

## CITY OF BUSSELTON

**MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL**  
**HELD ON 12 MARCH 2014**

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**CITY OF BUSSELTON****MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON WEDNESDAY, 12 MARCH 2014 AT 5:30 PM****1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

The Presiding Member opened the meeting at 5.30pm.

**2. ATTENDANCE**

Presiding Member: Cr Ian Stubbs Mayor

Members:  
 Cr Grant Henley  
 Cr John McCallum  
 Cr Gordon Bleechmore  
 Cr Tom Tuffin  
 Cr Robert Bennett  
 Cr Coralie Tarbotton  
 Cr Jenny Green  
 Cr Terry Best

Officers:  
 Mr Mike Archer Chief Executive Officer  
 Mr George Workman A/Director, Engineering and Works Services  
 Mr Paul Needham Director, Planning and Development Services  
 Mrs Naomi Searle Director, Community and Commercial Services  
 Mr Matthew Smith Director, Finance and Corporate Services  
 Miss Lynley Rich Manager, Governance Services  
 Mrs Lisa Haste Executive Assistant to the CEO

Apologies: Nil

Leave of Absence: Nil

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

Public: 14

**3. PRAYER**

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

**4. PUBLIC QUESTION TIME**

4.1 Response to Previous Questions Taken on Notice

Nil

4.2 Public Question Time

**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**

C1403/044 Moved Councillor Best, seconded Councillor Tuffin:

That leave of absence be granted to Councillor Jenny Green for the period 30 April 2014 to 14 May 2014 inclusive, and Councillor Grant Henley for the 9 July 2014 Council meeting.

**CARRIED 9/0**

**7. PRESENTATIONS**

7.1 Petitions

Nil

7.2 Presentations by Parties with an Interest

Mrs Barbara Troncone addressed Council in accordance with Section 6.1 of the Standing Orders as a party with an Interest in Item 11.1 – Application for Planning Consent for a Holiday Home at 28 Indooropilly Crescent, Dunsborough. Mrs Troncone, an owner of another property subject to the holiday home application process and mentioned within the report, identified perceived inconsistencies between the processing of the two applications.

Mr Chris Hosking addressed Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 13.2 – Dunsborough Foreshore Café and/or Kiosk: Strategic Review of Alternative Sites. Mr Hosking, an affected landowner, was not in support of the Officer Recommendation.

5.52pm At this time the Executive Assistant left the meeting.

Mr Ron Glencross addressed Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 13.2 – Dunsborough Foreshore Café and/or kiosk: Strategic Review of Alternative Sites. Mr Glencross, representing Dunsborough Coast & Landcare Inc, was not in support of the Officer Recommendation.

5.55pm At this time the Executive Assistant returned to the meeting.

Mr Mark Webster addressed Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 13.2 – Dunsborough Foreshore Café and/or Kiosk: Strategic Review of Alternative Sites. Mr Webster, representing the Dunsborough & Districts Progress Association, was in support of the Officer Recommendation.

**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 26 February 2014.

C1403/045 Moved Councillor Henley, seconded Councillor Green:

That the minutes of an Ordinary Meeting of Council held on 26 February 2014 be confirmed as a true and correct record.

**CARRIED 9/0**

**COMMITTEE MEETINGS**

C1403/046 Moved Councillor Bleechmore, seconded Councillor McCallum:

**Meelup Regional Park Management Committee Meeting (Refer to PINK pages)**

9.2 Minutes of a meeting of the Meelup Regional Park Management Committee held on 11 February 2014.

1) That the minutes of a meeting of the Meelup Regional Park Management Committee held on 11 February 2014 be received.

2) That the Council notes the outcomes of the Meelup Regional Park Management Committee meeting held on 11 February 2014 being:

a) The Meelup Regional Park Ten Year Financial Plan 2014/15 – 2023/24 Item is presented for Council consideration at Item 10.1 of this agenda.

b) The Committee received the Meelup Regional Park Environment Officer's Report and commended City Rangers on their presence in the park on Australia Day and were thankful for the planning involved, with the provision of road signage and the closure of roads where necessary.

**Policy and Legislation Committee Meeting (Refer to GREY pages)**

9.3 Minutes of a meeting of the Policy and Legislation Committee held on 20 February 2014.

1) That the minutes of a meeting of the Policy and Legislation Committee held on 20 February 2014 be received.

- 2) That the Council notes the outcomes of the Policy and Legislation Committee meeting held on 20 February 2014 being:
  - a) The Proposed Rescission of Local Planning Policy Provisions 6a: "Commonage Area Contribution" and 6d: "Community Facilities Contribution" and Allocation of Remaining Contribution Funds Item is presented for Council consideration at Item 10.2 of this agenda.
  - b) The (Confidential) Seat Advertising Item is presented for Council consideration at Item 17.1 of this agenda.
  - c) The Review of Community Engagement and Consultation Policy Item is presented for Council consideration at Item 10.3 of this agenda.

Capes Region Organisation of Councils (CAPEROC) (Refer to LILAC pages)

9.4 Minutes of a meeting of CAPEROC held on 24 January 2014.

- 1) That the minutes of the CAPEROC meeting held on 24 January 2014 be received.
- 2) That the Council notes the outcomes of the CAPEROC meeting held on 24 January 2014 being:
  - a) CAPEROC gave in-principle support to the development of the Regional App proposed by the Augusta-Margaret River Tourism Association as a visitor information tool, with each local government considering a financial contribution of \$15,000. This Item is presented for Council consideration at Item 13.1 of this agenda.
  - b) CAPEROC noted the comments from AMRTA and GBTA and takes no further action in regards to tourism radio.
  - c) CAPEROC noted the budget proposals for projects for the 2014/15 budget for adoption at 2 May 2014 meeting.
  - d) CAPEROC endorsed Ridge Road, Yoganup as the preferred site for Regional Landfill Facility in accordance with the recommendation on page 16 of the minutes.
  - e) CAPEROC agreed to take no further action in regards to the Augusta/Busselton heritage trail.

**CARRIED 9/0**

**ADOPTION BY EXCEPTION RESOLUTION**

At this juncture the Committee Recommendations for Items 10.2 and 10.3 and the Officer Recommendations for Items 11.1 and 15.2 were considered in accordance with Clause 5.6 (2) of the Standing Orders via an Adoption by Exception resolution of Council.

C1403/047                      Moved Councillor Bleechmore, seconded Councillor Tarbotton:

That the Committee Recommendations for Items 10.2 and 10.3 and the Officer Recommendations for Items 11.1 and 15.2 be adopted.

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

10.2                      POLICY AND LEGISLATION COMMITTEE RECOMMENDATION - PROPOSED RESCISSION OF LOCAL PLANNING POLICY PROVISIONS 6A: "COMMONAGE AREA CONTRIBUTION" AND 6D: "COMMUNITY FACILITIES CONTRIBUTION" AND ALLOCATION OF REMAINING CONTRIBUTION FUNDS

<b>SUBJECT INDEX:</b>	Local Planning Policy Framework
<b>APPLICATION NUMBER:</b>	PO14/01
<b>STRATEGIC OBJECTIVE:</b>	2.1 A City where the community has access to quality cultural, recreation, and leisure facilities and services.
<b>BUSINESS UNIT:</b>	Development Services
<b>SERVICE:</b>	Strategic Planning
<b>REPORTING OFFICER:</b>	Acting Senior Land Use Planner – William Hosken
<b>AUTHORISING OFFICER:</b>	Director Planning and Development Services – Paul Needham
<b>DATE OF COMPLETION:</b>	26 March 2014
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENT(S):</b>	A – Local Planning Policy provisions 6A: Commonage Area Contribution
(Refer to <u>LIGHT YELLOW</u> pages)	B – Local Planning Policy provisions 6D: Community Facilities Contribution
	C – Commonage Contribution Area location plan

**This item was considered by the Policy and Legislation Committee at its meeting on 20 February 2014, the recommendations from which require Council consideration. The Committee Recommendation is included in this report.**

**PRECIS**

The Council is requested to consider the amendment of Local Planning Policy 6 – Development Contribution Policy to delete the following provisions:

*6A: Commonage Area Contribution*

*6D: Community Facilities Contribution*

The above provisions are superseded by the Development Contribution Area requirements outlined at Clause 34 of the Town Planning Scheme, which were introduced by Scheme Amendment No. 125 in August 2013. This change strengthened the ability of the City to require contributions as a condition of subdivision and development approval.

The Council is also requested to endorse the proposed allocation of all remaining development contributions funds collected under the Commonage Area Contribution provisions. The works originally sought to be funded under these provisions have largely been completed. Future development contributions in the Commonage area will be collected consistent with general community facilities contributions, as discussed in further detail in this report.

It is recommended that the Council support the Officer Recommendation to revoke these policy provisions and provide public notification of the action, and endorse the allocation of all remaining contributions funds as detailed in the report.

## **BACKGROUND**

The City has been active in planning for the provision and capacity of community infrastructure through the rapid growth of the area by a number of local planning policy measures that enable contributions to be secured for community infrastructure at the subdivision or development approval stage.

The contributions fund a wide range of local and district level community infrastructure, in accordance with a capital infrastructure plan. The City's capital infrastructure planning is based on an assessment of the expected demand for community facilities from population growth across the City.

The value of the contributions and the capital items was developed through the Community Facilities Implementation Policy (originally adopted in 2008) and other earlier documents, such as the City's Leisure Services Plan, Community Facilities Contribution Study and Cultural Plan.

### *Community Facilities Contributions (General)*

Shortly after the Council adopted *Local Planning Policy 6D: Community Facilities Contribution* (Attachment A), the Western Australian Planning Commission introduced *State Planning Policy 3.6: Development Contributions for Infrastructure (SPP 3.6)*, which requires that development contributions plans for community infrastructure can only be endorsed through inclusion of specific contribution provisions within a town planning scheme itself. The implication of this policy shift was that development contributions for community facilities would not be applied to subdivision approvals where the local government had not amended its scheme to include a development contributions plan for community facilities contributions (which was the case outside of our principal growth areas, where there were already town planning scheme provisions specifically requiring development contributions). SPP 3.6 directs a local government to amend its scheme if it intends to obtain development contributions for community facilities through the subdivision process.

If the City was no longer able to collect contributions at subdivision, there was a risk of collected contribution funds being insufficient to provide all of the infrastructure items identified in the policy (if the City is unable to secure funding from the subdivision process), as well as inequities and confusion within the development industry as to the timing and payment of contributions for different types of development. Amendment No. 125 introduced provisions into the Town Planning Scheme, which complies with SPP 3.6 and has resolved this risk. It superseded the development contributions provisions for community facilities in Local Planning Policy 6.

General community facilities contributions are now determined by Schedule 15 of the Scheme, the Community Facilities Cost Apportionment Schedule and linked to the City's Capital Expenditure Plan. The removal of these policy provisions (LPP 6A) will therefore have no impact on the collection or



expenditure of contributions. Urban development areas subject to individual developer contribution plans (eg. Vasse, Provence) will also not be affected by the proposal.

#### *Commonage Area Contribution*

In 1993, the Council endorsed an Outline Development Plan for the Commonage area to provide for the subdivision and development of a further 1100 lots. The Commonage Area Contribution policy provisions were developed to detail significant and common public infrastructure requirements associated with this subdivision and development, and apportion this cost appropriately between developers and the City (not including infrastructure directly associated with individual developments).

Since that time, infrastructure works identified in the policy provisions (refer Attachment A) have been progressively implemented, with the exception of upgrades to recreational facilities at the Yallingup Hall site, which are subject to the transfer of land (ie. the 'Old Cricket Pitch') out of the National Park, as well as completion of the Caves Road bypass intersection, both yet to occur.

With infrastructure works implemented, and lots created in Commonage to the extent anticipated by the original planning framework (though further potential exists), the Commonage Contribution Policy provisions are no longer relevant or appropriate. The introduction of Scheme provisions relating to developer contributions towards community facilities has effectively replaced the Commonage Contribution Policy in favour of general community facilities contributions in the 'Rural Remainder' category.

A significant amount of Commonage contribution funds remain as a result of works yet to be completed (ie. recreational facilities at Yallingup Hall), excess funding not required for road upgrading, funding requirements made obsolete and interest earned on these funds. Further discussion and recommendations regarding the allocation of these funds is outlined in the Officer Comment section of this report.

Potential development of community facilities in the 'South Biddle Precinct' utilising the Biddle Road South Special Area contribution (linked to more intensive subdivision in this area), is not affected by the proposed deletion of these policy provisions, as this is the subject of agreements directly with the landowners/ developers (and not discussed any further in this report).

#### **STATUTORY ENVIRONMENT**

Local Planning Policy 6 – *Development Contributions Policy* is adopted pursuant to Clause 103 of District Town Planning Scheme No. 20, which also outlines the requirement for the Council to formally publish any rescission notice of a Local Planning Policy.

The introduction of Development Contribution Area provisions and a community infrastructure development contribution plan at Clause 34 and Schedule 15 of District Town Planning Scheme 20 has replaced the need for Local Planning Policy provisions 6A and 6D.

Clause 34 (19)(b) outlines (reflecting State Planning Policy 3.6) that where an excess of contributions funds has been collected, this is to be refunded to contributing owners or, where this is not practical, applied to the provision of additional facilities or improvements in that development contribution area.

## RELEVANT PLANS AND POLICIES

The Officer Recommendation of this report includes the deletion of provisions 6A: *Commonage Area Contribution* and 6D: *Community Facilities Contribution* from Local Planning Policy 6 – *Development Contributions Policy*.

The Commonage Consolidated Structure Plan (a development guide plan) includes the requirement for contributions to be paid in accordance with the Commonage Implementation Policy, however this is superseded by the Scheme requirements and can be removed or replaced as appropriate if and when the structure plan is reviewed.

## FINANCIAL IMPLICATIONS

With the proposed deletion of the Commonage Contribution Area provisions, a resolution of the Council is required to identify the purpose for which the balance funds are to be directed. Any further Commonage contribution funds received as a result of outstanding subdivision and development approvals will be directed in accordance with this resolution.

The Officer Comment and Officer Recommendation sections of this report outline the proposed allocation of remaining Commonage contributions funds to various projects and works reserve accounts. Budget associated with various projects will be addressed separately in reporting as required.

Future subdivision in the Commonage area (excluding the South Biddle Road Precinct) will be subject to the general community facilities contribution rate instead of the Commonage Area Contribution, which represents a reduced financial imposition on remaining development/ subdivision opportunities in this area.

## STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objectives 2.1 and 2.3 of the Strategic Community Plan 2013, which are; “*A City where the community has access to quality cultural, recreation, and leisure facilities and services*” and “*Infrastructure assets that are well maintained and responsibly managed to provide for future generations*”.

## RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City’s risk assessment framework. The assessment identifies ‘downside’ risks only, rather than ‘upside’ risks as well. The table below describes identified risks where the residual risk, once controls have been identified, is identified as ‘medium’ or greater.

Risk	Controls	Consequence	Likelihood	Risk Level
Remaining contribution funds are not allocated appropriately and with clear authority – unspent funds may be subject to claim for refund by landowners/ developers.	Council endorsement of the allocation of funds consistent with intent of contributions plan.	Minor	Unlikely	Medium

## CONSULTATION

Public notification of the deletion of these policy provisions is proposed to occur in accordance with Scheme requirements. No additional consultation is proposed in relation to the deletion of policy provisions and reallocation of funds proposed in this report, however proposed projects to be funded by remaining contributions funds (ie. road upgrades, community and fire service facilities) will include consultation as necessary.

Consultation undertaken in association with Town Planning Scheme Amendment No. 125 provided the opportunity for public comment on the new Scheme provisions for contributions, which have replaced the policy provisions proposed to be deleted.

As contributions were collected through the subdivision process and are guided by State Planning Policy 3.6, comment was sought from the Department of Planning who provided comment in support of the proposed allocation of remaining Commonage contribution funds.

## OFFICER COMMENT

### *Deletion of Policy Provisions*

The proposed deletion of Local Planning Policy provisions at 6A and 6D is considered a necessary action to remove duplication and potential confusion in the planning framework and, since these are superseded by Scheme provisions, will have no practical impact.

### *Expenditure of Remaining Contributions*

The following funds remain in City restricted asset accounts collected from development contributions in the Commonage area (as at January 2014):

#### Road Upgrades – \$243,235.50

Road upgrading works outlined in the Commonage Contributions Policy have been completed, with some funds remaining. The Officer Recommendation in this report recommends that the remaining funds are identified for a number of road safety upgrades identified within the Commonage area, based on the advice of officers from the Engineering and Works Services Directorate. Due to a number of factors, the Commonage area has demonstrated a relatively high number of road accidents and these road safety upgrades will directly address this issue, spend contribution funds within the area collected, and for the underlying purpose collected. These works would otherwise be funded based on priority over the next five to ten years as annual works funding permits, however this approach continues risks to safety and liability longer than is desirable.

#### Bushfire Facilities – \$54,671.80

This component of the contributions was collected towards the establishment of facilities for fire protection. The Officer Recommendation is to retain these funds for their original purpose, and apply them where an opportunity arises.

While it could be considered that an alternative to this is retaining the funds for the provision of local brigade infrastructure more generally, the Emergency Services Levy (ESL) fulfils this need.

### Community Facilities – \$69,339.20

Remaining community facilities funds are identified for upgrading of recreational facilities at Yallingup Hall, however advice from officers in the Community Services directorate has indicated that other options can provide for a higher level of use of this proposed recreational infrastructure. Yallingup Hall is outside of the Commonage contribution area (refer Attachment C), not directly accessible to most Commonage residents, and is not associated with existing recreational facilities or infrastructure, while other options provide the opportunity to address one or more of these issues.

The Officer Recommendation is to allocate these funds for expenditure as part of the provision of future recreational facilities at Dunsborough Lakes South (Lot 10 Commonage Road) adjacent to the future Dunsborough Lakes Primary School. This location is highly accessible to the Commonage area, the facilities specified in the Commonage policy provisions can be delivered in a high usage location, and can be supported by other investment to create facilities suitable for the development of sporting clubs.

An alternative is for funds to be allocated to the provision of recreational facilities at a potential community facility in the 'South Biddle Precinct'. While recreational facilities can be provided centrally within the Commonage area, this is also not likely to be a high use site for the specified facilities and a significant source of funding is already available for community/ recreational facilities in this location.

Another alternative is for funds to be expended on improvements to the Yallingup Hall and associated recreational facilities, generally in accordance with the Commonage Contributions Policy, but with the flexibility to consider the outcomes of community consultation. While this reflects the original intent of the Policy, reporting officers have not given preference to this recommendation as recreational facilities in this location are unlikely to attract a high number of users, especially from the Commonage area.

In 2008/09 the potential for the development of a dual use path/ trail network in the Commonage area was investigated, however as very little infrastructure could be planned and developed for the available funds (and no other funding source is identified) no recommendation has been included in this regard.

### **CONCLUSION**

It is recommended that *Local Planning Policy 6 – Development Contributions Policy* be amended to rescind policy provisions *6A: Commonage Area Contribution* and *6D: Community Facilities Contribution* and public notification of the action be provided. These policy provisions are no longer necessary or appropriate.

It is also recommended that the Council support the allocation of remaining contribution funds in accordance with the Officer Recommendation. This proposed allocation of funds meets with the original intent and purpose for which these contributions funds were collected.

### **OPTIONS**

The Council may consider various alternatives to the Officer Recommendation below, which specifically for item 3 may include:

- \* Funds identified for road upgrading (\$243,235.50 as at January 2014) are allocated to asset renewal works in association with the identified roads, and in reflection of the contribution

funding proportions (in terms of general revenue relative to contribution funded components of each job) outlined in the Commonage Contribution Area provisions.

- \* Funds identified for community facilities (\$69,339.20 as at January 2014) are allocated towards community and recreational facilities to be developed in the 'South Biddle Precinct'.
- \* Funds identified for community facilities (\$69,339.20 as at January 2014) are allocated towards improvements to the Yallingup Hall and associated recreational facilities, generally in accordance with the Commonage Contributions Area provisions but reflecting the outcomes of community consultation.

The Council may consider various other options, however any significant variation from the purpose and intent of the policy may necessitate community consultation and support from the Department of Planning.

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

Advertising of the proposed rescission will occur within one month of the Council resolution.

The completion of projects associated with the allocation of funding in this report may be subject to separate planning, consultation and provision of funding and is not addressed as an outcome of this report.

#### **COUNCIL DECISION / COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION**

C1403/048

Moved Councillor Bleechmore, seconded Councillor Tarbotton:

That the Council:

1. Pursuant to clause 103 of *District Town Planning Scheme 20*, amends *Local Planning Policy 6 – Development Contribution Policy* to rescind policy provisions *6A: Commonage Area Contribution* and *6D: Community Facilities Contribution*.
2. Publishes notice of these policy rescissions once in a local newspaper circulating in the District.
3. Allocate remaining funds collected in accordance with the Commonage Contributions Area policy provisions for the following purposes:
  - a. Funds identified for road upgrading (\$243,235.50 as at January 2014) are allocated towards road safety upgrades within the Commonage contribution area;
  - b. Funds identified for fire protection facilities (\$54,671.80 as at January 2014) are retained for that purpose;
  - c. Funds identified for community facilities (\$69,339.20 as at January 2014) are allocated towards the provision of future recreational facilities at Dunsborough Lakes South (Lot 10 Commonage Road).

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

10.3 POLICY AND LEGISLATION COMMITTEE RECOMMENDATION - REVIEW OF COMMUNITY ENGAGEMENT AND CONSULTATION POLICY

<b>SUBJECT INDEX:</b>	Media and Communications
<b>STRATEGIC OBJECTIVE:</b>	A Council that engages broadly and proactively with the community
<b>BUSINESS UNIT:</b>	Governance Services
<b>SERVICE:</b>	Council and Councillor Services
<b>REPORTING OFFICERS:</b>	Manager, Governance Services – Lynley Rich Public Relations Officer – Meredith Dixon
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer – Mike Archer
<b>DATE OF COMPLETION:</b>	12 March 2013
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENT(S):</b> (Refer to <u>BLUE</u> pages)	Current policy showing tracked changes for new recommended policy

**This item was considered by the Policy and Legislation Committee at its meeting on 20 February 2014, the recommendations from which require Council consideration. The Committee Recommendation is included in this report.**

#### **PRECIS**

The Council has had a policy in place since September 2010 setting out an approach to communicating and engaging with its community. This review is proposed to update terminology within the policy and also to recognise technological advancements particularly in the social media area. While the City of Busselton does not have a current organisational presence on social media and this is under ongoing review, sections of the organisation, such as the newly-formed Youth Advisory Council page do utilise platforms such as Facebook.

This report is not intended to formalise an organisational position on the development of further social media profiles and platforms, however, it is intended that this review and investigation of opportunities in this area will continue.

#### **BACKGROUND**

The Strategic Community Plan adopted in 2013 identified the priority of broadly and proactively engaging with the community. Additions to the existing Community Engagement and Consultation Policy are proposed to recognise this requirement and various communication and engagement opportunities available to residents and ratepayers of the City.

#### **STATUTORY ENVIRONMENT**

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

#### **RELEVANT PLANS AND POLICIES**

This report recommends that the Community Engagement and Consultation Policy is updated.

**FINANCIAL IMPLICATIONS**

Not applicable with regard to the adoption of the policy, while noting that all decisions made by the Council or the CEO in relation to consultation and engagement activities will need a specific budgetary allocation.

**STRATEGIC COMMUNITY OBJECTIVES**

A Council that engages broadly and proactively with the community.

**RISK ASSESSMENT**

Not required for this policy review, while noting that individual decisions made under the policy will need to be assessed as to their risks.

**CONSULTATION**

The proposed updates to the policy formalise current consultation and engagement activities undertaken across all areas of the organisation. It is not considered that the policy itself requires external consultation.

**OFFICER COMMENT**

The changes that have been proposed to the policy are shown in tracked changes in the attachment to this agenda item. Terminology has been updated, the intention of the new Strategic Community Plan has been incorporated and current communication and engagement activities are recognised.

One of the key changes made is the recognition of social media platforms as engagement and communication opportunities. The organisation currently utilises Facebook for the Geographe Leisure Centre, the Youth Advisory Council, Busselton and Sugito Sister Cities Association and Meelup Regional Park information.

This report is not intended to formalise an organisational position on the development of further social media profiles and platforms, however, it is intended that this review and investigation of opportunities in this area will continue, subject to resourcing allocation for this purpose.

**OPTIONS**

The Council may determine that a policy is not required or that further changes to the policy need to be made.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Any new policy adopted will be effective immediately upon adoption by the Council.

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

C1403/049

Moved Councillor Bleechmore, seconded Councillor Tarbotton:

That the Council adopts the following updated “Community Engagement and Consultation” Policy:

<b>023</b>	<b>Community Engagement and Consultation</b>	<b>V2 Draft</b>
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**STATEMENT**

To achieve the aims of its Strategic Community Plan (2013) Council has placed high priority on the need to engage with the community and encourage community participation in decision-making processes.

In recognising this need, Council acknowledges the value of instigating a coordinated approach to stakeholder engagement with a key focus on consultation. Council has committed to engaging broadly and proactively with the community and utilises an Engagement and Consultation Policy which includes the implementation of a framework to assist with planning initiatives, putting them into practice and reporting on outcomes.

**PURPOSE / RATIONALE**

This policy guides the Council and City Officers on meeting their community engagement and consultation obligations. The policy takes into account key factors impacting community consultation and engagement activities such as statutory obligations, stakeholder expectations, risk management issues, budget and time constraints and appropriate consultation and engagement mechanisms (or tools).

**SCOPE**

The Policy will inform the engagement and consultation activities undertaken by Busselton City Councillors, City Officers, and Contractors of the City of Busselton. Its application is suitable for large and small-scale projects and policy decision-making processes across all areas of City business. It should be noted that different levels of consultation will be appropriate depending on the issue to be addressed; stakeholder objectives and characteristics; and the sort of information needed to be relayed or obtained.

**DEFINITIONS**

**Engagement** means connecting with community groups, organisations and individuals for the purpose of:

- communicating information to stakeholders;
- ensuring transparency in the decision-making process; and
- building permanent relationships.

**Consultation** is an essential component of a strong engagement program. It involves two-way information exchange and its primary purpose is to obtain public feedback to inform decision-making on a particular issue or range of issues.



In this policy, consultation refers to a process which facilitates communication between the Council, the community of Busselton City and other stakeholders who are directly affected in the planning, determination and evaluation of policy, programs and services provided by the City.

**Stakeholders** – Groups or individuals that have an interest in the business of the Council and its governance of the City. These include residents and business operators (rate paying and non-rate paying); people who work in the district, visitors and tourists; statutory and government agencies; service providers (profit and non-profit); sporting and cultural groups; associations and organisations based in the district of the City of Busselton.

## **POLICY CONTENT**

The City of Busselton Community Engagement and Consultation Policy outlines the organisation's commitment to:

- the principles of open and accountable decision-making;
- identifying engagement and consultation opportunities;
- formalising engagement and consultation mechanisms; and
- outlining community engagement and consultation responsibilities across the organisation.

The Policy is supported by a Practice and Procedures document which outlines how those with a responsibility for engagement and/or consultation initiatives, on behalf of the City may undertake to fulfil them.

### **Principles of openness and accountability in decision-making processes**

In relation to their approach to engagement and consultation, Council will be guided by the following principles:

- meeting the statutory requirements for community engagement and consultation outlined in the Local Government Act (1995);
- informing the community of decisions made and actions taken in relation to Council activity;
- being open and transparent about the purpose of consultation activity;
- listening to and acknowledging community concerns;
- providing feedback on how public input has influenced decision making;
- allowing sufficient consultation time; and
- striving to develop new and enhanced engagement opportunities and consultation methods.

### **Identifying engagement and consultation opportunities**

Council may elect to consult the community on a broad range of issues. Particular areas of routine or established consultation include but are not limited to strategic management issues such as development and/or amendment to:

- the strategic community plan;
- sports and recreation plans;
- town plans;
- strategy plans;
- recreation and cultural plans; and
- master plans and conceptual designs for areas designated to community use.

**Engagement** opportunities include but are not limited to:

- access to Council meetings and briefings for presentations;
- planned stakeholder information sessions;
- school visits;
- electors meetings;

- meet and greet sessions with elected members;
- open days and free community events;
- civic events and award ceremonies;
- stalls and displays; and
- participation in community events / openings etc.

#### **Formalising engagement and consultation mechanisms**

The scope and methodology of consultation will be determined by the nature of the issue as well as the resources and constraints operating at the time. Consultation with the community may take many forms including, but not limited to, the following:

- Advertisements in the local newspapers;
- Broadcast, TV and electronic media;
- Online surveys on the Council's Website;
- Two-way information exchange via web logs (blogs) and various social media platforms;
- Circular letters / emails sent to the community as a whole or those areas directly affected by any Council proposal;
- Public meetings or community forums held to address specific issues;
- Market research projects carried out using proven sampling processes and market analysis; and
- Questionnaires or surveys.

Any combination of the above mechanisms may be used.

#### **Responsibilities**

**Elected Members:** Ensure principles outlined in this Policy are included in the decision-making process of Council.

**City Officers:** Where Council decision-making is involved the City administration will:

- identify the consultation opportunity;
- recommend an appropriate mechanism (or tool) and budget requirements;
- ensure that the community has adequate opportunity to make its view known to the Council; and
- report to Council on the Engagement / consultation outcomes (if required).

#### **Policy Background**

Policy Reference No. - 020

Owner Unit – Public Relations

Originator – Public Relations Officer

Policy approved by – Council

Date Approved – 22 September, 2010

#### **History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
		Draft Version 2
C1009/318	22 September, 2010	Date of implementation Version 1

**CARRIED 9/0**  
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11.1 APPLICATION FOR PLANNING CONSENT FOR A HOLIDAY HOME AT 28 INDOOROOPIILLY CRESCENT, DUNSBOROUGH

<b>SUBJECT INDEX:</b>	Development/ Planning Applications
<b>STRATEGIC OBJECTIVE:</b>	2.2 – A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections
<b>BUSINESS UNIT:</b>	Development Services
<b>SERVICE:</b>	Statutory Planning
<b>REPORTING OFFICER:</b>	Senior Development Planner - Andrew Watts
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services – Paul Needham
<b>DATE OF COMPLETION:</b>	31 October 2014
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENT(S):</b>	Attachment A – Location plan Attachment B – Floor plan

### PRECIS

Council's determination of a planning application is required for a Holiday Home at 28 Indooroopilly Crescent, Dunsborough.

Refer Attachment A – Location Plan and Attachment B – Floor plan.

The proposal has been brought before Council because the proposal affects Residential zoned land in the area identified as Preferred Area 2 by *Local Planning Policy 7C – Holiday Home Provisions*. The Council policy provides in Preferred Area 2, that holiday homes will not be supported in the Residential Zone (*"the approval of holiday homes will be considered in the Rural Residential Zone but not the Residential Zone"*).

### BACKGROUND

An application (DA13/0986) for a Holiday Home (Single House) at 28 Indooroopilly Crescent, Dunsborough was received by the City on 26 November 2013. Indooroopilly Crescent is in the Dunsborough Lakes Development Area. The 'Holiday Home (Single House)' application proposes to accommodate a maximum of 8 occupants.

The applicant sought advice from City staff (May 2013) prior to purchasing the property and have stated that they bought the land with the intention of using it to develop it a holiday home, including short-term rental of the property, on the basis of that advice.

The administration confirms that an enquiry was made at this time.

### STATUTORY ENVIRONMENT

The relevant authority is the *Planning and Development Act 2005* and in turn the specific statutory provisions found in the City of Busselton District Town Planning Scheme No. 20 ('the Scheme'), and the City's *Local Planning Policy 7C – Holiday Home Provisions*.

The Scheme defines the proposal as a Holiday Home (single house), and the Zoning table classifies 'Holiday Home (Single House)' as development requiring planning consent and as an 'AA' use within the Residential Zone. Notwithstanding the requirements of the Zoning Table, a Holiday Home (Single House) which proposes to accommodate 9 or more people will be considered under the 'SA'

symbol and will require public advertising pursuant to Clause 12 of the Scheme. The City however does have discretion to notify neighbours in other instances and does so if it is a matter in the Preferred Area 2 of Residential Zoned land

An approved Holiday Home is also required to be registered and a registration issued under the City of Busselton *Holiday Homes Local Law 2012*.

### RELEVANT PLANS AND POLICIES

The assessment of proposed holiday homes is guided by *Local Planning Policy 7C – Holiday Home Provisions*. The objectives of *Local Planning Policy 7C* are to provide a consistent, equitable process for holiday homes, encourage good quality, well managed holiday homes that enhance the tourist experience, minimise impacts on adjoining residents and support holiday homes in appropriate locations.

Planning Policy 7C identifies two areas that may be suitable for holiday homes; 'Preferred Area 1' and 'Preferred Area 2'. In Preferred Area 1 approval of holiday homes will be generally considered in both the Residential and Rural Residential Zones. In Preferred Area 2, approval of holiday homes will generally be considered in the Rural Residential Zone but not the Residential Zone.

The identification of preferred areas is consistent with Planning Bulletin 99 which recommends that to reduce conflict between ordinary residential dwellings that holiday homes should not necessarily be supported in all residential areas (such as suburban type locations) and should be located in areas of high tourism amenity and close to key tourism attractions.

### FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the staff recommendation in this report.

### STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report reflects Community Objective 2.2 of the City's *Strategic Community Plan 2013* – 'A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.'

### RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater.

Risk	Controls	Consequence	Likelihood	Risk Level
Reputational risk arising from uncertainty or confusion as to the status of policy and/or how applications will be assessed.	Ensure clear communication with community, industry and potential investors.	Moderate	Possible	Medium
Financial risk arising from SAT appeals associated with decision to refuse other applications for holiday homes within Preferred Area 2.	The consequence of the risk can be reduced by not using, or minimising use of, external legal or other advice in responding to appeals. There is	Minor	Possible	Medium

	not much that can be done, however, to reduce the likelihood of the risk.			
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## CONSULTATION

The application was referred to adjoining landowners for comment for a period of 21 days.

At the conclusion of the referral period (10 January 2014), no submissions had been received by the City.

## OFFICER COMMENT

### Holiday Home control and operation.

The City's Holiday Home controls became operational with the commencement of amendments to Scheme 20 (13 December 2012). This introduced definitions for holiday homes, together with consultation requirements and a distribution of holiday homes within the Zoning table. The Scheme was further supported by *Local Planning Policy 7C – Holiday Home Provisions*, which amongst other things identified the *Preferred* areas by a map.

Some of the more significant aspects of the Scheme /policy provisions are the maximum number of guests (12 for a single house and 6 for a group dwelling) and the restriction on new holiday homes in the Residential Zones within the Preferred Area 2. Significantly development exceeding the maximum number of guests becomes defined by the Scheme as *Tourist Accommodation*, which is a prohibited use in Residential Zones.

Importantly the planning controls were designed to work together with the City's Local law. This establishes the Registration requirement and controls the ongoing management of the property; to protect residential amenity.

In short the Scheme determines the distribution of holiday homes and the Registration controls their management.

Planning Policy 7C identifies that in Preferred Area 2 approval of holiday homes will be considered in the Rural Residential Zone but not the Residential Zone.

Whilst the City's control of Holiday Homes became operational on 13 December 2012, it applied a broad discretion to accept existing holiday homes within a grace period ending on 30 June 2013, the basis was to recognise the existing use. Significantly, the City previously had no record of holiday homes, and the arrangements and frequency of letting holiday homes varied greatly. Not all holiday homes were let through agents, and for this reason the City's communications about the new holiday home controls were sent to all residential owners.

The City as a consequence and for practical reasons applied its discretion to approve all holiday homes including within Preferred Area 2 up to 30 June 2013. During this period, 19 holiday homes were approved in Preferred Area 2 in the Dunsborough Lakes Area

The City has not approved any application for a holiday home in Preferred Area 2 since 30 June 2013.

28 Indooroopilly Crescent.

On the grounds the application was made after 30 June 2013, the application for a Holiday Home at 28 Indooroopilly Crescent, Dunsborough would be refused.

The extenuating circumstance in this case is that a building company acting on the behalf of the applicant made an enquiry in May 2013 as to whether or not a Holiday Home could be approved at 28 Indooroopilly Crescent, Dunsborough, a vacant lot at the time.

The applicant's builder contends that on enquiry they were advised by a member of the City's planning staff that an application could be approved. The relevant member of city staff recalls and noted the enquiry, however it was not specifically noted whether the discussion was for a private holiday home or one intended for hire and reward.

This period coincided with the City's second broad communication to home owners alerting them to the new holiday home controls. Consequently there were many enquires by people interested in whether the holiday home controls applied to them.

The applicant subsequent to the enquiry purchased 28 Indooroopilly Crescent, Dunsborough in June 2013 and contends the purchase was on reliance of the advice given by City staff, that a holiday home would be approved.

A building permit for a single dwelling was subsequently submitted and approved on 16 September 2013.

An application for a Holiday Home (Single House) was received by the City on 26 November 2013.

Due regard – circumstance and policy

Other than for the restriction placed by Preferred Area 2, the proposed Holiday Home at 28 Indooroopilly Crescent, Dunsborough is satisfactory when compared to the provisions of the Scheme and *Local Planning Policy 7C*, and whilst not a determinative consideration it is notable in this instance that the proposal is supported by its immediate neighbours.

The ongoing approval of holiday homes which are inconsistent with the policy has the potential to impact achieving the objectives and purpose of regulating holiday homes. It is recommended that the refusal of holiday homes within residential zones in Preferred Area 2 is a sound and preventative approach. Whilst Registration provides an ongoing control, reasonable behaviour at a holiday home can still be annoying to neighbours without being an offence that would support a penalty from the City. Matters also only come to the City's attention once someone has been annoyed and a complaint is made.

Given this, there is good reason and a fair point at which the basis for the policy restriction (Preferred Area 2) should apply. The City was generous in providing a 6 month grace period in which it applied discretion to accept holiday homes, including in Preferred Area 2. The City also undertook an extensive awareness campaign of the impending holiday home controls. This included an article in the West Australian, local papers, the 2012/13 rate notices and two separate (December 2012, and March 2013) letters to all residential owners in the City. It is difficult to imagine a more practical or extensive forewarning.

It does however appear, in the instance of 28 Indooroopilly Crescent, that the owner was motivated by the advice of City staff and did make contact and arguably expressed an intent that was supported.

From review of the City records and officer notes this appears to be a comparatively unique situation that can be defined and distinguished from others who may seek approval in Preferred Area 2. The line can be drawn on fresh enquiries received after 30 June 2013.

#### Recent Refusal

An application for a Holiday Home at 29 Oakmont Crescent, Dunsborough which is in a Residential Area (Dunsborough Lakes) of Preferred Area 2 was issued a refusal on 9 December 2013. This application was subject to reconsideration resulting in the original decision being upheld. No advice was received by staff that any Councillor opposed the staff recommendation and subsequently a letter was sent to the applicant advising of the decision being upheld.

In this particular application there was no previous history of the property being used as a holiday home or intent to do so indicated prior to 30 June 2013. The application was notified to neighbours with one objection being received.

#### Further Applications

The City is aware of one application for a holiday home in a Preferred Area 2 that was under construction two years ago but had not applied for approval prior to the 30 June 2013 grace period. The applicant acknowledges receipt of the notices about the controls but was not aware of the restriction in the Preferred Area 2, or that he might be denied approval upon completion. This application is presently with the City for assessment.

The City is aware that there may remain a small number of holiday homes where the owners have not sought approval or registered. The intent of the holiday home controls was not to operate retrospectively but affect an appropriate future landuse distribution. If an applicant can provide evidence of continuous operation of a holiday home, from prior to 30 June 2013, these applications may still be approved, as they would be consistent with the intent not to be retrospective.

The likelihood of these types of applications is rapidly diminishing, either through construction periods expiring, or now that a peak holiday season has largely passed and not yet coming to our attention their ability to reasonably demonstrate a continuous use becomes increasingly difficult.

#### Policy Review

Given the end of the grace period, particular aspects of the Scheme /policy provisions are now being tested, namely the maximum guests particularly applying to Holiday Home (group dwellings) and the restriction in Preferred Area 2.

Changes to maximum number guests would require a Scheme amendment and the support of the Minister, whereas a change to Local Planning Policy 7C is solely within the City ambit (Clause 103) subject to community consultation.

Given that the Holiday Home controls after the grace period have only operated for a short time, that the peak holiday season is not yet complete, and that further issues may arise warranting the

City consideration of further refinement, it is suggested that a 12 month operational report and recommendation be provided to the Council by October 2014.

## **CONCLUSION**

It is recommended that due to extenuating circumstances including advice given by staff the application seeking approval of a Holiday Home at 28 Indooroopilly Crescent, Dunsborough, be approved subject to conditions.

## **OPTIONS**

Decline to approve the application for a Holiday Home at 28 Indooroopilly Crescent, Dunsborough. Provide direction and instruct the administration to immediately undertake a review of the Holiday Home controls.

## **TIMELINE FOR IMPLEMENTATION OF RECOMMENDATION**

The proponent will be advised of the Council decision within two weeks of the Council making a resolution.

## **COUNCIL DECISION / OFFICER RECOMMENDATION**

C1403/050                      Moved Councillor Bleechmore, seconded Councillor Tarbotton:

1. That the Council grant planning consent to application DA13/0986 for a Holiday Home (Single House) at 28 Indooroopilly Crescent, Dunsborough subject to the following conditions:
  - a. The use hereby approved shall be in accordance with the Approved Plan dated 12 March 2014 and attached Holiday Home Registration, including any conditions placed thereon by the City of Busselton.
  - b. The use hereby approved shall at all times comply with the definition of Holiday Home (Single House) as provided in Schedule 1 of the City of Busselton District Town Planning Scheme No. 20, as follows:

*'Holiday home (single house)' means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).*

Notwithstanding the above interpretation, the approved use is restricted to a maximum of 8 persons as detailed in the attached registration.
  - c. Advertising signage associated with the approved use shall be no greater than 0.2m<sup>2</sup>, located within the subject site.
  - d. A minimum number of 3 car parking bays shall be provided on site.
2. That a report be presented to the Council on the operation of its Holiday Home controls and any suggested refinements prior to end October 2014.

**CARRIED 9/0**  
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15.2 COUNCILLORS' INFORMATION BULLETIN

<b>SUBJECT INDEX:</b>	Councillors' Information
<b>STRATEGIC INITIATIVE:</b>	Provide Effective Communication
<b>BUSINESS UNIT:</b>	CEO's Office
<b>SERVICE:</b>	Council and Councillor Services
<b>REPORTING OFFICER:</b>	Various
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer – Mike Archer
<b>DATE OF COMPLETION:</b>	Not Applicable
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENT(S):</b>	1 – Hon Barry House Media Statement - Regional Brand Name Announced
Refer to <u>GREEN</u> pages	2 – Director General Report February 2014 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****15.2.1 Thankyou Letter - Consul General Socialist Republic Of Vietnam**

Correspondence has been received from the Consul General of Viet Nam, Mr Le Viet Duyen, following his visit to the City on 7 February 2014:

*“Dear Sir,*

*I would like to take this opportunity to express my sincere thanks to you and your colleagues for the kind hospitality and warm welcome given to me during my visit to your Office of the City of Busselton recently.*

*I would like to, once again, express my wishes that with the closer cooperation between Your Office and the Consulate General of Viet Nam in Perth, our relationship will further develop.*

*I am convinced that further understanding and cooperation on comprehensive areas between Viet Nam and the City of Busselton will help to promote and strengthen our potentials in various cooperation fields and for the interests and mutual benefits of Viet Nam and Australia in general; and the people of Viet Nam and City of Busselton in particular.*

*Please accept, Dear Sir, the assurances of my highest consideration.”*

**15.2.2 Regional Brand Name Announced**

Attachment 1 is a Media Statement from Barry House, Chair of the Regional Marketing Group regarding the decision to recognise a unified brand after the Group provided unanimous in principle support to “The Margaret River Region” brand name.

**15.2.3 Department of Local Government & Communities – Director General’s Report**

Attachment 2 is a copy of the February edition of the Director General’s Report which includes, among other things, an update on the Metropolitan Local Government Reform, Reform Update in Country WA and National Youth Week Planning.

**15.2.4 Planning & Development Services Statistics****Planning Applications**

Attachment PDS1 is a report detailing all Planning Applications received by the City between 1 and 15 February, 2014. Fourteen formal applications were received during this period. The numbers so far this year are consistent with previous years (excluding the holiday home applications in 2013).

Attachment PDS2 is a report detailing all Planning Applications determined by the City between 1 and 15 February, 2014. A total of fourteen applications (including subdivision referrals) were determined by the City during this period with most approved / supported and one refused.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C1403/051

Moved Councillor Bleechmore, seconded Councillor Tarbotton:

That Items 15.2.1, 15.2.2, 15.2.3 and 15.2.4 of the Councillors’ Information Bulletin are noted.

**CARRIED 9/0**  
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**ITEMS CONSIDERED BY SEPARATE RESOLUTION**

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

**10. REPORTS OF COMMITTEES****10.1 MEELUP REGIONAL PARK MANAGEMENT COMMITTEE RECOMMENDATION - MEELUP REGIONAL PARK TEN YEAR FINANCIAL PLAN 2014/15 – 2023/24**

<b>SUBJECT INDEX:</b>	Committee Meetings
<b>STRATEGIC OBJECTIVE:</b>	5.1 - Our natural environment is cared for and enhanced for the enjoyment of the community and visitors.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>SERVICE:</b>	Meelup Regional Park
<b>REPORTING OFFICER:</b>	Meelup Environment Officer – Mandy Polley
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services – Paul Needham
<b>DATE OF COMPLETION:</b>	12 March 2014
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENT(S):</b> (Refer to <u>FOLDED WHITE</u> pages)	1) Draft Meelup Regional Park Ten Year Financial Plan 2014/15 – 2023/24 2) Meelup Regional Park Ten Year Operations and Development Plan 2014/15 – 2023/24

**This item was considered by the Meelup Regional Park Management Committee at its meeting on 11 February 2014, the recommendations from which require Council consideration. The Committee Recommendation is included in this report.**

**PRECIS**

In accordance with the Meelup Regional Park Management Committee terms of reference, a draft 10 Year Financial Plan 2014/15 – 2023/24 has been prepared. A Ten Year Operations and Development Plan 2014/15 – 2023/24 has also been developed to support the 10 Year Financial Plan. Both plans describe the activities proposed to be undertaken each year, give an estimate of their cost and show the net overall funding required.

This report recommends:

- 1) Council endorse the Meelup Regional Park Management Committee draft 10 Year Financial Plan 2014/15 – 2023/24 (Attachment 1).
- 2) That, for planning and management purposes, the Committee endorse the Ten Year Operations and Development Plan 2014/15 – 2023/24 (Attachment 2).

**BACKGROUND**

On 9 October 2013 Council resolved (resolution C1310/267) to re-establish the Meelup Regional Park Management Committee with a term to expire on 17 October, 2015, in accordance with Terms of Reference.

The terms of reference constituted by Council states (paragraph 3.1) that the objective of the Committee is:

*To develop a strategic plan for the regional park that ties into Council's Strategic Plan, to be endorsed by Council, and to annually review the five year plan of capital and operating expenditure and income, to be endorsed by Council.*

The Committee revises its rolling ten year plan on an annual basis at the beginning of each calendar year. This complements the budgeting process for the subsequent financial year. The plan describes the activities that are proposed to be undertaken each year, gives an estimate of their cost and shows the net overall funding required. The draft 10 Year Financial Plan is attached (Attachment 1).

A Ten Year Operations and Development Plan has also been developed to assist the committee with the management and delivery of works and projects identified in the draft 10 Year Financial Plan. The Ten Year Operations and Development Plan is attached (Attachment 2).

The draft 10 Year Financial Plan 2014/15 – 2023/24 provides a ten year forecast of: a) projects and ongoing activities; b) priorities for implementation, as determined by the Committee; and c) expected expenditure for individual projects/activities and annual budgets. The document will assist the Committee in forward planning, particularly with budget-setting in subsequent years.

The objectives of the plan are to provide:

- a sustainable long term financial plan for the Park,
- the context for formulating annual budgets,
- a framework for ensuring adequate funding, and
- information about proposed activities.

Proposed expenditure is separated into operations and capital works. Within these, related activities are grouped in the following four broad categories:

- administration and governance,
- information and communication,
- conservation and rehabilitation, and
- recreation facilities and services.

The cost estimates shown for the mid and long term are indicative only and expressed in constant dollars. They will be refined as more detailed information becomes available. The principal source of funding for Park activities is City of Busselton rates. However, the Committee seeks to maximize grants from other sources to supplement these funds. Grant figures are indicated in the plan in blue.

## **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.

## **RELEVANT PLANS AND POLICIES**

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 Minister for Regional Development and Lands. 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.

### **FINANCIAL IMPLICATIONS**

The draft 10 Year Financial Plan describes the activities that are proposed to be undertaken each year, gives an estimate of their cost and shows the net overall funding required. The plan is reviewed each year and a revised version prepared, which will assist the Committee with prioritization and budget-setting on an annual basis.

### **STRATEGIC COMMUNITY OBJECTIVES**

This matter is considered relevant to Key Goal Area 5 - Cared for and Enhanced Environment and Community Objective 5.1 - Our natural environment is cared for and enhanced for the enjoyment of the community and visitors.

### **CONSULTATION**

The draft 10 Year Financial Plan 2014/15 – 2023/24 was developed in consultation with Committee member Chester Burton. The plan was presented to the remainder of the Committee at the January 2014 concept forum.

### **OFFICER COMMENT**

The Committee revises its rolling ten year plan on an annual basis at the beginning of each calendar year. This complements the budgeting process for the subsequent financial year. The plan describes the activities that are proposed to be undertaken each year, gives an estimate of their cost and shows the net overall funding required.

The ten year plan's benefits are three-fold:

- 1) assisting the Committee with management of the Park by complementing the Management Plan (2010) and forming a wider strategic base to guide the Committee's activities,
- 2) assisting the Committee with forward planning and budget setting, and
- 3) maintaining consistency with the City of Busselton's own planning documents and demonstrating to staff and Council the Committee's ability to continue management of the Park in perpetuity.

### **CONCLUSION**

The Committee is asked to adopt the officer recommendations, the first of which will also require formal Council consideration.

### **OPTIONS**

The Committee may resolve to make amendments to the ten year financial plan, and/or ten year operations and development plan, before recommending the documents be endorsed by Council.

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

The Officer Recommendation will become effective following Council's endorsement of the Meelup Regional Park draft 10 Year Financial Plan 2014/15 – 2023/24 – that matter is expected to be considered at the Council's 12 March 2014 ordinary meeting.

**OFFICER RECOMMENDATION**

That the Council endorse the Meelup Regional Park draft 10 Year Financial Plan (Attachment 1).

**COMMITTEE RECOMMENDATION**

That the Council endorse the Meelup Regional Park draft 10 Year Financial Plan (Attachment 1), with the deletion of the planned expenditure for Advertising and the inclusion of planned expenditure indicated in 2014/15 for Firebreak Re-surfacing, as capital works.

Note: Officers provided Councillors with a revised recommendation which replaced the word “endorse” with “note”. The Council supported an alternative motion which would see the Committee being required to align their long term financial plan with the City’s long term financial plan.

**COUNCIL DECISION**

C1403/052 Moved Councillor Tarbotton, seconded Councillor Bleechmore:

1. That the Council note the Meelup Regional Park draft 10 Year Financial Plan (Attachment 1), with the deletion of the planned expenditure for Advertising and the inclusion of planned expenditure indicated in 2014/15 for Firebreak Re-surfacing as capital works.
2. That the Committee is requested to conduct a further review to ensure the plan marries up with the City’s 10 year Financial Plan, also taking this opportunity to review the grant income projections.

**CARRIED 9/0**

10.2 POLICY AND LEGISLATION COMMITTEE RECOMMENDATION – PROPOSED RESCISSION OF LOCAL PLANNING POLICY PROVISIONS 6A: “COMMONAGE AREA CONTRIBUTION” AND 6D: “COMMUNITY FACILITIES CONTRIBUTION” AND ALLOCATION OF REMAINING CONTRIBUTION FUNDS

This Item was considered earlier in the meeting as part of the En Bloc Resolution of Council. ([C1403/048, page 13](#))

10.3 POLICY AND LEGISLATION COMMITTEE RECOMMENDATION – REVIEW OF COMMUNITY ENGAGEMENT AND CONSULTATION POLICY

This Item was considered earlier in the meeting as part of the En Bloc Resolution of Council. ([C1403/049, page 16](#))

**11. PLANNING AND DEVELOPMENT SERVICES REPORT****11.1 APPLICATION FOR PLANNING CONSENT FOR A HOLIDAY HOME AT 28 INDOOROPILLY CRESCENT, DUNSBOROUGH**

This Item was considered earlier in the meeting as part of the En Bloc Resolution of Council. ([C1403/050, page 24](#))

**12. ENGINEERING AND WORKS SERVICES REPORT**

Nil

**13. COMMUNITY AND COMMERCIAL SERVICES REPORT****13.1 REQUEST FOR FINANCIAL ASSISTANCE FOR MARGARET RIVER REGIONAL APP SOFTWARE****SUBJECT INDEX:**

<b>STRATEGIC OBJECTIVE:</b>	Well planned, vibrant and active places: Robust local economy
<b>BUSINESS UNIT:</b>	Commercial Services
<b>SERVICE:</b>	Economic and Business Development
<b>REPORTING OFFICER:</b>	Economic and Business Development Co-ordinator (Jon Berry)
<b>AUTHORISING OFFICER:</b>	Director Community and Commercial Services (Naomi Searle)
<b>DATE OF COMPLETION:</b>	
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENT(S):</b>	1 - Correspondence from Augusta Margaret River Tourism Association Inc.
(Refer to <u>GREY</u> pages)	2 - Regional APP Overview

**PRECIS**

The Augusta Margaret River Tourism Association Inc (AMRTA) has written to both the Shire of Augusta Margaret River and the City of Busselton seeking a contribution of \$15,000 (ex gst) each for the development of a regional App (software designed to run on smartphones and other mobile devices). The proposed App aims to enhance and streamline the visitor experience to the region by providing a useful interpretation and visitor servicing tool. The matter was considered at the 24 January 2014 meeting of the Capes Region Organisation of Councils (CapeROC) where it was resolved to support the request 'in-principle' with each local government to consider making a financial contribution of \$15,000 each through their individual municipal budgets. Subsequently, this report makes recommendation that Council supports the development of a Regional App and that \$15,000 be made available from the 2013/14 budget.

**BACKGROUND**

The Augusta Margaret River Tourism Association Inc (AMRTA) is developing a regional mobile App and has been successful in achieving an Australian Government tourism development (TQUAL) grant of \$83,100. AMRTA has written to both local governments seeking a contribution of \$15,000 each to enhance the development and content of the App to ensure it has a geographic scope that is relevant for visitors to the region. TQUAL funding also requires the applicant to secure matching cash contributions, including from their own sources.

The proposed App aims to enhance and streamline the visitor experience to the region by providing a useful interpretation and visitor servicing tool. It will take the visitor on a journey exploring and interpreting the regions amazing history, caves, lighthouses, first settlement, surfing, food and wine, events and the arts and culture of the region, while also providing emergency and service information (fire, ambulance, police, safe swimming beaches and walking tracks etc).

The App content is proposed to be presented in both English and Mandarin to help support the growing Chinese visitor market (forecast to be Australia's highest growth segment), offering a broader understanding of the region and in return potentially keeping visitors here longer.

## STATUTORY ENVIRONMENT

Nil

## RELEVANT PLANS AND POLICIES

Nil

## FINANCIAL IMPLICATIONS

The AMRTA has sought funding from key stakeholders to assist with a project budget of up to \$170,000. The proposed components of project funding are:

GBTA	\$10,000 (proposed)
Chambers of Commerce	\$15,000 (proposed)
AMRTA	\$30,000 (confirmed)
TQUAL	\$83,100 (confirmed)
<b>City of Busselton</b>	<b>\$15,000 (this Agenda item)</b>
Shire of Augusta MR	\$15,000 (confirmed)

**Total budget** **\$168,100**

Ideally, this application would be considered by the City of Busselton and the Marketing and Events Reference Group (MERG), which makes recommendations to Council on the funding of events and tourism initiatives. Given the MERG budget is fully allocated for 2013/14, officers have reviewed the municipal budget and have identified \$15,000 in the Economic and Business Development budget (Marketing and Promotions cost code account 350 10630 3623 0000).

## STRATEGIC COMMUNITY OBJECTIVES

Development of the proposed regional App software aligns with the following City of Busselton Key Goal Areas.

### Key Goal Area 2

Well planned, vibrant and active places: An attractive City offering great places and facilities promoting an enjoyable and enriched lifestyle

Community Objective 2.1: A City where the community has access to quality cultural, recreation, leisure facilities and services



### Key Goal Area 3

Robust local economy: A strong local economy that sustains and attracts existing and new business, industry and employment opportunities

Community Objective 3.1: A strong, innovative and diversified economy that attracts people to live, work, invest and visit

### **RISK ASSESSMENT**

A risk assessment has been undertaken and there are no risks identified has 'medium'.

### **CONSULTATION**

A presentation by AMRTA Officers and the consultant appointed to develop the App was made to CapeROC on 24 January 2014. CapeROC members unanimously supported the project in-principle.

Consultation has also occurred with the Geographe Bay Tourism Association and the Shire of Augusta Margaret River which both support the project.

### **OFFICER COMMENT**

The proposed regional App is a contemporary form of visitor servicing aimed at enhancing the visitor experience and can be a useful interpretation tool. The App software aims to not only provide information to visitors on regional experiences but will also support wider public service information such as emergency services (fire, ambulance, police) and other non-commercial information such as safe swimming beaches and walking tracks etc.

The development of a high quality mobile App for the region is viewed by both local tourism associations (GBTA and AMRTA) as an important tool for visitor servicing and marketing in the digital age of communication. The City of Busselton's review of tourism directional signage (currently underway) also recommends use of a regional app as part of a proposed tourism drive experience.

Since presentation of the App concept at the CapeROC meeting on 24 January 2014, the Shire of Augusta Margaret River has reviewed its 2013/14 municipal budget and resolved to make a financial contribution of \$15,000 (ex gst). Should Council resolve not to contribute funds, the City runs the risk of not being included on such a widely utilised marketing tool. Additionally, the GBTA and AMRTA (along with other organisations with a role in marketing) recently agreed 'in-principle' to adopt the brand 'Margaret River Region'. The City's contribution would assist the roll out of this brand through the App.

Should Council support this initiative, participation by an Officer on the project management team will also be invited, to ensure the App content meets the content requirements of the City of Busselton.

### **CONCLUSION**

CapeROC members unanimously have supported 'in-principle', the concept of a regional App as proposed by the Augusta Margaret River Tourism Association Inc. There has been a reluctance to fund the project through the CapeROC budget given there has been considerable support to tourism projects through CapeROC already.

The Council's support of this project will be seen as a positive measure in assisting and supporting the roll out of the region's new unified branding strategy 'Margaret River Region'.

Projects of this nature may be considered through MERG however the budget is fully allocated for the 2013/14 financial year. Officers have reviewed the municipal budget for 2013/14 and have identified \$15,000 in Economic and Business Development (Marketing and Promotions cost code account 350 10630 3623 0000).

### **OPTIONS**

1. Council may elect not to support a financial allocation for the regional App project
2. Council may elect to make a smaller financial allocation for the regional App project
3. Council may elect to make a larger financial allocation for the regional App project
4. Council may elect to have the regional App project considered by MERG in its 2014/15 budget recommendations for tourism and events funding

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

Should Council support the Officer recommendation, a grant agreement letter will be prepared in late March 2014, outlining the City's general conditions for the granting of funds and including a special condition that the City has representation on the project control group.

The regional App is expected to be completed by the end of calendar year 2014.

### **OFFICER RECOMMENDATION**

That Council:

1. Supports the development of a regional visitor information and interpretation App (for use on mobile and electronic tablet devices) as presented by the Augusta Margaret River Tourism Association Inc (AMRTA).
2. Allocates \$15,000 (ex gst) to the AMRTA sourced from the City's 2013/14 Marketing and Promotions Budget (Account 350 10630 3623 0000).

Note: Councillor Green had given notice of her intention to move an alternative recommendation which would see the Item being deferred until the 26 March 2014 Council meeting.

### **COUNCIL DECISION**

C1403/053

Moved Councillor Green, seconded Councillor Tarbotton:

That the Council defers consideration of this Item until the 26 March 2014 meeting of Council.

<b>CARRIED 5/4</b>	
<b>FOR</b>	<b>AGAINST</b>
Cr Green	Cr Henley
Cr Bennett	Cr Stubbs
Cr Tarbotton	Cr Bleechmore
Cr Best	Cr McCallum

Cr Tuffin

13.2 DUNSBOROUGH FORESHORE CAFÉ AND/OR KIOSK: STRATEGIC REVIEW OF ALTERNATIVE SITES

<b>SUBJECT INDEX:</b>	Dunsborough Foreshore Concept Plan
<b>STRATEGIC OBJECTIVE:</b>	Well-planned vibrant and active places: An attractive city offering great places and facilities promoting an enjoyable and enriched lifestyle Robust local economy: A strong local economy that sustains existing and attracts new business, industry and employment opportunities
<b>BUSINESS UNIT:</b>	Commercial Services
<b>SERVICE:</b>	Property and Business Development
<b>REPORTING OFFICER:</b>	Economic and Business Development Co-ordinator - Jon Berry
<b>AUTHORISING OFFICER:</b>	Director Community and Commercial Services – Naomi Searle
<b>DATE OF COMPLETION:</b>	N/A
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENT(S):</b> (Refer to <u>WHITE</u> pages)	Attachment 1: Map showing containment zones for proposed registrations of commercial interest in the development of a café and/or kiosk Attachment 2: Letters of Support from Local Stakeholder Organisations Attachment 3: Advice from Department of Lands regarding commercial development on Reserve 22965 Attachment 4: Advice from Shore Coastal on Inundation and Erosion Risk of alternative Sites Attachment 5: Photos of containment zones

**PRECIS**

Council has previously sought expressions of interest in leasing a portion of Crown land on the Dunsborough foreshore to build and operate a commercial café and/or kiosk as part of the Dunsborough Foreshore Redevelopment Plan. On 27 November 2013, Council considered public comments on a concept received for a café and seasonal kiosk and resolved (C1311/307) that there be no commercial development on any of the identified sites on the Dunsborough foreshore between Dunn Bay Road and Chester Way and the City not proceed with any further concepts at this stage.

This report outlines the results of a strategic review of potential sites that was undertaken through engagement with local stakeholder groups. The report recommends Council supports, for the purposes of community consultation, proposed containment zones (as shown in Attachment 1) for potential lease for commercial development of a café and/or kiosk up to 150m<sup>2</sup> and contiguously seeks preliminary registrations of interest for commercial proposals. It also seeks Council endorsement of a set of design guidelines and evaluation criteria to be used to assess proposals prior to them being brought back to Council for further consideration.

**BACKGROUND**

In January 2010 (C1001/018), Council endorsed 'in principle', the Dunsborough Foreshore Concept Plan initiated by the Dunsborough Yallingup Chamber of Commerce and Industry (DYCCI) as a master plan for redeveloping the Dunsborough foreshore, being 'A Class' Reserve, (Number R22965) located at the junction of Dunn Bay Rd and Geographe Bay Rd. The original master plan included a café to

the east of the redevelopment area at the site of the existing ablution block and car-park. Following consultation with local stakeholder groups, an on-line survey of the preferred café location was undertaken in July 2011 with 424 responses received. The results included 134 responses in support of a site close to the Dunn Bay Rd / Geographe Bay Rd junction; 64 in support of a café site at the toilet block location; 114 in support of either site; and 111 in support of both sites. Eight respondents did not want a café on the Dunsborough Foreshore location at all. From project inception, the Dunsborough and Districts Progress Association (DDPA) had stated it preferred a low key development, conversely, the DYCCI recommended a development similar to 'The Goose' or 'The Equinox' cafes on Busselton foreshore. Following consideration of community feedback and the completion of further technical investigations, including the Dunsborough Foreshore Development Coastal Engineering Assessment (May 2011) and the Dunsborough Foreshore Drainage Study (December 2011), City Officers recommended that sites be formally considered commercially through an Expressions of Interest (EOI) process. Several sites were considered within the foreshore redevelopment area and a further site 150m to the east of the redevelopment area at the existing toilet block and car park.

On 13 June 2012 (C1206/144) Council further considered the concept of establishing a café and/or kiosk on the foreshore and unanimously resolved to endorse, in principle, two sites for the development of a café or kiosk and to advertise for Expressions of Interest for development, prior to making any further determinations. Council also endorsed a broad set of design guidelines for the café or kiosk.

In October 2012, an Expressions of Interest (Eoi) document was issued and advertised widely for three months. The advertising resulted in no submissions for the site located at the ablution block/car park (to the east of the redevelopment area) and three submissions for a development near the junction of Dunn Bay Road and Geographe Bay Rd. All concepts were greater than 150m<sup>2</sup> (as was initially recommended in the Eoi document as a guide). Two of the respondents subsequently withdrew, citing concerns about seasonality (increasing commercial risk), building costs and commitment to their existing undertakings).

Following the official opening ceremony for the redevelopment project, held on 12 February 2013, ongoing discussions between the Mayor, Councillors, City staff and local stakeholder organisations resulted in agreement that any development would be better suited at the eastern end of the redevelopment, to avoid compromise of community and recreation use of newly turfed, paved and landscaped areas.

In June 2013, 'preferred proponent' Xanthippe Pty Ltd was selected to continue negotiations until 6 December 2013 and resolved to seek public comment on the preliminary concept submitted.

On 27 November 2013, Council considered public comments on the concept received from Xanthippe Pty Ltd for a café and seasonal kiosk and resolved that there be no commercial development on any of the identified sites on the Dunsborough foreshore between Dunn Bay Road and Chester Way and that the City not proceed with any further concepts at this stage.

## **STATUTORY ENVIRONMENT**

The following statutory requirements are relevant in considering this report.

### Land Administration Act 1997

The proposed café sites are located on Crown land being an 'A' Class reserve (Reserve 22965) which is vested with the City for the purposes of 'Camping and Recreation', without the power to lease. The Department of Lands has advised that dependent upon the final size, design and impact of the proposal on the overall reserve, there may or may not be a requirement to excise land from the Reserve to facilitate a café development. A smaller scale café up to 150m<sup>2</sup> (that has a lesser impact on the Reserve) is unlikely to require an excision of land and may be leased to a proponent upon the approval of the Minister for Lands and an amendment to the management order to afford the power to lease.

### Local Government Act 1995

Section 3.58 (2) states that a local government can dispose of property to the highest bidder at public auction, or to the person at public tender. Section 3.58 (3, 4) allows for the disposal of property other than by public auction or by tender. It requires Council to give local public notice of its intention to dispose of the property, and consider any submissions which are received within the specified period. Should Council resolve to proceed with facilitating a café/kiosk development on the Dunsborough foreshore, any future lease of a portion of Reserve 22965 will require a separate Council report to be prepared and observation of the requirements of Section 3.58 of the Act.

### City of Busselton Town Planning Scheme (TPS No 20)

Rezoning of the zone identified in this report is not necessary for compliance with TPS No 20. Should Council support the future development of a café/kiosk, the site (excised or not excised) would be leased and used for a single purpose, 'cafe' or 'kiosk'. Development requirements including any additional parking requirements would be dealt with at a later stage of the process through a development approval and / or conditions on the lease as required.

## **RELEVANT PLANS AND POLICIES**

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

The Western Australian Planning Commission (WAPC) State Planning Policy 2.6, State Coastal Planning (SPP2.6) provides guidance on determining setbacks. The City of Busselton has previously engaged consultants to prepare the City of Busselton Coastal Erosion and Inundation Analysis. The Consultants have modelled the coastal erosion and inundation impacts to the year 2100 based on a low, medium and high climate change scenario. This identifies those areas that may be unsuitable for increases in density or further development due to coastal erosion in combination with elevated sea levels. Areas where upgrade/modification of existing coastal protection structures/systems or new coastal protection structures/systems will be required to protect existing public infrastructure, other than boat ramps, jetties and other marine infrastructure are also identified. Based on the information supplied from the above study, the City subsequently commissioned a Coastal Engineering Assessment of the Dunsborough foreshore. The seawall and coastal works were undertaken consistent with this study and considered adequate to provide protection for an estimated time frame of approximately 20 years with regular reviews and monitoring underway. Should Council resolve to proceed with considering a café development, a formal assessment of a future endorsed concept will be sought from relevant agencies including the Department of Lands, Department of Planning and Department of Transport.

Dunsborough Foreshore Management Plan (2009)

The Dunsborough Foreshore Management Plan (DFMP) documents both the current state and values and provides generic principles and specific actions and recommendations in order to guide future management of the Dunsborough Foreshore Reserves. Should Council resolve to proceed with facilitating the café development and seek an amendment to the management plan after community consultation on a new concept, the management plan will need to be updated to reflect the new foreshore improvements at the foot of Dunn Bay Road.

Aboriginal Heritage Survey for the Proposed Landscape Enhancements to Dugalup Brook, Dunsborough Foreshore and Seymour Park (2007)

This report identifies the area between the foreshore redevelopment area and the toilet block/car park as former campsites for the Roelands Aboriginal Mission and recommends the area be registered under Section 5(b) and 5(c) of the West Australian Aboriginal Heritage Act (1972) as sites of historical significance in association with the connection that the land has with members of the 'stolen generation'. For this reason, any sites between the south eastern edge of the foreshore redevelopment (not landscaped) and the existing car park and toilet block were not considered as suitable in the strategic review of alternative sites.

**FINANCIAL IMPLICATIONS**

Financial implications directly arising from this report relate to the cost of promoting the commercial opportunity through an EoI process, the cost of seeking public comment by advertising and displays and staff time incurred in managing and facilitating the project. These costs are budgeted under general advertising and salaries in section 350 'Property and Business Development' of the adopted 2013/14 budget and are drafted in the 2014/15 budget. Should Council elect to proceed with facilitating a café development and seek power to lease the Reserve from the Minister for Lands, the City of Busselton will negotiate revenue by a stepped lease payment from the proponent. The Department of Lands has advised that any proceeds from the lease will be required to be reinvested into future management, maintenance and improvements to the Reserve, including coastal management.

There may be future financial implications for the City, should Council consider making improvements to public infrastructure in recognition of Dunsborough's growth and specific demand generated by the café and/or kiosk proposal. For example additional car-parking bays could be built on Geographe Bay Road continuing south-east from the toilet block area, or a newly sealed, formed and extended car park could be constructed at the toilet-block site. Should this be required, the cost would be approximately \$100,000 and would create an additional nine (9) bays along Geographe Bay Road and formalise 16 bays at the toilet block site, without removing trees. A contribution to this cost may be sought from the proponent and/or use of the ground lease payments placed in a financial reserve specifically for this purpose and combined with municipal funds recognising broader public benefit of foreshore car-parking.

There are no anticipated additional costs associated with the provision of infrastructure services (power, water, telecommunications) as a result of locating the café/kiosk within the proposed containment zones (see Attachment 1) near the toilet block. There may be a need to extend sewerage depending on the nature of the proposal.

## STRATEGIC COMMUNITY OBJECTIVES

This item aligns with the following City of Busselton Key Goal Areas identified in the 2013 Strategic Community Plan:

### Key Goal Area 2:

Well-planned vibrant and active places: An attractive city offering great places and facilities promoting an enjoyable and enriched lifestyle.

2.1 - A City where the community has access to quality cultural, recreation, leisure facilities and Services

2.2 - A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections

### Key Goal Area 3:

Robust local economy: A strong local economy that sustains existing and attracts new business, industry and employment opportunities.

3.1 - A strong innovative and diversified economy that attracts people to live, work, invest and visit

3.2 - A City recognised for its high quality events and year round tourist offerings

3.3 - A community where local business is supported

## RISK ASSESSMENT

Should Council elect to continue the facilitation of a privately developed café on the Dunsborough foreshore, the following risks have been identified.

Risk	Controls	Consequence	Likelihood	Risk Rating
Inundation of potential future café building resulting from storm surge	Require the building floor level to be elevated above the natural ground level.	Major	Unlikely	High

## CONSULTATION

Public submissions were invited during the period 28 August 2013 to 30 September 2013 on a café/kiosk concept design with a building footprint of 264 sqm (plus outside timber decking and alfresco area of 203sqm) at the eastern extent of the newly redeveloped grassed area. Two hundred and three (203) responses were received based on an invitation to make open-ended comment. City officers inferred the following from the open-ended responses:

- 33% do not support any commercial development on the foreshore;
- 21% support the proposal that as advertised;
- 46% support some form of café/kiosk but have concerns on the proposal advertised, being:
  1. Parking / congestion on Geographe Bay Road
  2. Size and scale of the proposal (too large for the site)
  3. Loss of public open space (used for community events/recreation)
  4. Design concerns (example the feature wall)
  5. **Location, many expressed a preference for Site 2 near toilet block**

On 13 February 2014, City Officers and several Councillors conducted an on-site workshop and inspection of alternative sites with representatives of the Dunsborough Yallingup Chamber of Commerce Inc and the Dunsborough and Districts Progress Association Inc. Both organisations have since written to the City of Busselton supporting the strategic review of site alternatives and endorsing Council to seek further registrations of interest in a commercial café/kiosk development (up to 150m<sup>2</sup>) within the two containment zones shown in Attachment 1 of this report. Officers have also met on-site with the President of the Dunsborough Coast and Land Care Inc (DCALC) who expressed concerns having any development on the coastal reserve, with a preference for a mobile food and beverage service (rather than any built form on the Reserve) or alternatively, for any built form to be located on Seymour Park.

With respect to coastal erosion and inundation issues, the City has consulted with its coastal engineering firm '*Shore Coastal*' who has inspected the proposed development containment zones (shown at Attachment 1) and advised the western containment zone has the highest inundation risk in a severe coastal event, as it is located in a low lying swale, however the risk may be mitigated by elevating any structures from the natural ground level. The containment zones identified in Attachment 1 have a lower risk of coastal erosion than the site original proposed for a café/kiosk (i.e. at the south eastern extent of the newly turfed area).

#### **OFFICER COMMENT**

Following a decision by Council (C1311/309) on 27 December 2013 to not proceed (at that time) with the Dunsborough foreshore café/kiosk proposal presented for public comment, a strategic review of alternative sites was undertaken by City Officers in February 2014. The review considered a range of food and beverage service concepts being:

1. Mobile Vendor up to 15sqm
2. Transportable Building up to 32sqm
3. Kiosk up to 90sqm
4. Café/kiosk up to 150sqm

Several sites were assessed (as shown in Attachment 1 of this report) and evaluated against numerous criteria to determine containment zones to potentially reconsider commercial interest. The evaluation criteria included:

1. Risk of erosion
2. Risk of inundation
3. Impact on utility services
4. Parking availability
5. Indigenous heritage
6. Removal of vegetation
7. Impact on community recreational space
8. Low impact on view corridors
9. Views of the bay (likely impacts on commercial success/appeal)

The sites with the highest score were identified as being on the north side (i.e. the bay side) of the existing toilet block and car-park and are illustrated in Attachment 1 to this report. The Attachment shows two containment zones with potential built form up to 150m<sup>2</sup>.

The City's Environment Officer has conducted a site assessment and concluded the proposed containment zones represent degraded condition foreshore vegetation, dominated by introduced



species and a range of native shrubs and groundcovers including Rigid wattle (*Acacia cochlearis*), Orange wattle (*Acacia saligna*), Coastal sword sedge (*Lepidosperma gladiatum*), Berry saltbush (*Rhagodia baccata*), Basket bush (*Spyridium globulosum*). Native trees bound and shelter the zone to the north-west and south-east. Species present include WA Peppermints (*Agonis flexuosa*) and Rottnest Teatree (*Melaleuca lanceolata*) both potential habitat trees for Western ringtail possum. The design guidelines recommended below restrict removal of native vegetation.

The Dunsborough Foreshore Management Plan (2009) describes this area as degraded and recommends revegetation with low growing shrub and understorey species.

The vast majority of the containment zones being recommended in Attachment 1 is in a degraded condition and if a development is undertaken in a sensitive manner, would represent a relatively low impact site from an ecological perspective. Ecological issues that would require management include:

1. Implementing revegetation to the north of the site footprint with low growing species in order to improve the stability, aesthetic amenity and habitat value of the surrounding areas;
2. Avoiding impacts on the WA Peppermints and Rottnest Tea trees adjoining the area – these provide important habitat, visual screening and shelter to the site.
3. Minimising impacts on the Coastal Sword sedge community growing between the site and the dual use pathway. Construction access may be more suited to the beach access track from the car park.
4. Given some of the native vegetation present within this area is a result of community plantings, officers would work in consultation with the Dunsborough Coast and Land Care Inc (DCALC)

Given there appears to be general stakeholder organisation support (see Attachment 2) for an appropriately designed and scaled building within the proposed containment zones (see Attachment 1), Officers recommend Council authorises City staff to seek public comment on the proposed containment zones and contiguously invite registrations of interest for proposals to lease the land and develop/operate a commercial café/seasonal kiosk. Both public comments and commercial registrations of interest would then be further considered by Council.

Should Council resolve to invite commercial proposals, it is recommended the following design guidelines be included in the documentation:

#### Physical planning and urban design

- The height of proposed café and/or kiosk buildings is single storey
- Building covered area and alfresco limited to 150m<sup>2</sup>
- Structures to be open and visually permeable
- Location to be within the containment zones as shown in Attachment 1 to this Agenda report
- Suitable building materials and colours that reflect the natural environment of the site
- No walls, gates or fences dividing individual buildings or areas
- Retains the ambience of the Dunsborough foreshore
- Buildings/Development are 'complementary' and sympathetic' to Dunsborough's heritage, history and culture

#### Environmentally Sustainable Design

- The design of buildings to incorporate mitigation measures to avoid flooding and avoid or mitigate adverse impacts from coastal erosion
- Environmentally sustainable building principles are viewed favourably
- Using natural, durable materials to cope with the natural environment

- Restrict removal of native vegetation [e.g. WA Peppermints (*Agonis flexuosa*) and Rottneest Teatree (*Melaleuca lanceolata*)]
- Revegetating areas (where vegetation is removed) with native vegetation
- Consideration of the principles of sustainability

#### Public interest

- Acknowledgement that all future commercial development on the foreshore will be on a leasehold basis (not freehold), so the land remains at all times in public ownership.
- Initial lease length for a café style building to a maximum of 20 years, with negotiation possible for a further option

Officers propose Council seek public comment on the proposed containment zones for a café/kiosk development shown at Attachment 1 and contiguously seek preliminary Registrations of Interest for a commercial development to 'test' private sector interest in investment at the locations proposed.

Subject to community and Council acceptance of the recommended locations, any preliminary concept plans developed from Registration of Interest processes would also be subject to community consultation. These community engagement processes will also assist decision-making by the Minister for Lands to approve future lease for commercial development on the Crown Reserve.

#### **CONCLUSION**

Following community consultation in August/September 2013 on a proposed café/kiosk development as a component of the Dunsborough Foreshore redevelopment concept plan, Council subsequently resolved not to proceed with a commercial development on the identified sites between Dunn Bay Road and Chester Way.

Further engagement with local business and community stakeholder groups was conducted in February 2014 with general agreement to further investigate alternative food and beverage concepts (mobile vendor up to 15sqm; transportable building up to 32sqm; kiosk up to 90sqm; café/kiosk up to 150sqm) on a several alternative sites that meet a range of evaluation criteria. The evaluation criteria included risk of erosion and inundation; impact on utility services; parking availability; Indigenous heritage issues; removal of vegetation; impact on community recreational space; impact on residents' view corridors; and maximise views of the bay (which likely impacts on commercial success). Containment zones that scored highly against these evaluation criteria have been identified by conducting on-site meetings with local stakeholder groups to reach a consensus view. Although the identified zones may be subject to inundation from severe storm events, mitigation strategies can be put in place in the building design stage to manage this risk. This report identifies building design guidelines that can reduce the risk of potential harm factors such as inundation and ecological damage.

The report recommends Council seeks preliminary registrations of interest from the private sector for lease of an area up to 150m<sup>2</sup> for a commercial café and/or kiosk development within identified containment zones. It also recommends public comment be invited on the acceptance (or otherwise) of using this land for a café/kiosk. Should there be both public acceptance and commercial interest in a site within the containment zones, Council would then select a preferred proponent to develop more detailed concepts and contiguously seek power to lease 'A Class' Reserve, (Number R22965) from the Department of Lands and facilitate further engagement with community and business groups and other relevant government agencies such as the Department of Planning and Department of Transport. Future public comment would also be sought on concept

and building plans as part of any consideration by Council to enter a ground lease and to assist decision-making by the Minister for Lands to approve development on the Crown Reserve.

## **OPTIONS**

Council may elect:

- a) not to pursue any commercial café/kiosk development on the Dunsborough foreshore;
- b) select an alternative location and/or an alternative food and beverage concept for Dunsborough Foreshore (Reserve R22965);
- c) investigate the City of Busselton building and/or operating a café/kiosk on the Dunsborough foreshore

## **TIMELINE FOR IMPLEMENTATION OF RECOMMENDATION**

Should Council support the Officer Recommendation, staff would invite preliminary registrations of interest for a café and/or kiosk development (up to 150m<sup>2</sup>) in April/May 2014 and contiguously seek public comment on the use of the proposed containment zones for such a development.

Council would then review submissions mid-year and select a 'preferred proponent' to develop a more detailed concept for further consideration in late 2014.

## **OFFICER RECOMMENDATION**

That Council:

1. Supports, for the purposes of community consultation, the proposed containment zones (as shown in Attachment 1 to this report) for potential lease for commercial development of a café and/or kiosk up to 150m<sup>2</sup> and contiguously seeks:
  - a. public comments on the containment zones for use as a commercial café and/or kiosk; and,
  - b. registrations of interest (RoI) from the private sector to develop a café and/or kiosk for further consideration by Council
2. Endorses the evaluation criteria to assess proposals received through the RoI process as:

### Physical planning and urban design

- The height of proposed café and/or kiosk buildings is single storey
- Building covered area and alfresco limited to 150m<sup>2</sup>
- Structures to be open and visually permeable
- Location to be within the containment zones as shown in Attachment 1 to this Agenda report
- Suitable building materials and colours that reflect the natural environment of the site
- No walls, gates or fences dividing individual buildings or areas
- Retains the ambience of the Dunsborough foreshore
- Buildings/Development are 'complementary' and sympathetic' to Dunsborough's heritage, history and culture

### Environmentally Sustainable Design

- The design of buildings to incorporate mitigation measures to avoid flooding and avoid or mitigate adverse impacts from coastal erosion
- Environmentally sustainable building principles are viewed favourably

- Using natural, durable materials to cope with the natural environment
- Restrict removal of native vegetation [(e.g. WA Peppermints (*Agonis flexuosa*) and Rottnest Teatree (*Melaleuca lanceolata*)]
- Revegetating areas (where vegetation is removed) with native vegetation
- Consideration of the principles of sustainability

#### Public interest

- Acknowledgement that all future commercial development on the foreshore will be on a leasehold basis (not freehold), so the land remains at all times in public ownership.
- Initial lease length for a café style building to a maximum of 20 years, with negotiation possible for a further option

Note: Councillor Stubbs had given notice of his intention to move an alternative motion for Council to support the Officer Recommendation but defer the call for registrations of interest until after the community consultation process.

#### COUNCIL DECISION

C1403/054 Moved Councillor Stubbs, seconded Councillor Best:

That the Officer Recommendation be adopted but that the call for registrations of interest be deferred until after the community consultation process has been completed and the Council has formed the opinion that the community is supportive of the site and its proposed use.

**CARRIED 9/0**

Note: Councillor Bennett had given notice of his intention to move an alternative motion to change the total footprint of the café/kiosk to 150m<sup>2</sup> with up to 50m<sup>2</sup> of alfresco area.

#### ALTERNATIVE MOTION

Moved Councillor Bennett, seconded Councillor Tuffin:

That the footprint of the proposed café/kiosk on the Dunsborough Foreshore be changed from 150m<sup>2</sup> in total, to 150m<sup>2</sup> with up to 50m<sup>2</sup> of alfresco area, which will probably be decking as the building will need to be built on stumps, but not under the roof of the main building.

#### AMENDMENT

Moved Councillor Green, seconded Councillor Tarbotton:

That the words “if decided by the working party” be inserted after “with up to 50m<sup>2</sup> of alfresco area”.

<b>LOST 3/6</b>	
<b>FOR</b>	<b>AGAINST</b>
Cr Green	Cr Bennett
Cr Tuffin	Cr Tarbotton
Cr Best	Cr Bleechmore
	Cr McCallum
	Cr Henley
	Cr Stubbs

**COUNCIL DECISION**

C1403/055 Moved Councillor Bennett, seconded Councillor Tuffin:

That the footprint of the proposed café/kiosk on the Dunsborough Foreshore be changed from 150m<sup>2</sup> in total, to 150m<sup>2</sup> with up to 50m<sup>2</sup> of alfresco area, which will probably be decking as the building will need to be built on stumps, but not under the roof of the main building.

**CARRIED 6/3**

FOR	AGAINST
Cr Green	Cr McCallum
Cr Tuffin	Cr Henley
Cr Best	Cr Stubbs
Cr Bennett	
Cr Tarbotton	
Cr Bleechmore	

Note: In accordance with Administration Regulation 11da, reasons are required to be given for decisions made that are significantly different from a recommendation.

The Council believes 150sqm may not be big enough for a cafe/kiosk, including an al fresco area, therefore may not be viable enough to attract any interest. The Council therefore seeks to enable a proposal that has up to 50sqm of alfresco area in addition to the 150sqm.

Note: As a result of the 2 Council decisions made in relation to this matter, the following consolidated Council decision will be implemented.

**CONSOLIDATED COUNCIL DECISION**

That Council:

1. Supports, for the purposes of community consultation, the proposed containment zones (as shown in Attachment 1 to this report) for potential lease for commercial development of a café and/or kiosk up to 150m<sup>2</sup> plus up to 50m<sup>2</sup> alfresco area and seeks:
  - a. public comments on the containment zones for use as a commercial café and/or kiosk, and if the Council forms the opinion that the community is supportive of the site and its proposed use;
  - b. registrations of interest (RoI) from the private sector to develop a café and/or kiosk for further consideration by Council.
2. Endorses the evaluation criteria to assess proposals received through the RoI process if undertaken as:

**Physical planning and urban design**

- The height of proposed café and/or kiosk buildings is single storey
- Building covered area limited to 150m<sup>2</sup> and up to 50m<sup>2</sup> of alfresco area
- Structures to be open and visually permeable
- Location to be within the containment zones as shown in Attachment 1 to this Agenda report
- Suitable building materials and colours that reflect the natural environment of the site
- No walls, gates or fences dividing individual buildings or areas

- Retains the ambience of the Dunsborough foreshore
- Buildings/Development are 'complementary' and sympathetic' to Dunsborough's heritage, history and culture

#### Environmentally Sustainable Design

- The design of buildings to incorporate mitigation measures to avoid flooding and avoid or mitigate adverse impacts from coastal erosion
- Environmentally sustainable building principles are viewed favourably
- Using natural, durable materials to cope with the natural environment
- Restrict removal of native vegetation [(e.g. WA Peppermints (*Agonis flexuosa*) and Rottneest Teatree (*Melaleuca lanceolata*)]
- Revegetating areas (where vegetation is removed) with native vegetation
- Consideration of the principles of sustainability

#### Public interest

- Acknowledgement that all future commercial development on the foreshore will be on a leasehold basis (not freehold), so the land remains at all times in public ownership.
- Initial lease length for a café style building to a maximum of 20 years, with negotiation possible for a further option

**14. FINANCE AND CORPORATE SERVICES REPORT**

Nil

**15. CHIEF EXECUTIVE OFFICERS REPORT****15.1 PROPOSAL TO ADVERTISE FOR COMMUNITY CONSULTATION: THE POTENTIAL INCLUSION OF A MULTI-FUNCTIONAL CIVIC CENTRE AND PERFORMING ARTS SPACE IN THE DETAILED DESIGNS FOR A REDEVELOPED ADMINISTRATION FACILITY**

<b>SUBJECT INDEX:</b>	Administration Centre Building Review
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community; A Council that engages broadly and proactively with its community
<b>BUSINESS UNIT:</b>	Major Projects
<b>SERVICE:</b>	Major Project – Admin Building
<b>REPORTING OFFICERS:</b>	Chief Executive Officer – Mike Archer
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer – Mike Archer
<b>DATE OF COMPLETION:</b>	30 April 2014
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENT(S):</b>	Draft funding model and adjusted long term financial plan
(Refer to folded <u>WHITE</u> pages)	

**PRECIS**

This report is presented to enable the Council to consider the potential inclusion of a multi-functional civic centre and performing arts space in the detailed designs for the administration facility redevelopment. Following the Council's decision to appoint an architect for the project in July 2013, concept designs have been developed and redeveloped to meet the requirement of the City's Corporate Business Plan "City Administration Centre Redevelopment - Design and construct a redeveloped Administration Centre and Council Chamber that meets the needs of a growing community".

The most recent concept designs presented to the Councillors would achieve the requirement to provide comfortable, innovative accommodation for both the staff and civic functions under the one common roof by remodelling the existing structures (as appropriate) on their current site at a cost in the vicinity of \$20 million. A co-located multi-functional civic centre and performing arts space could also be achieved for an additional \$8 million. It is recommended that the potential inclusion of a multi-functional civic centre and performing arts space in the project be advertised to enable the community to comment on this proposal.

The desire for a performing arts centre (arts centre; entertainment centre; cultural centre) was a strong theme during the consultation undertaken by the City in its development of the Strategic Community Plan. The opportunity exists to provide a facility that would meet some of this need in the community as part of the administration building redevelopment. It is proposed that the Council releases some concept plans for the administration building redevelopment that include the multi-functional civic centre and performing arts space and seeks to validate whether the proposed multi-functional facility is desired by the community.

**BACKGROUND**

At its meeting on 27 March, 2013 (C1303/079) the Council endorsed the process for advancing the administration building project through its concept design phase and detailed design phase. In addition, as a basis for progressing the project, an indicative loan funding model was endorsed.

For completeness, the full resolution is provided below:

*That the Council:-*

1. *Endorse the traditional model for the design and construction of the project, namely the appointment of a suitably skilled architect answerable directly to Council through both the design and construct phases of the project combined with the appointment of a builder through a separate building tender, to be supervised by the architect.*
2. *Endorse the following next steps and authorise the Administration Building Working Group to proceed to the concept design phase as outlined on the Council's behalf:-*
  - a) *Preparation of a briefing paper for the City to distribute to its preferred architect panel (6) inviting them to participate in the project and providing enough information for preliminary design concept plans to be undertaken by those architects wishing to accept the invitation. The City offer to contribute towards the architect's costs in return for ownership of the proposals submitted (Estimated to cost \$5,000 for each participant).*
  - b) *Architects to present their proposals direct to a Council workshop and be questioned on the fundamental approach undertaken. Each architect will be required to submit details of their intended sub-contractors and fee structure.*
  - c) *The Council to select and short list proposal(s) for further consideration.*
  - d) *The short listed design concepts be presented to the community for their feedback on the proposals.*
  - e) *After consideration of the public comment and more details from the architects, staff, plus any other professional advice required, the Council to select the most appropriate submission and appoint the project architect.*
  - f) *The drawing up of a suitable architectural contract which includes important performance conditions and the requirement for the architect to be involved in providing information to prospective builders during the Building Tender Period.*
  - g) *The Council support the future appointment of a "Civic Building Project Committee" consisting of elected members and staff who, with professional advice as required, will monitor and make decisions pertaining to the project during the design and construction phases. A further report will be prepared to appoint the Committee at an appropriate point of time in the project.*
  - h) *The architect be commissioned to draw up detailed plans and specifications in consultation with the Civic Building Project Committee and staff as required.*



- 3) *Approve the expenditure involved in inviting the architects listed on the Council's preferred panel to participate in a competitive preliminary design concept stage at an estimated cost of \$30,000 to be funded from budget item 115-10115-3260-9749 (administration building design budget).*
- 4) *Notes the estimated project timetable and the intended construction start date of 1<sup>st</sup> April 2014 (subject to finance approval) and instructs the Working Group to proceed with the project in order to take full advantage of the current economic climate.*
- 5) *Endorses, as a basis for progressing the project, and subject to the conformation of construction and supplementary costs, along with an agreed construction timeline, an indicative loan funding model based on a borrowing of \$18,000,000 over a twenty year period (fixed interest rate), with additional annual rate increases of 1.75%, 1.75% and 1.0% in 2013/14, 2014/15 and 2016/17 respectively, with construction costs to be supplemented by a transfer of \$2,000,000 from the Asset Depreciation Reserve.*

The decision of 27 March 2013 set the framework within which the project would progress. The community was advised that the Council had committed to move to the next stage of the project to deliver new, modern and expanded administration and Council facilities for the City of Busselton. A total project cost of \$20 million was identified at that time.

The Council later appointed an architect for this purpose (C1307/200) on the 24 July 2013 and delegated authority to the CEO to finalise negotiations and enter into a contract. The architects have been working on the concept designs since that time as the project has evolved over a series of briefings with the Councillors.

A status update on the elements of the decision of the 27 March 2013 will demonstrate that:

1. The architect has been appointed and a separate building tender would be conducted upon design finalisation. In progress.
- 2a. Completed.
- 2b. Completed.
- 2c. Completed.
- 2d. While it was set out as part of that Council decision that the short-listed concepts be presented for community consultation, the Council resolved that a preferred architect be appointed with the community consultation to occur during the next phase. Completed.
- 2e. As above. Completed.
- 2f. Completed.
- 2g. The Administration Building Working Group consisting of Councillors nominated by the Council in October 2013 and various staff as required has been involved as required, with all Councillors also being involved through briefing sessions. In progress.
- 2h. The project has not yet reached detailed design stage, with the concepts still being refined. It is recommended that detailed design commence after the advertising of the potential inclusion of the multi-functional civic centre and performing arts space and the Council has considered any submissions. In progress.
3. Completed.
4. The project has been proceeding in accordance with this instruction. In progress.
5. It is noted that the financial model has been refined throughout the process of Council developing its long-term financial plan and budget, however, the project is recognised in the long-term financial plan, corporate plan and budget. In progress.

In taking forward the Council's requirement to proceed towards a detailed design phase, the CEO has discussed a range of concepts with the Councillors over a series of briefing sessions. At the most

recent session, the outcomes included the requirement to include the concept of a multi-functional civic centre and performing arts space in the concept plans, with Council to then consider whether to proceed to advertising with that concept.

### **STATUTORY ENVIRONMENT**

Sections 6.20 and 6.21 of the *Local Government Act 1995* and Regulations 20 and 21 of the *Local Government (Financial Management) Regulations 1996* refer to a Local Government's power to borrow. The financial model for either an administration and Council building, or an administration and Council building including a multi-functional civic centre and performing arts space, would include borrowings and therefore these sections of the Act and associated Regulations would apply.

### **RELEVANT PLANS AND POLICIES**

The administration facility project is identified in the City's Corporate Business Plan: "City Administration Centre Redevelopment - Design and construct a redeveloped Administration Centre and Council Chamber that meets the needs of a growing community".

In addition, the plan identifies progression of a business case for the design and development of a performing arts and convention centre as a City priority over the next four years.

### **FINANCIAL IMPLICATIONS**

A financial model to fund the administration redevelopment project was presented to the Council through the extensive report considered in March 2013. This indicative model was for a total project cost of \$20 million, consisting of a loan of \$18 million over 20 years and a transfer of \$2 million from the Asset Depreciation Reserve. This model demonstrated a requirement for a 1.75% increase in rates in both 2013/14 and 2014/15, followed by a 1% increase in 2015/16.

It must be noted that during the development of the budget for 2013/14, the Council was committed to minimising the rate increase required and therefore, despite previously advising of its intention to proceed with the redevelopment of the administration centre, decided to delay the project slightly so that a 1.75% increase in rates needed in the first year of the project was not required in 2013/14. Therefore, in whatever form the project proceeds, the rate increases have not yet commenced.

As the project has proceeded through the concept phase, many different indicative funding models have also been considered to demonstrate the City's capacity to fund the redevelopment. The proposal to include a multi-functional civic centre and performing arts space in the project will mean an additional \$8 million is added to the project cost. The organisation's long-term financial plan would also require adjustment to demonstrate the operational costs associated with running a multi-functional civic centre and performing arts space.

The financial framework of the proposed administration building, including a multi-functional civic centre and performing arts space, is discussed in more detail in the officer comment section of this report as it is central to the proposal of whether or not this facility should be included in the project. However, it is noted that it would increase to a total project cost of \$28 million. An indicative model would consist of a loan of \$22.5 million over 20 years, a transfer of \$3.5 million from City reserves and LotteryWest funding of \$1 million for the performance space component. The other \$1 million would be contributed through existing parks and gardens and carparking works budget allocations. This model demonstrated a requirement for three rate increases of 1.25%, followed by a 0.5%

increase at the completion of the project to provide for the operating costs of the multi-functional civic centre and performing arts space.

The funding model for the administration building and the associated multi-functional civic centre and performing arts space is proposed to largely consist of borrowings and reserve funds. The concept of borrowing is based on a view to achieving inter-generational equity over the term of the 20-year loan. This will ensure that future ratepayers will also be contributing to the costs associated with the facility, not just the existing ratepayers. Conversely, amounts recommended from the City's reserves recognise the asset renewal requirements of the City's existing asset base, with a contribution from the existing rate base.

The City of Busselton currently has a comparatively low level of debt, with a debt service coverage ratio of 8.9. By contrast, the Department of Local Government and Communities, through its Integrated Planning Framework, deems a debt service coverage ratio above 2.0 to be acceptable. At this time in terms of the draft long-term financial plan and including the proposed borrowing of \$22.5 million, the ratio drops to a minimum of 4.0 in 2015/16. The concept of borrowing, particularly for large infrastructure projects that provide direct community benefit over many years, assists to ensure that existing ratepayers are not over charged and future ratepayers are not under charged for the services and facilities local governments provide, a large portion of which is delivered from the main administration and Council building.

### STRATEGIC COMMUNITY OBJECTIVES

The administration building project recognises that in order for the organisation to be managed effectively and achieve positive outcomes for a growing community, expanded and redeveloped administration facilities will be required to enable the organisation to plan for, deliver and manage the large range of local government facilities and services into the future.

The potential inclusion of a multi-functional civic centre and performing arts space in the proposed redevelopment also recognises the community's objective of being a City where the community has access to quality cultural, recreation, leisure facilities and services.

### RISK ASSESSMENT

Risk	Controls	Consequence	Likelihood	Risk Level
The community no longer sees the need for a performing arts centre or the proposed multi-functional civic centre and performing arts space is not the type of facility envisaged by the community	Community consultation is undertaken prior to Council making a final determination to proceed to detailed design to determine whether or not to include a multi-functional civic centre and performing arts space	Major	Possible	High

### CONSULTATION

It is recommended that the community is consulted on whether a multi-functional civic centre and performing arts space should be included in the detailed designs for the administration building project. The information provided to the community should include the finalised concepts, the financial information including impact on rates and the type of multi-functional civic centre and performing arts space envisaged. The advertising of the proposals should invite comments to be

made to enable the Council to consider any submissions when determining how the project should proceed through its detailed design phase.

#### **OFFICER COMMENT**

The administration and Council building facility has been proceeding on the basis of the decisions made by the Council on 27 March 2013 and 24 July 2013. The architects appointed as a result of the July 2013 decision have been working on concepts for the facility since August 2013.

The concept design phase has included many options and has allowed due consideration of a number of proposals that could be considered by the Council in the provision of administrative facilities for the City. The concepts have been developed with the parameters set earlier in the process to:

- achieve the most attractive, innovative and energy efficient design to become an iconic headquarters;
- provide comfortable, innovative accommodation for both the staff and civic functions under the one common roof by remodelling existing structures on the current site;
- meet projected growth requirements taking full advantage of the latest information technology;
- take advantage of natural light and rustic surrounds depicting the coastal environment;
- provide a seamless transition through the building phase;
- as possible, support the use of local contractors;
- recognise the need to progress the project at a rate to take full advantage of the current economic climate within the building industry and offer local employment opportunities;
- adopt a staging program to ensure business continuity.

Given the fact that the current administration facilities for the City of Busselton include the previous Civic Centre, the project has proceeded on the basis that it has long been Council's stated intention to return that space to the community as part of the provision of adequate administration and Council facilities for the staff and the Council.

In moving towards that outcome, it has been recognised that the current Civic Centre building has limitations with regard to what it would be able to be used for and the CEO has been requested to demonstrate through the concept phase how the return of the Civic Centre space to the community could include an upgraded multi-functional centre that could provide for performing arts, conventions, functions, events, cinema and digital projection location and other traditional civic hall facility uses including classes and large public meetings.

While the Council has identified a preferred site for a performing arts centre adjacent to the cultural precinct, the site is occupied by the Department of Parks and Wildlife and its future availability for this purpose would be subject to a longer term negotiation. In addition, the facility that was envisaged for that site was a dedicated performing arts centre, with preliminary costings in the vicinity of \$23 million.

The multi-functional facility that is proposed with the administration building project is one that can realise a performance venue in the much shorter term and is designed to make the most of synergies between the two uses. This includes the ability for most of the administrative facilities that would otherwise form part of a performing arts facility to be shared with those facilities used for other City purposes. Dedicated office spaces will therefore not need to be incorporated into the plans for the performance space. This assists with keeping the costs for the proposed facility at a

minimum, while also allowing for efficiencies with operating costs including staffing, cleaning and other utilities.

The proposal is based on a “black box” theatre concept that was identified in the Capes Regional Arts and Cultural Facilities Needs Assessment undertaken by Peter Alexander in 2012. Mr Alexander’s report, which builds on the previous Pegasus Venues Management report, supported and recommended a facility of this type.

While the proposal is not a full scale performing arts or entertainment centre, it would include a stage, back of house and green room facilities, lobby, foyers and seating for approximately 300 people. The seating would be retractable to enable the space to be used for a range of other uses and could be hired as a convention or function space.

Importantly, the concept as it now stands provides the ability for a performance space to be provided that will meet the medium to long term needs of the community, pending future decisions on whether a full scale entertainment centre would be required in the longer term. Simply returning the previous Civic Centre space to the community would only provide a basic community facility with a more limited range of uses.

Should the Council agree with the recommendation made in this report, the concept designs would need to be finalised in preparation for advertising. In order for the advertising to proceed, should the Council determine to put this concept out for community consultation, a preliminary funding model has been generated, as well as an updated long-term financial plan.

In essence, the construction of the administration and Council facilities at a cost of \$20 million can be achieved with a rate increase of 1.25% in 2014/15 and 1.25% in 2015/16. The additional multi-functional civic centre and performing arts space component at \$8 million could be added with one more 1.25% increase in rates in 2016/17. A final 0.5% increase in 2017/18 would be required to provide for the operating costs associated with the multi-functional facility. It must be noted that the rate increases identified for this project are in addition to increases already identified through the long-term financial plan to provide for CPI and asset management purposes.

Another important notation is that the draft long-term financial plan that has been included with this report does not provide for any revenue associated with the sale of land. As this is a significant unknown, the plan does not reflect any revenue, however, it is noted that the sale of certain land is a realistic proposition and proceeds in this regard could readily be used towards the costs associated with this project. This would have a favourable impact on the forecast closing positions provided for in the long-term financial plan.

The funding model is broadly indicative and the predicted capital and operating costs of the multi-functional civic centre and performing arts space would of course be subject to further refinement and validation. This would only proceed if the Council resolves to consider the inclusion of the multi-functional civic centre and performing arts space. The recommendation as a result of this report is for the concepts including the multi-functional civic centre and performing arts space to be advertised and the community invited to comment in relation to the proposed inclusion of the additional community facilities. The matter would then be referred back to Council for further consideration.

**OPTIONS**

The Council may determine that the detailed designs should proceed to provide administration facilities only or administration and Council facilities only, with any performing arts space to be advanced separately, in accordance with the Strategic Community Plan and Corporate Business Plan.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

It is proposed that the finalised concepts would be advertised for a period of four weeks. Allowing time for finalisation of the concept plans, the preparation of advertising and community information, it is envisaged the consultation process would be completed by the end of April. Submissions would then be presented to Council for consideration after that time.

**OFFICER RECOMMENDATION**

That the Council invites public comment in relation to the proposal to provide a multi-functional civic centre and performing arts space as part of the administration building project and advertises the concept plan and funding strategy for a period of 28 days.

Note: Councillor Stubbs had given notice of his intention to move an alternative motion which would see Council deferring plans to extend/refurbish the Administration centre.

**MOTION**

Moved Councillor Stubbs, seconded Councillor Henley:

- a) That the Officer Recommendation not be adopted.
- b) That the City of Busselton defer plans to extend/refurbish the Administration Centre and to construct a new Performing Arts Centre/Multi-functional civic centre and performing arts space until such time as the already committed 1% annual rate increase for the management of the City's roads asset, as shown in the City's Long Term Financial Plan, is finished.
- c) That the City confirms that completion of the Busselton foreshore re-development has a higher priority for City funding than the extension/refurbishment of the Administration Centre and to construct a new Performing Arts Centre/Multi-functional civic centre and performing arts space.
- d) That the CEO report to Council on how any staff increases, that may occur during the period referred to in item b) above, can be accommodated, including the cost/feasibility of purchasing an additional transportable office building if considered necessary.
- e) That the Administration Centre Working Group continue to meet to further develop plans for the extension/refurbishment of the Administration Centre, with or without, a new Performing Arts Centre/Multi-functional civic centre and performing arts space. The Council to workshop the project in order to provide clear guidelines/directions to the Working Group.

- f) That the CEO report to Council on the feasibility of locating a Performing Arts Centre/Multi-functional civic centre and performing arts space on the same site as the Administration Centre and provide a business case for the project.

<b>LOST 3/6</b>	
<b>FOR</b>	<b>AGAINST</b>
Cr Stubbs	Cr Green
Cr Henley	Cr Tuffin
Cr McCallum	Cr Best
	Cr Bennett
	Cr Tarbotton
	Cr Bleechmore

Note: Councillor Tuffin had given notice of his intention to move an alternative motion which would see the Council commit to a Civic Administration project and indicate its intention to include a performing arts centre and invites public comment on the proposal for a period of 28 days.

### **COUNCIL DECISION**

C1403/056                      Moved Councillor Tuffin, seconded Councillor Bennett:

That the Council:

1. Commits to a civic administration project and indicates its intention to include a multi-functional civic centre/performing arts space as a component of the design and building process of that project.
2. As soon as possible the Council, invites – over a period of 28 days -, public comment in relation to the concept plans shown to Council on 5th March, and also in relation to the funding model that relate to this project. The council will be fully informed of the results of this consultation when making any final decisions.

<b>CARRIED 5/4</b>	
<b>FOR</b>	<b>AGAINST</b>
Cr Green	Cr Stubbs
Cr Tuffin	Cr Henley
Cr Best	Cr McCallum
Cr Bennett	Cr Bleechmore
Cr Tarbotton	

15.2 COUNCILLORS' INFORMATION BULLETIN

This Item was considered earlier in the meeting as part of the Adoption by Exception Resolution of Council. ([C1403/051, page 26](#))

16. **MOTIONS of which previous notice has been given**17. **CONFIDENTIAL REPORTS**17.1 POLICY AND LEGISLATION COMMITTEE RECOMMENDATION - SEAT ADVERTISING

<b>SUBJECT INDEX:</b>	Seat Advertising
<b>STRATEGIC OBJECTIVE:</b>	<i>Goal 2: Well Planned, Vibrant and Active Places</i> 2.3 Infrastructure assets that are well maintained and responsibly managed to provide for future generations. <i>Goal 3: Robust Local Economy</i> 3.3 A community where local business is supported.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>SERVICE:</b>	Contract Management
<b>REPORTING OFFICERS:</b>	Legal Services Co-ordinator - Cobus Botha
<b>AUTHORISING OFFICER:</b>	Director, Finance & Corporate Services – Matthew Smith
<b>DATE OF COMPLETION:</b>	March 2013
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENT(S):</b>	Nil

This item was considered by the Policy and Legislation Committee at its meeting on 20 February 2014, the recommendations from which require Council consideration. The Committee Recommendation is included in this report.

This report is confidential in accordance with Sections 5.23(2)(c) and (d) of the *Local Government Act 1995*, in that it relates to a contract entered into, or which may be entered into by the local government and legal advice obtained, or that may be obtained by the local government. The report has been provided to Councillors, the Chief Executive Officer and Directors only.

**COUNCIL DECISION / COMMITTEE RECOMMENDATION**

C1403/057 Moved Councillor Henley, seconded Councillor Green:

That the Council does not continue with the existing contract with Streetside Advertising expiring on 30 June 2014.

<b>CARRIED 8/1</b>	
<b>FOR</b>	<b>AGAINST</b>
Cr Green	Cr Bennett
Cr Tuffin	
Cr Best	
Cr Tarbotton	
Cr Stubbs	
Cr Henley	
Cr McCallum	
Cr Bleechmore	



**18. QUESTIONS FROM MEMBERS**

Nil

**19. PUBLIC QUESTION TIME**

Nil

**20. NEXT MEETING**

26 March 2014

**21. CLOSURE**

The meeting closed at 7.53pm

THESE MINUTES CONSISTING OF PAGES 1 TO 57 WERE CONFIRMED AS A TRUE AND CORRECT

RECORD ON

\_\_\_\_\_

DATE:

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PRESIDING MEMBER:

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