

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 10 AUGUST 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 10 AUGUST 2016 AT 5.30PM.

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

The Presiding Member opened the meeting at 5.31pm.

### 2. ATTENDANCE

#### Presiding Member:

Cr Grant Henley 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  
Mr Martyn Glover, Executive Director  
Mrs Jennifer May, Manager Commercial Services  
Mr Hendrik Boshoff, Manager Information Services  
Miss Hayley Barge, Administration Officer, Governance

#### Apologies

Mrs Naomi Searle, Director, Community and Commercial Services  
Mr Matthew Smith, Director, Finance and Corporate Services

#### Approved Leave of Absence

Nil

#### Media:

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

#### Public:

31

**3. PRAYER**

The prayer was delivered by Luke Fulton of Dunsborough Community Church.

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

Nil

**Public Question Time**

Nil

**5. ANNOUNCEMENTS WITHOUT DISCUSSION****Announcements by the Presiding Member**

The Mayor acknowledged Mr Tom Tuffin recipient of the WALGA Merit Award as a long serving member of Council at the City of Busselton, member of various Committees and active member of the community.

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

Nil

**6. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**7. PETITIONS AND PRESENTATIONS**

Mr and Mrs Anne and James Carter addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.4. Mr and Mrs Carter were generally not in agreement with the Officer Recommendation.

Mr Malcolm Hawke addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.4. Mr Hawke was generally not in agreement with the Officer Recommendation.

Mrs Judith Barry addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.4. Mrs Barry was generally not in agreement with the Officer Recommendation.

Mr Evan Hayward of Island Brook Estate addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.4. Mr Hayward was generally not in agreement with the Officer Recommendation.

Mrs Joy Ensor addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.4. Mrs Ensor was generally not in agreement with the Officer Recommendation.

Mr Darryl Jennings addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.4. Mr Jennings was generally not in agreement with the Officer Recommendation.

Dr Khim Harris of Margaret River Private addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.4. Dr Harris was generally in agreement with the Officer Recommendation.

Mr Brenton Downing of Satterley Property Group addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.6. Mr Downing was generally not in agreement with the Officer Recommendation.

Mrs Julie Howes addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.6. Mrs Howes was generally not in agreement with the Officer Recommendation.

Mrs Janine Miles addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.6. Mrs Miles was generally not in agreement with the Officer Recommendation.

Mr Kyle Jackson of BCP addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.6. Mr Jackson was generally in agreement with the Officer Recommendation.

## **8. DISCLOSURE OF INTERESTS**

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

- Cr Paul Carter in relation to Agenda Item 11.3 Application for Development Approval for Use Not Listed (Agriculture And Machinery Sales and Repairs) at Lot 1 (4850) Bussell Highway, Reinscourt
- Cr Coralie Tarbotton in relation to Agenda Item 13.1 2016/17 Community Bid Round One Allocations
- Cr John McCallum in relation to Agenda Item 13.1 2016/17 Community Bid Round One Allocations

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 11.3 and 13.1 were discussed.

## **9. CONFIRMATION AND RECEIPT OF MINUTES**

### **Previous Council Meetings**

#### **9.1 Minutes of the Council Meeting held 27 July 2016**

##### **Council Decision**

**C1608/184**

Moved Councillor J McCallum, seconded Councillor R Reekie

That the Minutes of the Council Meeting held 27 July 2016 be confirmed as a true and correct record.

**CARRIED 9/0**

9.2 Minutes of the Special Council Meeting held 21 July 2016**Council Decision****C1608/185** Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Minutes of the Special Council Meeting held 21 July 2016 be confirmed as a true and correct record.

**CARRIED 9/0****Committee Meetings**9.3 Minutes of the Policy & Legislation Committee Meeting held 21 July 2016**Council Decision****C1608/186** Moved Councillor C Tarbotton, seconded Councillor J McCallum

- 1) That the minutes of the Policy & Legislation Committee Meeting held 21 July 2016 be received.
- 2) That the Council notes the outcomes from the Policy & Legislation Committee Meeting held 21 July 2016 being:
  - a) The Busselton & Dunsborough Centres Facade Refurbishment Subsidy Programme Application: Depel Pty Ltd, Ivan Nash & Barry Walsh item is presented for Council consideration at item 10.1 of this agenda.
  - b) The Review of Fees, Allowances and Expenses for Elected Members Policy item is presented for Council consideration at item 10.2 of this agenda.
  - c) The general discussion item on Planning Delegations is noted

**CARRIED 9/0**9.4 Minutes of the Meelup Regional Park Management Committee Meeting held 26 July 2016**Council Decision****C1608/187** Moved Councillor P Carter, seconded Councillor J McCallum

- 1) That the minutes of the Meelup Regional Park Management Committee Meeting held 26 July 2016 be received.
- 2) That the Council notes the outcomes from the Meelup Regional Park Management Committee Meeting held 26 July 2016 being:
  - a) The Meelup Regional Park Specific Event Conditions item is noted.

**CARRIED 9/0**

9.5 Minutes of the Airport Advisory Committee Meeting held 27 July 2016**Council Decision****C1608/188**

Moved Councillor G Bleechmore, seconded Councillor T Best

- 1) That the minutes of the Airport Advisory Committee Meeting held 27 July 2016 be received.
- 2) That the Council notes the outcomes from the Airport Advisory Committee Meeting held 27 July 2016 being:
  - a) The Busselton-Margaret River Regional Airport Concept Plan - Stage 2AEO item is presented for council consideration at item 10.3 of this agenda.
  - b) The Busselton-Margaret River Regional Airport Consultative Group item is presented for council consideration at item 17.1 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 / Committee Recommendation and Officer Recommendation**

**C1608/189** Moved Councillor G Bleechmore, seconded Councillor T Best

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

- 10.1 Policy and Legislation Committee - 21/07/2016 - BUSSELTON & DUNSBOROUGH CENTRES FACADE REFURBISHMENT SUBSIDY PROGRAMME APPLICATION: DEPEL PTY LTD, IVAN NASH & BARRY WALSH
- 10.3 Airport Advisory Committee - 27/07/2016 - BUSSELTON-MARGARET RIVER REGIONAL AIRPORT CONCEPT PLAN - STAGE 2AEO
- 11.2 AMENDMENT 23 TO LOCAL PLANNING SCHEME 21 - INTRODUCING A 'RESIDENTIAL' ZONING OVER UNZONED PORTIONS OF PT LOT 9507 LAYMAN ROAD, GEOGRAPHE - CONSIDERATION FOR INITIATION
- 11.5 PROPOSED AMENDMENT TO BUSHFIRE NOTICE COMPLIANCE DATES
- 12.1 AWARD OF TENDER RFT07/16 - PEST & WEED CONTROL SERVICES
- 12.2 PETITION RESPONSE: REQUEST FOR FOOTPATH ON AMBERLEY LOOP, DUNSBOROUGH
- 14.1 PROPOSAL TO VEST INCREASED AREA OF LAND TO THE ACTON PARK & DISTRICT COMMUNITY HALL INC
- 15.1 COUNCILLORS' INFORMATION BULLETIN

**CARRIED 9/0**

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## 10. REPORTS OF COMMITTEE

### 10.1 Policy and Legislation Committee - 21/07/2016 - BUSSELTON & DUNSBOROUGH CENTRES FACADE REFURBISHMENT SUBSIDY PROGRAMME APPLICATION: DEPEL PTY LTD, IVAN NASH & BARRY WALSH

<b>SUBJECT INDEX:</b>	City Centre Façade Refurbishment Subsidy Programme
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Statutory Planning
<b>REPORTING OFFICER:</b>	Planning Officer - Stephanie Izzard
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Location Plans Attachment B Depel Pty Ltd Proposal Attachment C Ivan Nash Proposal Attachment D Al Forno/Barry Walsh Proposal Attachment E Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme

**This item was considered by the Policy and Legislation Committee at its meeting on 21 July 2016, the recommendations from which have been included in this report.**

#### PRÉCIS

The Council is asked to consider three applications received for the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme in accordance with the programme guidelines adopted.

#### BACKGROUND

Council resolved on 13 March 2013 to trial a programme for the 2013/14 and 2014/15 financial years by allocating \$20,000 in the 2013/14 financial year and \$50,000 in the 2014/15 financial year towards a façade refurbishment subsidy programme. On 29 January 2014 Council adopted the Busselton City Centre Façade Refurbishment Subsidy Programme and on 10 December 2014 resolved to add a portion of the Dunsborough Town Centre to the 'eligible area.' The amended programme, now called the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme, is provided at **Attachment E**.

The City undertook a round of invitation for expressions of interest for the 2016/2017 round of funding, which closed on 9 July 2016. Three applications were received which are the subject of this report, one in the Dunsborough Town Centre and two in the Busselton City Centre. Location Plans of the applications received is provided at **Attachment A**.

The applications received are as follows:

#### 1. **Depel Pty Ltd - Lots 1, 2 and 3 (245) Naturaliste Terrace, Dunsborough**

The application proposes to upgrade the shop front windows of Lots 1, 2 and 3 (245) Naturaliste Terrace, Dunsborough. The façade extends across three stores currently used for retail purposes. The application is to replace the narrow paneled windows of all three shops with single pane windows. **Attachment B** shows a picture of the existing façade and proposed new windows applied for as part of the subsidy application. This application was previously not supported by the Council as part of the

second funding round in early 2015. The applicant is requesting that the Council reconsider the same proposal as part of this year's funding round.

## **2. Ivan Nash - Lots 1 – 4 (20 -26) Queen Street, Busselton**

This application is for an awning addition which will extend along the frontages of Lots 1 – 4 (20 -26) Queen Street, Busselton. The front facade of the building is setback 2.4m from the front property boundary. Currently, there is an existing awning which extends from the front of the building to the front property boundary. The proposed awning will replace this structure and will extend an additional 2.6m beyond the front property boundary over the footpath in front of the property. The development has been designed to allow for the future expansion of the building to bring it in line with the front property boundary. This expansion will form part of future works on the site and does not form part of this proposal. **Attachment C** shows a picture of the existing façade and proposed new awning applied for as part of the subsidy application

## **3. Al Forno/Barry Walsh - Lot 131 (49) Queen Street, Busselton**

This application proposes to replace the existing fixed windows of Lot 131 (49) Queen Street, Busselton with bi-fold doors, fixed panels as well as replace the existing door. **Attachment D** shows a picture of the existing façade and proposed new bi-fold doors and fixed panels applied for as part of the subsidy application. The modifications to the tenancy are to accommodate a new café which is to be a subsidiary of Al Forno on Bussell Highway. It is proposed that this site will operate in addition to the existing premise. The modifications to the front façade will allow for the portion of the tenancy along the front boundary to open on to a possible future alfresco dining area. The City is currently working with the operator of the business to discuss option regarding alfresco dining at the premise.

### **STATUTORY ENVIRONMENT**

The Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and application for subsidy funding is consistent with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.

### **RELEVANT PLANS AND POLICIES**

The Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme is a document for the City and Council to consider when assessing applications received for the subsidy funding. It provides clarification and transparency to the public on what will be considered acceptable for an application.

The programme specifies an 'eligible area' and 'eligible' works which will be considered for subsidy funding.

In determining applications for inclusion within the Programme the following criteria are to be taken into consideration:

- Consistency with the adopted Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme (including whether the works are 'eligible' for funding);
- Compliance with the City's Local Planning Scheme and Building Code of Australia;
- Consistency with the objectives and recommendations of the Busselton City Centre Urban Design Policy;
- The degree to which the applicant is financially contributing to the project;

- The extent to the which the project contributes to the visual improvement of the façade and is visible from the public domain;
- Integration of the proposed works with the streetscape, adjoining buildings and degree to which the project contributes to the established character of the street; and
- The degree to which the proposed works promote interaction with the streetscape, including the provision of frontages which are inviting, provide points of interest for pedestrians and allow for an efficient use of space, are functional, attractive and pedestrian friendly.

## FINANCIAL IMPLICATIONS

A budget of \$50,000 for the subsidy programme is provided for in the draft City budget for the 2016/2017 financial year.

## STRATEGIC COMMUNITY OBJECTIVES

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

## RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework, and no risks identified where the residual risk, once controls are considered, is medium or greater.

## CONSULTATION

Expressions of interest were sought from 9 May 2016 to 9 July 2016. Three applications were received.

## OFFICER COMMENT

The applications are to be assessed against the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme. All applications are within the eligible areas of the programme which the City has identified as a priority for upgrades. The programme identifies works which will be considered as eligible for funding and excludes works such as general maintenance, which should be occurring regularly without the programme as 'ineligible' for subsidy funding.

The following provides an assessment of the works and consistency with the programme guidelines.

### 1. Depel Pty Ltd - Lots 1, 2 and 3 (245) Naturaliste Terrace, Dunsborough

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible works	Amount (ex GST)
1. Replace shop front windows, doors and glazing to all three shops	\$13,828.55	Eligible – The modification or creation of windows to provide interaction with the streetscape is considered eligible works.	\$13,828.55
Total Expenditure (ex GST)			\$13,828.55
Potential subsidy contribution (50% of total expenditure (ex GST) above \$5,000)			\$4,141.30

The works proposed meet the assessment criteria of the programme as they will:

- Comply with the City of Busselton Local Planning Scheme No. 21 and will bring the site into compliance with the disable access requirements of the Building Code of Australia;
- The works proposed as part of the façade upgrade will visually improve the façade and view of the building from the streetscape; will promote interaction with the streetscape by improving the visibility into the shop fronts and create a shop front which is functional.

It is noted that the application was previously not supported by the Council on the basis that the works were not consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme. However, it is considered that the proposed façade works are functional, will ensure compliance with disabled access for older buildings and are consistent with the façade subsidy programme guidelines and assessment criteria.

It is recommended that subsidy funding of up to \$4,141.30 be provided.

## 2. Ivan Nash - Lots 1 – 4 (20 -26) Queen Street, Busselton

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible works	Amount (ex GST)
Install awning	\$10,000	Eligible – The installation of an awning is considered eligible works.	\$40,000.00
Total Expenditure (ex GST)			\$40,000.00
Potential subsidy contribution (50% of total expenditure (ex GST) above \$5,000)			\$17,500.00

A development application for the proposal has been approved by the City under Delegated Authority. It was considered that the proposal met the applicable requirements of the City of Busselton Local Planning Policy 4C – Busselton Town Centre Urban Design Centre Provision in that it provides a pedestrian shelter for the full width of the lot frontage. Despite being consistent with the relevant planning requirements, it is considered that the design of the development will not adequately contribute to the streetscape or provide enough visual interest to be funded by this programme.

It is recommended that the subsidy funding of up to \$17,500.00 not be provided.

## 3. Al Forno/Barry Walsh - Lot 131 (49) Queen Street, Busselton

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible works	Amount (ex GST)
Materials and construction of bi-fold doors, fixed panels as well as replace the existing door	\$15,856.00	Eligible – Materials and construction of bi-fold doors, fixed panels as well as replace the existing door	\$15,856.00
Installation of shop front	\$1,560.00	Eligible – Installation of shop front	\$1,560.00
Total Expenditure (ex GST)			\$17,416.00
Potential subsidy contribution (50% of total expenditure (ex GST) above \$5,000)			\$6,208.00

The works proposed meet the assessment criteria of the programme as they will:

- Comply with the City of Busselton Local Planning Scheme No. 21;
- The works proposed as part of the façade upgrade will visually improve the façade and view of the building from the streetscape; will promote interaction with the streetscape.

It is recommended that subsidy funding of up to \$6,208.00 be provided.

## **CONCLUSION**

It is considered by Officers that proposals 1 and 3 comply with the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and it is recommended that the subsidy funding of \$4,141.30 and \$6,208.00, respectively, be supported. It is considered by Officers that proposal 2 does not comply with the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and it is recommended that the funding to the amount of \$17,500.00 not be provided.

## **OPTIONS**

Should the Council consider that proposal 1 and/or 3 is not consistent with the programme guidelines objectives and assessment criteria, it may resolve to:

1. Recommend not to provide subsidy funding for the works.

Should the Council consider that proposal 2 is consistent with the programme guidelines objectives and assessment criteria, it may resolve to:

2. Recommend to provide subsidy funding for the works.

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

The officer recommendation if supported will require the applicant to enter into a legal agreement with the City to complete the works and arrange for the subsidy funding to be paid prior to the end of the 2016/17 financial year.

## **OFFICER RECOMMENDATION**

That the Council resolve:

1. That the application to upgrade the façade of Lots 1, 2 and 3 (245) Naturaliste Terrace, Dunsborough is consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and to contribute \$4,141.30 towards the works.
2. That the application for an awning addition at Lots 1 – 4 (20 – 26) Queen Street, Busselton is not consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and is therefore not supported.
3. That the application to upgrade the façade of Lot 131 (49) Queen Street, Busselton, is consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and to contribute \$6,208.00 towards the works.

4. To enter into a legal agreement with the owners of the property in the successful application in Resolution 1 and 3 to provide for the payment of funds once the works are completed to the City's satisfaction and final costs substantiated. The legal agreement shall include the requirements for appropriate recognition of the City's contribution to the City's satisfaction.

Note: The Committee was of the opinion that proposal 1 for Lots 1, 2 and 3 (245) Naturaliste Terrace, Dunsborough was not consistent with programme and would therefore not be supported.

**Council Decision and Committee Recommendation**

**C1608/190**

Moved Councillor G Bleechmore, seconded Councillor T Best

That the Council resolve:

1. That the application to upgrade the façade of Lots 1, 2 and 3 (245) Naturaliste Terrace, Dunsborough is not consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and therefore is not supported.
2. That the application for an awning addition at Lots 1 – 4 (20 – 26) Queen Street, Busselton is not consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and is therefore not supported.
3. That the application to upgrade the façade of Lot 131 (49) Queen Street, Busselton, is consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and to contribute \$6,208.00 towards the works.
4. To enter into a legal agreement with the owners of the property in the successful application in Resolution 3 to provide for the payment of funds once the works are completed to the City's satisfaction and final costs substantiated. The legal agreement shall include the requirements for appropriate recognition of the City's contribution to the City's satisfaction.

**CARRIED 9/0  
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10.3 Airport Advisory Committee - 27/07/2016 - BUSSELTON-MARGARET RIVER REGIONAL AIRPORT CONCEPT PLAN - STAGE 2AEO

<b>SUBJECT INDEX:</b>	Busselton-Margaret River Airport
<b>STRATEGIC OBJECTIVE:</b>	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
<b>BUSINESS UNIT:</b>	Community and Commercial Services
<b>ACTIVITY UNIT:</b>	Commercial Services
<b>REPORTING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Stage 2AEO Concept Plan Attachment B Revised Stage 2AEO Concept Plan

**This item was considered by the Airport Advisory Committee at its meeting on 27 July 2016, the recommendations from which have been included in this report.**

### **PRÉCIS**

On 9 December 2015 Council endorsed (C1512/366) the Busselton-Margaret River Regional Airport (BMRRA) Concept and Staging Plan as an informing document to the BMRRA Airport Master Plan (2016-2036). This led to the finalization and subsequent endorsement (C1604/075) of the Master Plan as a guide for future planning. Since this time, significant progress has been made on the BMRRA Development Project, including the further refinement of concept and staging plans. This report summarises the main changes to the concept and staging plan.

### **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 \$55.95m to complete stage 2. Following this, the City undertook a review of the BRA Master Plan (2011-2031) which included the development of a 'Concept and Staging Plan' that was endorsed by Council (C1512/366) as a key informant to the revised Master Plan. This further led to the completion of the BMRRA Master Plan (2016-2036) and subsequent Council endorsement (C1604/075) of the Plan as a guide for future planning.

In parallel to the Master Plan review, in March 2016 a funding application was submitted to the Commonwealth Government's National Stronger Regions Fund to progress the project to international status, with a focus on international freight and tourism. In June 2016 the Federal Government announced funding of \$9.78m towards the project should the Liberal National Party be reelected to Government. Subject to the securing of funding, the following development stages will be achieved:

### Stage 2 – (State Government funded)

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 BMRRA 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 – (subject to Federal Government funding) (see attachment A)

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 – (subject to Federal Government funding)

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.

Due to issues associated with the realignment/undergrounding of overhead powerlines, a review of stage 2AEO has been required. This report outlines the changes of the revised stage 2AEO concept plan as an informant to the BMRRA Master Plan (2016-2036), for Council's noting.

## **STATUTORY ENVIRONMENT**

The BMRRA 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 BMRRA Master Plan (2016- 2036) and BRA Statement of Intent outline the vision for the BRA redevelopment and are relevant to this report.

## **FINANCIAL IMPLICATIONS**

State Government funding of \$55.95m to deliver stage 2 has been incorporated into the City's 2016/17 adopted budget, and will form part of future budgets. The funding covers operational and capital costs associated with the project. The Federal Government's contribution of \$9.78m is not included in the 2016/17 adopted budget as the funding is yet to be secured. Upon execution of the funding agreement, a report will be presented to the Finance Committee to enable a budget amendment reflecting this.

### **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 extent of the development (ie, stage 2, 2AEO, 2A). 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 BMRRRA 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**

A comprehensive risk assessment has been developed as part of the BMRRRA Project Definition Plan. The revised stage 2AEO concept plan was undertaken to mitigate the risks associated with the costs and timeframe associated with the undergrounding and/or realignment of the overhead powerlines. As such, no risks are considered 'medium' or 'high' with the Officer recommendation.

### **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 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 BMRRRA Concept and Staging Plan and Master Plan review (2016) a number of stakeholders were consulted with including; DFES, DPaW, RFDS, 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.

As part of the stage 2AEO concept plan review, consultation has been undertaken with Western Power representatives and master planner Aviation Projects.

### **OFFICER COMMENT**

In April 2016 the City advertised Expressions of Interest (EoI) for the design and construction of airside infrastructure. Through this process 10 contractors pre-qualified to tender for the work package. Following the Project Governance Committee's endorsement of the BMRRRA Project Definition Plan (PDP), in July 2016 the City issued the Request for Tender (RFT). Due to the uncertainty of additional funding to enable the commissioning of future stages (2AEO and 2A), Officers prepared the tender specification on the basis that the additional stages could be awarded should the existing budget, or future funding opportunities allow the infrastructure to be developed.

A component of the overall Development Project is the undergrounding and realignment of the existing overhead powerlines to enable the City to capitalise on airside infrastructure development opportunities, more specifically the General Aviation Precinct as part of stage 2AEO (see attachment A for existing stage 2AEO concept plan). As part of the development of the Business Case,

consultation was undertaken with Western Power to determine the undergrounding requirements and associated costings. More recent consultation with Western Power regarding the scope of the work has determined that the proposed options are both cost and time prohibitive to the Development Project. As such, the stage 2AEO concept plan needs to be revised to consider options for the lines to remain in situ, enabling stage 2AEO to be commissioned as part of the current tender should the existing budget, or Federal Government funding allow the infrastructure to be developed.

Aviation Projects was subsequently engaged to revise the stage 2AEO concept plan (see attachment B), which was issued as an addendum to the airside infrastructure tender. The revised plan has been developed so that the existing powerlines do not impinge on the development of the General Aviation Precinct, however enables the City to continue to explore options to underground and/or realign the lines. The revised plan also incorporates additional land to the north-west of the airport lot, reflecting the land acquisition strategy as outlined in the PDP. In addition to this, the revised concept plan incorporates additional General Aviation capacity, and requirements of General Aviation users as identified through the master planning process.

As there are no fundamental changes to the revised concept plan this report is provided for Council's information, to note the revised concept plan as an informing document to the BMRRA Master Plan (2016-2036).

## **CONCLUSION**

Due to the budget and time constraints of the undergrounding and/or realigning of the overhead powerlines on the BMRRA Development Project, Officers commissioned Aviation Projects to review the stage 2AEO concept plan to enable the stage to be developed without the existing powerlines adversely impacting on the project. As a change to the BMRRA concept and staging plan, Council is requested to note the revised plan as an informing document to the BMRRA Master Plan (2016-2036).

## **OPTIONS**

Council could choose not to accept the Officer's recommendation, however should the revised stage 2AEO concept plan not be supported as an informing guide to the Master Plan, considerable constraints will be placed on the BMRRA Development Project, causing significant adverse impacts to the project budget and delivery timeframe.

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

Officers will continue to progress the BMRRA Development Project based on the revised stage 2AEO concept plan following the resolution of Council.

### **Council Decision / Committee Recommendation and Officer Recommendation**

**C1608/191**

Moved Councillor G Bleachmore, seconded Councillor T Best

That the Council notes the revised Busselton-Margaret River Airport Stage 2AEO Concept Plan (as outlined in attachment B) as an informing document to the Busselton-Margaret River Airport Master Plan (2016-2036).

**CARRIED 9/0**

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

### **11.2 AMENDMENT 23 TO LOCAL PLANNING SCHEME 21 - INTRODUCING A 'RESIDENTIAL' ZONING OVER UNZONED PORTIONS OF PT LOT 9507 LAYMAN ROAD, GEOGRAPHE - CONSIDERATION FOR INITIATION**

<b>SUBJECT INDEX:</b>	Local Planning Scheme
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Strategic Planning and Development Services
<b>ACTIVITY UNIT:</b>	Strategic Planning and Development
<b>REPORTING OFFICER:</b>	Strategic Planner - Nick Edwards
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Location Plan Attachment B Endorsed Port Geographe Development Plan Attachment C Proposed Scheme Amendment Map Attachment D Proposed Plan of Subdivision Layout

#### **PRÉCIS**

Council is requested to consider initiating an amendment to Local Planning Scheme No.21 (LPS21) by introducing a 'Residential' zoning over part of the unzoned portions of Pt Lot 9507 Layman Road, Geographe, adjusting the boundaries of the currently applicable residential density codes ('R20' and 'R30') and modifying the boundaries of two 'Recreation Reserves' to reflect a recent subdivision application over the land.

The proposal is considered to be a straightforward rationalisation of existing zoning, constituting a 'Standard' amendment. It will allow the landowner to consider improved alternative design options for the next stage of subdivision and development in the 'Port Geographe Development Area'.

The amendment will not 'lock in' an alternative road layout or subdivision design, but will simply enable both the City and the Department of Planning the flexibility to consider a range of options for the next stage of development of the Port Geographe Estate.

City officers recommend that the amendment is adopted by Council for public consultation purposes, which will include local advertising and referral to relevant state government agencies.

#### **BACKGROUND**

Located in the south-western part of the Port Geographe Development Area, Lot 9507 Layman Road contains the undeveloped balance of the Port Geographe Estate. This proposal applies to approximately 5 hectares of land (Pt Lot 9507) at the western area of the estate, near the intersection of Layman Road with Navigation Way (refer to **Attachment A**). Land to the east and south contains the Vasse Estuary, public reserves and agricultural land with high landscape quality.

The majority of the land the subject of this proposal is identified within "No Zone" under the City of Busselton Local Planning Scheme No. 21 (LPS21), whilst a small sliver of affected land abutting Navigation Way is currently zoned "Residential" with a residential density coding of "R20".

Lot 9507 is included within the 'Port Geographe Development Area', a Special Control Area within which subdivision and development of the land has been guided and coordinated by the endorsed Port Geographe Development Plan (PGDP) (see **Attachment B**).

Part 6.9 of LPS21 identifies a number of development requirements specific to this area. Lot 9507 is also identified in Schedule 15 of LPS21 as being within Development Contribution Area No. 1, requiring the payment of a per lot/dwelling contribution towards the provision of community infrastructure. It should also be noted, though, that separate developer contributions arrangements apply to this land, by virtue of the Port Geographe Development Deed.

This amendment proposal does not involve substantive modifications to any of the above, simply removal of the unzoned (and redundant) road network, so as to provide the new landowner/developer with the flexibility to propose an updated structure plan and subdivision layout that better reflects the requirements of the current market and addresses land use efficiency requirements of the State Government.

## **STATUTORY ENVIRONMENT**

### *City of Busselton Local Planning Scheme No.21 (LPS21)*

LPS21 identifies Lot 9507 as being within the *Port Geographe Development Area*. The future subdivision and development of this land is primarily coordinated by three key plans, the PGDP, the *Port Geographe Landscape Master Plan* and the *Port Geographe Village Centre Precinct Plan*. LPS21 coordinates the implementation of these plans which have previously been approved by the City and endorsed by the WAPC.

## **RELEVANT PLANS AND POLICIES**

Relevant to this proposal are the

- City of Busselton DRAFT Local Planning Strategy (2013)
- Port Geographe Development Plan (2005)

### City of Busselton DRAFT Local Planning Strategy (2013)

The City of Busselton's Draft Local Planning Strategy (LPS) was adopted by Council on 25 September 2013 and advertised between 16 March and 13 May 2016. The LPS, once finally adopted, will set out the long term planning direction for the City of Busselton and provide the strategic rationale for decision making relating to planning and development. This strategy will supersede the *Busselton Urban Growth Strategy (1999)*.

The LPS will guide and inform the future growth of Port Geographe Estate and recognises it as an existing urban development area that will be progressively developed, providing a mix of residential, commercial and recreational opportunities to be principally guided by a modified PGDP (Structure Plan).

### Port Geographe Development Plan (2005)

The PGDP (to be referred to as a 'structure plan' in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*) identifies the subject land as suitable 'Residential Development' land to be developed at an 'R20' density, with a strip of 'R30' land adjacent to a future recreation reserve to the east. It is envisaged a comprehensive review of the existing structure plan will be undertaken by the landowner/developer for the consideration of the City and the WAPC, in due course, by way of a separate planning and approval process. The current amendment proposal is not affected.

## **FINANCIAL IMPLICATIONS**

There are considered to be no financial implications arising from this proposal.

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

Nil

### **STRATEGIC COMMUNITY OBJECTIVES**

The Officer Recommendation is consistent with community objective 2.2 of the City's *Strategic Community Plan 2013*, which is – “a City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections”.

### **RISK ASSESSMENT**

An assessment of the potential implications of the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only. The implementation of the Officer Recommendation will involve amending the existing maps which forms part of the LPS21. No significant risks have been identified.

### **CONSULTATION**

Considerable discussion has occurred between the landowner, the Department of Planning (DOP) and City officers regarding the management and ongoing development of the Port Geographe Estate precinct.

City officers consider the proposal to be a 'Standard' amendment. There is no requirement under the *Planning and Development Act 2005* to advertise a proposed scheme amendment prior to it being initiated by the Council. Accordingly, no advertising has occurred to date.

If the Council resolves to initiate Amendment 23, the amendment documentation will be formally prepared and provided for referral to the Environmental Protection Authority (EPA) ahead of public consultation for 42 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Public consultation will include local advertising, letters to adjoining landowners and referral to relevant state government agencies.

### **OFFICER COMMENT**

The landowner has indicated that the PGDP (Structure Plan) will be reviewed and modified in relation to the undeveloped balance of Lot 9507 Layman Road, but this will form a separate planning proposal.

Rezoning of the land in the manner proposed (see Proposed Scheme Amendment Map at **Attachment C**) is expected to facilitate subdivision and development of up to 70 low-medium density residential allotments, plus two slightly modified “Recreation” reserves, accessed via an interconnected modified grid road network, generally consistent with the intentions of the current PGDP (structure plan).

Application of the “R20” density coding over the majority of the affected land is consistent with the approved coding of surrounding land, whilst a slight extension of the “R30” coding southward is appropriate on the basis that it picks up the balance of the high amenity land located directly opposite the adjoining Recreation reserve.

The final form of subdivision will be determined by the outcome of a concurrent subdivision application over this portion of Lot 9507 (see Proposed Plan of Subdivision at **Attachment D**), with the proposed Scheme amendment on Pt Lot 9507 necessary to afford the City an appropriate level of development control over the future residential development of those allotments.

## CONCLUSION

The proposed amendment seeks to rezone a relatively small (5 hectare) area of Lot 9507, to create a more flexible zoning arrangement that will allow both the City and the WAPC to consider immediate improvements to the layout and land use efficiency of the most immediately developable portion of Port Geographe Estate.

The proposal will also complement, and not propose any significant departures from, the established planning framework. It concerns land that has previously been demonstrated as being suitable for residential development, as appropriately tested through earlier planning initiatives.

Furthermore the proposed amendment will not necessitate the need for any additional technical studies beyond those that would typically be required as conditions of subdivision approval.

## OPTIONS

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

1. To decline the request to initiate the proposed amendment (and provide a reason for such a decision). It should be noted that under the relevant legislation there is no right of appeal against a Council decision not to initiate an amendment.
2. To seek further information before making a decision.
3. To initiate the proposed amendment subject to further identified modification(s) as required.

There are no substantive issues or reasonable grounds that would support any of these options.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation would involve provision of advice of the Council resolution to the landowner and referral of the correctly formatted amendment documentation to the Environmental Protection Authority, which will occur within one month of the resolution.

### Council Decision and Officer Recommendation

**C1608/192** Moved Councillor G Bleachmore, seconded Councillor T Best

That the Council:

1. In pursuance of Part V of the *Planning and Development Act 2005*, initiates proposed Amendment 23 to the City of Busselton Local Planning Scheme No. 21, to:
  - a. Introduce a “Residential” zoning over the unzoned portions of subject Pt Lot 9507 Layman Road;
  - b. Apply either R20 or R30 residential density coding to the land referred to in point a. (above);
  - c. Apply existing ‘R30’ residential density coding to land directly west of the ‘Recreation’ reserve portion of Pt Lot 9507;
  - d. Adjust the boundary of the proposed ‘Recreation’ reserve portion of Pt Lot 9507 to coincide with the land use boundaries proposed in the subdivision application for the subject land; and

- e. Reclassify a smaller part of Pt Lot 9507 adjacent to Navigation Way from “Residential” to a local “Recreation” reserve.
2. Advise the Western Australian Planning Commission that the proposed Amendment is considered to be a ‘Standard’ amendment under the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*;
3. Upon preparation of the necessary documentation, refers the proposed Amendment to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005*. On receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, the proposed Amendment will be advertised for a period of 42 days and referred to relevant state government agencies for comment. In the event that the EPA determines that the proposed Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to consultation.

**CARRIED 9/0  
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## 11.5 PROPOSED AMENDMENT TO BUSHFIRE NOTICE COMPLIANCE DATES

<b>SUBJECT INDEX:</b>	Bushfire Control and Emergency Services
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Ranger & Emergency Services
<b>REPORTING OFFICER:</b>	Ranger and Emergency Services Coordinator - Dean Freeman
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

**This item was considered by the Bush Fire Advisory Committee at its meeting on 14 June 2016, the recommendations from which require Council consideration. The Committee recommendation is included in this report.**

### **PRÉCIS**

This matter was considered by the Council's Bush Fire Advisory Committee at its meeting on 14 June 2016 and the Officer Recommendation in this item reflects the recommendation of that Committee.

This report recommends that Council amend the compliance dates in the City's Firebreak and Fuel Hazard Reduction Notice (Bush Fire Notice) for when firebreaks must be installed and other bush fire risk mitigation measures implemented on rural residential, urban and industrial land from the current 1 December to 16 November in each year.

### **BACKGROUND**

As a measure for preventing the outbreak and spread of bush fire, owners and occupiers of land within the City are sent an annual notice in the form of a Firebreak and Fuel Hazard Reduction Notice, advising owners and occupiers of land to construct fire breaks and to implement other measures for the prevention and control of bush fire.

The Bush Fires Act 1954 (the Act) provides the power for Council to appoint a Bush Fire Control Officer (BFCO) to carry out duties as outlined in the Act, for the prevention and control of bushfire within the district of Busselton.

### **STATUTORY ENVIRONMENT**

Section 33 of the Bush Fires Act 1954 empowers a Council to require the occupier of land to undertake the installation of fire-breaks and to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire, and further to stipulate by when such measures shall be implemented.

### **RELEVANT PLANS AND POLICIES**

The City's Bush Fire Strategic Plan was adopted in 2005 and is the overarching plan for the City's management of bush fire related issues.

### **FINANCIAL IMPLICATIONS**

There will be minor costs associated with advertising any change of dates if agreed to, however this can be accommodated within budget allocations.



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

There are no long term financial implications associated with this matter

### **STRATEGIC COMMUNITY OBJECTIVES**

Consideration of this matter is consistent with Community Objective 6.3 - An organisation that is managed effectively and achieves positive outcomes for the community – of the City of Busselton Strategic Community Plan 2013.

### **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 sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls has been identified is medium, or greater. No such risks were identified.

### **CONSULTATION**

The recommendation is supported by the City's Bush Fire advisory Committee.

### **OFFICER COMMENT**

The current City of Busselton Firebreak and Fuel Hazard Reduction Notice requires the occupier of land to implement measures by the following dates:

- Completion of firebreaks/fuel hazard reduction on all rural residential, urban and industrial land is required by 1 December 2015 and must be maintained until 12 May 2016
- Completion of firebreaks/fuel hazard reduction on all rural land is required by 15 December 2015 and must be maintained until 12 May 2016

Climate conditions are changing and we are now experiencing "fire sympathetic" weather conditions in late spring and early summer. As such, it is considered that the measures required of landowners/occupiers to mitigate the risk of bush fire should similarly be implemented earlier.

It is acknowledged that on rural lands, many landowners would not have completed harvesting of crops for hay/animal sustenance earlier than the current dates and as such, no change to the dates currently required for rural land are proposed. It is however, recommended that for all other lands within the City, the date for completion of fire mitigation measures be brought forward by two weeks, with the proposed compliance date being the 16 November each year.

The implementation of an earlier date for all rural residential, urban and industrial land compliance with the City's Firebreak and Fuel Hazard Reduction Notice will also enable earlier commencement of the inspection program by City staff. This will lead to a greater percentage of properties within the City being bush fire ready earlier in the fire season.

### **CONCLUSION**

The changing nature of our climate and the earlier commencement of heightened fire compatible conditions is readily apparent. It is considered that there will be an increase in fire mitigation works on private land prior to the height of the fire season within the City as an outcome of implementing the proposed date change.

As such, it is recommended that the Council support changing the date for compliance with the City's annual Firebreak and Fuel Hazard Reduction Notice for all rural residential, urban and industrial land from 1 December to 16 November each year.

#### **OPTIONS**

Council could resolve not to amend the current dates for the establishment of firebreaks/fire mitigation measures under the City's Firebreak and Fuel Hazard Reduction Notice or determine an alternative date for compliance with the City's notice.

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

Subject to Council endorsement of the Officer recommendation the amended time for compliance will be incorporated into the 2016/17 Firebreak and Fuel Hazard Reduction Notice prior to issue of the Notice in October 2016.

#### **Council Decision and Officer Recommendation**

**C1608/193** Moved Councillor G Bleachmore, seconded Councillor T Best

That the Council pursuant to section 33 of the Bush Fires Act 1954, amend the commencement date for compliance with the requirements of the City of Busselton annual Firebreak and Fuel Hazard Reduction Notice for all rural residential, urban and industrial land from 1 December to 16 November in each year.

**CARRIED 9/0**

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## **12. ENGINEERING AND WORKS SERVICES REPORT**

### **12.1 AWARD OF TENDER RFT07/16 - PEST & WEED CONTROL SERVICES**

<b>SUBJECT INDEX:</b>	RFT07/16
<b>STRATEGIC OBJECTIVE:</b>	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
<b>BUSINESS UNIT:</b>	Operation and Works Services
<b>ACTIVITY UNIT:</b>	OPERATIONS SERVICES
<b>REPORTING OFFICER:</b>	Parks and Gardens Coordinator - Craig Ashley
<b>AUTHORISING OFFICER:</b>	Director, Engineering and Works Services - Oliver Darby
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Confidential RFT07/16 Tender Evaluation and Recommendation Report

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

#### **PRÉCIS**

The Council is requested to consider the tenders received in response to Request for Tender RFT07/16 for Pest and Weed Control Services. The tender has now closed and tender submissions have been received and evaluated. This report summarises the submissions received and recommends that Council awards RFT07/16 – Pest & Weed Control Services Contract to Busselton Pest and Weed Control, in accordance with the tender evaluation panel recommendation.

#### **BACKGROUND**

Pest and Weed Control Services are currently under contract RFT06/12. A suitably experienced and resourced contractor is required to provide pest and weed control services within the district of the City of Busselton. Pending acceptance of the recommendation contained in this report, and expiration of the current contract on 16 August 2016, RFT07/16 will supersede the existing Contract.

During the term of the existing contract, a small number of issues have been identified with the contract management and traffic management, as such Officers have reviewed the contract and made improvements to RFT07/16 where necessary. However, in general, the intent and scope of services of the contract have not changed, the new contract term is for two years, with two one year extension options.

RFT07/16 specified the requirements of the City and invited suitably qualified and experienced Contractors to submit tenders, to enter into a Contract for the provision of the Pest and Weed Control Services.

The following services are required under the Pest and Weed Control Services Contract:

- Urban and rural pest and weed control on road verges, drainage sumps, cycle-ways, footpaths, kerb-lines, bridges, parks and ovals;
  - Pest Control to the various building infra-structure managed by Facilities and other various infrastructure managed by the City.
1. The successful tenderer will be reporting to the following City Officers, to fulfil the requirements as described in this report;
    - Craig Ashley, Parks and Gardens Coordinator;
    - Shawn Lombard, Building Facilities Coordinator; and

- Matthew Twyman, Maintenance & Construction Coordinator.

The City issued Request for Tender documents to fifteen (15) potential Respondents and received a total of five (5) Submissions from; Cape Life, Busselton Pest and Weed Control, Spraymow Services, CTI Pest Control, and Western Allpest Services.

The tender assessment was carried out by a tender review panel consisting of Karl Clively - Projects and Technical Contracts Officer (Panel Chair), Craig Ashley - Parks & Gardens Coordinator, and Sophia Moore -Contracts and Tendering Officer.

### **STATUTORY ENVIRONMENT**

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 apply. In particular Regulation 14(2a) Tenders are to be publicly invited according to the requirements of the Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000.

### **RELEVANT PLANS AND POLICIES**

The following Council policies have relevance to the Tender process.

Policy 239 – Purchasing:

The procurement process complies with this policy.

Policy 049/1 –Regional Price Preference:

The Regional Price Preference was applied to this tender.

Policy 031 – Tender Selection Criteria:

The procurement process complies with this policy

### **FINANCIAL IMPLICATIONS**

The budget for services within this tender are provided for in capital works and operational budgets for each financial year. Purchasing under this contract will be in accordance with these adopted budgets, on an as required basis.

The budget estimate for the total contract, including all extensions options is \$875,000.00. This estimate is based on actual historical figures for these services.

The Contract is a variable priced based contract where the contract price will be based on the successful Tenderer's Schedule of Rates. Except for the annual CPI adjustment, all prices for performing the Requirements are to be fixed for the term of the Contract.

There has been a 10% increase in the recommended tender, when compared against the previous tender for these services. Based on the last rate approved in 2012. This equates to 2.5% increase per year and would equate to an additional cost of \$80,000 over the four years of the contract.

Appropriate selection criteria have been applied via the tender process to contribute to ensuring that the successful tenderer is offering the "best value" with respect to the provision of Pest and Weed Control Services within the City of Busselton.

A number of improvements have been implemented in the new contract to enable better management of overall service standards and costs. This will lead to an improved level of service enabling the City to achieve more for the available budget.

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

Nil

### **STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation of this report reflects and is consistent with the City of Busselton's strategic objectives.

Well Planned, Vibrant and Active Place:

- Infrastructure assets that are well maintained and responsibly managed to provide for future generations.
- A linked network of cycle ways and pedestrian paths providing alternative transport options.

### **RISK ASSESSMENT**

A risk assessment was carried out and risk assessed in the manner identified below;

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
The risk has been categorized as a low, with minor operational consequences	Compliance checks. Contract Management including regular meetings with the Contractor to monitor performance and identify any issues.	Minor	Unlikely	Low

### **CONSULTATION**

RFT07/16 was advertised in the West Australian newspaper on 11 June 2016; the Council for Community pages in the Busselton Dunsborough Mail editions on 11 and 18 June 2016; and the City of Busselton tenders website page on Monday 13 June 2016. The closing date for submissions was 28 June 2016 at 2.00pm.

### **OFFICER COMMENT**

The City issued Request for Tender documents to fifteen (15) potential Respondents and received a total of five (5) Submissions from; Cape Life, Busselton Pest and Weed Control, Spraymow Services, CTI Pest Control, and Western Allpest Services.

The tender assessment was carried out by a tender review panel consisting of Karl Clively - Projects and Technical Contracts Officer (Panel Chair), Craig Ashley - Parks & Gardens Coordinator, and Sophia Moore -Contracts and Tendering Officer. A copy of all documentation was provided to each member of the tender review panel for assessment.

As part of the tender evaluation process an initial compliance check was conducted to identify submissions that were non-conforming with the immediate requirements of the RFT. This included compliance with contractual requirements and the provision of requested information. Two (2) tender submissions were found to be non-compliant with the specified requirements.

The tender required applicants to address the specified qualitative and quantitative criteria, and complete a pricing schedule for the contract.

The qualitative criteria assessed and weightings applied were as follows;

- Relevant Experience 10%
- Key Personnel Skills & Experience 10%
- Tenderer's Resources 10%
- Demonstrated Understanding 10%

The Tendered price was given the following weighting and has been assessed in conjunction with the Qualitative Criteria;

- Tendered Price: 60%

The preferred tenderer has been recommended on the basis of a complete tender evaluation in accordance with the above.

The attached confidential Tender Evaluation and Recommendation report provides the detailed evaluation outcome.

In Summary, the final ranking demonstrated that the tender from Busselton Pest and Weed Control represents the best value for money option for the City.

## **CONCLUSION**

This report seeks the Council's endorsement of the Officer's recommendation to award the Pest and Weed Control Service Contract to Busselton Pest and Weed Control for a term of two years, with two options for extension, each of one year. Busselton Pest and Weed Control have the ability to fulfil the contract requirements to an acceptable standard based on their demonstrated understanding of the requirements, significant relevant experience and access to the required resources.

## **OPTIONS**

The Council could decide;

1. Not to award the RFT as per the Officers recommendation and choose one of the other tenderers. This option could have reputational and compliance risks;
2. Not to award the RFT and request Officers to re-advertise the RFT;
3. Not to award the RFT at any time, in which case Officers would need to commence the recruitment process for full and part time staff for the provision of the services in-house. This option may result in staff not being recruited in time for the provision of the required services, or may have budget implications.

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

The award of the tender to the successful tenderer can be announced immediately after the Council has endorsed the officer's recommendation, and the successful contractor will receive formal written notification within seven (7) days of decision. The unsuccessful tenderer will also be notified in this time.

**Council Decision and Officer Recommendation**

**C1608/194** Moved Councillor G Bleechmore, seconded Councillor T Best

That the Council:

1. Award the RFT07/16 – Pest and Weed Control Service Contract to Busselton Pest and Weed Control for a term of two years, with two options for extension, each of one year at the CEO's discretion.

**CARRIED 9/0**

**EN BLOC**

## 12.2 PETITION RESPONSE: REQUEST FOR FOOTPATH ON AMBERLEY LOOP, DUNSBOROUGH

<b>SUBJECT INDEX:</b>	Footpath Infrastructure
<b>STRATEGIC OBJECTIVE:</b>	Linked networks of cycleways and pedestrian paths providing alternative transport options.
<b>BUSINESS UNIT:</b>	Engineering and Facilities Services
<b>ACTIVITY UNIT:</b>	Engineering and Facility Services
<b>REPORTING OFFICER:</b>	Manager, Engineering and Facilities Services - Daniell Abrahamse
<b>AUTHORISING OFFICER:</b>	Director, Engineering and Works Services - Oliver Darby
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Copy of the Petition - Amberley Loop - Request for Footpath Attachment B Aerial Photo of Amberley Loop Attachment C Extract from Liveable Neighbourhoods Attachment D Multi Criteria Assessment Attachment E Forward Capital Works Plan Attachment F Letter of Support - Libby Mettam MLA Member for Vasse

### PRÉCIS

This report is in response to a petition received by the Council at its ordinary meeting held on 22 June 2016 from the property owners and/or tenants located along Amberley Loop, Dunsborough. The petition is in regard to the safety concerns the residents of Amberley Loop have for pedestrians along this winding loop road due to the absence of a footpath adjacent to the road.

The Council resolved that the petition be received and referred to the CEO to prepare a report. This report provides detail of the process used by City Officers to evaluate request for the provision of new infrastructure.

It is recommended that the Council resolve to indicate that the Council support the construction of a footpath along Amberley Loop at an appropriate time in accordance with its level of priority in accordance with the City's Forward Capital Works Plan and asset management process. The reasons for this recommendation are set out in the 'Officer Comment' section of this report.

### BACKGROUND

A petition was received on the 16 June, requesting the construction of a footpath for the length of Amberley Loop in Dunsborough Lakes. The petition stated that "Amberley Loop is one of the few roads in the Dunsborough Lakes Development that is not serviced with a footpath and we strongly request, as a matter of urgency that these hazards and their potential danger to members of this segment of the community be eliminated."

The petition contains 118 signatures, of which 107 could be verified as electors.

The petition was presented to the Council at the 22<sup>nd</sup> June 2016 meeting.

The Council resolved (ref C1606/143) that the petition be received and referred to the CEO to prepare a report to the Council or a Committee.

This report is in response to the petition received by the Council.

A copy of the petition is provided, in full, as **Attachment "A"** to this report.



## STATUTORY ENVIRONMENT

The *Road Traffic Code 2000* r.203 states that pedestrians may travel along a carriageway, except “where there is a footpath or nature strip adjacent to the carriageway and it is in a fit condition for use.” And a **nature strip** means “an area between a carriageway and the front boundary of adjacent land, but does not include a path” (RTC r.3). I.E. ‘nature strip’ = ‘road verge’.

## RELEVANT PLANS AND POLICIES

City of Busselton’s Asset Management Plan for Cycle ways and Footpaths.

City of Busselton’s Long Term Financial Plan.

City of Busselton’s Bike Plan 2010.

## FINANCIAL IMPLICATIONS

The cost of constructing a two (2) metre wide footpath along Amberley Loop (approximately 830 metres of footpath) on one side of the road has been estimated at \$314,500 (present day value). This estimate excludes the relocation of services.

### Long-term Financial Plan Implications

There are no financial implications to the Long Term Financial Plan (LTFP) should the officer recommendation be endorsed.

The LTFP provides funds for footpath and cycle way projects, however the list of projects endorsed by the Council on an annual basis are determined by the City’s Forward Capital Works Plan and Asset Management Plan for Cycle Ways and Footpaths. Indicative lists of projects are provided on the LTFP, however they are reviewed on an annual basis due to changes associated with a developing City.

In brief the LTFP provides the funds the City is able to allocate to the construction of footpaths, however it does not determine which footpath is built and where. The construction of a footpath is determined in accordance with the priorities allocated in the Forward Capital Works Plan. How the footpath projects are prioritized (in accordance with this plan) is detailed later in the report.

## STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation of this report reflects and is consistent with the City of Busselton’s strategic objectives.

Well Planned, Vibrant and Active Place:

- Infrastructure assets that are well maintained and responsibly managed to provide for future generations.
- A linked network of cycle ways and pedestrian paths providing alternative transport options.

## RISK ASSESSMENT

Risk	Rating	Mitigation
Public health: Pedestrians being forced onto the road due to absence of footpath.	Consequence: Moderate Likelihood: Possible Rating: High	Construct footpath.

## CONSULTATION

A City officer has met with Mr. John V. Williams (the organiser of the petition) prior to the petition to discuss the community need for a footpath along Amberley Loop.

On the 14<sup>th</sup> July the City received correspondence from Libby Mettam MLA, Member for Vasse offering support in favour of the petition and urging the City to support the construction of a footpath along Amberley Loop. (Please see attachment F)

## OFFICER COMMENT

Amberley Loop is located in the Western side of the Dunsborough Lakes Subdivision, off Resort Drive in Dunsborough. There are three cul-de-sacs off Amberley Loop; Fluke Walk to the South East, Lenton Brae Garden to the South West and Clairault Court located North East. Amberley Loop was constructed as part of Stage 1 of the Dunsborough Lakes sub-division by Superior Holdings Ltd early 1993.

Amberley Loop consists of an 18 metre road reserve and is approximately 830 metres long road with a 6 metre wide seal. There are a total of 102 lots using Amberley Loop to access their properties (Refer to **Attachment "B"** for an Aerial Photo of Amberley Loop). Amberley Loop is also a registered school bus route.

There is currently no footpath along Amberley Loop. The lack of a footpath for pedestrians has been highlighted as a safety concern by residents living along Amberley Loop and was the main driver for the submission of the petition. The road reserve (or verge) is sufficiently wide enough to accommodate a footpath on both sides of the road, noting that should a footpath be constructed this would only be constructed on one side of the road. From a physical inspection of the area, in the most part pedestrians could use the existing road reserve to walk safely off the road. There are however a number of locations where the road reserve has been blocked by boats and or other vehicles. In those locations a pedestrian using the verge would currently have to step onto the road to bypass the obstacle. Additionally pedestrians with a pram or a person confined to a wheel chair would not be able to use the existing road verge.

When Stage 1 of Dunsborough Lakes was approved during the latter part of 1992, the only development guidelines was the then Shire's Technical Specifications. These guidelines did not require the construction of a footpath along Amberley Loop as part of the development application mainly due to it being a narrow width, winding, low speed environment that is not a through road.

With any new sub division applications, City officers are currently using the updated City of Busselton's Technical Specifications and Livable Neighbourhoods (2009 Update 02) to determine or evaluate whether a footpath is required on any particular road. If Amberley Loop was reclassified using these two guiding documents today as part of a new subdivision, Amberley Loop would be classified as an Access Street D (Please see attachment C). In accordance with livable neighborhoods, footpaths should ideally be provided on both sides of the street for streets classed as Access Street D. However for a number of reasons including cost, a footpath may be omitted from one side of a lower order street such as Amberley Loop. A footpath on Amberley loop would be required solely to service the residents and would not form part of a wider pedestrian link ie to a school, shopping centre etc. Therefore a second footpath would not be required.

City Officers receive numerous requests from members of the public for the upgrade, renewal or provision of new infrastructure on a regular basis. When considering how to prioritise these requests, City Officers refer to the Forward Capital Works Plan. The Forward Capital Works Plan has a number of sub classes, such as roads, drainage, parks and gardens, footpaths etc.

In relation to footpaths, when determining the projects in the Forward Capital Works Plan, City Officers make use of the detailed asset management plans (for renewal and replacement) and a multi-criteria assessment matrix for new infrastructure. The Multi Criteria assessment is used to rank infrastructure projects in order of priority. Whenever a request for a new footpath is received, officers review where the footpath sits within the Forward Capital Works Plan. If it is not already included in the Plan, the request is assessed using the matrix to determine where it sits in the priority ranking in comparison to other footpaths. This assessment gives Officers guidance as to the priority of a project based on a score assigned to it using the matrix assessment criteria as seen in Attachment D.

These criteria are scored and combined to calculate a ranking alongside other footpath projects. Please see attachment E which is the current forward capital works plan for footpaths. (Note subject to change depending on requests or changing circumstances).

As can be seen from the table in Attachment E, the provision of a footpath on Amberley Loop has been matrixed using the Multi Criteria Assessment and the project is currently ranked as number 63. This is on the basis of the current funding allowed for in the 10 Year LTFP (assuming a basic extrapolation beyond year 10) and suggests the construction of Amberley Loop in the 2029-30 financial year. Therefore in accordance with the current forward capital works program and funding allocations the construction of this path would not occur for another 13 years.

City officers take this approach with requests for new footpaths in order to provide a standard approach to the community. The assessment utilising the matrix is completed in order to determine the individual project merits, which ensures that all capital works are bench marked against each other in a consistent manner. The resultant score determines the project's ultimate priority against competing projects. Ultimately this is done to provide a fair and consistent approach to these requests.

On the basis of having a set amount of funds and a large number of requests for new footpaths, which far exceeds the current funding opportunities, it is essential that the City provides a standard approach to requests by prioritising a project on its merits and benefits against another project. If this was not done in this manner there would be no consistent method of planning when a footpath should be constructed. Unfortunately due to the fact that funding is limited, it is not always possible to deliver projects in accordance with the community's expectations or timelines. It would not be appropriate to change the ranking of these projects based on a request or petition only without a specific reason. It should be based on the benefit in comparison to another project. This has the potential to create a long lead time for the implementation of a project, which in turn can lead to community disappointment. This could only be reduced with additional funding (whether municipal or other) or a decision to raise the priority of a project outside of the Forward Capital Works Plan.

Therefore on the basis of being fair and equitable, with the numerous competing needs and requests for footpaths, it will be recommended that the provision of new footpath along Amberley Loop be constructed in accordance with the City's Forward Capital Works Plan, which currently indicates that the footpath will be recommended for construction in the 2029/30 financial year. (Noting that the Forward Capital Works Plan is subject to change, pending new requests or changing circumstances).

## **CONCLUSION**

In terms of the current road classification of Amberley Loop, (as per Livable Neighborhood Guidelines and the City's Technical Specifications) and the current road geometry, there is merit in constructing a footpath along Amberley Loop. On the basis of that merit the request to construct the footpath has been assessed for inclusion in the City's Forward Capital Works Plan, which is based on a multi criteria assessment. The assessment indicates that the Amberley Loop footpath is ranked at number 63 on the list of priorities. On that basis using our current Forward Capital Works Plan and funding

criteria, this project is forecast for construction in 2029-30 financial year. Officers will recommend that the construction of a footpath along Amberley Loop be constructed in accordance with the City's Forward Capital Works Plan.

#### **OPTIONS**

1. The Council may choose to bring forward the construction of the footpath along Amberley Loop. This would require a project with a higher ranking be replaced with this project and the program adjusted accordingly.

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

The construction of a footpath along Amberley Loop has been included in the Forward Capital Works Plan for forecast construction in the 2029-30 Financial year.

#### **Council Decision and Officer Recommendation**

**C1608/195** Moved Councillor G Bleechmore, seconded Councillor T Best

That the Council:

1. Acknowledge the petition and plan for a footpath along Amberley Loop at an appropriate time in accordance with its level of priority in the City's Forward Capital Works Plan and asset management process.

**CARRIED 9/0**

**EN BLOC**

## **14. FINANCE AND CORPORATE SERVICES REPORT**

### **14.1 PROPOSAL TO VEST INCREASED AREA OF LAND TO THE ACTON PARK & DISTRICT COMMUNITY HALL INC**

<b>SUBJECT INDEX:</b>	Agreements/Contracts
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Property and Corporate Compliance
<b>REPORTING OFFICER:</b>	Property Coordinator - Ann Strang
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Plan Showing Acton Park Hall Site and Proposal Relating to the Area of Vesting

#### **PRÉCIS**

Acton Park Hall (the Hall) straddles the boundary of two parcels of crown land, Reserve 18562 and Reserve 18918 both of which are vested with the City of Busselton. Following a district wide review of rural halls, Council resolved to relinquish management of the area on which the Hall stands and, subject to approval by the Minister for Lands, seek to have it vested directly with the group managing the Hall.

Subsequent to this, the group managing the Hall, the Acton Park & Districts Community Hall Inc., have requested that a larger portion of land be vested to them in order to facilitate additional space for parking and functions. This report recommends increasing the area of land to be vested to the community group whilst retaining sections of Reserve necessary to meet potential future community needs and ensure the appropriate management of rare bushland.

#### **BACKGROUND**

A report providing Councillors with the outcomes of a detailed study in relation to the condition and use of eight rural halls around the City district was considered at the Council meeting of 27 August 2014.

Five of the halls were found to be in either poor or very poor condition, requiring the City to spend extensive money on them to bring them into an acceptable condition. These halls were also found to have a much lower level of ongoing community use compared to other facilities. For these reasons it was recommended that the City no longer maintain the vesting of these halls and that alternative arrangements be made for the future management of the halls. These recommendations were adopted by the Council. Acton Park Hall was one of the five halls that came into this category.

Council resolved in part (C1408/214) as follows:

5. *In relation to the Acton Park Hall;*
  - a) *Maintain the Management Order for the Hall while the community members currently managing bookings for the hall seek to form an incorporated association to take over management.*
  - b) *Subject to the outcome of recommendation 5 (a) being achieved, the Council seek to relinquish the Management Order of a portion of Reserve 18562 and a portion of Reserve 18918 as shown in Attachment G, subject to the Minister for Lands agreeing*

*to vest the Reserve directly with the incorporated body formed as a result of resolution 5 (a).*

- c) *Should the current management group not make substantial progress towards becoming incorporated prior to 30 June 2015, seek expression of interest from the community on the future use of the hall and report to Council on the outcomes."*

Following the passing of this resolution, the group managing the hall formed an Incorporated Association, the Acton Park & District Community Hall Inc (the Association).

The Association are happy to accept vesting of the Hall but have expressed concern that the original proposal, which was to excise the Hall and a small curtilage around it (as shown outlined in yellow on Attachment A), excludes areas currently used for parking and a partially enclosed area used for community functions.

City Officers are supportive of recommending an increase to the amount of land to be vested to the Association but have reservations about recommending the full extent of the land requested for reasons outlined in the Officer Comment section of this report.

### **STATUTORY ENVIRONMENT**

The Hall is located on a portion of Reserve 18562, Lot 975, Deposited Plan 201693, Volume LR3005, Folio 192 and Reserve 18918 Lot 1075, Deposited Plan 201693, Volume LR3005, Folio 194, both being Crown Land vested with the City. Reserve 18562 is vested for the purpose of Hall Site and Reserve 18918 is vested for the purpose of Recreation.

The care, control and management of reserves are bound by the requirements of section 46 of the Land Administration Act 1997. The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose. The Minister may in that order subject that care, control and management to such conditions as the Minister specifies.

### **RELEVANT PLANS AND POLICIES**

Nil

### **FINANCIAL IMPLICATIONS**

Other than the cost of surveying the area, adoption of the Officer Recommendation will not create any significant additional costs to the City, as the City currently maintains the portion of Reserve that is proposed to be retained. The maintenance cost in relation to this section of land is minimal, involving such things as routine fire breaks.

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

### **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation of this report reflects Key Goal Area 2 and Community Objective 2.2 of the City's Strategic Community Plan 2013 namely:

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

**RISK ASSESSMENT**

There are no identified medium or high level risks associated with the Officer Recommendation

**CONSULTATION**

The proposal to alter the area to be vested has been discussed with members of the Association and the City has outlined its reasons for wanting to retain parts of the Reserve that the Association would like vested to them. The Association's primary concern in relation to the area proposed by the City is that it does not provide enough space for their parking needs, particularly during larger community functions at the Hall.

They are also concerned that the proposed boundary to the south of the hall is not sufficient to maintain an appropriate Building Protection Zone (BPZ). As the adjoining land would be managed by the City, the City would then be responsible to ensure that an appropriate BPZ is retained between the Hall and any future development on the land being retained by the City. This is something that the City acknowledges and it will ensure that the area to the south of the Hall is maintained to meet the BPZ requirements.

The Association have suggested that an alternate location for a future fire shed be considered, however there are currently no other parcels of land owned or managed by the City within the District which would be suitable for this purpose. In an effort to alleviate their concerns City Officers have indicated that the Association could continue to use the area to the south of the Hall for parking until such time that it is required for alternative community purposes, such as a future fire shed.

**OFFICER COMMENT**

The objects of the Association are to promote social and cultural interests of the local community, with membership open to residents of Acton Park and surrounding districts. The Association are keen to obtain the direct vesting of the land on which the Hall sits as well as the vesting of the partially enclosed area to the north of the Hall, the open space to the south of the Hall and some bushland to the west. The area the Association are seeking direct vesting over is as shown outlined in red on Attachment A.

The majority of Reserve 18918 is bushland. The remnant vegetation in the reserve is classified as critically endangered and also contains priority flora. In the interests of ensuring appropriate management and preservation of the bushland Officers recommend that the City retain control over significantly vegetated portions of the Reserve. Having said this, Officers are supportive of a portion of bushland to the west of the Hall being vested directly with the Association as it will provide access to infrastructure associated with the Hall such as the leach drains.

Officers are also supportive of the request for direct vesting of the partially enclosed area to the north of the Hall.

The open space to the south of the Hall, whilst not currently being used by the City, has been identified as a potential future site for the local bush fire brigade, with the site already cleared and large enough for construction of a fire shed. It is likely the City will in the future need to relocate the fire shed in the district from its current location, which is on private land. It is therefore proposed that the City retain this portion of land along with some of the surrounding vegetated Reserve. As discussed in the Consultation section of this report, the Association would like to retain this area for their parking needs. There is parking available to the north of the hall however they currently use the area to the South for overspill parking. While this is acknowledged, the need for the City to retain the site for a possible future fire shed is important and in the interim the Association can continue to utilise this area for parking.

To the immediate west of the Hall, outside of the area proposed to be directly vested to the Association, is a small shed which housed the original generator serving the Hall. All that remains of the generator is the iron plate it would have once been attached to. The Association are keen to retain the shed and City Officers have indicated that they could, at their own cost, relocate the shed to within the area vested to them. The group have indicated they are happy with the proposed boundary to the west of the Hall.

Therefore, as outlined above, it is recommended that the City support the direct vesting to the Association of the area shown hatched black on Attachment A, as opposed to the larger area requested by the Association (as shown edged red on Attachment A). This will secure a better outcome for the Association in terms of the areas used for recreation and parking whilst enabling the City to retain control over portions of the Reserve for future community use, as originally envisaged.

## **CONCLUSION**

City Officers recommend that, further to the Council Resolution on 27 August 2014, Council support increasing the area over which they seek to relinquish to that shown hatched black on Attachment B. This will include the partially enclosed section of land to the north used for recreation, a section to the south for parking and a small section of vegetated area to the west. While the Association has requested a larger area be relinquished, Officers feel this recommendation balances the needs and objectives of the Association with appropriate management of the Reserves and provides for potential future community use for a bushfire brigade facility.

## **OPTIONS**

1. Council could resolve to maintain its existing resolution to seek relinquishment of the Management Order of the portion of the Reserve containing the Acton Park Hall only.
2. Council could resolve to support the Association's request for the direct vesting of a larger portion of the Reserve and seek to relinquish its Management Order over the portion of Reserve as outlined red on Attachment A.

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

Following the resolution of Council, the City will immediately inform the Department of Lands of the outcome. Should the Officer Recommendation be endorsed, it is likely to take several months for the amendment to the Reserve boundary and the transfer of management to occur.

### **Council Decision and Officer Recommendation**

**C1608/196** Moved Councillor G Bleachmore, seconded Councillor T Best

That the Council seek to relinquish the Management Order of a portion of Reserve 18562 and a portion of Reserve 18918 as shown hatched in black on Attachment A and request the Minister for Lands to vest management of this portion of land with the Acton Park & Districts Community Hall Inc.

**CARRIED 9/0**

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## **15. CHIEF EXECUTIVE OFFICER'S REPORT**

### **15.1 COUNCILLORS' INFORMATION BULLETIN**

<b>SUBJECT INDEX:</b>	Councillors' Information
<b>STRATEGIC OBJECTIVE:</b>	Governance systems that deliver responsible, ethical and accountable decision-making.
<b>BUSINESS UNIT:</b>	Executive Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Reporting Officers - Various
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Planning Applications Received 1 July - 15 July Attachment B Planning Applications Determined 1 July - 15 July Attachment C State Administrative Tribunal Appeals as at 21 July 2016 Attachment D Department of Fire and Emergency Services - Response to the Ferguson Bushfire Inquiry Attachment E Leeuwin Naturaliste Sub-Regional Planning Steering Group - Meeting Notes 16 July 2016

#### **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 & Development Statistics**

Attachment A is a report detailing all Planning Applications received by the City between 1 July, 2016 and 15 July, 2016. 39 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 July, 2016 and 15 July, 2016. A total of 29 applications (including subdivision referrals) were determined by the City during this period with 29 approved / supported and 0 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 July 2016.

##### **15.1.3 Department of Fire & Emergency Services – DFES Response to the Ferguson Bushfire Inquiry**

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

**15.1.4 Leeuwin Naturaliste Sub-Regional Planning Steering Group – Meeting Notes**

The meeting notes from the Naturaliste Sub-Regional Planning Steering Group from the 16 July 2016 meeting is included in Attachment E.

**Council Decision and Officer Recommendation**

**C1608/197** Moved Councillor G Bleechmore, seconded Councillor T Best

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

- 15.1.1 Planning & Development Statistics
- 15.1.2 State Administrative Tribunal (SAT) Appeals
- 15.1.3 Department of Fire & Emergency Services – DFES Response to the Ferguson Bushfire Inquiry
- 15.1.4 Leeuwin Naturaliste Sub-Regional Planning Steering Group – Meeting Notes

**CARRIED 9/0**

**EN BLOC**

### ITEMS CONSIDERED BY SEPARATE RESOLUTION

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

#### 11.3 APPLICATION FOR DEVELOPMENT APPROVAL FOR USE NOT LISTED (AGRICULTURE AND MACHINERY SALES AND REPAIRS) AT LOT 1 (4850) BUSSELL HIGHWAY, REINSCOURT

<b>SUBJECT INDEX:</b>	Development/Planning Applications
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Development Services and Policy
<b>REPORTING OFFICER:</b>	Planning Officer - Stephanie Izzard
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Location Plan Attachment B Development Plans Attachment C Summary of Submissions

DISCLOSURE OF INTEREST	
<b>Name/Position</b>	Paul Carter, Councillor
<b>Item No./Subject</b>	11.3 - Application for Development Approval for Use Not Listed (Agriculture and Machinery Sales and Repairs) at Lot 1 (4850) Bussell Highway, Reinscourt.
<b>Type of Interest</b>	Financial Interest
<b>Nature of Interest</b>	I am an employee of First National Real Estate Busselton of which the proponent of this Development Application, Anthony Copeland is Director

7.06pm At this time Councillor Paul Carter left the meeting.

### PRÉCIS

The Council is asked to consider a development (planning) application seeking approval for a Use Not Listed (Agriculture and Machinery Sales and Repairs) at Lot 1 (4850) Bussell Highway, Reinscourt. A location plan and development plans are provided at Attachments A & B respectively.

The proposal has been placed before the Council due to the prominence of the site along Bussell Highway and the proximity to the main entry road into the Busselton City Centre.

It is considered that, on balance, this development is consistent with the relevant planning framework and is recommended for approval.

### BACKGROUND

An application for development approval has been received for a Use Not Listed (Agriculture and Machinery Sales and Repairs) at Lot 1 (4850) Bussell Highway, Reinscourt ("the site"). Effectively, the proposal involves the relocation of the 'Greenline' farm machinery business, currently located in Karridale, into site/premises currently occupied by the 'Foris' nursery.

The site is located 500 metres to the east of the round-a-bout at the intersection of Bussell Highway and Causeway Road, which provides the main vehicle entry into the Busselton City Centre. The site is located on the northern side of Bussell Highway and is bound by two lots, one to the west, and one

to both the north and east, both of which are 'Reserve for Recreation' in the Scheme, although privately owned. The proposed development will replace the landscape supplier currently operating from the site.

The site is zoned "Agriculture" under the City of Busselton Local Planning Scheme No.21 (the Scheme) and is subject to the Vasse Estuary Structure Plan. The Structure Plan includes the properties on the northern side of Bussell Highway from Ford Road to Osprey Drive and lists residential, recreation agriculture and limited grazing as land uses which are preferred within the bounds of the structure plan. The site is within a Landscape Value Area under the Scheme.

The application proposes a 200m<sup>2</sup> workshop to be located to the rear of the existing shop and office on the property. The proposed workshop will have a wall height of 5m and a ridge height of 5.852m. The applicant also proposes a trade display area to be setback 9.5m from the front property (Bussell Highway) boundary and one freestanding signs 4.2m in height.

### **STATUTORY ENVIRONMENT**

The key statutory environment is set out in the City of Busselton Local Planning Scheme No. 21 (the Scheme), as modified by the Deemed Provisions set out in Schedule 2 of the *Planning and Development Regulations 2015*. The proposed development does not fall under any use listed in the Scheme. The proposed development is therefore a 'use not listed' and may be approved at the discretion of the City, usually following a consultation process as outlined in clause 64 of the Deemed Provisions.

#### ***Agriculture Zone***

The site is zoned 'Agriculture' under the Scheme. The objectives of this zone relevant to this application are as follows:

- (d) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect the amenity of any existing or proposed nearby development.*
- (h) To discourage ribbon development along Caves Road and other tourist roads and maintain the rural and natural ambience of transport corridors generally.*

The policies of the 'Agriculture' zone relevant to this application are:

- (f) To implement and adhere to the adopted recommendations and outcomes of the Local Rural Planning Strategy adopted by the local government and endorsed by the Commission.*

#### ***Landscape Value Area***

The site is within a Landscape Value Area under the Scheme. The provisions of this special control area relevant to this application are as follows:

*6.4.1 The local government shall not grant planning approval for the clearing or development of any land identified within a Landscape Value area on the Scheme map, unless it has considered -*

- (a) whether the development will be compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the locality;*

*6.4.2 The local government shall not grant planning approval for the carrying out of development on land within the Landscape Value area or on land on or near any ridgelines where, in the opinion of the local government, that development is likely to substantially detract from the visual amenity of the area, having regard to, among other things, the cumulative visual effect of the development related to other development that may be anticipated in the locality and in the area generally.*

### ***Use not listed***

The applicant has applied for the proposal as a “Rural Enterprise.” Currently, under the Scheme “Rural Enterprise” is defined as “the use of rural land and buildings for business activities, the operations of which are related to or are dependent on rural and agricultural activity in the locality in which they are situated.” This definition is relatively ambiguous in relation to what agricultural activities would reasonably fall within this land use. As part of the Omnibus Amendment to the Scheme, which was endorsed by the Council at its meeting 11 May 2016 and is considered a “seriously entertained planning document,” “Rural Enterprise” is proposed to be removed as a land use and replaced with “Rural Produce Sales”. “Rural Produce Sales” is defined as “any premises used for the purpose of retail sale of products which are grown, reared or produced on site, including a cellar door operation and retail sales associated with Industry – Cottage or Industry – Rural.” It is considered that the proposed development would not fall within either the existing “Rural Enterprise” or proposed “Rural Produce Sales” land uses or any other land-use defined in the Scheme, and therefore the development has been assessed as a ‘Use Not Listed’. Clause 4.4.2 of the Scheme allows the City to consider a development application for a land use not listed under the zoning table. In this instance it was considered that the use may be consistent with the objectives and policies of the zone and therefore advertising was undertaken in accordance with clause 64 of the Deemed Provisions. Clause 4.4.2 reads as follows -

*4.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -*

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
- (b) determine that the use may be consistent with the objectives and policies of the particular zone and thereafter follow the advertising procedures of clause 10.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

Note that clause 10.4 of the City’s scheme is now superseded by the equivalent and very similar clause 64 of the Deemed Provisions.

### ***Matters to be considered***

Clause 67 the Deemed Provisions outlines the key matters to be considered by local government when considering a development application. Those matters which are considered to be particularly relevant to this application are as follows:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and*

*Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;*
- (y) any submissions received on the application;*
- (za) the comments or submissions received from any authority consulted under clause 66;*

## **RELEVANT PLANS AND POLICIES**

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

- *Land Use Planning in Rural Areas Statement of Planning Policy (SPP 2.5);*
- *Local Rural Planning Strategy (LRPS);*
- *Local Commercial Planning Strategy (LCPS);*
- *Local Planning Policy 3 Special Character Areas and Visual Management Policy (LPP3)*
  - *3F Reflective Building Materials*
- *Local Planning Policy 8 General Development and Process Standards Policy (LPP8)*
  - *8A Car Parking Provisions*

SPP 2.5 primarily addresses the operation of the planning framework rather than individual land use matters. The overarching policy requirements that it lists include:

- a) land use change from rural to all other uses is to be planned and provided for in a planning strategy or scheme; and*

The LRPS addresses other matters such as the economic and social well-being of the region. Under the LRPS the site is located with the Rural Wetlands precinct. Within the Rural Wetland precinct the precinct objectives applicable to this area include:

- To preserve the landscape qualities of the area and to enhance the rural and natural landscape values.

In relation to the Busselton City Centre the LCPS discourages ribbon development and further commercial development along major roads, including Bussell Highway.

Under LPP3 - *3F Reflective Building Materials*, as the development is within a Landscape Value Area under the Scheme, reflective building materials, including Zincalume and building materials with a light reflectance exceeding 50% are only permitted at the discretion of the City where the use of these materials will not detract from the visual amenity or rural/scenic character of the area and will not be visually prominent from travel route corridors.

As the proposed development is considered to be a "Use not listed" under the Scheme, the Council is required to determine an appropriate car parking standard. It is noted that under LPP 8 - 8A Car Parking Provisions "Trade Display" requires "1 space per 50m<sup>2</sup> of display area or at the City's discretion" and "Industry" requires "1 space for 50m<sup>2</sup> of net lettable area."

### **FINANCIAL IMPLICATIONS**

The recommendation of this report is a planning determination. It does not impose any direct financial implications upon the City.

### **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation in this report reflects Community Objective 5.2 of the City's Strategic Community Plan 2013 – 'A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connection.'

### **RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified in Council reports where the residual risk, once controls are identified, is 'medium' or greater. No such risks have been identified.

### **CONSULTATION**

This proposal was referred to adjoining landowners for a period of 21 days ending on 8 June 2016. A notice was also placed on the City's website and in the local paper on 25 May 2016. The City received 7 submissions from members of the community in support of the proposal (Attachment C refers). In addition, a submission was also received from Main Roads which raised the following concerns;

- Development will increase traffic demands and increase the potential for vehicle conflicts which will detract from the safety and function of the highway.
- Approval will create an undesirable precedent for further development along this section of Bussell Highway.
- Concerns regarding vehicles making u-turns at existing intersections which will create major safety concerns.

### **OFFICER COMMENT**

The City has assessed the application having regard to the objectives and policies of the Agriculture zone, and Matters to be considered, in particular consideration of proper and orderly planning, as required by the Scheme.

While the objectives of the Agriculture zone is to discourage ribbon development along tourist roads and maintain the rural and natural ambience of transport corridors generally, it considered that as this application proposes to replace an existing business operating from the site that it does not increase the commercialisation along Bussell Highway and therefore is in keeping with objectives of the Agriculture zone and the intention of the LCPS. Any future proposal which would increase commercial operations on the site, including an expansion of the current proposal, would likely not be supported. The applicant has advised that the area to the rear of the proposed workshop is only to be used to provide access into the workshop and that there will be no expansion of business activities into this area. To ensure that the proposal does not expand to occupy a greater portion of

the site than what is currently proposed a condition of approval is recommend for a site plan demarcating the area to be utilised for the business. This is to be submitted to the City prior to the commencement of operation and will prevent future expansion of the business which could result in impacts upon the amenity of the area and may result in additional traffic to the site.

The development will replace the existing landscape supplier which is operating from the site. This business would be considered a "Plant Nursery" under the Scheme which is a discretionary ("D") land use within the "Agriculture" zone and therefore this land use can be approved within this zone however requires the local government to exercise its discretion by granting planning approval. It is considered that the operation of this business from the site will result in minimal changes to the locality when compared to the existing operations from the site. The proposal is considered to be in keeping with the rural character of the area and this type of business would reasonably be expected to be operating within the locality.

Generally the City has applied a 60 metre landscape buffer to development along the southern side of Bussell Highway, including Georgiana Molloy Anglican School. The intent of this landscaping buffer is to maintain the visual amenity and reduce clutter along this portion of Bussell Highway, which is a key transport corridor through the region. The front property boundary of the site is setback an additional 20 metres when compared to some of the other properties along Bussell Highway. This results in the trade display area being setback approximately 36 metres from Bussell Highway. It is considered that the additional front setback will provide opportunity for additional vegetation to assist in screening the development from Bussell Highway and therefore reduce the visual impact of the development. Landscaping of the site, as well as landscaping within the verge, is proposed to be required as a condition of the planning approval. It is noted that currently the business operating from the site has advertisements within the road reserve. These will be required to be removed as per a condition of approval and therefore further reducing the visual impact of the development.

The proposal will result in minimal changes to traffic when compared to the existing operations on the site. Due to the nature of the product which is sold it is considered that the frequency of customers coming to the premise would decrease from the plant nursery. To consolidate access to the site the existing gravel crossover, which is rarely utilised, is to be removed and the verge reinstated.

## **CONCLUSION**

It is considered that the proposal is consistent with the applicable requirements and therefore is recommended for approval, subject to appropriate conditions. It should be noted, though, that if the proposal involved an additional business on the site, rather than the replacement of an existing business, or if it involved a business that would be a more, rather than less, intensive generator of traffic, or was not of a character consistent with a rural area, then it could not be supported by officers, as it would be contrary to clear objectives set out in the planning framework that are not supportive of the further commercialization or intrusive development of any kind, along the regional road network, especially those aspects of the network that form an important part of the 'entry experience' into the District and the principal settlements.

## **OPTIONS**

The Council could:

1. Approve the application subject to different conditions.
2. Refuse the proposal, setting out reasons for doing so.



**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

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

**Council Decision and Officer Recommendation**

**C1608/198** Moved Councillor J McCallum, seconded Councillor C Tarbotton

That the Council resolve:

1. That application DA16/0295 submitted for development at Lot 1 (4850) Bussell Highway Reinscourt is considered by the Council to be consistent with the City of Busselton Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
2. That Development Approval is issued for the proposal referred to in 1. above 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 Development Plan(s) (enclosed), including any notes placed thereon in red by the City.

**Prior to Commencement of Any Works Conditions:**

3. 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:
  - 3.1 A Drainage Management Plan setting out details of stormwater and surface water drainage works. The Plan shall ensure the following is achieved:
    - a. Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m<sup>3</sup> per 40m<sup>2</sup> of impervious area;
    - b. Sealed parking and loading areas treated using bio-infiltration systems incorporated into landscaped areas, prior to release to below ground storage systems, in accordance with the City's Engineering Technical Specifications; and
    - c. Separate bunded stormwater and/or process water systems with additional treatment (e.g. oil separators) for any areas used for fuel or chemical storage or vehicle wash down.
  - 3.2 A Landscape Plan, which shall include the following:
    - (a) The verge between the Main Trade Display and the front property boundary;
    - (b) The area between the front property boundary and the Main Trade Display;
    - (c) The area along the western boundary from the front property boundary to the proposed workshop;
    - (d) Rehabilitation of the area to the rear of the property not included within the area delineated for the indicated development hereby approved as per condition 3.6 below;
  - 3.3 Details for the consolidation of the vehicle entry/exit to the site into one crossover;
  - 3.4 All structures within the road reserve are to be removed;
  - 3.5 Details of type and colour of all external materials to be used;
  - 3.6 A site plan delineating the area of the site to be utilised for the development

hereby approved;

- 3.7 Details of the finished treatment of all hard surfaced areas to be used for the construction of the parking and manoeuvring areas as shown on the Approved Development Plans.

**Prior to Occupation/Use of the Development Conditions:**

4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition 3 have been implemented; and, the following conditions have been complied with;
  - 4.1 Vehicle crossover upgraded in accordance with the detail approved by the City and any redundant vehicle crossover to be removed and the verge reinstated with grass or landscaping to the specifications of the City.
  - 4.2 Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, as assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.
  - 4.3 A minimum number of 19 car parking bays shall be provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] shall be designed, constructed, sealed, drained and marked.

**On-going Conditions:**

5. The works undertaken to satisfy Conditions 3 and 4 shall be subsequently maintained for the life of the development.

**CARRIED 8/0**

7.07pm At this time Councillor Paul Carter returned to the meeting.

11.4 APPLICATION FOR PLANNING CONSENT FOR SMALL PRIVATE HOSPITAL AT 48 ROY ROAD, METRICUP

<b>SUBJECT INDEX:</b>	Planning/Development Applications
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Development Services and Policy
<b>REPORTING OFFICER:</b>	Planning Officer - Justin Biggar
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Site Aerial Attachment B Site Photos Attachment C Development Plans Attachment D Table of Submissions Attachment E Petition Attachment F Applicant Response to Submissions

## PRÉCIS

The Council is asked to consider a planning application seeking approval for a Private Hospital on Lot 10 (48) Roy Road, Metricup ("the site").

The proposal has come before Council due to the community interest generated by the proposal and the nature of the issues raised.

As an 'A' land use under the zoning table, the application was advertised for public comment.

It is considered that the proposal is consistent with the relevant planning framework and is recommended for approval subject to conditions.

## BACKGROUND

The City received an application (DA16/0412) for a Private Hospital at Lot 10 Roy Road, Metricup. The applicant intends that the business would trade under the name 'Margaret River Private.'

Margaret River Private is intended to operate as a private healthcare clinic offering rehabilitation services for those experiencing alcohol or other drug dependencies. The maximum number of patients proposed is as follows –

- 30 resident patients (participating in 90 day program and to be accommodated in chalets)
- 8 inpatients (participating in 7 day program and to be accommodated in main building)
- 5 day patients

The site is located on the corner of Roy Road and Bussell Highway. It is zoned 'Agriculture' and has a total size of 41.2 Ha. The site currently accommodates 'Birdhaven Retreat' tourist development which was approved across two separate development applications.

The development of ten chalets and a manager's residence (DA12/0073) was approved by the City 11 July 2012. A subsequent application for a reception centre and guesthouse was approved 5 April 2013 (DA13/0429).

Currently there are six buildings on the site; the main residence, 4 chalets and a manager's residence. A site plan and photos have been provided at Attachment A and B respectively.

Four further buildings are proposed as part of the current development application, including a reception building, one additional chalet, outbuilding and utility building. Development plans have been provided at Attachment C.

The front portion of the site is approximately 30ha of pasture utilized by the current owner for an annual hay crop with the rear portion comprised of approximately 10ha of remnant vegetation.

The proposal intends to retain the current balance of the land, with the front pasture to accommodate a small range of animals (seven head of Angus cattle, three horses and 12 Dormer sheep) provided for therapeutic value. The rear portion will remain as remnant vegetation.

As a discretionary 'A' use under the Scheme, the application was advertised for public comment as per Clause 64, with the period for comment ending 13 July 2016. 36 submissions were received, with 34 opposing the proposed development. Refer to Attachment D for the Table of Submissions.

Further, a petition with 43 signatures was received, opposing the development (Attachment E).

The applicant was provided opportunity to respond to the points of objections raised in the submissions (Attachment F).

## **STATUTORY ENVIRONMENT**

The key statutory environment is set out in the City of Busselton Local Planning Scheme No. 21 (the Scheme), as modified by the Deemed Provisions set out in Schedule 2 of the *Planning and Development Regulations 2015*. The Scheme classifies 'Hospital' as development requiring planning consent as an 'A' use within the Agricultural zone.

The 'A' permissibility means that the proposed land use can be approved at the reasonable discretion of the City, following a compulsory consultation process as outlined in Clause 64 of the Deemed Provisions.

The objectives of the Agriculture zone as relevant to this application are as follows:

- (a) To conserve the productive potential of rural land.*
- (b) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect the amenity of any existing or proposed nearby development.*

Policies of the 'Agriculture' zone relevant to this application are:

- (a) To permit land included within the zone and shown by close investigation in consultation with the Department of Agriculture and Food not to be prime agricultural land to be utilised for other purposes not incompatible with adjacent uses.*
- (b) To implement and adhere to the adopted recommendations and outcomes of the Local Rural Planning Strategy adopted by the local government and endorsed by the Commission.*

Clause 67 of the Deemed Provisions specifies matters to be considered by the Council in determining applications for planning consent. Those matters most relevant to this application are as follows:

- (a) The aims and provisions of the Scheme and any other relevant local planning scheme operating within the Scheme Area.*

- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving*
- (c) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (d) the amenity of the locality including the following —*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;*
- (e) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*
- (f) Any relevant submissions received on the application*

These matters are discussed further in the Officer Comment section of the report.

## **RELEVANT PLANS AND POLICIES**

The assessment of the proposed hospital is guided by a number of policies which relate to the zoning and proposed use of the land. The key policy implications are outlined below.

### ***City of Busselton Local Rural Planning Strategy***

The site is located within Precinct 1 – Primary Rural. The strategy outlines a number of objectives for the precinct, the most relevant being:

- To retain majority of area, especially low lying areas, for dairy/grazing.
- To retain primary agricultural land use, patterns of rural use and to avoid the intrusion of rural residential and non-agricultural uses.

The Strategy also identifies desirable/undesirable land uses within the precinct.

#### *Desirable:*

- Grazing and dairying
- New dairy uses and significant dairy upgrades
- Primary rural dwelling
- Cottage industries
- Rural bed and breakfasts

#### *Conditional:*

- Second rural dwelling on lots greater than 30ha
- Intensive horticulture / viticulture
- Basic raw material and mineral sand mining
- Rural enterprises
- Rural industry
- Agro-forestry

**Undesirable:**

- Rural residential and rural small-holding uses other than in existing zoned areas pursuant to the Scheme
- Tourist development except for guest-house / rural lodge and bed & breakfast on land unsuitable for agriculture
- All other urban, tourist, rural holiday resort, chalet development or industrial uses.

It is not clear that the proposal fits into any of the categories of land uses as per the Local Rural Planning Strategy, meaning that the Strategy does not provide any direct guidance.

**Leeuwin-Naturaliste Ridge Statement of Planning Policy**

The western boundary of the site is considered to be a 'Travel Route Corridor' under the LNRSP, as it is located along Bussell Highway. The 'Travel Route Corridor' is defined as follows:

*Key areas which allow people opportunities to access and experience adjoining areas and consist of a 600 metre wide corridor (300m on either side) along the Primary Transport Network. These corridors may or may not include areas where rural or natural significance have been identified.*

Further, Policy Statement 3.3 reads that "Development will have due regard for the landscape integrity and value of Ridge backdrops when viewed from the coastline, bays or Travel Route Corridors."

The closest part of the development to Bussell Highway, being the chalets, is located approximately 420 metres from the road verge.

**Local Planning Policy 2 – Traffic and Transport Policy**

The Traffic and Transport Policy outlines the requirements for assessing the traffic impacts of any development or subdivision proposal to ensure the provision of adequate road infrastructure.

The applicant has submitted a detailed breakdown of the traffic expected to be generated by the proposal.

**Local Planning Policy 8A – Car parking Provisions**

Planning Policy 8 establishes the parking criteria for any proposed development and is intended to provide a practical guide to aid in the preparation of drawings to be submitted in support of an application.

The requirements for a hospital as per the policy are *1 space per 2 beds*. The figures used in the policy are minimum requirements.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC COMMUNITY OBJECTIVES**

The recommendation of this report reflects Community Objectives 2.2 and 3.1 of the Strategic Community Plan 2013, which are:

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

3.3 A community where local business is supported.

### **RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risks have been identified.

### **CONSULTATION**

The proposal was referred to landowners within one kilometre of the site and advertised in the local newspaper and on the City of Busselton public website.

36 submissions were received on the proposal, 34 broadly opposing and two broadly supporting. The majority of submissions received came from landowners within the immediate area of the proposal, including local business operators.

A petition organized by nearby landowners was also received during the comment period, with 43 signatures. This report seeks to address the petition as per the requirements of the Standing Orders Local Law. A copy of the petition is included as Attachment F.

The main concerns raised in the written submissions were as follows:

1. The threat to safety and security of nearby landowners
2. The negative impact of the proposal on the viability of nearby tourism businesses
3. Location too isolated from supporting infrastructure, i.e. – police and medical services

Refer to Attachment D for the Schedule of Submissions, and Attachment F for the applicant's response to the issues raised in the submissions.

### **OFFICER COMMENT**

The key statutory planning consideration is whether the proposal, as a discretionary 'A' land use, is compatible with the Agriculture zone and the requirements of Clause 67.

#### **Suitability of the Agriculture Zone**

In considering the suitability of the proposal in the Agriculture zone, it is necessary to refer to the objectives and policies of the zone as outlined in the *Statutory Environment* section of this report.

In regards to the concern that the proposed development will result in the loss of arable land it is instructive to refer to the previous approval granted by Council, 11 July 2012, for a chalet development.

As detailed previously in the report, chalet development is considered an undesirable land use in accordance with the Local Rural Planning Strategy.

A component of the rationale for the approval, as contained in the officer report to Council, was the unsuitability of the land for agricultural purposes. An agronomist report prepared in support of the chalet application concluded that the land was not economically viable for agricultural pursuits alone, due to poor maintenance by prior owners.

The report also concluded that the portion of cleared land on the property was unsuitable for any agricultural pursuit other than grazing. The Local Rural Planning Strategy requires a minimum of 40

hectares for general agricultural purposes. The cleared portion of land on the site with grazing potential is not more than 30 hectares.

**Matters to Be Considered:**

The matters to be considered relevant to this proposal were outlined previously in this report.

- (a) The aims and provisions of the Scheme and any other relevant local planning scheme operating within the Scheme Area.*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving*
- (c) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (d) the amenity of the locality including the following —*
  - (iv) environmental impacts of the development;*
  - (v) the character of the locality;*
  - (vi) social impacts of the development;*
- (e) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*
- (f) Any relevant submissions received on the application*

With no impact on the availability of arable land, the proposal has been demonstrated to be suitable in the Agriculture zone.

The bulk, scale and appearance of the proposal are considered in character with existing tourism development, with all buildings setback a suitable distance from both Bussell Highway and adjacent properties.

The applicant has demonstrated in their supporting statement and response to public submissions that adequate measures are in place to address any perceived social issues created by a rehabilitation centre.

As a private health centre the proposal will be required to comply with Department of Health licensing requirements, including adequate staffing levels and the provision of the necessary facilities and training to deal with medical emergencies. All clients are screened prior to admittance to ensure they are drug and alcohol free with regular drug testing undertaken during their stay. Any clients unwilling to address drug seeking behavior are removed from the program.

As a low scale land use generating no greater traffic intensity than surrounding land uses, the proposal is considered to be compatible with the setting and the capacity of the road system. This is discussed in greater detail below in reference to policy requirements.

**Requirements of Policy:**

*Leeuwin-Naturaliste Ridge Statement of Planning Policy*

The buildings associated with the development are located a suitable distance from Bussell Highway (>400m) such that they are not considered to have an impact on the visual amenity of the Travel Route Corridor.



The buildings with nearest proximity to Bussell Highway are the four chalets approved as part of DA12/0073. The new buildings to be constructed as part of the development are located further within the site, at a greater distance from Bussell Highway.

Concerns were raised during the submission stage about the suitability of a 1.8m electric fence along the site's boundary with Bussell Highway, both as a visual amenity issue and an indication of the danger posed by the clients of the hospital.

In discussions with the applicant it was clarified that the provided site plan was incorrect and the electric fence referred to is located at the rear of the property along the boundary with Lot 1 Roy Road. This electric fence has been installed by Yelverton Brook Eco-Retreat to keep foxes and feral cats out of their property.

The applicant has no intention of installing an electric fence along the boundary of the property but will utilize the existing 1.2m boundary fence and repair where necessary.

*Planning Policy 2 – Traffic and Transport Policy:*

The applicant has provided a breakdown of the traffic expected to be generated by the proposal.

Including staff and clients, the proposal is expected to generate 21 trips per day, (a trip including both arrival and departure).

The majority of daily trips are generated by staff members with hospital clients arriving on either a weekly or monthly basis, with these times staggered.

There are not seen to be any concerns with the suitability of the existing road network to accommodate the proposed use.

An upgrading of the internal driveways to ensure suitability for intended use will be undertaken.

*Local Planning Policy 8A – Car parking Provisions:*

The parking requirement for a hospital contained in the policy is *1 bay per 2 beds*. The proposal will provide 40 beds, comprised of 30 day patients, 8 inpatients and 2 day surgery patients, generating a requirement for 20 car parking spaces.

All parking will be accommodated on site as per the provided plans with the following numbers indicated:

- 14 parking bays near Reception centre
- 2 disabled bays
- 4 parking staff bays by Service yard
- 2 double wide parking bays in the shed area
- 1 short term ambulance/delivery bay
- 1 Margaret River private bus parking bay
- 15 chalet parking bays

39 car parking bays in total have been provided on site. Gravel overflow parking is also provided at the front of the main building. As clients will not have access to private vehicles for duration of stay, with many arriving by a Margaret River Private provided bus, the provided parking is considered adequate for the intended use.

**Further Considerations:***Environmental Impact:*

The rear of the property contains a large portion of remnant vegetation. The applicant does not intend to remove any vegetation beyond the requirement to establish the necessary APZ as required in a Bushfire Prone Area and recommended by the provided BAL assessment.

Development will utilize existing buildings with new development to be located in cleared areas of the site.

*Concerns of Residents:*

During the consultation period, undertaken in accordance with Clause 64 of the Scheme, a number of submissions were received objecting to the proposal. There were four common arguments identified in the submissions received, these being:

- 1 The threat to safety and security of nearby landowners
- 2 The negative impact of the proposal on the viability of nearby tourism businesses
- 3 Location too isolated from supporting infrastructure, ie – police and medical services

It is considered that there is little to no threat to the safety of surrounding residents and possibly less than may be posed by any other form of conceivable development. Adequate measures will be implemented in accordance with the licensing requirements of the Department of Health with all clients to be drug and alcohol free and referred to the centre by a doctor. No clients will be admitted via court order referral. CCTV equipment will be installed to monitor the movements of all clients while on site.

An important component of the rehabilitation model is the necessity of discretion. As such, the location of the hospital is not advertised with minimal signage indicating its nature. The purpose and nature of the facility would not be known to visiting tourists.

As discussed above, Department of Health licensing requirements necessitate the ability and facilities to manage any medical emergencies. An Accident and Emergency Agreement with the nearest emergency hospital (Busselton Hospital) will also be required as part of the licensing.

**CONCLUSION**

The proposed land use is considered to be consistent with the applicable requirements, including the Policy and Objectives of the "Agriculture" zone prescribed under the Scheme.

It is recommended that the application be approved with conditions.

**OPTIONS**

The Council could:

1. Approve the application subject to different conditions.
2. Refuse the proposal, setting out reasons for doing so.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The proponent and those who made submissions will be advised of the Council decision within two weeks of the Council making a determination.

**OFFICER RECOMMENDATION**

That the Council resolve:

- 1) That application DA16/0412 submitted for a Private Hospital at Lot 10 Roy Road, Metricup is considered by Council to be consistent with the City of Busselton Local Planning Scheme No. 21 and the orderly and proper planning of that locality
- 2) That Development Approval is issued for the proposal referred to in 1. above 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 Development Plan(s) (enclosed), including any notes placed thereon in red by the City, and except as may be modified by the following conditions.

**Prior to Commencement of Any Works Conditions:**

- 3) 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:
  - 3.1 Details of the means and method of providing a potable water supply.
  - 3.2 Details of sewage / or on-site effluent, stormwater and surface water drainage works. Stormwater is to be retained for use and/or infiltration within the lot at a rate of 1m<sup>3</sup> per 40m<sup>2</sup> of impervious area
  - 3.3 Details of the proposed bin storage areas including, but not limited to, the design and the materials to be used in their construction.
  - 3.4 Details of type and colour of all external materials to be used (including for any water tanks or outbuildings).
  - 3.5 Details including drainage, sealing, signage and marking for all hard surfaced areas to be used for the construction of the parking and manoeuvring areas as shown on the Approved Development plans.
  - 3.6 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. (Advice Note 5)
  - 3.7 A Landscape Plan (Advice Note 5) that will provide for an increased screening of the developed portion of the site from Bussell Highway.
  - 3.8 Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of Lot 10 advising the

following:

*“BUSHFIRE PRONE AREA – This lot is located within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner.”*

**Prior to Occupation/Use of the Development Conditions:**

- 4) The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 2, 3 and 4 have been complied with.
- 5) Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting are removed, die or, as assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as per originally approved.

**On-going Conditions:**

- 6) The works undertaken to satisfy Condition 2, 3, 4 and 5 shall be subsequently maintained for the life of the development.
- 7) The maximum patient numbers permitted onsite are as follows: 30 resident patients (resident at the site for a maximum of 90 days at a time or in any given year), 8 inpatients (resident at the site for a maximum of seven days at a time, or in any given month, or 90 days in any given year) and 5 day patients.
- 8) Advertising signage associate with the approved use shall no greater than 0.2m<sup>2</sup>, and shall only be located at the Roy Road entry into the site.

**ADVICE TO APPLICANT**

- 1) If the applicant and/or owner are aggrieved by this decision, including any conditions of approval, there is a right to lodge a request for reconsideration. The application form and information on fees payable can be found on the City's website.
- 2) If the applicant and/or owner are aggrieved by this decision there may also be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the City of Busselton.
- 3) This Decision Notice grants planning consent to the development the subject of this application (DA16/0412). 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.
- 4) Please note it is the responsibility of the applicant / owner to ensure that, in relation to Condition 1, this Planning Consent remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
- 5) The Landscape Plan should include a plant schedule nominating species, planting distances, numbers, planting sizes, together with the anticipated height of each plant at maturity and should indicate the type of reticulation to be installed.
- 6) With respect to Condition 4.6, applicants are encourage to review the *Percent for Art Policy Step by Step Guide for Developers* which can be viewed on the City's website at [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au) and liaise with the City's Cultural Planning Officer at the earliest possible opportunity.

- 7) 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.
- 8) Food handling, preparation and storage areas to be designed and constructed in accordance with Food Act 2008 and Food Regulations 2009 and the Australian and New Zealand Food Authority (ANZFA) Food Safety Standards. Detailed plan and layout of food handling and preparation areas to be submitted directly to assessing Environmental Health Officer prior to a building licence being issued.

Note: Councillor Henley proposed and Alternative Motion for Council consideration that would decline the development application DA16/0412.

### **Council Decision and Alternative Motion**

**C1608/199** Moved Mayor G Henley, seconded Councillor R Bennett

That the Council resolve:

- 1) That the petition attached to the agenda report be received; and
- 2) That application DA16/0412 submitted for a Private Hospital at Lot 10 Roy Road, Metricup is considered by Council to be inconsistent with the City of Busselton Local Planning Scheme No. 21 and the orderly and proper planning of that locality, and is refused for the following reasons –
  - a) It is a discretionary land-use, and is not considered to be appropriate on this site; and
  - b) Would result in unacceptable impacts to the amenity and security of surrounding residents.

**CARRIED 7/2**

Voting:

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

Against the motion: Councillor R Reekie and Councillor R Paine.

10.2 Policy and Legislation Committee - 21/07/2016 - REVIEW OF FEES, ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS POLICY

<b>SUBJECT INDEX:</b>	Councillors
<b>STRATEGIC OBJECTIVE:</b>	Governance systems that deliver responsible, ethical and accountable decision-making.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Council and Councillor Services
<b>REPORTING OFFICER:</b>	Manager, Governance Services - Lynley Rich
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A Existing Fees, Allowances and Expenses Policy

**This item was considered by the Policy and Legislation Committee at its meeting on 21 July 2016, the recommendations from which have been included in this report.**

### **PRÉCIS**

The City of Busselton was recently increased to a Band 1 local government by the Salaries and Allowances Tribunal (SAT), requiring the updating of the policy in relation to fees, allowances and expenses. All Councillors are entitled to a fee for attending Council and Committee meetings and a range of other reimbursements, while the Mayor and Deputy Mayor are also eligible for an allowance for the performance of those duties.

### **BACKGROUND**

The policy was last reviewed in 2014 as no adjustments were made by the Salaries and Allowances Tribunal in 2015.

### **STATUTORY ENVIRONMENT**

Division 8 of Part 5 of the *Local Government Act 1995* establishes the entitlement of elected members to receive allowances and to be reimbursed for costs incurred in the performance of their duties. The actual allowances, or range of allowances, is established by the SAT in Local Government Elected Council Members Determinations.

In accordance with the Act, any decision to pay elected members an annual allowance instead of a fee per meeting and any decision to pay an allowance to a Deputy Mayor, requires an absolute majority.

### **RELEVANT PLANS AND POLICIES**

The information relating to the banding and the amounts of the allowances has been removed from the policy and it is proposed that this will be included in a schedule after the adoption of the City's annual budget.

### **FINANCIAL IMPLICATIONS**

The draft budget was developed with the capacity to increase allowances into the Band 1 range.

**Long-term Financial Plan Implications**

The Long-term Financial Plan provides for the payments to which elected members are entitled.

**STRATEGIC COMMUNITY OBJECTIVES**

The Strategic Community Plan includes the community objective of having an effectively managed organisation that achieves positive outcomes for the community. One of the key ways for this to occur is to provide financial recognition of the extensive responsibilities performed by elected members.

**RISK ASSESSMENT**

Not required for this policy review.

**CONSULTATION**

The actual levels of fees and allowances within the relevant band are established through the annual budget development process.

**OFFICER COMMENT**

The City of Busselton was recently increased to Band 1 by the Salaries and Allowances Tribunal. Meeting fees made available to elected members need to be set within the Band established by the tribunal. Other allowances are also provided for in order to enable elected members to perform their role effectively. These are all described in the policy.

**CONCLUSION**

The policy is presented for updating, noting that the Absolute Majority is required in order to pay an annual allowance and to establish the percentage of the Mayor's allowance to which the Deputy Mayor will be entitled.

**OPTIONS**

Other changes to the policy can be considered, however, the budget has been developed in accordance with the allowances described, such as clothing and travel reimbursement.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Band 1 determination requires fees to be available within that band from 1 July, 2016. As elected members are paid in arrears, payments will be adjusted accordingly from that time.

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

That the Council adopts the updated Fees, Allowances and Expenses policy:

001	Fees, Allowances and Expenses for Elected Members	V8 Draft
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## 1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

## 2. SCOPE

**"Elected member"** - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

**"Schedule"** – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any *Local Government Elected Council Members Determination* under the *Salaries and Allowances Act 1975*.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

## 3. POLICY CONTENT

### 3.1 Elected members

#### 3.1.1 Provision of equipment

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A standard-issue mobile telephone;
- A standard City-owned laptop computer or tablet that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the laptop computer or tablet.

The laptop computer or tablet provided remains at all times the property of the City of Busselton. Any mobile telephone purchased in accordance with this policy can be retained by the elected member at the completion of their term of office if they serve a minimum of 12 months as an elected member.



### **3.1.2 Meeting attendance fees**

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

### **3.1.3 Information and Communications Technology allowance**

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule. This allowance is to cover an elected member's costs in relation to the following equipment and services:

- Telephone rental charges;
- Any other expenses that relate to information and communications technology, for example telephone call charges and internet service provider fees, and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

### **3.1.4 Reimbursement of childcare expenses**

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

### **3.1.5 Reimbursement of travel expenses**

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a

member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the *Public Service Award 1992*. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the *Public Service Award 1992* for incurring travel expenses.

- Council meetings - ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings - annual general and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown;
- Inspection tours of matters arising before the Council;
- Any City-convened meeting requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses;
- Officially convened meetings with ratepayers;
- Attendance at community functions with a formal invitation as an elected member;
- Seminars and conferences attended in the capacity of an elected member;
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates set out in the *Public Service Award 1992*. Nothing in this section prevents an elected member from utilising a City-owned motor vehicle for the types of travel approved under this section and this is encouraged where practical for the elected member's purposes. Subject to the approval of the Chief Executive Officer, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

### **3.1.6 Reimbursement of expenses while away from home on sanctioned activities**

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

<b>Expenses and Restrictions</b>	<b>Elected Member</b>	<b>Spouse</b>
Laundry > 2 nights	Y	Y
Taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided	Y	Y
Daily sustenance per day allowance in accordance with the <i>Public Service Award 1992</i> (1)	Y	N
Specific conference related dinners/meals	Y	Y

(1) Limited authority exists (refer to Mayor for prior approval) to purchase alcohol for networking purposes in a similar manner to the way the Council offers community members an invitation to share a drink after a Council meeting.

### **3.1.7 Reimbursement of other expenses**

#### **3.1.7.1 Reimbursement of hospitality expenses**

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts to the CEO.

#### **3.1.7.2 Corporate attire reimbursement**

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.

### **3.2 Mayor**

#### **3.2.1 Mayoral allowance**

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

#### **3.2.2 Provision of a City-owned vehicle**

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members or officers with the agreement of the Mayor.

### **3.3 Deputy Mayor**

#### **3.3.1 Deputy Mayor's allowance**

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

#### 4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt.

#### Policy Background

Policy Reference No. - 001

Owner Unit – Governance

Originator – Manager, Governance Services

Policy approved by – Council

Date Approved – For consideration

Review Frequency – As required following determinations

Related Documents –

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Local Government Elected Council Members Determinations*

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

055/1 - Attendance at Conferences, Training and Seminars;

193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

#### History

Council Resolution	Date	Information
		Adjustments to schedulise fees and allowances determined in accordance with any <i>Local Government Elected Council Members Determination</i> Version 8
C1411/292	12 November, 2014	Adjustments to recognise increases made in determinations of the Salaries and Allowances Tribunal via the <i>Local Government Elected Council Members Determination No. 1 of 2014</i> Version 7
C1307/182	10 July, 2013	Adjustments to recognise the determinations made by the Salaries and Allowances Tribunal via the <i>Local Government Elected Council Members Determination No. 1 of 2013</i> Version 6

C1206/168	27 June, 2012	Increase to the Mayor and Deputy Mayor's allowances to maximums available under the Act; change of terminology to City / Mayor / Deputy Mayor; and removal of outdated reimbursement proposals for mobiles and internet connections Version 5
C1111/362	23 November, 2011	Ability provided for Councillors to be remunerated monthly Version 4
C1007/238	14 July, 2010	Clarification regarding use of the vehicle assigned to the Shire President Version 3
C1005/157	12 May, 2010	Increase to the allowance payable to the Shire President (and therefore Deputy) to be effective from 1 July, 2010 Version 2
C0808/267	27 August, 2008	New policy to replace former policies 054/1; 055/1; 193; 212/1; 226 and 227 Version 1

Note: Officers proposed a Revised Recommendation for Council consideration to include minor changes and to show the Schedule adopted in City of Busselton Budget on 21 July, 2016.

### **Council Decision and Revised Officer Recommendation**

**C1608/200**

Moved Councillor G Bleechmore, seconded Councillor R Paine

### **ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council adopts the updated Fees, Allowances and Expenses policy:

<b>001</b>	<b>Fees, Allowances and Expenses for Elected Members</b>	<b>V8 Draft</b>
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#### **1. PURPOSE**

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

#### **2. SCOPE**

**"Elected member"** - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

**"Schedule"** – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any *Local Government Elected Council*

*Members Determination under the Salaries and Allowances Act 1975.*

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

### **3. POLICY CONTENT**

#### **3.1 Elected members**

##### **3.1.1 Provision of equipment**

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A standard-issue mobile telephone;
- A standard City-owned laptop computer or tablet that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the laptop computer or tablet.

The laptop computer or tablet provided remains at all times the property of the City of Busselton. Any mobile telephone purchased in accordance with this policy can be retained by the elected member at the completion of their term of office if they serve a minimum of 12 months as an elected member.

##### **3.1.2 Meeting attendance fees**

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

### **3.1.3 Information and Communications Technology allowance**

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule. This allowance is to cover an elected member's costs in relation to the following equipment and services:

- Telephone rental charges;
- Any other expenses that relate to information and communications technology, for example telephone call charges and internet service provider fees, and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

### **3.1.4 Reimbursement of childcare expenses**

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

### **3.1.5 Reimbursement of travel expenses**

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the *Local Government Officers' (Western Australia) Interim Award 2011*. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the *Local Government Officers' (Western Australia) Interim Award 2011* for incurring travel expenses.

- Council meetings - ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings - annual general and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown;
- Inspection tours of matters arising before the Council that have been organised by the City;
- Any City-convened meeting requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses;
- Officially convened meetings with ratepayers;
- Attendance at community functions with a formal invitation as an elected member;
- Seminars and conferences attended in the capacity of an elected member;
- Meetings of community groups or other external organisations of which the elected member

has been appointed the Council's representative by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates set out in the *Public Service Award 1992*. Nothing in this section prevents an elected member from utilising a City-owned motor vehicle for the types of travel approved under this section and this is encouraged where practical for the elected member's purposes. Subject to the approval of the Chief Executive Officer, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

### **3.1.6 Reimbursement of expenses while away from home on sanctioned activities**

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

<b>Expenses and Restrictions</b>	<b>Elected Member</b>	<b>Spouse</b>
Laundry > 2 nights	Y	Y
Taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided	Y	Y
Daily sustenance per day allowance in accordance with the <i>Public Service Award 1992</i> (1)	Y	N
Specific conference related dinners/meals	Y	Y
(1) Limited authority exists to purchase alcohol for networking purposes in a similar manner to the way the Council offers community members an invitation to share a drink after a Council meeting.		

### **3.1.7 Reimbursement of other expenses**

#### **3.1.7.1 Reimbursement of hospitality expenses**

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts to the CEO.

#### **3.1.7.2 Corporate attire reimbursement**

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.



### **3.2 Mayor**

#### **3.2.1 Mayoral allowance**

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

#### **3.2.2 Provision of a City-owned vehicle**

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members or officers with the agreement of the Mayor.

### **3.3 Deputy Mayor**

#### **3.3.1 Deputy Mayor's allowance**

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

## **4. APPLICATION OF THE POLICY**

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt.

### **Policy Background**

Policy Reference No. - 001

Owner Unit – Governance

Originator – Manager, Governance Services

Policy approved by – Council

Date Approved – For consideration

Review Frequency – As required

Related Documents –

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Local Government Elected Council Members Determinations*

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

055/1 - Attendance at Conferences, Training and Seminars;

193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

### History

Council Resolution	Date	Information
		Adjustments to schedule fees and allowances determined in accordance with any <i>Local Government Elected Council Members Determination</i> by the Council in the budget for information purposes Version 8
C1411/292	12 November, 2014	Adjustments to recognise increases made in determinations of the Salaries and Allowances Tribunal via the <i>Local Government Elected Council Members Determination No. 1 of 2014</i> Version 7
C1307/182	10 July, 2013	Adjustments to recognise the determinations made by the Salaries and Allowances Tribunal via the <i>Local Government Elected Council Members Determination No. 1 of 2013</i> Version 6
C1206/168	27 June, 2012	Increase to the Mayor and Deputy Mayor's allowances to maximums available under the Act; change of terminology to City / Mayor / Deputy Mayor; and removal of outdated reimbursement proposals for mobiles and internet connections Version 5
C1111/362	23 November, 2011	Ability provided for Councillors to be remunerated monthly Version 4
C1007/238	14 July, 2010	Clarification regarding use of

		the vehicle assigned to the Shire President Version 3
C1005/157	12 May, 2010	Increase to the allowance payable to the Shire President (and therefore Deputy) to be effective from 1 July, 2010 Version 2
C0808/267	27 August, 2008	New policy to replace former policies 054/1; 055/1; 193; 212/1; 226 and 227 Version 1

**Schedule – Adopted in City of Busselton Budget on 21 July, 2016 for information purposes**

<b>Mayor's Allowance</b>	\$62,727
<b>Deputy Mayor's Allowance (25% of Mayor's)</b>	\$15,681
<b>Mayor's Sitting Fees</b>	\$34,900
<b>Councillors' Sitting Fees</b>	\$25,090
<b>Communications Allowance per Councillor</b>	\$3,500
<b>Childcare Reimbursement rate</b>	Actual cost per hour or \$25 per hour whichever is the lesser

**CARRIED 9/0**

**BY ABSOLUTE MAJORITY**

11.1 PROPOSED AMENDMENT TO 'DUNSBOROUGH LAKES ESTATE DEVELOPER CONTRIBUTIONS PLAN (2015)'

<b>SUBJECT INDEX:</b>	Local Planning Policy (Developer Contributions)
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Strategic Planning and Development Services
<b>ACTIVITY UNIT:</b>	Strategic Planning and Development
<b>REPORTING OFFICER:</b>	Manager, Strategic Planning and Development - Matthew Riordan
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Amended Dunsborough Lakes Estate Developer Contribution Plan Area Attachment B Amended Dunsborough Lakes Estate Developer Contribution Plan (Draft Text) 10 August 2016

## PRÉCIS

The Dunsborough Lakes Estate Developer Contributions Plan ('the DCP') was formally adopted by the City on 11 February 2015. The DCP relates to Lot 9033 Commonage Road, which is in the ownership of land developer Urban Quarter (formerly Wallis Property).

The DCP allocates all future monetary developer contributions towards 'local' community infrastructure; namely, the construction of a 'shared use' sporting oval, car parking and associated facilities on land to be ceded to the City by Urban Quarter beforehand (together with the adjoining Dunsborough Lakes Primary School site).

It is proposed to now amend the DCP to incorporate four residual parcels of residential land in the Dunsborough Lakes Estate development area. These four parcels are the sole remaining appropriate areas of residential land within the District that are not currently subject to developer contributions responsibilities and requirements under either a 'precinct plan' (e.g. Developer Contribution Area 1 ('DCA1') Dunsborough and Quindalup) or a 'development-specific plan' (e.g. developer contribution plans applying to urban growth areas such as Vasse, Port Geographe, Yalyalup etc.). Their continued exclusion from a formally endorsed developer contribution plan area is not consistent with the remainder of the City and represents an ongoing situation that is both anachronistic and anomalous.

In an attempt to remedy this, the four residual parcels were initially proposed to be included in DCA1 (Dunsborough and Quindalup) through the Omnibus Amendment 1 process. During public advertising of draft Omnibus Amendment 1, however, an objection to this proposal was submitted by Urban Quarter on the basis that such an approach would unreasonably impose additional monetary developer contributions beyond those requirements previously negotiated and agreed between Urban Quarter and the City in the formulation of the DCP.

The proposed inclusion of the subject four parcels of land in DCA1 was recommended to be withdrawn from the Omnibus Amendment 1 process and proposed instead to be incorporated into the existing DCP through an appropriate amendment to that plan.

The amended DCP will serve to rationalise the Dunsborough Lakes Estate development area and bring it into alignment and conformity with the remainder of the City in terms of developer contribution requirements and responsibilities for all relevant developable residential land.

The amended DCP area will be expanded to include the additional four parcels of land, although the total monetary contribution required to be paid by Urban Quarter under that amended DCP (estimated at \$1.275 million) will remain unchanged.

## BACKGROUND

The DCP currently applies to Lot 9033 Commonage Road, Dunsborough.

The purpose of the DCP for Lot 9003 is to allocate development contributions (beyond those standard provisions established through WAPC policy on the subdivision of land) for the development of nearby (ultimately) district-level open space and associated community facilities and infrastructure neighbouring the site of the future Dunsborough Lakes Primary School.

The DCP currently allocates all future monetary developer contributions towards 'local' community infrastructure; namely, the construction of a 'shared use' sporting oval, car parking and associated facilities on land to be ceded to the City by Urban Quarter beforehand (together with the adjoining Dunsborough Lakes Primary School site). This is not recommended to change in the amended DCP.

Lot 9033 has an area of 32.9 hectares and a likely potential residential lot yield following staged subdivision of around 255 allotments. The developer contributions in the DCP have been assessed at a cash equivalent of \$5,000 per lot. This assessment will be adjusted in accordance with the Local Government Cost Index for W.A. ('LGCI') commencing 1 January 2015. On that basis it is estimated that there will be a total monetary developer contribution to be paid by Urban Quarter, under the requirements of the DCP, of approximately \$1.275 million.

In draft Omnibus Amendment 1 the City had proposed including four residual parcels of land at Dunsborough Lakes into the 'Dunsborough and Quindalup' (including Eagle Bay and Yallingup) precinct of 'Developer Contribution Area 1' (DCA 1). This proposal sought to rationalise developer contribution arrangements for these parcels, which are the only remaining residential development areas in the District not currently included in a developer contributions scheme.

The four residual parcels of land have previously been in different ownerships and had development intentions that have altered over time. Their location is shown numbered 1-4 at **Attachment A** (Amended DCP Area), together with that of Lot 9033 (numbered 5).

Three of the four residual parcels have previously been approved for subdivision, with newly created lots having been released and developed as may be seen at Attachment A. These three parcels would not be liable for the payment of what would be, in effect, 'retrospective' developer contributions as such contributions must be formally allocated and discharged prior to the release of titles (and therefore the requirements would need to be in place prior to subdivision approvals being in place).

The fourth land parcel (number 4 at Attachment A, being Pt Lot 9054) is wholly owned by Urban Quarter and has yet to be approved for subdivision. This means that Pt Lot 9054 would normally be subject to a requirement for payment of developer contributions, but only provided it was formally included in an endorsed Developer Contributions Plan before any new lots were created through such an approval.

The inclusion of the four residual parcels of land into DCA 1, as was originally proposed in draft Omnibus Amendment 1, would therefore, in effect, have necessitated the allocated payment of developer contributions for Pt Lot 9054 (parcel number 4) only. This would have equated to a circa \$3,049 contribution for each new lot created through approved subdivision of that particular parcel; that being the sum (subject to variations in the LGCI) presently allocated under the endorsed DCA1 precinct contributions plan.

During the public advertising of draft Omnibus Amendment 1, Urban Quarter lodged a formal submission objecting to the inclusion of the residual four parcels of land into DCA 1; in particular to Pt Lot 9054 (parcel number 4), which would be the only area likely to be liable for payment of future developer contributions.

In order to discuss the context and rationales behind the position expressed in the Urban Quarter submission, the City coordinated a meeting between senior executive officers (including the CEO) and representatives of the developer on 7 April 2016.

As a result of this meeting, the stated position and understanding of Urban Quarter on the matter of the DCP and all remaining developer contribution obligations in the Dunsborough Lakes Estate was acknowledged, and accepted by City officers as being reasonable. It was therefore agreed between the parties that it would be recommended to the Council that:

- i) the proposed inclusion of the four residual parcels of land at the Dunsborough Lakes Estate into DCA1 should not, after all, be implemented and that the proposal be withdrawn from the draft Omnibus Amendment 1 as part of the final determination of the Council;

and

- ii) a separate review and amendment of the DCP be undertaken by the City to formally incorporate the subject four residual parcels of land, but *with no change to the total overall monetary contribution sought or required* (estimated to be \$1.275 million).

The recommendation to withdraw the proposal from draft Omnibus Amendment 1 and to instead incorporate the four residual parcels of land into the Dunsborough Lakes Estate DCP through advertised amendment of that Plan was endorsed by the Council in its formal resolution of 11 May 2016. The reasons for deleting the proposal were duly recorded in the 'Schedule of Modifications' accompanying the resolution of Council in respect to draft Omnibus Amendment 1 and forwarded to the Western Australian Planning Commission together with that documentation on 24 June 2016, requesting Ministerial approval.

## STATUTORY ENVIRONMENT

The key elements of the statutory environment with respect to the DCP are set out in the relevant objectives, policies and provisions of the *City of Busselton Local Planning Scheme No. 21* and the *Dunsborough Lakes Development Guide Plan* (Structure Plan). Each is discussed below under appropriate sub-headings.

### Local Planning Scheme 21

The City of Busselton Local Planning Scheme No. 21 (LPS21) describes the relevant statutory considerations for the preparation of the DCP. The zoning of the land subject to the DCP (Lot 9033) is 'Special Purpose' (Dunsborough Lakes Development Area) as, too, are the subject four residual parcels of land concerned. All areas are identified as being in 'Special Provision Area 42' under LPS21.

Provision 16 of Special Provision Area 42 stipulates that –

*"Prior to the subdivision or development of the land, the proponent is to prepare a developer contributions and staging plan to the satisfaction of the City for the area south of Dunsborough Lakes Drive and east of the school site to ensure the proponent's appropriate and timely contribution toward service infrastructure, distributor roads and community facilities (including examining the need for change-rooms and other infrastructure in association with the district open space area) on a progressive and staged basis. With respect to the remainder of the estate, the plan shall only address contributions required as a result of tourist development proposals and any net increase in development potential beyond that depicted on the endorsed DGP, as at 14 July 2010. An appeal right will exist in relation to the determination of the plan pursuant to clause 11.10 of the Scheme."*

This stipulation has been incorporated into the Dunsborough Lakes Development Guide Plan (Structure Plan) as 'Condition 22' (please refer below).

The DCP itself may be reviewed and amended, if and as required, in accordance with clause 7.7 of LPS21. This amendment process will necessarily require public advertising, consideration of any formal submissions received, and final approval by the Council.

In accordance with clause 7.7.11 of LPS21, it will not be necessary or applicable to seek final endorsement of the amended DCP from the WAPC.

### **Dunsborough Lakes Development Guide Plan (Structure Plan)**

The endorsed Development Guide Plan for Dunsborough Lakes (now required to be considered and referred to as a 'Structure Plan' in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*) identifies Lot 9033 for residential, public open space and primary school purposes.

**Condition 22** of the endorsed Structure Plan as at 14 July 2010 (and subsequent iterations), which contains the same wording as Provision 16 of Special Provision Area 42 described above, required the preparation of the DCP prior to the subdivision and development of Lot 9033.

In order to consolidate and validate the requirements and responsibilities of the proposed amended DCP, once finally adopted by the Council, it will also be necessary to take the following affiliated actions:

1. amend LPS21 to remove obsolete references made within Special Provisions Area 42 (e.g. Provision 16); and
2. modify the current iteration of the endorsed Dunsborough Lakes 'Structure Plan' to remove what will become redundant Condition 22.

The City intends to amend the Scheme in relation to this (and various other matters) through the process and preparation of mooted Omnibus Amendment 2, which is currently in the early stages of formulation.

The necessary modification of the Dunsborough Lakes 'Structure Plan' (to remove Condition 22) will be prepared and submitted for separate approval (along with payment of standard scheduled fees) by Urban Quarter.

### **RELEVANT PLANS AND POLICIES**

The key policy consideration in relation to the DCP is the WAPC *State Planning Policy 3.6: Development Contribution Policy for Infrastructure (SPP3.6)*.

SPP3.6 sets out the principles and considerations that apply to developer contributions for providing infrastructure in new and redeveloping urban areas; as well as the form, content and procedure for preparing a DCP (or an amendment thereto).

### **FINANCIAL IMPLICATIONS**

The planning framework requires land developers to contribute towards community infrastructure, but does not require them to make financial contributions towards community assets beyond those initial monetary requirements as the City remains responsible for the management and maintenance of infrastructure items thereafter.

In accordance with agreement reached by senior executive officers of the City and Urban Quarter representatives at a meeting on 7 April 2016, and subject to the endorsement of the Council, the inclusion of the four subject parcels of 'residual land' at the Dunsborough Lakes Estate into an amended DCP area will not facilitate or require any additional monetary developer contributions to be paid to the City. Monetary contributions assessed at \$5,000 per lot in the current DCP shall continue to be payable, in the amended DCP, only in relation to the subdivision and release for title of new lots created on Lot 9033, estimated to total \$1.275 million.

For reasons already explained in respect to the submission on draft Omnibus Amendment 1 lodged by landowner/developer Urban Quarter, and subsequent agreement reached at a meeting with Urban Quarter representatives and senior executive officers from the City, it is recommended to the Council that no additional monetary contribution shall not be sought or required under the amended DCP.

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

The DCP will assist with the funding of new recreational infrastructure required for the growing Dunsborough community.

### **STRATEGIC COMMUNITY OBJECTIVES**

The Officer Recommendation is consistent with community objective 2.1 of the City's Strategic Community Plan 2013, which is – *"A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections."*

### **RISK ASSESSMENT**

Officers have undertaken an assessment of the potential implications of carrying out the Officer Recommendations using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The medium risks associated with DCPs concern shortfalls in funds or the disposal of land prior to subdivision or development. The draft DCP amendment has is designed to mitigate those risks to an appropriate level.

Implementing the Officer Recommendation will involve advising the relevant landowner(s) concerned of the Council resolution and advertising the draft amendment to the DCP for public consultation. There are no significant risks identified.

### **CONSULTATION**

Clause 7.7.4 of LPS21 requires a draft DCP to be advertised for a minimum period of 28 days. The amended DCP has been drafted in liaison and agreement with the relevant landowner/developer concerned (Urban Quarter) to ensure that the principles and objectives of the amended DCP are clearly understood and supported.

### **OFFICER COMMENT**

A copy of the proposed amendment to the DCP (including 'track changes') is provided for the consideration of the Council at **Attachment B**.

It is noted that, unlike Developer Contribution Plans elsewhere in the City (where portions of allocated payments are channelled to different and various district-level community facilities, or to identified facilities elsewhere in the balance of a particular developer contributions area or precinct), the DCP for Lot 9033 allocates ALL contributions towards 'local' community infrastructure; namely the construction of a 'shared use' sporting oval, car parking and associated facilities on land to be



ceded, together with the adjoining Dunsborough Primary School site, by the subject landowner/developer. This monetary allocation (and application) remaining unchanged in the amended DCP will continue to provide Urban Quarter with a 'direct return' on investments made through its contributions requirements.

The predominant purpose of the amended DCP is to rationalise and incorporate the only developable/developed residential land in the District remaining outside a formal Developer Contributions Plan area (these being the identified four residual parcels within the Dunsborough Lakes Estate shown at Attachment A) within a formal developer contributions plan area.

Agreement reached at executive officer level with representatives of Urban Quarter, at a meeting convened on 7 April 2016, allowed that no variation to the total monetary contributions allocated to be paid under the current DCP (estimated at approximately \$1.275 million) would be sought or required in the amended DCP. In other words, all monetary developer contributions allocated in the Dunsborough Lakes Estate development area will effectively continue to be met under the requirements of the amended DCP as they apply to the release of new lots created by the subdivision of Lot 9033 ONLY.

It should be noted, however, that any payment and discharge of monetary obligations under the amended DCP would necessarily only apply for the **10-year** 'period of operation' of that DCP; although it is anticipated that this operational period will expire before that time anyway, with the likely staged completion of subdivision and/or development of Lot 9033.

It should be further noted that the position of the current Council in approving the amended DCP as recommended would not necessarily bind or preclude *future* elected Councils and/or City officers from reviewing and revising those developer contribution allocations applying to the Dunsborough Lakes Estate development area under that DCP, and even potentially recommending or adopting alternative informed positions. In a similar vein, of course, WAPC SPP 3.6 '*Development Contributions for Infrastructure*' also requires endorsed Developer Contribution Plans to be reviewed on a regular basis.

## **CONCLUSION**

Officers recommend that the proposed amendment to the Dunsborough Lakes Estate DCP provided at Attachment B be adopted by the Council for advertising purposes, pursuant to clause 7.7.4 of the LPS21. Subject to consideration and assessment of any formal submissions received during that consultation period, the draft amendment to the DCP shall be reported back to the Council with a recommendation for final approval.

## **OPTIONS**

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

- Option 1: Resolve not to adopt the proposed amendment to the DCP for advertising, identifying the reasons for that determination and any subsequent actions required;
- Option 2: Resolve to adopt the proposed amendment to the DCP for advertising, subject to certain prior modification(s) to be identified.

An assessment of these Options did not reveal any substantive issues or reasonable grounds that would support either.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Implementation of the Officer Recommendation will involve providing advice of the Council resolution to the subject landowner(s) and coordinating the advertising of the proposed amendment to the DCP for a minimum period of 28 days. This will occur within one month of the resolution made by the Council.

**OFFICER RECOMMENDATION**

That the Council, pursuant to Clause 7.7 of Local Planning Scheme No 21, adopts the draft amendment to the Dunsborough Lakes Estate Developer Contributions Plan (dated 10 August 2016 and provided at Attachment B) for public advertising for a period of 28 days.

Note: Officers proposed an Alternative Recommendation for Council consideration that would defer the item to the 28 September 2016 Council meeting.

**Council Decision and Alternative Officer Recommendation**

**C1608/201** Moved Councillor G Bleachmore, seconded Councillor T Best

That the Council defer consideration of the proposed amendment to the Dunsborough Lakes Estate Developer Contributions Plan (2015), until the Ordinary Meeting of 28 September 2016.

**CARRIED 9/0**

11.6 DA15/0340 - USE NOT LISTED (OFFENSIVE OR HAZARDOUS INDUSTRY - CRUSHING AND RECYCLING OF BUILDING MATERIAL)

<b>SUBJECT INDEX:</b>	Planning/Development Applications
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Statutory Planning
<b>REPORTING OFFICER:</b>	Senior Development Planner - Andrew Watts
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Site Plan Attachment B Development Proposal Attachment C Schedule of Submissions Attachment D Noise Contour Plan

### PRÉCIS

The Council is asked to consider an application seeking approval for a Use Not Listed (Offensive or Hazardous Industry – Crushing and Recycling of Building Materials) at Lot 6 (No.19) Cable Sands Road, Yalyalup (“the site”). The approval is being sought for a temporary term of three years.

The planning proposal has been placed before Council due to the significant volume of public submissions received raising concern with the development and the nature of the issues requiring consideration.

At its meeting of 10 February 2016 Council resolved that decision on this application be deferred pending resolution issues of a legal/statutory nature.

After receiving external advice officers came to the conclusion that as the land is zoned Yalyalup Deferred Development and there are no specific land use provisions in either the Local Planning Scheme or Structure Plan for the zone then the proposal should correctly now be considered as a ‘use not listed’, rather than as a change of non-conforming use.

On the basis of the proposal being re-classified as a use not listed it is necessary to follow the requirements of clause 4.4.2 of the Scheme and as such after determining that the use may be consistent with the objectives of the zone, the proposal was re-advertised following the procedures of Scheme clause 10.4.

It is considered that the proposal is consistent with the relevant planning framework and is recommended for approval subject to conditions including a temporary approval timeframe of three years and operations be required to cease earlier if noise sensitive development encroaches sufficiently close such that noise emitted from the proposal can no longer comply with prescribed noise levels.

### BACKGROUND

Lot 6 (No.19) Cable Sands Road has street frontage to Cable Sands Road to the west and Bussell Hwy to the north, is bound by Lot 203 Bussell Hwy to the east and Lot 9032 Cable Sands Rd to the south. Lots 203 and 9032 are part of the Satterley Property Group land holdings for the Provence Estate.

Under Local Planning Scheme No. 21 the site is zoned Special Purpose (Yalyalup Deferred Development) and is subject of Special Provision 23. Special Provision 23 requires that:

*Development (including subdivision) of the land shall be generally in accordance with the Development Guide Plan and the Detailed Area Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission.*

Special Provision 23 also sets out the planning requirements for Development Guide Plans and Detailed Area Plans over the land.

The applicant is seeking to establish for a limited duration, a facility for the recycling of construction and demolition waste. The facility is proposed to recycle concrete, brick and tile material to create road base, drainage material and sand through on-site crushing of the waste materials.

Historically the site has been used as a timber mill and yard, and some aspects of the use the applicant advises have been continuing. Currently, the site is predominantly used as the main operational office and workshop for the applicant's business. The site is used for storage of vehicles and equipment, materials and their maintenance. There are parking areas for light vehicles, trucks and trailers and earthmoving/road construction equipment. There is also a large workshop that provides vehicle and machinery maintenance and repairs.

The applicant originally requested approval for a period of up to five years, however in response to submissions received after initial advertising of the development proposal, BCP reduced the requested approval period to three years. The applicant has further advised that they would not object to a condition requiring operations to cease earlier than three years should noise sensitive development on adjacent land approach sufficiently close that the proposal can no longer contain noise emissions to levels prescribed by the Environmental Protection (Noise) Regulations 1997.

An application for works approval and licence has been submitted by the proponent to the Department of Environment Regulation (DER). Advice has been received by the City that DER has given the proponent a Draft Works Approval with a range of environmental conditions that the proponent has agreed to accept. DER are prepared to issue a formal Works Approval subject to the City issuing Development Approval and have advised that any licence issued would be for a duration that runs concurrent to any development approval issued by the City.

At its meeting of 10 February 2016, Council resolved that decision on this application be deferred pending resolution of issues of a legal/statutory nature.

The proposal was originally advertised for public comment on the basis of it being a non-conforming land use, however since the application was initially received and advertised the Structure Plan for the area has been changed and the Planning and Development (Local Planning Schemes) Regulations 2015 have been gazetted. Both have affected the classification of use that would be taken today. Planning decisions in WA are made by the policies that apply at the time of the decision and not when the applications were made. After considering the legal/statutory issues, officers came to the conclusion that as the land is zoned Yalyalup Deferred Development and there are no specific land use provisions in either the Local Planning Scheme or Structure Plan for the zone then the proposal should correctly now be considered as a 'use not listed'.

On the basis of the proposal being re-classified as a use not listed it is necessary to follow the requirements of clause 4.4.2 of the Scheme and as such after determining that the use may be consistent with the objectives of the zone, the proposal was re-advertised following the procedures of Scheme clause 10.4.

## **STATUTORY ENVIRONMENT**

The key elements of the statutory environment that relate to the proposal are set out in the Local Planning Scheme. Most significant is clause 4.4.2, which relates to issues not listed -

- 4.4.2. *If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -*
- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
  - (b) determine that the use may be consistent with the objectives and policies of the particular zone and thereafter follow the advertising procedures of clause 10.4 in considering an application for planning approval; or*
  - (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

Clause 11.6 (Temporary Planning Approval) is also relevant -

*Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.*

*Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.*

In this instance the land has been identified for future urban development and the proposal is requesting a time limited approval of 3 years. Due to potential for the development front associated with Provence Estate within the next 3 years moving closer to the subject site, it is also recommended for approval to be limited such that operations are required to cease when development encroaches significantly close that the noise emitted from the proposed operation on Lot 6 Cable Sands Rd cannot comply with the prescribed noise level of 45dB (LA10).

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

There are no Local Planning Policies relevant to this proposal.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications to the City arising from this proposal or staff recommendation in this report.

#### **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation of this report reflects Community Objectives 2.2 and 3.1 of the Strategic Community Plan 2013, which are:

- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.*
- 3.1 A strong, innovative and diversified 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 identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater.

Risk	Controls	Consequence	Likelihood	Risk Level
Reputational risk should the development not be managed effectively to minimize impact on the amenity of other nearby land	Appropriate assessment of the issue and recognition of additional control provided by DER works approval and licence requirements	Minor	Possible	Medium

## CONSULTATION

The proposal has been referred to adjoining landowners of the proposed development site and was also advertised in the local newspaper for a period of 21 days on two separate occasions, the second after the use was reclassified as a use not listed.

During the first round of advertising a total of twenty-one submissions were received, of which four were from government agencies, two were from property developers who own adjoining land, one was from a local school and 14 submissions were received from members of the general public. The majority of public submissions received were objecting to or raising concerns with the proposal for the following reasons:

- Properties will be devalued due to the destruction by industry of the lifestyle chosen by owners in the area.
- Concerned about operation being proposed 6 days per week from 7am – 5pm. If approved operating on Saturdays, Sundays and public holidays should not be permitted and preferably shorter hours.
- Time frame of approval should be greatly limited, i.e. to less than the five years requested and preferably only to the time necessary to process waste from the hospital demolition.
- Concerned about proximity of proposal to residential areas and Georgiana Molloy School. Believe proposal should be located preferably in an Industrial or Rural area. Proposal is less than the 1000m from sensitive premises specified by the EPA Guidance Statement No.3. The proposal is approximately half of this distance, this variation is too great.
- Why is the Rendezvous Rd site not being used for this proposal?
- Concerned by dust being blown and that waste accepted will contain asbestos, affecting people's health and contaminating rain water supplies.
- Concerned about water volume needed for dust suppression and that may necessitate excessive abstraction of groundwater with resultant impact on the local aquifer relied upon by other landowners and needed for ecological balance.
- Additional heavy traffic onto Bussell Hwy will increase road safety issues.
- Believes that the proposal represents too significant a change in use from the current activities on the site with too significant impacts.
- Noise impacts from truck movements, reversing beepers, machinery operation, dumping of materials. Constant vibration and noise causes stress.

During the second round of advertising a further two submissions from members of the public who had not previously made a submission on the application were received. These submissions raised similar issues to that raised in other submissions on the proposal.

Further submissions were received from a member of the public who has previously made submission reiterating previous concerns and further submissions were received on behalf of adjoining landholders Dodd and Dodd and from the Satterley Property Group in regards to the impact of the proposal on future estate development plans.

The concerns raised in the submissions are discussed further below and specific consideration of the submissions is given in the Schedule of Submissions at **Attachment C**.

#### **OFFICER COMMENT**

Key issues/questions in relation to the application are outlined and discussed below.

##### Period of approval

Some submissions, including from property developers owning adjoining land raised concern in regard to the proposed approval period, with comments suggesting that if approved a shorter timeframe would be more acceptable to tolerate impacts to amenity and not unduly impact on future development plans.

In response to submissions the applicant has reduced the original approval period requested down to three years and has agreed that operations will cease earlier if noise emission impacts on new sensitive development cannot be contained to levels prescribed by the Environmental Protection (Noise) Regulations 1997. The relevant prescribed daytime noise level for this proposal is 45dB (LA10) and a plan illustrating this area is included as **Attachment D**. This reduction is considered acceptable to not impact on future development plans of adjoining landowners and combined with environmental conditions that would be imposed through the DER environmental approvals process and other conditions of the City development approval, it is considered that a three year approval would appropriately mitigate impacts on the surrounding residential uses.

##### Operation times

Multiple submission raised concerns in respect to the proposed operation times that they should be shorter and be restricted to weekdays only to reduce the duration each day of environmental impacts on amenity, such as that from noise and to allow for enjoyment of weekends at home free of any noise.

Recommended conditions include limiting all operations on weekdays to specified hours, reducing the Saturday times and limiting it to delivery of materials only, with no crushing and prohibiting any operations on Sundays and public holidays. This aims to assist in reducing the daily impact on surrounding residents whilst still allowing sustainable business operations. This type of restriction on operating hours is similar to that which are frequently imposed on development approvals for extractive industry.

##### Environmental Impacts on surrounding land (noise, dust etc.)

The majority of the issues raised by members of the public relate to the environmental impact from noise and dust (including potential for asbestos fibres). The application information submitted for development approval is the same as that submitted to DER for environmental approvals and includes a range of environmental management plans and measures to mitigate environmental impacts, including noise, dust and handling of asbestos.

Advice has been received that DER has issued the applicant a Draft Works Approval and is prepared to issue the approval formally provided the City has issued Development Approval and would only approve a licence application for a duration the same as that of any approval by the City.

As the proposed operation cannot occur without environmental approval from DER, there are not any separate environmental conditions recommended to be included on the City Development Approval.

### Traffic

The proposal was referred to Main Roads WA comment on traffic management issues with trucks entering onto Bussell Hwy. No concerns were raised by Main Roads in respect to the type or volume of the traffic that would be accessing the site via the Main Roads controlled section of Bussell Hwy.

The applicant states that there will only be an increase of 12 truck movements per day over the current site operations. This level of increase in traffic is considered to be very small and the current road access configuration is adequate to deal with this.

Concerns about noise from vehicle movements on site and reversing beepers is required to comply with noise management requirements set by DER.

The crossover into the site is not sealed. To minimise the drag out of gravel from the site onto Cable Sands Rd, the crossover is to be appropriately sealed.

### Why is Rendezvous Rd site not being used by the applicant?

Submission queried why the proposal was intended to be located at Lot 6 Cable Sands Rd when there are similar activities carried out at the City owned Rendezvous Rd waste site. The City needs to assess the application that has been lodged, and the potential or otherwise of alternative sites is not a question that can or should be addressed unless and until it has first been determined that the application site is not appropriate (if this were a strategic planning process, the scope of considerations would be broader and could include the consideration of potential alternatives).

## **CONCLUSION**

It is recommended that the Council approve the development with conditions restricting approval to a period of three years or until noise sensitive development approaches to the point where prescribed noise level requirements can no longer be met and with restrictions on scale and operating times.

The proposed conditions restricting operation times and total volumes of material put through aim to alleviate the occurrence of unreasonable levels of noise, dust and traffic impacts that have been highlighted as concerns in submissions received.

## **OPTIONS**

The Council could:

1. Refuse the proposal, setting out reasons for doing so.
2. Apply additional or different conditions.

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

The proponent and those who made a submission will be advised of the Council decision within two weeks of the Council meeting.



**OFFICER RECOMMENDATION**

That the Council resolve:

- 1) That application DA15/0340 submitted for development at Lot 6 (No.19) Cable Sands Road, Yalyalup is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- 2) That temporary Planning Consent be granted for the proposal referred in 1. above subject to the following conditions:

**General Conditions:**

- 1) The development hereby approved is permitted to operate for three years from the date of this Decision Notice or within 30 days of the issue of titles for any residential or commercial development lots which encroach within the 45 dB (LA10) noise contour line depicted on figure 5-2 of the Lloyd George Acoustics Environmental Noise Assessment, Proposed Concrete Crushing Plant 19 Cable Sands Road, Yalyalup, whichever is the sooner.
- 2) All development is to be in accordance with the approved Development Plans (attached), including any amendments placed thereon by the City and except as may be modified by the following conditions.
- 3) Hours of operation of the business (including receipt of deliveries) are restricted to between 7.00am and 5.00pm on weekdays; 9.00am and 3.00pm Saturdays for delivery of materials only, no crushing; and, at no time on Sundays or public holidays.
- 4) A maximum of 70,000 tonnes per annum of construction and demolition waste being processed at the site.

**Prior to Occupation/Use of the Development Conditions:**

- 5) The development hereby approved shall not be occupied or used until all plans, details of works required by Conditions(s) 1 have been implemented and the following conditions have been complied with:
  - 5.1 The crossover onto Cable Sands Road is to be sealed and drained for a minimum of 20m.

**On-going Conditions:**

- 6) The works undertaken to satisfy Condition(s) 1, 2, 3, 4 and 5 shall be subsequently maintained for the life of the development.

Note: Councillor Henley proposed an Alternative Motion for Council consideration that would make changes to the General Conditions.

**Council Decision and Alternative Motion**

**C1608/202** Moved Mayor G Henley, seconded Councillor R Paine

That the Council resolve:

- 1) That application DA15/0340 submitted for development at Lot 6 (No.19) Cable Sands Road, Yalyalup is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- 2) That temporary Planning Consent be granted for the proposal referred in 1. above subject to

the following conditions:

**General Conditions:**

- 1) The development hereby approved is permitted to operate for one year from the date of this Decision Notice or within 30 days of the issue of titles for any residential or commercial development lots which encroach within the 45 dB (LA10) noise contour line depicted on figure 5-2 of the Lloyd George Acoustics Environmental Noise Assessment, Proposed Concrete Crushing Plant 19 Cable Sands Road, Yalyalup, whichever is the sooner.
- 2) All development is to be in accordance with the approved Development Plans (attached), including any amendments placed thereon by the City and except as may be modified by the following conditions.
- 3) Hours of operation of the business are restricted to between 7.00am and 5.00pm on weekdays; 9.00am and 3.00pm Saturdays for transport of materials away from the site only, no crushing; and, at no time on Sundays or public holidays.
- 4) A maximum of 70,000 tonnes per annum of construction and demolition waste being processed at the site.

**Prior to Occupation/Use of the Development Conditions:**

- 5) Crushing activity shall be limited to the crushing of material already on the site, and no additional material shall be brought to the site for crushing, or crushed on site
- 6) The development hereby approved shall not be occupied or used until all plans, details of works required by Condition(s) 1 have been implemented and the following conditions have been complied with:
  - 6.1 The crossover onto Cable Sands Road is to be sealed and drained for a minimum of 20m.

**On-going Conditions:**

- 7) The works undertaken to satisfy Condition(s) 1, 2, 3, 4, 5 and 6 shall be subsequently maintained for the life of the development.

**CARRIED 6/3**

Voting:

For the motion: Councillor R Bennett, Mayor G Henley, Councillor J McCallum, Councillor C Tarbotton, Councillor R Reekie and Councillor R Paine.

Against the motion: Councillor T Best, Councillor G Bleechmore and Councillor P Carter.

### 13. COMMUNITY AND COMMERCIAL SERVICES REPORT

#### 13.1 2016/17 COMMUNITY BID ROUND ONE ALLOCATIONS

<b>SUBJECT INDEX:</b>	Donations, Contributions and Subsidies
<b>STRATEGIC OBJECTIVE:</b>	A City where the community has access to quality cultural, recreation, leisure facilities and services.
<b>BUSINESS UNIT:</b>	Community Services
<b>ACTIVITY UNIT:</b>	Community Services
<b>REPORTING OFFICER:</b>	Community Development Officer - Naomi Davey
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

DISCLOSURE OF INTEREST	
<b>Name/Position</b>	John McCallum, Councillor
<b>Item No./Subject</b>	13.1 - 2016/17 Community Bid Round One Allocations
<b>Type of Interest</b>	Impartiality Interest
<b>Nature of Interest</b>	I am a member of Dunsborough and Districts Country Club an applicant for Community Bids.

DISCLOSURE OF INTEREST	
<b>Name/Position</b>	Coralie Tarbotton, Councillor
<b>Item No./Subject</b>	13.1 - 2016/17 Community Bid Round One Allocations
<b>Type of Interest</b>	Impartiality Interest
<b>Nature of Interest</b>	I am a board member of the Busselton Senior High School an applicant for Community Bids.

#### PRÉCIS

Each year the City of Busselton provides financial assistance to community groups and not-for-profit organisations through the Community Bids process. This assistance is provided for specific activities or projects proposed to be undertaken by that group or organisations within the forthcoming financial year.

Each year applications are workshopped with the Council. This report provides a summary of the outcomes from the workshop on 22 June 2016, and seeks formal endorsement regarding the community bid submissions to be funded in the first round of the 2016/17 financial year and a review of other expired community funding agreements.

#### BACKGROUND

The City of Busselton has historically invited community groups and not-for-profit organisations to apply for funding through the City's annual budget development process. In April 2010 Council resolved to restructure the process under which external organisations applied to the City for financial assistance. This included the following changes to the various funding application schemes:

- Amalgamation of the Community Environment and Minor Sporting, Recreational and Community Grants schemes into a consolidated scheme;
- Development of a two tiered scheme for major and minor projects, with a capping of the overall budget allocations for each tier (resolved by Council);

- Discontinuation of Small Local Project fund of Councillors to be replaced by a Sponsorship and Donations fund (administered by officers).

In August 2010 Councillors considered that a number of established community organisations who apply for funding each year warranted ongoing support across a number of financial years, providing them with secured financial support over a longer planning period, and to alleviate the necessity to submit an annual application. These activities/events would become part of the future 'multi-year agreement process' and would not form part of the future annual Community Bids process.

In March 2011, the Council resolved to allocate funding to the Community Bids program as follows:

*C1103/097 Moved Councillor Henley, seconded Councillor Hanran Smith:*

1. *Council allocate a total of 0.5% of estimated rates to be levied to Major Project Assistance Grants to be determined as part of the Community Bids assessment process advertised in the first quarter of each year.*
2. *Allocate a total of \$50,000 to Minor Project Assistance Grants to be determined twice each year, once as part of the Community Bids process, and once again in September each year.*
3. *Increases the maximum amount of Minor Project Assistance Grants from \$3,000 to \$5,000 for any one project.*

In March 2016, City officers prepared and distributed a revised 'Community Bids Guidelines' to interested parties which contained general guidelines for applications and eligibility. The guidelines reflected direction provided by Council during previous Community Bids rounds.

The guidelines indicate eligibility for Community Bids as follows:

- Not for profit groups and organisations located in the City of Busselton, except circumstances where a proposed project, program or activity will take place in the City or have significant regional benefit;
- Project/ program delivery within the 2016/17 financial year;
- One application per category, per organisation;
- Completion of the application form provided;
- ABN and Incorporation required.

The guidelines also provided the following as considerations for funding:

#### Supported

- Programs/ projects providing benefit to the broader community;
- One off projects or activities;
- Equipment grants for durable equipment only;
- One-off program related operational expenses.

Not supported

- On-going operational expenses;
- Consumable equipment;
- Retrospective funding/ projects already commenced;
- Projects that are an event (separately funded);
- Training;
- Facility maintenance;
- Programs, projects and services considered the responsibility of other government departments, individuals and private for-profit groups;
- Activities that do not relate to the Key Result Areas in the City's Strategic Community Plan;
- Proposals not complementary to the services and functions of local government.

Application for the first round of Community Bids funding for the 2016/17 financial year opened in April 2016 and a total of seventeen (17) applications were received. This included seven (7) applications for minor bids (\$5,000 and under) requesting \$27,336 and ten (10) applications for major bids (\$5,001 and over) requesting \$262,865 in total.

Applications were assessed by an Officer working group, in accordance with the Community Bids guidelines, and recommendations were discussed with the Council at a workshop held on 22 June 2016. The outcomes of the workshop form the basis of the Officer recommendations in this report.

**STATUTORY ENVIRONMENT**

NA

**RELEVANT PLANS AND POLICIES**

The Community Bids funding program is an opportunity for community based organisations to seek assistance to implement initiatives that benefit the wider community and is an action contained within the Council endorsed Social Plan 2015-2025

**FINANCIAL IMPLICATIONS**

Based on the current funding model, the total funds available for allocation in the Community Bids program for 2016/17 is \$50,000 for minor projects and \$175,000\* for major projects.

\*This amount is inclusive of the following endorsed multi-year agreements:

<u>Current community bid multi-year agreements</u>	<u>Ending</u>	<u>Amount</u>
St John of God Hospital	2016/17	\$25,000
South West Academy of Sport	2016/17	\$10,000
Busselton Senior High School	2017/18	<u>\$10,000</u>
	Total	\$45,000

The proposed funding allocations detailed in the Officer recommendation of this report totals \$24,996 for minor projects and \$171,200 for major projects. This leaves a balance of \$25,004 for minor projects and \$3,800 for major projects for Round 2 in 2016/17.

Additionally in 2016/17 there are two annual funding agreements outside of the Community Bids program that have expired. These agreements were discussed at the Community Bids workshop as follows:

<u>Annual Agreement</u>	<u>2016/17</u>
SurfLifeSaving WA	\$139,000
YouthCare	\$38,146

The City's 2016/17 adopted budget includes these funding contributions. Consequently entering into funding agreements with these organisations will not have a financial implication on the City's 2016/17 budget.

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

Nil

### **STRATEGIC COMMUNITY OBJECTIVES**

*Well Planned, Vibrant and Active Places:*

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

### **RISK ASSESSMENT**

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

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
<i>Applicants do not obtain relevant and adequate insurances such as Public Liability exposing the City and/or Applicant to litigation.</i>	<i>Ensure conditions of funding are clear and copies of relevant insurances are obtained.</i>	<i>Moderate</i>	<i>Rare</i>	<i>Medium</i>
<i>Applicants have not obtained the necessary land, development and planning approvals and as such expose the projects to significant delays and/or non-approval</i>	<i>Ensure applicants and Council are aware of each project parameters prior to submission of applicant</i>	<i>Moderate</i>	<i>Rare</i>	<i>Medium</i>

### **CONSULTATION**

The Community Bids Funding Program was advertised in the Council for the Community page on 30 March, 6 April, 13 April and 20 April 2016. Recognised Community, Environmental, Cultural and Youth Groups and Sporting Clubs in the City of Busselton were also notified of the Community Bids process via email and a hard copy of the Community Bids funding application form and guidelines were available at the City of Busselton Customer Information Centre. A Community Bids workshop was held on the 10 March 2016 for interested community groups.

**OFFICER COMMENT**

Applications were initially assessed by an Officer working group, who considered the following criteria:

- Does the project, program or activity meet the Community Bids criteria?
- Has the applicant outlined why the projects, programs or activities are needed by the community?
- Is there an expectation or risk to the community if the project, program or activity does not proceed?
- Did the organisation or group state the level of cash or in kind contribution they will make to the project, program or activity?
- Has the applicant demonstrated attempts at seeking funding from other sources?
- Has the applicant been successful in previous community bids applications and what was the funded amount?
- Does the project align with the City of Busselton's Strategic Plan?

Officers presented the applications to Councillors at a workshop on 22 June 2016, where the following recommendations were made, noting that recommendations for 'nil' support is due to the applicant failing to meet the program guidelines one way or another:

	APPLICANT	PROJECT TITLE	RECOMMENDATION	SPECIFIC CONDITIONS OF FUNDING
1	Bunbury and District Little Athletics Centre	Set up of Busselton Little Athletics Club	\$5,000	In the event of the Busselton Little Athletics Club folding, all equipment is to remain in Busselton at a likeminded sporting club
2	Busnet Computer Club	Presentation equipment	\$2,700	
3	Dunsborough Coast and Landcare Group	East Peron Reserve Rehabilitation	\$3,825	Funding subject to adoption of the Peron Reserve Management Plan and project approval by the City of Busselton Environmental Officers
4	Dunsborough Cricket Club	Roll Out Cricket Pitch	\$3,721	
5	Dunsborough Theatre Group	Cyclorama and Fire Proof Curtains for the Old Dunsborough Hall	\$4,850	Once installed, curtains become the property of the Old Dunsborough Hall
6	Geographe Bay Yacht Club	Junior Sailing Development Program	\$4,900	
7	Vasse and Districts Community Centre	Junior Footy Posts: Newton Oval	nil	
		Total	\$24,996	(Remaining \$25,004)

## Major Bids

	APPLICANT	PROJECT TITLE	RECOMMENDATION	SPECIFIC CONDITIONS OF FUNDING
1	Dunsborough and Districts Country Club	Dunsborough Tennis Courts Upgrade	\$50,000	
2	Busselton Volunteer Fire and Rescue Services	Busselton Fire and Rescue Running Track Remediation	\$9,200	
3	Dunsborough Football Club	Goal post and sleeve replacement	\$8,000	
4	Dunsborough Greenfield Community Group Inc.	DGCG Roads and Parking	\$12,500	
5	Busselton Pistol Club	Stage 1 Busselton Pistol Club	\$40,000	Subject to meeting statutory requirements and City approvals and securement of total project funding
6	Busselton Hockey Stadium	Keeping the Lid On	\$6,500	
7	Choose Respect Busselton and Surrounds	Choose Respect Busselton Pilot Program	Nil	
8	Dunsborough Community Men's Shed	Dunsborough Community Men's Shed	Nil	
9	Dunsborough Basketball Club	Storage Shed	Nil	
10	Growing Towards Wellness Pty Ltd	GTW - Busselton Community	Nil	
11	St John of God Hospital	Contribution towards a Wellness Suite – final year of five year funding agreement	\$25,000	Expires 2016/17
12	South West Academy of Sport	Contribution towards Sports Talent Development program-final year of three year funding agreement	\$10,000	Expires 2016/17
13	Busselton Senior High School	Contribution towards the Trade training centre community partnership project – second year of three year funding agreement	\$10,000	Expires 2017/18
		Total	\$171,200	(Remaining \$3,800)



## **CONCLUSION**

The Community Bids funding program is constantly evolving and aims to meet community needs with the funds available within priority areas identified in the City of Busselton Strategic Community Plan (2013).

It is recommended that Council adopts the funding allocations as outlined in the Officer recommendation.

## **OPTIONS**

That Council may wish to consider differing levels of funding proposed for all or some of the community bid applications. In pursuing this option the Council needs to consider budget availability and the immediacy for some funding items, and the effect this delay could have on organisations being able to finalise their plans and budgets for the 2016/17 year.

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

All Community Bid applicants will be individually advised in writing of the outcome of the Council decision within 21 days. Successful applications will be required to sign a grant agreement with the City and meet any specific conditions of funding.

City Officers will continue discussions with the various applicants regarding eligibility for other grant funding opportunities.

### **Council Decision and Officer Recommendation**

**C1608/203** Moved Councillor P Carter, seconded Councillor R Paine

That the Council:

1. Endorses the provision of funding for Round 1 of the 2016/17 Community Bids funding program as outlined in the table below, subject to the specific conditions as stated:
  - a) *Minor Bids*

	<b>APPLICANT</b>	<b>PROJECT TITLE</b>	<b>RECOMMENDATION</b>	<b>SPECIFIC CONDITIONS OF FUNDING</b>
<b>1</b>	Bunbury and District Little Athletics Centre	Set up of Busselton Little Athletics Club	\$5,000	In the event of the Busselton Little Athletics Club folding, all equipment is to remain in Busselton at a likeminded sporting club
<b>2</b>	Busnet Computer Club	Presentation equipment	\$2,700	
<b>3</b>	Dunsborough Coast and Landcare Group	East Peron Reserve Rehabilitation	\$3,825	Funding subject to adoption of the Peron Reserve Management Plan and project approval by the City of Busselton Environment Officers
<b>4</b>	Dunsborough Cricket Club	Roll Out Cricket Pitch	\$3,721	
<b>5</b>	Dunsborough Theatre Group	Cyclorama and Fire Proof Curtains for the Old Dunsborough Hall	\$4,850	Once installed, curtains become the property of the Old Dunsborough Hall
<b>6</b>	Geographe Bay Yacht Club	Junior Sailing Development Program	\$4,900	
<b>7</b>	Vasse and Districts Community Centre	Junior Footy Posts: Newton Oval	nil	
		<b>Total</b>	<b>\$24,996</b>	<b>(Remaining \$25,004)</b>

b) *Major Bids*

	<b>APPLICANT</b>	<b>PROJECT TITLE</b>	<b>RECOMMENDATION</b>	<b>SPECIFIC CONDITIONS OF FUNDING</b>
<b>1</b>	Dunsborough and Districts Country Club	Dunsborough Tennis Courts Upgrade	\$50,000	
<b>2</b>	Busselton Volunteer Fire and Rescue Services	Busselton Fire and Rescue Running Track Remediation	\$9,200	
<b>3</b>	Dunsborough Football Club	Goal post and sleeve replacement	\$8,000	
<b>4</b>	Dunsborough Greenfield Community Group Inc.	DGCG Roads and Parking	\$12,500	
<b>5</b>	Busselton Pistol Club	Stage 1 Busselton Pistol Club	\$40,000	Subject to meeting statutory requirements and City approvals and

				securement of total project funding
<b>6</b>	Busselton Hockey Stadium	Keeping the Lid On	\$6,500	
<b>7</b>	Choose Respect and Busselton Surrounds	Choose Respect Busselton Pilot Program	Nil	
<b>8</b>	Dunsborough Community Men's Shed	Dunsborough Community Men's Shed	Nil	
<b>9</b>	Dunsborough Basketball Club	Storage Shed	Nil	
<b>10</b>	Growing Towards Wellness Pty Ltd	GTW - Busselton Community	Nil	
<b>11</b>	St John of God Hospital	Contribution towards a Wellness Suite – final year of five year funding agreement	\$25,000	Expires 2016/17
<b>12</b>	South West Academy of Sport	Contribution towards Sports Talent Development program-final year of three year funding agreement	\$10,000	Expires 2016/17
<b>13</b>	Busselton Senior High School	Contribution towards the Trade training center community partnership project – second year of three year funding agreement	\$10,000	Expires 2017/18
		<b>Total</b>	<b>\$171,200</b>	<b>(Remaining \$3,800)</b>

- c) Endorses the funding allocation of \$139,000 towards the 2016/17 Surf Lifesaving WA services within the City of Busselton
- d) Endorses the funding allocation of \$38,146 towards the 2016/17 YouthCARE services within the City of Busselton
- e) Amalgamate the remaining Minor Bids funds (\$25,004) and Major Bids funds (\$3,800) for the Round 2 of the Community Bids funding program 2016/17

**CARRIED 9/0**

## 14.2 SURF LIFE SAVING WA PROPOSED LEASE OF STORAGE SHED RESERVE 37300

<b>SUBJECT INDEX:</b>	Agreements/Contracts
<b>STRATEGIC OBJECTIVE:</b>	A City where the community has access to quality cultural, recreation, leisure facilities and services.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Finance and Corporate Services
<b>REPORTING OFFICER:</b>	Property Coordinator - Ann Strang
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Plan Showing Proposed Area to be Leased to Surf Life Saving WA

### PRÉCIS

Surf Life Saving Western Australia (SLSWA) stores their emergency response equipment on a portion of Lot 531, Valley Road, Yallingup, Reserve 37300. The SLSWA have indicated that they would like to formalise tenure of their storage shed as shown hatched yellow on Attachment A of this report. The purpose of this report is to present a recommendation on suitable tenure arrangements.

### BACKGROUND

Reserve 37300 Valley Road Yallingup is crown land vested with the City. Located on the Reserve is a fire brigade facility shared by the Yallingup Coastal Volunteer Bush Fire Brigade (“the Brigade”) and the Department Fire and Emergency Services (DFES), as shown hatched blue on Attachment A. Additionally SLSWA have constructed a storage shed on the Reserve, as shown hatched yellow on Attachment A. The history of these developments is outlined below.

In 2011, representatives from the Brigade, the Yallingup Landcare District Committee (LCDC) and Surf Life Saving Western Australia (SLSWA) formed a steering committee to initiate the construction of a Yallingup Emergency Service Support Centre (“the Centre”). Support and funding for the project was provided by the City of Busselton, Dale Alcock Homes, Yallingup Residents Association (YRA) and various other local community members and businesses, with the Centre constructed in 2012.

The Centre consists of a meeting room, kitchen, storage facilities and ablutions, as well as a communications room used exclusively by the Brigade (shown shaded blue on Attachment A). Shared areas including car parking and driveways are shown hatched red on the plan attached. The Brigade manages the Centre and use of the common areas on an informal basis due to their need for priority use of the Centre in the event of an emergency. For this reason the Centre is also not available for hire.

While currently there are no formal management arrangements for the Centre, the groups are proposing to enter into a memorandum of understanding (MOU) to ensure each party’s responsibilities for use of the Centre, i.e. cleaning and service costs, are clear. The MOU will also address the need to allow clear access ways to all of the facilities.

SLSWA are contracted by the City to operate rescue and surveillance services in and around Yallingup during the summer months. A service agreement for the provision of these services is entered into annually. The agreement requires SLSWA to provide rescue and surveillance services in addition to emergency response equipment such as an all-terrain vehicle, four-wheel drive vehicle and the rescue water craft.

SLSWA obtained grant funding from Lotterywest for the construction of a storage shed to house their equipment. To satisfy the requirements of their funding, SLSWA are seeking tenure over the portion of the Reserve on which the shed is located.

At the time of construction, the City did not have the power to lease the Reserve. On the 26 February 2014, a report was presented to Council to consider a range of changes to Crown land tenure in and around Yallingup, largely reflective of the Yallingup Foreshore Management Plan.

As part of this report it was proposed that the management order for Lot 531 (formerly Lot 4720) Reserve 37300 originally vested with the City for the purpose of Bush Fire Brigade Depot site' be amended to 'Bush Fire Brigade Depot and Community Centre' and that power to lease for any term up to 21 years be sought. The changes were necessary to facilitate the current use and were supported by both Council (C1402/039) and the Minister for Lands. Additionally the boundary between Yallingup Beach Caravan Park, Jangagarrup Reserve and the Brigade site was realigned to 'square off' the boundary and slightly expand the Lot.

A new title and management order has since been issued and the City is now in position to formalise a tenure arrangement with the SLSWA for the storage area.

### **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 SLSWA is such that this exemption applies.

Reserve 37300 being Lot 531, Deposited Plan 74582, Volume LR3165 Folio 647, 24 Valley Road, Yallingup is vested with the City with the power to lease for any term not exceeding 21 years, subject to the consent of the Minister of Lands, for the designated purpose of "Bush Fire Brigade Depot and Community Centre'

### **RELEVANT PLANS AND POLICIES**

The recommendation to enter into a lease with SLSWA is generally consistent with the principles of Leases of City Land and Buildings Policy adopted by Council on 27 July 2016, noting however that, while the policy generally provides for longer lease terms for organisations that provide essential services, we are in this case recommending a 5 year lease with 5 year option, consistent with the terms of a standard community group lease. This is primarily because SLSWA's presence at Yallingup is reliant on a service agreement which is reviewed annually.

As per the Policy it is proposed that SLSWA have full responsibility for the construction and ongoing maintenance of the facility and associated outgoings and other costs.

### **FINANCIAL IMPLICATIONS**

The rent charged to community and sporting groups for City land and/or building is currently \$205 per annum (inclusive of GST). As the City contracts and in effect funds the services provided by SLSWA, it would not benefit the City to charge them a rent for the storing of equipment associated

with the services. Therefore, in order to provide some consideration which is needed at law in order to form a lease, it is recommended that rent of \$1.00 be applied for the term of the lease.

If Council adopt the officer recommendation, then SLSWA would be liable for insurance and maintenance of the storage shed. Hence the City would not incur any financial liability.

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

Nil

### **STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation is consistent with the following City of Busselton Strategic Priorities:

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

### **RISK ASSESSMENT**

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

### **CONSULTATION**

The proposed lease terms and conditions have been discussed with SLSWA who are happy to enter into a lease as recommended in this report.

City officers have met with the parties involved in the Centre to discuss the proposed lease and the use and land matters relating to Reserve 37300. The parties are aware that SLSWA require a lease of the storage shed to acquit their funding and, while they are supportive of this, have indicated that they would not like to see any leasehold interest provided to a third party over any other portions of the Reserve.

As mentioned previously it is proposed that management arrangements in relation to the Centre will be addressed through an MOU between all parties

### **OFFICER COMMENT**

SLSWA have been contracted to provide lifeguard services at both Smiths and Yallingup beaches during the summer months for over 15 years. The services they provide are critical in maintaining the safety of both residents and visitors using the ocean in the Yallingup area. The centralised location of the new storage shed and the response equipment it houses is important to the provision of these services.

In order to formalise land tenure arrangements and ensure clarity around obligations such as maintenance and insurance of the storage shed it is recommended that the City enter into a standard community group lease with SLSWA. As mentioned previously, due to the arrangement between SLSWA and the City, whereby the City contracts SLSWA's services which are in the nature of essential community services, it is proposed that the lease be for a term of 5 years with a further 5 year option, at the rent of \$1.00 for the term.

It is proposed that the lease contain a clause giving the City the option to terminate the lease should the service agreement not be renewed at any stage.

## **CONCLUSION**

SLSWA provide an important service in and around the Yallingup area. Under the service agreement with the City they are required to supply capital equipment associated with the services provided, with the storage shed constructed to house this equipment. The proposal to enter into a lease with SLSWA for a storage area is consistent with the requirements of the service agreement and ensures the continuing effectiveness of the service provided by SLSWA. It is therefore recommended that Council grant a lease on the terms and conditions outlined in the Officer Recommendation

## **OPTIONS**

1. Council can resolve not to enter into a lease with the SLSWA, noting the City would therefore accept the responsibility of ongoing maintenance and insurance associated with the shed.
2. Council can resolve to enter into a different term of lease with the SLSWA, not exceeding 21 years.

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

It is anticipated that the lease would be forwarded to SLSWA and executed by all parties no later than 1 September 2016.

## **OFFICER RECOMMENDATION**

That the Council:

1. Enter into a lease, subject to the Minister for Lands approval, with the Surf Life Saving Western Australia (SLSWA) for the occupation of a portion of Reserve 37300, Lot 531, Valley Road, Yallingup, as shown hatched yellow on Attachment A on the following terms;
  - a) The lease is to be consistent with the City's standard community groups lease;
  - b) The term of the lease commencing 1 September 2016 and expiring on the 31 August 2021, with a further 5 year option;
  - c) The rent to be \$1.00 inclusive of GST for the term;
  - d) All costs associated with the preparation of the lease to be met by the Lessee;
  - e) The City is able to terminate the lease if the City and SLSWA do not enter into a service agreement for the provision of services at Yallingup.

Note: Officers proposed an Alternative Recommendation that would remove term e).

## **Council Decision and Alternative Officer Recommendation**

**C1608/204**

Moved Councillor G Bleachmore, seconded Councillor P Carter

That the Council:

1. Enter into a lease, subject to the Minister for Lands approval, with the Surf Life Saving Western Australia (SLSWA) for the occupation of a portion of Reserve 37300, Lot 531, Valley Road, Yallingup, as shown hatched yellow on Attachment A on the following terms;
  - a) The lease is to be consistent with the City's standard community groups lease;

- b) The term of the lease commencing 1 September 2016 and expiring on the 31 August 2021, with a further 5 year option;
- c) The rent to be \$1.00 inclusive of GST for the term;
- d) All costs associated with the preparation of the lease to be met by the Lessee.

**CARRIED 9/0**



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

Nil

**17. CONFIDENTIAL REPORTS**

The reports listed below are of a confidential nature, in accordance with section 5.23(2) of the Local Government Act 1995. These reports have been provided to Councillors, the Chief Executive Officer and Directors only.

**RECOMMENDATION**

That the meeting is closed to members of the public to discuss the following items which are confidential for the reasons as shown.

**17.1 Airport Advisory Committee - 27/07/2016 - BUSSELTON-MARGARET RIVER REGIONAL AIRPORT CONSULTATIVE GROUP**

This report contains information of a confidential nature in accordance with Section 5.23(2)(b) of the Local Government Act 1995, as it contains information relating to the personal affairs of any person

**17.2 BUSSELTON FORESHORE REDEVELOPMENT: PROPOSED FAMILY RESTAURANT/MICROBREWERY/FUNCTION CENTRE (PORTION OF RESERVE 38558)**

This report contains information of a confidential nature in accordance with Section 5.23(2)(c), and Section 5.23(2)(e)(ii) and Section 5.23(2)(e)(iii) of the Local Government Act 1995, as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, and a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government

**17.3 DETERIORATION OF A HERITAGE PLACE (PHOEBE ABBEY'S HOUSE) - CONSIDERATION OF OPTIONS**

This report contains information of a confidential nature in accordance with Section 5.23(2)(f)(i) of the Local Government Act 1995, as it contains information relating to a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method of procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law

**17.4 APPOINTMENT OF A SENIOR EMPLOYEE**

This report contains information of a confidential nature in accordance with Section 5.23(2)(a) and Section 5.23(2)(b) of the Local Government Act 1995, as it contains information relating to a matter affecting an employee or employees and the personal affairs of any person

Note: Before commencing with the Confidential reports the Mayor requested Councillors indicate the acceptance of late report being item 17.4 - Appointment of a Senior Employee. The Council indicated their acceptance with a show of hands.

17.3 DETERIORATION OF A HERITAGE PLACE (PHOEBE ABBEY'S HOUSE) - CONSIDERATION OF OPTIONS

<b>SUBJECT INDEX:</b>	Development Planning Compliance
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Statutory Planning
<b>REPORTING OFFICER:</b>	Senior Development Planner - Andrew Watts
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Location Plan Attachment B Photos of Phoebe Abbey's House Attachment C MHI Listing

**This item is confidential in accordance with section 5.23(2) (f)(i) of the Local Government Act 1995, as it contains information relating to a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method of procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.**

**OFFICER RECOMMENDATION**

That the Council resolve with respect to the heritage place (Phoebe Abbey's House), as follows -

1. To write to the owner advising that they have a responsibility to ensure that the place is maintained in a safe condition at all times; and
2. To request the permission of the owner to access the site to obtain a detailed archival record of the place in its current condition.

Note: Councillor Henley proposed an Alternative Motion for Council consideration that would defer the item to the 28 September 2016 Council meeting.

**Council Decision and Alternative Motion**

**C1608/205** Moved Mayor G Henley, seconded Councillor G Bleechmore

That the Council defer consideration of this item until the Ordinary Meeting of 28 September 2016.

**CARRIED 9/0**

17.1 Airport Advisory Committee - 27/07/2016 - BUSSELTON-MARGARET RIVER REGIONAL AIRPORT CONSULTATIVE GROUP

**SUBJECT INDEX:** Busselton-Margaret River Regional Airport  
**STRATEGIC OBJECTIVE:** Infrastructure assets are well maintained and responsibly managed to provide for future generations.  
**BUSINESS UNIT:** Community and 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 BMRRA Consultative Group Terms of Reference  
**This item is confidential in accordance with section 5.23(2) (b) of the Local Government Act 1995, as it contains information relating to the personal affairs of any person.**

**This item was considered by the Airport Advisory Committee at its meeting on 27 July 2016, the recommendations from which have been included in this report.**

**OFFICER RECOMMENDATION**

That the Council appoints the following representatives to the BMRRA Consultative Group as per the Terms of Reference as set out in attachment A:

- Graeme Cotterill representing Reinscourt;
- Greg Chapman representing Kalgup;
- Dennis Kelly representing Yalyalup; and
- Stephanie Camarri representing Yoongarillup.

Note: The Committee raised concerns regarding the length of appointment of representatives to the BMRRA Consultative Group being set to the completion of the project and resolved to elect the recommended members for a period of 12 months.

**Council Decision and Committee Recommendation**

**C1608/206** Moved Councillor G Bleachmore, seconded Councillor C Tarbotton

That the Council appoints the following representatives to the BMRRA Consultative Group for a period of 12 months to be reflected in the Terms of Reference as set out in attachment A:

- Graeme Cotterill representing Reinscourt;
- Greg Chapman representing Kalgup;
- Dennis Kelly representing Yalyalup; and
- Stephanie Camarri representing Yoongarillup.

**CARRIED 9/0**

17.2 BUSSELTON FORESHORE REDEVELOPMENT: PROPOSED FAMILY RESTAURANT/MICROBREWERY/FUNCTION CENTRE (PORTION OF RESERVE 38558)

<b>SUBJECT INDEX:</b>	Tourism Development
<b>STRATEGIC OBJECTIVE:</b>	A strong, innovative and diversified economy that attracts people to live, work, invest and visit.
<b>BUSINESS UNIT:</b>	Commercial Services
<b>ACTIVITY UNIT:</b>	Economic and Business Development
<b>REPORTING OFFICER:</b>	Economic and Business Development Coordinator - Jon Berry
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A Revised Busselton Foreshore Master Plan: Adopted 24 February 2016 Attachment B Design Concept for Proposed Family Restaurant/Microbrewery/Function Centre (19 July 2016)

**This item is confidential in accordance with section 5.23(2) (c), (e)(ii) and (e)(iii) of the Local Government Act 1995, as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government, and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.**

**Council Decision and Officer Recommendation**

**C1608/207**

Moved Councillor C Tarbotton, seconded Councillor J McCallum

**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council:

- 1) Extends Credaro Holdings Pty Ltd (ACN 154 831 302), as 'preferred proponent' up to 10 August 2017, to progress commercial development of the site notated 'Family Restaurant' in Attachment A to this report;
- 2) Endorses the draft architectural design concept (as shown in Attachment B to this report) as the guide for further design development of the proposed family restaurant/microbrewery/function centre;
- 3) Delegates authority for the CEO to enter into a Development Agreement with Geographe Bay Brewing Company Pty Ltd (ABN: 69 169 450 088) on the terms and conditions outlined in this report;
- 4) Authorises the CEO to advertise an intended disposition of property transaction, being a 1,881m<sup>2</sup> portion of Reserve 38588 (proposed Lot 561), by leasehold in accordance with Section 3.58 (and, if applicable, Section 3.59) of the *Local Government Act 1995* and presents a further report to Council following the closure for public submissions;
- 5) Delegates to the CEO the power to negotiate and authorises the CEO to enter into a new headlease with the Minister for Lands in relation to a portion of Reserve 38558 (proposed Lot 561 approximately 1,881m<sup>2</sup>) to accommodate the proposed restaurant/microbrewery/function centre/cellar door development, on the terms and conditions outlined in this report.

**CARRIED 9/0**

**BY ABSOLUTE MAJORITY**

17.4 APPOINTMENT OF A SENIOR EMPLOYEE

<b>SUBJECT INDEX:</b>	Human Resources - Recruitment
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Office of the Chief Executive Officer
<b>ACTIVITY UNIT:</b>	Human Resources
<b>REPORTING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

**This item is confidential in accordance with section 5.23(2) (a) and (b) of the Local Government Act 1995, as it contains information relating to a matter affecting an employee or employees, and the personal affairs of any person.**

**Council Decision and Officer Recommendation**

**C1608/208** Moved Councillor J McCallum, seconded Councillor G Bleechmore

That the Council endorses the appointment of Mr Cliff Frewing to the senior employee position of Acting Director, Finance and Corporate Services on a twelve (12) month fixed term contract in accordance with Section 5.37 of the Local Government Act.

**CARRIED 9/0**

**18. QUESTIONS FROM MEMBERS**

Nil

**19. PUBLIC QUESTION TIME**

Nil

**20. NEXT MEETING DATE**

Wednesday, 24 August 2016

**21. CLOSURE**

The meeting closed at 8.05pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 110 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 24 AUGUST 2016.

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

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