

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

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 13 APRIL 2016

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN MEETING ROOM ONE, COMMUNITY RESOURCE CENTRE, 21 CAMMILLERI STREET, BUSSELTON, ON 13 APRIL 2016 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.30pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Hanley Mayor

Members:

Cr Coralie Tarbotton
Cr Ross Paine
Cr Terry Best
Cr John McCallum
Cr Rob Bennett
Cr Paul Carter
Cr Robert Reekie
Cr Gordon Bleechmore

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, 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
Mrs Lisa Haste, Governance Support Officer

Apologies

Nil

Approved Leave of Absence

Nil

Media:

"Busselton-Dunsborough Times"
"Busselton-Dunsborough Mail"

Public:

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3. PRAYER

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

4. PUBLIC QUESTION TIME**Response to Previous Questions Taken on Notice****Public Question Time**

Nil

5. ANNOUNCEMENTS WITHOUT DISCUSSION**Announcements by the Presiding Member****Announcements by other Members at the invitation of the Presiding Member**

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND PRESENTATIONS**Petition –**

A petition in support of the Council's decision relating to the Dog exercise area at Vincent Street in Dunsborough was presented which stated:

"We the undersigned would like to support council's decision in making the above area a dog beach. It has the support of so many locals who are all responsible dog owners.

We did hear a petition was presented to council and cannot believe there is so much negativity arising from your considered decision.

Most of the undersigned are locals and have witnessed very few problems, even in the busy times, during Xmas and New Year.

We look forward to council retaining its original decision when it comes time to review this matter".

Council Decision**C1604/069**

Moved Mayor G Henley, seconded Councillor J McCallum

That the petition be received and be considered as part of the evaluation process of the dog exercise areas without requiring a separate report.

CARRIED 9/0**Presentations -**

Mr Bob Lloyd addressed Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.2. Mr Lloyd was not in agreement with the proposed supermarket and showroom at Lot 17 West St, Busselton.

Ms Margie Tannock, Mr Larry Guise and Mr Michael Chappell, representing Australian Unity Investments addressed Council in accordance with Section 6.1 of the Standing Orders as a

party with an interest in Item 11.2. The representative group were not in support of the proposed supermarket and showroom at Lot 17 West St, Busselton.

- 6.00pm The Director, Finance and Corporate Services left the meeting.
- 6.04pm The Director, Finance and Corporate Services returned to the meeting.
- 6.06pm The Director, Finance and Corporate Services left the meeting.
- 6.08pm The Director, Finance and Corporate Services returned to the meeting.

Ms Peta Semmens addressed Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.2. Ms Semmens was not in agreement with the proposed supermarket and showroom at Lot 17 West St, Busselton.

- 6.10pm The Executive Assistant to the CEO entered the meeting.
- 6.12pm The Executive Assistant to the CEO left the meeting and did not return.

Mrs Kerrie Lander addressed Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.2. Mrs Lander was not in agreement with the proposed supermarket and showroom at Lot 17 West St, Busselton.

Mr Allan Erceg and Mr Paul Kotsoglo, representing the proponent addressed Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.2.

Mr Barry Brown addressed Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 14.1. Mr Brown was not in agreement with the lease conditions and lease area. Mr Brown supported Councillor Bennett's alternative motion.

- 6.50pm At this time the Meeting was adjourned to consider a letter from the Western Australian Planning Commission relating to Item 11.2 on the Council agenda.
- 6.54pm At this time the meeting was reconvened.

8. DISCLOSURE OF INTERESTS

The Mayor announced his declaration of a proximity interest in Item 14.1 – Geographe Bay Yacht Club Lease Renewal Request.

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 14.1 was discussed.

9. CONFIRMATION AND RECEIPT OF MINUTES

Previous Council Meetings

- 9.1 Minutes of the Council held on 23 March 2016

Council Decision

C1604/070

Moved Councillor J McCallum, seconded Councillor G Bleechmore

That the Minutes of the Council Meeting held 23 March 2016 be confirmed as a true and correct record.

CARRIED 9/0

Committee Meetings

9.2 Minutes of the Airport Advisory Committee Meeting held 23 March 2016

Council Decision

C1604/071 Moved Councillor C Tarbotton, seconded Councillor R Reekie

- 1) That the minutes of the Airport Advisory Committee Meeting held 23 March 2016 be received.
- 2) That the Council notes the outcomes of the Airport Advisory Committee Meeting held 23 March 2016 being:
 - a) The Busselton-Margaret River Regional Airport Master Plan (2016-36) Item is presented for Council consideration at Item 10.1 of this agenda.

CARRIED 9/0

9.3 Minutes of the Policy and Legislation Committee Meeting held 24 March 2016

Council Decision

C1604/072 Moved Councillor J McCallum, seconded Councillor C Tarbotton

- 1) That the minutes of the Policy and Legislation Committee Meeting held 24 March 2016 be received.
- 2) That the Council notes the outcomes of the Policy and Legislation Committee Meeting held 24 March 2016 being:
 - a) The Proposed Adoption of Policy on Beach Shelters Item is presented for Council consideration at Item 10.2 of this agenda.
 - b) The Minor Updating of Council Policies Following Further Review Process Item is presented for Council consideration at Item 10.3 of this agenda.
 - c) The Review of Policy 133: Drainage in Recreation Reserves Item is presented for Council consideration at Item 10.4 of this agenda.
 - d) The Review of Policy 181: Crossovers Item is presented for Council consideration at Item 10.5 of this agenda.
 - e) The Review of Policy 025: Building Control - Standard of Site Classification for Subdivisions Item is presented for Council consideration at Item 10.6 of this agenda.
 - f) The Review of Policy 195: Reinstatement of Works in Road Reserves Item is presented for Council consideration at Item 10.7 of this agenda.

CARRIED 9/0

9.4 Minutes of the Special Finance Committee Meeting held 7 April 2016

Council Decision**C1604/073** Moved Councillor T Best, seconded Councillor P Carter

- 1) That the minutes of the Special Finance Committee Meeting held 7 April 2016 be received.
- 2) That the Council notes the outcomes of the Special Finance Committee Meeting held 7 April being:
 - a) The Budget Allocation for the Construction of the Busselton Transfer Station and Proposed Contract Award is presented for Council consideration at Item 10.8 of this agenda.

CARRIED 9/0

ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION

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

Council Decision

C1604/074 Moved Councillor G Bleechmore, seconded Councillor P Carter

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

- 10.1 Airport Advisory Committee - 23/03/2016 - BUSSELTON-MARGARET RIVER REGIONAL AIRPORT MASTER PLAN (2016-36)
- 10.2 Policy and Legislation Committee - 24/03/2016 - PROPOSED ADOPTION OF POLICY ON BEACH SHELTERS
- 10.3 Policy and Legislation Committee - 24/03/2016 - MINOR UPDATING OF COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS
- 10.4 Policy and Legislation Committee - 24/03/2016 - REVIEW OF POLICY 133: DRAINAGE IN RECREATION RESERVES
- 10.5 Policy and Legislation Committee - 24/03/2016 - REVIEW OF POLICY 181: CROSSOVERS
- 10.6 Policy and Legislation Committee - 24/03/2016 - REVIEW OF POLICY 025: BUILDING CONTROL - STANDARD OF SITE CLASSIFICATION FOR SUBDIVISIONS
- 10.7 Policy and Legislation Committee - 24/03/2016 - REVIEW OF POLICY 195: REINSTATEMENT OF WORKS IN ROAD RESERVES
- 11.1 AMENDMENT NO. 17 TO LOCAL PLANNING SCHEME NO. 21 - INTRODUCTION OF A SPECIAL PROVISION AREA TO PERMIT AN UNRESTRICTED LENGTH OF STAY AND REZONE PORTION OF LAND FROM PUBLIC PURPOSE RESERVE TO AGRICULTURE - DUNSBOROUGH LAKES HOLIDAY RESORT AND CARAVAN PARK - CONSIDERATION FOR FINAL APPROVAL
- 13.1 GLC ALLIED HEALTH PROFESSIONAL SUITES
- 13.2 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES
- 14.2 CONTRACT FOR ELECTRICITY SUPPLY TO CITY OF BUSSELTON CONTESTABLE SITES
- 15.1 COUNCILLORS' INFORMATION BULLETIN

CARRIED 9/0

EN BLOC

10. REPORTS OF COMMITTEE

10.1 Airport Advisory Committee - 23/03/2016 - BUSSELTON-MARGARET RIVER REGIONAL AIRPORT MASTER PLAN (2016-36)

SUBJECT INDEX:	Busselton-Margaret River Airport
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Community Services; Commercial Services
ACTIVITY UNIT:	Commercial Services
REPORTING OFFICER:	Director, Community and Commercial Services - Naomi Searle
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Busselton-Margaret River Regional Airport Master Plan (2016-36)

This item was considered by the Airport Advisory Committee at its meeting on 23 March 2016, the recommendations from which have been included in this report.

The BMRRA Master Plan (2016-36) contains draft noise contours as a result of requests received through recent community information sessions regarding airport noise management. It is to be noted that the draft noise contours are not finalised and are subject to change following a recently commissioned peer review. The contours contained within the Plan are indicative only, once finalised they will be formally presented to the Council through the Airport Advisory Committee.

PRÉCIS

Following the submission of a comprehensive Business Case to the State Government, the City of Busselton was awarded \$55.9m for the redevelopment of the Busselton-Margaret River Airport (BMRA).

As part of the overall project, a review of the key plans and studies completed as part of the Business Case was been undertaken, including the key informant to the overall project, the Busselton Regional Airport Master Plan (2011-31). Following the endorsement (C1512/366) of the BMRA Concept and Staging Plan as an informing document to the Master Plan in December 2015, this report presents the Busselton – Margaret River Airport Master Plan (2016-2036) and recommends that Council endorses the Plan as a guide for future planning.

BACKGROUND

In 2011 the City of Busselton completed the Busselton Regional Airport Master Plan (2011-2031) outlining future opportunities for growth and development. Since then, the City of Busselton has progressed a considerable number of studies in conjunction with the South West Development Commission (SWDC) resulting in the submission of a State Government Business Case to redevelop the Busselton Regional Airport (BRA). The Business Case considered three development options; stage 1 (current intrastate services), stage 2 (future domestic services), and stage 2a (future short haul international services).

In June 2015 the City was awarded funding of \$55.9m to complete stage 2. In addition to this, in March 2016 a funding application was submitted to the Commonwealth Government's National Stronger Regions Fund to progress the project to international status.

Since the completion of the original Master Plan and Business Case, considerable progress has been made in delivering aspects of stage 1. In addition to this, a review of the Master Plan has been

undertaken. The review follows Council's consideration and subsequent endorsement (C1512/366) of a 'Concept and Staging Plan' as a key informant to the revised Master Plan.

The purpose of the Master Plan is to establish the framework for the future planning and development of the redeveloped BMRA to ensure the region achieves its strategic objectives and capitalizes on the aeronautical and commercial opportunities provided by the airport, whilst also meeting State Government funding deliverables. The Master Plan is intended to establish the basis for more detailed studies of design, infrastructure planning, land use planning and environmental impacts required to achieve the strategic direction.

This report outlines the key aspects of the Master Plan (2016-36) and seeks Council's endorsement of the Plan as a guide for future planning.

STATUTORY ENVIRONMENT

The BMRA operates in accordance with the following; Aviation Transport Security Act 2004, Aviation Transport Security Regulations 2005, CASA MOS 139, the City of Busselton's Transport Security Plan, policies and procedures.

RELEVANT PLANS AND POLICIES

The Busselton Regional Airport Master Plan (2011- 2031) and Busselton Regional Airport Statement of Intent outline the vision for the BRA redevelopment and are relevant to this report.

FINANCIAL IMPLICATIONS

The State Government funding of \$55.9m to deliver stage 2 has been incorporated into the City's 2015/16 adopted budget, and will form part of future budgets. The funding covers operational and capital costs associated with the project. Cost estimates (+/- 20%) have been prepared as part of the Master Planning process.

Due to the Business Case budget being prepared in 2013 variations between costings contained within the Business Case and the revised Master Plan were anticipated. However as part of the Master Planning process a review of future infrastructure and functional requirements and options has resulted in stage 2 cost estimates remaining within the set budget.

Long-term Financial Plan Implications

An operational financial model was developed as part of the State Government Business Case proposal which incorporated a 10-year financial plan. The model considered revenues and costs associated with the upgraded facility, including up-front and recurrent capital and ongoing operational expenditure. The model demonstrates that the upgraded facility will be self-sustainable, generating a modest profit into the future, to be transferred into the City's Airport Infrastructure Renewal and Replacement Reserve at the end of each financial year.

The Long Term Financial Plan (LTFP) is currently based on the 'here and now' scenario (stage 1), and will require updating to reflect the project, including ongoing operational and capital revenue and expenditure based on the stage 2 redevelopment. This work has commenced and will be incorporated into the next LTFP review. Further feasibility studies, forecasts and modeling will also be undertaken in due course on the opportunities associated with the potential development of landside aviation related industries on land surplus to the needs of the airport operations.

STRATEGIC COMMUNITY OBJECTIVES

The BMRA is consistent with following the City of Busselton's strategic Objectives:

Well Planned, Vibrant and Active Places:

- Infrastructure Assets that are well maintained and responsibly managed to provide for future generations;
- Connected City of Busselton Transport options that provide greater links within our district and increase capacity for community participation.

RISK ASSESSMENT

Whilst a formal risk assessment is being developed as part of the overall development project, at a high level, and based on the Busselton Regional Airport Master Plan (2011-2031), a comprehensive risk assessment was undertaken as part of the development of the State Government business case proposal that identified and evaluated the effect of uncertainty on the project's objectives and deliverables, including risk mitigation strategies. The assessment considered the full project lifecycle, including pre and post project implementation mitigation strategies. Whilst there are risks assessed as both 'high' and 'medium', it was considered by business case steering committee members that the risks are manageable and were therefore accepted as part of the business case proposal. Below outlines the risks assessed as 'high';

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Passenger demand (competition from other leisure destinations and whether direct access is required)	Ensure attractive route schedules Ensure competitive ticket pricing Effective airport and destination marketing and positioning including iconic Margaret River brand	Major	Possible	High
Sustainable and long term airline operating at BRA	Industry and government support is required to underwrite the route Potential to regulate the route to protect the first airline entrant in commencement years Seek agreement to guarantee the route during underwriting period	Major	Possible	High
Projected aeronautical revenue not realised	Letter of intent, in-principle agreement from commercial airlines to operate from the BRA Effective airport and destination marketing	Major	Possible	High

CONSULTATION

A significant amount of consultation was undertaken as part of the development of the Business Case proposal, which was overseen by a State Government appointed steering committee comprising of representatives from; SWDC, Department of Transport, Department of Treasury, Tourism WA and the City of Busselton. Following the announcement of the State Government funding, a Project Governance Committee was established to oversee the overall deliverables of the project and associated funding. Committee members include; SWDC, Department of Transport, Department of Treasury, Tourism WA, City of Busselton, and the Department of Regional Development as observers.

Throughout the development of the Master Plan (2016-36) a number of stakeholders were consulted with including; Department of Fire and Emergency Services, Department of Parks and Wildlife, Royal Flying Doctors Service, McDermotts Aviation, Busselton Aero Club, Satterley Property Group, Busselton Water, Water Corporation, Western Power, Office of Environmental Protection Agency, Cristal Mining, and regular users of Airport. Further to this, the Master Plan (2016-36) has been presented to the Project Government Committee through the submission of a Project Definition Plan (PDP), which reflects the deliverables outlined within State funding agreements.

OFFICER COMMENT

The first key deliverable in the BMRA Development Project was the preparation of a Project Definition Plan (PDP), which upon approval from the State Government appointed Project Governance Committee provides the basis to commence the delivery phase of the project. The PDP provides the level of definition required for the next step, the preparation of detailed documentation to progress a public tender process to deliver the project. Using the Business Case as a base for the project parameters, the PDP confirms the scope, cost, schedule and risks associated with investing in the project.

The following key elements of the project are included in the PDP:

- Project Scope outlining the project objectives and key deliverables;
- The **Busselton-Margaret River Regional Airport (BMRRA) Master Plan (2016-36)**, including future staging of development works and their impact on the project;
- Project Delivery outlining the critical success factors, constraints, considerations, land assembly, site infrastructure and functional requirements;
- Construction programme outlining the staging, project schedule and approvals;
- Cost Schedule and transitional requirements to operations;
- Procurement and Financing outlining how the project will be procured reflective of the market environment;
- Project Management and Reporting summarising project processes and methodologies; and
- Governance arrangements, operational approvals and probity.

The approved PDP will become the reference point for all future decisions during the design, construction and commissioning of the redeveloped BMRRA.

As part of the development of the PDP, a review of the BRA Master Plan (2011-31) was undertaken as the initial step in defining the scope of the Development Project to enable interstate services (stage 2). In June 2015 Aviation Projects was commissioned to undertake the review and to provide costings based on the staged upgrade options identified as part of the Business Case proposal.

Through this review three key constraints were identified within the BRA Master Plan (2011-31), including;

- a lack of opportunity for future expansion to service larger code 4E or 4F aircraft due to the inability to expand the apron parking bays to the north;
- the reliance on the undergrounding of overhead power lines for airside pavement infrastructure places increased pressures on the project budget and timeframes; and
- the entrance into the main terminal precinct behind the adjacent industrial estate conflicts with the sense of place and experience that is aimed at visitors arriving and departing the internationally recognised 'Margaret River Region'.

Incorporating input from key stakeholders to assess and determine infrastructure demand drivers, service delivery requirements, current infrastructure constraints, and future infrastructure development opportunities, the revised BMRA Master Plan (2016 - 2036) (Attachment A) identifies the entire infrastructure (critical or otherwise) that is pertinent to sustainable airport growth, and clearly confirms the parameters for the stage 2 BMRA Development Project.

Stage 2

The completion of the BMRA Development Project (stage 2) will provide for new alternate direct transport access into and out of the South West Region. This will be achieved by the BMRA being upgraded to service, at a minimum, A320/B737 Code 4C narrow body aircraft using instrument non-precision approaches, to enable domestic Regular Public Transport (RPT) and charter services to east coast destinations, as well as other aviation activities.

Stage 2AEO

Following the completion of stage 2, and during the 20 year planning horizon, various aviation-related enterprise opportunities are expected to arise. These opportunities will rely on infrastructure available within the scope and according to the design aircraft of the other stages.

Stage 2A

Stage 2A will provide access for narrow body code 4C aircraft to international destinations such as Singapore, Kuala Lumpur and Denpasar, and longer range domestic destinations such as Brisbane.

Stage 3

Stage 3 will see Code 4E wide body aircraft (A330/B787) using category I precision approaches, conducting domestic and international RPT and charter operations, as well as other aviation activities.

Stage 4

In addition to the potential for the BMRA to act as an A380 alternate or emergency diversion airport, the Master Plan considers spatial requirements applicable to permanent operations of Code 4F aircraft (B747-800F).

Reflective of the Business Case, and State Government funding agreements, the revised Master Plan provides for the completion of stage 2 which incorporates the following deliverables:

- runway lengthening to 2340m;
- runway widening to 45m;

- runway strengthening to 44 Pavement Classification Number (PCN);
- construction of 2 new apron bays and connecting taxi-way;
- construction of a new terminal building to facilitate up to 350 passengers;
- new entry road/statement and internal road network;
- site-wide services upgrade including the creation of services corridors and easements;
- refuelling options for larger aircraft such as Jet A1 fuel facilities and refuelling tankers;
- construction of an additional 600 car parking bays;
- acquisition of land to facilitate runway lengthening; and
- flexible design which accommodates future master planned phases.

The PDP incorporating the revised Master Plan has been submitted to the Project Governance Committee for approval, which is expected to be received by the end of March 2016. On this basis the revised Master Plan is presented for formal endorsement of Council as a guide for future planning.

CONCLUSION

Whilst the parameters for the initial stages of the revised Master Plan was confirmed through the State Government Business Case and subsequent funding commitment of \$55.9m, a review of the Plan was deemed necessary to confirm the scope of the Development Project and provide up to date costings. Whilst the functional requirements and deliverables have not deviated from the previous Master Plan (2011-31) or Business Case, the layout and staging of the Plan has been amended to cater for future needs. As a key guiding document for future development, it is recommended that the Council endorses the Master Plan (2016-36) as a guide for future planning.

OPTIONS

The Council could choose not to endorse the Master Plan, however it must be noted that State Government funding is tied to the deliverables outlined in stage 2 and any change to this may jeopardize current funding arrangements.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Upon Council endorsement the Master Plan (2016-36) will be finalized immediately.

Council Decision/Committee Recommendation/Officer Recommendation

C1604/075

Moved Councillor G Bleachmore, seconded Councillor P Carter

That the Council endorses the Busselton – Margaret River Airport Master Plan (2016-2036) as a guide for future planning.

CARRIED 9/0

EN BLOC

10.2 Policy and Legislation Committee - 24/03/2016 - PROPOSED ADOPTION OF POLICY ON BEACH SHELTERS

SUBJECT INDEX:	Adoption of Policy - Beach Shelters
STRATEGIC OBJECTIVE:	Our natural environment is cared for and enhanced for the enjoyment of the community and visitors.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger & Emergency Services
REPORTING OFFICER:	Ranger and Emergency Services Coordinator - Dean Freeman
AUTHORISING OFFICER:	A/Director, Planning and Development Services - Martyn Glover
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

This item was considered by the Policy and Legislation Committee at its meeting on 24 March 2016, the recommendations from which have been included in this report.

PRÉCIS

Council has been seeking to address the buildup of long term beach shelters on local beaches. This report seeks to outline the matters to be considered and recommended policy to provide guidance to City staff and the community on the objectives of Council in this matter.

BACKGROUND

At its ordinary meeting of 14 October 2015, the Council received a petition that effectively asked that the Council support allowing the placement of shelters on beaches and to allow those shelters to remain in place for the duration of the summer - rather than having to be put up and taken down each day or as needed, which is what the City's Property Local Law requires (unless a permit has been issued to allow a shelter to remain in place for a longer period).

At the 14 October meeting, the Council resolved that the CEO prepare a report relating to the petition for consideration by the Council or a committee.

Council, at its meeting on 9 December 2015 resolved as follows:

- 1. That it does not support the placement of shelters for private purposes on beaches overnight;*
- 2. Supports the implementation of the Property Local Law by facilitating removal of shelters placed on beaches (or in any other public place), contrary to the local law; and*
- 3. That a draft policy to that effect be prepared for consideration by the Policy and Legislation Committee.*

This report is being presented for the Committee's and Council's consideration pursuant to that Council resolution.

STATUTORY ENVIRONMENT

The principal statutory environment is set out in the *City of Busselton Local Government Property Local Law 2010* ('the local law'). The local law contains the following key provision:

- 3.14 Permit required to camp outside a facility...
- 3) A person must not without a permit...

(b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

It is clear that a 'beach shelter' or similar can therefore not be placed on local government property without the prior granting of a permit, following the making of an application for such a permit.

Unauthorised structures can be impounded under the provisions of the Local Government Act 1995 and the Local Government (Functions and general) Regulations.

RELEVANT PLANS AND POLICIES

There are no plans or policies currently relevant to this matter.

FINANCIAL IMPLICATIONS

Resources required for implementation of the local law, that is to remove shelters left overnight or longer, are provided for within the City's overall operational budget and can be achieved without any significant effect on other operational areas.

Changing that approach, however, through seeking, assessing and then monitoring compliance with permits allowing shelters to remain overnight or longer would require more resources and would have a discernible effect on other operational areas, unless additional resources were made available. Additionally the City would have a duty of care to ensure that structures were maintained and safe and this would require additional resourcing.

Long-term Financial Plan Implications

There are no long-term financial plan implications associated with this matter.

STRATEGIC COMMUNITY OBJECTIVES

Consideration of this matter is consistent with Key Goal 5 – Cared for and Enhanced Environment, Community Objective 5.1 - Our natural environment is cared for and enhanced for the enjoyment of the community and visitors – of the City of Busselton Strategic Community Plan 2013.

RISK ASSESSMENT

An assessment of the risks associated with implementing the officer recommendation has been undertaken using the City's risk assessment framework. Only 'downside' risks, rather than 'upside' risks are identified, and risks are only identified where the residual risk, once controls are identified, is assessed as 'medium' or greater. No such risks have been identified.

CONSULTATION

No community consultation has been undertaken in the preparation of this report. The Council could, either in considering this report or at some point in the future, choose to undertake consultation, but this is not considered necessary given Point 1 of Council's resolution from 9 December 2015 as follows:

1. That it does not support the placement of shelters for private purposes on beaches overnight.

OFFICER COMMENT

Over recent summers, the Council has noted an increase in the number and structural complexity of beach shelters erected. It is considered that as beaches are a significant part of the natural environment, the City needs to ensure that structures are not allowed to any extent that compromises this asset.

Beaches are public open space and should not be allowed to develop a setting more aligned with commercial or material objectives. The nature of semi permanently erected shelters gives the appearance of private use only as it is reasonable for users of the beach to assume that they are unable to use someone else's property.

Matters such as structural integrity and restricting public use of beaches have been previously discussed in other reports to Council. These reports to Council have noted the issues of lack of identification of ownership/responsibility for the current structures and with that, the ability to promptly take any remedial action to remedy risks to public safety.

Previous reporting to Council has also identified the additional impost on City resources in receiving, assessing and then ongoing maintenance of conditions of approval associated with any proposal to allow structures to be erected for longer terms on a permit basis.

While the focus of the City's enforcement of the provisions of the Local Government Property Local law has been aimed at preventing the buildup of long term unauthorised structures on beaches, consideration also needs to be given to permitting structures which are deemed necessary for other authorised activities.

In this regard, structures associated with City supported events such as the Gourmet Escape, Kellogs Nutri Grain ironman Series, or structures relating to the provision of Surf Life Saving WA beach patrols need to be catered for.

Structures for these activities can be adequately assessed as part of the overall assessment of the activity in terms of Policy 231 – Events, which is intended to promote and encourage events that enhance a wide variety of opportunities to residents and visitors to the City of Busselton while ensuring compliance with Regulatory requirements and standards.

CONCLUSION

Adoption of the proposed policy will provide for the consistent enforcement of the Council's objectives relating to structures on beaches. The Policy as proposed seeks to keep our beaches as part of our natural environment while still facilitating structures which are required as part of other authorised activities.

OPTIONS

Should the Council not support the principle behind the officer recommendation; that the draft policy be adopted, Council will then need to consider an alternative strategy for dealing with shelters on beaches. This may include the issuing of permits allowing structures, however this would require resources for receiving and assessing applications as well as on the ground monitoring of structures for permits and public safety. These costs have not been considered in this report and will require further investigation and reporting to Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

This Policy will be implemented immediately following its adoption by Council.

Committee Recommendation and Officer Recommendation

That the Council adopts the Policy relating to Shelters and Structures on Beaches:

	Shelters and Structures on beaches	DRAFT V1
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1. PURPOSE

The purpose of this Policy is to establish the objectives of the Council in the management of structures erected on beaches within the City of Busselton.

2. SCOPE

This policy will guide the community and staff on circumstances when shelters or structures may be permitted to be erected, and the manner in which structures which are erected without authorisation are to be removed.

3. POLICY CONTENT

Definition - Beach Shelter - For the purposes of this policy, "beach shelter" shall mean a temporary portable structure which when erected is designed for the purposes of providing shade or shelter from the wind. A beach shelter shall not exceed an area greater than 9m² and shall remain erected only during the hours of daylight.

Consistent with the provisions of the City of Busselton Local Government Property Local Law 2011, the City of Busselton does not support the overnight retention of shelters and structures that have been erected on beaches within the City.

Structures may only be erected on the beach and left overnight where this is absolutely necessary for an activity or event authorised by the City under the City of Busselton Local Government Property Local Law 2011.

4. APPLICATION OF THE POLICY

Applications to erect shelters or structures on a beach will only be supported if the Applicant satisfactorily addresses the following matters:

1. There is no practical alternative available other than leaving the structure erected,
2. Location – so as to minimise obstruction/conflict
3. Public Liability insurance – (minimum value \$10,000,000)
4. Structural integrity.

Unauthorised structures shall be managed in accordance with the Local Government Act 1995, the Local Government (Functions and General) Regulations and Operating practices and Procedures developed for this purpose.

Such Procedures shall provide for the giving of 72 hours' notice to remove the structure, after which the structure shall be impounded.

The procedure shall also provide for the immediate removal of the structure if it is considered to be obstructing community access, poses a risk to the public due to structural integrity issues or other factors such as inclement weather which potentially pose a risk to public safety.

Policy Background

Policy Reference No. - TBC

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy approved by – Council

Date Approved – For Consideration

Review frequency – As required

Related Documents – City of Busselton Local Government Property Local Law

History

Council Resolution	Date	Information
		Version 1

Note:

Following the Policy and Legislation Committee meeting, an Alternative Officer Recommendation was presented for Council consideration with the incorporation of a reference to the clause in the Property Local Law that allows beach shelters to be placed without a permit, but not overnight, and which requires a permit before any other structure can be placed on the beach, the purpose is to ensure that officers and the public in future can easily find the relevant clause.

Also, the description of what is considered the reasonable maximum size of a shelter was modified to be slightly larger (15m² rather than 9m²), the description is also not know characterized as a 'definition', but as what is considered reasonable – the reason for the increase in size was because beach shelters are often of the somewhat larger size, and especially in more isolated parts of the coast, as long as shelters are not left overnight, slightly larger shelters are not seen as being problematic. It is not appropriate to define a term via a policy, but where there is no specific definition, a policy can provide clear guidance regarding what is reasonable.

Council Decision/ Alternative Officer Recommendation

C1604/076

Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council adopts the Policy relating to Shelters and Structures on Beaches:

	Shelters and Structures on beaches	DRAFT V1
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1. PURPOSE

The purpose of this Policy is to establish the objectives of the Council in the management of structures erected on beaches within the City of Busselton.

2. SCOPE

This policy will guide the community and staff on circumstances when shelters or structures may be permitted to be erected, and the manner in which structures which are erected without authorisation are to be removed.

3. POLICY CONTENT

Clause 3.14 (3) (b) of the City's Property Local Law sets out that –

A person must not without a permit –

...erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

As a result of the above, a 'beach shade or windbreak' can be brought to the beach for use for the day, but is not allowed to remain overnight, and nor is any other kind of structure allowed, without a permit. 'Beach shade or windbreak' is not specifically defined, but Council considers that any structure larger than 15m² in area cannot reasonably be considered to be a 'beach shade or windbreak'.

Consistent with the provisions of the City of Busselton Local Government Property Local Law 2011, the City of Busselton does not, though, support the overnight retention of any shelters or structures that have been erected on beaches within the City, other than in the circumstances set out in the paragraph below.

Structures may only be erected on the beach and left overnight where this is absolutely necessary for an activity or event authorised by the City under the City of Busselton Local Government Property Local Law 2011.

4. APPLICATION OF THE POLICY

Applications to erect shelters or structures on a beach will only be supported if the Applicant satisfactorily addresses the following matters:

1. There is no practical alternative available other than leaving the structure erected,
2. Location – so as to minimise obstruction/conflict
3. Public Liability insurance – (minimum value \$10,000,000)
4. Structural integrity.

Unauthorised structures shall be managed in accordance with the Local Government Act 1995, the Local Government (Functions and General) Regulations and Operating practices and Procedures developed for this purpose.

Such Procedures shall provide for the giving of 72 hours' notice to remove the structure, after which the structure shall be impounded.

The procedure shall also provide for the immediate removal of the structure if it is considered to be obstructing community access, poses a risk to the public due to structural integrity issues or other factors such as inclement weather which potentially pose a risk to public safety.

Policy Background

Policy Reference No. - TBC

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy approved by – Council

Date Approved – For Consideration

Review frequency – As required

Related Documents – City of Busselton Local Government Property Local Law

History

Council Resolution	Date	Information
		Version 1

CARRIED 9/0

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10.3 Policy and Legislation Committee - 24/03/2016 - MINOR UPDATING OF COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS

SUBJECT INDEX:	Policies and Procedures
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Engineering and Works Services
ACTIVITY UNIT:	Facilities; Operations Services
REPORTING OFFICER:	Director, Engineering and Works Services - Oliver Darby
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Asbestos Management Policy With Proposed Changes Tracked Attachment B Rails to Trails Policy With Proposed Changes Tracked Attachment C Private Works Margin Policy With Changes Tracked Attachment D Maintenance Bonds for Subdivisions Policy With Changes Tracked

This item was considered by the Policy and Legislation Committee at its meeting on 24 March 2016, the recommendations from which have been included in this report.

PRÉCIS

The City's rolling review of Council policies continues via the Policy and Legislation Committee. This report presents a range of policies that have been reviewed by the responsible officers and assessed as requiring only minor changes as outlined in this report. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required.

This report presents a range of policies in the Engineering and Works Services area of responsibility, being Asbestos Management, Rails to Trails, Private Works Margin and Maintenance Bond for Subdivisions.

BACKGROUND

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

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 proposes the minor update of a series of existing policies of the Council.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the review of these policies.

Long-term Financial Plan Implications

Not applicable.

STRATEGIC COMMUNITY OBJECTIVES

The ongoing review of Council policies helps achieve governance systems that deliver responsible, ethical and accountable decision-making. This range of policies relates to the objective of well maintained infrastructure assets that are responsibly managed to provide for future generations.

RISK ASSESSMENT

Having a policy relating to any matter is an effective risk mitigation strategy and there are no risks remaining at a sufficient level for further individual assessment.

CONSULTATION

Not required.

OFFICER COMMENT

This report presents a range of policies that have been reviewed by the responsible officers and assessed as requiring only minor changes. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required.

In the main, it is the considered view of the relevant officers that the policies included in this report have been operating efficiently and effectively since the previous review was undertaken by the Policy and Legislation Committee and the Council.

Asbestos Management Policy 010

The only changes recommended to this policy are updating Shire to City and the responsible business unit to Engineering and Facilities Services.

Rails to Trails Policy 011

The only changes recommended to this policy are updating Shire to City as required and the responsible business unit to Engineering and Facilities Services.

Private Works Margin Policy 063

Changes recommended to this policy are updating Shire to City and the details of the responsible area and officers. Additionally, it is proposed that the requirement for the payment in advance exception in the second paragraph of the policy content is increased from \$3,000 to \$5,000 for reasons of it not being likely that any works completed in accordance with this policy being less than \$5,000.

Maintenance Bond for Subdivisions Policy 180

This policy has been reviewed and no changes are recommended.

CONCLUSION

The policies have provided consistent guidance to City decision-making processes and it is not considered that any changes are required, other than the minor updates that have been outlined.

OPTIONS

The Committee may recommend and the Council may determine that a policy or policies are not required or that further changes are necessary.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The policies remain effective and the updated versions will take effect as soon as a decision is made by the Council.

Council Decision/Committee Recommendation/Officer Recommendation

C1604/077

Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council:

1. Adopts the following updated Asbestos Management Policy:

010	Asbestos Management	V2 DRAFT
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1. PURPOSE

This Policy is developed to assist the City of Busselton to comply with government policy and legal requirements in the management of Asbestos Containing Materials (ACM) in workplaces.

The City of Busselton as an employer has a responsibility to maintain a safe working environment under provisions of:

- * Occupational Safety and Health Act 1984.
- * Regulation 3.1 of the *Occupational Safety and Health Regulations 1996 (OSH Regulations)* which requires an employer to identify hazards at a workplace, assess the risk of harm to a person from each hazard and to take steps to reduce the risk.
- * Regulation 5.43 (*OSH Regulations 1996*) which specifically requires the presence and location of asbestos at a workplace to be identified and that the process of identification and risk assessment be conducted in accordance with the *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC:2018 (2005)].

2. SCOPE

This policy applies to management of ACM in all buildings on City owned or managed land including, but not limited to;

- * Ablutions and Toilets;
- * Art and Cultural Buildings;
- * Commercial and Community Leased Buildings;
- * Community Buildings;
- * Community Halls;
- * Operations Facilities (Depots etc);
- * Recreation Facilities;
- * Residential Buildings;
- * City Offices;
- * Caravan Parks; and
- * Camping Reserves (including Locke Estate).

ACM is the general term used to describe all products that contain asbestos; it is defined as any material, object, product or debris containing asbestos.

3. POLICY CONTENT

The City of Busselton is committed to ensuring that ACM in all buildings on City owned or managed land is identified, managed and controlled to protect the health and well-being of workers, contractors and the community.

The ultimate long-term aim is for all buildings on City owned or managed land to be free of asbestos materials. The presence of asbestos in premises on City owned or managed land will be identified and a risk to health evaluated.

The programmed removal of ACM will be based on the risk to health as identified by a competent person carrying out an inspection. It is recognised that ACM in sound condition, left undisturbed, presents little risk to the general community. Removal may not be immediately necessary but should be completed prior to demolition or major renovation.

The City will manage the risks from ACM and provide a record of actions undertaken with the ultimate aim being to:

- * Increase awareness;
- * Prevent airborne asbestos fibre exposure;
- * Prevent the spread of asbestos fibres;
- * Increase competency and experience; and
- * Control of works likely to disturb ACM.

To achieve these outcomes the City will:

- * Ensure that clubs / organisations wanting to upgrade buildings or facilities on City owned or managed land will be required to remove ACM as part of any facility upgrade, alteration/improvement where it is necessary to do so to comply with legislative requirements.
- * In relation to organisations seeking Council support and / or funding support for external works from such bodies as CSRFF etc, any submission will be required to include the removal of ACM as part of the application and/ or scope of works.
- * Review Council's Lease Documentation to ensure ACM management in accordance with the policy is adequately provided for.
- * Ensure that during the planning process and before commencement of major upgrades/renovations of any buildings / facility on City owned or managed land that priority is given to the removal of ACM in relation to funding.
- * Where the building is located on land that the City owns or manages, the City will ensure that an appropriate risk assessment of any identified ACM has been conducted. Where the risk assessment has deemed it necessary, the ACM will be safely removed as per the requirements of the OSH Act 1982 and related Regulations and Codes of Practice.
- * Ensure that all buildings on City owned or managed land are surveyed to identify ACM, so far as is reasonably practicable, that may be present therein.

- * Ensure that all appropriate building surveys prior to any demolition or structural alteration buildings on City owned or managed land being undertaken.
- * Provide information on ACM to employees, contractors, sub-contractors and any other persons who may be affected by the presence of the ACM in their work area.
- * Promote awareness of the risks from ACM and the City's Management Procedures through training and induction of relevant employees.
- * Ensure that information regarding the presence of asbestos is contained in tender and Request for Quotation documentation as may be appropriate, and that contractors and sub-contractors have access to assessments, method statements etc., where appropriate for its removal and/or management in place.
- * Ensure that any ACM that may be present in any buildings on land that it owns or manages is maintained in a condition so as to prevent the possibility of any harm to health occurring.
- * Monitor the condition of ACM left in situ.
- * Provide adequate resources to ensure the provision of appropriate information, instruction and training.
- * The Schedule programmed removal of ACM in buildings on City owned or managed land to meet the eventual long-term aim of removal of all ACM, will be based on the availability of resource funding and the prioritisation based on a risk assessment that includes the facilities service hierarchy, assigned level of insurance and the purpose of the facility.

Asbestos management planning will define roles and responsibilities for decisions and address appropriate methodologies for the implementation of these decisions.

The following information shall be collated and documented as a minimum as part of asbestos management planning:

- * Asbestos Register. This includes details of the location and condition of the known or presumed ACM and the level of risk posed by the identified ACM;
- * Process involved for the Identification of ACM hazards;
- * Rationale for conducting risk assessments of ACM hazards;
- * Control measures required as a result of risk assessments of ACM hazards;
- * Details of any monitoring and management arrangements in place (i.e. labelling and signage on buildings scheduled for planned removal of ACM);
- * Safe work methods for working with ACM;
- * Emergency procedures;
- * Details of consultation, information sharing and training;
- * Any operational considerations;
- * A timetable for review;

- * Areas of responsibility within the asbestos management process.

This Policy is to act as a guide for the effective identification, risk assessment, monitoring and management of ACM within buildings on City owned or managed land; the guidelines contained within are to ensure the requirements of government policy and legislative requirements are adhered to.

Policy Background

Policy Reference No. - 010
 Owner Unit – Engineering and Facilities Services
 Originator – Asset Management Officer
 Policy approved by – Council
 Date Approved - 27 April, 2011
 Review Frequency – As required
 Related Documents –
Occupational Safety and Health Act 1984

History

Council Resolution	Date	Information
C1104/126	27 April, 2011	Date of implementation Version 1

2. Adopts the following updated Rails to Trails Policy:

011	Rails to Trails	V3 DRAFT
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1. PURPOSE

The government railway network within the region was once extensive and much of the land that formed the railway reserves remains as State land. As part of a statewide railway network, the three lines that ran through the district were:

- (a) Boyanup to Busselton;
- (b) Busselton to Flinders Bay; and
- (c) Wonnerup to Nannup.

The land has recognised heritage and environmental value and given the extent of the land, it also has potential for many uses. This policy provides that the land is retained as State land, as non-motorised transport corridors, and is managed for the purpose of recreation trails.

2. SCOPE

This policy applies to the use of land that formed government railways within the district; to establish a framework for the development and management of recreation trails on that land to form what may be referred to as “rails to trails”; and to link the rails to trails with other recreational and heritage trails within the region.

3. POLICY CONTENT

With respect to the land that formed the government railway network within the region, the Council recognises the significance of the land as a strategic transport corridor, for recreation and for its heritage and environmental values.

It is the position of the Council then that:

- (a) the land is a valuable public asset and should be retained as Crown land;
- (b) unless the Council approves otherwise, the land is to be kept as a contiguous transport corridor;
- (c) under the *Land Administration Act 1997* and with the Minister of Lands approval, the land is to be made Crown Reserve and managed for the primary purpose of 'recreation trail'; and
- (d) where the Council determines that the City is capable of managing sections of the Crown Reserve, the City may advise the Minister that the City would be willing to accept a management order over those sections of Crown Reserve.

It is the intent of the Council that:

- (a) the land be promoted, developed and managed as recreation trails for non-motorised transport, or what may be referred to as "rails to trails";
- (b) within the district, the Busselton Jetty forms the head of the rails to trails;
- (c) the rails to trails network is integrated with other recreational and heritage trails within the district and the broader region;
- (d) the City works openly with neighbouring local governments, landowners and government agencies towards achieving a regional trails scheme of world-class standard;
- (e) the promotion, development and management of the rails to trails be achieved through a strategic plan that has the endorsement of the Council and describes among other things: objectives, priorities, key stakeholders, communications, funding, resourcing and measures of success; and
- (f) the City engages the community in all phases of the development and management of the rails to trails.

That, where practicable:

- (a) a walk-cycle trail is constructed on the alignment of the old railway formation;
- (b) the character of the railway formation mound is retained;
- (c) the walk-cycle trail is made suitable for hiking and for riding of bicycles designed for trails, although where the trail passes through built-up and residential areas, the trail be made more suitable for the expected traffic and usage;
- (d) the heritage characteristics of the heritage railway be retained, particularly for the design of structures such as bridges, crossings and formations;
- (e) at various stages, the trail is designed allowing for access by broad sections of the community;
- (f) the trail provides for a range of interests and experiences including recreation, heritage, environmental and adventure; and
- (g) the landscape of the reserve land be retained and enhanced so that it is in keeping with the natural environment.

Policy Background

Policy Reference No. - 011

Owner Unit – Engineering and Facilities Services

Originator – Land and Infrastructure Officer

Policy approved by – Council

Date Approved – 9 March 2011

Review Frequency – As required

Related Documents –

Background/History – Implemented 12 August, 2009

History

Council Resolution	Date	Information
C1103/072	9 March, 2011	Reviewed by Council. No changes to content but adopted in revised format. Version 2
C0908/277	12 August, 2009	Date of implementation Version 1

3. Adopts the following updated Private Works Margin Policy:

063	Private Works Margin	V3 DRAFT
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1. PURPOSE

The City of Busselton occasionally receives requests for the City to undertake private works. A fee, in the form of cost plus margin, is established to ensure that the community's assets are properly used and applied.

2. SCOPE

Private works are defined as those works carried out using Council resources for other organisations, whether on private land or within Council, Crown or other public land.

3. POLICY CONTENT

Quotes in writing are given by managerial or supervisory staff of Council's Engineering and Works Services Directorate for private works undertaken by Council's plant and works crews. The quotes are compiled using all Council's internal costing with margins in accordance with this policy added to the total of the whole of Council's internal estimated costs.

The customer is to be charged the quoted price including, where agreed extras occur, the full Council cost plus the margin. Payment shall be in advance by cash or bank guarantee for jobs with the exception that jobs under the estimated cost of \$5,000 may be dealt with by the client or customer signing a form works description in which he/she commits to paying the cost plus the margin, based on the estimate provided by staff.

The following margins are applicable to all quotes for private works and on charges raised for incidental works that were not quoted on (such as small jobs where a customer has agreed to pay all material, plant and labour costs). The margins are:

- On Council's plant, labour and materials charges, not less than 15%;
- On any private works for local community, sporting or school groups, NIL;
- For road reinstatement works, 30%;

- On plant, labour and materials for private works on private land and/or for finishing forfeited outstanding and maintenance bonds for subdivision and development - not less than 15% and up to 30% depending on difficulty and indirect cost implications in each case;
- The Chief Executive Officer will assess the market conditions for individual projects at a value of greater than \$200,000 gross and may vary the above stated margins on those projects in circumstances where he believes that market conditions warrant.

Policy Background

Policy Reference No. - 063
 Owner Unit – Operations Services
 Originator – Director, Engineering and Works Services
 Policy approved by – Council
 Date Approved – 8 December 2010
 Review Frequency – As required
 Related Documents –
City of Busselton Fees and Charges

History

Council Resolution	Date	Information
C1012/415	8 December, 2010	Policy re-adopted in new standard format Version 2
		Version 1

4. Conforms the continuation of the Maintenance Bond for Subdivisions Policy:

180	Maintenance Bond for Subdivisions	V3 DRAFT
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1. PURPOSE

This policy is to provide a framework for maintenance bonds to be held to ensure the adequate and appropriate completion of any subdivision work.

2. SCOPE

The maintenance bond required under this policy shall be applied to the value of roads and drainage, and associated earthworks, landscaping, footpaths, dual use paths and all works incidental to these items for any subdivision undertaken in the City of Busselton.

3. POLICY CONTENT

A maintenance bond will be applied to subdivision work and held for 12 months from the date of practical completion of a minimum of 95% of the works, excluding final sealing. Maintenance bonds shall not be refunded until the expiration of 12 months and refund is subject to repair, maintenance correction, adjustment, re-alignment and/or clean up of works deemed to be the responsibility of the contractor or the developer.

The bond shall be applied to the value of roads and drainage, and associated earthworks, landscaping, footpaths, dual use paths and all works incidental to these items at the following rate:

\$0-\$100,000 work value	5%
\$100,001 - \$200,000 work value	4%

\$200,001 - \$400,000 work value	3.5%
\$400,001 - \$600,000 work value	3%
\$600,001 and over work value	2.5%

If the required works are not carried out, Council may complete the required work, drawing on the maintenance bond following the expiration of a reasonable time to allow the contractor or the developer to carry out the work.

4. APPLICATION OF THE POLICY

The policy shall be applied by Planning and Development Services and Engineering and Works Services.

Policy Background

Policy Reference No. - 180

Owner Unit – Planning and Development Services, Engineering and Facilities Services

Originator – Historical

Policy approved by – Council

Date Approved – 27 June 2012

Review Frequency – As required

History

Council Resolution	Date	Information
C1206/155	27 June 2012	Update to new policy format Version 2
		Version 1

CARRIED 9/0

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10.4 Policy and Legislation Committee - 24/03/2016 - REVIEW OF POLICY 133: DRAINAGE IN RECREATION RESERVES

SUBJECT INDEX:	Drainage
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Engineering and Works Services
ACTIVITY UNIT:	Engineering and Facilities Services
REPORTING OFFICER:	Director, Engineering and Works Services - Oliver Darby
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Drainage in Recreation Reserves Policy With Changes Tracked

This item was considered by the Policy and Legislation Committee at its meeting on 24 March 2016, the recommendations from which have been included in this report.

PRÉCIS

The Drainage in Recreation Reserves policy is presented for review and updating as part of the ongoing policy review process. It is proposed that a requirement to reduce health risks from mosquitoes is included in the policy.

BACKGROUND

This report forms part of the rolling review of Council policies that the Policy and Legislation Committee has been charged with. The Drainage in Recreation Reserves policy was last reviewed in 2012.

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 changes to an existing Council policy, the Drainage in Recreation Reserves policy.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the review of these policies.

Long-term Financial Plan Implications

Not applicable.

STRATEGIC COMMUNITY OBJECTIVES

The ongoing policy review process is part of the City's governance systems to ensure responsible, ethical and accountable decision-making is delivered. This policy relates to the objective of well maintained infrastructure assets that are responsibly managed to provide for future generations.

RISK ASSESSMENT

The recommendation is to reduce the health risk associated with mosquitoes.

CONSULTATION

NA.

OFFICER COMMENT

It is proposed to insert the following additional requirement into the existing policy:

To reduce health risks from mosquitoes, retention and detention treatments should be designed to ensure that between the months of November and May, detained immobile stormwater is fully infiltrated in a time period not exceeding 96 hours. This reflects current standards and practices, however, it is not currently explicitly stated in the policy.

CONCLUSION

It is considered that the inclusion of the requirement to detain immobile stormwater to reduce health risks associated with mosquitoes is an important addition to the policy.

OPTIONS

The Council could choose not to change the policy or to make additional changes to the policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The updated policy would be effective immediately upon adoption by the Council.

Council Decision/Committee Recommendation/Officer Recommendation

C1604/078 Moved Councillor G Bleachmore, seconded Councillor P Carter

That the Council adopts the following updated Drainage in Recreation Reserves policy:

133	Drainage in Recreation Reserves	V3 DRAFT
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1. PURPOSE

This policy is to provide the circumstances under which the City of Busselton may agree to the use of a recreation reserve for drainage purposes.

2. SCOPE

The policy applies to the proposed use of any recreation reserve in the City of Busselton for the purpose of drainage.

3. POLICY CONTENT

The City of Busselton may approve the use of portion of a recreation reserve for the use of a drainage compensation basin, subject to:

- a) it being reasonably demonstrated that there is no other acceptable means of providing an outfall drainage area;
- b) the proposal to use the recreation area for drainage being submitted with the subdivision application;

- c) To reduce health risks from mosquitoes, retention and detention treatments should be designed to ensure that between the months of November and May, detained immobile stormwater is fully infiltrated in a time period not exceeding 96 hours; and
- d) the subdivider undertaking in writing to "Develop" the reserve as required and specified by the City of Busselton. The term "Develop" may include earthworks, establishment of lawns, landscaping, provision of reticulation, provision of playground equipment, public seating, dual use paths, fencing and carparking etc.

4. APPLICATION OF THE POLICY

The policy shall be applied by Engineering and Works Services.

Policy Background

Policy Reference No. - 133

Owner Unit – Engineering and Facility Services

Originator – Historical

Policy approved by – Council

Date Approved – 27 June 2012

Review Frequency – As required

Related Documents – N/A

History

Council Resolution	Date	Information
C1206/155	27 June, 2012	Update to new policy format Version 2
		Version 1

CARRIED 9/0

EN BLOC

10.5 Policy and Legislation Committee - 24/03/2016 - REVIEW OF POLICY 181: CROSSOVERS

SUBJECT INDEX:	Crossovers
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Engineering and Works Services
ACTIVITY UNIT:	Engineering and Facilities Services
REPORTING OFFICER:	Director, Engineering and Works Services - Oliver Darby
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Crossovers Policy With Changes Tracked

This item was considered by the Policy and Legislation Committee at its meeting on 24 March 2016, the recommendations from which have been included in this report.

PRÉCIS

The Crossovers policy is presented for review and updating as part of the ongoing policy review process. In addition to the necessity to update terminology from Shire to City and updated directorate details, it is proposed that a statement be included relating to footpaths taking priority over crossovers where a footpath exists. It is also proposed to clarify that culvert pipes, if required, be at the cost of the landowner.

BACKGROUND

This report forms part of the rolling review of Council policies that the Policy and Legislation Committee has been charged with. The Crossovers policy was last reviewed in 2010.

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 changes to an existing Council policy, the Crossovers policy.

FINANCIAL IMPLICATIONS

None relating to the review of the policy.

STRATEGIC COMMUNITY OBJECTIVES

The ongoing policy review process is part of the City's governance systems to ensure responsible, ethical and accountable decision-making is delivered. This policy relates to the objective of well maintained infrastructure assets that are responsibly managed to provide for future generations.

RISK ASSESSMENT

Having a policy relating to any matter is an effective risk mitigation strategy and there are no risks remaining at a sufficient level for further individual assessment.

CONSULTATION

NA.

OFFICER COMMENT

Where a footpath exists within the road verge the footpath is to take priority over a crossover. The footpath is not to be removed to make way for a crossover, rather the crossover is to butt up to the footpath on both sides. It is also proposed to clarify that culvert pipes, if required, be at the cost of the landowner.

The requirement for a footpath to take priority is standard practice, however, as it is not explicitly stated in the policy, there have been occasions where footpaths have been removed for the construction of a crossover.

The requirement relating to culvert pipes is to provide clarity as to the City's responsibility, which is only for contribution to the crossover, not associated drainage requirements.

CONCLUSION

It is considered that the inclusion of the requirements for footpaths to take priority over crossovers and for landowners to be responsible for culvert pipes if required provides further clarity to the application of the Crossovers policy.

OPTIONS

The Council could choose not to change the policy or to make additional changes to the policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The updated policy would be effective immediately upon adoption by the Council.

Council Decision/Committee Recommendation/Officer Recommendation

C1604/079

Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council adopts the following updated Crossovers policy:

181	Crossovers	V3 DRAFT
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1. PURPOSE

The City may set the position of the crossover access onto the road, require its construction and/or repair and maintain the crossover as provided for under Regulation 12 of the Local Government (Uniform Local Provisions) Regulations 1996.

The City is required to contribute 50% of the estimated cost of the first "Standard Crossover" to the land, under Regulation 15 Local Government (Uniform Local Provisions) Regulations 1996. This policy provides the standards to be met to establish eligibility for the City contribution and provide guidelines for the safe positioning of vehicle access from private property to the road.

2. SCOPE

All crossovers (a constructed traffic way connecting the paved street to the private property) shall be constructed to the approved Council standards and specifications.

3. POLICY CONTENT

Standard Crossover

General Requirements

A standard crossover does not include the value of culverts or alteration to services or tree removal. Applicants in rural and special rural areas are required to request the advice of City staff regarding the need for and the size of pipes for drainage purposes.

The width of a standard crossover at the property line is to be a minimum of 2.75 metres and splay to 4.5 metres wide at the road edge, with 1.0 metre radii or 1.0 metre truncation at the road edge. The total minimum width of opening at the road edge is 6.5 metres. This configuration represents the Standard Crossover, with the length being variable. Extra width is allowable, with approval of the Chief Executive Officer, but no additional subsidy applies.

Full requirements for meeting the standard crossover are detailed in Council's Standards and Specifications. Area specific requirements are as follows:

Urban Areas

The crossover shall be sealed utilising sprayed bitumen, bituminous concrete, in-situ concrete, paving bricks or blocks.

Rural and Special Rural Areas

All rural and special rural developments require a sealed crossover where a sealed road frontage exists. If the road is gravel Council will allow an unsealed crossover (gravel). The provision of culvert pipes, if required, shall be at cost to the landowner.

Special Character Areas

Within special character areas, such as Old Dunsborough and Eagle Bay, crossovers are to be constructed of materials consistent with an earthy tone such as pea gravel or red asphalt seals.

Crossover Subsidy

Council will contribute (or subsidise) half the estimated cost of a standard crossover (one crossover to a property) subject to the crossover being deemed by the Chief Executive Officer to conform with the City's "Standard Crossover".

The crossover subsidy will be determined by the material type and length of the crossover based on the dimensions of a standard crossover.

The subsidy applies to the first crossover to a lot for industrial, business, commercial and all residential buildings. In the case of strata titles, a subsidy will apply to each title for the crossover up to the number of titles.

Crossovers, eligible for subsidy, may be claimed for at the subsidy rate that applies in the financial year construction is completed. Crossovers in excess of one year old shall have a reduced subsidy based on straight line depreciation, for age and type, as per the following: (Crossovers in excess of this life are not eligible for a subsidy claim).

Crossover Type Maximum Crossover Life

2 Coat Seal	10 years
Asphalt	15 years
Brick/Block	20 years
Concrete	25 years

Construction

The Owner/Agent is to arrange for construction. Any alterations for the removal/relocation of the conflicting public utilities, such as drainage pits and structures, services inspection pits, power or light poles, traffic medians and street trees will be at the owner's cost and subject to the approval of the service authority concerned. Alternative alignments and/or position of crossovers will be considered by the Shire.

Where a footpath exists within the road verge the footpath is to take priority over a crossover. The footpath is not to be removed to make way for a crossover, rather the crossover is to butt up to the footpath on both sides.

Road safety and turning radii will be taken into account in deciding the position of a crossover. Owners are advised when designing building/s requiring vehicle access from the street to take into account services, public utility services and street trees.

Crossover Maintenance

Council will not be responsible for maintenance of crossovers. Council will not subsidise the maintenance or replacement of crossovers.

Policy Background

Policy Reference No. - 181

Owner Unit – Engineering and Facilities Services

Originator – Director, Engineering and Works Services

Policy approved by – Council

Date Approved – 8 December 2010

Review Frequency – As required

Related Documents – *Local Government (Uniform Local Provisions) Regulations 1996*

History

Council Resolution	Date	Information
C1012/429	8 December, 2010	Updated to remove requirement for bonds Version 2
		Version 1

CARRIED 9/0

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10.6 Policy and Legislation Committee - 24/03/2016 - REVIEW OF POLICY 025: BUILDING CONTROL - STANDARD OF SITE CLASSIFICATION FOR SUBDIVISIONS

SUBJECT INDEX:	Subdivisions
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Engineering and Works Services
ACTIVITY UNIT:	Engineering and Facilities Services
REPORTING OFFICER:	Director, Engineering and Works Services - Oliver Darby
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Building Control - Standard of Site Classification for Subdivisions Policy With Changes Tracked

This item was considered by the Policy and Legislation Committee at its meeting on 24 March 2016, the recommendations from which have been included in this report.

PRÉCIS

The Building Control – Standard of Site Classification for Subdivisions policy is presented for review and updating as part of the ongoing policy review process. In addition to the necessity to update terminology from Shire to City, it is proposed that a requirement for a Section 70A notification where the desired A class site is not practicably achievable is included in the policy.

BACKGROUND

This report forms part of the rolling review of Council policies that the Policy and Legislation Committee has been charged with. The Building Control – Standard of Site Classification for Subdivisions policy was last reviewed in 2011.

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 changes to an existing Council policy, the Building Control – Standard of Site Classification for Subdivisions policy.

FINANCIAL IMPLICATIONS

None relating to the review of the policy.

STRATEGIC COMMUNITY OBJECTIVES

The ongoing policy review process is part of the City's governance systems to ensure responsible, ethical and accountable decision-making is delivered. This policy relates to the objective of well maintained infrastructure assets that are responsibly managed to provide for future generations.

RISK ASSESSMENT

The recommendation to include the requirement for the Section 70A notification in the policy reduces the risk of this requirement not being applied.

CONSULTATION

NA.

OFFICER COMMENT

The existing policy requires new residential subdivisions within the City of Busselton to be prepared and constructed to a standard where each lot within the subdivision reaches a site classification of 'A' (equivalent to a stable construction site) or a site classification as close to 'A' as practicable.

Where a site classification of 'A' cannot be achieved, a section 70A notification needs to be placed on titles, however, this is not included in the current policy. It is therefore proposed to include this, along with the standard wording for the Section 70A notification as follows:

Landfill has been placed on the lot, or the lot has been identified as requiring a Geotechnical Report which has been prepared and which provides a general site classification for the subdivision area. The nature of undertaking bulk earthworks and the variability of insitu soil conditions means the general classification cannot be guaranteed of individual lots. Further soil investigations will be required prior to housing design as the site classification may affect the design footings and the issue of a Building License for each individual lot. Determination of lot specific site classification for the purposes of footing and slab design remains the responsibility of the individual lot owner who should be aware that lot site classification may be different to the general site classification by the geotechnical consultant at the time of the subdivisional development.

CONCLUSION

It is considered that the inclusion of the Section 70A notification requirement into the policy is a relevant addition to the content.

OPTIONS

The Council could choose not to change the policy or to make additional changes to the policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The updated policy would be effective immediately upon adoption by the Council.

Council Decision/Committee Recommendation/Officer Recommendation

C1604/080

Moved Councillor G Bleachmore, seconded Councillor P Carter

That the Council adopts the following updated Building Control – Standard of Site Classification for Subdivisions policy:

025	Building Control - Standard of Site Classification for Subdivisions	V4 DRAFT
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1. PURPOSE

This policy is to ensure that uncontrolled fill is not used in subdivisions and ensures that fill and

compaction is adequate. It helps to ensure that potential owners of lots are aware of site conditions.

2. SCOPE

This policy applies to new residential subdivisions within the City of Busselton.

3. POLICY CONTENT

New residential subdivisions within the City of Busselton are to be prepared and constructed to a standard where each lot within the subdivision reaches a site classification of 'A' (equivalent to a stable construction site) or a site classification as close to 'A' as practicable.

The objective of this policy is to enable purchasers of lots within new subdivisions to build using minimum residential construction standards, without the need for individually engineered footing and slab details. Where a new subdivision has not achieved a class 'A' status for every prospective dwelling site, the policy allows prospective purchasers to be informed of the cost implications and construction requirements for lots within the subdivision before making their decision to purchase.

Site classifications are defined in Australian Standard AS2870.1 - 1988 "Residential Slabs and Footings - Part 1: Construction" and range from 'A' which is stable, through 'S', 'M', 'H', 'E' and 'P', in increasing degree of instability or reactivity. Site classifications are to be certified by a practicing structural engineer in accordance with the provisions of AS2870.1 - 1988.

Conditions of subdivision will be recommended to the Department of Planning for new residential and special rural subdivisions as considered appropriate by the Chief Executive Officer to achieve the objectives of this policy. Conditions may include but are not limited to:

- A requirement to submit a geotechnical report and associated test results to Council with certification of the site classification of the existing un-subdivided property.
- A requirement to provide certification from a practicing structural engineer on completion of the subdivision confirming the site classification that has been achieved for each lot in the subdivision.

Where an applicant is able to demonstrate to the satisfaction of the Chief Executive Officer that achieving a site classification of 'A' is not practicable, then a lesser site classification may be approved.

Where a lesser site classification has been approved, the conditions of subdivision may include but are not limited to:

- A requirement to provide Council with engineer certified footing and slab construction details designed for site classifications that are applicable within the subdivision. The details are to allow for both single and double-storey construction in a range of materials up to full brick. The details are to be provided on the basis that they will be made available by Council to members of the public as approved details for construction within the subdivision.
- A requirement for the developer to notify prospective purchasers of the site classifications within the subdivision and to provide a copy of engineered footing and slab details that are suitable as a minimum standard for the respective site classifications.

Where a site classification of "A" cannot be achieved, a section 70A notification will need to be placed on titles with the following wording:

Landfill has been placed on the lot, or the lot has been identified as requiring a Geotechnical Report

which has been prepared and which provides a general site classification for the subdivision area. The nature of undertaking bulk earthworks and the variability of insitu soil conditions means the general classification cannot be guaranteed of individual lots. Further soil investigations will be required prior to housing design as the site classification may affect the design footings and the issue of a Building License for each individual lot. Determination of lot specific site classification for the purposes of footing and slab design remains the responsibility of the individual lot owner who should be aware that lot site classification may be different to the general site classification by the geotechnical consultant at the time of the subdivisional development.

Policy Background

Policy Reference No. - 025

Owner Unit – Engineering and Works Services

Originator – (Historical)

Policy approved by – Council

Date Approved – 09/03/2011

Review Frequency – As required

Related Documents –

Background/History – Implemented 12 April 1995

History

Council Resolution	Date	Information
C1103/072	9 March, 2011	Reviewed by Council and adopted without content change in accordance with the policy template Version 3
C0412/435	8 December, 2004	Re-resolved as a continuing policy of the Council - no change
C011/037	24 January, 2001	Minor amendments to policy. Version 2
(P95/0077) C95/0148	12 April, 1995	Date of implementation. Version 1

CARRIED 9/0

EN BLOC

10.7 Policy and Legislation Committee - 24/03/2016 - REVIEW OF POLICY 195: REINSTATEMENT OF WORKS IN ROAD RESERVES

SUBJECT INDEX:	Road Reserves
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Engineering and Works Services
ACTIVITY UNIT:	Engineering and Facilities Services
REPORTING OFFICER:	Director, Engineering and Works Services - Oliver Darby
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Reinstatement of Works in Road Reserves Policy With Changes Tracked

This item was considered by the Policy and Legislation Committee at its meeting on 24 March 2016, the recommendations from which have been included in this report.

PRÉCIS

The Reinstatement of Works in Road Reserves policy is presented for review and updating as part of the ongoing policy review process. It is proposed that the requirement for a Traffic Management Plan is included in the policy, along with other statements clarifying the current application of the policy which are not explicitly included in the existing version.

BACKGROUND

This report forms part of the rolling review of Council policies that the Policy and Legislation Committee has been charged with. The Reinstatement of Works in Road Reserves policy was last reviewed in 2012.

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 changes to an existing Council policy, the Reinstatement of Works in Road Reserves policy.

FINANCIAL IMPLICATIONS

None relating to the review of the policy.

STRATEGIC COMMUNITY OBJECTIVES

The ongoing policy review process is part of the City's governance systems to ensure responsible, ethical and accountable decision-making is delivered. This policy relates to the objective of well maintained infrastructure assets that are responsibly managed to provide for future generations.

RISK ASSESSMENT

Having a policy relating to any matter is an effective risk mitigation strategy and there are no risks remaining at a sufficient level for further individual assessment.

CONSULTATION

NA.

OFFICER COMMENT

Works completed by contractors require the approval of specifications to Council adopted standards. It is proposed to include a requirement for an endorsed of a Traffic Management Plan (TMP).

Where works are carried out by a contractor under the management and supervision of a Public Utility no payment of bonds is applicable subject to there being a 12 months defects period, however, this is not currently explicitly stated in the policy.

It is also proposed to include the following requirements:

- Aftercare signage and delineation in accordance with a City of Busselton endorsed traffic management plan shall remain in place until the reinstatement is complete.
- Pre-works and post-works inspections are to be carried out to determine any existing defects and to ensure any reinstatements are carried out to the City's standards and specifications.
- The replacement of trees and roadside vegetation and minimising disruption and damage to verge vegetation.

CONCLUSION

It is considered that the inclusion of the identified requirements is simply to clarify the existing requirements and to ensure that they are explicitly stated.

OPTIONS

The Council could choose not to change the policy or to make additional changes to the policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The updated policy would be effective immediately upon adoption by the Council.

Council Decision/Committee Recommendation/Officer Recommendation

C1604/081 Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council adopts the following updated Reinstatement of Works in Road Reserves policy:

195	Reinstatement of Works in Road Reserves	V3 DRAFT
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1. PURPOSE

This policy is to provide guidelines to ensure the City of Busselton's expectations are met where road or public utility works are carried out in a road reserve by contractors.

2. SCOPE

The policy applies to any occasion when reinstatement of a road reserve is required due to contractor activity.

3. POLICY CONTENT

Where road or public utility works carried out by contractors occurs in a road reserve it is to be ensured that there is full reinstatement and that all costs for reinstatement of drainage to roads, paths, street furniture, lawns, gardens, planting, trees, verge vegetation and drains are met by the contractor.

The contractor will use underground boring construction methods in order to avoid the removal of trees and vegetation.

In exceptional circumstances the City of Busselton may agree to tree removal/vegetation removal where it is not possible to underground bore for technical reasons and no alternative route for the service is available. In this instance the contractor will be required to replant with equivalent plant species and tree species in order to return the verge to pre work standards. Vegetation planting and tree planting/species will be in accordance with the City of Busselton's Technical specifications. If specialist arborist are required this will be at the cost of the contractor.

Works completed by contractors require the approval of specifications to Council adopted standards, endorsement of a Traffic Management Plan (TMP) and payment of a bond according to Council's Standard Fees and Charges prior to commencement and prior to excavations. Where works are carried out by a contractor under the management and supervision of a Public Utility no payment of bonds is applicable subject to there being a 12 months defects period.

Council requires payment in advance, where the reinstatement is undertaken by the City of Busselton, based on standard rates in the Schedule of Fees and Charges. Retention of contractor payments by a recognised public utility for the purpose of securing the reinstatement is acceptable in lieu of a bond.

The contractor shall leave and maintain the site in a safe condition and where excavation and trenching takes place, carry out the backfill and compaction using the appropriate materials, to Council's standards and specifications, until such time as the reinstatement is complete. Aftercare signage and delineation in accordance with a City of Busselton endorsed traffic management plan shall remain in place until the reinstatement is complete.

Pre-works and post-works inspections are to be carried out to determine any existing defects and to ensure any reinstatements are carried out to the City's standards and specifications.

The City of Busselton may carry out surface repairs, such as to paths, drains, road concrete crossovers and kerbing, not completed to its satisfaction and within 14 days of completion of backfill of excavations using the expenses to recover. Bonds shall be retained for a minimum of three months after completion of the reinstatement to ensure failure, subsidence or fault can be rectified.

4. APPLICATION OF THE POLICY

The policy shall be applied by Engineering and Works Services.

Policy Background

Policy Reference No. - 195

Owner Unit – Engineering and Facility Services

Originator – Historical

Policy approved by – Council

Date Approved – 27 June 2012

Review Frequency – As required

Related Documents – N/A

History

Council Resolution	Date	Information
C1206/155	27 June 2012	Update to new policy format Version 2
		Version 1

CARRIED 9/0

EN BLOC

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 AMENDMENT NO. 17 TO LOCAL PLANNING SCHEME NO. 21 - INTRODUCTION OF A SPECIAL PROVISION AREA TO PERMIT AN UNRESTRICTED LENGTH OF STAY AND REZONE PORTION OF LAND FROM PUBLIC PURPOSE RESERVE TO AGRICULTURE - DUNSBOROUGH LAKES HOLIDAY RESORT AND CARAVAN PARK - CONSIDERATION FOR FINAL APPROVAL

SUBJECT INDEX:	Town Planning Schemes and Amendments
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Strategic Planning and Development
ACTIVITY UNIT:	Strategic Planning and Development
REPORTING OFFICER:	Senior Strategic Planner - Helen Foulds
AUTHORISING OFFICER:	A/Director, Planning and Development Services - Martyn Glover
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan Attachment B Scheme Amendment Map Attachment C Schedule of Submissions

PRÉCIS

The Council is requested to consider adopting for final approval draft Amendment No. 17 to Local Planning Scheme No. 21 (LPS21).

The intent of the proposal is twofold:

- (1) to correct an anomaly by rezoning a 'Public Purpose' (Drain) Reserve to 'Agriculture' zone; and
- (2) to introduce a 'Special Provision' that will allow for no more than 15% of developed sites to be utilised on an 'unrestricted length of stay' basis (i.e. for greater than 3 months by any one person in any 12 month period).

The amendment was advertised for 42 days (between 20 January and 2 March 2016) and no objections were received. An assessment of the submissions did not reveal any substantive issues.

It is considered that the proposal is broadly consistent with the strategic planning framework applicable to the area. Officers are recommending that the amendment be adopted for final approval.

BACKGROUND

The Council is asked to consider a scheme amendment over Lot 2761 Commonage Road, Quindalup, known as the Dunsborough Lakes Holiday Resort and Caravan Park. The subject land, which was developed as a caravan park in the mid-1990's is 37.12ha in area and is situated directly opposite the Dunsborough Lakes residential area on Commonage Road.

The proposal seeks to accomplish two key elements:

1. Correct an anomaly by zoning a 'Public Purpose (Drain)' Reserve to 'Agriculture' zone; and
2. Introduce a special provision to permit an unrestricted length of stay for up to 15% of caravan sites.

To achieve the objectives of the second part of the amendment it is proposed to include the whole of the subject land within a Special Provision Area pursuant to Schedule 3 of LPS21, as outlined in the table below –

No.	Particulars of Land	Zone	Special Provision
60	Lot 2761 (Vol 2214 & Folio 197) Commonage Road, Quindalup	Agriculture	<ol style="list-style-type: none"> 1. That Council may approve the use of up to, but not more than, 15% of caravan sites developed on-site with no restriction on length of stay. The remainder of the caravan sites shall be for short-stay use only and subject of length of stay restrictions to no more than 3 months in any 12 month period. 2. The caravan sites provided for use on an unrestricted length of stay basis shall be proportionate to the total number of short-stay caravan sites developed at any given time. 3. Upon Gazettal of Scheme Amendment No. 17, sites to be utilised on an 'unrestricted length of stay' basis are to be clearly identified by lodgement and approval of an application for planning approval.

The proposed amendment would facilitate a variation for specific caravan sites to the standard restriction of 3 months occupancy within a 12 month period that applies to tourist accommodation, to allow the occupiers to occupy a site for an unrestricted length of time. It should be noted there are a number of people permanently residing on the site at present, which is not consistent with the current town planning scheme.

STATUTORY ENVIRONMENT

The *Planning and Development Act 2005* outlines the relevant considerations when preparing and amending local planning schemes. The relevant provisions of the Act have been taken into account in preparing and processing this amendment. The *Planning and Development (Local Planning Schemes) Regulations 2015*, which came into operational effect on 19 October 2015, identifies three different levels of amendments – basic, standard and complex. This Amendment has been identified and processed as a 'standard' amendment.

The *City of Busselton Local Planning Scheme No. 21* (the Scheme) identifies the majority of the land within the 'Agriculture' zone, with a small portion identified as 'Public Purpose (Drain)' Reserve. The property is developed for 'Caravan Park & Camping Grounds', which is defined pursuant to Schedule 1 of LPS21 as meaning –

"a property licensed for the placement of caravans and may also include camping sites."

Clause 5.18 of LPS21 deals with residential occupancy of tourist developments as follows:

"5.18.1 No person shall occupy a tourist accommodation unit, chalet, caravan, camp or any other form of tourist accommodation for more than a total of 3 months in any one 12 month period."

5.18.2 Notwithstanding the provisions of clause 5.18.1 and subject to consideration of the need to make available adequate tourist accommodation the local government may grant planning approval for the permanent occupancy of up to 15% of caravan sites within a caravan park only on land in the Residential zone or Tourist zone."

On 9 March 2016, the Council adopted for final approval, the majority of Omnibus Amendment No. 1, which included an amendment to Clause 5.18 as follows:

“5.18 PERMANENT/RESIDENTIAL OCCUPATION OF TOURIST DEVELOPMENTS

5.18.1 Outside the residential zone, occupation by any person of the following use classes approved under the Scheme as short stay accommodation is limited to a maximum of 3 months in any 12 month period. This applies to the following use classes:

- (a) Guesthouse;*
- (b) Chalet;*
- (c) Caravan Park;*
- (d) Park Home Park;*
- (e) Tourist Accommodation.*

5.18.2 Notwithstanding the provisions of clause 5.18.1 and subject to consideration of the need to make available adequate tourist accommodation the local government may grant planning approval for the permanent occupancy of up to:

- (a) 100% of caravan sites within a Caravan Park or Park Home Park on land in the Residential zone; and*
- (b) 15% of caravan sites within a Caravan Park or Park Home Park on land in the Tourist zone.”*

This proposed amendment to Clause 5.18 does not alter the intent of the clause as it relates to Amendment No. 17 and is still subject (together with the rest of Omnibus Amendment No. 1) to final approval by the WAPC/Minister.

Although the subject land is zoned ‘Agriculture’, clause 6.3.1 of LPS21 provides the mechanism for Special Provisions to be introduced into the Scheme, in addition to provisions normally applying to that zoning, where suitable and appropriate and for the Scheme Map to be updated accordingly.

RELEVANT PLANS AND POLICIES

The key policy implications for consideration of the proposed amendment are set out in:

- * the Western Australian Planning Commission *Planning Bulletin 83/2013 – Planning for Tourism*;
- * the Western Australian Planning Commission *Planning Bulletin 49/2014 – Caravan Parks*;
- * the City of Busselton *Local Tourism Planning Strategy*;
- * the City of Busselton *Local Rural Planning Strategy*; and
- * the City of Busselton *Rural Tourist Accommodation Policy Provisions*.

Each is discussed below under appropriate subheadings.

Western Australian Planning Commission (WAPC) Planning Bulletin 83/2013 – Planning for Tourism

The Bulletin sets out the policy of the WAPC to guide decision making by the WAPC and local government for subdivision, development and scheme amendment proposals for tourism purposes. Policy provisions outlined in this bulletin relevant to the consideration of the proposed amendment include –

- * Proposals for non-tourist accommodation developments (such as permanent residential, commercial, retail and restaurant) within tourism sites to facilitate the development of tourist accommodation should be considered on a case-by-case basis.

- * For permanent residential use, local governments may set a percentage limit within their local planning strategy or local planning policy.

Western Australian Planning Commission Planning Bulletin 49/2014 – Caravan Parks

This Bulletin provides guidance on matters to be taken into consideration in planning for caravan parks, including the development of new or redevelopment of existing parks. Relevant statements made in this bulletin to the proposed amendment include –

- * The retention and development of caravan parks as affordable holiday accommodation within the State is a priority that is being addressed across government.
- * A key planning objective to ensure the compatibility of short-stay and long-stay (occupancy for any period of time greater than three months in any twelve month period) uses of caravan parks through appropriate separation.
- * Where practicable, caravan parks comprising a long-stay component should be located where there is access to urban facilities and amenities.
- * There is a presumption against caravan parks comprised of long-stay residents being located in areas of high tourism value because it is preferable that these sites/locations are secured for tourism purposes.
- * Any long-stay accommodation should complement the short-stay sites with priority given to locating short-stay accommodation on those areas of the site providing the highest tourism amenity (e.g. the beachfront, proximity to shared ablution blocks).
- * The design of the caravan park should separate any long-stay accommodation from short-stay accommodation to help ameliorate noise and social issues. Where possible, separate facilities and access should be provided.

City of Busselton Local Tourism Planning Strategy

The *Local Tourism Planning Strategy* (the Tourism Strategy) provides the long term strategic land use planning and strategic direction for tourism development within the District. The Tourism Strategy identifies specific parcels of land as Strategic Tourism Sites, Strategic Tourism Precincts and Non-strategic Tourism Sites, all of which are to be retained for tourism purposes. The Tourism Strategy supports an unrestricted length of stay component on non-strategic sites subject to meeting assessment criteria.

Whilst the Tourism Strategy is silent on the matter of caravan parks on ‘Agriculture’ zoned land and does not specifically identify the tourism development on this property, recommendation 3.12 of the strategy states as follows:

“3.12 Support a change to District Town Planning Scheme 20 (Clause 43(2)) [now clause 5.18.2 of Local Planning Scheme No. 21] to permit consideration of up to 15% of caravan sites for permanent occupancy in caravan parks abutting or adjoining urban zones.”

City of Busselton Local Rural Planning Strategy

The *Local Rural Planning Strategy* (the Rural Strategy) guides land use and development in the rural areas of the municipality. The subject land is located within Precinct 5 ‘Central Rural’, which is considered to comprise the “rural wedge” between the Busselton/Vasse and Dunsborough urban centres. The Rural Strategy acknowledges existing tourist developments within this precinct,

including along Commonage Road, being on the periphery of the urban area. The precinct vision is to retain the rural wedge between Busselton and Dunsborough and support rural-based tourist development in a manner that sustains the existing natural environment, landscape values and character of the area.

City of Busselton Rural Tourist Accommodation Policy Provisions

Whilst the existing development is consistent with the relevant requirements of the Rural Tourist Accommodation policy provisions in terms of development design (location, site area, density, etc) the Policy provisions are silent on the matter of length of stay.

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The proposed amendment is considered to be consistent with the following community objectives of the City's *Strategic Community Plan 2013* –

- 2.2 *A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections; and*
- 3.1 *A strong, innovative and diverse economy that attracts people to live, work, invest and visit.*

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. In this regard, there are no significant risks identified.

CONSULTATION

The amendment was advertised for public consultation for 42 days, with the public submission period closing on 2 March 2016. One public submission of support was received from a neighbouring landowner. Six submissions were received from public authorities in which no substantive issues were raised (refer to Attachment C). The submissions are noted and no further action is necessary.

OFFICER COMMENT

The proposed Scheme Amendment has two components:

- (1) to rezone an area of the subject property currently identified as 'Public Purpose (Drain) Reserve' to 'Agriculture'; and
- (2) to permit up to 15% of caravan sites to be utilised for unrestricted length of stay accommodation.

Each component is addressed below under separate headings.

Rezone the Public Purpose (Drain) Reserve

Whilst the majority of Lot 2761 and surrounding properties are zoned 'Agriculture', there is a narrow 9 metre-wide strip of Public Purpose (Drain) Reserve that runs the length of the southern boundary. The original intent of this reserve is unknown and, given that it is located on private property, it is not available for that public purpose. Relevant government authorities were invited to provide comment on the proposed Amendment, all of which provided 'no objection' to the proposal.

Unrestricted Length of Stay

The proponent seeks an approval to allow for patrons to permanently reside at the caravan park and to continue providing a unique, low cost accommodation facility within the Dunsborough area.

Tourism Planning guidelines acknowledge the need to support and retain caravan parks across the State to provide for affordable holiday accommodation. In many instances caravan parks in primary tourist locations have over time been redeveloped into more up-market accommodation, reducing the availability of more affordable accommodation to the general public.

There is currently no provision in the Scheme that covers the unrestricted length of stay in tourism sites outside of the 'Residential' and 'Tourist' zones and this type of proposal is therefore covered on a case by case basis. As the site is zoned 'Agriculture' and contains an established caravan park over a portion of the property, a maximum allowance of up to 15% of sites to be used for an unrestricted length of stay ensures that those sites remain secondary to the general short-stay tourist purpose whilst assisting the commercial viability of the park, particularly given the seasonal nature of the industry.

Tourism Planning guidelines generally require innovative planning of the residential components of a development to enhance the tourism use of the site and to ameliorate potential conflicts that may arise, such as noise, between tourist accommodation and permanent residents.

The proponent feels that the requirement to consolidate permanent residents into one or more areas of the site is impractical as the standard process of accommodating permanent stay residents within the caravan park is apparently for the proposed tenant to select a site, rather than the site being the choice of the park operator. The proponent has suggested that as a result there will be a spread of permanent residents/sites that are unlikely to comply with the intent of Planning Bulletins 49/2014 and 83/2013 in relation to separation. Whilst it is acknowledged that it would be impractical to relocate existing residents, the effort should be made over time to ensure that any new residents are placed in an appropriate area of the caravan park that works towards consolidation of the unrestricted length of stay sites. It is envisaged this would be examined further through a development application process following gazettal of the proposed Amendment, if it is endorsed.

Given the location of the site on the periphery of the Dunsborough urban area, it is well located for access to urban facilities and amenities whilst not being considered an area of high tourism value (it is not identified as a strategic or non-strategic tourism site in the Tourism Strategy). As such, support is recommended for the proposal to allow a component of unrestricted length of stay opportunity (for up to a maximum 15% of developed sites) within the subject caravan park.

CONCLUSION

The proposal is consistent with the relevant strategic planning framework and the desirable outcomes it seeks to achieve. The proposal is therefore recommended to be adopted for final approval.

OPTIONS

Should the Council not support the Officer Recommendation, it could consider the following options:

1. Resolve to decline the request to adopt the amendment for final approval and provide a reason for such a decision.
2. Resolve to adopt the amendment for final approval, subject to modification(s).

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will involve referral of the Scheme Amendment documents to the Western Australian Planning Commission and this will occur within one month of the date of the Council decision.

Council Decision and Officer Recommendation

C1604/082 Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council:

1. Pursuant to s. 75 of Part V of the Planning and Development Act 2005, resolves to adopt draft Amendment No. 17 to the City of Busselton Local Planning Scheme No. 21 for final approval, for the purposes of:
 - a) zoning portion Lot 2761 Commonage Road, Quindalup from Public Purpose Reserve (Drain) to Agriculture;
 - b) amending Schedule 3 - Special Provision Areas of the Scheme Text to include the subject land within the Schedule as follows:

No.	Particulars of Land	Zone	Special Provisions
60	Lot 2761 (Vol 2214 & Folio 197) Commonage Road, Quindalup	Agriculture	<ol style="list-style-type: none"> 1. That Council may approve the use of up to, but not more than, 15% of caravan sites developed on-site with no restriction on length of stay. The remainder of the caravan sites shall be for short-stay use only and subject of length of stay restrictions to no more than 3 months in any 12 month period. 2. The caravan sites provided for use on an unrestricted length of stay basis shall be proportionate to the total number of short-stay caravan sites developed at any given time. 3. Upon Gazettal of Scheme Amendment No. 17, sites to be utilised on an 'unrestricted length of stay' basis are to be clearly identified by lodgement and approval of an application for planning approval.

- c) amending the Scheme Map accordingly.
2. Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to endorse the 'Schedule of Submissions' at Attachment C prepared in response to submissions received on the draft Amendment No. 17 following public consultation between 20 January and 2 March 2016.

3. Pursuant to r.53 and r.55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to provide the draft Amendment No. 17 to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
4. Pursuant to r. 56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should directions be given that modifications to the draft Amendment No. 17 are required, these modifications are to be undertaken accordingly, on behalf of the Council, unless they are considered by Officers to be likely to significantly affect the purpose and intent of the proposed Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.

CARRIED 9/0

EN BLOC

12. ENGINEERING AND WORKS SERVICES REPORT

Nil

13. COMMUNITY AND COMMERCIAL SERVICES REPORT**13.1 GLC ALLIED HEALTH PROFESSIONAL SUITES**

SUBJECT INDEX:	GLC Allied Health Suites
STRATEGIC OBJECTIVE:	A City where the community has access to quality cultural, recreation, leisure facilities and services.
BUSINESS UNIT:	
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Recreation Facilities Coordinator - David Goodwin
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Allied Health Suite Two Attachment B Allied Health Suite Four Attachment C Allied Health Suite Valuations

PRÉCIS

Expressions of Interest (Eoi) were sought in relation to commercial lease opportunities at the Geographe Leisure Centre (GLC) (part of Reserve 29933) for the use of Allied Health Professional Suites.

The City advertised the proposed disposition in accordance with section 3.58 of the Local Government Act 1995 (LGA), informing the public of the City's intention to enter into a lease with two proponents as follows:

1. Gavin Rainbow to operate an Occupational Therapy practice over a portion of the reserve; Suite number two (2). No submissions were received.
2. Charlotte De Latte to operate a Myopractic service over a portion of the reserve; Suite number four (4). No submissions were received.

This report recommends that Council enter into lease agreements with the two proponents and the terms and conditions of these arrangements.

BACKGROUND

During 2014 the GLC underwent a significant expansion and upgrade program, incorporating a new gymnasium, crèche, pool deck showers and change cubicles, universal access facilities, customer service area, offices, meeting room, cycle room, and four (4) health/ professional suites.

The health suites were added to attract health practitioners to provide mental and physical health services that complement existing services offered at the GLC. Each suite is fully independent and purpose built for health service businesses with exposure to GLC member traffic. Each suite has a hand basin, telephone and data point, air-conditioning, windows providing natural light and external door access allowing them to function separately from the GLC's operations. Suites vary in configuration and size ranging from 16 m² to 25 m². In addition to providing support services for GLC customers, the suites provide an additional revenue source that will assist in reducing the GLC's net operating deficit.

The City has been promoting the suites since October 2014 and has secured two tenants, Family Planning Association of WA who is leasing Suite three (3) to run their Family 1st Programme. Suite three (3) is approximately 25m² and has been leased to the Family Planning Association for two years at \$15,600 per annum (inclusive of GST and outgoings). The lease commenced on 31 August 2015 and expires on 30th August 2017 with no further option to extend.

Julie Ann Ferry is leasing Suite one (1) to run a Nutritionist business. Suite one (1) is approximately 17m² and has been leased to Julie Ann Ferry for 6 months at \$12,220 per annum exclusive of GST and outgoings for which the tenant contributes \$50 per month. The lease commenced on 2nd November 2015 and expires on 2nd May 2016 with 2 further options of 6 months and 1 year respectively.

New Fees and Charges for Community and Commercial daily hire were also adopted by Council on 25 February 2015(C1502/040). These fees have enabled the rooms to be hired periodically by a number of different users. Both proponents De Latte and Rainbow are renting the suites until such time as the lease is approved and signed.

This report provides the details of Charlotte De Latte and Gavin Rainbow's submitted proposal, the results of the public notice and seeks Council endorsement of the terms of a proposed commercial lease arrangement with Gavin Rainbow to operate an Occupational Therapy business from suite two (2) and for Charlotte De Latte to operate a Myopractic service business from health suite four (4) at the GLC.

STATUTORY ENVIRONMENT

Section 3.58 of the LGA relates to the disposal of property by a local government and disposal is defined to include leasing.

Local Governments are compliant with the LGA if the procedure under section 3.58(3) is followed. This requires the publishing of prior notice to the local public of the proposed disposition which describes the property concerned, gives details of the proposal and invites submissions to be made before a specified date, not less than two weeks after the notice is first given. Any submissions received before the date specified in the notice must be considered and if a decision is made by the Council or a Committee, the decision and the reasons for it must be recorded in the minutes of the meeting at which the decision was made.

The GLC health suites two (2) and four (4) are located on a part of Reserve 29933, being Lot 300, Deposited Plan 50595 Volume LR3137 Folio 982, 1 Recreation Lane, West Busselton. The land is vested with the City with the power to lease for any term not exceeding 21 years, with consent of the Minister for Lands, for the designated purpose of "Aquatic and Community Centre".

RELEVANT PLANS AND POLICIES

The leasing of the allied health suites is in line with the GLC Master Plan and Council endorsed (C1404/108) GLC Business Plan 2014/15-2018/19.

FINANCIAL IMPLICATIONS

Negotiations in relation to the proposed lease with Gavin Rainbow resulted in an annual rent of \$15,600 exclusive of GST and inclusive of outgoings. The rent will be indexed by CPI annually. The proposed lease term is twelve (12) months, with an option for a further twelve (12) months and then a further two (2) year option.

Negotiations in relation to the proposed lease with Charlotte De Latte resulted in an annual rent of \$15,600 exclusive of GST and inclusive of outgoings. The rent will be indexed by CPI annually. The proposed lease term is twelve (12) months, with an option for a further twelve (12) months.

A net market rental value for the health suites provided a range of rental income of between \$12,200 and \$14,040 per annum exclusive of GST and outgoings. This was provided by an independent valuer on the 13 January 2016. (See Attachment C).

Both the proponent's rental offer of \$15,600 exclusive of GST and inclusive of outgoings, is in line with the range of market rental recommended in the valuation.

The tenants will provide their own telephone and internet connections and be responsible for all associated connection and usage charges.

Long-term Financial Plan Implications

The annual rental payment recommendation achieves the rent forecast in the Council endorsed (C1404/108) GLC Business Plan.

STRATEGIC COMMUNITY OBJECTIVES

Leasing of Suite two (2) and Suite four (4) at the GLC is consistent with the following City of Busselton Community Strategic Plan objectives:

- 2.1 A City where the community has access to quality cultural, recreation, and 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.
- 2.3 Infrastructure assets that are well maintained and responsibly managed to provide for future generations.

RISK ASSESSMENT

There are no identified risks of medium or greater associated with the officer recommendation, with the recommendation serving to mitigate the risks associated with there not being a lease in place.

CONSULTATION

Local advertising of the City's intention to lease the property was undertaken from 2 to 16 March 2016, in accordance with Section 3.58 of the Local Government Act 1995. No submissions were received.

OFFICER COMMENT

The City has been trying to lease all four allied health suites at the GLC since December 2014. In December 2015, a new approach was implemented and the suites were advertised through an online real estate agent which generated a number of enquiries. All interested parties were sent an Expression of Interest form with a closing date of 1st February 2016. Three expressions of interest were received however one proponent advised that they did not wish to proceed leaving the City with the two proponents: Charlotte De Latte and Gavin Rainbow.

The proponent, Gavin Rainbow, has an established business both in Perth and the South West called Live it! Occupational Therapy which has operated for approximately ten years and has had a growing client base over this time. The head office is in Mount Hawthorn with therapists servicing all areas of

the Perth Metro area and South West region. Live it! has a therapist living in Cowaramup who has provided services on a part time basis working from home. However their client base has expanded now such that they have an additional full time therapist who lives in Busselton. The Health suite at the GLC will be for these two therapists to base their work from.

In his submission, Gavin Rainbow has offered a rent of \$15,600 exclusive of GST and inclusive of outgoings. This offer is in line with the market rental valuation. The proposed lease term is twelve (12) months, with an option for a further twelve (12) months and then a further two (2) year option.

The proponent Charlotte De Latte has an established myopractic business in the South West (Optimum Health Wellness and Bodywork Centre) with rooms in both Dunsborough and Bayside shopping Centre in Busselton. Charlotte De Latte has an established client base in both centres and is planning to move her office in Busselton to Suite four (4) at the GLC and sees her services complimentary to the services which we provide.

In her submission, Charlotte De Latte has offered a rent of \$15,600 exclusive of GST and inclusive of outgoings. This offer is in line with the market rental valuation. The proposed lease term is twelve (12) months, with an option for a further twelve (12) months.

Both tenants will provide their own telephone and internet connections and be responsible for all associated connection and usage charges.

A commercial lease arrangement for Suite two (2) and Suite four (4) supports the Council's objective to: increase revenues and reduce operating costs at the GLC. It also helps to achieve the key performance indicator: to continue to reduce the net operating deficit of the GLC facility. The rent proposed by the proponent is in line with the market valuation and supports the achievement of the revenues forecast in the GLC Business Plan.

CONCLUSION

The Myopractic and Occupational Therapy services proposed will add to the diversity of health and fitness services available from the GLC. The proposal aligns well with community objectives outlined in the Strategic Community Plan and GLC Business Plan to provide quality, affordable and accessible services and facilities and it supports the key performance indicator to reduce the net operating deficit of the GLC.

For these reasons, it is recommended that the Council enter into a lease with Gavin Rainbow and Charlotte De Latte on the conditions noted in the Officer Recommendation with all other conditions to be consistent with the City's existing allied health suite leases.

OPTIONS

1. Council can resolve not to enter into a lease agreement with Charlotte De Latte and/or Gavin Rainbow and re-advertise the premises;
2. Council can resolve to enter into a different term of lease with Charlotte De Latte and/or Gavin Rainbow.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A lease would be forwarded to the Minister for Lands for preapproval by 15 April 2016. It is anticipated that signing of the lease would be on or before the 1 May 2016.

Council Decision and Officer Recommendation**C1604/083**

Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council:

1. Enter into a lease, subject to the Minister for Lands approval, with Gavin Rainbow for the occupation of Suite two (2) of a portion of Reserve 29933, being Lot 300, Deposited Plan 50595, Volume LR3137 Folio 982, 1 Recreation Lane, West Busselton as shown highlighted on Attachment A, subject to the terms and conditions of the lease to include the following:
 - a. an initial leasehold term of 12 months; with an option for a further twelve (12) months and then a further two (2) year option.
 - b. rent to commence at \$15,600 exclusive of GST and inclusive of outgoings, in the first year then indexed by CPI annually.
 - c. the tenant to be responsible for telephone and, internet connections and charges applied to the leased premises; and
 - d. other terms and conditions consistent with the City's existing allied health suite leases.
2. Enter into a lease, subject to the Minister for Lands approval, with Charlotte De Latte for the occupation of Suite four (4) of a portion of Reserve 29933, being Lot 300, Deposited Plan 50595, Volume LR3137 Folio 982, 1 Recreation Lane, West Busselton as shown highlighted on Attachment B, subject to the terms and conditions of the lease to include the following:
 - a. an initial leasehold term of twelve (12) months; with a further twelve (12) month option.
 - b. rent to commence at \$15,600 exclusive of GST and inclusive of outgoings, in the first year then indexed by CPI annually.
 - c. the tenant to be responsible for telephone and, internet connections and charges applied to the leased premises; and
 - d. other terms and conditions consistent with the City's existing allied health suite leases.

CARRIED 9/0**EN BLOC**

13.2 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES

SUBJECT INDEX:	Events
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Commercial Services
REPORTING OFFICER:	Events Coordinator - Peta Tuck
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

The purpose of this report is to seek Council's approval to fund two upcoming events through the City's 2015/16 Events Budget.

BACKGROUND

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

Further to this, at its meeting of 22 June 2011 (C1106/201), Council resolved to introduce a 3% Differential Rate on the abovementioned properties and as a result, \$180k was included in the 2011/2012 budget towards events and marketing. Following this, Council increased the Differential Rate to 6% in 2012/2013 (totalling \$360k), 7% in 2013/2014 (totalling \$379k) and 8% in 2014/2015 (totalling \$488k) towards events and marketing.

As part of the 2015/2016 adopted budget, Council increased the Differential Rate to 9% (totalling \$556k), with the funds split 75:25 between events and marketing respectively.

The total endorsed marketing and events budget for 2015/2016 is \$893k; \$697k allocated for events and \$196k allocated towards marketing. The \$697k budget allocation for events includes \$280k from municipal funds and \$417k from the Differential Rate Budget of \$556k. \$196k has been allocated specifically for marketing, including \$139k from the Differential Rate Budget and \$57k carry over from 2014/15. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

Through the City's Events Sponsorship Programme a number of one-off and multi-year events have been allocated funding, as endorsed by Council, two of which in 2015/16 include the Books by the Bay Festival and the City of Busselton Criterium.

At the 14 October 2015 Ordinary Meeting of Council, Council resolved (C1510/293) to allocate \$15k for the Books by the Bay festival, to be provisionally funded from the draft 2016/17 Differential Rate Events Budget. Whilst this event is to be held in the 2016/17 financial year, forward funding has been requested to enable event organisers to secure authors' attendance. As such, \$5k has been requested to be funded from the 2015/16 budget, with the balance of \$10k to be funded in 2016/17. Further to this, at the Ordinary Meeting of Council on 11 December 2013, Council endorsed (C1312/325) entering into a multi-year funding agreement with the South West Cycle Club for the City of Busselton Criterium event, for the amounts of \$7k (2014/15), \$5k (2015/16) and \$5k

(2016/17), to be funded from the Differential Rate Events budget. This event did not proceed in 2015/16, however event organisers are holding a Delirium 24 hr Cycle Event at Barnard Park in April 2016 and as such have requested the allocation of \$5k for the Criterium to be allocated to the new event.

This report seeks Council's approval to fulfil the funding requests to both events to occur.

STATUTORY ENVIRONMENT

Section 6.11 (1) of the *Local Government Act 1995* (the Act) requires that 'subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.'

RELEVANT PLANS AND POLICIES

The recommendations are in line with Council policies.

FINANCIAL IMPLICATIONS

As part of the 2015/2016 budget process, Council increased the Industrial and Commercial Differential Rate by 1% from 8% to 9%, with the funds being split 75:25 between events and marketing respectively, (\$417k towards events and \$139k towards marketing).

In addition to employing Events staff, the total 2015/16 marketing and events budget totals \$893k; \$697k allocated for events including \$280k from municipal funds for events funded through multi-year agreements and \$196k allocated specifically for marketing, including \$139k from the Differential Rate budget and \$57k carryover from the 2014/15 marketing budget. The funding allocated through the 2015/16 Municipal budget is as follows;

Events - Multi-Year Agreements funded through Municipal funds	2015/16
Busselton Jetty Swim	\$15,600
Ironman WA Busselton	\$149,400
Busselton Ironman 70.3	\$45,000
Geographe Bay Race Week	\$10,000
Cinefest Oz	\$50,000
Festival of Busselton	\$6,000
Carols by the Jetty	\$1,000
Australia Day	\$3,000
TOTAL	\$280,000

Within the 2015/16 Differential Rate Events Budget, \$232.6k is allocated for events funded through multi-year agreements, leaving a total of \$164.3k for the Events Sponsorship Programme. \$106k in event sponsorship was approved by Council in Round 1, and \$47.1k for Round 2, leaving \$11.2k in the events budget for 2015/2016.

In the 2015/16 financial year, three (3) events that funding has been allocated through the City's Events Sponsorship Programme to have not occurred, those being the Wrecked Festival (\$5k); City of Busselton Criterium (\$5k); and Dunsborough Bay Fun Run (\$3k). Based on this, a total of \$24.2k remains within the Differential Rate Events budget, which will enable funding requests for the 2015/16 financial year received for the Books by the Bay and Delirium 24 hour Cycle events to occur (\$10k in total).

Long-term Financial Plan Implications

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

STRATEGIC COMMUNITY OBJECTIVES

This matter aligns with the City of Busselton's endorsed Strategic Community Plan 2013, and principally with the following Strategic Goal:

Well planned vibrant and active places;

A City where the community has access to quality cultural, recreation, and leisure facilities and services.

RISK ASSESSMENT

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

CONSULTATION

Consultation has been undertaken with members of the Marketing and Events Reference Group, consisting of representatives from the Busselton Chamber of Commerce and Industry, Dunsborough Yallingup Chamber of Commerce and Industry, Geographe Bay Tourism Association and Conservation Association, Busselton Jetty Environment and Conservation Association and the City of Busselton.

OFFICER COMMENT

The Marketing and Events Reference Group has been established with representatives from the City of Busselton, local Chambers of Commerce, the Margaret River Busselton Tourism Association, and the Busselton Jetty Environment and Conservation Association. A Terms of Reference guides the operations of the Group and an Events Sponsorship Programme has been developed.

Supporting the development and attraction of new events throughout the year, the Events Sponsorship Programme promotes the City of Busselton as an attractive host and event tourism destination for a range of events. The City, through the programme has attracted exciting new events to boost the local economy through event tourism.

City staff have received funding requests from two events to be allocated in the 2015/16 financial year; the Books by the Bay Festival, and the 24 Hour Delirium Cycle:

The Books by the Bay Festival

This is a new event to be held in July 2016, and was successful in securing \$15k through the City's Events Sponsorship Programme. The funding allocation was endorsed by Council (C1510/293) to be provisionally funded from the draft 2016/17 Differential Rate Events budget. However, due to many costs arising in the 2015/16 financial year, the organiser has requested that \$5k be allocated in the 2015/16 financial year and the balance of \$10k to be funded in the 2016/17 financial year.

The Delirium 24 Hour Cycle

The Delirium 24 Hour Cycle Event is also a new event, taking place around Barnard Park sporting precinct on 16-17 April 2016. This event has previously been successfully run in Cowaramup for the last 5 years, however due to the urban growth of Cowaramup it is no longer viewed as a desirable location. The event currently attracts more than 250 competitors from all over the state, either as

individuals or riding in teams for the duration. The organisers, South West Cycle Club, are well known to the City of Busselton, having been involved in many events over the past years most notably the City of Busselton Criterium . The Criterium was sponsored through the Differential Rate Events Budget as a multi-year agreement for the 2014/15 – 2016/17 financial years, for the amounts of \$7k, \$5k and \$5k respectively. Due to the inability to secure sufficient volunteer organising committee support, the South West Cycle Club advised the City that they would be unable to hold their scheduled Criterium events in February 2016 and February 2017. They have elected instead to focus on bringing the Delirium event to Busselton in 2016. As such event organisers have requested to be able to utilise the \$5k previously allocated to the Criterium event in the 2015/16 budget for the new Delirium event, to offset the large traffic management costs associated with running a 24 hour on-road event.

Both events are seen to reflect the City of Busselton's Events Strategy and sufficient funding is available in the 2015/16 Differential Rates Events budget to enable the funding requests to be fulfilled. As such it is recommended that the funding requests be approved.

CONCLUSION

Officers support the budget amendment to fund \$5k from the 2015/16 Differential Rate Events Budget and \$10k from the 2016/17 Differential Rate Events Budget for the Books by the Bay festival, and to fund \$5k from the 2015/16 Differential Rate Events Budget for the Delirium 24 hour Cycle Event.

OPTIONS

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Council Decision and Officer Recommendation

C1604/084 Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council:

1. Endorses the allocation of \$5k from the 2015/16 Differential Rate Events Budget for the Books by the Bay festival, with the balance of \$10k to be provisionally allocated from the draft 2016/17 Differential Rate Events Budget.
2. Endorses the allocation of \$5k from the 2015/16 Differential Rate Events Budget for the Delirium 24 hr Cycle Event.

CARRIED 9/0

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14. FINANCE AND CORPORATE SERVICES REPORT

14.2 CONTRACT FOR ELECTRICITY SUPPLY TO CITY OF BUSSELTON CONTESTABLE SITES

SUBJECT INDEX:	Request for Quotation
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Legal Services
REPORTING OFFICER:	Legal Services Coordinator - Cobus Botha
AUTHORISING OFFICER:	Manager, Corporate Services - Sarah Pierson
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Confidential Quotation Assessment Report RFQ 15-16

PRÉCIS

The City has 15 sites which could potentially be classified as “contestable” under the *Electricity (Licensing) Regulations 1991*. Electrical supply for these contestable sites can be taken to the open electricity market to seek best value for money from prospective suppliers.

Pursuant to a request for quotation process it is recommended that Alinta Sales Pty Ltd (**Alinta Energy**) be awarded the contract to provide electricity to the City of Busselton contestable sites for the period 1 May 2016 to 30 April 2018.

BACKGROUND

The energy market in Western Australia is regulated by the Economic Regulation Authority. Electricity supplied to metered sites with an annual load greater than 50,000 kWh can be taken to the market as “contestable supply”. Contestable supply delivers potential savings to the consumer due to the discounted tariffs applied to these sites. For sites with a lower annual load than the “contestable site” threshold the City must continue purchasing electricity from the nominated supplier (currently Synergy) at its relevant standard rates.

The City continues to see an increase in the number of contestable sites with a total of 15 sites now considered eligible for contestable supply, compared to 11 contestable sites during the previous contract term. Substantial savings have been achieved through use of contestable supply.

The City has previously entered into electricity supply agreements (two year contract terms) with Perth Energy Pty Ltd (**Perth Energy**) for contestable sites in 2010, 2012 and 2014. The City’s current agreement with Perth Energy expires on 30 April 2016. For purposes of securing electricity supply for a further term of two years to the relevant City owned facilities, quotations have been requested through WALGA’s eQuotes system. WALGA’s Contestable Energy & Related Services Contract C024_14 provides savings of up to 30% in comparison to the standard business tariffs. Figures from WALGA indicate the City has in the past achieved substantial savings through contestable energy supply.

The WALGA “Energy - Contestable Energy and Related Services” panel comprises of nine panelists, that is AER Retail Pty Ltd, Alinta Energy, COzero, Enigin Western Australia, Infinite Energy, Perth Energy, Landfill Gas & Power Pty Ltd, Synergy and Kleenheat Gas. Some of these suppliers, like Kleenheat Gas and Landfill Gas & Power, supply only gas, while some of the others focus mainly on renewable energy. The request for quotation was sent to Synergy, Alinta Energy and Perth Energy as they are well known electrical retailers, operating regionally and with the ability to meet local demand. All three of them have submitted quotations. Further details of the submissions received from Synergy, Alinta Energy and Perth Energy are provided in confidential Attachment A.

STATUTORY ENVIRONMENT

In terms of the *Local Government (Functions and General) Regulations 1996 (LG Regulations)* a local government must publicly invite tenders where the consideration for the supply of the relevant goods or services is likely to exceed the statutory threshold (currently \$150,000), unless one or more of the exemptions under LG Regulation 11(2) apply. In terms of LG Regulation 11(2)(b) tenders do not have to be publicly invited if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

Synergy, Alinta Energy and Perth Energy are all on the WALGA Preferred Supplier Panel. The Request for Quotation process for electricity supply to the City's contestable sites has been undertaken via WALGA's eQuotes system under WALGA's Contestable Energy & Related Services Contract C024_14 and therefore the exemption under LG Regulation 11(2)(b) applies.

RELEVANT PLANS AND POLICIES

Policy 239 – *City of Busselton Purchasing Policy* applies. The procurement process for the supply of electricity to the City's contestable sites complies with this policy.

FINANCIAL IMPLICATIONS

It is estimated that over the next contract term of two years the City will pay between \$800,000 and \$1,2 million (excluding GST) for electricity supply to City facilities which qualify as contestable sites (based on the estimated electricity consumption and the estimated cost over life of the supply contract). The estimated electricity consumption at the contestable sites (based on the City's historical use) and the three respondents' quoted rates have been used to assess their quotations, which provided the following results:

Supplier	Estimated total cost over life of contract
Alinta Energy	\$1,032,478 (rates fixed no CPI indexing)
Perth Energy	\$1,073,628 (subject to CPI indexing)
Synergy	\$1,182,178 (rates fixed – no CPI indexing)

It is estimated that CPI indexing (calculated at 2.5%) could add approximately \$13,420 over the contract life to Perth Energy's total cost.

Based on the evaluation results Alinta Energy's offered pricing structure and rates clearly presents better value for money than both Synergy and Perth Energy.

Further detail of each respondent's rates is provided in confidential Attachment A. A comparison of the rates under the current supply contract with the rates/charges offered by Alinta Energy for the new contract term shows the following price increases (which are considered to be consistent with current market tendencies):

On-peak charge – 12.32% increase

Off-peak charge – 10.1% increase

A comparison of the rates/charges offered by Alinta Energy for the City's contestable sites with the general rates/charges currently paid by the City in respect of its "non-contestable" sites shows that Alinta Energy's offered rates/charges are significantly cheaper. Although it is not always possible to compare prices directly, Alinta Energy's offered rates/charges could in some instances present a cost saving of as much as 31% over the so-called "general" rates/charges.

Long-term Financial Plan Implications

The estimated electricity consumption and cost of supply over the proposed contract period aligns with current projections in the City's Long-term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

Entering into an electricity supply agreement for the City's contestable sites aligns with Community Objective 6.3 of the City's Strategic Community Plan:

6.3 An organisation that is managed effectively and achieves positive outcomes for the community.

RISK ASSESSMENT

WALGA has prequalified and contracted a range of suppliers, an arrangement designed to mitigate risks to Local Governments. Through this process, comprehensive due diligence has been undertaken to ensure the integrity and sustainability of the suppliers, including Alinta Energy. Compliance risks are therefore mitigated through WALGA's centralised supplier panel model. In addition, the following comments on Alinta Energy are relevant.

Alinta was established in 1941 and began operations in Western Australia in 1995 as part of the State Energy Commission of WA. In 2007 the company was acquired by a consortium between Australia's second-largest investment bank, Babcock & Brown, and Singapore Power International and subsequently delisted from the Australian Securities Exchange, currently operating as a private company. It currently is one of Australia's largest energy providers employing over 800 people across Australia and New Zealand and selling gas and electricity to over 700,000 customers. Alinta Energy owns and operates 9 power stations (4 of which are in WA) with a generation capacity of 2,500MW. If Alinta Energy were to fail, the City would be able to terminate the electricity supply agreement without penalty and seek to enter into a new agreement with an alternative supplier.

The proposed contract with Alinta Energy does not involve any significant changes from current practices and is therefore considered low risk.

CONSULTATION

None

OFFICER COMMENT

The City of Busselton potentially has 15 contestable sites. These are as follows:

- (1) Geographe Leisure Centre
- (2) City of Busselton Depot
- (3) City of Busselton Administration Office
- (4) Naturaliste Community Centre
- (5) Busselton Regional Airport
- (6) Busselton Library
- (7) Bovell Park
- (8) Kookaburra Caravan Park (Adelaide St)
- (9) Kookaburra Caravan Park (L7885 Adelaide St)
- (10) Community Resource Centre
- (11) Queen Street (Foreshore)
- (12) Kookaburra Caravan Park – Park 3

(13) Dunsborough Sports Oval

(14) ArtGeo Complex, Old Sergeants Quarters, Tea Rooms & Studio

(15) Vasse Lakes Irrigation

Sites 1-11 listed above were covered by a current supply agreement with Perth Energy. Prior to requesting the quotations, the City investigated the usage at its sites and identified four further sites (sites 12 – 15 above) which would potentially qualify as contestable sites. The City will continue to monitor usage at all of its sites. The proposed contract with Alinta Energy provides for additional sites to be included under the contract as and when they qualify as contestable. All sites with the potential of reaching the “contestable” threshold will be monitored on an ongoing basis.

The submissions received from the three respondents were assessed on the basis of comparing the estimated cost over life of the contract using the estimated consumption at abovementioned sites by factoring in each respondent’s rates/charges for on-peak and off-peak consumption and supply charges. This method is considered the most reliable for making a fair and impartial assessment. Based on abovementioned assessment results Alinta Energy’s offered pricing structure clearly presents best value for money.

An operational assessment of the variables between the respondents indicated similarity in terms of account management, terms of supply and service standards.

The Alinta Energy’s proposal includes the following terms:

- Payment terms of 14 days from date of receipt of each bill;
- Rates and charges include, as at the start date, all capacity charges, exit point network charges IMO Market Charges, renewable energy charges but exclude costs increases due to changes in law and taxes;
- No minimum “take factor”, that is no pre-determined minimum usage thresholds which could trigger additional charges if not met;
- No “Contract Maximum Demand” which means additional sites, like the new Admin Building, could be included once the “contestable site” threshold of 50,000kWh is reached

The general conditions of contract proposed by Alinta Energy for the new contract (2016 – 2018) are based on the *Alinta Energy Electricity Supply Agreement Terms and Conditions October 2014*, which is standard to all Alinta Energy’s customers who are provided with a similar service.

Alinta Energy also submitted a *Transition Plan for City of Busselton (Electricity Supply)* and nominated a dedicated account manager to effect a smooth transition to Alinta Energy as new electricity supplier.

CONCLUSION

Entering into an electricity supply agreement with for the City’s contestable sites will provide savings when compared to the standard business tariffs. With electricity consumption within the City increasing and also electricity prices forecast to rise, entering into a supply agreement would shelter the City from large increases in electricity tariffs during the term of the agreement.

The Alinta Energy quotation clearly represents best value for money. It is therefore recommended that Alinta Energy be awarded the contract resulting from RFQ15/16 for the supply of electricity to the City’s contestable sites for the period of 1 May 2016 to 30 April 2018 on the basis of their submitted rates and the *Alinta Energy Electricity Supply Agreement Terms and Conditions October 2014*.

OPTIONS

As alternatives to the Officer's Recommendation, the following options are available to Council:

- 1) Enter into an electricity supply agreement with the current supplier, Perth Energy. This would result in additional costs of approximately 4.3% plus the effect of CPI indexing (in total approximately \$54,000 over the contract life) above the Alinta Energy offer over the term of the contract.
- 2) Not enter into a "contestable site" electricity supply agreement with any electrical suppliers and revert to the standard Synergy business supply tariffs. This would result in higher costs of approximately 30% or more than under the proposed Alinta Energy contract over a two year period.

For the reasons mentioned in this report neither one of these options is recommended.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The current Perth Energy contract expires on 30 April 2016. Therefore, if endorsed by Council, the City will enter into a new electricity supply agreement with Alinta Energy to take effect from 1 May 2016.

Council Decision and Officer Recommendation**C1604/085**

Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council awards the contract for supply of electricity to the City of Busselton contestable sites to Alinta Sales Pty Ltd for the period of 2 years on the basis of their rates submitted in response to Request for Quotation RFQ 15/16 and on terms and conditions which are materially the same as Alinta Sales standard terms and conditions to their business customers.

CARRIED 9/0**EN BLOC**

15. CHIEF EXECUTIVE OFFICER'S REPORT

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Executive Services
ACTIVITY UNIT:	Executive Services
REPORTING OFFICER:	Reporting Officers - Various
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received 1 February - 29 February 2016
	Attachment B Planning Applications Determined 1 February - 29 February 2016
	Attachment C State Administrative Tribunal Appeals as at 1 April 2016
	Attachment D Meelup Regional Park Management Committee Informal Meeting Minutes 19 January 2016
	Attachment E Meelup Regional Park Management Committee Informal Meeting Minutes 23 February 2016
	Attachment F ALGA – 2016 Federal Budget Submission
	Attachment G Busselton Jetty Swim - Letter of Appreciation
	Attachment H DFES – Bush Fire Service Medallions
	Attachment I Dunsborough Bay Yacht Club – Letter of Appreciation
	Attachment J Dunsborough Bay Yacht Club – Photos
	Attachment K South West Academy of Sport – Letter of Appreciation

PRÉCIS

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

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

INFORMATION BULLETIN

15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 February, 2016 and 29 February, 2016. 82 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 February, 2016 and 29 February, 2016. A total of 63 applications (including subdivision referrals) were determined by the City during this period with 60 approved / supported and 3 refused.

15.1.2 State Administrative Tribunal (SAT) Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 21 March 2016.

15.1.3 Meelup Regional Park Management Committee

The minutes from the informal committee meetings of the Meelup Regional Park Management Committee for the 19 January 2016 is included in Attachment D and the 23 February 2016 is included in Attachment E.

15.1.4 Australian Local Government Association – 2016 Federal Budget Submission

Correspondence has been received from the Australian Local Government Association and is available to view in Attachment F.

15.1.5 Busselton Jetty Swim – Letter of Appreciation

Correspondence has been received from the Busselton Jetty Swim and is available to view in Attachment G.

15.1.6 Department of Fire & Emergency Services – Bush Fire Service Medallions

Correspondence has been received from the Department of Fire & Emergency Services and is available to view in Attachment H.

15.1.7 Dunsborough Bay Yacht Club – Letter of Appreciation

Correspondence has been received from the Dunsborough Bay Yacht Club and is available to view in Attachment I & J.

15.1.8 South West Academy of Sport – Letter of Appreciation

Correspondence has been received from the South West Academy of Sport and is available to view in Attachment K.

Council Decision and Officer Recommendation

C1604/086 Moved Councillor G Bleechmore, seconded Councillor P Carter

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 State Administrative Tribunal (SAT) Appeals
- 15.1.3 Meelup Regional Park Management Committee
- 15.1.4 Australian Local Government Association – 2016 Federal Budget Submission
- 15.1.5 Busselton Jetty Swim – Letter of Appreciation
- 15.1.6 Department of Fire & Emergency Services – Bush Fire Service Medallions
- 15.1.7 Dunsborough Bay Yacht Club – Letter of Appreciation
- 15.1.8 South West Academy of Sport – Letter of Appreciation

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.

11.2 PROPOSED SUPERMARKET (ALDI) AND SHOWROOM, LOT 17, WEST STREET, BUSSELTON

SUBJECT INDEX:	Statutory Planning Development Assessment
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Development Services; Environmental Services
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Director, Planning and Development Services - Paul Needham
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan
	Attachment B Land Use Concept Plan
	Attachment C Site Plan
	Attachment D Site Works Approval
	Attachment E Elevations
	Attachment F Confidential Legal Advice
	Attachment G Schedule of Submissions
	Attachment H SAT Order for Reconsideration
	Attachment I Consolidated Copy of Agenda Report and Minutes of 10 February 2016 Council Meeting

PRÉCIS

An application for approval for development of a supermarket (understood to be for an 'Aldi' store) was refused by the Council at its meeting of 10 February 2016. The applicants have subsequently lodged an application for review with the State Administrative Tribunal (SAT). As is sometimes the case with SAT matters, SAT has invited the Council to reconsider the application before the review process proceeds any further. The SAT has required the Council to advise of the outcome of its reconsideration by no later than 18 April.

BACKGROUND

The City on 10 February 2016 resolved (C0162/018) -

"That the Council refuses the development application for a proposed supermarket (ALDI) and showroom, Lot 17, West Street, Busselton.

The reasons for refusal are:

- 1. It would fragment the town centre, creating a frequent use supermarket area disconnected from the CBD, an outcome that does not align with the Community Objective 2.2 of the Strategic Community Plan. It would create a new shopping area separate from the existing community that has little to no opportunity for social interaction or community connection, eroding social capital.*
- 2. The proposed location was considered for show rooms that would be less frequently visited than a supermarket, the increase in traffic from would negatively impact on*

traffic flow and congestion, or require significant financial investment from the City to upgrade Bussell Highway and West Street.

3. *The zoning of the area does not explicitly allow a supermarket in this location."*

A consolidated copy of the agenda report and minutes (excluding attachments) associated with that decision is provided as Attachment I. A series of other relevant attachments are provided as Attachments A-H. Given the information provided as Attachment I, however, a detailed description of the proposal and the assessment provided at that time has not been repeated in the body of this report.

STATUTORY ENVIRONMENT

State Administrative Tribunal Act 2004

At its meeting of 10 February Council resolved by a 5 to 4 majority to refuse the application in relation to the proposed Aldi supermarket and showroom at lot 17 West Street. Realview Holdings has made application to the State Administrative Tribunal in relation to the decision of the Council (C0162/018).

Pursuant to s.31 State Administrative Tribunal Act 2004 the SAT has invited Council's reconsideration of its original decision in relation to this application.

The Council now has the option to reconsider the proposal and in doing so makes a new determination. It is free to either make the same determination as it made on 10 February 2016 or it can decide to grant consent to the proposal subject to conditions.

For further description of the Statutory Environment, see Attachment I.

RELEVANT PLANS AND POLICIES

The relevant plans and policies are set out and described in Attachment I.

FINANCIAL IMPLICATIONS

There are no relevant financial implications in relation to the assessment of the application.

Long-term Financial Plan Implications

There are no relevant long term financial plan implications in relation to the assessment of the application.

STRATEGIC COMMUNITY OBJECTIVES

Governance systems that deliver responsible, ethical and accountable decision making.

RISK ASSESSMENT

There are a range of organisational risks associated with this matter, but they are generally not relevant to the decision the Council is being asked to make and, as such, they are not set out in this report.

CONSULTATION

The consultation process and outcomes are described in Attachment I.

OFFICER COMMENT

When the Council first considered this matter at its 10 February meeting, it decided to refuse the application, for the following reasons –

- 1. It would fragment the town centre, creating a frequent use supermarket area disconnected from the CBD, an outcome that does not align with the Community Objective 2.2 of the Strategic Community Plan. It would create a new shopping area separate from the existing community that has little to no opportunity for social interaction or community connection, eroding social capital.*
- 2. The proposed location was considered for show rooms that would be less frequently visited than a supermarket, the increase in traffic from would negatively impact on traffic flow and congestion, or require significant financial investment from the City to upgrade Bussell Highway and West Street.*
- 3. The zoning of the area does not explicitly allow a supermarket in this location.*

Councillors would be aware that officers previously recommended approval of the application, and the rationale for that recommendation is set out in Attachment I. Officers were and remain of the view, however, that the issues associated with the application are quite complex and difficult, and that the Council's decision to refuse the application was a reasonable one. It is, however, also seen as appropriate that officers provide some further advice in relation to the Council's reasons for refusal due to the previous resolution being put forward by a Councillor (and therefore without substantial officer comment).

In relation to reason for refusal number one, that the proposed development, if it were to proceed, would fragment the town centre, it is clear that the development of a supermarket, in association with a discount department store, would create a separate activity node isolated from the existing town centre. It is also clear that approval of a supermarket in this location would act to reduce the likelihood of development occurring in the existing City Centre. Avoidance of that kind of outcome is a legitimate planning consideration, especially as the relevant planning framework, including the Council and WAPC endorsed *City of Busselton Local Commercial Planning Strategy* does not support the extension of the City Centre, or the creation of a node of shop retail/town centre development (other than a single discount department store), in the area in which the development is proposed.

Instead, the relevant planning framework supports the consolidation of the City Centre within the area currently subject of the 'Business' zoning, which does not extend to the west of West Street. Approval of a supermarket on the land would clearly have the potential to undermine that aim. In very simple terms, whilst it is not appropriate for the Council to favour development by or for one particular landowner, developer or operator, it is appropriate for the Council to consider the most appropriate location for development, and where discretion exists, refuse development where it considers that development could and should occur in a more appropriate location. It is also clear that, whilst greenfields development is usually easier than redevelopment within an existing town or city centre, the challenges associated with assembling sites in the Busselton City Centre are not especially great, in comparison with many other, comparable centres.

In relation to reason for refusal number two, relating to potential traffic impacts, whilst it is correct to some degree, it is not considered by officers that a supermarket of the scale proposed would have significant or identifiably greater impact than would the alternative land uses permitted by the town

planning scheme. The underlying issue is that there are a limited number of, quite constrained routes, into and out of the City Centre, which creates significant traffic challenges. Significant traffic challenges are also created by any commercial development along and/or to the south of Bussell Highway/Albert Street, including development currently in place. Whilst any SAT review process would need to further consider traffic impacts, this is not considered to be a particularly strong reason for refusal. It should be noted, though, that should the application for review proceed to hearings, consideration is not limited to issues specifically identified as reasons for refusal set out in the decision being reviewed.

In relation to reason for refusal number three, relating to the zoning of the land, the observation is correct, but it is not a reason for refusal as such. This is, in fact, in many ways a variant of reason for refusal number one. It is fairly clear, though, that the intent of the inclusion of the 'supermarket' definition in the town planning scheme, which has created the discretion that allows for considering approval of the development was, in fact, actually designed to prevent development of a supermarket on the land. If the Council is to retain its previous position to refuse, a modification of this reason for refusal to reflect that situation would be seen as appropriate.

CONCLUSION

This is clearly a difficult and complex issue, with a wide range of matters to consider and a wide range of views in the community and more broadly. As set out in the earlier report on this matter, though, legal advice received by the City indicates that the Council does have the discretion to approve the development and doing so would not be an unreasonable decision.

OPTIONS

Option 1 – refuse the application

That the Council refuses the development application for a proposed supermarket (ALDI) and showroom, Lot 17, West Street, Busselton.

The reasons for refusal are:

- 1. It would fragment the town centre, creating a frequent use supermarket area disconnected from the CBD, an outcome that does not align with the Community Objective 2.2 of the Strategic Community Plan. It would create a new shopping area separate from the existing community that has little to no opportunity for social interaction or community connection, eroding social capital.*
- 2. The proposed location was considered for show rooms that would be less frequently visited than a supermarket, the increase in traffic from would negatively impact on traffic flow and congestion, or require significant financial investment from the City to upgrade Bussell Highway and West Street.*
- 3. The zoning of the area does not explicitly allow a supermarket in this location.*

Option 2 – approve the application

That the Council resolve

- 1. That application DA15/0578 submitted for development of a Discount Department Store at Lot 17 West Street Busselton is generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.*

2. *That application DA16/0578 submitted for development of a Discount Department Store at Lot 17 West Street Busselton is approved subject to the following conditions:*

General conditions:

1. *The development hereby approved shall be substantially commenced within two years of the date of this decision notice.*
2. *The development hereby approved shall be undertaken in accordance with the signed and stamped, approved details and plan(s) (enclosed).*

Prior to Commencement of any works conditions:

3. *That development hereby approved or any work associated with this approval must not commence until the site works as approved in DA15/0577 have been completed. These works create the land suitable for development.*
4. *The development hereby approved, or any works required to implement the development shall not commence until the following plans or details have been submitted to the City and have been approved in writing*
 - I. *A Dust Management Plan detailing measures to be implemented to minimise the amount of dust pollution.*
 - II. *Details of signage, including but not limited to the design, materials and levels of illumination.*
 - III. *Details of type and colour of all external materials to be used.*
 - IV. *Details of materials colours and articulation treatments that are to be applied to the south elevations to bring forward and setback elements to create features of interest and reduce the appearance of bulk; such as has been provided using parapets and intervening colour panels as used on the north face.*
 - V. *A detailed plan which shows natural ground levels, finished ground levels and finished floor levels*
 - VI. *A detailed external lighting plan. Aside from avoiding excessive light spill it should enhance security to the carpark and can it be used to create visual interest on the building's form.*
 - VII. *Details of bicycle parking facilities including location and design.*
 - VIII. *A Construction Management Plan, which shall include details of site offices, material compounds, construction parking.*

5. *Satisfactory arrangements shall be made with the City to provide public art works. This entails compliance with the Percent for Art provisions of the City's Development Contribution Policy via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD"). Where the value of on-site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required.*

Note: The City may agree to this amount being combined with percent for art contributions arising from other development on the site and the artworks being undertaken at the site. Artworks undertaken at the site in this regard are to be applied to the area adjoining West Street.

Prior to Occupation/Use of the Development Conditions:

6. *The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 3 - 5 have been implemented.*

Ongoing conditions:

7. All signage is to be maintained in good condition with an unbroken or faded surface.
8. Windows facing east and the carpark (north face) should remain open to views and shall not be covered by more than 20% such as for advertising.

Advice Notes:

1. This Decision Notice grants planning consent to the development the subject of this application (DA15/0579). It cannot be construed as granting planning consent for any other structure shown on the approved plans which was not specifically included in this application.
2. Please note it is the responsibility of the applicant / owner to ensure that, in relation to substantial commencement, this Planning Consent remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
3. In accordance with the provisions of the Building Act 2011 and Building Regulations 2012, an application for a building permit must be submitted to and approval granted by the City, prior to the commencement of the development hereby permitted.
4. Details will be required at building permit for the provision of a static water supply for fire-fighting purposes. Hydrant pressure alone cannot be relied upon. This supply may be in conjunction with the requirements of other development at Lot 17.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The SAT and proponent will be advised of the Council decision by no later than 18 April 2016.

Note:

At the 6 April 2016 Community Access Session Councillors were presented with an updated version of Options 1 and 2 for their consideration as set out below.

Option 1 – refuse the application

That the Council, pursuant to Section 31(2)(a) of the *State Administrative Tribunal Act 2004*, affirm its previous decision to refuse DA16/0579 (C1602/018), as follows -

That the Council refuses the development application for a proposed supermarket (ALDI) and showroom, Lot 17, West Street, Busselton.

The reasons for refusal are:

1. *It would fragment the town centre, creating a frequent use supermarket area disconnected from the CBD, an outcome that does not align with the Community Objective 2.2 of the Strategic Community Plan. It would create a new shopping area separate from the existing community that has little to no opportunity for social interaction or community connection, eroding social capital.*
2. *The proposed location was considered for show rooms that would be less frequently visited than a supermarket, the increase in traffic from would*

negatively impact on traffic flow and congestion, or require significant financial investment from the City to upgrade Bussell Highway and West Street.

- 3. The zoning of the area does not explicitly allow a supermarket in this location.*

Option 2 – approve the application

That the Council, pursuant to Section 31(2)(c) of the *State Administrative Tribunal Act 2004*, substitute its previous decision to refuse DA16/0579 (C1602/018), with the following -

That the Council resolve -

- 1. That application DA16/0579 submitted for development a Supermarket and Showrooms at Lot 17 West Street Busselton is approved subject to the following conditions:*

General conditions

- 1. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed) except as may be modified by the following conditions.*
- 2. No building is to be located within 6m of the new West Street boundary; established to accommodate a road widening of 5m.*
- 3. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.*

Prior to Commencement of any work

- 4. That development hereby approved or any work associated with this approval must not commence until the site works as approved in DA15/0577 have been completed. These works create the land suitable for development.*
 - I. The development hereby approved, or any works required to implement the development shall not commence until the following plans or details have been submitted to the City and have been approved in writing*
 - II. A revised floor plan and elevations reflecting a 6m building setback from the new West Street road boundary, consistent with the site works approval DA15/0577.*
 - III. A detailed plan which shows natural ground levels, finished ground levels and finished floor levels.*
 - IV. Details of type and colour of all external materials to be used.*
 - V. Details of the proposed bin storage and loading dock areas including, but not limited to, the design and the materials to be used in their construction and management plan to minimise odour and pests.*
 - VI. A Dust Management Plan detailing measures to be implemented to minimise the amount of dust pollution during construction*
 - VII. Details of signage, including but not limited to the design, materials and levels of illumination.*
 - VIII. A detailed external lighting plan that avoids light spill to the residential property located immediately south, and is to be maintained for as long as that property remains as a place of residence. Aside from avoiding light spill to the south light should provide security to the carpark and can be used to create visual interest on the building's form.*

- IX. *A Noise Management Plan detailing the control of all noise emanating from the property which is to include loading docks, service bays, waste management/ bin areas, exhaust air outlets and air conditioning plants.*
 - X. *Details of bicycle parking facilities including location and design.*
 - XI. *A Construction Management Plan, which shall include details of site offices, material compounds, construction parking.*
5. *Satisfactory arrangements shall be made with the City to provide public art works. This entails compliance with the Percent for Art provisions of the City's Development Contribution Policy via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD"). Where the value of on-site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required.*

Note: The City may agree to this amount being combined with percent for art contributions arising from other development on the site and the artworks being undertaken at the site. Artworks undertaken at the site in this regard are to be applied to the area adjoining West Street.

Prior to Occupation/Use of the Development Conditions:

6. *The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 4-5 have been implemented.*

Ongoing conditions

7. *All signage is to be maintained in good condition with an unbroken or faded surface.*
8. *Windows facing east and the carpark (north face) should remain open to views and shall not be covered by more than 20% such as for advertising.*

Advice Notes

1. *This Decision Notice grants planning consent to the development the subject of this application (DA15/0579). It cannot be construed as granting planning consent for any other structure shown on the approved plans which was not specifically included in this application.*
2. *Please note it is the responsibility of the applicant / owner to ensure that, in relation to substantial commencement, this Planning Consent remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.*
3. *In accordance with the provisions of the Building Act 2011 and Building Regulations 2012, an application for a building permit must be submitted to and approval granted by the City, prior to the commencement of the development hereby permitted.*
4. *Details will be required at building permit for the provision of a static water supply for fire-fighting purposes. Hydrant pressure alone cannot be relied upon. This supply may be in conjunction with the requirements of other development at Lot 17.*

Motion

Moved Councillor J McCallum, seconded Councillor R Paine

That the Council refuses the development application for a proposed supermarket (ALDI) and showroom, Lot 17, West Street, Busselton.

The reasons for refusal are:

1. *It would fragment the town centre, creating a frequent use supermarket area disconnected from the CBD, an outcome that does not align with the Community Objective 2.2 of the Strategic Community Plan. It would create a new shopping area separate from the existing community that has little to no opportunity for social interaction or community connection, eroding social capital.*
2. *The proposed location was considered for show rooms that would be less frequently visited than a supermarket, the increase in traffic from would negatively impact on traffic flow and congestion, or require significant financial investment from the City to upgrade Bussell Highway and West Street.*
3. *The zoning of the area does not explicitly allow a supermarket in this location.*

LOST 2/7

Voting:

For the motion: Councillor J McCallum and Councillor R Paine.

Against the motion: Councillor R Bennett, Councillor T Best, Councillor G Bleechmore, Mayor G Henley, Councillor C Tarbotton, Councillor P Carter and Councillor R Reekie.

7.10pm At this time the Director, Engineering and Works Services left the meeting and did not return.

Council Decision

C1604/087

Moved Councillor C Tarbotton, seconded Councillor T Best

That the Council, pursuant to Section 31(2)(c) of the *State Administrative Tribunal Act 2004*, substitute its previous decision to refuse DA16/0579 (C1602/018), with the following -

1. *That application DA16/0579 submitted for development a Supermarket and Showrooms at Lot 17 West Street Busselton is approved subject to the following conditions:*

General conditions

1. *The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed) except as may be modified by the following conditions.*
2. *No building is to be located within 6m of the new West Street boundary; established to accommodate a road widening of 5m.*
3. *The development hereby approved shall be substantially commenced within two years of the date of this decision notice.*

Prior to Commencement of any work

4. *That development hereby approved or any work associated with this approval must not commence until the site works as approved in DA15/0577 have been completed. These works create the land suitable for development.*
 1. *The development hereby approved, or any works required to implement the development shall not commence until the following plans or details have been submitted to the City and have been approved in writing*

- II. *A revised floor plan and elevations reflecting a 6m building setback from the new West Street road boundary, consistent with the site works approval DA15/0577.*
 - III. *A detailed plan which shows natural ground levels, finished ground levels and finished floor levels.*
 - IV. *Details of type and colour of all external materials to be used.*
 - V. *Details of the proposed bin storage and loading dock areas including, but not limited to, the design and the materials to be used in their construction and management plan to minimise odour and pests.*
 - VI. *A Dust Management Plan detailing measures to be implemented to minimise the amount of dust pollution during construction*
 - VII. *Details of signage, including but not limited to the design, materials and levels of illumination.*
 - VIII. *A detailed external lighting plan that avoids light spill to the residential property located immediately south, and is to be maintained for as long as that property remains as a place of residence. Aside from avoiding light spill to the south light should provide security to the carpark and can be used to create visual interest on the building's form.*
 - IX. *A Noise Management Plan detailing the control of all noise emanating from the property which is to include loading docks, service bays, waste management/ bin areas, exhaust air outlets and air conditioning plants.*
 - X. *Details of bicycle parking facilities including location and design.*
 - XI. *A Construction Management Plan, which shall include details of site offices, material compounds, construction parking.*
5. *Satisfactory arrangements shall be made with the City to provide public art works. This entails compliance with the Percent for Art provisions of the City's Development Contribution Policy via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD"). Where the value of on-site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required.*

Note: The City may agree to this amount being combined with percent for art contributions arising from other development on the site and the artworks being undertaken at the site. Artworks undertaken at the site in this regard are to be applied to the area adjoining West Street.

Prior to Occupation/Use of the Development Conditions:

6. *The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 4-5 have been implemented.*

Ongoing conditions

7. *All signage is to be maintained in good condition with an unbroken or faded surface.*
8. *Windows facing east and the carpark (north face) should remain open to views and shall not be covered by more than 20% such as for advertising.*

Advice Notes

1. *This Decision Notice grants planning consent to the development the subject of this application (DA15/0579). It cannot be construed as granting planning consent for any other structure shown on the approved plans which was not specifically included in this application.*
2. *Please note it is the responsibility of the applicant / owner to ensure that, in relation to*

substantial commencement, this Planning Consent remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.

- 3. In accordance with the provisions of the Building Act 2011 and Building Regulations 2012, an application for a building permit must be submitted to and approval granted by the City, prior to the commencement of the development hereby permitted.*
- 4. Details will be required at building permit for the provision of a static water supply for fire-fighting purposes. Hydrant pressure alone cannot be relied upon. This supply may be in conjunction with the requirements of other development at Lot 17.*

CARRIED 7/2

BY ABSOLUTE MAJORITY

Voting:

For the motion: Councillor R Bennett, Councillor T Best, Councillor G Bleechmore, Mayor G Henley, Councillor C Tarbotton, Councillor P Carter and Councillor R Reekie.

Against the motion: Councillor J McCallum and Councillor R Paine.

14.1 GEOGRAPHE BAY YACHT CLUB LEASE RENEWAL REQUEST

SUBJECT INDEX:	Agreements/Contracts
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Property and Corporate Compliance
REPORTING OFFICER:	Property Coordinator - Ann Strang
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Plan Showing Proposed Lease and Licence Areas Geographe Bay Yacht Club

DISCLOSURE OF INTEREST	
Name/Position	Councillor Grant Henley
Item No./Subject	14.1 Geographe Bay Yacht Club Lease Renewal Request
Type of Interest	Proximity Interest.
Nature of Interest	In that his property shares direct borders with the Lou Weston reserve
7.35pm	At this time Councillor Henley left the meeting

7.35pm At this time Councillor Henley left the meeting and Deputy Mayor Coralie Tarbotton took the Chair for the meeting.

PRÉCIS

The City leases a portion of Lot 4539 King Street, West Busselton, Reserve 17319, as shown edged in red on the plan marked Attachment A (“the Premises”) to the Geographe Bay Yacht Club (“the GBYC”). The lease expired on the 30 June 2015 and the GBYC remain in occupation on a month by month basis.

The GBYC would like to continue to lease the Premises on the same terms and conditions as their existing lease. The purpose of this report is to inform Council of the outcome of negotiations with the GBYC and to make a recommendation as to a proposed lease renewal.

BACKGROUND

Lot 4539 King Street, West Busselton, Reserve 17319, also known as “Lou Weston Reserve”, is Crown Land vested with the City for the purpose of ‘Recreation’. Lou Weston Oval is utilised year round by various sporting groups including Netball, Rugby, Tee-ball and Football. Additionally a number of purpose built facilities have been constructed on the reserve and are leased to the Busselton Netball Association, the Busselton Fitness Club and the GBYC.

The GBYC leases a large portion of Lou Weston Reserve. Their Premises includes the yacht club clubrooms, boat storage and junior sailing club, a fuel shed, the boat compound, fishing club clubrooms and storage facilities for the outrigger canoe racing club. The GBYC have leased the Premises for many years, with their current lease being for a term of 21 years, expiring on 30 June 2015. They remain in occupation on a month by month basis.

In 2010, the GBYC made a request to amend their leased area to include all of their built infrastructure and the boat compound. They also sought inclusion of the small grassed section beyond the existing northern boundary and the boat ramp as shown hatched green on Attachment A in their lease. This was not supported by the City or the Department of Lands, as it would limit pedestrian access to the beach. Council instead resolved (C1009/331) to amend the leased

boundary to include the boat compound and to enter into a licence agreement with the GBYC for the small grassed section and the boat ramp, thereby retaining public access to these areas.

At the same meeting, the Council also resolved to explore the possibility of entering into an agreement with the GBYC to allow for some public vehicular access to the boat ramp from within their lease area. While discussions were held with the GBYC, an agreement was unable to be reached with the club concerned about safety relating to additional traffic and the difficulties in managing non club member use.

Lou Weston is a multi-purpose reserve with a number of different groups regularly using the oval and three different groups occupying the various buildings. Additionally the Scouts have recently acquired the land between the GBYC and the Fitness Club. Given its variety of uses City Officers have been looking at ways to improve the access and egress to the oval and surrounding buildings and to the carpark to the east of the Premises, as shown on Attachment A.

There is currently a shared driveway between the Premises and the Lou Weston Oval, which provides access to the GBYC and is also used regularly by users of the oval. There is informal parking adjacent to the driveway and the shared use path also runs through the area. A draft redesign of the area has been completed and will require a realignment of the GBYC's leased boundary. City Officers have been in discussions with the GBYC in relation to this; the outcome of these discussions is further outlined in the report.

STATUTORY ENVIRONMENT

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

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

The portion of land occupied by the GBYC is located on Lot 4539 King Street, West Busselton on Deposited Plan 211912, Volume LR3004 Folio 329, Reserve 17319. The land is Crown Land vested with the City. The City has the power to Lease for a term not exceeding 21 years for the designated purpose of Recreation subject to the consent of the Minister of Lands

RELEVANT PLANS AND POLICIES

Nil

FINANCIAL IMPLICATIONS

The GBYC currently pay \$100.00 per annum inclusive of GST. The rent currently charged to community and sporting groups for City land and/or buildings is \$205.00 per annum inclusive of GST, increased annually by CPI. It is proposed that the rent terms under a new lease be brought in line with this.

It is proposed that the GBYC remain responsible under their lease for the structural integrity and maintenance obligations of the Premises and for the boat ramp through a licence agreement. Therefore there should be no financial implications to the City in this regard.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The proposed Lease is consistent with the following City of Busselton Strategic Objectives:

Key Goal Area 2: Well planned, vibrant and active places:

- 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.
- 2.3 Infrastructure assets are well maintained and responsibly managed to provide for future generations.

RISK ASSESSMENT

There are no identified risks assessed as being of a medium or greater level associated with the Officer recommendation, with the recommendation serving to mitigate the risks associated with there not being a lease in place.

CONSULTATION

City Officers attended the GBYC committee meeting to discuss new lease terms for the Premises, including the proposal to offer a term of 5 years with an option for a further 5 years, as is consistent with the City's current standard community and sporting group lease. The Committee were provided with a draft of the City's current standard community and sporting group lease.

The GBYC expressed their strong preference for a 21 year term, citing their level of investment on the site and a lack of alternative sites that would accommodate their needs. City officers explained that the 5 plus 5 approach is not only consistent with current standard lease terms but also with other leases of Lou Weston Reserve, with the Busselton Fitness Club entering into a 5 plus 5 lease term in 2010 and the Busselton Netball Association in 2014.

The proposed changes to the leased area to facilitate an upgrade to parking and access and egress have been discussed with the committee, with the committee broadly comfortable with the proposed changes.

The proposed caretaker arrangements discussed in the Officer Comment section of this report have been discussed with the Department of Lands, who have indicated that they have no concerns with the proposal subject to Council providing approval.

OFFICER COMMENT

The GBYC was established in 1959. Its objectives are to foster and encourage sailing and sail racing; to promote social activities between members of the club and to affiliate with other clubs or associations that have similar interests or objectives. The club has a membership of approximately 350 members and offers regular sailing classes, promotes sailing events such as Geographe Bay Race week and runs other social events from their Premises. Additionally, the Naturaliste Game Fishing Club and the Geographe Outrigger Canoe Racing Club Incorporated have facilities on a portion of the Premises for their activities, with members of both clubs required to be affiliate members of the GBYC.

The GBYC have a long affiliation and history with Lou Weston Reserve and would like to remain in occupation of the Premises. They are keen to continue upgrading their existing facilities and have verbally communicated plans to construct a covered BBQ area and extend the boat compound to the western boundary of the leased area.

The GBYC would also like to formalise caretaker arrangements for security purposes and are seeking approval for a caretaker's caravan to remain on the Premises for the duration of the lease term. The City, as the body responsible for care and control of the land, can provide approval under the lease and it is recommended that Council provide this approval as part of the lease conditions, subject to appropriate obligations as to use and maintenance and the like.

As noted in the background City officers have been looking at ways to improve access to and egress through the reserve, resulting in proposed changes to the GBYC leased area. It is proposed that a southern portion of the land of the GBYC's existing leased area be excluded from their leased premises, as shown hatched yellow on Attachment A. This will provide for improved flow through the area as well as some additional car parking.

The GBYC are comfortable with this area being removed from their lease, but did express concern that formal parking in this area may create fewer parking spaces for boat trailers. While this concern has been considered, the upgrade is primarily to provide for safer traffic and pedestrian flow through the area and formalising car and boat parking bays is required to achieve this.

Although the GBYC have requested a 21 year lease term, it is recommended that the City enter into a 5 year lease with a further option of 5 years. Lou Weston Reserve is an important recreation asset for the City and, as reflected in its Corporate Business Plan, the City has identified the need to prepare a concept plan for the future development of Lou Weston Reserve. This may lead to the upgrade of facilities and buildings and is a key reason for officers recommending a lease term of 5 years plus a further 5 year option. In this way the City maintains greater flexibility to make potential changes that may result from the concept plan process, for example changes to leased area, in a shorter timeframe.

The same term was offered to the Busselton Netball Association who also requested a 21 year lease term. The City did however include a right of first refusal clause in the lease, providing the lessee with the first right to renew should the premises continue to be offered for lease by the City. This was to alleviate the association's concerns that the City would offer a lease of their premises to another group or entity after the 10 year expiry. As the GBYC have expressed similar concerns, it is recommended that this provision also be included in their lease.

The City in 2003 entered into a Jetty Licence with respect to the boat ramp, with the Department of Transport (DoT). Under the Jetty Licence the City is required to allow the general public to have unrestricted access to the ramp at all times, such that the public are not restricted from crossing the ramp and accessing the beach either side. High tide access is provided via the grassed area in front of the yacht club as shown hatched green on Attachment A. The City is also required under the Jetty Licence to maintain the boat ramp.

These obligations have to date been primarily met by the GBYC and it is proposed that a separate (non-exclusive) licence agreement is entered into for the boat ramp and the grassed area, requiring the GBYC to continue to maintain these areas.

CONCLUSION

The offering of a lease renewal to the GBYC will provide for the continuation of the club's activities at Lou Weston Reserve. It also provides the opportunity for realignment of the lease boundary so that the City can make necessary improvements to traffic and pedestrian flow at Lou Weston Reserve. A

term of 5 years with an option for a further 5 years is recommended, as it is consistent with the term offered to other Lou Weston Reserve lessees and the majority of the City's current community and sporting group leases. It is recommended that a licence agreement be entered into for the boat ramp and grass area, providing clarity in relation to use and maintenance obligations for these facilities.

OPTIONS

1. Council can resolve not to enter into a lease with the GBYC.
2. Council can resolve to enter into a different lease term with the GBYC, for any term not exceeding 21 years.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A lease and a licence will be forwarded to the Minister for Lands seeking in-principle approval following the resolution of Council. It is anticipated that the lease and the licence will be executed by the GBYC by 1 July 2016.

OFFICER RECOMMENDATION

That the Council:

1. Enter into a lease, subject to the consent of the Minister for Lands approval, with the Geographe Bay Yacht Club Inc for a portion of Lot 4539, 2 King Street, West Busselton, as shown hatched blue on Attachment A.
 - a) The term of the lease commencing 1 July 2016 and expiring 30 June 2021, with a further 5 year option expiring 30 June 2026;
 - b) The annual rent to commence at \$205.00 inclusive of GST with annual rent increase of CPI;
 - c) The lease is to be consistent with the City's standard community and sporting groups lease agreement with the addition of clauses allowing for an onsite caretaker subject to appropriate conditions and giving the Club first right of refusal if the City decide to re-lease the premises at the expiry of the Term; and
 - d) All costs associated with the preparation of the new lease to be met by the Lessee.
2. Enter into a licence, subject to the consent of the Minister for Lands approval, with the Geographe Bay Yacht Club Inc for a portion of Lot 4539, 2 King Street, West Busselton, as shown hatched green on Attachment A for a term to coincide with the lease to the Club, which requires the Club to maintain the licensed area.

Note: Councillor Rob Bennett put forward an alternative motion for Council to consider which included an amended map as Attachment A, outlining the lease area.

Council Decision**C1604/088**

Moved Councillor R Bennett, seconded Councillor J McCallum

That the Council:

1. Enter into a lease, subject to the consent of the Minister for Lands approval, with the Geographe Bay Yacht Club Inc for a portion of Lot 4539, 2 King Street, West Busselton, as shown hatched blue on Attachment A.
 - a) The term of the lease commencing 1 July 2016 and expiring 30 June 2026, with the club to be granted a first right of refusal for a further 10 year option expiring 30 June 2036, subject to discussions between the City and the club and Council and the City's consideration of community needs at that time.
 - b) The annual rent to commence at \$205.00 inclusive of GST with annual rent increase of CPI;
 - c) The lease is to be consistent with the City's standard community and sporting groups lease agreement with the addition of clauses allowing for an onsite caretaker; and
 - d) All costs associated with the preparation of the new lease to be met by the Lessee.
2. Enter into a licence, subject to the consent of the Minister for Lands approval, with the Geographe Bay Yacht Club Inc for a portion of Lot 4539, 2 King Street, West Busselton, as shown hatched green on Attachment A for a term to coincide with the lease to the Club, which requires the Club to maintain the licensed area.

CARRIED 7/1

Voting:

For the motion: Councillor R Bennett, Councillor T Best, Councillor G Bleechmore, Councillor J McCallum, Councillor C Tarbotton, Councillor P Carter and Councillor R Reekie.

Against the motion: Councillor R Paine.

7.44pm At this time Councillor Grant Henley returned to the meeting and resumed the Chair.

Note: In accordance with Regulation 11(da) of the Local Government (Administration) Regulations 1996, the minutes of a Council meeting must include written reasons for a decision that is significantly different from the recommendation.

As the yacht club previously had a 21-year lease, the Council believes a 5 by 5 is too short. A 10 by 10-year lease offers a compromise and provides the yacht club with security of tenure to enable it to develop a long term plan for the site, subject to the ability for the Council to consider whether there are any significant changes to the community usage of Lou Weston Oval that may warrant some changes, such as further changes to the leased area.

L.1 Finance Committee - 7/04/2016 - BUDGET ALLOCATION FOR THE CONSTRUCTION OF THE BUSSELTON TRANSFER STATION AND PROPOSED CONTRACT AWARD

SUBJECT INDEX:	Waste Management
STRATEGIC OBJECTIVE:	Environment and climate change risks and impacts are understood and managed.
BUSINESS UNIT:	Operations Services
ACTIVITY UNIT:	Waste and Fleet Services
REPORTING OFFICER:	Manager Waste and Fleet Services - Vitor Martins
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Confidential Tender Evaluation & Recommendation Report

This item was considered by the Finance Committee at its meeting on 7 April 2016, the recommendations from which have been included in this report.

The attachment to this item is confidential in accordance with Section 5.23(2)(e)(ii) of the Local Government Act 1995 in that it deals with a matter which, if disclosed, would reveal information that has a commercial value to a person. Copies have been provided to Councillors, the Chief Executive Officer and Directors only.

This item is presented for consideration for acceptance as a late Item for the 13 April 2016 Council Meeting so that the award of Tender can be finalised and construction can commence.

PRÉCIS

The City of Busselton invited RFT 19/15 Construction of the New Transfer Station at Busselton Waste Facility and received 10 submissions. The price range of all the tender submissions was in excess of the City's budget allocation for these works and therefore for the purposes of awarding a contract under RFT 19/15, Council's approval will be required for an increased budget allocation.

This report summarises the tender responses and makes recommendation to Council to amend the current financial year's budget for this project and to delegate authority to the Chief Executive Officer, following further negotiations, to award a contract to the preferred tenderer.

BACKGROUND

Rendezvous Rd Lot 500 was used for about 60 years as the main waste disposal site for Busselton. The site was closed as a tip site in 2012 as it failed to meet the Department of Environment Regulation siting criteria and environmental management standards, and has since been used as a waste transfer station.

The Department of Environment Regulation (DER) recognized and approved the transfer station operation as a temporary solution, with the understanding that the City would put a proper infrastructure in place as soon as possible.

In 2014 the City of Busselton finalized the first concept design of the New Transfer Station at Busselton Waste Facility. That original concept design supported the budget estimate ultimately adopted for the current financial year and established the baseline for the works approval documentation and the detailed engineering design to be included in the project specifications.

During the works approval process the Department of Environment Regulation included a number of conditions related to stormwater management within the site that had to be incorporated in the detailed design. These changes have had a significant impact on the facilities layout.

The City also reviewed and updated the site layout to bring it in line with best practice standards and to integrate the new proposed operations in the overall waste management strategy currently being developed within the Southwest Regional Waste Group framework. These changes included a separate area for the unloading of heavy trucks, a larger heavy truck transfer area to allow for high capacity transfers in the future (catering for the need to ship longer distances to a regional waste site) and an extended sealed surface area within the putrescible waste transfer and the community recycling locations and related changes to the stormwater drainage systems.

Tender RFT 19/15 included these additional items in the detailed engineering design. The objectives of this Request for Tender are to appoint a suitably qualified contractor for the Construction of the New Transfer Station at Busselton Waste Facility located at Rendezvous Road, Vasse, for the City of Busselton.

This Request for Tender specified the requirements of the City and invited suitably qualified and experienced respondents to submit bids to enter into a Contract for Construction of the New Transfer Station at Busselton Waste Facility, in accordance with the detailed design and specification set out in the request for tender.

The requirements of for the new transfer station include:

- demolishing existing assets
- replacement and re-compacting of capping layer
- construction of roads
- construction of concrete slabs and push walls
- installation of barrier kerbing and road markings
- installation of drainage pipes and pump station for contaminated stormwater management
- installation of electrical and communication conduits and pits
- construction of stormwater evaporation ponds
- install pre-fabricated gatehouse building

The successful tenderer will be reporting to the Director of Engineering and Works Services.

The contract will be a construction contract only.

The request for tender for the Construction of the New Transfer Station at Busselton Waste Facility was advertised from 26th December 2015 for a period of six weeks, closing on the 26 February 2016.

The City received forty seven requests for the tender documents and received ten tender submissions. The price range of all of these submissions was in excess of the City's 2015/16 budget allocation for this project. However given the fact that tenders have been publicly invited and the relatively strong response received from a wide range of contractors with relevant experience in this field, it is considered that the tendered prices that have been submitted are market related and competitive. Therefore, due to the urgency of the works (mainly because the current site/operations have since 2012 been non-compliant with the Department of Environment's Regulation siting criteria and environmental management standards) it is recommended that Council resolve to increase the budget allocation for this project to allow for a contract to be awarded pursuant to RFT 19/15. Further detail about the financial implications is provided under the FINACIAL IMPLICATIONS section of this report.

A tender evaluation panel was formed to evaluate all tenders submissions and the tenders were assessed in accordance with the relevant WALGA guidelines and in the manner described in the Officer Comment section below. A summary of the evaluation has been included in the confidential attachment.

STATUTORY ENVIRONMENT

Section 3.57 of Local Government Act 1995 requires “A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services”.

Part 4 (Tenders) of the *Local Government (Functions and General) Regulations 1996* require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

Compliance with the Local Government Act 1995 section 3.57 is required in the issuing and tendering of contracts.

The tender process followed under RFT 19/15 complies with the relevant statutory requirements under the *Local Government (Functions and General) Regulations 1996*.

RELEVANT PLANS AND POLICIES

The City’s purchasing, tender selection criteria, occupational health and safety and engineering technical standards and specifications, were all relevant to this tender and have been adhered to in the process of requesting and evaluating tenders.

FINANCIAL IMPLICATIONS

The City’s total budget for the Construction of the New Transfer Station at Busselton Waste Facility for the 2015/16 financial year is as follows:

Transfer Station Development account (C3481): \$1,300,000

To date approximately \$70,000 has been spent primarily on engineering design and surveys.

The price range of the tender submissions under RFT 19/15 was \$2,524,163.29 to \$3,194,846.49 (all prices ex GST).

The preferred tenderer is Ertech Pty Ltd. who submitted a conforming, non-alternative tender with a lump sum price of \$2,879,811.76 (note that this tenderer also submitted two conforming alternative tenders which could, subject to further negotiations, result in certain cost savings, details of which is discussed in the OFFICER COMMENT section of this report. The price of the preferred tender is well above abovementioned budget allocation for this project.

It is considered to be the best strategy for Council to proceed without any further delay the Construction of the New Transfer Station at Busselton Waste Facility in accordance with the engineering design resulting from the DER works approval conditions, the industry best practice standards and the intended long term configuration of the waste management system (which will, among other things, ensure high volume transfer capabilities). However an increased budget allocation would need to be approved for that purpose.

If approved, the estimated tender contract value for the preferred tenderer will be \$2,879,811.76 (excl GST). This amount does not include any funds for potential contingencies/variations which, in

accordance with industry norms, should provide for unforeseen events/circumstances which may require contract variations and could potentially result in increased costs. In accordance with industry norms the budget should also allow for an additional amount to up to 10% of the contract value for this purpose.

A better estimate of the maximum required budget would thus be \$2,879,811.76 + 10% or \$3,167,792.94 (approximately \$3,170,000). Given the existing budget (of \$1,300,000) this would mean an additional allocation of approximately \$1,900,000.

It is expected that any variation will be paid from the revised budget, authorised by the superintendent.

The additional funds will be sought from the Waste Facility and Plant Reserve, which currently projects a balance of \$4.3M at financial year end. Once this amendment is processed the projected balance for the Waste Reserve will reduce to \$2.4M. Any unspent funds after the project has been finalised will be transferred back to the Waste Reserve.

STRATEGIC COMMUNITY OBJECTIVES

The Construction of the New Transfer Station at Busselton Waste Facility is consistent with following the City of Busselton's Strategic Objectives:

5. Cared for and enhanced environment;
- 5.3 Environment and climate change risks and impacts are understood and managed.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer's recommendation has been undertaken using the City's risk assessment framework. The assessment sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls has been identified as medium or greater are included below.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Delay of materials from a third party. Lining materials for construction are supplied by a sub-contractor. The worst impact would be a delay in materials delaying the completion of the project	Early award to the contractor. Included in the contract scope and project timeline. Delay would be at contractor's risk. Liquidated damages to be imposed for delays that cause loss to the City.	Medium	Unlikely	Medium
The contractor fails to complete the transfer station by the end of the contract period (subject to approved extensions of time) or the financial year	Weekly project meetings to monitor progress. Liquidated damages to be imposed for delays that cause loss to the City	Medium	Likely	Medium
The costs associated with the construction is over	Tender contract terms & conditions; Weekly	Medium	Likely	Medium

the Council endorsed budget due to variations to the contractors scope of work	project meetings to monitor progress and any variations to scope.			
The contractor fails to construct the transfer station in accordance with the design	A suitable engineering design consultant will be contracted to provide sign off on construction in accordance with the design and any hold points	High	Unlikely	Medium

CONSULTATION

Nil.

OFFICER COMMENT

The tender assessment was carried out by a tender review panel consisting of Vitor Martins, Waste Coordinator, Allan Miller, Waste Management Officer and Sophia Moore, Contract & Tendering Officer. Tender submissions were received from the following organisations:

Cowara Contractors
Carbone Brothers
APH Contractors
Viento Contracting Services
Civilcon
WBHO
Pindan
Ertech

All tenders, except the Viento Contracting Services (VCS) tender, were found to comply with the terms and conditions and mandatory requirements of the RFT. VCS' tender did not express its price information based on the quantities tendered, thereby omitting the relevant underlying rates.

Ertech has submitted a conforming tender and two alternative tenders, all of which were considered valid.

Each valid tender was scored according to the qualitative criteria and included in the tender documentation as follows:

Criteria Weighting

(a)	Relevant Experience	10%
(b)	Key Personnel Skills and Experience	10%
(c)	Tenderer's Resources	10%
(d)	Demonstrated Understanding	20%

The net tendered price was scored using the 'Average Based Scoring Method' recommended by WALGA in the 'Local Government Purchasing and Tender Guide'.

The panel members individually assessed the compliance and qualitative criteria and then applied an average to provide a final rating. The scores were then added together to indicate the rankings for each tender. The Confidential report attached provides further detail in relation to the relative merits of each of the individual tenderers. Following this evaluation, Officer's recommend that Ertech Pty Ltd should be the preferred tenderer for the reasons outlined in the confidential report.

CONCLUSION

The tender evaluation panel have completed their assessment in line with the City's tender process and Officers now recommend the Council approves the following budget for the Construction of the New Transfer Station at Busselton Waste Facility:

C3484 Transfer Station Development: \$3,170,000

This means that, given the preferred tenderer's submissions, an estimated additional \$1,900,000 allocation to C3481 Transfer Station Development account would be needed in order to bring it up to standard with the Works Approval conditions, industry best practice standards and long term plans for regional waste management.

Given the alternative tenders that have been submitted by the preferred tenderer (Ertech Pty Ltd.) and the fact that both of those alternatives are technically viable and would be financially advantageous to the City, it is proposed that further investigation is undertaken on those alternatives.

OPTIONS

The Council may consider the following alternate options:

1. The Council chooses not to accept the Officers Recommendation to amend the budget for the Construction of the New Transfer Station at Busselton Waste Facility, in which case the project scope would need to be reassessed. This would mean going back out to tender, resulting in significant delays to the contract award and potential significant delays to the Construction of the New Transfer Station at Busselton Waste Facility.
2. The Council may choose not to accept the Officers Recommendation and not award the tender. This would mean that the City would still effectively not be meeting with the Department of Environment requirements.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of the tender can be made immediately after the Council has endorsed the Officer's recommendation. Subject to finalisation of the investigation of the alternative tenders and a number of minor contractual points, the successful tenderer will receive formal written notification within seven (7) days of the resolution. All unsuccessful tender applicants will also be notified at this time.

Council Decision and Officer Recommendation**C1604/089**

Moved Councillor J McCallum, seconded Councillor P Carter

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Approves an amended total budget of \$3,200,000 for account C3481 Transfer Station Development, with an additional allocation of \$1,900,000 to be transferred from the Waste Facility and Plant Reserve for this purpose;
2. Delegates authority to the CEO, following further negotiations, to award the contract pursuant to RFQ 19/15 to Ertech Pty Ltd for Construction of the New Transfer Station at Busselton Waste Facility, subject to the total contract value not to exceed the overall project budget.

CARRIED 9/0**BY ABSOLUTE MAJORITY**

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. CONFIDENTIAL REPORTS

Nil

18. PUBLIC QUESTION TIME

Nil

19. NEXT MEETING DATE

Wednesday, 27 April 2016

20. CLOSURE

The meeting closed at 7.45pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 95 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 27 APRIL 2016.

DATE: 27/04/16 PRESIDING MEMBER: 