area are discussed in the 'Officer Comment' section of this report.

CONSULTATION

The application was referred to the Department of Environment and Conservation, the Department of Planning, and FESA. Comments received are set out below.

Department of Environment and Conservation

- * Retaining walls must be earth tones/darker grey, non-reflective - not white or prominent reflective colours as shown
- * Details of the materials for the house – needs a rough texture on walls above all overhangs; and also to replace the lower smooth wall portions that are not in shadow in winter months.
- * It is recommended to reduce bulk (visual magnitude) by removing the upper storey study. This will reduce the impact from Clairault Road, Wyadup Rocks, Mitchell Rocks and the beach (Cape to Cape Walk Trail).
- * No rating scale provided for evaluating visual impact which appears to be understated.
- * A significant concern is reliance on vegetation screening - Need to make sure trees to be retained as per simulations / cross sections are marked and protected and the GPS positions recorded. Screening trees in models of cross-sections need to be protected by caveat and need to account for Fire Management Plan requirements.
- * Building heights and visibility are very close to the mark when viewed from Injidup Lookout and from the approach to Injidup Car Park. These are very sensitive foreground viewing points and it is important that beach and look-out users' sense of privacy is not diminished by someone overlooking nearby.
- * Fire Management Plan - Limestone should not be used for roads where it would have big visual impact. Gravel should be used instead.

Department of Planning

As several isolated buildings are already currently visible within this locality, the proposed building will not comprise a new element in the locality's landscape; the scenic character of the locality has already been reduced.

The issue is whether the proposed development will result in a significant deterioration of the locality's scenic character. The building has the potential to be clearly visible and intrude on foreground and middle ground views from several coastline locations (the lookout deck, Injidup Point and the beach

near this point), so this could well be the case. The development would also be more prominently located closer to the focus area than existing buildings in the view which is arguably the most important in the locality.

Likely negative impacts can be mitigated through a carefully considered landscape plan that takes into account fire protection measures and is based on detailed consideration of sightlines from key viewpoints, and through some minor changes to the house design. If building design and landscape advice is followed, the house would be most intrusive when viewed from Injidup Point and locations on the beach between here and View Point 7 (view from Cape to Cape track and Cape Clairault carpark), and from the lookout deck at the beach.

The proposed second storey is not ideal, based on its potential impacts on views from the closest locations, although its siting at the southernmost edge of the building would assist in minimising its impacts. There are other building components that could potentially have a greater visual impact than the small second storey component. These include:

- * Colour and texture of rock facades (which should not comprise limestone, but local dark, weathered rock, with dark mortar);
- * Colour and texture of rendered facades (which should be mid tone to dark, and rough in texture);
- * Colour of the fascias of the cantilevered awnings (dark and non-reflective);
- * Colour and texture of the underside of the cantilevered awnings (dark and non-reflective);
- * Height, texture and colour of canopies over northern outdoor rooms (low profile, rough texture, non-reflective, dark colour);
- * Window treatments, including shutters and blinds (not light-coloured or reflective).

The proposed retaining walls are extensive and potentially several metres in height, and wrap around the publicly visible sides of the site i.e. the north and west. If these walls were not built of dark, rough textured materials, they may be highly visible, even from long distances. It would also be desirable to break their height into lower sections, allowing for vegetation on terraces. Material used for the steps, especially the risers, should also be dark and non-reflective.

If the minor changes to the building design advised above, the proposal's likely success in meeting visual management objectives would depend on the production of a landscape masterplan. The masterplan should contain information about:

- * Existing vegetation to be *retained* on site - the species, height, condition and location, taking into account the fire management plan;
- * New vegetation to be *planted* - location, species, height, likelihood of survival over time e.g. reticulation, again taking into account the fire management plan (preferable to use local native species but if other

species are required for screening purposes, their appearance should be consistent with local species in terms of form, colour and texture);

- * The proposed retaining walls/features - construction materials, steps, height, plants and overall appearance;
- * Other structures such as water tanks;
- * The nature of any ground surfaces that may be visible e.g. driveways on slopes;
- * Vehicle parking areas that need to be screened.

FESA

The Fire Management Plan is in general compliance with 'Planning for Bush Fire Protection Guidelines'. FESA has endorsed the FMP and raises no objection to the proposal.

STATUTORY ENVIRONMENT

The key elements of the statutory environment that relate to the proposal are set out in District Town Planning Scheme No. 20 ("the Scheme").

The site is located within a Conservation zone and the single objective of this zone is to:

'restrict the type and scale of development which will be considered on lands possessing special aesthetic, ecological or conservation values to those compatible with such environments'.

The relevant policy of the zone is:

1. *To allow development only where –*
 - a. *It can be demonstrated that such development can be carried out in a manner that minimises risks from natural hazards, functions efficiently and does not detract from the scenic quality of the land;*

Clause 13 of the Scheme specifies matters to be considered by the Council in determining applications for planning consent. The matters relevant to this application are:

- (b) the impact of that development on the environment and, where harm to the environment is likely to be caused, any means that may be employed to protect the environment or to mitigate that harm;*
- (c) the effect of that development on the landscape or scenic quality of the locality;*
- (e) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of that development;*
- (f) the size and shape of the land to which that development application relates, the siting of any building or works thereon and the area to be occupied by that development;*

- (m) whether adequate provision has been made for the landscaping of the land to which that application relates and whether any trees or other vegetation on the land should be preserved;*
- (p) any representations made by a public authority in relation to that application, or to the development of the area, and the rights and powers of that public authority;*

The site is located within a designated Landscape Value Area pursuant to Clause 27 of the Scheme. Clause 27 specifies that the Council shall not grant consent to the clearing of land or any other development unless it has considered:

- (a) whether the development will be compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the locality.*
- (c) disturbance to the natural environment, including –*
 - (i) visual effects of clearing for development;*
 - (ii) maintenance of rural character;*
 - (iii) habitat disturbance.*

Clause 89 of the Scheme contains specific provisions related to the Conservation zone. In particular reference is made to a height limit, where a maximum height has not been specified on a Development Guide Plan, the height shall be determined by Council to ensure the landscape values of the site and general area are maintained. The MOU that was reached agreed upon a five metre maximum height limit in order to ensure the landscape values of the site are maintained. The MOU does not have specific legal weight but does provide clear and relevant guidance for applicants and the City.

POLICY IMPLICATIONS

The key policy documents that are relevant to the proposal are:

- * *Local Rural Planning Strategy;*
- * *State Planning Policy 6.1 - Leeuwin Naturaliste Ridge;*
- * *Draft Bush Fire Protection Local Planning Policy Provisions;*
- * *Planning for Bush Fire Protection Guidelines (edition 2).*

Local Rural Planning Strategy ("LRPS")

The site is located within Precinct 4 – *Western Rural*. The vision of this Precinct is:

to support the ongoing primary agricultural land use and associated rural-based tourist development in a manner that sustains the high agricultural potential, existing natural environment, landscape values and rural character of the area.

The relevant objectives for the precinct are:

- *To ensure that land use planning in this precinct is consistent with the LNRSP and Scheme provisions;*
- *To protect the biodiversity values of remnant vegetation ...; and*
- *To maintain and protect the mosaic of rural and natural landscapes and land uses;*

State Planning Policy 6.1 - Leeuwin Naturaliste Ridge ("LNRSP")

The LNRSP classifies land into Landscape Character units, Landscape Classes, and Land Use Strategy units. Specific policies are prescribed for the various classes / units to enable development proposals to be assessed against the LNRSP's vision and objectives.

The site is located within the "*Travel Route Corridors with Natural Landscape Significance*" Landscape Class and the "*Western Coastal*" Landscape Character Unit and therefore the following policies are relevant:

- PS 3.2 Development must be responsive to local values, and be compatible with the natural characteristics and traditional settlement patterns of the area.*
- PS 3.3 Development will have due regard for the landscape integrity and value of Ridge backdrops when viewed from the coastline, bays or Travel Route Corridors.*
- PS 3.4 In areas of Natural Landscape Significance, including where they are in Travel Route Corridors, the significant natural characteristics will be protected and provide adequate development setbacks. In these areas development will be screened from Travel Route Corridors except public recreation or safety facilities which may be seen in the foreground.*
- PS 3.5 The environmental integrity and natural landscape values of the Western Coastal and Eastern Slopes of the Leeuwin-Naturaliste Ridge as identified in Figure 4 and near-shore waters will be given high priority in land use decisions.*
- PS 3.8 Where the LNRSP identifies development opportunities on the Ridge, such development will—*
 - * maintain the natural character where this exists;*
 - * utilise sites of least visual impact;*
 - * conform with a sustainable bushfire plan;*
 - * maintain the values of adjacent conservation reserves;*
 - * avoid the steeper and higher slopes; and*
 - * avoid impacts on significant flora and fauna communities.*

The site is located within the following two Land Use Strategy units "*Ridge Landscape Amenity Area*" and "*Principal Ridge Protection Area*" and therefore the following policies are relevant:

- LUS 3.1 In Principal Ridge Protection Areas, protection of conservation and landscape values will be paramount. Only land uses compatible with these values will be permitted.*

LUS 3.6 Maintaining or enhancing the conservation and landscape values of the Ridge Landscape Amenity Area will be the primary criteria against which proposals for land use, subdivision or development within these areas will be assessed.

FINANCIAL IMPLICATIONS

There are no financial implications to the City arising from the recommendations of this report.

STRATEGIC IMPLICATIONS

The recommendations of this report reflect Strategic Priority 8 of the City's 2010-2020 Strategic Plan, which is to "provide appropriate planning and regulatory measures to ensure orderly and acceptable development of the district".

OFFICER COMMENT

While rural residential and small-holding development is an "undesirable" land use within the Local Rural Planning Strategy precinct, the right to develop a dwelling in this location has already been supported by the Memorandum of Understanding and established via the subsequent subdivision process. The consideration for the Council is whether the location and design of the proposal is appropriate, and consistent with the planning and policy framework.

There are two key questions to consider in determining the application –

- * Does the location and design meet the visual landscape objectives of the Scheme and relevant policy?
- * Does the proposal meet the requirements of the bush fire policy documents?

Each of these questions is outlined and discussed below.

The proposed dwelling as originally submitted was sited towards the front of the site; concerns were raised by officers, DEC and FESA that the location of the dwelling would have a significant visual impact and an acceptable fire outcome could not be achieved. Amended plans were subsequently received siting the dwelling 20 metres closer to the rear of the site and a complete redesign of the proposed dwelling which resulted in 40% of the building underground, a green (living) roof over a large proportion of the dwelling and the re-arranging of the building mass.

In order to determine the impact on the visual landscape from the proposed dwelling a Visual Impact Assessment has been undertaken by the applicant and a peer review has been carried out by the DoP and DEC. The comments from both departments have been outlined above. The comments have mainly been supportive and the majority of recommendations that have been

suggested can be conditioned. However there are two concerns that have been raised that need to be considered in more detail.

Firstly, a concern has been raised that the proposed retaining wall which would be 4 metres in height in parts would be highly visible from a number of viewing points to the detriment of the area. This concern has been discussed with the applicant and amended plans have been submitted showing the removal of the retaining wall, this has been achieved by narrowing the northern facade at the lower level by 30% and changing the site levels to make them more gradual. It is proposed to control erosion by substantial planting and the introduction of granite boulders.

The other concern that has been raised relates to the second storey element that would be 6.7 metres in height. As noted above the height restriction is subject to an MOU and can only be classed as a guide for both developers and the City in determining proposals. The second storey element would be situated at the rear of the building and DEC has requested that in order to reduce the bulk (visual magnitude) this element should be removed. The applicant's visual consultant has responded to DEC's comments and is of the opinion that 'the second storey may be visible from out on the point at Cape Clairault or from a marine vessel in the bay but as a result of the distances the second storey will reduce in scale such that it is visually insignificant'.

It is considered by officers that the complete redesign of the proposed dwelling and the modifications to the retaining walls has resulted in a development that can be supported. Officers acknowledge the comments from DEC that the second storey should be removed, but consider that in light of its very limited visual impact it would be extremely difficult to defend the decision in the State Administrative Tribunal, especially as the existing dwellings can be seen from a number of viewpoints.

With regard to the question as to whether the proposal meets the requirements of the bush fire policy; a Fire Management Plan (FMP) has been submitted for the revised dwelling, the City has sought comments from FESA on the FMP who have confirmed that the plan is in general compliance with 'Planning for Bush Fire Protection Guidelines' and FESA have endorsed the FMP and raises no objection to the proposal.

CONCLUSION

The proposed dwelling is considered to be generally consistent with the relevant planning framework, subject to appropriate conditions. The application is recommended for conditional approval.

Option

The Council could refuse the proposal, apply additional or different conditions, or seek removal of the second storey element.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The proponent will be advised of the Council decision within two weeks of the Council meeting.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1208/236 Moved Councillor Bleechmore, seconded Councillor Best:

1. That application DA11/0306, submitted for development of a dwelling on survey-strata lot 2 of survey-strata plan 43812, Cape Clairault Road, is considered by the Council to be generally consistent with District Town Planning Scheme No. 20 and the orderly and proper planning of that locality and the preservation of the amenities of that locality.
2. That Planning Consent be issued for the proposal referred in 1. above subject to the following conditions:
 - A. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
 - B. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City, and except as may be modified by the following conditions.

Prior to Commencement of Any Works Conditions:

- C. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
 - I. Details of type, colour and texture of all external materials to be used (in particular rock and rendered facades, cantilevered awnings, canopies, water tanks or outbuildings).
 - II. Details of the means and method of providing a potable water supply of 135,000 litres.
 - III. A Landscape Masterplan, which shall include details of:
 - (a) Existing vegetation to be *retained* on site - the species, height, condition and location, taking into account the fire management plan;
 - (b) New vegetation to be *planted* - location, species, height, likelihood of survival over time e.g. reticulation, again taking into account the fire

- management plan (preferable to use local native species but if other species are required for screening purposes, their appearance should be consistent with local species in terms of form, colour and texture);
- (c) The proposed retaining walls/features - construction materials, steps, height, plants and overall appearance;
 - (d) Other structures such as water tanks;
 - (e) The nature of any ground surfaces that may be visible e.g. driveways on slopes;
 - (f) Vehicle parking areas that needs to be screened;
 - (g) Species to be used for the green roof and living walls.
- IV. Details of on-site effluent disposal, stormwater and surface water drainage.
- V. A detailed plan which shows natural ground levels, finished ground levels and finished floor levels.
- VI. Details of the proposed fencing including, but not limited to, the design and the materials to be used.

Prior to Occupation/Use of the Development Conditions:

- D. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition C have been implemented; and, the following conditions have been complied with:
- I. Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, as assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.
 - II. Implementation of the approved Fire Management Plan

On-going Conditions:

- E. The works undertaken to satisfy Condition D shall be subsequently maintained for the life of the development.

**CARRIED 8/0
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11.2 CONSIDERATION OF APPLICATION FOR PLANNING CONSENT FOR REDEVELOPMENT AND RESTORATION OF LOT 13 NO 42 QUEEN STREET, BUSSELTON (BOVELL AND SONS)

SUBJECT INDEX:	Development/Planning Applications
APPLICATION NUMBER:	DA12/0192
STRATEGIC INITIATIVE:	8: Provide appropriate planning and regulatory measures to ensure orderly and acceptable development of the district
BUSINESS UNIT:	Development Services
SERVICE:	Statutory Planning
REPORTING OFFICER:	Acting Senior Development Planner – Pete Malavisi
AUTHORISING OFFICER:	Director Planning and Development Services – Paul Needham
DATE OF COMPLETION:	5 September, 2012
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	Refurbishment of Heritage Building and two storey rear addition for Shop/Office Use
LOT SIZE:	282m ²
ZONE:	Business
POLICIES:	City of Busselton Heritage Conservation Provisions City of Busselton Town Centre Urban Design Centre Provisions City of Busselton Car Parking Provisions
ATTACHMENT(S):	Attachment A – Location Plan Attachment B – Aerial Plan Attachment C – Development Plans Attachment D – Schedule of Submissions Attachment E – Heritage Report

PRÉCIS

The proposal is for the refurbishment of the Bovell and Sons heritage building together with a two storey addition at the rear of the building (facing Duchess Street and Ruby Lane) for shop/office use.

The key issues are retaining the authenticity of the heritage building and ensuring the proposed adjoining two story component is complementary to it.

The District Town Planning Scheme and relevant policies provide various provisions when considering retention of heritage buildings and values.

City officers have sought heritage advice, and having regard to it, recommends the proposed development for approval.

PROPOSAL / BACKGROUND

The site toward the northern end of Queen street is 282m² and contains the Bovell and Sons heritage building. The building has been vacant for a number of years and is in fairly poor condition. Despite this it contains a number of important elements worthy of preservation.

The Council is asked to consider an application for the extensive refurbishment of the existing building on site and the addition of a two storey building to the rear of the existing building.

See Attachment A – Location Plan, Attachment B – Aerial Photograph, Attachment C – Development Plans and Attachment D – Heritage Report

STATEMENT OF IMPACT

Approval of the application will facilitate the economic refurbishment of the Bovell and Sons heritage building and enhance the amenity of the locality whilst retaining authentic elements of the original building to be appreciated by current and future generations.

CONSULTATION

The application was referred to the City's Heritage Advisor. The Heritage Advisor provided support of the proposal subject to conditions.

The proposed development was referred to the Department of Regional Development and Lands for consideration as the proposed development will include a verandah and awnings that are within the road reserve – the Department raised no objections to the proposal.

See Schedule of Submissions at Attachment E.

STATUTORY ENVIRONMENT

The key elements of the statutory environment that relate to the proposal are set out in the town planning scheme.

The site is located in the 'Business' zone. Objectives of this zone relevant to this application are as follows:

- (i) To provide for conveniently-located shopping and other service-associated commercial activities which could reasonably be expected to be found in a centre servicing an ultimate trade area population in the order of 15,000 to 25,000 people;*
- (ii) To maintain and reinforce the viability of existing commercial centres, including those supporting adjoining agricultural areas.*

Policies of the "Business' zone relevant to this application are:

- (a) To encourage the provision of retail and other business services and associated development to add to the strength and diversity of existing centres;*
- (b) As far as is practical and appropriate to allow market forces to influence the location of retail and office uses within existing centres with minimal intervention by Council;*
- (d) To utilise and strengthen the existing Central Business Districts of Busselton and Dunsborough as the primary retail and commercial centres of the Shire by active discouragement of any new "out of town" shopping centres other than neighbourhood shopping centres, convenience stores and the like.*

Clause 36 of the Scheme deals with Heritage Protection and relevant provisions are:

- (16) Notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting any building, object structure or place listed in the Heritage List without first having applied for and obtained planning approval of the Council.*
- (18) The Council may, in considering any application that may affect a heritage area or individual entry on the Heritage List, solicit the views of the Heritage Council of Western Australia and any other relevant bodies, and take those views into account when determining the application.*
- (22) Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion, the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall –*
 - (a) Consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to Clause 12 and*
 - (b) Have regard to any expressed views prior to making its decision to grant the variation.*

Clause 66 of the Scheme deals with service access for the business zone, the relevant provision is as follow:

- (1) Provision shall be made for service access to the rear of a shop, showroom, restaurant or other commercial use for the purpose of loading and unloading of goods. Where alternative access is provided and such access is considered acceptable by the Council, the Council may waive the requirements of this Clause.*

POLICY IMPLICATIONS

The key policy implications for consideration are set out in the following policy documents:

- * *City of Busselton Heritage Conservation Provisions*
- * *City of Busselton Town Centre Urban Design Centre Provisions*
- * *City of Busselton Car Parking Provisions*

City of Busselton Heritage Conservation Provisions

The relevant provisions for this development are the following:

Incentives

Incentives take the form of relaxation or modification of one or more of the planning requirements for that place that would normally apply under TPS20 or the Residential Design Codes. This includes but is not limited to:

- * *Parking requirements*

City of Busselton Town Centre Urban Design Centre Provisions

The following are particularly relevant excerpts from the provisions -

6.10 Heritage & Streetscape

New development should conserve and enhance the heritage of the town, and maintain/foster areas of individual and interesting character. Proponents who intend to develop a property which is listed in the Shire's Municipal Inventory need to refer to the Shire's Environment and Heritage Conservation Policy. These provisions offer guidance on various matters, and highlights incentives that may be available for appropriate, sensitive new development.

New development should respect the setting of any surrounding properties of identified heritage and/or streetscape value in terms of building design and form.

7.2 Relationship to the Street (Public/Private Interface)

Each street within the Provision Area has been defined as a Primary, General Commercial or Green Street, with specific requirements to each Frontage Type. Frontage Types in the provision policy area are defined in Figure 2.

Frontage Type 1: Primary Street

- * *Highly Activated.*

- * *Predominantly shop uses at ground floor level, with al fresco uses also encouraged and, where appropriate, the Shire will work with developers to facilitate al fresco uses also encouraged and, where appropriate, the Shire will work with developers to facilitate al fresco use of footpaths.*
- * *Other subsidiary commercial uses and residential lobby at ground floor level may be considered.*
- * *Non shop uses permitted above ground floor.*
- * *At ground floor level, buildings shall address the street with a primary business entrance and a shop front façade.*
- * *Nil front setback, with continuous façade to be encouraged.*
- * *Pedestrian shelter, through provision of verandah or awning, must be provided over the public footpath for the full width of the lot frontage.*
- * *No vehicular access to sites to be taken from Queen St.*

City of Busselton Car Parking Provisions

Where car parking cannot be provided onsite or where on site provision is not desirable in terms of traffic or pedestrian management, then all or part of the shortfall may be met via a cash-in-lieu payment. Car parking requirements are discussed in more detail in the 'officer comment' part of the report.

FINANCIAL IMPLICATIONS

There are no financial implications to the City of the recommendations of this report.

STRATEGIC IMPLICATIONS

The recommendations of this report reflect Strategic Priority 8 of the City's 2010-2020 Strategic Plan:

'Provide appropriate planning and regulatory measures to ensure orderly and acceptable development of the district'.

OFFICER COMMENT

The key objectives in this instance are seen to be to reactivate this part of Queen Street, whilst retaining the authenticity of the heritage building and ensuring the proposed two story component is complementary.

In so far as achieving the above there are two key issues to consider: –

- * Does the proposed development preserve the heritage values of the site?
- * What incentives are available and appropriate to ensure that the heritage values of the building are retained and the street is reactivated?

Preserving the heritage value

The existing building is a single storey building that was built circa 1930 and reflects early local shop design genre. It is proposed that the building façade is to be retained and restored, the roof and verandah will be reconstructed based on the original design and a double hung sash window will be reinstated on the Duchess Street side of the façade replacing an existing doorway.

The development proposal aims to construct a major addition at the rear of the place, in a design that is distinguishable from but sympathetic by reflecting architectural elements found in the heritage building, including roof and verandah elements, and proportions used in the windows and doors.

The existing building is visibly in poor condition and an engineer's structural report has been submitted informing that most of the building (including the roof) is not structurally sound. The engineer's report did however, confirm that the façade can be retained.

The sub floor was not assessed by the engineer. It is expected restoration works will be required for the sub floor and in that event any restoration works completed on the sub floor should include retaining the existing floor boards.

One of the key heritage pieces of the existing building is the glass pane window facing Duchess Street with the "Bovell" signage which remains in good condition.

The Heritage Advisor has provided support for the proposed development recognising it as having significant value from a heritage point of view for the City and our community. The Heritage Advisor has indicated support for the proposal, conditional upon:

- * retaining the façade including the glass pane with the "Bovell" signage;
- * maintaining the present roof pitch;
- * providing roof cover material, including that of the veranda, that is comprised of short length galvanised iron (galvabond) roof sheets consistent with the original period of building; and
- * retaining the original floor boards.

It was further recommended that an interpretive panel or display be incorporated into the new building. It should be noted that some of the recommendations of the Heritage Report included as Attachment E, whilst desirable, are not supported by the applicant or seen as essential by City officers. As such, they are not picked up as conditions. It is seen as preferable that the overall development proceed and costs associated with preservation of some elements could compromise that.

Appropriate incentives

In order to encourage the adaptive reuse and protection of heritage buildings, benefiting the community, it is appropriate to incorporate the discounting of various ancillary standards as incentives, in balancing the merit of the proposal.

In this regard a relaxation on the normal requirement for off street parking, or the payment in lieu thereof, is considered appropriate. The proposed new commercial component would normally require 3 bays for the ground floor and 2 bays for the upper storey, this comes to a total requirement of 5 bays; this assessment is based on the net lettable area.

No bays are required for the existing building as no car parking has previously been provided on site. The proponent is proposing to include 2 bays on site which means a shortfall of 3 bays.

It is considered that in this instance the cash in lieu component be waived (the payment required under current policy would be approximately \$15,000). It is also suggested that the normal requirement for a separate service access be waived.

CONCLUSION

The proposed development seeks to retain certain heritage values associated with the existing premises and will further develop the site into additional shops/offices which are generally consistent with the District Town Planning Scheme and City policies. The proposal is therefore supported.

Option

The Council could refuse the proposal, apply additional or different conditions, or seek further information.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The proponent will be advised of the Council decision within two weeks of the Council meeting.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1208/237 Moved Councillor Bleechmore, seconded Councillor Best:

That application DA12/0192 submitted for development at Lot 13 Queen Street, Busselton is considered by the Council to be generally consistent with District Town Planning Scheme No. 20 and the objectives and policies of the zone within which it is located, and is therefore approved with the following conditions:

General Conditions

- a. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
- b. The development hereby approved shall be undertaken in accordance with the signed and stamped Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City, and except as may be modified by the following conditions:
- c. The façade to both Queen and Duchess Streets, the reconstruction of the window, the verandah and roof, roof vents is to be completed to match original in terms of form, design, material, sizes, finishes and colour.
- d. The glass pane facing Duchess Street with the existing "Bovell" signage is to be retained as part of the façade facing Duchess Street.
- e. The floorboards in "Bovell's Shop" are to be retained as much as possible.
- f. Plans are to be submitted detailing what repairs/restoration is required of the sub floor and how the Floorboards will be reinstated in "Bovell's Shop".

Prior to Commencement of Any Works Conditions:

- g. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
 - i. Prior to commencement of the development, a Construction Management Plan shall be submitted to and approved by the Shire's planning department in writing. The Plan shall include details of the areas to be used for the storage of building materials, plant, excavated materials and site sheds associated with the implementation of the permitted development. The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site (other than construction of the site access) and shall thereafter be kept available at all times during the construction period. The Plan shall also include details of safety measures to maintain unrestricted pedestrian movement on Queen and Duchess Streets during the construction phase.
 - ii. A detailed Schedule of all finishes, including materials and colours of the proposed development.
 - iii. Details of all roofing material (including the verandah)

should comprise short length galvanised iron (galvabond) roof sheets consistent with the original period of building.

- iv. A professional interpretation plan for Bovell's Shop. The plan should include details on the conservation and history of the Shop and an appropriate interpretation of Bovell's Shop and the life and work of Sir Stuart Bovell.
- v. Details of the proposed bin storage areas including, but not limited to, the design and the materials to be used in their construction;
- vi. Details of wastewater treatment and disposal systems, stormwater and surface water drainage works;
- vii. Details of crossover onto Ruby Lane;
- viii. A minimum number of 2 car parking bays shall be provided on site specifically for the approved development, details to be provided;
- ix. Details of the finished treatment of all hard surfaced areas to be used for the construction of the parking and manoeuvring areas; and
- x. Details for constructing the footpath along Duchess Street adjoining the property boundary.

Prior to Occupation/Use of the Development Conditions:

- h. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition g have been implemented, and the following conditions have been complied with:
 - i. The parking area(s), driveway(s) and point(s) of ingress and egress shall be designed, constructed, drained and marked.
 - ii. The crossover to be sealed and drained to the City's specifications.

On-going Conditions:

- i. The works undertaken to satisfy Condition(s) c to h shall be subsequently maintained for the life of the development.

**CARRIED 8/0
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12.1 ROAD DEDICATION AND CLOSURE - 'HEATH ROAD SOUTH', WILYABRUP

SUBJECT INDEX:	Thoroughfares
STRATEGIC INITIATIVE:	3.2 Responsible management of public infrastructure assets
BUSINESS UNIT:	Engineering and Facility Services
SERVICE:	Land dealings
REPORTING OFFICER:	Land and Infrastructure Office – Andrew Scott
AUTHORISING OFFICER:	Director, Engineering and Works Services – Oliver Darby
DATE OF COMPLETION:	31 December 2012
VOTING REQUIREMENT:	Simple majority
ATTACHMENT(S):	A – Sketch of planned road dedication/closure B – Aerial photograph of area 1:10,000 C – Aerial photograph of area 1:500 D – Photographs

PRÉCIS

NOTE: For the purposes of this report, the unnamed public road that separates the two parcels of Lot 91 on Plan 51558, Wilyabrup is referred to as 'Heath Road South'.

The City proposes to acquire approximately 900sqm of Lot 91 on Deposited Plan 51558, Metricup Road, Wilyabrup for public road purpose. The City also proposes that approximately 750sqm of the southern end of 'Heath Road South' is closed permanently and amalgamated with Lot 91 as part of a land swap arrangement.

Pursuant to the Land Administration Act 1996, this report seeks the consent of the Council for the proposals and for the City to negotiate an agreement with the owner of Lot 91 to acquire portion of that lot for public road purpose.

BACKGROUND'Heath Road South' – Land description and road name

Starting at Metricup Road, an unnamed public road corridor, approximately 20m wide, lies between the two parcels of Lot 91 on Plan 51558.

For the purposes of this report, that unnamed road corridor is referred to as 'Heath Road South'. However, as that name is not consistent with geographic naming standards, an alternate name will be assigned to the road by the Geographic Naming Committee of Landgate on the City's recommendation.

Road as constructed on 'Heath Road South'

A gravel road has been constructed over 'Heath Road South' from Metricup Road and extends north to adjoin the south eastern corner of Lot 11 on Plan 51311 (refer to Attachment D, Picture 1). Three parcels of land are serviced by 'Heath Road South': Lot 11 and the western and eastern parcels of Lot 91.

While most of the constructed road of 'Heath Road South' is that contained within public road land, part of the constructed road encroaches onto Lot 91, where it joins Metricup Road. This is due to a waterway and a waterhole being located near to the intersection of Metricup Road making construction of a road within the public road land unfeasible. The gravel road has been constructed west of the waterhole and on the south eastern corner of the western parcel of Lot 91.

The added advantage of the placement of road as constructed is the intersection is located further from (further west of) a crest on Metricup Road, improving sight distances to the intersection and road traffic safety.

It is the area of land where the constructed road is placed on Lot 91 that is the subject of the land proposed to be acquired for public road purpose.

The waterhole on public road land

The waterhole is located on a natural waterway that runs from south of Metricup Road through to the western parcel of Lot 91 (refer to Attachment D, Picture 2).

It appears from the large pile of soil placed near the waterhole, that the waterhole has been extracted, in part at least. It is unclear when this work occurred or under what authority the works were allowed to be undertaken on public road land.

A windmill is used to pump water from the waterhole.

It is the area of public road land on which the waterhole is located that is the subject of the proposed road closure so that the Crown land may form part of a land swap arrangement.

Right of carriageway easement to the benefit of Lot 11

Lot 11 has legal access from Metricup Road by a right of carriageway easement over portion of Lot 91, where the road has been constructed west of the waterhole. The easement over Lot 91 was created in 1996.

An unlocked gate crosses the easement and is kept shut to discourage the general public from using the private accessway and from using 'Heath Road South' (refer to Attachment D, Picture 3).

Road construction as a condition of subdivision

Lot 11 was created from the subdivision of Lot 2199 on Deposited Plan 153387 (WAPC reference 125748). As a condition of subdivision, the developer was required to construct roads from Lot 11 to the local road network. The developer was given the option to pay to the City the cost of constructing the road.

The developer opted for road to be constructed from Lot 11 to Metricup Road (over 'Heath Road South') and paid the City to complete the works.

The City completed the works to Metricup Road, with part of the constructed road over the right of carriageway easement over Lot 91. This was done to avoid construction over a waterhole, and due to the position of a culvert pipe under Metricup Road and the improved sight distances of the intersection by making the intersection further west along Metricup Road.

This report proposes that the area of constructed road over Lot 91 is formalised as a public road, to complete the condition of subdivision.

CONSULTATION

Notices of the proposed road alignment changes have been forwarded to owners and occupiers of affected land and the public utilities: Western Power, Water Corporation and Telstra.

A notice of the proposed changes was also advertised in the 'Council for the Community' on 9 November 2011.

No objections were received to the proposal.

City officers have been discussing the proposed land acquisition and land swap arrangement with the owner of Lot 91. The land owner is favourable to the proposal, although terms for an agreement are yet to be established.

STATUTORY ENVIRONMENT

Local Government Act 1996

Sections 3.50 and 3.51 of the Act requires that affected owners and persons prescribed in regulations (such as public utilities) are to be notified of proposed changes to a road alignment.

Land Administration Act 1997

Part 9 Division 3 of the Act defines the procedures for acquiring land (taking the interests in land) for a public works purpose. Section 168 of the Act allows for land to be acquired by agreement and section 169 allows for available Crown land to be granted as consideration for the acquired land.

Part 9 of the Act also allows for the compulsory acquisition of land without agreement. City officers do not propose land be acquired by this method unless negotiations with the land owner stall. Should this happen, any proposal to acquire land without agreement will be presented to the Council as a separate proposal.

Pursuant to section 56 of the Act and on the request of the local government, the Minister for Lands may dedicate land as a road. The local government is liable for any claims for compensation.

Pursuant to section 58 of the Act, local government may make a request to the Minister for Lands to close a road permanently.

Alternative legislation for creating a road

In addition to the Land Administration Act 1996, roads may be created, widened or extended under the Planning and Development Act 2005. Depending on the outcomes of the negotiations with the land owner, the City may apply for the road to be created using the road widening provisions of that Act.

Roads may also be created under s. 364 of the Local Government (Miscellaneous Provisions) Act 1960 by the making of a local law. This method is not recommended due to the lengthy procedure for making local laws.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Expenditure items for the proposal include surveying, fencing, signage and guide posts, valuation fees, compensation for the balance of land, land transfer costs and other items depending on the outcomes of negotiation for the land. The estimated costs are \$13,000 to \$15,500 and is provided for within the 2012/13 budget.

There may be further costs imposed by various authorities for the proposed change to road alignment (such as public utilities) but this is considered unlikely at this stage.

STRATEGIC IMPLICATIONS

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

- | | |
|----------------------------|---|
| 1. Key Result Area: | Natural and Built Environment Wellbeing: |
| Strategic Priorities: | Responsible management of public infrastructure assets. |

OFFICER COMMENT

Intersection design

The proposed change to road alignment is based on a technical design for the intersection of 'Heath Road South' and Metricup Road as prepared by the City's design team. The design is based on the gravel road as constructed.

The road design is for a road corridor of approximately 20m wide (a standard for rural roads) plus truncations where the road joins Metricup Road.

The portion of Lot 91 proposed for acquisition

The area of land required for road purpose from the western parcel of Lot 91 is approximately 900sqm (referring to Attachment A and Attachment D, Picture 4). The total area of the western parcel is 206,566sqm and is being used for viticulture purpose. The proposed area of road land is presently being used as road, road embankment and grassed area.

The portion of road proposed for closure

Should the acquisition of portion of Lot 91 for road purpose proceed, then approximately 750sqm of the southern end of 'Heath Road South' (referring to Attachment A) would not be required for public road purpose and may be closed permanently. In negotiation for land, the Land Administration Act provides for Crown Land to be exchanged for land to be acquired for public works purpose.

A natural waterway passes through the area of 'Heath Road South' proposed for closure and the owner of Lot 91 has expressed an interest in the land being amalgamated with Lot 91.

Should the proposal to close portion of 'Heath Road South' proceed, the owner of Lot 91 should be required to produce or apply for a water licence from the Department of Water before being permitted to draw any water from the waterway.

The road closure is being proposed given the land would not be required for road purpose and that the proposal may assist with negotiation for the land to be acquired. The advantage to the City of this proposal is the City should pay less compensation for the land to be acquired, and will have less land to

manage and maintain; but these advantages will be offset marginally by the extra cost of surveying.

Contrary to the proposal, the Council may determine not to close the road and retain the land as Crown land. This may affect negotiations for the land proposed for acquisition, but the road closure is not a necessary requirement for the proposed land acquisition. Should the Council determine not to retain the land as Crown land, all unauthorised asset should be removed from the land and consideration given to reinstating the waterway from any excavation, subject to environmental approval.

CONCLUSION

The reporting officer recommends that the City acquires by agreement approximately 900sqm of Lot 91 for public road purpose of land. This would then formalise the existing road/accessway as a public road.

The reporting officer recommends to proceed with the proposal to close permanently an approximate 750sqm of the southern end of 'Heath Road South', so that the Crown land may be used in negotiation for the land acquisition proposal. Should the owner of Lot 91 agree, the City would recommend to the Minister for Lands that the closed portion of road is amalgamated with adjoining Lot 91.

Option

The Council may like to consider the following alternatives to the officer recommendation:

1. Pursuant to the Land Administration Act 1997, acquire by agreement approximately 900sqm of the south eastern corner of the western parcel of Lot 91 for public road purpose; and not closing portion of 'Heath Road South'.

The City would pay extra compensation for this option and would continue to be responsible for management of the southern end of 'Heath Road South'. Any unauthorised works should be removed and the land restored, subject to environmental approval.

2. Construct road within the public road land corridor to complete the intersection with Metricup Road. The cost to construct a road within the road corridor would be considerably more than the cost of the proposal to acquire land for road purpose, and the sight distances for west bound traffic on Metricup Road would be reduced due to the proximity of a crest.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

An agreement with the adjoining land owner should be executed by 31 October 2012. Should an agreement not be reached by 31 December 2012, officers should prepared a second report to be considered by the

Council with a proposal to take land for public works purpose without agreement.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1208/238 Moved Councillor Bleechmore, seconded Councillor Best:

That the Council:

1. Acquires by agreement an approximate 900m² of the south eastern corner of the western parcel of Lot 91 on Deposited Plan 51558 for public road purposes;
2. Permanently closes approximately 750m² of the southern end of the unnamed road 'Heath Road South' that lies between the two parcels of Lot 91 and where the road intersects with Metricup Road, on the condition that the closed road land may form part of an agreement and land swap arrangement with the owner of Lot 91; and
3. Negotiates an agreement with the owner of Lot 91 for the acquisition of land for public road purpose; and as part of the agreement, transfers the portion of closed road described in part 2 of the Officer Recommendation for amalgamation with Lot 91, subject to approval of the Minister for Lands.

CARRIED 8/0
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12.2 RESERVE NAMING - RESERVE 50288, AMBERGATE

SUBJECT INDEX:	Crown Land Administration
STRATEGIC INITIATIVE:	Natural and Built Environment Wellbeing
BUSINESS UNIT:	Engineering and Facility Services
SERVICE:	Parks and Reserves
REPORTING OFFICER:	Business Support Officer – Wendy Mekisic
AUTHORISING OFFICER:	Director, Engineering and Works Services – Oliver Darby
DATE OF COMPLETION:	December 2012
VOTING REQUIREMENT:	Simple majority
ATTACHMENT(S):	A – View of reserve B – Apex Club Letter of Request

PRÉCIS

This report seeks the in-principle support of the Council to name Crown Reserve 50288, Ambergate as 'Apex Park'. With the support of the Council, the reserve naming proposal may then be advertised for public submissions and notices may be issued to owners and occupiers of residential lots in the immediate area of the reserve.

BACKGROUNDCrown Reserve 50288

Crown Reserve 50288 (R50288) is a 5.08 hectare recreation reserve located at Lot 2002 Apex Rise, Ambergate. The reserve was created from the 'Ambergate Heights Stage 1' subdivision that resulted in Deposited Plan 45238.

Referring to the aerial photograph in Attachment A, the area is mostly cleared and grassed, and is non-irrigated.

MOU to supply playground equipment and reserve name proposal

Presently, there are no facilities on R50288. To address the demand for playground equipment within the Ambergate residential area, the Apex Club of Busselton has approached the City with a proposal to supply and install playground equipment on R50288, conditional on the reserve being named 'Apex Park'. The City and the Apex Club of Busselton have entered into a Memorandum of Understanding (MOU) for the proposal.

Further to the MOU, the Apex Club of Busselton has forwarded a request to the City for R50288 to be named as 'Apex Park' (refer to Attachment B). The request document explains why the club has made the supply and installation of the playground equipment conditional on the reserve being named 'Apex Park'. The reasoning is that two thirds of the funding for the playground equipment has been gifted by a life member on the proviso of the reserve naming.

Apex Australia and the Apex Club of Busselton

Some information about Apex generally is available from their website:

“Apex is a volunteer service organisation that offers fellowship, fun and fabulous opportunities for personal development. Apex is also an Australian success story: since 1931 more than 250,000 young Australians have learnt a lot about themselves, gained new skills, made new friends and delivered more than 100 million hours of volunteer assistance to those in need. We are an authentic Australian service club that values citizenship, compassion and community engagement.”

As can be seen from the request received by the City in relation to the naming of the reserve, the Apex Club of Busselton was founded in Busselton on 16th February 1957 and has a long standing connection with Busselton and the Community. The request letter also contains a lengthy list of Community projects that have been sponsored by the Apex Club of Busselton which demonstrates the strong link the club has to the community.

CONSULTATION

The purpose of this report is to seek the Council’s support to advertise for public submissions the proposal to name the reserve. Council Policy 237 requires that a reserve naming proposal is advertised for public submissions for a period of not less than 30 days.

It is also proposed that the adjoining land owners and occupiers are notified of the proposal by a letter.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council Policy 237 “Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings” applies.

Under the policy, the proposed naming of the reserve should be advertised in the “Council for the Community” page with a submission period of not less than 30 days. The results of the advertising period will be summarised and form part of a final report to Council.

FINANCIAL IMPLICATIONS

The cost to advertise and notify owners and occupiers of the reserve naming proposal is small and can be accommodated within the 2012/13 budget.

STRATEGIC IMPLICATIONS

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

- | | |
|----------------------------|---|
| 1. Key Result Area: | Natural and Built Environment Wellbeing: |
| Strategic Priorities: | Responsible management of public infrastructure assets. |

OFFICER COMMENT

Assessment of reserve naming proposal against Council Policy 237

While the Busselton Apex Club is not a natural person, the club is assessed below against the naming assessment criteria of Council Policy 237 for a person:

1. The person being honoured has been instrumental in the development of the City asset or activities to be undertaken or contributed in a significant way to the City asset.

While Apex has not contributed to the development of the reserve, Apex does intend to supply and install playground equipment on the reserve.

2. The views of the community with respect to honouring the person or event after which the City asset is proposed to be named.

The views of the community may be determined after public submissions have been received to the proposal.

3. The length of the residency of the person proposed. For the purposes of guidance, residency of ten (10) years or more in a relevant location is likely to qualify a person for further consideration.

The Apex Club of Busselton was established in the district in 1957.

4. The contribution made by the person to the local community through education, representation on the Council, the State Government, voluntary input, association with a local sporting or service club or through business development or the like.

Apex is by its charter a voluntary service organisation and the letter attached to this report provides detail in relation to its significant contribution to the community via various community projects.

Assessment of reserve naming proposal against Geographic Names Committee Guidelines

Further to the criteria outlined above, Council Policy 237 requires that the name is assessed against guidelines of the Geographic Names Committee

(GNC). The naming guidelines of the GNC are published in the document 'Principles, Guidelines and Procedures', May 2009. From that document, there are a few guidelines for naming of parks and reserves that are applicable to the naming of R50288, listed below in *italics*.

Priority will be given to the naming of parks and reserves after an adjacent street or feature to maximise the identification of that park or reserve with an area. The 'road type' is not to be included as part of the name. (GNC Guidelines, page 12)

R50288 lies adjacent to the road named 'Apex Rise'. While the road name was assigned after a geographic feature of the area (the apex in the rise from Pinnacle Avenue), the naming of R50288 as 'Apex Park' conforms strongly with this GNC guideline.

CONCLUSION

Apex is a voluntary service organisation that engages with the local community and promotes the personal development of local community members. Naming of R50288 as 'Apex Park' has merit and should be considered as a proposal for public submissions to establish community support for the proposal.

The Geographic Names Committee guidelines gives priority to naming reserves and parks after adjacent road names to create a stronger association of the name to an area. With Apex Rise running adjacent to the reserve and contributions of the Apex Club of Busselton to the reserve, the reserve would become synonymous with the club and the important contributions it makes to the local, regional and national community.

Should the reserve be named after the club, the club may be encouraged to 'adopt' the reserve on behalf of the local community and contribute to the further development of facilities on the reserve.

This report recommends proceeding with the reserve naming proposal in accordance advertising procedures outlined in Council Policy 237.

Option

The Council might consider the following two alternatives to the officer recommendation:

1. That the Council gives its in-principle support to name as "Apex Park" an area of Crown Reserve 50288 of no more than 1Ha, where that area surrounds the proposed playground.

When assessed against the naming criteria of Council Policy 237, this alternative strengthens the case for the naming proposal for the following reasons: (a) the club's present contribution is a proposed playground asset, rather than a reserve asset; and (b) GNC guidelines require that reserves or

parks that exceed 1Ha are not named after living persons. Also, the future uses and facilities of the reserve are yet to be determined so it may be premature to name the entire reserve land after a single club, until those uses are better understood. But it is not clear what the Apex Club of Busselton's position will be regarding this alternative as they have requested that the entire reserve is named 'Apex Park' and not a portion of it.

2. That the Council does not support the naming of Crown Reserve 50288.

Should the Council resolve not to support the naming proposal, the Apex Club of Busselton will consider its options regarding the Memorandum of Understanding to supply and install playground equipment on the reserve, which is conditional on the reserve being named 'Apex Park'.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Public submissions should be compiled by 12 October 2012, following an advertised submissions period.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1208/239 Moved Councillor Bleechmore, seconded Councillor Best:

That the Council supports the advertising of the proposal to name Crown Reserve 50288 'Apex Park' for a period of not less than 30-days.

CARRIED 8/0
EN BLOC

12.4 STREET SWEEPING & EDUCATION SERVICES - AWARD OF TENDER RFT10/12

SUBJECT INDEX:	RFT10/12 Street Sweeping & Education Services
STRATEGIC INITIATIVE:	1.1 Responsible management of public infrastructure assets.
BUSINESS UNIT:	Engineering & Works Services – Operations Services
SERVICE:	Maintenance & Construction
REPORTING OFFICER:	Matthew Twyman Maintenance & Construction Coordinator
AUTHORISING OFFICER:	Oliver Darby – Director, Engineering & Works Services
DATE OF COMPLETION:	September 2012
VOTING REQUIREMENT:	Simple Majority – Officer Recommendation
ATTACHMENT(S):	Attachment A – Panel Consensus Score Sheet Attachment B – Evaluation Sheet

Attachments A and B are confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with “a contract entered into or which may be entered into, by the local government”. Copies have been provided to Councillors, the Chief Executive Officer and Directors Only.

PRÉCIS

The Council is requested to consider the tenders received in response to Request for Tender RFT10/12 – Street Sweeping and Education Services. The purpose of this report is to obtain the Councils consent to award the Contract in accordance with the Tender Evaluation panels’ recommendation.

BACKGROUND

The previous Tender for Street Sweeping and Education services TEN 08/07 was awarded to B&B Street Sweeping.

RFT10/12 Street Sweeping and Education Services was called and Three (3) submissions were received in response to this request for tenders.

The review process of all submissions for RFT10/12 has been completed by the Tender Evaluation Panel that comprised of the following City Officers:-

- Matthew Twyman Maintenance & Construction Coordinator
- Les Howes Maintenance Supervisor
- Ryan Sims Contract and Tendering Officer

CONSULTATION

Staff involved in the supervision of relevant supply and service contracts have provided input into the preparation and issuing of documents for the tender contract.

STATUTORY ENVIRONMENT

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 applies in regard to the tendering process.

POLICY IMPLICATIONS

The following Council policies have relevance to the Provision of Street Sweeping and Education Services within the City of Busselton.

Policy 239 – Purchasing:

The proposed procurement process complies with this policy.

Policy 049/1 –Regional Price Preference:

The proposed procurement process complies with this policy.

Policy 031 – Tender Selection Criteria:

The tender selection criteria for RFT10/12 was endorsed by the City of Busselton's Contract and Tendering Officer under Delegated Authority.

FINANCIAL IMPLICATIONS.

The costs of supply and services under this tender are provided for in the capital works and maintenance budgets for each financial year. Purchasing under this contract will be in accordance with these adopted budgets.

In evaluating the Tender the estimated number of hours that each item of plant will operated under the contract has applied against each tenderer's rates to achieve an anticipated annual cost. The rates from B&B Street Sweeping are the lowest tendered however these rates still equate to an increase of increase of twenty four (24) percent over the previous contracted rates from 2008.

In comparison the Consumer Price Index for Perth (all groups) has increased by eleven (11) percent between March 2008 and June 2012.

In light of this, the market value of the Tenderers hourly rates has been evaluated by requesting rates for similar services through other similar Local Governments. The comparison indicated that the RFT10/12 Tenderers rates are competitive and are of good value.

Operational budgeting in the period between 2007/08 and 2012/13 has generally increased in-line with CPI. Over the same period however the level of service provided through TEN08/07 has increased due to greater

customer expectations and the City's continued growth, which has consuming the annual CPI budget increases. As a result street sweeping and education service costs will be approximately twenty three (23) percent higher during 2012/13 than budgeted, if current levels of service are to be maintained.

STRATEGIC IMPLICATIONS

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

1. Key Result Area: Natural & Built Environment Wellbeing
 Strategic Priority: Responsible management of public infrastructure needs.

OFFICER COMMENT

The proposed successful Tenderer has been recommended by the Tender Evaluation Panel, reflecting on the following Qualitative Criteria;

- Relevant Experience 20% - a review of relevant work experience, including relevant referees.
- Key Personnel skills and experience 5% - detailing employee and employer based relevant skill levels and training.
- Tenderers Resources 10% - detailing the companies ability to fulfil the contract requirements.
- Demonstrated Understanding 5% - this shows the tenderers level of comprehension of the tender requirements.

The Weighted Cost Criteria method is used where price is considered to be crucial to the outcome of this tender process. The Tendered price is given the following weighting and will be assessed in conjunction with the Qualitative Criteria detailed in Part 6 – Tenderer's Offer of this Request for Tender.

Criteria	Weighting
Tendered price	60%

Within this process all the qualitative criteria was reviewed and scrutinised by three (3) independent City officers, each looking for detail within the submissions on experience, resource availability, demonstrated understanding and then overall submission overview and presentation.

In evaluating the Tender prices and acknowledging that not all plant will be utilised equally the estimated number of hours that each item of plant will operated under the contract has applied against each tenderer's rates to achieve an anticipated annual cost. The anticipated annual cost for each tenderers was then normalised and weighted in accordance with the criteria to achieve a score.

The qualitative score was then added to the price score to determine the most advantageous tender that represented the best value for money for the City.

The evaluation demonstrated that the tender from B&B Street Sweeping Pty Ltd achieved the highest qualitative score (2.87) as they were best able to demonstrate their experience and ability to complete the contract requirements. Their current staffing and commitment levels are such that they currently have capacity to fulfil the Contract. Having previously held this tender B&B Street Sweeping have gained considerable local knowledge that can be utilised in the delivery of the contract. A local depot also means that they are well suited to providing a quick response to emergencies and reactive call outs.

In relation to the pricing component, B&B Streetsweeping had the lowest price and therefore achieved the highest score.

Therefore the Tender from B&B Streetsweeping represents the most advantageous Tender for the City as, along with the lowest price, they have been best able to demonstrate they have the experience, capacity and expertise to fulfil this contract.

Due to the increase in cost of services provided within the recommended tender submission and to ensure budgets are not over expended a reduced frequency of street sweeping and education services will need to be implemented. This would result in average weekly street sweeping hours being reduced from approximately thirty (30) hours to twenty two (22) hours, a reduction of eight (8) hours or approximately one (1) day per week. Sweeping activities can be broken down into; general urban area sweeping, industrial area sweeping and school surround sweeping.

Alternatively an increased budget allocation to the street sweeping and education operational budget of \$36,800 could be considered.

It is recommended at this stage that the services be reduced.

CONCLUSION

This report seeks the Council's endorsement of the officer's recommendation to award the Contract to B&B Street Sweeping Pty Ltd and reduces the frequency of sweeping from 30 to 22 hours per week.

Options

The Council may consider the following options:

1. The Council could choose not to accept the officer's recommendation to award the contract to the preferred tenderer and propose an alternative tenderer.

2. The Council reject the officer's tender recommendation and not award the contract and recall tenders for the service.
3. The Council consider an increase to the Street and Drain Cleaning operational budget (cost code 12600) of \$36,800, bringing the total budget to \$197,267, in order to maintain current levels of service.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of the Contract to the successful Tenderer will be announced immediately after the Council has endorsed the officer's recommendation. The successful Tenderer will receive formal written notification within seven (7) days of the decision being handed down. All unsuccessful tenderers will also be notified in this time.

The Tender will run for a period of three (3) years with the Principal having the option of two (2) twelve (12) month extensions under the same terms and conditions as the initial period.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1208/240 Moved Councillor Bleechmore, seconded Councillor Best:

That the Council award the Contract for RFT10/12 Street Sweeping and Education Services to B&B Street Sweeping Pty Ltd in accordance with the terms and conditions of contained within the Request for Tender for a period of three (3) years and the option of two (2) extensions of 12 months each.

CARRIED 8/0
EN BLOC

14.1 NATURALISTE CHILDREN'S COMMUNITY CENTRE APPLICATION TO LEASE

SUBJECT INDEX:	Agreements / Contracts
STRATEGIC INITIATIVE:	Provide a range of quality leisure, cultural, recreation and sporting facilities and services.
BUSINESS UNIT:	Finance and Corporate Services
SERVICE:	Property Services
REPORTING OFFICER:	Ann Sanford – Property Coordinator
AUTHORISING OFFICER:	Director, Finance and Corporate Services – Matthew Smith
DATE OF COMPLETION:	30 December 2012
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	(1) Location map of Reserve 37044 (2) Premises to be leased by Naturaliste Children's Community Centre Inc

PRÉCIS

The Naturaliste Children's Community Centre Inc ("the NCCC") have made an application to the City of Busselton requesting a lease agreement for their existing premises on Reserve 37044, Lot 138, Hill Road Dunsborough and Lot 141, Gibney Street, Dunsborough.

The purpose of this report is to inform the Council of the outcome of consultation with the NCCC and to make recommendations regarding the future tenure of the premises they currently occupy.

BACKGROUND

In 1993 the NCCC submitted a development application to locate two transportable buildings that they acquired and a shed purchased by the Dunsborough Playgroup Inc onto Lots 140 & 141 Gibney Street (Part Reserve 37044) Dunsborough.

Reserve 37044 is Crown land and consists of Lots 137 – 141 ("the Land") as indicated in Attachment 1. This reserve was vested with the City in 1983 for the purpose of "Community Centre".

On 3 March 1993, the Council resolved (T93/0077) ;

" that the Principal Planner, in consultation with Council's Building and Health Departments, exercise delegated authority to grant approval to Mrs Maria O'Neil, Dunsborough Playgroup Inc. to commence development for a temporary (3 year) Children's Community Centre at Lots 140 & 141 Gibney Street, Dunsborough subject to conditions as determined appropriate regarding carparking, landscaping, effluent disposal, child safety, insurance."

The approval was granted to the Dunsborough Playgroup Inc, as the NCCC was not incorporated at the time, but arrangements were in place to implement this.

Due to the original consent limiting the use of the site to March 1996, the NCCC requested an extension of their lease to be considered.

On 10 May 1995, Council resolved (C95/O205) to enter into a lease agreement with the NCCC for Lot 141 as follows:

- " 1. That Planning Consent for the Naturaliste Children's Community Centre be modified to remove the 3 year time limitation.*
- 2. That Council enter into a lease agreement with the Naturaliste Children's Community Centre for use of Lot 141 Gibney Street, Dunsborough, subject to;*
- a) the lease being a 3 x 3 year agreement from March 1996 where the second 3 year option can be denied if the Dunsborough Community & Cultural Centre is at a stage of completion such that the activity can be readily located to that site;*
 - b) No further intensification of the site to occur apart from the carpark upgrade; and*
 - c) Payment of a peppercorn rental.*
- 3. That funds be allocated from Minor Road Projects allocation for the upgrade of the parking area to be compacted gravel.*
- 4. That the Naturaliste Children's Community Centre be advised that the above actions are being taken by Council in support of the Centre's important role to the local community. However, these arrangements cannot be taken as a guide or inference as to any arrangements that might be applied to the possible use of families at the Dunsborough Community and Cultural Centre."*

Located within Lot 141 is the transportable buildings, playground equipment and carpark area. Located on Lot 138 is the playground equipment and storage shed. The portion of the reserve currently occupied by the NCCC is depicted in red in Attachment 2.

The NCCC has no formal lease agreement with the City. This appears to be due to a number of factors, including changes required to the vesting order to permit the City to enter into lease agreements for the Land. There was also a period of time were the group ceased operating. In 2006 the group reinstated their constitution and have continued their activities since.

The group have invested considerable time and funds to this facility and are keen to remain in occupation. They hope that this will be taken into

consideration in their formal application for a lease from the City for Lot 141 and a portion of Lot 138 ("the Premises").

CONSULTATION

City staff addressed members of the NCCC at the group's committee meeting and provided the group with draft copies of the City's standard community lease document. The terms and conditions associated with the lease were discussed. However, the group have in the past insured their own building and infrastructure and wish to continue this arrangement.

The group is keen to formalise their occupation of the Land as soon as is practical.

STATUTORY ENVIRONMENT

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirements of section 3.58 of the Local Government Act. However 3.58 (5) (d) provides exemptions to this process under Regulation 30(2) (b) (i) & (ii) of the Local Government (Functions & General) Regulations.

This section states "disposal of land to incorporated bodies with objects of benevolent, cultural, educational or similar nature and the members of which are not entitled to receive any pecuniary profit from the body's transactions, are exempt from the advertising and tender requirements of section 3.58 of the Local Government Act." The constitution of the NCCC is such that this exemption applies.

The land occupied by the NCCC is Lot 141, Reserve 37044 on Deposited Plan 168852 Volume LR3141 Folio 900, Gibney Street, Dunsborough and a portion of Lot 138, Reserve 37044 on Deposited Plan 168852 Volume LR3141 Folio 897, Hills Road, Dunsborough.

The Land is vested with the City of Busselton with power to lease for a term not exceeding 21 years for the designated purpose of 'Community Centre', subject to the consent of the Minister for Lands.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The rent charged to community and sporting groups for leased City land and/or buildings is \$180.00 per annum (inclusive GST), as per the Council adopted 2012/13 Schedule of Fees and Charges.

The Premises are maintained totally at the cost of the NCCC and there should be no financial implications to the City in this regard.

STRATEGIC IMPLICATIONS

The request for this lease is consistent with the following City of Busselton strategic priorities:

- Provide a range of quality leisure, cultural, recreation and sporting facilities and services; and
- Responsible management of public infrastructure assets.

OFFICER COMMENT

In 1993, the NCCC began operating playgroups and social programmes for children up to four years old, from their current premises ("the Children's Centre"). The group's objective is to provide a safe, welcoming and caring environment for users of the Children's Centre.

The Children's Centre consists of a 1980's transportable weatherboard building, storage sheds, undercover area and playground equipment. The NCCC have always been responsible for maintaining and insuring their infrastructure and buildings.

As the building and infrastructure is either transportable or moveable, the group have requested permission to remove all their buildings and improvements from the Premises at the end of their lease term. This proposal is consistent with requirements of recent leases granted to other not for profit groups who utilise moveable buildings and structures.

The group has agreed to comply with all terms in the City's standard community lease agreement and they agree to pay the annual rent and outgoings as well as costs associated with the preparation of the lease.

The NCCC has requested a 21 year lease as they wish to carry out improvements to their building in the future, including but not limited to replacing the ceiling, guttering and downpipes on the building. However, as the proposed improvements do not require major capital expenditure, it is recommended that a term of 5 years with a 5 year option be offered to the group, as this is similar to recent recommendations for other sporting and community groups entering into lease agreements. This of course would not preclude the Council offering the NCCC a new lease at the expiry of this proposed lease, however, this is a decision best made by considering the needs of the group and the residents of the area surrounding the reserve at a later point in time.

CONCLUSION

To provide clarity and clear guidelines for both the City and NCCC in relation to the use and management of the Premises, it is recommended that Council consider entering into a lease agreement with the NCCC for the terms and conditions detailed in the officer recommendation.

Option

The Council has the option:

1. not to grant a lease at all, or to;
2. grant a lease for a different term provided it does not exceed 21 years.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A draft lease would be forwarded to the Minister for Lands for preapproval by 30 October 2012, and then forwarded to the Naturaliste Children's Community Centre Inc by 30 November 2012. It is anticipated that signing of the lease agreement would be on or before the 30 December 2012.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1208/241 Moved Councillor Bleechmore, seconded Councillor Best:

That the Council:

1. Authorises the CEO to enter into a lease with the Naturaliste Children's Community Centre Inc for the occupation of a portion of Reserve 37044 ("the Premises") as indicated in Attachment 2 subject to the following:
 - a) The lease shall be consistent with the City's standard community and sporting group lease agreement;
 - b) The Lessor could require the Lessee to remove all infrastructure/improvements from the Premises on termination of the lease;
 - c) The term of the lease to be 5 years, commencing on 30 November 2012 with a further 5 year option;
 - d) The annual rent to be \$180.00 inclusive of GST with annual CPI rent reviews; and
 - e) All costs for the preparation of the lease to be met by the Lessee.

CARRIED 8/0
EN BLOC

14.2 RFT19/12 CONSULTING SERVICES - ARCHITECTURE, LANDSCAPE ARCHITECTURE AND URBAN DESIGN

SUBJECT INDEX:	Agreements/Contracts
STRATEGIC INITIATIVE:	Manage the Shire's resources to provide optimum benefit to the community.
BUSINESS UNIT:	Corporate Services
SERVICE:	Legal Services
REPORTING OFFICER:	Contract and Tendering Officer – Ryan Sims
AUTHORISING OFFICER:	Director Finance and Corporate Services – Matthew Smith
DATE OF COMPLETION:	September 2012
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Tender Evaluation and Recommendation Report (Appendix 1)

Attachment A is confidential under section 5.23 - 2(c) of the Local Government Act 1995 in that they deal with "a contract entered into or which may be entered into, by the local government". Copies have been provided to Councillors, the Chief Executive Officer and Directors Only.

PRÉCIS

The purpose of this report is to seek a decision from Council in regards to RFT19/12 Consulting Services – Architecture, Landscape Architecture and Urban Design. This report provides a summary of the evaluation and makes a recommendation to appoint a number of Consultants to a Panel to be used for the engagement of Architects, Landscape Architects and Urban Designers.

BACKGROUND

The City has a number projects planned that require the appointment of Architects, Landscape Architects and/or Urban Designers both as part of its ongoing works and also for works through the Major Projects department. These professional services can be used by the City to establish concept designs as a basis to seeking grant funding and to progress projects. In addition services can be sought from consultants for detailed design work, assistance with the Tender Process, the engagement of construction contractors and the administration of these contracts.

To allow for a rapid response for services and increased flexibility for the City in obtaining these services Request for Tender RFT19/12 Consultancy Services – Architecture, Landscape Architecture and Urban Design has been undertaken. The Tender proposes to appoint a number of professionals to a Panel of Consultants in three separate disciplines, one each for Architecture, Landscape Architecture and Urban Design.

The Tender was advertised on the 2 June 2012 and closed on the 26 June 2012. The City received 80 requests for the Tender documentation and

received 37 Tender submissions in response to the Request. Those Tenders have now been evaluated as contained within Attachment A.

The tenders were assessed by an evaluation panel consisting of Ryan Sims (Contract and Tendering Officer), Paul Crewe (Manager, Major Projects) and Daniell Abrahamse (Manager, Engineering and Facilities Services). Accordingly the evaluation panel has made a recommendation for the appointment of a number of Consultants to a Panel in each of the separate three disciplines.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

The Local Government Act (Functions and General) Regulations 1996 Section R11(1) requires Tenders to be publically invited before a Local Government enters into a contract for the supply of goods or services if the consideration under the contract is or is expected to be more than \$100,000.

POLICY IMPLICATIONS

There are no policy implications in respect to the award of this Tender.

The tender complies with Policy 239 Purchasing and 049/1 Regional Price Preference.

Policy 031 Tender Selection Criteria has also been utilised with the Selection Criteria being approved under delegation.

FINANCIAL IMPLICATIONS

The value of the panel is currently unknown as the Tender has not been undertaken for any project specifically. The Tender establishes a mechanism for the expenditure of funds on Architectural, Landscape Architectural and Urban Design services in accordance with the budgeted funds available.

The Tender has been constructed to allow the direct appointment of consultants on an hourly rate fee basis where the fee total is under \$10,000. This will be used primarily for concept design work to assist in grant applications, to allow projects to progress and to form a basis for future tenders.

For fees over \$10,000 quotations will be sought from one or more contractors to undertake the works, where possible the number of quotations will be based on the purchasing thresholds identified in the Purchasing Policy. When selecting a consultant(s) from the panel to quote

the works consideration is to be given to the relevant experience, key personnel and resources, tendered schedule of prices and availability of each consultant.

STRATEGIC IMPLICATIONS

Establishing a Panel for the supply of Architectural, Landscape Architectural and Urban Design services for ongoing project work is consistent with the following Strategic Priorities:

- City's objective to be a responsible, accountable local government.
- Assist and provide for the economic development of the district,
- To manage the City's resources to provide optimum benefit to the Community, and;
- The responsible management of public infrastructure assets.

OFFICER COMMENT

The tenders were assessed in relation to the qualitative criteria that were endorsed under delegation. The weightings for the Selection Criteria were as follows:

Relevant Experience - 20%

Key Personnel skills and Experience - 20%

Tenderer's Resources - 15%

Demonstrated Understanding - 10%

Each Tender was scored in accordance with the WALGA scoring guide and the scores were averaged in accordance with WALGA's Average based Scoring Method.

A weighted cost criteria was also applied to the Tender, with prices given the following weighting:

Price - 35%

The tender requested price submissions be made on the basis of a fixed percentage project fee, time charge fee (hourly) rates and disbursements. In relation to the time charge fee rate, to allow comparison of each submission, the rates were applied to a quantity of hours stipulated in the RFT document to determine a lump sum. Similarly the disbursement costs were applied against a standard scenario to do the same. The percentage, hourly and disbursement figures were added to achieve a total lump sum for comparison. The prices were normalised to receive a score and ranking which was then combined with the qualitative scores to determine those tenders that represented the best value for money for the City.

The pricing comparisons differed for the Urban Design aspect of the Tender as Urban Design consultants are not appointed on a fixed percentage basis. This information was requested at Tender, however the majority of the submissions did not complete this portion as Urban Designers are appointed on an hourly rates basis. For this reason it was considered that the Urban Design portion of the tender to be assessed on the hourly rates and disbursements only.

37 tenders were received in relation to this Tender. All 37 were of a consistently high quality, with any number of contractors being able to fulfil the City's requirements. Those tenders that received the highest score and are recommended for appointment to the panel are those that had the demonstrated experience, both as an organisation and through their key personnel, relevant to Local Government projects and in particular to projects specific to those that the City has planned. It is also important that the availability of resources were detailed and demonstration was given that the consultant would be able to fulfil any contract the City required.

The consultants appointed to the panel would be engaged in accordance with the RFT Document that utilises Australian Standards General Conditions of Contract for Consultants AS4122-2010. In considering the engagement of a consultant to undertake works, the Regional Price Preference Policy will be applied in addition to the qualitative consideration mentioned above.

If due to the specialised nature of a particular project the City feels that none of the Consultants on the panel have adequate experience or expertise to undertake the works, a consultant can be sought from outside of the panel.

The number of consultants placed on each panel is proportional to the number of submissions received. Considering the significant quantity of submissions received for the Architectural portion of the panel (21) it has been considered beneficial to have a larger panel than the other disciplines as this would provide the greatest range of project experience and therefore service to the City.

The following consultants are recommended for the appointment to the panel in each discipline:

Architecture

- 1) Hames Sharley
- 2) Site Architecture Studio
- 3) Bolig Design Group
- 4) MCG Architects
- 5) HMA Architects
- 6) D'Agastino & Luff Architects

These Architects are those that received the highest combined scores and rankings. These scores were considered in relation to their demonstrated

experience, both as an organisation and through their key personnel, relevant to Local Government projects and in particular to projects to those that the City has planned. They have also the best demonstrated ability to provide resources when required and understood the requirements and processes of Local Government projects. As such these Architects represent the best value for money for the City and will be best able to fulfil the Cities requirements.

In addition to those Architects recommended above the following Architects are recommended for inclusion on the panel due to their particular specialised experience on relevant projects and/or their high qualitative score. It is proposed that if and when required these Architects are approached for quotations on works within their fields of specialisation.

- | | | |
|-------------------------------------|---|------------------------|
| 7) Kerry Hill Architects | – | Performing Arts Centre |
| 8) Woods Bagot | – | Airport Works |
| 9) Sanders Turner Ellick Architects | – | Airport Works |

Landscape Architecture

- 1) Emerge Associates
- 2) Hassell
- 3) Blackwell & Associates
- 4) Newforms Landscape Architecture
- 5) Ecoscape

These Landscape Architects are the 5 consultants that have received the highest scores based on the qualitative criteria and pricing. They received high relevant experience in projects similar to those that the City will most likely be undertaking. They have the staff and experience necessary to undertake and sustain the works and they have demonstrated understanding of the requirements and processes involved with Local Government projects. Coupled with their submitted prices they represent the best value for money to the City.

Urban Design

- 1) Chris Antill Planning & Urban Design Consultant
- 2) James Mather Delany Design
- 3) Hassell
- 4) Hames Sharley
- 5) HBO + EMTB Architects

These 4 Urban Design consultants received the highest scores based on their qualitative criteria and pricing. They had relevant experience in projects similar to those that the City will most likely be undertaking. They were best able to demonstrate their key staff were qualified for these works and were able to establish and demonstrate that they had the necessary resources and capacity to undertake any works should they be engaged. When their qualitative criteria scores and combined with their submitted prices they represent the best value for money to the City.

OPTION

If the council decide not to endorse the officer's recommendation, the following options would be available:

- (1) Not award a contract in relation to this Request for Tender and appoint no contractors to a panel.
- (2) Appoint any combination or any number of contractors to each Panel that it sees fit.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The successful contractors can be notified immediately after the Council has resolved to award the tender. Formal letters of Award will be issued within seven days of the resolution with unsuccessful letters to follow once all appointments have been resolved.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1208/242 Moved Councillor Bleechmore, seconded Councillor Best:

That the Council award the tender RFT19/12 Consulting Services – Architecture, Landscape Architecture and Urban Design to the following consultants in each separate discipline and appoint them to a Panel:

Architecture

- 1) Hames Sharley
- 2) Site Architecture Studio
- 3) Bolig Design Group
- 4) MCG Architects
- 5) HMA Architects
- 6) D'Agastino & Luff Architects

In addition to the following Architects are to be appointed to the panel for works within their fields of specialisation;

- | | | |
|-------------------------------------|---|------------------------|
| 7) Kerry Hill Architects | – | Performing Arts Centre |
| 8) Woods Bagot | – | Airport Works |
| 9) Sanders Turner Ellick Architects | – | Airport Works |

Landscape Architecture

- 1) Emerge Associates
- 2) Hassell
- 3) Blackwell & Associates
- 4) Newforms Landscape Architecture
- 5) Ecoscape

Urban Design

- 1) Chris Antill Planning & Urban Design Consultant

- 2) James Mather Delany Design
- 3) Hassell
- 4) Hames Sharley
- 5) HBO + EMTB Architects

All consultants are to be appointed in accordance with the terms and conditions contained within the Request for Tender for a period of 2 years with two optional extensions of 1 year each, exercisable at the discretion of the CEO.

CARRIED 8/0
EN BLOC

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC INITIATIVE:	Provide Effective Communication
BUSINESS UNIT:	CEO's Office
SERVICE:	Council and Councillor Services
REPORTING OFFICER:	Various
AUTHORISING OFFICER:	Chief Executive Officer – Mike Archer
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	1- Busselton Brass Article 4 July 2012 PDS1 - Report detailing planning applications received PDS2 - Report detailing planning applications determined

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 RAC Red Spots Campaign**

Correspondence has been received from Mr Patrick Walker, Executive General Manager from RAC:

"The RAC represents the interest of more than 720,000 Western Australians and has been a long-standing advocate for better road and public transport infrastructure.

This month the RAC will launch its latest Red Spots WA campaign which allows commuters to nominate a traffic congestion spot which makes them "see red".

As a part of the nomination process, participants can opt to notify the local Member of Parliament of their 'Red Spot' via email.

The RAC will use the information to work with Government and relevant road authorities to assess the Red Spot location for future funding and improvements.

We will provide you with a summary of the top ten Red Spots in Western Australia shortly after the initiative concludes on 1 September 2012.

We would be happy to discuss this campaign with you further and if you require further information please contact External Engagement Manager Liz Carey on 9436 4165 or liz.carey@rac.com.au.

15.1.2 Thankyou Letter – Busselton Brass Inc.

Correspondence has been received from Anne Howes, Secretary of Busselton Brass Inc.:

“Thankyou for the \$500 sponsorship towards our expenses for the International Music Festival in Sydney this year.

We had a great time and a very successful tour. For your information, I have enclosed a photocopy of an article that was published in the ‘Mail’ just after we got back.

The band is now busily rehearsing for our next event, the Queen’s Cup, which is being held in Busselton in a months time.”

A copy of the article mentioned above is provided at attachment 1.

15.1.3 Planning & Development Services Statistics

Planning Applications

Attachment PDS1 is a report detailing all Planning Applications received by the City between 16 and 31 July, 2012. Twenty nine formal applications were received during this period.

Attachment PDS2 is a report detailing all Planning Applications determined by the City between 16 and 31 July, 2012. A total of twenty five applications (including subdivision referrals) were determined by the City during this period with all approved / supported.

A monthly summary will be provided in the next Council Agenda setting out average processing times and value of planning applications.

15.1.4 Peron Naturaliste Partnership (“PNP”) Coastal Community Adaptation Awareness Plan – Application for Funding

The PNP has submitted a Coastwest Grant application seeking Coastwest funding of \$28,495. The grant is to support a PNP project which proposes to act as a pilot for the other local government areas to communicate the findings of the Coastal Adaptation Decision Pathways (CAPS) project and, more importantly, engage the local community in the wider debate to build resilience and develop a Coastal Community Adaptation Awareness Plan.

The key reason for undertaking this work is to ensure that the communities of the City of Busselton and the PNP region are adequately prepared to respond to current coastal processes and issues which impact the coastal zone and the future impacts and opportunities posed by climate change.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1208/243 Moved Councillor Bleechmore, seconded Councillor Best:

That items 15.1.1, 15.1.2, 15.1.3 and 15.1.4 of the Councillors' Information Bulletin are noted.

CARRIED 8/0
EN BLOC

ITEMS CONSIDERED BY SEPARATE RESOLUTION

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

12.3 **PROGRAMMED FUNDING FOR COMMUNITY BUILDINGS 2012/13**

SUBJECT INDEX:	Facilities Services
STRATEGIC INITIATIVE:	Responsible management of public infrastructure assets.
BUSINESS UNIT:	Engineering and Facilities Services Community Services
SERVICE:	
REPORTING OFFICER:	Manager Community Services – Maxine Palmer Asset Coordinator – Dan Hall
AUTHORISING OFFICER:	Director Engineering & Works Services – Oliver Darby Director Community and Commercial Services – Naomi Searle
DATE OF COMPLETION:	2 August 2012
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENT(S):	Attachment A - Schedule of Works Attachment B – Asset Management Report

PRÉCIS

This report provides a summary of the work presented to the Council on 18 July 2012. This includes asset management plans, needs analysis and strategic implications, structural engineer's reports, works scopes and cost estimates for eight City facilities considered for a Programmed Building Upgrade.

The report provides the methodology used, consultation conducted, needs identified, key findings from compliance assessments and recommendations from the structural assessments undertaken for Dunsborough Hall and the Old Butter Factory. The report proposes capital expenditure in year one (1) (2012/2013) and beyond which considers both sound asset management planning and community strategic planning that can provide for the future needs of the community and best value public expenditure.

The report also identifies the Dunsborough Hall and Old Butter Factory as the most suitable recipients of the initial round of funding and recommends the allocation of \$228,000 towards the Dunsborough Hall and \$60,000 for the Old Butter Factory.

The works identified in this report are a combination of renewal and upgrade type works.

BACKGROUND

During the 2011/12 budget deliberations; the Council allocated \$500,000 from the Building Reserve Fund for the refurbishment and / or upgrade of community buildings, with the intention that this would be an annual allocation to be used for community buildings renewal, refurbishment and upgrade.

The City has one hundred and thirty four (134) community facilities. Using asset management planning principles eight (8) venues were shortlisted for a possible allocation of the Building Reserve Fund. These eight were identified because they do not currently meet desired standard service levels, service levels could be achieved within the budget available and there is an ability to attract external funding towards the upgrade costs.

The eight (8) sites were:

- Dunsborough Hall;
- Old Butter Factory Museum;
- Sir Stewart Bovell Park;
- Churchill Park;
- Lou Weston Netball Club;
- Vasse Newtown Hall and toilets;
- Busselton Youth Centre; and
- Old Railway Station.

An initial report on the proposed Programmed Building Upgrade was presented to the Council on 9th November 2011. The report gave a brief overview of each of the eight (8) sites and made recommendations on the allocation of the funding.

In response to the report, the following resolution was adopted per resolution number C1111/300.

- “1. That the Officer Recommendation not be adopted.
2. That the Council decline to agree to allocate funds for the Programmed Building Upgrade until:
 - a) Asset management plans have been developed for the eight (8) identified buildings, and
 - b) That a needs analysis and strategic overview has been prepared for each of the eight (8) identified buildings, and
 - c) A structural engineer’s report is prepared for any of the buildings, where considered appropriate, and
 - d) A cost estimate and scope of proposed work is prepared for each of the eight (8) buildings, and
 - e) A detailed report on items a), b), c) and d) is presented for Council consideration.
3. That the cost of preparing any structural engineer’s reports considered

necessary be funded from the Building Reserve Fund.

4. That prior to the presentation of the report referred to in item 2 e) above to Council, the report be submitted to a Councillor workshop."

As directed by the above-mentioned Council Resolution, asset management plans have been further developed through the in-house expertise of the asset management team and specialised external assistance with structural engineering reports for the Dunsborough Hall and Old Butter Factory.

An assessment of the current condition of each building located over the eight (8) sites was undertaken and a costing has been calculated for the renewal of the building fabric and finishes back to a condition rating of 2-3 standard; (2-Very good, 3-Servicable) which meets the requirements as set by the various legislation pertaining to buildings such as Health (Public Buildings) Regulations 1992 (the regulations) and the Health Act 1911 and the Building Code of Australia (BCA).

Identified buildings were assessed by an onsite inspection which included:

- Floors;
- External Walls;
- Internal Walls;
- Roof & Ceiling;
- Kitchens;
- Ablutions;
- Electrical; and
- Plumbing.

The Asset Management Report (Attachment B) details the overall condition of each of the buildings and gives an overview based on the following aspects:

- State, Federal Legislation;
- Service Level Hierarchy;
- Current Level of Insurance;
- Date of Construction;
- Service Delivery Needs;
- Known Service Deficiencies;
- Asset Replacement value based on current insured value;
- An estimate of the remaining life of the asset before any major intervention works are required. This is based on results of the asset management assessments undertaken and also Cotan structural reports where applicable; and
- An indication of the ongoing renewal requirements of the buildings.

The eight (8) identified sites contain a total of seventeen (17) buildings and structures; an asset management plan has been developed for each of the seventeen (17) buildings and structures. A needs analysis and strategic overview has also been undertaken for each of the facilities.

The needs analysis has been informed by community consultation undertaken by City Officers from the Commercial and Community Services Directorate and by Peter Alexander for the Capes Regional Arts and Culture Facility Needs Assessment which made recommendations for the Butter Factory and Dunsborough Hall.

The detailed asset management plans and needs analysis documents can be provided to Council if required on request.

On 19 July 2012, key findings from the asset management plans, needs assessments, strategic positions and structural assessments were provided to Council. Officer recommendations for year one (1) funding were proposed. This included identified buildings, allocated works and cost of undertaking these works.

Following the workshop, site visits to the eight (8) sites were undertaken to give Councillors and Officers the opportunity to view the facilities together and to provide the Council with a better understanding of the issues at each site to assist in the decision making process.

CONSULTATION

On Sunday 11 September 2011, City Officers facilitated a community workshop at Dunsborough Hall. The objective of the workshop was to identify priority community needs to help guide future planning and inform a development of a scope of works for the hall, should the Council resolve that funds be allocated to this building. The results from this workshop were provided to Council in the 9 November 2011 report.

On 12 March, 2012 a further community meeting was held at the Dunsborough Hall as part of the Capes Regional Arts and Culture Facility Needs Assessment. This meeting was attended by ninety four (94) people; the outcomes from this meeting supported the findings from the workshop that was held in September 2011.

Since June 2011, Officers have been assisting the Historical Society to develop a Business Plan for the Old Butter Factory Museum. This planning process identified the priority needs for the Butter Factory Building. Further consultation was also undertaken with the Historical Society and broader Busselton community for the Capes Regional Arts and Culture Facility Needs Assessment. A Community meeting (attended by thirty four (34) people) was held in Busselton and both recommendations for the Butter factory and Dunsborough Hall were informed by written and oral responses to a questionnaire and individual stakeholder/organisational meetings.

STATUTORY ENVIRONMENT

Health (Public Buildings) Regulations 1992 (the regulations) and the Health Act 1911 apply in relation to requirements for adequate ablution facilities in public buildings.

The Building Code of Australia (BCA) is a uniform set of technical provisions for the design and construction of buildings and other structures in Australia. The BCA specifies and details design and construction requirements and refers to relevant Australian Standards (AS) which provide further technical detail for specific subjects.

Relevant Australian Standards considered as part of this report are:

AS 1170.1 Structural Design Actions - design loads on structures;
AS 1684 National Timber Framing Code – construction requirements for timber;
AS 1720.1 Timber Structure Code - design methods for timber structures;
AS 1428.1 Design For Access and Mobility - access for people with disabilities; and
AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This report will recommend that \$288,000 be utilised from the current 2012/13 Building Reserve Fund allocation to do the refurbishment / upgrade of the following buildings as highlighted within this report, the balance will be left in the reserve; these being.

Dunsborough Hall	\$228,000
Old Butter Factory Museum	\$ 60,000

Undertaking these works initially would leave a balance of \$712,000 within the overall Building Reserve Fund notionally allocated to the refurbishment and upgrade of community buildings at the close of the 2012/13 budget year.

An indicative schedule of works has also been developed (and shown in Attachment A) to indicate how all the works indentified through this process could be undertaken utilising the annual allocation of \$500,000 plus any residual funding from the previous year (i.e. the \$712,000 mentioned above.)

The schedule of works also highlights any areas still requiring investigation before the commencement of works.

This report only makes recommendations for year one (1) 2012/13 expenditure. It is proposed that the schedule of works be reviewed and updated on an annual basis. This annual review and update could be carried out through the annual budget process as a stand alone capital expenditure for ease of keeping track of where the funds are being spent.

STRATEGIC IMPLICATIONS

This proposal is considered relevant to the following priorities in the City's Strategic Plan 2010-2020:

- Provide a range of quality leisure, cultural, recreation and sporting facilities and services;
- Provide for a healthy community;
- Responsible management of public infrastructure assets; and
- Manage the City's resources to provide optimum benefit to the community.

OFFICER COMMENT

The eight (8) identified sites contain a total of seventeen (17) buildings and structures; the eight (8) sites and their associated buildings and structures, are as follows:-

1. Dunsborough Hall;
2. Old Butter Factory Museum;

Sir Stewart Bovell Park

3. Bovell Football Change room, Ablutions, Gym;
4. Busselton Football Club - Club rooms;
5. Bovell Hockey Club rooms and change rooms; and
6. Junior Football Pavilion.

Churchill Park

7. Churchill Park Trotting Club;
8. Churchill Park Trotting Club Tote;
9. Churchill Park Change rooms;
10. Churchill Park Soccer Club;
11. Churchill Park Agricultural society Clubhouse and Display;
12. Churchill Park Agricultural Display Sheds; and
13. Churchill Park Hall.

14. Lou Weston Netball Club;
15. Vasse Newtown Hall and toilets;
16. Busselton Youth Centre; and
17. Old Railway Station.

A multi-criteria assessment was undertaken to consider each building Service Level Hierarchy, current level of insurance, level of use, strategic rating, risk of not undertaking the works and works required to meet minimum legislative standards. In making the recommendations within this report both asset management principals, community use factors and optimal value for money were considered.

The criteria used are further detailed below:-

Service Level Hierarchy

The Service Level Hierarchy has been developed to better define the importance and criticality of the various buildings under the City's control and also provide an indication of the various levels of obligation with respect to Council's leased buildings.

The leased buildings within the hierarchy are separated into three categories; 6a, 6b and 6c.

6a - Commercial and Community Leased buildings for which the City is responsible to maintain and renew either directly or through coordination of funding programs.

6b - Commercial and Community Leased buildings for which the City is responsible for the structural integrity only (tenant or lessee responsible for day to day maintenance and minor renewal).

6c - Commercial and Community Leased buildings for which the City has no obligation with respect to the ongoing maintenance and renewal of the building i.e. not required to have a yearly budget allocation for these buildings.

The Service Level Hierarchy for the buildings recommended for works as part of this report are:-

- Dunsborough Hall - 6a; and
- Old Butter Factory - 6b.

Current Level of Insurance

The City currently has four levels of insurance that are applied to buildings, these being:-

- Replacement and Reinstatement;
- Indemnity Only (Market Value Only);
- Demolition Only, and
- Not Insured By Council.

Level of Use

The level of use rating is determined by Officer's knowledge of the amount and frequency of use of the various buildings.

Strategic Rating

This rating was included as a means of capturing the current known strategic intentions for the eight sites and their respective buildings.

Risk of Not Undertaking the Works

An assessment and rating based on the risk of not undertaking the works to users and also structural integrity of the building.

Works Required to Meet Minimum Legislative Standards

Where Legislative requirements (such as Building Code of Australia) dictate the timing and extent of works this is given a higher rating as a means of meeting a minimum standard as per the legislation.

Works identified to be required by legislation were also scrutinised to ensure their relevance considering the current age and use of the various buildings.

Each of these factors was given an equal weighting and a High (3), Medium (2) and Low (1) score and works prioritised on the highest scoring buildings to the lowest.

A compliance assessment was also conducted for each building and structural assessments for the Dunsborough Hall and Old Butter Factory. The works attributed to each building were then scrutinised to determine which buildings would require a staged approach (based on size, risk and type of works) and which works should be scheduled before others.

Attachment A also shows the buildings in order of prioritised score and an indicative staged approach to the works where appropriate. The table also details the works associated with the cost identified.

In summary the seventeen (17) buildings assessed appear in the following order of priority:

Building Name	Total Score
Churchill Park Change rooms	13
Dunsborough Hall	13
Old Butter Factory Museum	11
Bovell Football Change rooms / Ablutions/Gym	11
Churchill Park Hall	11
Busselton Youth Centre (Sports Hall) and Foyer	10
Bovell Hockey Change rooms (Gnd Flr) and Bovell Hockey Clubroom 1st Floor	10
Vasse - Newtown Hall & Toilets	9
Busselton Trotting Club Tote	9
Bovell Football Club Room	7
Lou Weston Netball Clubrooms	7
Bovell Park Junior Football Pavilion	6

Old Railway Station	6
Churchill Park Soccer Club	3
Busselton Trotting Club	3
Busselton Trotting Club - Store	2
Agricultural Show Club house	2
Agricultural Show Display Sheds	2

Needs Assessments summary

Churchill Park Change rooms

- Electrical and Ablutions improvements are currently being identified in the facility Master Plan;
- Separation of servery room from change room;
- Asbestos removal;
- Refurbishment of tired and dated showers and toilets;
- Female change rooms; and
- Improvements for disabled users.

Dunsborough Hall

- Structurally in terms of the aesthetics of the building the users did not want to see significant change. Clear preference is for the hall to remain its current form and usage;
- The Hall needs to continue to be a multi purpose facility with everything from art, performing arts, yoga, ballet, JAMPACT, dance classes able to continue to be accommodated at the currently affordable rates of hire;
- All groups complained there was inadequate storage. This results in floor space being taken up by lighting and sound systems, ballet poles and chairs and tables. The adhoc layout of the building does not maximise the space that is available;
- The current toilets were built for a much lower level of usage. The existing sewage system is not coping and the toilet facilities themselves from floor to ceiling are aged and in need of replacement. The location of the toilets could be reviewed to create more storage space; and
- The removal or containment of any asbestos hazards was seen as a priority to keep the venue safe.

Old Butter Factory Museum

- Improved storage options and increased exhibition space are required if the Museum is to retain current artefacts, expand and turnover the collection to keep it interesting and well patronaged;
- Removal of asbestos from the building to make it a safe workplace and place to visit;
- Provision of ramps and access ways for Access and Inclusion;
- Retention and investment in unique heritage features of the building;

- Weather proof and aesthetic improvements to main entrance door which lets in rain and wind; and
- Improved parking especially for tourist coaches and school buses.

Bovell Football Change rooms, Ablutions and Gym

- Essential services audit and upgrade (including electrical external / internal, sewerage, drainage and transport car and pedestrian) will be needed in the next 1-2 years to meet usage demand;
- Re-developed or new co-located Northern Club and change room facilities needed in 3-4 years;
- Re-developed co-located Eastern Club and change room facilities in 6-8 years; and
- Strategic regional space expansion to meet future regional sporting facility sport growth will needed in the next 10+ year.

Busselton Youth Centre

- Re-tiling entry hall and creating access ramp to middle area;
- Refurbish entry hall ticketing and office space;
- Remove floor covering if it contains asbestos and replace;
- New ceiling to middle area;
- Re-seal and mark out sport hall floor; and
- Further needs assessment should be undertaken when foreshore Youth precinct has been developed and usage scope of the new Community Resource Centre established.

Vasse Hall

Any works need to consider the developer contributions plan and the community proposal for a Vasse and Districts Country Club.

Lou Weston

Requires a multi purpose Active Playing Fields operations area with the following additional facilities:

- Storage facilities
- A Kiosk area
- Shelter / viewing area for spectators
- Sports Lighting

Railway Hall

- Low cost meeting space;
- Available for regular User Groups;
- Use by markets; and
- Potential hire site of Busselton Pistol Club.

Any works on this building need to consider it is not on Council land and therefore any investment ahead of securing tenure should be transportable to a different location if the need arose.

CONCLUSION

Officers recommend the Building Reserve Funding in the first year (2012/13 FY) be directed to the two highlighted community facilities (Dunsborough Hall & Old Butter Factory). Officers recommend that sporting and recreational facilities expenditure be deferred to year two (2) and beyond until the outcomes of the strategic reviews for these facilities has been completed this year as planned.

In making these recommendations asset management principals, community use factors and optimisation of Council's investment (best value for money) have been considered. Council has a far greater ability to attract contributing external funding for upgrades to its sporting facilities, in particular, if they are multi purpose. A principle of limiting investment on exclusive use facilities has therefore been applied until further consultation and the strategies for the sporting precincts in Bovell, Vasse, Barnard Park, Churchill Park, Lou Weston, Dunsborough Oval, Provence, Port Geographe and Ambergate have been endorsed by the Council.

The advantages of delaying expenditure on these facilities, beyond that already adopted on budget for 2012/13 are:-

- capital expenditure would not be invested in buildings which may have a short term life in their current form;
- more clubs are now interested and can see the value in pursuing multi use complexes at Bovell, Lou Weston and Barnard Park;
- investment in multi use facilities can attract more external funding opportunities;
- the Council would see a greater social and economic return from its contribution to multi use facilities;
- the City is afforded more time this year (as planned) to progress the broader recreational strategy plans with Council and the community;
- funding for Barnard Park can be secured to progress and address the immediate demand for more space for soccer and rugby; and
- provides Council with the option to use some of the Building Reserve as a co-contribution to achieve greater levels of external funding.

The scope of works recommended for Dunsborough Hal and the Old Butter Factory are:-

Dunsborough Hall

- Minor structural repairs to the Dunsborough Arts Society Roof;
- Provision of new toilets and connection to the deep sewer;
- Conversion of existing toilets to additional storeroom space;
- Resolve access and aggress to Dunsborough Arts Society – modifications to disabled access ramps; and

- Minor works to emergency lights, door latches, connection of kitchen sink to the drainage system and other minor compliance issues.

Total Cost of Works: \$228,000

Old Butter Factory Museum

- Sub-soil drainage and storm water collection and disposal – critical to ongoing structural integrity of the building;
- Provision of access ways for access and inclusion;
- Weatherproofing of front entry door;

Total Cost of Works: \$60,000

The following expenditure is proposed for years two and beyond for these facilities, however this would be reviewed once the strategy for sporting and recreational facilities had been endorsed and on an annual basis to check priorities had not changed.

Building Name	Details
Dunsborough Hall	Year 2 - \$213,000 Identified Refurbishment works to Structure, External claddings and finishes for walls, roof and internal linings.
Old Butter Factory Museum	Year 2 - \$305,000 Remainder of refurbishment works as identified by Cotan Report Year 3 - \$330,000 Upper floor of museum - replacement building at ground level as per Cotan report

Option

Alternatively Council could choose to fund any of the other capital works identified in this report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Requests for Tenders would be developed and issued within three months of the Council's decision to enable the works to be completed this financial year.

COUNCIL DECISION / OFFICER RECOMMENDATION

C1208/244 Moved Councillor Henley, seconded Councillor Tarbotton:

That the Council endorse the allocation of \$288,000 from the Building Reserve Fund for \$228,000 capital works at the Dunsborough Hall and \$60,000 capital works at the Old Butter Factory, to be undertaken as part of the 2012/13 Budget.

CARRIED 8/0
BY ABSOLUTE MAJORITY

10. REPORTS FROM COMMITTEES**10.1 FINANCE COMMITTEE RECOMMENDATION – FINANCIAL ACTIVITY STATEMENTS – PERIOD ENDING 30 JUNE 2012**

This Item was considered earlier in the meeting as part of the Adoption by Exception resolution of Council. ([C1208/230, page 15](#))

10.2 FINANCE COMMITTEE RECOMMENDATION – LIST OF PAYMENTS MADE – JUNE 2012

This Item was considered earlier in the meeting as part of the Adoption by Exception resolution of Council. ([C1208/231, page 17](#))

10.3 AUDIT COMMITTEE RECOMMENDATION – FINANCIAL MANAGEMENT SYSTEMS REVIEW

This Item was considered earlier in the meeting as part of the Adoption by Exception resolution of Council. ([C1208/232, page 22](#))

10.4 MEELUP REGIONAL PARK MANAGEMENT COMMITTEE
RECOMMENDATION - COASTAL NODES MASTER PLAN

SUBJECT INDEX:	Committee Meetings
STRATEGIC PRIORITY:	Manage and enhance our heritage and natural environment
BUSINESS UNIT:	Commercial Services
SERVICE:	Meelup Regional Park
REPORTING OFFICER:	Meelup Environment Officer - Mandy Polley
AUTHORISING OFFICER:	Manager, Commercial Services - Jenny May
DATE OF COMPLETION:	10 July 2012
VOTING REQUIREMENT:	Simple majority
ATTACHMENT(S):	1) Coastal nodes master plan

This item was considered by the Meelup Regional Park Management Committee at its meeting on 10 July 2012, the recommendations from which require Council consideration. The Committee Recommendations have been included in this report.

PRECIS

A coastal nodes master plan was developed by consultants for Meelup Regional Park to guide the sensitive development of these nodes.

BACKGROUND

Meelup Regional Park is one of the City of Busselton's most popular tourism destinations, and nearby Dunsborough is an ever-growing township. Meelup Regional Park is a peri-urban reserve and is therefore also a popular destination for locals, particularly the coastline, which is heavily impacted by both local and non-local visitors accessing the coastal and marine environments for recreation.

The Meelup Regional Park Management Plan (2010) does not specifically address coastal management and there is increasing evidence of degradation on the Park's coastal nodes. Some works have been undertaken over 2010-11 including fencing, revegetation, weed control and pedestrian/vehicle access improvements, but due to resource limitations works have historically been carried out on an *ad hoc* basis. This inevitably results in inconsistency of approach and has a negative impact on the visual amenity of the coastline.

Negative impacts associated with uncontrolled vehicle and pedestrian movement in these coastal areas include soil compaction, trail braiding/erosion/sedimentation, trampling of vegetation and introduction of weeds, as well as impacts on visual amenity caused by bare soil and loss of vegetation. The implementation of the soon to be completed coastal nodes master plan will help protect and enhance the Park's coastal environment by addressing access (vehicle and pedestrian) and rehabilitating degraded areas.

The Meelup Regional Park Management Committee received \$9000 in funding from Coastwest in early 2012 to develop a coastal nodes master plan to ensure these nodes' sustainability as popular sites for visitors in the Park. Although ongoing data on visitor numbers does not exist, there is anecdotal evidence that visitor numbers are increasing annually. A master plan will help manage the potential impacts of this increasing visitation.

The main objective of the project was to develop a detailed coastal node master plan to help:

- a. Conserve and improve the natural environment of the Meelup coast,
- b. Protect the visual amenity of the Meelup coast, and
- c. Provide coastal facilities as appropriate for visitors to Meelup Regional Park.

The Park's coastal nodes require careful, considered and low key re-development to help cope with increasing visitor numbers, changing expectations and impacts to the natural environment.

Development of a master plan was instigated for a number of reasons including:

- a. Development of the coastal nodes to date has been incremental and *ad hoc* rather than part of a long term master plan, resulting in inconsistent design details and impacting on the aesthetic of the Meelup coast.
- b. A view that existing carparks may not be suitably delineated or efficient.
- c. The potential need for additional barbeques and seating in the Park.
- d. Erosion and other damage due to stormwater overflow from some carparks onto the beach.
- e. Inappropriate drainage in some nodes, resulting in damage to carparks.
- f. The need to appropriately locate trails and coastal access whilst closing superfluous trails.
- g. The intention to install interpretative signage at some of the coastal nodes and the need to appropriately locate these, as well as the need to remove superfluous signs and relocate inappropriately sited signs.
- h. The need to rehabilitate sections of the coast via revegetation, dune stabilisation etc.

The plan will be a guiding document to modify and make improvements to the nodes to enhance the Park's natural environment and the coast's aesthetic values.

CONSULTATION

The consultants developing the plan, William James Landscape Architects, have held a preliminary workshop with the Committee to discuss concepts, followed up by a second workshop and on-site meeting to discuss specific aspects of the plan at each site.

The South West Bojarah Working Party was first presented with the coastal nodes master plan project proposal on 19th October 2011. The Working Party will be specifically consulted on the final draft of the coastal

nodes master plan for input as part of the public consultation period. The Environment Officer has approached Bill Webb at the Wardan Centre regarding naming some of the sites with words from the Nyoongar language. A response is pending.

Once endorsed by the Committee the plan will be advertised for public comment for a period of two weeks. After submissions have been considered and any amendments made the final version of the plan will be presented to Council for endorsement.

STATUTORY ENVIRONMENT

The Council has appointed a Meelup Regional Park Management Committee in accordance with Section 5.8 of the Local Government Act 1995 to care for, control and manage Meelup Regional Park in accordance with its requirements. The Committee has delegated authority in accordance with Section 5.16 of the Act to undertake these management activities and a budget allocated by the Council for this purpose.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Costings have been provided with the coastal nodes plan, which, once endorsed, will be included in the 2013 version of the ten year plan and will guide future expenditure on its implementation. This will also help provide costings for future grant applications. Funding will be sought from Coastwest, to a value yet unknown, for implementation over 2012/13 for some of the components and costings contained in the plan; in addition \$10,000 has been requested from the City of Busselton for implementation in 2012/13.

STRATEGIC IMPLICATIONS

Meelup Regional Park is an important A Class Reserve vested in the City of Busselton for the purpose of conservation and recreation. The Park is 577 hectares in area and extends along the coastline for 11.5 kilometres from Dunsborough to Bunker Bay. Meelup Regional Park is highly valued for its unique natural environment and conservation values, its outstanding landscape, its range of passive and creative recreational opportunities and its educational and research values for present and future generations.

The Park is managed on behalf of the City of Busselton by the Meelup Regional Park Management Committee in accordance with the Meelup Regional Park Management Plan (2010); approved by both the Council and the State Minister for Planning and Infrastructure. The Committee is charged with managing the Park for conservation and environmental enhancement

and allowing recreation and other uses to occur to the extent that they do not impair the conservation values of the Park.

The Meelup Regional Park Strategic Plan has been developed to give effect to the Meelup Regional Park Management Plan in support of the broader Strategic Plan of the City of Busselton. The Committee operates, with the assistance of the Environment Officer, to achieve the City of Busselton's strategic priorities to manage and enhance our heritage and natural environment, to responsibly manage public infrastructure assets and to provide a range of quality leisure, cultural, recreational and sporting facilities and services, as these priorities relate specifically to Meelup Regional Park.

OFFICER COMMENT

The final version of the coastal nodes master plan is the result of ongoing consultation with the Meelup Regional Park Management Committee by the consultants WJLA. This plan provides a sound basis for future sensitive development of the coastal nodes of the Park, balancing the need for increasing visitation whilst also protecting and enhancing the nodes for environmental purposes and visual amenity.

COMMITTEE DECISION

1. That the Environmental Officer includes additional text to the Coastal Nodes Master Plan and circulates the Coastal Nodes Master Plan to Committee Members before being presented to Council.
2. That the Committee recommends to Council that the final draft of the Coastal Nodes Master Plan be advertised for public comment;
3. Community feedback is considered by the Meelup Regional Park Management Committee and where appropriate incorporated into the Coastal Nodes Master Plan;
4. The revised Coastal Nodes master Plan and all the community feedback including any actions taken is presented to the Council for endorsement.

OFFICER COMMENT

The Meelup Coastal Nodes Master Plan was presented to the Meelup Regional Park Committee at the 10 July 2012 committee meeting. On review of the master plan the Committee agreed that the report needed additional explanation in some areas prior to being advertised for public comment. The Environmental Officer was asked to liaise with the consultant who prepared the master plan and City Officers and to provide a revised report which could then be presented to the Council. The master plan has now been revised and further information provided on the background of the individual nodes and explanation of the proposed concept plans for each node. The Council are now being asked to endorse the Meelup Coastal

Nodes Master Plan for advertising for public comment. During the advertising period for public comment, the Manager Commercial Services, the Environmental Officer for the MRP Committee and City Officers from the Engineering and Works directorate will meet to discuss any overlap or conflicts with the recent Coastal and Foreshore Facilities Asset Management and Expansion Plan that will be presented to Council in the near future. Any feedback on duplication or conflict between the Engineering and Works report and the Meelup Coastal Nodes Master Plan will be passed back to the Meelup Regional Park Committee for consideration and if appropriate incorporated into the Coastal Nodes Master Plan in accordance with the Committee Recommendations two and three.

COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

1. That the Council advertise the final draft of the Coastal Nodes Master Plan for public comment;
2. Community feedback is considered by the Meelup Regional Park Management Committee and where appropriate incorporated into the Coastal Nodes Master Plan;
3. The revised Coastal Nodes Master Plan and all the community feedback including any actions taken is presented to the Council for endorsement.

Note: Officers provided Council with a revised recommendation which amended the wording of recommendation 1 so that future funding of the coastal nodes plan is not guaranteed from the City of Busselton.

COUNCIL DECISION

C1208/245 Moved Councillor Tarbotton, seconded Councillor McCallum:

1. That the Council advertise the final draft of the Coastal Nodes Master Plan for public comment noting that future funding as identified in the Coastal Nodes Master Plan is not guaranteed from the City of Busselton;
2. Community feedback is considered by the Meelup Regional Park Management Committee and where appropriate incorporated into the Coastal Nodes Master Plan;
3. The revised Coastal Nodes Master Plan and all the community feedback including any actions taken is presented to the Council for endorsement.

CARRIED 8/0

10.5 POLICY AND LEGISLATION COMMITTEE RECOMMENDATION – PROPOSED REVOCATION OF LOCAL PLANNING POLICY PROVISION 2B: ‘LOCATION AND OPERATION OF COMMERCIAL HELIPORTS’

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/233, page 28](#))

10.6 POLICY AND LEGISLATION COMMITTEE RECOMMENDATION – REVIEW OF POLICY RELATING TO STAFF PRESENTATIONS ON TERMINATION

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/234, page 33](#))

10.7 POLICY AND LEGISLATION COMMITTEE RECOMMENDATION – REVIEW OF FORESHORE RESERVES – WORKS AND DEVELOPMENT POLICY AND PROPOSED ADOPTION OF PRIVATE WORKS AND DEVELOPMENT ON FORESHORE AND LANDSCAPE PROTECTION RESERVES POLICY

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/235, page 38](#))

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 LOT 2 OF SURVEY-STRATA PLAN 43812 CAPE CLAIRAULT ROAD, YALLINGUP – DWELLING

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/236, page 51](#))

11.2 CONSIDERATION OF APPLICATION FOR PLANNING CONSENT FOR REDEVELOPMENT AND RESTORATION OF LOT 13 NO 42 QUEEN STREET, BUSSELTON (BOVELL AND SONS)

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/237, page 59](#))

12. ENGINEERING AND WORKS SERVICES REPORT

12.1 ROAD DEDICATION AND CLOSURE – ‘HEATH ROAD SOUTH’ WILYABRUP

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/238, page 68](#))

12.2 RESERVE NAMING – RESERVE 50288, AMBERGATE

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/239, page 73](#))

12.3 PROGRAMMED FUNDING FOR COMMUNITY BUILDINGS

This Item was considered earlier in the meeting as part of the Items Considered by Separate Resolution of Council. ([C1208/244, page 105](#))

12.4 STREET SWEEPING AND EDUCATION SERVICES – AWARD OF TENDER RFT10/12

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/240, page 78](#))

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

13.1 CAPES REGIONAL ARTS AND CULTURAL FACILITIES NEEDS ASSESSMENT

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

PRÉCIS

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

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

BACKGROUND

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

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

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

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

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

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

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

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

CONSULTATION

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

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

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

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

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

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

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

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

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

STRATEGIC IMPLICATIONS

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

OFFICER COMMENT

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

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

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

CONCLUSION

Officers recommend the Council adopt the Capes Regional Arts and Cultural Facilities Needs Assessment Report as a guide to assist with future planning for arts and culture facilities.

Option

Should the Council not agree with the Officer Recommendation the

following options are outlined:

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

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

OFFICER RECOMMENDATION

That the Council adopts the Capes Regional Arts and Cultural Facilities Needs Assessment Report as a guide to assist with future planning for arts and culture facilities

Note: Councillor Stubbs gave notice of his intention to recommend that the Capes regional Arts and Cultural Facilities Needs Assessment Report be advertised for community comment.

COUNCIL DECISION

C1208/246 Moved Councillor Stubbs, seconded Councillor Tarbotton:

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

CARRIED 8/0

14. FINANCE AND CORPORATE SERVICES REPORT

14.1 NATURALISTE CHILDREN'S COMMUNITY CENTRE APPLICATION TO LEASE

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/241, page 83](#))

14.2 RFT19/12 CONSULTING SERVICES – ARCHITECTURE, LANDSCAPE ARCHITECTURE AND URBAN DESIGN

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/242, page 89](#))

15. CHIEF EXECUTIVE OFFICERS REPORT**15.1 COUNCILLORS' INFORMATION BULLETIN**

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1208/243, page 93](#))

16. MOTIONS of which previous notice has been given

Nil

17. CONFIDENTIAL REPORTS

Nil

18. QUESTIONS FROM MEMBERS

Nil

19. PUBLIC QUESTION TIME

Nil

20. NEXT MEETING

12 September 2012

21. CLOSURE

The meeting was closed at 5.43pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 119 WERE CONFIRMED AS A TRUE

AND CORRECT RECORD ON _____

DATE: _____

PRESIDING MEMBER: _____