

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 27 JULY 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 27 JULY 2016 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.33pm.

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
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Matthew Smith, Director, Finance and Corporate Services
Mr Martyn Glover, Executive Director
Miss Hayley Barge, Administration Officer, Governance

Apologies

Nil

Approved Leave of Absence

Nil

Media:

1

Public:

18

3. PRAYER

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

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**

Nil

Announcements by other Members at the invitation of the Presiding Member

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND PRESENTATIONS**Petition –**

A petition has been received on the 13 July, requesting that the Council does not approve 'development DA16/0412 Margaret River Private' on the land situated on the corner of Roy Road & Bussell Highway.

The petition contains 44 signatures, of which 16 could be verified as electors.

In considering a petition, the Council has the following options:

the Council may determine –

(a) that the petition be received;

(b) that the petition be rejected; or

(c) that the petition be received and referred to the CEO to prepare a report to the Council or a committee.

Council Decision**C1607/161**

Moved Councillor R Paine, seconded Councillor P Carter

That the petition be received.

CARRIED 9/0**Presentations –**

Mr Justin Davies addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.7. Mr Davies was generally not in agreement with the Officer Recommendation.

Ms Stacey Wood representing Yallingup Lodge addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.7. Ms Wood was generally not in agreement with the Officer Recommendation.

Mr Peter Penfold addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.7. Mr Penfold 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 Grant Henley in relation to Agenda Item 13.3 RFT04/16 Kookaburra Caravan Park Management Contract.
- Councillor, Coralie Tarbotton, in relation to agenda Item 13.3 - RFT04/16 Kookaburra Caravan Park Management Contract
- Chief Executive Officer, Mike Archer in relation to agenda Item 11.7 - DA14/0561 - Proposed Extractive Industry - Lot 61 (No.1958) Caves Road, Naturaliste
- Chief Executive Officer, Mike Archer in relation to agenda Item 17.2 - Renewal of Chief Executive Officer's Contract

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 11.7, 13.3 & 17.2 are discussed.

9. CONFIRMATION AND RECEIPT OF MINUTES

Before commencing the Mayor requested Councillors indicate the acceptance of late reports being item 9.3, 10.4 and 10.5 with item 10.4 and 10.5 being included in the En Bloc resolution process. The Council indicated their acceptance with a show of hands.

Previous Council Meetings

9.1 Minutes of the Council Meeting held on 22 June 2016

Council Decision

C1607/162

Moved Councillor P Carter, seconded Councillor R Reekie

That the Minutes of the Council Meeting held 22 June 2016 be confirmed as a true and correct record.

CARRIED 9/0

Committee Meetings9.2 Minutes of the Policy & Legislation Committee Meeting held 21 June 2016**Council Decision****C1607/163** Moved Councillor J McCallum, seconded Councillor C Tarbotton

- 1) That the minutes of the Policy and Legislation Committee Meeting held 21 June 2016 be received.
- 2) That the Council notes the outcomes from the Policy and Legislation Committee Meeting held 21 June 2016 being:
 - a) The Use of Internet Policy - Youth Policy item is presented for Council consideration at item 10.1 of this agenda.
 - b) The Proposed City of Busselton Cemeteries Amendment Local Law 2016 is presented for Council consideration at item 10.2 of this agenda.
 - c) The Policy: Leases of City Land and Buildings item is presented for Council consideration at item 10.3 of this agenda.

CARRIED 9/09.3 Minutes of the Finance Committee Meeting held 21 July 2016**Council Decision****C1607/164** Moved Councillor G Bleechmore, seconded Councillor T Best

- 1) That the minutes of the Finance Committee Meeting held 21 July 2016 be received.
- 2) That the Council notes the outcomes from the Finance Committee Meeting held 21 July 2016 being:
 - a) The Finance Committee Information Bulletin – Period Ending 31 May 2016 item is noted.
 - b) The List of Payments Made – May 2016 item is presented for Council consideration at item 10.4 of this agenda.
 - c) The Financial Activity Statements – Period Ended 31 May 2016 item is presented for Council consideration at item 10.5 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

C1607/165 Moved Councillor P Carter, seconded Councillor G Bleechmore

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

- 10.1 Policy and Legislation Committee - 21/06/2016 - USE OF INTERNET POLICY - YOUTH POLICY
- 10.3 Policy and Legislation Committee - 21/06/2016 - POLICY: LEASES OF CITY LAND AND BUILDINGS
- 10.4 Finance Committee - 21/07/2016 - LIST OF PAYMENTS MADE - MAY 2016
- 10.5 Finance Committee - 21/07/2016 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDED 31 MAY 2016
- 11.1 AMENDMENT 22 TO LOCAL PLANNING SCHEME 21 - TO REZONE LOT 41 (182) GEOGRAPHE BAY ROAD QUINDALUP FROM R12.5 TO R20 - CONSIDERATION FOR INITIATION
- 11.2 DISPOSAL OF RESERVE 44384 (LOT 5016 (75) FORD ROAD, GEOGRAPHE) FOLLOWING CONSULTATION
- 11.3 SCHEME AMENDMENT 10 - TRANSPORTABLE AND PREFABRICATED BUILDING CONTROLS
- 11.4 ENVIRONMENT STRATEGY REVIEW
- 11.5 DA16/0273 - HOLIDAY HOME (6 PEOPLE) - 67 LINDSAY DRIVE, YALYALUP
- 11.6 CONSOLIDATED PARKING SCHEME AMENDMENTS
- 13.1 GLC ALLIED PROFESSIONAL HEALTH SUITES
- 13.2 BUSSELTON SENIOR CITIZENS EXPANSION PROPOSAL
- 15.1 COUNCILLORS' INFORMATION BULLETIN

CARRIED 9/0

EN BLOC

10. REPORTS OF COMMITTEE

10.1 Policy and Legislation Committee - 21/06/2016 - USE OF INTERNET POLICY - YOUTH POLICY

SUBJECT INDEX:	Use of Internet - Libraries / Youth Policy
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Busselton and Dunsborough Libraries
REPORTING OFFICER:	Manager, Community Services - Maxine Palmer
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Youth Policy Attachment B Use of Internet Policy

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

PRÉCIS

As part of the Council's ongoing policy review, two policies relating to the delivery of youth services and public internet use at the Busselton and Dunsborough Libraries are presented to Council for review and updating.

BACKGROUND

Internet Use within the Busselton and Dunsborough Public Libraries Policy

On 27 April 2016, Council adopted the 2016/17 Schedule of Fees and Charges for advertising, effective from 1 July 2016. These fees include a new \$2.00 charge for non-library members to use the public internet computers within Busselton and Dunsborough libraries. This fee was included to encourage travelers and tourists to use their own devices instead of the public PCs which are in high demand for study and other essential services by local residents. This report contains the corresponding amendment to the Policy: *Internet Use within the Busselton and Dunsborough Public Libraries Policy*.

Youth Policy

In 2015 Council endorsed the City of Busselton Social Plan (2015-2025) as a guide for future planning. The Social Plan considers ten (10) sectors of the community, one being Youth Services. This report proposes the key issues, goals and outcomes outlined in the Youth Services section of the Social Plan now supersede the issues and role of the City as outlined in the Youth Policy – 067.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

This report relates to the City of Busselton Social Plan (2015–2025) and the following policies:

- Youth Policy – 067
- Internet Use within the Busselton and Dunsborough Public Libraries Policy - 077

FINANCIAL IMPLICATIONS

As part of the 2014/15 adopted Fees and Charges Schedule, the City imposes a \$2.00 fee for non-library members to use the public internet computers. This has been considered in the development of the Library Services 2016/17 draft budget.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

This proposal aligns with the City of Busselton Strategic Community Plan 2013 (revised 2015) Key Goal Area 1 of a Caring and inclusive community

RISK ASSESSMENT

An assessment of the potential implication of implementing the officer recommendation has been undertaken using the City's risk assessment framework. No risks of medium rating or above were identified for the Policy changes detailed in this report.

CONSULTATION

Public notice has been given for the implementation of the Council's Schedule of Adopted Fees and Charges 2016/17.

Significant consultation was conducted to develop all aspects of the City of Busselton Social Plan 2012-2020 when it was first adopted by Council in 2012 with further consultation conducted during 2015 when it was reviewed to become the City of Busselton Social Plan (2015-2025). In particular for the Youth Services Sector, Officers consulted the City's Youth Advisory Council and relevant government departments, agencies and groups who work with young people in our local community.

OFFICER COMMENT

Internet Use within the Busselton and Dunsborough Public Libraries Policy

The new \$2.00 charge for non-library members to use the public internet computers within Busselton and Dunsborough libraries has already been adopted by Council in the 2016/17 Schedule of Fees and Charges. This fee was included to encourage travelers and tourists to use their own devices instead of the public PCs which are in high demand for study and other essential services by local residents. This report updates point 1. in the corresponding Policy: *Internet Use within the Busselton and Dunsborough Public Libraries* to incorporate a requirement for non-library members to purchase a 'Guest Pass.'

Youth Policy

The current Youth Policy outlines issues associated with youth affairs, and broadly how the City will determine its role and/or involvement in issues affecting young people. The Council endorsed City of Busselton Social Plan (2015-2025) identifies current key issues and a series of actions for the City's Youth Sector. For each action a lead agency is identified and who the lead agency will partner with to achieve each action. The role of City is therefore clearer in the Social Plan as opposed to the current Youth Policy, with the issues outlined the Youth Policy also being outdated. The Youth Policy could be updated to reflect the key issues in the Social Plan, however this is deemed unnecessary. Officer's therefore recommend the Youth Policy is revoked on the basis that the City of Busselton Social Plan (2015-2025) now supersedes it.

CONCLUSION

Officers recommend that the Council adopts the amended Policy 077 - *'Internet Use Within The Busselton and Dunsborough Public Libraries'* and revokes the current Policy 067 – *'Youth.'*

OPTIONS

Council may determine one or more of the following:

1. Not to amend Policy 077- *'Internet Use Within The Busselton and Dunsborough Public Libraries'* on the basis that the \$2.00 fee for non-library members to use the public computers be reviewed, and/or
2. Policy 067 - *'Youth'* be updated to reflect the City of Busselton Social Plan (2015-2025).

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be endorsed the relevant changes will be made to the associated Policies immediately.

Council Decision / Committee Recommendation and Officer Recommendation

C1607/166 Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council:

- 1) Adopts amended Policy 077 – *'Internet Use Within The Busselton and Dunsborough Public Libraries'* as attached;
- 2) Revokes Policy – 067 *'Youth'* on the basis that it has been superseded by the City of Busselton Social Plan (2015-2025);

CARRIED 9/0

EN BLOC

10.3 Policy and Legislation Committee - 21/06/2016 - POLICY: LEASES OF CITY LAND AND BUILDINGS

SUBJECT INDEX:	Leasing
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Property Services
REPORTING OFFICER:	Director, Finance and Corporate Services - Matthew Smith Property Management Coordinator - Sharon Woodford-Jones
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Draft Leases of City Land and Buildings Policy

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

PRÉCIS

There is currently no formal Council policy that covers the leasing of City owned and controlled land. City officers have prepared a policy which seeks to guide leasing practices to ensure consistency and transparency. This report outlines the rationale behind that policy and seeks its endorsement and adoption.

BACKGROUND

The City's property portfolio comprises a mixture of land and buildings consisting of freehold ownership and reserves vested by management order or leased from the Crown on a long term basis to the City. The City leases property to a variety of lessees, including individuals, not for profit organisations, sporting and community groups, agencies and organisations providing essential services as well as commercial entities. Prominent examples of buildings and land currently part of this portfolio are the Busselton Community Resource Centre – a public building comprising a mixture of office premises and meeting rooms for occasional hire and the Locke Estate – 16 campsites leased to community groups for specific purposes. There are numerous ovals and sporting facilities as well as buildings leased to not for profit organisations for a variety of purposes. The City also have existing leasehold arrangements with commercial lessees on the Busselton foreshore and as the Busselton and Dunsborough foreshores redevelopment progresses, more commercial and/or mixed use ventures are expected.

A number of policies exist which impact on the use of land and buildings such as the Commercial Hire Sites Policy and the Trading in Public Places Policy but there is no policy which deals specifically with the granting of exclusive possession for a fixed term in the form of a lease. The same can be said of the approach to ongoing management of lessees and licensees and the method of assessing requests for renewal.

A uniform and transparent approach to leasing City owned or managed land and buildings will give clear direction and guidance to all those involved and affected. Council decisions have generally established a consistent approach and a move towards standardisation of terms and conditions; the proposed Leasing Policy (the Policy) seeks to capture and reinforce this.

STATUTORY ENVIRONMENT

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

The Land Administration Act 1997 (WA) governs management of Crown Land. The City is responsible for the care, control and management of land reserved by the Minister for Lands under the Land Administration Act 1997. The City manages land in accordance with Management Orders made under section 46 of the Act which may include a power to lease or licence the whole or a part of the land. Any proposal to lease or licence land may not proceed without the prior written approval from the Minister.

RELEVANT PLANS AND POLICIES

Policy 019 Building Insurance deals with the provision of insurance by the City and requirements for reimbursements due from lessees of City buildings.

The Building Asset Management Plan is a framework for determining the extent to which existing buildings (which would include leased buildings or buildings constructed on leased land) should be maintained. It will be referred to as a guide when assessing and negotiating the maintenance provisions in a lease and, in certain circumstances, could impact on the term to be granted.

FINANCIAL IMPLICATIONS

There are financial implications associated with individual leases. However, there are not any additional financial implications for the draft policy as it largely reflects the existing practices of the City in relation to leasing.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The adoption of this policy is consistent with the following Strategic Community Plan objectives:

- Key Goal Area 2 - Infrastructure assets are well maintained and responsibly managed to provide for future generations
- Key Goal Area 6 – A Council that engages with its community and makes responsible decisions, respecting communities' needs and aspirations, and in particular Strategic Community Objective 6.2 "Governance systems that deliver responsible, ethical and accountable decision making"

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. No risks were found where the residual risk, once controls have been identified, were considered to be 'medium' or greater.

CONSULTATION

Whilst there has been no specific consultation with the community in relation to the proposed Leasing Policy, it reflects the Council's general approach to leasing and lease management and in the main seeks to formalise this. The policy also endeavours to address some of the concerns that have been expressed by some groups associated with relatively recent community group lease renewals regarding the duration of the lease and security of tenure.

OFFICER COMMENT

There are many variables associated with the leasing of land and buildings. The Policy proposed is designed to encompass the majority of issues encountered and provide comprehensive guidance and consistency of approach.

The Policy therefore includes the following:

Leasing principles

The Policy contains a standard set of principles to be applied when assessing a proposal from either a potential not for profit or commercial lessee. The criteria and factors for consideration are not designed to be exhaustive but will guide Council and officers in the assessment of the appropriateness of a lease and any specific terms and conditions applicable in the circumstances. Matters such as overall community benefit and the improvement to sporting, recreational and cultural amenity will feature in this process. Detailing the factors that may be relevant to a decision provides the framework for both the form of a request for a lease and its assessment.

Criteria

Potentially, there are a wide range of issues that Council will want to consider when deciding whether to enter into a lease and the Policy therefore identifies those that could apply depending on the type of lessee, the duration of the lease and the nature of the proposed use. The Policy reflects that certain criteria will apply in every case regardless of the type of lessee but also identifies those that are specifically relevant to not for profit/community organisations and commercial lessees.

The Duration of a Lease

The policy distinguishes between commercial and non-commercial lessees and provides that the term of a lease to a not for profit, sporting or community organisation will generally be for a period of 5 years with an option (exercisable by the lessee) of the grant of a further 5 years. This is reflective of the term of the majority of the City's existing community group leases. The length of term is intended to ensure a level of certainty of tenure for community groups to enable forward planning and associated expenditure, while ensuring the City can still review arrangements every 10 years to ensure the intended community benefit is still being achieved.

There may, however, be occasions where a community group is well established and/or has made a significant capital investment to a building in which case a longer term might be justified. The Policy provides for this and also states that the overall benefit to the community which the lessee provides will be a factor in determining whether a longer term lease should be granted.

The Policy provides for the ability for the City to grant a longer term via a 10 year initial term plus a 10 year option. In these circumstances, it is intended that the 10 year option would provide the City as lessor with the opportunity to review the lease after 10 years and make minor changes to leased area or terms that might be necessary for the benefit of the community while still giving the community group lessee the guarantee of up to a 20 year lease term.

The policy also provides for longer term for leases that relate to the provision of emergency and essential services.

The duration of a commercial lease is for more variable and dependent on the situation and individual negotiations.

CONCLUSION

The policy is designed to provide a framework for leasing and to guide Council and officers in decision making. It is intended to provide a balance between the needs of the community and the City's responsibilities for the upkeep, appropriate usage and protection of City land and property assets. The principles in the policy are largely reflective of the established approaches and practices of the City in relation to leasing of property. It is recommended that the Council adopt the Leasing Policy.

OPTIONS

Council can decide not to adopt the proposed Leasing Policy or to make changes to the policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Leasing Policy is made upon adoption by Simple Majority resolution of Council. The City's Policy Manual will be updated to include it within 14 days of the resolution.

Council Decision / Committee Recommendation and Officer Recommendation

C1607/167

Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council adopts the Leases of City Land and Buildings Policy:

	Leases of City Land and Buildings	V1 Draft
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1. PURPOSE

The City's land and buildings are an important resource for the community and should be managed in a manner that reflects the goals and aspirations of the City's Strategic Community Plan to ensure there is a good range and quality of services and facilities available to the community.

The purpose of this policy is to provide a framework and methodology to facilitate responsible and effective utilisation of City owned and controlled land and buildings in a consistent manner that achieves maximum community benefit.

2. SCOPE

This policy applies to any grant of a right of exclusive of land or buildings within the City of Busselton district, being either land owned outright by the City of Busselton or land owned by the Crown and managed by the City. It does not cover licences for occasional or short term hire or non-exclusive use of Council property (such as the hire of rooms or halls for a day or the hire of sporting grounds for limited periods).

3. DEFINITIONS

A Lease is an agreement in which the Landlord (or Lessor) agrees to give the Tenant (or Lessee) the exclusive right to occupy land for a specific term.

A Licence is a contractual right for the Licensee to carry out a permitted activity on land or within a

building without the right of exclusive occupation.

4. RELEVANT LEGISLATION AND POLICY

The Land Administration Act 1997 (WA) governs leases on Crown Land. The City is responsible for the care, control and management of land reserved by the Minister for Lands under the Land Administration Act 1997. The City manages land in accordance with management orders made under section 46 of the Act which may include a power to lease or licence the whole or a part of the land. Any proposal to lease or licence land may not proceed without the prior written approval from the Minister.

The Local Government Act 1995 governs all systems and operations of local governments in Western Australia. The City is bound by specific conditions under this Act with regard to the disposal of property. Section 3.58 of the Act provides that a local government can only dispose of property by public auction, public tender or by undertaking the local public notice procedure set out in section 3.58(3). In this context, disposing of property means to 'sell, lease or otherwise dispose or, whether absolutely or not', but does not include licensing.

However, there are a number of exemptions to these requirements set out in regulation 30 of the Local Government (Functions & General) Regulations 1996. These include:

- Where property is to be disposed to not for profit, charitable, benevolent, religious, cultural, educational, recreational or sporting organisations; and
- If the property is to be occupied for a period of less than two (2) years and the agreement does not give exclusive possession.

The City of Busselton Strategic Community Plan 2013 sets out the community goals, aspirations and objectives for the next ten (10) years. It is reviewed every four (4) years. Any proposals for leasing or licencing property within the City of Busselton will be required to fit within the key goals and objectives outlined in the plan.

The Building Asset Management Plan is a framework for determining the approach to building maintenance (which includes leased buildings or buildings constructed on leased land). Where relevant, it may guide the maintenance provisions in a lease and, in certain circumstances, could impact on the term to be granted.

5. LEASING PRINCIPLES

5.1 The provision of benefits to the community through leasing

Leasing should support the development of healthy communities and, where appropriate, promote positive social, economic and environmental outcomes. Factors that may be taken into account in assessing a report to lease include, but are not limited to, the following:

Community

- Consideration of benefits to the community;
- Promotion of public health and wellbeing;
- Improvement of sporting, recreational and cultural facilities;
- Protection of public land values; and
- Any other impacts on social, economic and environmental outcomes.

Commercial

- Attracting investment and enhancement of an amenity (e.g. Busselton and Dunsborough foreshores);
- Creation of employment;
- Promotion of tourism;
- Economic return; and
- Impacts on social, economic and environmental outcomes

5.2 **Governance that meets ethical and statutory standards**

Consideration must be given to the purpose of the City entering into a lease and whether it provides for the effective control and management of the land, building and/or facility.

The following are factors that may be relevant to Council's assessment of a proposal:

- The ability, in terms of experience and competence, of the prospective tenant to fund, resource and manage the lease over the lease term;
- The potential opportunities for future utilisation of the asset;
- The existence of any statutory restrictions or implications for heritage or conservation value of the asset;
- The extent and current use of the land proposed to be leased and the impact on adjoining land;
- Whether the purpose of the lease and activities proposed meet the objectives of Council strategies and initiatives;
- Whether the proponent proposes a capital works programme that is compatible with the authorised purpose and the Council's vision for the land or facility;
- The overall financial viability of the proposal;
- The outcome of any consultation processes if considered necessary;
- Any potential risks to the City and/or the Community of entering into the arrangement; and
- Whether the proposal achieves the highest and best use of the land or facility.

6. LEASES TO NOT FOR PROFIT, SPORTING AND COMMUNITY ORGANISATIONS

6.1 **Criteria**

In addition to the generic governance factors listed in section 5.2, the following are criteria that should be applied to the assessment of a proposed lease. The outcome of that assessment would assist in determining the terms and conditions of the lease.

- The aims and objectives of the organisation as expressed in its Constitution;

- The history and experience in the area of activity expressed in the aims and objectives;
- The length of time the organisation has been active in the district and/or its connection with the community;
- The services offered to the community;
- Whether there are other organisations nearby offering the same or similar services and the demand for such services;
- The costs and expenses Council would incur for maintenance and other outgoings if it did not lease the land or building;
- Whether the organisation is able to generate an income from the premises and if so whether that income is used for the leased premises only or the services to the local community;
- Financial viability and the potential to be self-funded through membership and social activities;
- The ability to obtain insurance for public liability, building and contents;
- The ability to provide at least one year's accounts and any other financial information considered appropriate;
- Good governance practices including annual general meeting and appropriate policies and procedures;
- The ability to enter into regular communication with the broader community where appropriate; and
- A program of social and/or community activities and events for members, the broader community and visitors to the district.

7. DURATION OF LEASE

7.1 Not for Profit, Sporting and Community Organisations

The usual or standard length of lease term for leases to not for profit, sporting and community organisations would generally be for a period of five (5) years with an option for the lessee to extend the term by a further five (5) years subject to being in compliance with lease obligations. By offering a five (5) year term with a five (5) year option the intention is to find the balance between the need for the community group lessee to have security of tenure and thus be able to effectively run its services and facilities for the benefit of the community and the obligation on the City to ensure that community resources are utilised in an appropriate and effective manner. A review of tenure arrangements every ten (10) years enables the City to ensure that community land continues to be effectively and appropriately used and sufficient community benefit is being achieved and provides an opportunity to review lease terms to ensure they are current.

There may be circumstances where it would be appropriate to offer a lease term to a not for profit, sporting or community organisation which is longer than five (5) years with a five (5) year option. In those circumstances lease terms would usually not exceed twenty-one (21) years, which is usually the maximum period for which a reserve vested for community purposes can be leased in accordance with the usual terms of a reserve management order. The factors which would support

the granting of a community group lease for a longer overall term than ten (10) years in total include:

- The record of the relevant community group and in particular whether it has an established history of providing quality services and/or facilities to the community from the leased land;
- Whether the community group has paid for or substantially contributed to the construction of the buildings and/or facilities on the leased land and/or whether they have made or it is proposed that they will make a significant capital investment in those buildings and/or facilities;
- The extent of the membership of the community group and/or the number of persons utilising the services and/or facilities on the leased land; and
- The quality of the governance of the community organisation and its compliance history and/or demonstrated capacity to comply with lease obligations.

The City may elect to grant a longer term in the form of up to a ten (10) year lease with up to a ten (10) year option. An option in these circumstances may be subject to additional criteria that could enable the City to review such things as the leased area and/or rent and other terms to ensure that they are appropriate to meet the needs and best interests of the community at that time, while not altering the fundamental nature of the lease.

There are circumstances in which community groups may be given leased terms which are less than ten (10) years. This will be appropriate in the circumstances where a shorter or different lease term is consistent with the business plan or overall management requirements of a larger facility such as in the case of the Busselton Community Resource Centre and the ArtGeo Old Court House Cultural Complex.

7.2 Renewal of Lease to Not for Profit, Sporting and Community Organisations

The following factors are relevant when the City is considering whether or not to grant a renewal of an expiring lease to a not for profit, sporting or community organisation:

- The extent of compliance by the lessee throughout the term, including whether the lessee has properly maintained the premises as required and/or completed any required works;
- Whether the lessee has demonstrated good governance practices throughout the term of their lease;
- Whether demand by other groups for access to land or premises has increased or decreased and whether it is appropriate for one organisation to continue to have exclusive use; and
- The level of community benefit the lessee provides.

The principles and factors referred to in paragraph 7.1 are also relevant in considering the length of term granted where a community group lease is renewed.

7.3 State Government Agencies and Providers of Essential Services

Leases to State government agencies or organisations that provide essential services will generally be granted a longer term that is reflective of the nature of the services and facilities that these organisations provide. The Lessee in such circumstances will generally take full responsibility under the lease for the construction and ongoing maintenance of the facility and associated outgoings and other costs.

Organisations within this category currently include St John's Ambulance, the Volunteer Marine

Rescue Service, the Department of Child Protection and Family Protection and the Department of Fire and Emergency Services (DFES). The nature of the service provided and the level of capital investment will be taken into consideration when determining the duration of a lease, noting that generally leases of reserve land generally cannot exceed twenty-one (21) years in length.

7.4 Commercial Leases

The term of Commercial leases will be negotiated on a case by case basis.

8. RENT AND OUTGOINGS

8.1 Not for Profit, Sporting and Community Organisation

Generally the City will charge a nominal rent, established each year as part of the fees and charges schedule, in relation to leases to not for profit, sporting and community organisation. Leases of this type will generally require the lessee to meet the full cost of the building and facilities leased including construction, maintenance, utilities and insurance.

Where a building or facility is provided by the City and the City retains responsibility for maintenance and other outgoings, rents should be sufficient to meet or substantially contribute to the cost of such maintenance and outgoings including insurance. The rent should also be sufficient to meet or contribute to the funding required for ongoing management in accordance with the relevant building asset management plan.

8.2 Commercial Leases

Rent and other payments associated with commercial leases will be negotiated on a case by case basis.

9. FORM OF COMMUNITY GROUP LEASE

The City maintains a standard form Community Group lease that deals with a range of usual leasing matters such as payment of rent and outgoings, rent reviews, insurance requirements and payment of building insurance, permitted use, maintenance and repair, rights of access of other groups and other statutory and miscellaneous obligations. The City’s standard community group lease will be used for all leases to not-for-profit, sporting and other community organisations.

Policy Background

Policy Reference No. -

Owner Unit – Property Services

Originator – Property Management Coordinator

Policy approved by –

Date Approved –

Review Frequency – As Required

Related Documents –

History

Council Resolution	Date	Information

CARRIED 9/0

EN BLOC

10.4 Finance Committee - 21/07/2016 - LIST OF PAYMENTS MADE - MAY 2016

SUBJECT INDEX:	Financial Operations
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Financial Services
ACTIVITY UNIT:	Finance
REPORTING OFFICER:	Financial Accountant - Ehab Gowegati
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A List of Payments Made - May 2017

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

This item is presented for consideration for acceptance as a late item for the 27 July 2016 Council meeting as the Council are required to approve the List of Payments Made for the month of May in July.

PRÉCIS

This report provides details of payments made from the City's bank accounts for the month of May 2016, for noting by the Council and recording in the Council Minutes.

BACKGROUND

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

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

NA.

FINANCIAL IMPLICATIONS

NA.

Long-term Financial Plan Implications

NA.

STRATEGIC COMMUNITY OBJECTIVES

This matter principally aligns with Key Goal Area 6 – 'Open and Collaborative Leadership' and more specifically Community Objective 6.3 – 'An organisation that is managed effectively and achieves positive outcomes for the community'.

RISK ASSESSMENT

NA.

CONSULTATION

NA.

OFFICER COMMENT

NA.

CONCLUSION

NA.

OPTIONS

NA.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

NA.

Council Decision / Committee Recommendation and Officer Recommendation

C1607/168

Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council notes payment of voucher numbers M112924 – M113013, EF046152 – EF046651, T007236 – T007256, and DD002759 – DD002783; together totaling \$6,350,101.33.

CARRIED 9/0

EN BLOC

10.5 Finance Committee - 21/07/2016 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDED 31 MAY 2016

SUBJECT INDEX:	Budget Planning and Reporting
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Financial Services
ACTIVITY UNIT:	Financial Services
REPORTING OFFICER:	Strategic Financial Plan Accountant - Stuart Wells Financial Accountant - Ehab Gowegati
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Financial Activity Statements - May 2016

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

This item is presented for consideration for acceptance as a late item for the 27 July 2016 Council meeting as the Council are required to approve the Financial Activity Statements for the month of May in July.

PRÉCIS

Pursuant to Section 6.4 of the Local Government Act ('the Act') and Regulation 34(4) of the Local Government (Financial Management) Regulations ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the City's financial performance in relation to its adopted/amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year to date basis for the period ending 31 May 2016.

BACKGROUND

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis; and are to include the following:

- Annual budget estimates;
- Budget estimates to the end of the month in which the statement relates;
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates;
- Material variances between budget estimates and actual revenue/expenditure (including an explanation of any material variances);
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position).

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 23 July 2015, the Council adopted (C1507/208) the following material variance reporting threshold for the 2015/16 financial year:

That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2015/16 financial year to comprise variances equal to or greater than 10% of the

year to date budget amount as detailed in the Income Statement by Nature and Type/Statement of Financial Activity report, however variances due to timing differences and/or seasonal adjustments are to be reported on a quarterly basis.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

NA.

FINANCIAL IMPLICATIONS

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

STRATEGIC COMMUNITY OBJECTIVES

This matter principally aligns with Key Goal Area 6 – ‘Open and Collaborative Leadership’ and more specifically Community Objective 6.3 - ‘An organisation that is managed effectively and achieves positive outcomes for the community’. The achievement of the above is underpinned by the Council strategy to ‘ensure the long term financial sustainability of Council through effective financial management’.

RISK ASSESSMENT

Risk assessments have been previously completed in relation to a number of ‘higher level’ financial matters, including timely and accurate financial reporting to enable the Council to make fully informed financial decisions. The completion of the monthly Financial Activity Statement report is a treatment/control that assists in addressing this risk.

CONSULTATION

NA.

OFFICER COMMENT

In order to fulfil statutory reporting requirements, and to provide the Council with a synopsis of the City’s overall financial performance on a year to date basis, the following financial reports are attached hereto:

- Statement of Financial Activity

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

- Net Current Position

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

- Capital Acquisition Report

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

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

- Reserve Movements Report

This report provides summary details of transfers to and from reserve funds, and also associated interest earnings on reserve funds, on a year to date basis.

Additional reports and/or charts are also provided as required to further supplement the information comprised within the statutory financial reports.

COMMENTS ON FINANCIAL ACTIVITY TO 31 MAY 2016

Comments on the financial activity and a brief explanation of variances are provided below.

Operating Activity

- Operating Revenue

As at 31 May 2016, there is a variance of +0.3% in total operating revenue, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Operating Grants, Subsidies and Contributions	+14%	+\$501
Interest Earnings	+42%	+\$793
Non-Operating Grants, Subsidies and Contributions	-17%	-\$1,335
Profit on Asset Disposal	+31%	+\$5

Operating Grants, Subsidies and Contributions (+\$501K)

The current variance on operating grants, subsidies and contributions is primarily attributable to:

- Office of the CEO revenue is favourable to budget by +\$40k. This is mainly attributable to +\$38k revenue received for the CapeRoc project allocations and management studies and +\$2k silver funding sponsorship for the Busselton Skate park opening (Sunday 13th December 2015).
- Operations Services Works revenue is favourable to budget by +\$46k. This is mainly attributable to the reimbursement of workers compensation funds which offsets expenditure that has already been incurred.
- Financial Services revenue is favourable to budget by +\$72k. This is attributable to the receipt of an unbudgeted distribution from the Local Government Insurance Scheme (LGIS) for the 2015 scheme member dividend. A total of \$6m was redistributed to members, with the City's share amounting to +\$37k. The City also received from LGIS an additional +\$24k in insurance recoup claims attributable to the Busselton Hockey Club and the Busselton Horse and Pony Club. These funds were then on-forwarded to these community groups to offset expenditure already incurred. The remaining +\$11k is for the receipt of funds associated with parental leave payments. This additional revenue also offsets expenditure already incurred by the City.
- Fire Prevention Services revenue is favourable to budget by +\$103k. This is mainly attributable to the receipt of unbudgeted revenue on the finalisation of the 2014/15 DFES reconciliation of +\$66k. There is an additional \$37k that has been received over and above budget in contributions and reimbursements, \$18k relates to budget timing and is expected to reduce in June.

- Civic and Administration Centre revenue is favourable to budget by +\$228k. This is attributable to a contribution by BCG towards costs associated with the building design, as per contract negotiations. The final amount is still to be confirmed and therefore an immaterial variance may occur on the final amount received.
- Engineering Services Administration is favorable to budget by +\$40k, this is a timing variance only as two grants receipted in May were budgeted to be received in June. The end of year variance will actually be unfavourable by \$26k, however the corresponding expenditure will not be spent, thus offsetting the variance and having no net impact on the City's bottom line.
- New river east loop trail Lotterywest grant favourable to budget by +\$34k.
- Legal and Compliance Services Revenue favourable to budget by +\$25k, consisting of reimbursement of legal fees +\$13k, approximately \$9k of which relates to pre-payment of potential legal costs which was ultimately not required and which will be refunded, and parenting leave payments +\$12k, which are offset against expenditure.
- Meelup Regional Park favourable to budget by +\$23k, consisting of +\$21k in grants above budget and +\$2k in insurance recoveries. Both amounts are ultimately offset by expenditure.
- Transport Fleet Management favourable to budget by +\$22k, consisting of LGIS/Zurich good driver rebate +\$11k and funding for Heavy Duty Diesel Mechanic apprentice by Rio Tinto +\$11k.
- Recreation Administration favourable to budget by +\$15k due to Kidsport funding being \$75k against a budget of \$60k.
- Naturaliste Community Centre favourable to budget by +\$15k due to unbudgeted grant from Department of Local Government and Community.
- Statutory Planning favourable to budget by +\$10k due to parenting leave payment received.
- Miscellaneous Bridge maintenance is below budget expectations by -\$180k. Fifty percent of the funds were received in May (\$180k), with the remaining work and funding anticipated to be carried over into next financial year.
- Other combined variances of +\$8k.

Interest Earnings (+\$793K)

The current variance on interest earnings is primarily attributable to:

- Late payment interest of +\$32k.
- Instalment plan interest of +\$3k.
- Interest on Municipal funds of -\$60k.
- Interest on reserve funds of +\$218k. The reserves balance currently includes \$15.9m loan funds for the Administration building redevelopment which is yet to be utilised. Due to the higher than anticipated balance at this time, interest earned has exceeded budget projections. It is noted of the \$218k in additional interest, \$130k is attributable to the Civic and Administration Centre Construction Reserve.
- Interest on restricted funds of +\$600k. This relates to interest on airport funds which is not budgeted for. The Airport grant agreement requires these funds be applied towards the Airport project.

Non-Operating Grants, Subsidies and Contributions (-\$1,335K)

The current variance on non-operating grants, subsidies and contributions is primarily attributable to:

- Developer contributions revenue to date is +\$102k over budget. This is partly a timing difference. This line item has no impact on the budget as all developer contributions are transferred to restricted assets accounts to be used in subsequent periods for the purpose for which they were raised.
- Bridges construction program projected revenue is under budget by -\$645k. This is attributable to;
 - Federal funding of -\$288k towards the Queen Street Bridge design and preliminary works, which has been delayed pending the Busselton Traffic Study. Although some work has commenced the grant will not be claimed this financial year;

- Works valued at \$304k for the Metricup Road Bridge were postponed to next year due to an unacceptable impact on tourist traffic. Both these projects will be carried forward and completed in the 16/17 financial year.
- Busselton shark net revenue is +\$100k over the year to date budget. This is reflective of a timing difference with the budget revenue being allocated to June.
- Busselton Foreshore projects are on the whole -\$490k below the year to budget. The main variances are attributable to;
 - Foreshore East Youth Precinct (skate park and adventure playground) revenue is +\$614k over the year to date budget, due to a budget allocation timing difference;
 - Provision of Services and Auxiliary works revenue is below budget by -\$1.4m. This is due to the \$4.5m Royalties for Regions grant being pending, with likely notification in June.
- Footpath construction works on the whole is below the year to date budget by -\$212k. This is attributable to;
 - Busselton Bypass, Strelly Street to Clydebank Avenue revenue is -\$92k below budget projections. This is a timing variance only as the City can only claim the 50% grant contribution in arrears, upon completion of the project. The acquittal has been completed and payment is now pending. Approval was sought and granted to use some of the unspent grant monies against an alternative cycleway project.
 - Busselton Bypass, Fairway to Kangaroo Gully, revenue is -\$120k below budget projections. This project will represent a carry over. The final project cost will be significantly under budget and as such the grant revenue received will be reduced to the amount actually spent. The final claim is estimated to be in the order of \$20k.
- Main Roads capital road construction projected revenue is -\$215k below year to date budget. This variance is attributable to three jobs, being Strelly Street -\$80k, Layman Rd -\$100k and Peel Tce -\$35k.
 - The Strelly Street project consists of design, planning and minor preliminary works and has been delayed due to deliberations surrounding the outcomes of the Busselton Traffic Study. This project will represent a carry over into the 16/17 financial year, A progress payment will be claimed in June.
 - Stage 4 of the Layman Road drainage infill and road widening project was completed in May, the final \$100,000 in grant revenue will be received in June.
 - The Peel Terrace project consists of design, planning and minor preliminary works and has been delayed due to deliberations surrounding the outcomes of the Busselton Traffic Study. This project will represent a carry over into the 16/17 financial year. A progress payment will be claimed in June.
- Roads to Recovery road project grant revenue is +\$87k above year to date budget. Under this program the City claims the actual cost of projects as revenue, this can differ from budgeted revenue. Although the May variance is favorable the 30 June variance will be unfavourable as the collective of projects will come in under the budgeted cost and as such the revenue received will correspond to this amount and offset exactly the revenue amount.
- Road Initiative bus bays and shelters revenue is under budget by -\$60k. This is a timing variance only. The final claim valued at \$60k to be made in June.
- Other -\$2k.

Profit on Asset Disposals (+\$5K)

The current minor variance remains attributable to book profits on the sale of assets. It should be noted that this is an accounting book entry, and has no direct impact on the surplus/deficit position.

▪ Operating Expenditure

As at 31 May 2016, there is a variance of -5% in total operating expenditure, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Materials and Contracts	-16%	-\$2,236
Insurance Expenses	-10%	-\$74
Other Expenses	-15%	-\$419
Loss on Asset Disposal	+217%	+\$150

Materials and Contracts (-\$2,236K)

The materials and contracts operating expenditure category comprises a wide range of expenditure types. The current variance is attributable to both favourable and adverse variances (of varying magnitudes) across a range of diverse activities. The material variances are as follows:

- **Information Technology**

Information technology has a favorable variance of -\$60k compared to the year to date budget. It is anticipated that the full budget allocation will be spent prior to the end of the financial year.

- **Community Recreation Centres**

Community recreation centres have an overall favorable variance of -\$69k. This is attributable to the Naturaliste Community Centre -\$44k, and the Geographe Leisure Centre -\$25k below the year to date budget. To maintain the net operating position forecast, expenditure at both the GLC and NCC is being strictly prioritised and delayed wherever possible.

- **Environmental Planning**

Environmental planning is overall favourable by -\$102k. This is attributable to timing differences associated with the utilisation of contractors and the seasonality of the work that is required. It is still expected that full budget allocation will be utilised by year end.

- **Busselton Jetty**

Busselton Jetty contractor costs are under the year to date budget by approximately -\$498k. The works planned for this financial year (as per the 50 year maintenance plan) consist of steel pier and superstructure corrosion protection assessment and repairs, handrail repainting, pile wrapping, light globe replacement and a \$110k contingency repair amount that has, to this point, not been required. This will be a significant under expenditure to budget associated with Jetty works at year end. A portion of these works have been re-budgeted into the 2016/17 financial year. As Jetty works are funded from the Jetty Reserve, this variance will not impact on the City's year end net financial position.

- **Meelup Regional Park**

The Meelup Regional Park budget is underspent by -\$82k. This is mainly attributable to seasonal scheduling of expenditure on Meelup trail maintenance works and vegetation rehabilitation works. These works are now in progress however it is still anticipated that not all work will be complete by year end.

- **Building Maintenance**

The scheduled building maintenance budget is underspent by -\$191k year to date. This is due in part to Facility staff spending a considerable amount of their time on relocating staff for the new administration building project. It is still anticipated that the variance will reduce by year end but some funds will remain unspent.

- **Provence and Vasse Newtown – Parks and Gardens**

Contractor costs associated with Provence Estate maintenance are under budget by -\$213k as public open space areas within the estate is yet to be handed over and therefore the maintenance of this area is not yet the responsibility of the City. There is also a favourable variance for contractor costs totaling -\$117k attributable to Vasse Newtown with some of this offset by City employee costs. A portion of the allocated budget is funded from the specified area rates and this draw down can only occur if expenditure is within the specified areas.

- **Airport Operations**

Contractor costs are under budget by -\$132k. This is predominantly the result of de scoping work as a result of the airport development project and also reducing spend to offset reductions in revenue against budget for the airport to ensure the final net current position for the airport is close to budget at the end of the year.

- **Transport/Fleet Management**
Materials and Contractor costs are under budget by -\$261k. This is mostly the result of cheaper fuel prices than anticipated in the budget.
- **Refuse Sites**
Refuse Sites materials and contracts are under budget by -\$226k. This is offset by overspends (predominantly wages) for the same cost codes. Additionally, as refuse sites are funded from the waste reserve there is no impact on the City's year end net financial position.
- **Bridge Maintenance**
Bridge maintenance materials and contract are under budget by -\$137k. This is offset by reductions in revenues received under Operating Grants, Subsidies and Contributions.
- **Other**
Other combined variances for the month total -\$148K.

Insurance Expenses (-\$74K)

The current variance associated with insurance expenses is attributable to:

- Property insurance of -\$9k.
- Plant insurance premiums of -\$47k.
- Public liability insurance of -\$14k.
- Other general insurance costs of -\$4k.

As indicated in the budget review, whilst additional insurance expenses are expected to be incurred prior to 30 June 2016 due to insurance schedule additions and amendments, along with excess payments, these are not expected to be material in value. Consequently, a favourable variance is expected by financial year end.

Other Expenditure (-\$419K)

The current variances associated with other expenditure is attributable to:

- Members of Council expenses of -\$117k. This variance is made up of a number of different accounts with the main variances together whether permanent or timing difference being;
 - Mayor and deputy mayor allowances -\$10k (Timing);
 - Elected members refreshment and functions -\$10k (Permanent);
 - Elected members conference and training expenses -\$15k (Permanent);
 - Elected members election and poll expenses -\$5k (Permanent);
 - Elected members sitting fees -\$26k (Timing);
 - International relationships account -\$11k (Permanent);
 - Presentations on termination policy -\$6 (Permanent).
- Community services administration expenses of -\$211k. This variance is attributable to;
 - Events, marketing and promotions is -\$147k below year to date budget. MERG Marketing funds which have not been expended as the MRBTA recharge campaign was halted due to amalgamation of GBTA/AMRTA and regional branding. Council has resolved to transfer \$150k from the commercial and industrial differential marketing funds into the Airport Marketing Reserve specifically for the marketing and support of the Airport development project, and this \$147k, along with further savings in the remainder of the financial year, will be used for this purpose. All remaining funds in the differential rate marketing fund will be transferred to the Airport Marketing Reserve (\$150k as previously endorsed by Council and the remaining \$46k as per the MERG report to Council dated the 8th June 2016);
 - Donations, contributions and subsidies of -\$37k. This relates to the timing of payments for projects funded as part of the community bids programme;

- Events sponsorships (differential rates) of -\$26k. This relates to events that have been funded through the events sponsorship programme that either have not yet been held, or have been cancelled.
- Half Iron man events sponsorship of -\$46k. This variance is a timing difference as the event was held in early May and therefore funds will be expended before the end of the financial year.
- Public relations expenses of -\$38k. This is attributable to catering -\$13k, advertising Council pages -\$8k, community consultations and surveys -\$8k, public relations account -\$11k and long service contributions to other Local Government Authorities +\$7k. These are expected to the savings against the budget for the full year.
- Planning administration expenses of -\$25k. This is mainly attributable to the façade refurbishment subsidy account -\$20k and advertising (public/statutory) account being -\$5k below the year to date budget. With regard to the façade refurbishment, there were no suitable applications received in the first round fitting the requirements for funding. Letters have been sent out calling for a second round of applications. Although there has been a number of enquires, it now appears unlikely that the City will resolve any for payment this financial year.
- Other combined variances totalling +\$19k.

Loss on Asset Disposal (+\$150K)

The loss on asset disposal represents book losses on the sale of sundry plant items and vehicles. It should be noted that this is a book entry only, and has no direct impact on the surplus/ deficit position.

Capital Activity

▪ Capital Revenue

As at 31 May 2016, there is a variance of -58% in total capital revenue, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Proceeds from Sale of Assets	-10%	-\$59
Transfer from Restricted Assets	-73%	-\$12,034
Transfer from Reserves	-37%	-\$3,010

Proceeds from Sales (-\$59K)

The proceeds from sale of assets category recognises the estimated sale or trade-in value of heavy and light plant items budgeted to be replaced during the financial year. The current adverse variance has reduced significantly from April (-36% April versus -10% May) but is still trending below budget.

Transfer from Restricted Assets (-\$12,034K)

The budget anticipated \$16,500k would be drawn down against restricted assets by May 31 relating to the Airport Development Project. As at 31 May 2016, expenditure for the Airport Development Project was \$842k (\$561k exclusive of City employee costs – 'the recoverable amount'). The drawdown of the recoverable amount will occur in June, resulting in a -\$16,500 variance for May.

Other restricted asset transfers that have occurred between June 2015 and May 2016 are as follows:

• Unspent Loans	\$2,610k
• Untied Grants	\$1,300k
• Contributions to Works	\$ 113k
• Trust Refunds/Payments	\$ 467k
• Others	-\$ 24k

The budget anticipated the amounts above (excluding Trust Refunds/Payments) would be drawn down in June, resulting in a timing difference to end of May amounting to \$3,999k.

The City of Busselton does not budget for Trust Refunds/Payments, as these monies are held in trust and have no impact on the Municipal funding surplus or deficit. Actual receipt of these funds to May 31 has resulted in a \$467k variance against budget.

Transfer from Reserves (-\$3,010K)

The variance is mostly attributable to the less than anticipated budget transfer of -\$3,900k associated with the new Civic and Administration Centre building. This is the result of the following:

- 1) The first part of the construction has been less expensive than originally anticipated in the budget. Construction remains on schedule.
- 2) Delays between completing physical work by the contractor and acceptance of invoice by the City have resulted in a timing difference which will be carried over to the next financial year.

Offsetting these amounts are the following timing variances:

- +\$327k associated with payment for trucks from the waste management facility and plant reserve.
- +\$300k yearly payment from the Waterways Management Reserve and paid in accordance with the Port Geographe Deed Agreement.
- +\$252k payment made from the Plant Reserve which will balance out in June.
- Capital Expenditure

As at 31 May 2016, there is a variance of -35% in total capital expenditure, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Land and Buildings	-66%	-\$11,146
Plant & Equipment	-34%	-\$854
Furniture and Equipment	-33%	-\$182
Infrastructure	-39%	-\$10,204
Transfers to Restricted Assets	+68%	+\$1,127

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

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

In respect of the other classifications, an overview of the year to date financial performance is provided as follows:

Transfers to Restricted Assets (+\$1,127K)

The transfers to restricted assets budget comprises an estimation of funds that could potentially be received during the financial year, primarily from developer contributions. Due to the nature of the category, the annual budget allocation is spread evenly throughout the financial year. The performance in this activity does not have any direct impact on the surplus/deficit position, as whilst recognised as operating revenue upon receipt, these funds are subsequently quarantined to restricted assets. The transfers to restricted assets category also include the payment of bonds and deposits, where no specific budget allocation is made for these funds.

The favourable financial year to date variance of approximately +\$1,127k is primarily attributable to:

- The receipt of developer contribution payments in excess of budget totalling +\$102k.
- The receipt of unbudgeted interest associated with the Airport funds of +\$600k.
- The City salaries attributable to the Airport development project of -\$246k. It has been confirmed that in-kind salaries are not recoverable from project funds.
- The receipt of bond and deposit payments totalling approximately +\$671k.

The performance in this category generally does not impact on the closing surplus/deficit position with the exception the non-recovery of City's salaries from the Airport Development project. Part of the interest earned on certain restricted asset funds do contribute to the City's municipal interest earnings.

CONCLUSION

The Net Current Position as at 31 May 2016 of \$2.8m is \$0.3m lower than 31 May 2015. The Net Current Position is impacted by many factors and consistent with prior years, is expected to fluctuate significantly as we move towards the end of financial year.

In terms of the annual budget review, completed as at 29 February 2016, a surplus closing position of approximately \$360k was projected as at 30 June 2016 (excluding any re-list items). Whilst there have been favourable and unfavourable variances that have arisen during the month, these do not warrant an amendment to the current projected surplus. The level of fluctuation expected over June highlights the increased necessity to closely monitor financial performance over the remainder of the current financial year.

OPTIONS

Nil

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not Applicable.

Council Decision / Committee Recommendation and Officer Recommendation

C1607/169

Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council receives the statutory financial activity statement reports for the period ending 31 May 2016, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

CARRIED 9/0

EN BLOC

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 AMENDMENT 22 TO LOCAL PLANNING SCHEME 21 - TO REZONE LOT 41 (182) GEOGRAPHE BAY ROAD QUINDALUP FROM R12.5 TO R20 - CONSIDERATION FOR INITIATION

SUBJECT INDEX:	Town Planning Scheme Amendments
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Development Services and Policy
REPORTING OFFICER:	Manager, Development Services and Policy - Anthony Rowe
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location of Subject Land Attachment B Scheme Amendment Map

PRÉCIS

The City has received a request by the owner of the land located at 182 Geographe Bay Road, Quindalup to rezone the land from R12.5 to R20 for the purpose of accommodating four dwellings, rather than the maximum of two permissible with the existing zoning. Having considered the site and its context, officers are broadly supportive of the proposal.

The Council is requested to consider initiating the proposed Amendment for advertising.

BACKGROUND

The City has received a request to consider rezoning the land located at 182 Geographe Bay Road to facilitate four dwellings instead of two dwellings as currently provided for by the Scheme. To facilitate this will require an amendment to Scheme 21.

The subject land is as Lot 41 (182) Geographe Bay Road, Quindalup.

The site is 2,259 m² in area, is vacant and largely cleared of vegetation. It is zoned 'Residential' in Scheme 21 and coded R.12.5. It is located in the Quindalup Special Character Area.

The present Quindalup Special Character Area policy and the minimum lot size required in the R12.5 coding limits development of the site to two dwellings. The current policy however, allows if the original lot exceeds 2,400m² three or more dwellings may be developed at the R12.5 density. Given the average lot size required in R12.5 is 800m², a lot above 2,400m² would yield 3 dwellings.

The owner is proposing that it would be orderly and proper planning to re-code the land to R20 (average lot size 450m²) to enable 4 dwellings to be accommodated.

The proposal is to amend the Quindalup Special Character Area provision, at clause 1. (b) to read (addition proposed in bold) -

- (b) *The local government may only approve the development of three or more grouped dwellings at a density not exceeding R12.5 on lots with a minimum area of 2,400m², **except for Lot 41 on Diagram 23175, House 182 Geographe Bay Road, Quindalup**, where the development of a maximum of four dwellings may be approved.*

The proposal also involves amending the Scheme map so that the R20 code applies to the lot.

STATUTORY ENVIRONMENT

The active statutes affecting this application include -

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- *City of Busselton Local Planning Scheme No. 21*.

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

City of Busselton Local Planning Scheme No. 21.

The City of Busselton Local Planning Scheme No. 21 allocates the spatial arrangement of the area by the Scheme Map. The Scheme text describes land uses, the residential densities (identified on the Map) by reference to the R-Codes or a development standard in certain areas, and it prescribes the development standards for works associated with land uses.

The Scheme establishes Special Character Areas which describe special controls that act in conjunction with the Scheme and the R-Codes. The Quindalup Special Character Area is identified in the Scheme (at Schedule 4).

The pertinent provision is cl.1b in Schedule 4 which provides:

(b) council will only permit the construction of grouped housing development of three or more dwellings at a density not exceeding R12.5 on lots with a minimum area of 2,400m²

The Scheme also provides at cl. 5.3 (Special Application of Residential Design Codes) some limited circumstances that enable lots to be created less than indicated by the R-Codes classification shown on the Scheme map. These provisions do not apply to the Special Character Areas such as Quindalup.

RELEVANT PLANS AND POLICIES

- State Planning Policy 3.1 Residential Design Codes of Western Australia
- State Planning Policy 2.6 - Coastal Management
- City of Busselton Local Planning Strategy (Draft, advertised 2015)
- City of Busselton Local Planning Policy 3 – Special Character Areas and Visual Management Policy

State Planning Policy 3.1 Residential Design Codes of Western Australia

The Residential Design Codes (‘R-Codes’) address development standards as well as assigning density by prescribing the minimum and average lot sizes for the coded categories, ranging from R2 at the

lowest through to R80 at the highest (note that there are denser codes, but the permissible density only increases for multiple dwellings – i.e. flats/apartments – but not for single houses or grouped dwellings – i.e. houses, villas, townhouses).

In areas coded R12.5 the R-Codes prescribe a minimum site area per dwelling of 700m² and an average of 800m². In areas coded R20 it prescribes a minimum site area per dwelling of 350m² and an average of 450m². The area taken by internal driveways servicing grouped dwellings are counted in the average of the site area, but not the minimum.

In the development of Lot 41 an internal driveway will be required.

State Planning Policy 2.6 - Coastal Management

The purpose of this Policy (SPP2.6) is to provide guidance for decision-making within the coastal zone including managing development and land use change. The policy in summary requires development to be setback 170m from the 'horizontal shoreline datum' if not within an 'infill' area.

The subject land, whilst in a coastal location and only around 120m from the HSD, is clearly infill development. The proposal is consistent with SPP 2.6.

City of Busselton Local Planning Strategy

The purpose of the Local Planning Strategy (LPS) is to set out the long term form (25 years) of the City and guide progressive amendments to the City's development control framework; within the next ten years. The LPS identifies the Busselton City Centre and the Dunsborough Town Centre as focal activity centres in the area. The town of Dunsborough is planned to have an ultimate population of 20,000 people, to be accommodated through both consolidation and expansion of its urban area.

The Local Planning Strategy identifies urban/residential consolidation at the Dunsborough Town Centre and for an area extending up to Elmore Road; which is specifically identified for *Urban Consolidation* (medium+ density). The area to the east of Elmore Road, including the subject land, is to be retained as low density.

City of Busselton Local Planning Policy 3 – Special Character Areas and Visual Management - 3B Quindalup Special Character Area Provisions

The Quindalup Special Character Area extends from Caves Road to Geographe Bay Road from east of Elmore Road through to Toby Inlet.

The background provided in the policy explains its reason:

Increasing pressures for higher density residential and further tourist developments in recent years have prompted the City to act (1993) to preserve the highly valued character of the Quindalup Strip. Concerns with regard to the loss of special character have been particularly evident in the significant level of community reaction received to proposed re-zonings and subsequent developments within the Strip.

The subject land is in Precinct 2 within the Quindalup Special Character Area.

The description for Precinct 2 is an area "of a mixed blend of old and new housing styles". In other words there is no homogeneous built form. The primary character elements are the building setbacks and the street side vegetation. Accordingly, the development controls in Precinct 2 describe a building set back of 10m from the street front and other provisions describe maintaining a heavily vegetated street line.

An important development control in the context of this amendment proposal is cl 3.3.2(d) in the Quindalup Special Character Area -

- (d) *A Residential Development Density of R12.5 will apply to all Group Housing developments involving three or more dwellings (i.e. minimum lot size of 2,100m²).*

This Development Control suggests that when the policy originated, notwithstanding the 'policy background', a higher density in Sector 2 was envisaged to provide 3 dwellings from 2,100m² instead of that described in the Scheme - 3 dwellings from 2,400m² (using present day R-Codes lot sizes at R12.5).

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The Officer recommendation is consistent with community objective 5.2 of the City's Strategic Community Plan 2013, which is: *'Growth is managed sustainably and our environment is protected and enhanced as we develop'*.

RISK ASSESSMENT

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

CONSULTATION

There is no requirement under the *Planning and Development Act 2005* to advertise a scheme amendment prior to it being initiated by the Council.

As a standard amendment the Council's decision to initiate the amendment and to confirm it as a standard amendment will cause it to be advertised for a period of 28 days. As a preliminary requirement the proposed amendment will be referred to the EPA for 21 days. The proposal is considered straightforward and does not affect a known EPA interest. It is unlikely the EPA would require a formal environmental assessment.

Preliminary consultation with the State Department of Planning indicated broad support for the Amendment, subject to explicit coding (R20) being illustrated on the Scheme Map. It should be noted, however, that the Department's role in this respect is advisory only, and decision-making power rests with the Western Australian Planning Commission and Minister for Planning (although Department officers have some delegation from the Commission).

OFFICER COMMENT

The City of Busselton Local Planning Policy 3 – Special Character Areas and Visual Management -3B Quindalup Special Character Area Provisions was created by the City in 1993 in response to a then

perceived community desire to maintain the perception of the area at a low density. It established a future development requirement for an average lot size of 800m² and a 10m setback. This was reflective of a low density expectation at the time.

The perception is an important element of consideration. The Policy does not seek to place controls in the intensity of development at the site, ie open space to be retained. Aerial photos indicate most lots have buildings (houses and outbuildings) distributed in no particular order (other than the front setback). The subject land has numerous buildings adjoining its side boundaries. The development of the subject land would also not restrict any particular views or interfere with any consistent placement of buildings generally in the immediate area (the front set back will be retained). The *perception* of low density, as it contributes to the locality character, is ostensibly determined from ones view from and along the street. It is from this perspective that the fit of the amendment is to be compared, with the conscious purpose by which the Policy was created.

Orderly and proper planning

The Policy has not been substantially reviewed since its introduction, but in the period between then and now, the perception/expectation of what constitutes low density development and the public's perception of what constitutes a high amenity environment has changed.

The 2015 draft Liveable Neighbourhoods, as an example, now identifies any coding less than R40 (average 220m²) to be low density – *this is a higher density than current community expectations or even that presently marketed, but it is indicative of the trend*. Lots of 300m² now represent the most common new allotment size created in Perth and now lots of 260m² are not unusual. The expectation of low density is heading toward smaller lot sizes.

In the context of the District, lots at 300m² (R-Coded as R30) are considered to be 'medium' density and lots with an average size of 450m² (R-Coded as R20 or less) are effectively a low density classification.

Since 2009, and since the Quindalup Special Character Area Provisions were introduced in 1993, there have been 35 lots created in the area that are less than 700m² and 33 of those lots are less than 550m² in area. This is notwithstanding the policy's prescribed average lot size of 800m² and a minimum of size of 700m².

If the current Scheme policy was literally applied to the subject land, it could be developed as either one dwelling on a lot of 2,259m², or two dwellings each having a lot of 1,129m²; a very low density outcome in the present context.

The proposed amendment would result in four dwellings and would yield an average lot size of 569m², this still a low density outcome and also a low density outcome compared to lots approved since 2009.

The draft local planning strategy whilst it recognised that the area west of Elmore is identified for medium + density as a consolidation of the urban area, the area east of Elmore is to be retained as *existing urban* which is to say increasing the urban density will not be proactively pursued, but it remains under a general recognition that consolidation will be necessary, if the Dunsborough township population targets are to be achieved.

The proposed amendment is considered to achieve both a contemporary expectation of low density and a more efficient use of the land, than a literal interpretation that the current policy may apply. The proposed amendment is considered consistent with the principle of orderly and proper planning.

The appearance of land and buildings

All development in the Quindalup Special Control Area is subject to planning approval and notwithstanding the Quindalup Special Character Area Policy is somewhat dated; the objective to maintain a sense of openness and low density is clear and can still be used to guide the future development that would follow the amendment of the Scheme.

The setback of 10m along Geographe Bay Road and the street side vegetation are the notable character elements in the locality. Other than this, there is no homogenous built form that might be identified to guide a future compatible character.

The amendment will retain that the 10m set back will apply to the subject land. Only one dwelling will face the street, as the frontage width needs to accommodate the access to the three other dwellings. No additional requirements are required to guide the future form of building on the subject land other than its maximum development of four dwellings as provided in the proposed amendment.

Spot Rezoning

The proposed amendment is a 'spot rezoning' affecting only the subject land, rather than a comprehensive review that may apply to an area rather than a specific location. There are persuasive arguments that can be made for 'spot rezoning'.

The advantage of 'spot rezoning' is it is responsive to opportunity, owner initiated, and can create a mix of development forms. Its weakness is a lack of certainty and variations are often acceptable up to a point as a proportion of overall development; but after this point the variation may become the dominant character. Determining this point can be subjective, uncertain, and once reached its adherence can be perceived as unfair for anyone who may seek a similar variation after that point.

Comprehensive approaches, alternatively apply to areas rather than specific locations. They can also seek a mix of development and promote choice by applying variable ratios, averages and minimums, but in doing so suffer the same problem as a spot zoning; that at some point when too many have applied for the minimum, the next applicant would see their restriction as unfair.

A 'comprehensive approach' can have value where a mix is undesirable, i.e. where there is a particular homogeneous character to be protected, but otherwise the approach can be inflexible, often only achieves the lowest common denominator as its minimums represent site value optimisation and the only development pursued by the market place. It is slow to adapt to contemporary expectations.

Generally 'spot rezonings' can be acceptable where they are within the extent of a conscious purpose. In this instance the spot zoning can be seen to align a formal development control affecting the subject land with that which has occurred since 1993 (35 lots).

The outcome the proposed amendment would provide, remains within the conscious purpose of the locality, to maintain the perception of a low density environment. This is because from public view points the street set back will be retained, only one dwelling will face the street, and the lots whilst not directly visible from the street, are sufficient in size to provide space between buildings and a sense of a low scale; that may be glimpsed from the street.

Infrastructure

There are no infrastructure restrictions that may affect the consideration of this proposal. The subject land is serviced by two sewer junctions and has the capacity to be developed for more than one dwelling.

The subject land is an infill site and has access to mains water, power and the telecommunications network.

A proposal for four dwellings at the subject land is below the threshold for any specific traffic study. Geographe Bay Road in the locality is not at capacity and it is not expected that the proposal would have any noticeable or adverse impact upon the road network.

CONCLUSION

Since the local planning policy for Quindalup was prepared there have been 35 allotments created in the area as a variation on the policy. The amendment will provide certainty for the future development of the lot; that is comparative to accepted variations on the policy and the development that has occurred since 2009.

The proposed amendment will result in a more efficient use of the land but at the same time it remains within a contemporary expectation of low density and the conscious purpose of the local planning policy to retain the perception of the area as low density.

The proposal warrants proceeding to public consultation.

OPTIONS

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

1. To decline the request to initiate the proposed Amendment in its entirety (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 modification(s) as required.

Officer assessment has not revealed any substantive issue or reasonable grounds that would support any of these options and it is considered that option 3 could be more appropriately considered following public consultation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation would include advising the applicant of the Council resolution and referring the proposal to the Environmental Protection Authority, which will occur within one month of the resolution.

Council Decision and Officer Recommendation

C1607/170

Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council:

- a) In pursuance of Part V of the *Planning and Development Act 2005*, adopts draft

Amendment No. 18 to the City of Busselton Local Planning Scheme No. 21 for public consultation for the purpose of:

- i. Rezoning Lot 41; and
 - ii. Amending the Scheme map accordingly.
- b) In accordance with regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, it is the opinion of the Council that the draft Amendment is a 'standard amendment', for the following reason(s):
- i. The draft Amendment will have minimal impact on land in the Scheme area that is not the subject of the amendment; and
 - ii. The draft Amendment will have no significant environmental, social, economic or governance impacts on land in the Scheme area.
- c) That, as the draft Amendment is consistent with Part V of the Planning and Development Act 2005, and Regulations made pursuant to that Act, that upon preparation of the necessary documentation the draft Amendment be referred to the Environmental Protection Authority (EPA). Upon receipt of a response from the EPA stating that the draft Amendment is not required to be subject to a formal environmental assessment, it be advertised for public consultation for a period of 42 days. 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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11.2 DISPOSAL OF RESERVE 44384 (LOT 5016 (75) FORD ROAD, GEOGRAPHE) FOLLOWING CONSULTATION

SUBJECT INDEX:	Development/Planning Applications
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Development Services and Policy
REPORTING OFFICER:	Planning Officer - Stephanie Izzard
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Amalgamation and 'Exchange' Plan

PRÉCIS

The Council is asked to provide its final support for the disposal of Reserve 44384 into private ownership. This matter has previously been considered by the Council at its meetings held on 10 July 2013 and 23 July 2014 where on both accounts it was resolved to support the disposal. This matter is brought before the Council for a final time as a resolution of the Council is required following the conclusion of consultation on the disposal of the reserve to finalise the disposal process.

BACKGROUND

This matter has previously been presented to the Council on the 10 July 2013 and again on the 23 July 2014. The matter was initially presented to the Council to obtain in principle support of the disposal of the reserve so that Officers could commence the disposal process.

Once in principle support was obtained from the Minister for Lands the matter was again presented to the Council on 23 July 2014 to obtain consent from the Council to commence advertising of the proposed disposal of the reserve and agree to the requirements for the disposal. At this meeting the Council resolved as follows:

1. *To dispose of Reserve 44384 to Mr Clark at 5% of the unimproved value of the land, with all costs of disposal and transfer to freehold being met by Mr Clark.*
2. *That the valuation of Reserve 44384 accepted by the Minister of Land's for the disposal of Reserve 44384 into the City's ownership is considered a true indication of the unimproved value at the time of proposed disposition to Mr Clark.*
3. *To seek the Minister of Land's approval to dispose of Reserve 44384.*
4. *That the transfer to Mr Clark in fee simple will be conditional upon:*
 - a) *Mr Clark providing an upfront payment of \$15,000 for the City to use to meet any costs associated with the disposal of Reserve 44384 and transfer in fee simple to Mr Clark, any unspent funds will be returned to Mr Clark;*
 - b) *Mr Clark entering into a legal agreement with the City providing for:*
 - i) *Amalgamation of Reserve 44384 with the northern portion of Lot 9500;*
 - ii) *Ceding at no cost to the City a 10 metre wide strip along the southern boundary of Lot 9500;*
 - iii) *Engaging by Mr Clarke of a suitably qualified agent to manage the subdivision process;*
 - iv) *Transfer of Reserve 44384 into the sole ownership of Mr Clark;*
 - v) *Indemnifying the City for costs that may be borne by the City; and*
 - vi) *Acknowledging that the legal agreement and transfer of Reserve 44384 into Mr Clark's ownership is subject to public consultation and resolution of Council to support the method of disposal under Section 3.58 of the Local Government Act 1995.*

5. To undertake community consultation of no less than 14 days inviting submissions regarding the intent of the City to dispose of Reserve 44384 to Mr Clark at the value of 5% of the unimproved value.
6. To include the Rezoning of Reserve 44384 from 'Recreation Reserve' to 'Residential R20' in the next omnibus amendment to the new Local Planning Scheme No. 21.

A copy of the proposed amalgamation and 'exchange' outlined in the Council's resolution above is provided at Attachment A. The reports previously presented to the Council on this matter and which more fully explain the background and context of the decision the Council is now being asked to make can be provided to Councillors on request.

Since this report was presented to the Council a legal agreement has been entered into between the City and Mr and Mrs Clark to facilitate the transfer of the reserve into their private ownership and enforce the conditions of the transfer imposed as part of the resolution of the Council provided above.

It is also noted that the rezoning of Reserve 44384 from "Reserve – Recreational" to "Residential" with a density of R20 was included as part of the Omnibus Amendment endorsed by Council at its meeting held on 9 March 2016 but as the Amendment is awaiting final endorsement by the Minister for Planning the zoning change has not yet occurred.

To facilitate the disposal of the reserve, the site has been purchased by the City from the Crown using the funds paid by Mr Clark to the City to facilitate the disposal of the Reserve. Subsequently, the City has also undertaken consultation on the disposal of the reserve in accordance with the *Local Government Act 1995*.

Following the conclusion of the advertising period this report is presented to the Council to outline the outcomes of this consultation period and obtain final endorsement before the reserve can be officially disposed of and transferred into the private ownership of Mr and Mrs Clark.

STATUTORY ENVIRONMENT

Reserve 44384 was vested to the local government by order, under the then *Land Act 1996* with a designated purpose of "Public Recreation."

The relevant Act in this matter is the *Planning and Development Act 2005*. Section 152 is the mechanism by which land, through the subdivision process, is vested to the Crown for public purpose/recreation. The authority to cancel or revoke a reserve and approve crown land to be transferred into fee simple is by the Minister for Lands (referred herein as 'the Minister') under Sections 50 and 51 of the *Land Administration Act 1997*.

The *Crown Land and Administration & Registration Practice Manual July 2013* outlines the process for the disposal of surplus reserves/land created under Section 152 of the *Planning and Development Act 2005*. The *Crown Land Administration and Registration Practice Manual* states that funds from the disposal of reserves "should only be spent on capital improvements to recreation land in the vicinity of the land sold." The requirements for the disposal of reserve under the manual are summarised below:

- The local government seeks and obtains the Minister's *in-principle* support to dispose the unwanted reserve;
- Community consultation is undertaken (30 days informing the value and application of the proceeds) and considered by Council;
- The Minister's approval is sought and provided;
- The land is transferred fee simple to the local government;

- The disposal to the local government is on the basis of 5% of unimproved market value, as advised by the Valuer General; and
- The Department of Lands is advised of the disposition of the proceeds.

Once the disposal of Reserve 44384 is approved and transferred to the ownership of the City, the provisions of the *Local Government Act 1995* apply.

Broadly the procedure is consistent between the two documents.

RELEVANT PLANS AND POLICIES

Development Control Policy 2.3: *Public Open Space in Residential Area* is the authority for the areas and attributes of land required as the provision of Public Open Space in residential areas. In residential areas it is typically a minimum of 8 - 10% of the gross subdivisible area that is to be given up, free of cost by the subdivider, and vested in the Crown under section 152 *Planning and Development Act 2005*) as a *Reserve for Recreation*. Note that land that is not developable by virtue of its environmental constraints does not form part of the gross subdivisible area and nor can it form part of the 8 – 10 % public open space allocation.

FINANCIAL IMPLICATIONS

The applicant has paid the City \$15,000 to cover the cost of the transfer of land as well any fees associated with the transfer. A portion of these monies has already been used to finance the purchase of the reserve from the Crown into the ownership of the City.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 5.2 of the Strategic Community Plan 2013, which is; *“Growth is managed sustainably and our environment is protected and enhanced as we develop.”*

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.

Given the current condition and use of the land, the absence of community concern during the public advertising, and the fact the purpose of disposal as an ‘exchange’ was clearly indicated in that advertising, an adverse community concern about the disposal of the land, as a reputational risk, is low.

It should be noted that even if Reserve 44384 is transferred to the ownership of Mr Clark prior to the City completing the omnibus amendment to rezone Reserve 44384 from ‘Reserve for Recreation’ to ‘Residential’, the agreement with Mr Clark indemnifies the City from any potential injurious affection claim.

CONSULTATION

The disposal of the reserve into the private ownership of Mr and Mrs Clark was advertised in accordance with the requirements of clause 3.58 Disposing of Property of the Local Government Act 1995. The disposal of the reserve was advertised for 14 days ending on 25 May 2016 and was advertised via a sign on site, notice in the local newspaper and on the City’s website, as well as a notice being displayed at the City’s Customer Information Centre and libraries.

Following the conclusion of the advertising period no submissions were received.

OFFICER COMMENT

As outlined in previous Council reports on the matter, Reserve 44384 is surplus public open space. The reserve is low lying and prone to inundation and relatively small, making it have little purpose as a recreation reserve. It has therefore been previously resolved by the Council to support the disposal of Reserve 44384.

This report finalises the process for the disposal of the reserve into private ownership and fulfill the requirements of the legal agreement entered into between the City and Mr and Mrs Clark.

CONCLUSION

It is recommended that the disposal of Reserve 44384 be finalised in accordance with the provisions outlined within the legal agreement entered into between the City and Mr and Mrs Clark.

OPTIONS

The Council could decide to retain the land in question, however, the land does not appear to provide any benefit to the community and that would clearly contrary to the expectations that have arisen from the previous two decisions made by the Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The timeline for completion of this matter in relation to the transfer of the reserve into the private ownership of Mr and Mrs Clark is expected to be six to twelve months. Resolution of the zoning of the land, to designate it within a Residential zone will be subject to the timings of the Omnibus Amendment.

Council Decision and Officer Recommendation

C1607/171 Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council resolve:

1. To dispose of Reserve 44384 to Mr Clark at 5% (\$4,000) of the unimproved value of the land, once the requirements of the legal agreement entered between the City and Mr Clark have been met.
2. Authorise and sign the subdivision application to the Western Australian Planning Commission for the amalgamation of existing Lot 9005 and Lot 5016 (Reserve 44384). This application shall include the ceding of a 10 metre wide POS and drainage/landscape buffer to the City along the southern portion of the lot.
3. Once the transfer is complete, return any unspent funds from the \$15,000 upfront payment made by Mr Clark to the City, to meet the costs associate with the transfer, back to Mr Clark.
4. The \$4,000 paid for the land to be used on capital improvements to recreation land in the vicinity of the site.

CARRIED 9/0

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11.3 SCHEME AMENDMENT 10 - TRANSPORTABLE AND PREFABRICATED BUILDING CONTROLS

SUBJECT INDEX:	Town Planning Schemes and Amendments
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Development Services
REPORTING OFFICER:	Manager, Development Services and Policy - Anthony Rowe
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Ministerial Decision 27 April 2016

PRÉCIS

On 25 November 2015 the City sought the Minister's approval to amend Scheme 21 to introduce controls over 'prefabricated buildings', including the requirement for planning approval and the introduction of a development standard.

The City has since received the Minister's decision (27 April 2016) to decline the City's proposal for the control of 'prefabricated buildings', but as an alternative the Minister has offered new definitions and control over development meeting the description of *Re-purposed Dwellings* or *Second-hand dwellings*.

Council's approval is sought to advertise a modified Scheme Amendment – Amendment 10 (AMD21/0010) incorporating the recommendations of the Minister made on 27 April 2016.

BACKGROUND

Council's consideration is requested to the Minister's offer to modify Scheme Amendment AMD21/0010 (18 December 2015) and proceed directly to public consultation.

As background, Council resolved on 25 November 2015 to seek the Minister's approval to amend its Scheme and introduce controls for transportable homes. The Amendment was to include a new definition for *prefabricated buildings* incorporating *transportable homes*. This would require that for all *prefabricated buildings* a planning approval would be required, across the whole of the District, and that it would be assessed against new *development standards* to be introduced into the Scheme (at Part 5). It also provided discretion to consult with the community as part of the decision-making process.

It was also resolved by Council to include in the Amendment a *prohibition* on transportable buildings and prefabricated building constructions within the Port Geographe Development Plan Area.

On 3 May 2016, the City received the Minister's decision (27 April 2016) to decline the City's Amendment 10 prefabricated buildings, and this included the request to make transportable buildings/prefabricated buildings in the Port Geographe area a 'prohibited' classification of development.

Whilst the Minister has declined the City's proposal (25 November 2015), the Minister has instead offered to the City the opportunity to introduce new definitions for *Re-purposed Dwellings* and *Second-hand dwellings* with associated development controls, and make it a requirement for such development to have planning approval prior to relocation. It will remove development proposals meeting the description of either a *Re-purposed Dwelling* or a *Second-hand dwelling* from the current exemption given to *Single houses* that avoids, as a class of development, their need to obtain a planning approval.

The Minister's offer is a substantive change to the City's advertised draft amendment, and it will require the modified amendment to be re-advertised.

A copy of the Minister's letter dated 27 April 2016 is attached (Attachment A).

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015.

In the time between the Council's decision to amend Scheme 21 and forwarding the Amendment to the Minister for approval, the new Regulations (Planning and Development Regulations (Local Planning Schemes) 2015, were gazetted.

The new Regulations provide procedures for Scheme amendments and importantly set timeframes around the process steps. They establish 3 classes of amendment: *Basic*; *Standard*; and *Complex*.

Basic – Advertising not required.

Standard - Advertising required, 28 days.

Complex - WAPC approval prior to Advertising, 42 days.

The City's Amendment 10, which commenced prior to the new Regulations, is required to proceed as a *Standard* amendment.

The minimum advertising period for a 'standard' amendment is 28 days. The City does not need to seek WAPC approval prior to advertising this amendment if it is modified in accordance with the Minister's direction.

Deemed Provisions Schedule 2

The new Regulations also introduced *Deemed Provisions* which prevail over any provision in a local government town planning scheme.

The *Planning and Development Act 2005* at s.257B provides that the *Deemed Provisions* cannot be changed on an individual basis. They can only be changed by amending the Regulations.

The *Deemed Provisions* exempt a *single house* and associated developments from requiring planning approval where they meet the *Deemed-to-Comply* provisions of the R-Codes. The only exception is if a *single house* is located in an area identified in the Scheme as a Special Control Area.

The Minister's proposal is to introduce a new land use for *Re-purposed Dwellings* and *Second-hand dwellings* so that proposals for such would not be included in the definition of a *single house* and therein not be exempt from requiring planning approval.

R- Codes

The R-Codes prescribe design controls for areas zoned 'Residential', as shown on a Scheme map. The R-Codes provisions may also apply to other zones in the Scheme, where residential development is permissible.

The R-Codes is arranged as a series of Objectives, and under each is listed Deemed to Comply criteria (the proposal meets the Objective and is permitted) or Design Principles (only where deemed to comply criteria is not met are these guidelines used for a planning judgement).

The R-Codes provide a limited opportunity for a local government to vary the Deemed to Comply criteria but this is subject to WAPC approval. The items that can be varied are restricted and presently do not address simple but important factors that contribute to a consistent character.

Factors that contribute to a consistent character not presently facilitated in the R-Codes include:

- a) building height minimum - for a consistent mass and proportion;
- b) required roof form, and pitch; and
- c) required façade elements including building articulation on the lot, verandahs, eaves, parapets and building colours.

RELEVANT PLANS AND POLICIES

The City does not have a Local Planning Policy addressing transportable or prefabricated buildings.

In terms of statutory interpretation a Local Planning Policy does not override an exemption provided by the Scheme such as to exempt single houses from the need to obtain planning approval. Further, single houses in R-Coded areas, by virtue of the deemed provisions, do not require planning approval if they meet the *Deemed to Comply* requirements of the R-Codes (exemption).

An exception to this exemption is provided where the proposal is to be located in an area identified by the Scheme as a Special Control Area. The Port Geographe Development Plan Area is identified as a Special Control Area in Scheme 21, and in turn it refers to the City's Urban Centres Policy (LPP4) which includes Port Geographe. This Local Planning Policy includes the general residential area within the Port Geographe Development Plan area and lists masonry as a ground level construction material.

Notwithstanding that planning approval is required in the Port Geographe Special Character Area, and that there is a construction material identified in a local planning policy, the conventions and the weighting in the statutory hierarchy still apply to making a planning assessment.

The masonry 'requirement' must be read in context with the overall *Desired Character* in LPP4 and the Scheme's principal assessment considerations - *Matters to be Considered*.

The *Planning and Development Act 2005*, the *Planning Regulations* and the *Local Planning Schemes* are crafted to achieve practical outcomes. This is reflected to the term "*to have due regard*", which is imposed in all Schemes by the *Deemed Provisions*, as the *Procedure for dealing with applications for development approval*.

In planning law the practical and objectives-based approach generally prevails over an inflexible adherence to a development standard where discretion exists. For this reason a specific restriction on a construction material for reason of external appearance, even if it is supported in a Local Planning Policy or the Scheme, is not a binding requirement if an acceptable appearance can be achieved another way.

Other Special Control Areas include Quindalup, Yallingup, Old Dunsborough, Adelaide Street and Eagle Bay. Each of these Special Control Areas also have a Local Planning Policy describing the appearance of new development, but as with Port Geographe, a practical approach must be taken in exercising a planning judgement.

In the Special Control Areas, the City has the authority to require a planning application for single houses and apply development standards that can ensure a proposal is compatible with the 'appearance' of other buildings found in its locality. Outside of the Special Control Area however,

single houses are determined by the requirement of the R - Codes and do not need planning approval if meeting the *Deemed to Comply* provisions.

There are two aspects for planning consideration, one is the reasonable development standards that can be practically applied within the Special Control Areas; the other being whether *Deemed to Comply* provisions can also be varied to include reasonable development standards that can be practically applied to affect residential areas outside of the Special Control Areas.

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

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

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

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well.

The implementation of the Officer Recommendation will involve modifying Amendment 10 and re-advertising it to canvass community opinion. In this regard, there are no significant risks identified.

CONSULTATION

Advice has been received from the Minister requesting modification of the amendment.

OFFICER COMMENT

The Council had initiated the Amendment following the placement of a second-hand building in Port Geographe and community concern that it detracted from the character of the locality. Whilst the development proposal was subsequently revised to achieve a broadly acceptable outcome, it nonetheless exposed a weakness in development controls across the City, and also in the R-Codes. It was found there was not sufficient control to ensure a residential development was compatible with its setting, particularly in areas outside of Special Control Areas.

The City also recognised that its efforts to encourage renewal of older and less attractive areas could create a supply of poor condition houses to then be available for relocation to other areas in the City nearby. This could give rise to the situation that had occurred in Port Geographe being repeated in other areas of the City.

Since the second-hand building was proposed at Port Geographe, the City has exercised an increased level of control to ensure the compatibility of new development. This has been achieved by two things - the Deemed provisions introduced 23 August 2015 maintained the ability for a Special Control Area to require a planning approval; and the Local Planning Policy was amended to require

planning approval for residential development in the “titled areas” at Port Geographe. This has given the City the ability to assess applications and ensure their compatibility with the setting.

The resultant Amendment sought to establish a definition for *prefabricated buildings*, including *transportable homes*, and require building proposals captured by the definition to obtain planning approval, and in turn to be assessed against a new development standard that would ensure a compatibility with the setting.

It was, however, recognised (including in the Council report of 25 November 2015) that the Amendment may not be supported by the Minister.

“It should be noted, that the planning direction set out in the amendment appears to be inconsistent with current planning direction at a State level (proposed Regulations) and so it is considered quite likely that the amendment will not be supported by the Minister.”

At around the time of the new Regulations being introduced, a number of local governments were already concerned about the exemption to be provided to single houses. They made a petition to the Minister requesting controls (prohibitions) to prevent the occurrence of ‘mining dongas’ or similar being installed as single houses in their residential areas.

Also around this time the housing industry was promoting the adoption of prefabricated buildings or components as innovations that will improve construction speed and reduce cost. The housing industry is actively seeking to ensure there is no restriction on building construction materials.

The Minister’s response, to the concerned local governments, was not to accept a prohibition on construction materials but to instead offer a new definition of *Re-purposed dwellings* and a new definition of *Secondhand dwellings*; both being separate to that of a *Single house*. This avoids the deemed exemption provided for a *Single house*, and requires development that meets the description of the new definition to have planning approval prior to development. This in turn provides that to gain planning approval, consideration against development standards to ensure compatibility with its setting can be made. This Minister’s response can be seen to navigate between the concerns of the petition by local government whilst also supporting the housing industry in not restricting construction materials on ‘new’ buildings.

The Minister’s definition for *Re-purposed dwellings* captures many forms of building attempted by the City’s definition of *prefabricated building*. It will address dongas, shipping containers, railway carriages, caravan park homes and the like. The Minister’s definition for *Secondhand dwellings* will also address the attempt to transfer a dwelling from one area to another. Both definitions provide an ability to control the appearance of the development.

The Minister did not reject the City’s proposed development standard in his decision and the Minister’s approach to *Re-purposed dwellings* and *Secondhand dwellings* will enable the City to apply the ‘development standard’ that it had proposed for *Prefabricated Buildings*. The Minister also requested the City consult with the Department of Planning prior to readvertising the Amendment. The City in response submitted a modified development standard to the Department of Planning; replacing the word *prefabricated building* with *Re-purposed dwelling* and *Secondhand dwelling*. The City received confirmation from the Department of Planning, on 15 June 2016, that the modified development standard is supported.

In accordance with the Minister’s direction the development standard to be proposed/advertised by the City would now appear as:

“The local government shall not grant planning approval for development of a ~~pre-fabricated building~~ Re-purposed dwelling and Second-hand dwelling unless it is satisfied that the development will be consistent with the character of the locality in which

development is proposed, the maintenance of the amenity of the locality in which development is proposed and the objectives, policies and other provisions of the Scheme which apply to the land where development is proposed. The local government may, if it considers it appropriate to do so, advertise an application for development of a ~~pre-fabricated building~~ Re-purposed dwelling and Second-hand dwelling pursuant to clause 10.4 of the Scheme.”

Seeking variations to the R Codes

(To be treated separate, but undertaken concurrently, in responding to the Minister’s direction made on 27 April 2016)

The Minister’s definitions for *Re-purposed dwelling* and *Secondhand dwelling*, do not control new modular or new transportable buildings and this still leaves open a potential for community concern.

The City has recently received an application for a modular home that is R-Codes compliant and exempt from planning approval, but arguably discordant with the character of other homes in its locality. Discordant features are often thought to be elements that are comparably too large. That is the focus of the R-Codes, whereas discordant elements can also be comparatively too small. Discordant features in this case are a building height that is comparatively low, a roof form that is flat in an area of pitched roofs (exacerbating the low comparative height), and an orientation narrow on the block where as other houses are oriented across the block (presenting an incompatible bulk).

Whilst a discordant building form is frequently associated with transportable and modular type houses, it is recognised that in situ constructed houses can also be discordant in their setting.

Better controls in the R-Codes can ensure compatibility to the setting for all development and this is really the key to alleviating community concern about discordant buildings of all types, rather than a narrow focus on construction materials or methodology.

The R-Codes are presently under review with an objective to achieve more consistency and simplicity, but complex considerations to address character are unlikely to be supported and equally the expansion of Special Control Areas as a means to circumvent exempting single houses from planning approval is unlikely to be supported.

Simple and easily found *Deemed to Comply* requirements, with accompanying *Design Principles*, could satisfy both better character outcomes and the desire to provide certainty, particularly, if WAPC approval is required as a safeguard. Furthermore, development that did not accord with the quantitative *Deemed to Comply* criteria would then be subject to planning discretion *Design Principles* and negotiation to achieve an acceptable fit in the locality. This would still provide flexibility for innovation and variety.

Simple (additional) character elements would include: a specified minimum building height; a required roof form and pitch; specified building orientation; and façade articulation including required features – such as verandahs, balconies, eaves, and parapets.

It is recommended that the City pursue the Minister’s support to enable additional character elements to be added to the R-Codes for *Deemed to Comply* consideration. The suggested modification of Amendment 10 does not address all the City’s initial concerns and therefore it is relevant that the City in response should pursue this. If the Minister was prepared to support this it would however require a state wide change to the R-Codes as part of the overall review and this would take considerable time. The Minister’s offer to introduce *Re-purposed dwelling* and *Secondhand dwelling* is on the other hand comparatively immediate and it is a benefit over the current arrangement. For this reason it is recommended the City proceed with the Minister’s offer,

but separately and not dependent upon Amendment 10, pursue the Minister's support to enable additional character elements to be added to the R-Codes for *Deemed to Comply* considerations.

Too many definitions

Notwithstanding the Minister's approach to create two new definitions (*land use classifications*) *Re-purposed dwelling* and *Secondhand dwelling*, the City is concerned about the approach in general that has seen the number of land-use definitions expand in number. This has tended to arise as a reactionary approach rather than a coherent vision to achieve a practical and easy to use planning assessment system. It adds administrative complexity, difficult for the community to follow, and leads to inconsistency of outcomes across land use types (note that just in the City's Scheme, there are well over 1,000 zoning/land-use combinations possible).

The City would prefer an approach closer to that used successfully in many other jurisdictions, where fewer definitions are used (generic) and outcome based development standards are applied.

For instance, as identified earlier, an in situ constructed building can be as discordant with its setting as a *Re-purposed dwelling* and *Secondhand dwelling*. Simple (additional) character elements should apply to all dwelling types in a residential area, if a particular character outcome for a locality is to be achieved; instead of applying standards inconsistently i.e. to only one dwelling type.

The Department of Planning was recently seeking comments for use in refining the Planning and Development (Local Planning Schemes) Regulations 2015. Comments were due on 18 July 2016 and City has indicated a concern regarding the recent proliferation of land use classifications and the need for a coherent vision to guide the development of the State's planning framework.

CONCLUSION

The Minister has rejected the City's proposal Amendment 10, but has offered a compromise to define *Re-purposed dwellings* and *Secondhand dwellings*.

The Minister's approach on *Re-purposed dwellings* and *Secondhand dwellings* is an improvement over the City's current controls. Whereas outside of the City's Special Control Areas, where a single house is exempt from planning approval, the Minister's approach would provide the City with control over some of the most obvious examples of buildings that are a cause for community concern i.e. mining dongas, railway carriages and relocated dilapidated buildings.

The compromise, however, still leaves the potential for discordant buildings to occur in established areas and possible community concern.

The community concern could be alleviated by also introducing simple controls (addressing character elements) into the R - Codes as *Deemed to Comply* with accompanying *Design Principles*. Development that did not meet the *Deemed to Comply* requirements would be assessed for innovation and fit in its setting.

This has not been previously requested by the City and it is provided partly in response to the Minister's direction.

It is therefore recommended that separately to accepting the Minister's offer 27 April 2016, the City also opens the opportunity to pursue the inclusion of simple character controls into the R-Codes.

OPTIONS

Determine not to proceed with Amendment 10 – not accept the Minister's compromise.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will involve advertising of a modified Scheme Amendment, the receipt of submissions and report to Council.

Council Decision and Officer Recommendation

C1607/172 Moved Councillor P Carter, seconded Councillor G Bleechmore

That Council resolves –

1. Pursuant to Part V of the *Planning and Development Act 2005*, to adopt Amendment 10 to the City of Busselton Local Planning Scheme 21 for community consultation, as follows:
 - 1a Inserting into Schedule 1 the following:
 - i. **Repurposed dwelling** — means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;
 - ii. **Second-hand dwelling** — means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.
 - 1b Inserting in to Table 1 (Zoning Table).
 - i. **“Repurposed dwelling”**, as a separate land use.
 - ii. **“Second-hand dwelling”**, as a separate land use
 - 1c Amending the Table 1 (Zoning Table) to make a *Re-purposed dwelling* or *Secondhand dwelling* a 'D' use in any zone in which a single house is a 'P' use or 'D' use and 'X' use in the zones where a single house is not permitted.
 - 1d Inserting as a new clause 5.9, with subsequent clauses being renumbered accordingly, of the following:

Re-purposed dwelling and Second-hand dwelling
The local government shall not grant planning approval for development of a Re-purposed dwelling or Secondhand dwelling unless it is satisfied that the development will be consistent with the character of the locality in which development is proposed, the maintenance of the amenity of the locality in which development is proposed and the objectives, policies and other provisions of the Scheme which apply to the land where development is proposed. The local government may, if it considers it appropriate to do so, advertise an application for development of a Re-purposed dwelling or Secondhand dwelling pursuant to clause 64 Schedule 2 Development (local Planning Schemes) Regulations 2015.
2. That the City write to the Minister:
 - 2.1 Advising that the City will proceed to modify the amendment in accordance with his request dated 27 April 2016, but notwithstanding this, the City indicates its concern that the Minister’s solution will not apply to new modular or transportable dwellings, and the potential remains for buildings to occur that are discordant with an established character of an area.

- 2.2 To reiterate that the City supports the adoption of innovations in house construction techniques that reduce the costs and improve function and affordability, but this need not be at the expense of the character of a locality.

In this regard the City requests the R -Codes review give consideration to simple character controls, to be made available at Part 7 of the R - Codes, for specific areas to be identified by local government and agreed by the WAPC that address a minimum building height for a consistent mass and proportion; that specify a required roof form and pitch; that specify an orientation; and that specify a façade articulation including features providing such as verandas, balconies, eaves, parapets and building colours.

CARRIED 9/0

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11.4 ENVIRONMENT STRATEGY REVIEW

SUBJECT INDEX:	Environment Plans
STRATEGIC OBJECTIVE:	Growth is managed sustainably and our environment is protected and enhanced as we develop.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Environmental Planning
REPORTING OFFICER:	Manager, Environmental Services - Greg Simpson Senior Natural Resource Management / Environment Officer - Will Oldfield
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Revised Environment Strategy

PRÉCIS

This report presents the outcomes of a review of the 2004 Environment Strategy, one of the City's key guiding documents for managing environmental issues since 2004.

The revised Environment Strategy will provide direction on how the City will meet the environmental aspirations of the community, as set out in the Strategic Community Plan and guide the City's future activities in environmental management and sustainability. This report recommends that the revised Environment Strategy (Attachment A) be advertised inviting comment and submissions from the public, before being subject of further Council consideration.

BACKGROUND

In March 2004, Council resolved to endorse an Environment Strategy for the City. Over the past twelve years the Environment Strategy has guided the City's role in the management of local environmental issues. The 2004 Environment Strategy has assisted with incorporating sound environmental management as an organisational value and core business activity, while creating a positive organisational culture. The Strategy has also enhanced working relationships with the community in general, particularly with environmental community groups.

STATUTORY ENVIRONMENT

As part of its many functions and operations, the City must have regard to the following environmental legislation:

- Environmental Protection Act 1986
- Contaminated Sites Act 2003
- Wildlife Conservation Act 1950
- Rights in Water and Irrigation Act 1914
- Waste Avoidance and Resource Recovery Act 2007
- Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)
- National Greenhouse and Energy Reporting Act 2007 (Commonwealth)

A number of changes have been made to environmental legislation since Council's endorsement of the Environment Strategy in 2004. This review ensures that the City's Environment Strategy remains consistent with environmental legislation.

The Town Planning framework and Local Environmental Planning Strategy guides development and integrates environmental conservation, preservation and protection of key natural assets through

the planning and development process and is a significant component of the City's implementation of environmental management at a strategic level.

RELEVANT PLANS AND POLICIES

In March 2011, Council resolved (resolution C1103/070) to adopt Environment Policy 030, to guide the City's commitment to continuous improvement in environmental management towards creating a sustainable balance between environmental, social and economic values throughout the District. Environment Policy 030 is included with this report as Appendix 1 in Attachment A

The following other key environmental related plans have also been endorsed by Council:

- Local Environmental Planning Strategy
- Biodiversity Incentives Strategy
- Corporate Energy Action Plan
- Local Water Action Plan
- Waste Management Strategy (draft)

FINANCIAL IMPLICATIONS

There are no financial implications associated with the officer recommendation seeking Council endorsement to advertise the revised Environmental Strategy for public comment.

Long-term Financial Plan Implications

The revised Environment Strategy guides the approach towards ensuring the City's natural environment is cared for and enhanced for the enjoyment of the community and visitors through the development and implementation of management plans, programmes and associated on-ground works, much of which will be accomplished utilising available resources and within the City's current ten-year financial plan.

While the revised Environment Strategy is expected to have a ten year life, the strategic actions within the document will be reviewed every three years. Council may wish to implement a range of initiatives in environmental management and sustainability during the life of the revised Environment Strategy and any actions requiring additional resources will be evaluated and if considered appropriate by the Council, incorporated into the City's ten-year financial plan and annual budget development process.

STRATEGIC COMMUNITY OBJECTIVES

The review of the Environment Strategy is relevant to Key Goal Area 5 – Cared for and Enhanced Environment and Community, and Objective 5.1 – “Our natural environment is cared for and enhanced for the enjoyment of the community and visitors.”

RISK ASSESSMENT

An assessment of the potential implications of not 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 as medium or greater.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Environmental/ Reputational risk arising from	Strategic Plan developed in consultation with the community and implementation	Minor	Possible	Medium

inadequate management of natural environs.	of actions to manage use, access and protection of environmental and heritage values.			
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CONSULTATION

The preparation of the revised Environment Strategy has involved consultation with the community and other stakeholders. A range of consultation activities were undertaken to ensure the community and key stakeholders were given the opportunity to provide input during the preparatory consultation process.

The following consultation activities were undertaken as part of the preparation of the strategy:

- Workshops with key stakeholders including environment groups and agencies;
- Meetings with the City Environmental Reference Group;
- Workshop with City Staff;
- South West Aboriginal Land and Sea Council briefing; and
- Councillor briefing and workshop.

This report recommends that the revised Environment Strategy be advertised to the wider community for the purpose of seeking public comment and submissions. Notices about the consultation process will appear in the local paper and submissions from the community and stakeholders will be invited through the City’s ‘Your Say Busselton’ website.

Government agencies and other stakeholders that may have an interest in the revised Environment Strategy will be notified directly about the consultation period

OFFICER COMMENT

Development of the revised Environment Strategy

The Strategic Actions listed within the Environment Strategy have been developed around the information generated from the consultation sessions and those actions still considered relevant previously listed within the 2004 Environment Strategy. The key environmental issues to be considered in the revised Environment Strategy were grouped into common themes and from that the strategic actions generated.

The process of analysis looked at whether -

- the suggested actions were supported by Policy and Best Practice;
- it was consistent with Community Strategic Plan and any known community expectations;
- they were existing high priority works;
- there was a strong community benefit;
- the action could be achieved at reasonable cost for a sustainable outcome;
- there was opportunity to leverage funding or partner with others; and
- there was a level of environmental risk.

Utilising the above criterion as part of the screening process, the Strategic Actions identified in the revised Environment Strategy are considered robust, worthwhile and appropriate towards ensuring the City’s natural environment is cared for and enhanced.

Revised Environment Strategy themes

All the information that the City has received during the development phase has been analysed and sorted into the following five key themes –

<i>BIODIVERSITY</i>	Protected species, native vegetation, phytophthora dieback, coastal management, weed control and recreation, contaminated sites, and fire management,
<i>WATER</i>	Wetlands and waterways, water quality, stormwater, water sensitive urban design
<i>COMMUNITY</i>	Community engagement, Education, Ecotourism, Community group support (for groups working on City land)
<i>SUSTAINABILITY</i>	Climate change, energy use, water use and waste management.
<i>GOVERNANCE</i>	Manage resources and funds available to achieve best practice environmental outcomes

Revised Environment Strategy theme format

The revised Environment Strategy does not include extensive background information, as most of the environmental background information is readily available in the previous 2004 Environment Strategy and the Local Environmental Planning Strategy. The above five themes identified within the revised Environment Strategy each contains the following -

<i>Scope and context</i>	describes what the chapter focusses on and why it is important
<i>Vision and objectives</i>	these are defined for each chapter/theme
<i>Previous achievements</i>	provides a record of environmental achievements by the City, particularly since 2004 when the current environment Strategy was adopted
<i>Strategic actions</i>	These are the core of the document and describe the strategic actions the City will take during the term of the Strategy

The Strategic Actions listed in the revised Environment Strategy are set out in a table under the following headings -

<i>Stage of implementation</i>	Some projects already started, others are new and some are ongoing activities. This column indicates the status of the activity at the time of producing the strategy.
<i>Implementation method</i>	This indicates the type of activity that will/can be used to implement the action- for example it could be through a new policy or plan, or through community engagement projects
<i>Responsibility</i>	As this is a whole of organisation document this column indicates business units that may be involved in driving the action.

Flagship projects

The revised Environment Strategy guides ongoing environmental management for the City and introduces a number of new initiatives to create a positive presence for the City in the environment and sustainability fields. Strategies with the highest priority and most beneficial activities are proposed as 'flagship projects', which are intended to be creative and generate positive community interest and can be promoted to the broader community. Example key priority flagship projects have been outlined in Appendix 2 of Attachment A.

The flagship projects are intended to focus on opportunities for the community and visitors to the District to interact with the natural environment. Some flagship projects may be included on the City's events calendar, provide places where community and visitors can experience the natural environment, such as Busselton's wetlands, and provide more support to community individuals/groups that have a desire to be involved in caring for the environment on land that the City manages.

CONCLUSION

The revised Environment Strategy has been prepared following extensive consultation with key stakeholders and community and it is recommended that this Strategy be advertised for public comment before being further considered by the Council.

OPTIONS

The Council may resolve not to advertise the revised Environment Strategy for the purpose of public advertising or may require certain aspects within the Strategy to be amended prior to advertising.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Subject to Council supporting the officer recommendation, the revised Environment Strategy will be advertised for public comment. Public submissions received following the public advertising process will be included in a report together with a recommendation seeking Council's adoption of the revised Environment Strategy, by December 2016.

Council Decision and Officer Recommendation

C1607/173 Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council endorses the revised Environment Strategy (Attachment A) for consultation purposes and advertises the Strategy inviting comments and submissions from the public.

CARRIED 9/0

EN BLOC

11.5 DA16/0273 - HOLIDAY HOME (6 PEOPLE) - 67 LINDSAY DRIVE, YALYALUP

SUBJECT INDEX:	Planning/Development Applications
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Planning Officer - Justin Biggar
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

The Council is asked to consider an application seeking approval for a Holiday Home (6 People) at Lot 222 (67) Lindsay Drive, Yalyalup (“the site”).

The proposal has been placed before Council due to location of the holiday home in a non-preferred area as identified in Planning Policy 7C – Holiday Home Provisions.

In assessing the merits of the application the requirements of the above mentioned policy have been given due regard together with other relevant statutory planning considerations contained within the Scheme.

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

BACKGROUND

The application for a Holiday Home was received 11 April 2016. The site is located in a non-preferred area for holiday homes as per Planning Policy 7C – Holiday Home Provisions

The applicant was aware of this restriction and provided a number of rationales in support of the application.

The application was referred to adjoining landowners for comment with two submissions received, both indicating support.

STATUTORY ENVIRONMENT

The key statutory environment is set out in the City of Busselton Local Planning Scheme No. 21 Scheme, as modified by the Deemed Provisions set out in Schedule 2 of the *Planning and Development Regulations 2015*.

In accordance with *Table 1 – Zoning Table* and *Clause 5.17 – Bed and Breakfast and Holiday Homes* of the Scheme a “Holiday Home (Single House)” which proposes to accommodate 9 or less people is a discretionary (“D”) land use within the “Residential” zone. This means that the use is not permitted unless the local government has exercised its discretion by granting approval.

When determining an application for a discretionary (“D”) land use the local government is required to take into consideration the matters set out in Clause 67 of the Deemed Provisions – *Matters to be considered by Local Government*.

Those matters which are considered to be particularly relevant to this application are as follows:

- (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;

- (g) any local planning policy for the Scheme area;
- (n) the amenity of the locality including the following —
 - (ii) the character of the locality;
 - (iii) social impacts of the development;

A Holiday Home is also required to be registered, and maintain its registration, under the *City of Busselton Holiday Homes Local Law 2012*.

RELEVANT PLANS AND POLICIES

Local Planning Policy 7C – Holiday Home s

The City's Holiday Home framework (Planning control, local law-registration) was adopted on 12 December 2012 and became effective on 26 December 2012, with a phased introduction through the first half of 2013.

The *Local Planning Policy 7C – Holiday Home s* identifies areas where holiday homes will be generally supported and identifies servicing requirements for holiday homes. The Policy divides all Residential and Rural Residential zoned lots into two areas, being Area 1 and Area 2. Within Area 1, holiday homes are broadly supported within the "Residential" and "Rural Residential" zones, but within Area 2 holiday homes are broadly supported only in the "Rural Residential" zone.

FINANCIAL IMPLICATIONS

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

STRATEGIC COMMUNITY OBJECTIVES

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

RISK ASSESSMENT

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

CONSULTATION

A consultation period of 14 days was undertaken with adjoining landowners notified of the proposal.

Two submissions were received from 48 Lindsay Drive and 71 Lindsay Drive, both indicating support.

OFFICER COMMENT**Broader Context:**

The City of Busselton has traditionally been a holiday home destination with holiday homes making an important contribution to the local economy. Holiday homes may be a second home and rented to offset some costs or rented as a property investment. Holiday homes often go through transitions from a second home that is then rented occasionally, before facilitating the owner's transition to permanent residency in the City of Busselton.

The site is the former family home of the applicant who has relocated to Perth for work purposes. They wish to retain the home to maintain the ability to visit Busselton.

Policy Context:

Planning Policy 7C outlines the criteria when considering an application for a holiday home in the City of Busselton.

As assessed against the requirements of policy, the proposal is considered to meet all relevant criteria with the *exception of the preferred area requirement*.

There are two major considerations informing the preferred area component of the holiday home policy - housing affordability and tourism amenity.

Tourism Amenity:

Holiday homes are considered appropriate in areas of high tourism amenity and close proximity to key attractions such as the beach, town centre and/or rural areas and not preferred in inaccessible, residential areas.

Although located outside the preferred area, Willow Grove are considered to satisfy these requirements. With a low R5 residential density and large lot sizes (2000sqm – 10,000sqm), the site is more rural than residential in character with close proximity to native bushland in the Rob Breeden Reserve.

With ready access to both Vasse and Bussell Highway via Blum Boulevard, the site is considered to enjoy proximity and easy access to key tourism attractions, including the Busselton City Centre and foreshore.

Housing Affordability:

The building of dwellings for the sole purpose of letting as holiday homes could be considered to have a detrimental impact on housing affordability within the City, with younger and less wealthy homebuilders squeezed out of the market by more established buyers.

The rationale for excluding residential suburban areas from the holiday home preferred area was to decrease this potential pressure on house prices.

As highlighted above, Willow Grove is an established residential area with a relatively high barrier to entry in terms of cost. The housing affordability rationale for preferred areas is not considered relevant in relation to this particular location.

Scheme Context:

The proposal is considered to satisfy the requirements of *Clause 67 of the Deemed Provisions - Matters to Be Considered by Local Government*, specifically those highlighted above, being (b) (g) and (n).

Clause G of the Matters to Be Considered, which refers to “any local planning policy for the Scheme area,” has been addressed above.

Due to the nature of the holiday home, the small number of people proposed (6), the size of the lot and supportive neighbour comments received during the referral process, it is not considered the proposal will have a detrimental impact on amenity and that approval is consistent with the requirements of orderly and proper planning.

CONCLUSION

It is recommended that the Council approve the application with appropriate conditions.

If Council is supportive of the recommendation, the Council may wish to reconsider the non-preferred area component of Planning Policy 7C particularly in relation to suburbs such as Willow Grove.

OPTIONS

The Council could:

1. Refuse the proposal, setting out reasons for doing so; or
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.

Council Decision and Officer Recommendation

C1607/174 Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council resolve:

1. That application DA16/0273 submitted for development at Lot 222 (67) Lindsay Drive, Yalyalup is generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
2. That Development Approval is issued subject to the following conditions:

General Conditions:

1. The use hereby approved shall be in accordance with the Approved Plan dated (attached), including any conditions placed thereon by the City of Busselton.
2. The use hereby approved shall at all times comply with the definition of Holiday Home (Single House) as provided in Schedule 1 of the City of Busselton Local Planning Scheme No. 21, as follows:

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

Notwithstanding the above interpretation, the approved use is restricted to a maximum of 6 people.

3. Advertising signage associated with the approved use shall be no greater than 0.2m², located within the subject site.
4. A minimum number of 2 car parking bays shall be provided on site.

**CARRIED 9/0
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11.6 CONSOLIDATED PARKING SCHEME AMENDMENTS

SUBJECT INDEX:	Minor Parking Scheme Amendments
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Manager, Environmental Services - Greg Simpson
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Designated Parking Stalls Port Geographe Boatramp Carpark Attachment B Designated Parking Stalls and Two Hour Time Limit Cammilleri Street Attachment C Designated No Parking Road and Verge Fairbairn Road

PRÉCIS

The purpose of this report is to seek Council's endorsement of proposed amendments to the City's Consolidated Parking Scheme, to –

- 1) establish a parking area in the Port Geographe boat ramp carpark for the Busselton Volunteer Marine Rescue Group tow vehicle and boat trailer;
- 2) car parking stalls and two hour parking times for a section of Cammilleri Street (eastern side) between Kent Street and Fairbairn Road; and
- 3) no stopping/parking areas along the south side and a small section along the north side of Fairbairn Road between Brown and Cammilleri Street.

BACKGROUND

The City's Consolidated Vehicle Parking Scheme (the Scheme) is periodically reviewed and amended from time to time, thereby ensuring that the Scheme remains current. The most recent changes to the Scheme were endorsed by Council in October 2014.

The following are proposed as amendments to the Scheme:

1. *Designated vehicle parking stalls - Port Geographe Marina car park*

The Busselton Volunteer Marine Rescue Group provide essential marine rescue and associated services to the community and regularly launch their vessels from the boat ramp at the Port Geographe Marina. The Busselton Volunteer Marine Rescue Group has requested parking stalls be designated within the Port Geographe boat ramp car park, in close proximity to the boat ramp, for sole use by the tow vehicle and boat trailer used by the Busselton Volunteer Marine Rescue Group when launching their rescue boat at the marina. This proposed amendment is included as Attachment A.

2. *Car parking stalls with 2 hour parking times - Cammilleri Street, between Kent Street and Fairbairn Road*

The City has received a number of requests for parking controls on the eastern side of Cammilleri Street, between Kent Street and Fairbairn Road. This report recommends the establishment of car parking stalls and two hour parking times for a section of Cammilleri

Street (eastern side) between Kent Street and Fairbairn Road. This proposed amendment is included as Attachment B.

3. *No parking/no stopping area - Fairbairn Road, between Cammilleri and Brown Streets*

The City has received a number of requests to introduce parking controls on the southern side of Fairbairn Road between Cammilleri and Brown Streets to improve public safety. This report recommends the introduction of no parking and no stopping areas on the southern side of Fairbairn Road between Cammilleri and Brown Streets, with a small no stopping area introduced on the northern side of Fairbairn Road near its intersection with Cammilleri Street. This proposed amendment is included as Attachment C.

It should be noted that other changes to parking controls are being considered in other locations, most notably in Dunsborough Town Centre, Yallingup Townsite and Albert Street, Busselton; but they will be subject of further consultation before being presented for further Council consideration.

STATUTORY ENVIRONMENT

The City designates and polices parking and traffic restrictions under the powers of the *Parking Local Law 2011*. The designation of parking stalls, stations and areas occurs under Part 2 of the Local Law, and the Consolidated Vehicle Parking Scheme (a large series of plans identifying the location and type of parking restrictions in detail) is adopted pursuant to Part 2 as a means to identify these designations. Designations are given practical effect through on-ground signage and line marking, as well as the issue of local public notice as required by the Local Law.

Where the Council makes a determination to establish or amend a parking stall, parking stations and parking areas under *Parking Local Law 2011*, the CEO must give local public notice of, and erect signs to give effect to, the determination.

RELEVANT PLANS AND POLICIES

Local Planning Policy 8A: Car Parking Provisions outlines the requirements for the provision of vehicle parking facilities associated with development, which includes consideration of special purpose parking dependent on the nature of the development and includes minimum provision of taxi pick-up bays, motorcycle bays and bicycle parking facilities.

FINANCIAL IMPLICATIONS

Resources required for implementation of the local law, that is to mark parking bays and or zones with paint and installing signs on posts, are provided for within the City's overall operational budget and can be achieved without any effect on other operational areas.

Long-term Financial Plan Implications

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

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 2.2 of the 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 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>
Public Health and Reputational Risk – inadequate vehicle parking control affecting pedestrian safety.	Implementation of parking management.	Minor	Possible	Medium

CONSULTATION

In preparing this report City staff have consulted with the Busselton Volunteer Marine Rescue Group and the Port Geographe Marina management, Salvation Army Op Shop staff, and businesses and residents in Fairbairn Road, between Cammilleri and Brown Streets.

OFFICER COMMENT

Comments regarding each proposal are set out below.

1. *Designated vehicle parking stalls - Port Geographe Marina car park*

The allocation of dedicated parking stalls for the Busselton Volunteer Marine Rescue Group at the Port Geographe boat ramp car park will ensure that vehicle parking is available in close proximity to the launching facility, to enable launching of the rescue boat in a timely manner, particularly on those days when there is a high demand for vehicle parking. Note that there will be as advisory only, as the Local Law does not recognize Marine Rescue vehicles as a separate 'class' of vehicles.

2. *Designated car parking stalls with 2 hour parking times - Cammilleri Street between Kent Street and Fairbairn Road*

Cammilleri Street experiences significant vehicle traffic flow and vehicle parking particularly on the eastern side (immediately south of Kent Street) has been observed to encroach on the foot path and brick paved areas. The footpath is sufficiently wide to enable the establishment of vehicle parking stalls and separate pedestrian access.

New stalls have been marked to trial car parking along a section of footpath and to delineate the pedestrian footpath. The existing concrete footpath has been marked to create parking stalls and the brick paved area between the building and the existing concrete footpath is being used for pedestrian traffic. This report recommends that Council formalise these arrangements.

It should be noted that when this work was done 'one-hour' parking limit signs were erected, but never reflected in the adopted parking scheme. As it is not practicable or necessary to enforce one hour parking limits in this area, a two hour limit is proposed.

3. *No parking/no stopping area - Fairbairn Road, between Cammilleri and Brown Streets*

Currently vehicle parking occurs along both sides of Fairbairn Road between Cammilleri and Brown Streets and this practice is currently reducing trafficable road width, particularly near the Fairbairn/Cammilleri Street intersection.

The following proposed parking controls for Fairbairn Road are recommended:

- I. Install “No Stopping on Roadway” signage on the south side of Fairbairn Road from Brown Street to the commencement of the paved brick footpath surface opposite the premises number 2 Fairbairn Road;
- II. Install “No Stopping Road or Verge” signage adjacent to the paved brick footpath surface opposite the premises number 2 Fairbairn Road, extending to Camilleri Street and immediately adjacent on the opposite side (northern side) of Fairbairn Road.

CONCLUSION

It is recommended that the Council adopt the officer recommendation and amend the Consolidated Parking Scheme.

OPTIONS

Council may resolve not to support the Officer recommendation to designate additional parking bays and no parking/no parking areas as proposed or may amend the proposal.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Where the Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the *Parking Local Law 2011*, the CEO must give local public notice of, and erect signs to give effect to, the determination. Subject to Council endorsement of the officer recommendation local public notice will be advertised and appropriate signage erected prior to 30 September 2016

Council Decision and Officer Recommendation

C1607/175

Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council determines pursuant to the *City of Busselton Parking Local Law 2011*, changes to the Consolidated Parking Scheme to include -

1. Two parking stalls within the Port Geographe boat ramp car park for sole use by the Busselton Volunteer Marine Rescue Group (Attachment A);
2. Car parking stalls with 2 hour parking time limits on the eastern side of Camilleri Street, between Kent Street and Fairbairn Road (Attachment B);
3. No stopping on roadway and no stopping road or verge areas along Fairbairn Road between Brown and Camilleri Streets (Attachment C); and
4. Gives notice of that determination as required by the *City of Busselton Parking Local Law 2011*.

CARRIED 9/0

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12. ENGINEERING AND WORKS SERVICES REPORT

Nil

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

13.1 GLC ALLIED PROFESSIONAL HEALTH SUITES

SUBJECT INDEX:	GLC Allied Professional Health Suites
STRATEGIC OBJECTIVE:	A City where the community has access to quality cultural, recreation, leisure facilities and services.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Recreation Facilities Coordinator - David Goodwin
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Plan Showing Suite One (1) Premises to be Leased Attachment B Landgate Valuation dated 13 January 2016

PRÉCIS

The City has received an Expressions of Interest (Eoi) for a commercial lease in the remaining vacant Health Suite at the Geographe Leisure Centre (GLC) from Just Great Pty Ltd an Occupational Therapy practice specialising in hand therapy services.

The City advertised the proposed disposition in accordance with section 3.58 of the Local Government Act 1995 (LGA). No submissions were received.

This report recommends that Council enter into a lease agreement with the proponent and the terms and conditions of these arrangements.

BACKGROUND

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

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

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

Gavin Rainbow trading as Life live it Occupational Therapy is leasing suite two (2). Suite two (2) is approximately 17m2 and has been leased to Gavin Rainbow for one year at \$17,160 per annum (inclusive of GST and outgoings). The lease commenced on 1st May 2016 and expires on 30th April 2017 with a further option to extend by one year and then a further term to extend by two years.

New Fees and Charges for Community and Commercial daily hire were also adopted by Council on 25 February 2015(C1502/040). These fees have enabled the rooms to be hired periodically by a number of different users. Charlotte De Latte is currently hiring suite four (4) for a Myopractic service until such time as works have been completed in relation to noise reduction from the adjacent group fitness area. Once these works have been completed to the satisfaction of Charlotte De Latte then the lease, previously endorsed by Council , will be entered into.

This report provides the details of the proposal from Just Great Pty Ltd as Trustee for the Wilson Family and seeks Council endorsement of the terms of a proposed commercial lease arrangement with Just Great Pty Ltd as Trustee for the Wilson Family Trust for the purpose of Occupational Therapy specialising in hand therapy services from Health Suite One (1) .

STATUTORY ENVIRONMENT

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

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

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

RELEVANT PLANS AND POLICIES

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

FINANCIAL IMPLICATIONS

Negotiations in relation to the proposed lease with Just Great Pty Ltd as trustee for the Wilson Family Trust trading as Cathy Thomas Occupational Therapy specialised hand therapy services resulted in an annual rent of \$17,160 inclusive of outgoings and GST. The rent will be indexed by CPI annually. The proposed lease term is twelve (12) months, with an option for a further three (3) years and then a further two (2) three (3) year options.

A net market rental value for the health suites provided a range of rental income between \$13,068 and \$14,916 per annum exclusive of GST and outgoings. The valuation was provided by an independent valuer on the 13 January 2016. (See Attachment B).

The proponent's rental offer of \$17,160 per annum, inclusive of GST outgoings, is in line with the range of market rental recommended in the valuation.

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

Long-term Financial Plan Implications

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

STRATEGIC COMMUNITY OBJECTIVES

Leasing of Suite one (1) at the GLC is consistent with the following City of Busselton Community Strategic Plan objectives:

- 2.1 A City where the community has access to quality cultural, recreation, and leisure facilities and services.
- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
- 2.3 Infrastructure assets that are well maintained and responsibly managed to provide for future generations.

RISK ASSESSMENT

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

CONSULTATION

Local advertising of the City's intention to lease the property was undertaken from 1 to 15 June 2016, in accordance with Section 3.58 of the Local Government Act 1995. No submissions were received.

OFFICER COMMENT

The City has been advertising for expressions of interest (Eoi) for the use of allied health suites at the GLC since late 2014. The suites have been advertised through an on line real estate agent and this has generated a number of enquiries.

The proponent, Just Great Pty Ltd as trustee for the Wilson Family Trust trading as Cathy Thomas Occupational Therapy Specialised Hand Therapy Services, has had an established business in Perth since 1995, and currently has over fifteen therapy staff delivering a high quality service to clients. Cathy Thomas Occupational Therapy - Specialised Hand Therapy Services is a group of Occupational Therapists with Cathy Thomas as Director who has expertise in the treatment and rehabilitation of the hand and upper limb. They have been in operation for over 21 years, and have provided services in regional WA since 2002. Cathy Thomas has over 26 years' experience as an Occupational Therapist in the field of Hand Therapy.

Their main office is located in West Perth with metropolitan clinics at Subiaco (within the Western Australian Plastic Surgery Centre), Midland, Rockingham, Joondalup, Murdoch and Armadale, and one country clinic in Albany.

The submission received incorporated a rent of \$17,160 per annum inclusive of GST and outgoings. This offer is in line with the market rental valuation. The proposed lease term is twelve (12) months, with an option for a further three (3) years and then a further two (2) three (3) year options.

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

A commercial lease arrangement for Health Suite One (1) supports the Council's objective to: increase revenues and reduce operating costs at the GLC. It also helps to achieve the key performance indicator: to continue to reduce the net operating deficit of the GLC facility. The rent proposed by the proponent is in line with the market valuation and supports the achievement of the revenues forecast in the GLC Business Plan.

CONCLUSION

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

For these reasons, it is recommended that the Council enter into a lease with Just Great Pty Ltd as Trustee for the Wilson Family Trust on the conditions noted in the Officer Recommendation with all other conditions to be consistent with the commercial terms and conditions for other allied health suites.

OPTIONS

1. Council can resolve not to enter into a lease agreement with Just Great Pty Ltd as Trustee for the Wilson Family Trust and re-advertise the premises.
2. Council can resolve to enter into a different term of lease with Just Great Pty Ltd as Trustee for the Wilson Family.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A lease would be forwarded to the Minister for Lands for preapproval by 28 July 2016. It is anticipated that signing of the lease would be on or before the 1 August 2016.

Council Decision and Officer Recommendation

C1607/176

Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council:

1. Enter into a lease, subject to the Minister for Lands approval, with Just Great Pty Ltd as Trustee for the Wilson Family Trust for the occupation of Health Suite One (1) of a portion of Reserve 29933, being Lot 300, Deposited Plan 50595, Volume LR3137 Folio 982, 1 Recreation Lane, West Busselton as shown hatched on Attachment A. The terms and conditions of the lease to include the following:
 - a. an initial leasehold term of 12 months; with an option for a further three (3) years and then a further two (2) three (3) year options.
 - b. rent to commence at \$17,160 in the first year then indexed by CPI annually, all amounts inclusive of GST and outgoings;
 - c. the tenant to be responsible for telephone and, internet connections and charges applied to the leased premises; and
 - d. other terms and conditions consistent with the City's existing allied health suite leases.

CARRIED 9/0

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13.2 BUSSELTON SENIOR CITIZENS EXPANSION PROPOSAL

SUBJECT INDEX:	Busselton Senior Citizens Expansion Proposal
STRATEGIC OBJECTIVE:	A community that supports healthy, active ageing and services to enhance quality of life as we age.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Manager, Community Services - Maxine Palmer
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A BSCC Proposed Expansion Attachment B Senior Citizens Centre Proposal

PRÉCIS

The City leases a building on a portion of Lot 73 Peel Terrace, Busselton to the Busselton Senior Citizens Centre Inc (BSCC). The building is known as the Senior Citizens Centre (“the Centre”). The City has received a proposal from BSCC to reconfigure and expand their building by approximately 339m² to cater for an expected growth in memberships.

The purpose of this report is to seek Council’s in-principle support to increase the area of land leased to the BSCC, subject to further planning and design for the whole of Lot 73 Peel Terrace being undertaken and presented back to Council, and to the negotiation of a new lease to incorporate the expanded area at an appropriate time in the future.

BACKGROUND

The Shire of Busselton Strategic Plan 2010-2020 identified a need to provide for an increasingly aging society and introduced a strategic priority to ‘prepare a strategy to assist the aged.’ Funding was obtained from the South West Development Commission (SWDC) and the Department for Local Government and Communities (DFLGC) to undertake research and consultation to understand the needs of the 60 plus age group and develop a strategy.

In 2011, the Age Friendly Communities Project was undertaken. Workshops and surveys were undertaken with seniors, age care providers and carers. The BSCC and its members were involved in the consultation process. The report had 39 recommendations including several about the future planning for senior citizens centre(s).

Whilst recommendations from the Age Friendly Communities Project were being implemented the ‘strategy to assist the aged’ was being developed. In October 2012, after a further 12 months of demographic forecasting, research and consultation with agencies, community groups and other government departments, the City of Busselton Social and Aging Plan 2012-2020 was adopted by Council. The Social Plan contains a Seniors/Ageing key focus area which is the ‘age strategy’. Information from the Age Friendly Report was used to develop the strategies in the Plan.

In addition to this, in 2012/13 the City commenced a strategic land review to identify land that it owns and manages to determine future uses. Lot 73 Peel Terrace was considered in this review along with other possible sites that could accommodate a Senior Citizens Centre for Busselton.

In 2014, options to expand on the current BSCC site or relocate and build a larger facility were presented to Council as part of the Long Term Financial Plan review. In the 2016 review of the Long Term Financial Plan, Council identified the expansion of Senior Citizens Centre services for future inclusion further to broader consultation as part of the Community Strategic Plan commencing in July 2016.

On 16 June 2016, the BSCC Board were presented with the progress of planning for their future needs and the options and estimated costs to either expand on the current site, build a secondary site or relocate and build a larger facility. The Board expressed their preference to remain and expand at the current site and provided a proposal which showed how this could be achieved and the approximate cost (attachment 1). It is to be noted that this plan has not been endorsed by the BSCC Board and further work will need to be undertaken to ensure it fits within the City's future planning for the site.

The Centre is located on Lot 73 Peel Terrace, Busselton, which is freehold land owned by the City. The cadastral boundaries of the lot are shown edged green on the Plan marked as Attachment 2. In 2007, the City entered into a lease for the Centre with the BSCC which expires on 5 August 2023. This report seeks Council's in-principle support to increase the area of land leased to the BSCC, subject to further planning and design for the whole of Lot 73 Peel Terrace, including the BSCC site, being undertaken and presented back to Council, and to the negotiation of a new lease to incorporate the expanded area at an appropriate time in the future.

STATUTORY ENVIRONMENT

The City of Busselton Local Planning Scheme 2021 will apply to any development proposal received for the land.

RELEVANT PLANS AND POLICIES

This report relates to the City of Busselton Social Plan (2015–2025) specifically to achieve the goal in the Seniors/Ageing section to provide for "An age friendly community that encourages 'active ageing' by supporting good health, active participation and secure living in order to enhance quality of life as people get older."

FINANCIAL IMPLICATIONS

The 2016/17 draft budget incorporates an allocation to implement a new access road from Peel Terrace to Lot 73. At this stage Council is only requested to support a future increase to the BSCC leased area. There are no financial implications associated with the Officer recommendation.

Long-term Financial Plan Implications

None identified at this stage.

STRATEGIC COMMUNITY OBJECTIVES

The Officer recommendation of this report reflects Key Goal Area 1 and Community Objective 1.3 of the City's Strategic Community Plan, namely "A community that supports healthy, active ageing and services to enhance the quality of life as we age" as well as Key Goal Area 2 and Community Objective 2.1, "A City where the community has access to quality cultural, recreation, leisure facilities and services".

RISK ASSESSMENT

There is a lost opportunity risk in that the area proposed to be leased to BSCC could have been used for other more commercial purposes. However, this is being mitigated by further planning and design of the remainder of Lot 73 so as not to compromise any other potential interest in the development of the site. It is therefore considered there are no identified risks of a medium or greater level associated with the Officer recommendation.

CONSULTATION

Officers have worked closely with the Manager of BSCC to forecast future growth expectations and to identify the key needs of the Busselton Senior Citizens Centre to provide for an increasingly aging population.

Officers from the Engineering, Development Services and Community and Commercial Services Directorates are working on the future planning for Lot 73 in its entirety.

OFFICER COMMENT

The Age Friendly project estimated by 2026 the population aged 65 and over will have trebled. Demographic profiling isn't yet showing this scale of increase. The 65 plus age group has increased by just 1.7% since 2009 to 2014, however research indicates a growing number of baby bombers will now start to reach retirement and therefore the 65 plus age group will start to increase over the next five to ten years.

In 2014, the last census, 17% of the City of Busselton's population was aged 65 or over. The estimated total population was 35,562, therefore around 6045 people in the City are over 65 years old. Extrapolating this forward, by 2026 the 65 plus population could therefore be 18,137.

BSCC currently has around 800 members which is 14% of the 65 plus population. Based on the population having trebled by 2026, increasing at a flat annual growth rate and BSCC retaining 14% of the 65 plus market, BSCC could increase their membership by 140 new members a year ($18,137 - 6045 = 12091/12$ (Years remaining until 2026) $= 1008$ annual increase $* 14% = 141$).

A flat line growth rate is not necessarily anticipated, not all people who reach sixty five will choose to retire and may continue working and not all retirees will want to join a Senior Citizens Centre. Attraction of new members also won't happen naturally. BSCC will require a comprehensive marketing plan and supporting funding, but certainly the need for an expanded Senior Citizen's Centre service in the next five to ten years is recognised.

Expansion of the current Centre is the lowest cost option and is preferred by the BSCC Board because of the central location close to Busselton CBD the current site provides. It would also avoid some duplication of services and overheads if a secondary site were developed and there would be limited impact on current operations. By reconfiguring the layout of the existing building, and an expansion, BSCC believe the current site can support the 65 plus age increase that is forecast for at least the next ten to fifteen years.

CONCLUSION

The current BSCC site is large enough to accommodate the Seniors Citizens Centre expansion whilst still retaining a large land parcel with significant opportunity for other community or commercial developments.

To allow for the future expansion of the BSCC on Lot 73 Peel Terrace, Officers recommend that Council provides in-principle support to increase the area of land leased to the BSCC, subject to further planning and design for the whole of Lot 73, including the BSCC site, being undertaken and presented back to Council, and to the negotiation of a new lease to incorporate the expanded area at an appropriate time in the future.

OPTIONS

1. Council could choose not to support an expansion of the Busselton Senior Citizen's Centre on Lot 73 Peel Terrace and request Officers to work with the BSCC to establish an alternative option.
2. Council could choose not to make a decision at this time and defer until such time as further planning has been undertaken for Lot 73 Peel Terrace.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

BSCC will be notified immediately following the decision of Council.

Council Decision and Officer Recommendation

C1607/177 Moved Councillor P Carter, seconded Councillor G Bleechmore

That the Council gives in-principle support to increase the area of land leased to the Busselton Senior Citizens Centre (BSCC), subject to further planning and design and for the whole of Lot 73 Peel Terrace, including the BSCC site, being undertaken and presented back to Council, and to the negotiation of a new lease to incorporate the expanded area at an appropriate time in the future.

CARRIED 9/0

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14. FINANCE AND CORPORATE SERVICES REPORT

Nil

15. CHIEF EXECUTIVE OFFICER'S REPORT**15.1 COUNCILLORS' INFORMATION BULLETIN**

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Executive Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Reporting Officers - Various
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received 1 June - 30 June 2016
	Attachment B Planning Applications Determined 1 June - 30 June 2016
	Attachment C State Administrative Tribunal Appeals as at 6 July 2016
	Attachment D Department of Lands - Development Applications Made Under the Auspices of the Planning and Development Act 2005 (PDA)
	Attachment E Minister for Agriculture and Food; Transport - Coastal Adaptation and Protection Grants 2016-2017
	Attachment F Department of Mines and Petroleum - South West Petroleum Exploration Information Concerns
	Attachment G Premier of Western Australia - Busselton Regional Cabinet Meeting
	Attachment H Commissioner for Children and Young People - Letter of Appreciation
	Attachment I Dunsborough Yallingup Chamber of Commerce & Industry - Letter of Appreciation
	Attachment J Department of Local Government and Communities - Safe Haven Enterprise Visas
	Attachment K Shooters, Fishers and Farmers Party WA - Election Letter
	Attachment L Black Dog Ride - Certificate of Appreciation
	Attachment M Margaret River Busselton Tourism Association - Winter Magazine

PRÉCIS

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

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

INFORMATION BULLETIN

15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 June, 2016 and 30 June, 2016. 82 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 June, 2016 and 30 June, 2016. A total of 71 applications (including subdivision referrals) were determined by the City during this period with 71 approved / supported and 0 refused / not supported.

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 6 July 2016.

15.1.3 Current Active Tenders

2016 TENDERS

RFT03/16 BUSSELTON JETTY PAINTING

The City of Busselton invited tenders for the provision of painting services for the Busselton Jetty, including all handrails, the Interpretive Centre building and Under Water Observatory building. The successful supplier will be contracted to supply these painting services for a period of three years. The tender was advertised on 16 April 2016 with a closing date of 10 May 2016. Three (3) tender submissions were received. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in July 2016. The value of the contract is not expected to exceed the CEO's delegated authority. This is a variable price contract and will be based on the submitted tendered rates.

RFT04/16 KOOKABURRA CARAVAN PARK MANAGEMENT AGREEMENT

The City of Busselton invited tenders for the provision of Management Services for the Kookaburra Caravan Park. The successful supplier will be contracted to supply these services for a minimum period of three years. The tender was advertised on 14 May 2016 with a closing date of 14 June 2016. Six (6) tender submissions were received. The value of the contract is expected to exceed the CEO's delegated authority. The evaluation has been completed and a recommendation report is due for presentation to the Council on 27 July 2016.

RFT05/16 BUSSELTON FORESHORE REDEVELOPMENT: DESIGN, SUPPLY & INSTALLATION OF UTILITY SERVICES

The City of Busselton invited tenders for the construction of the Busselton Foreshore Utilities. This includes the design, supply and installation of sewer, potable water, reticulated water, gas & telecommunications infrastructure for the next stage of the Busselton Foreshore development. The tender was advertised on 28 May 2016 with an original closing date of 30 June 2016. The closing date was extended to 6 July 2016. Four tender submissions were received. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the Council in August 2016.

RFT06/16 BUSSELTON FORESHORE PARADE WEST: PROVISION OF CONSTRUCTION SERVICES

The City of Busselton invited tenders for the construction of Foreshore Parade West on the Busselton Foreshore. The tender was advertised on 28 May 2016 with a closing date of 30 June 2016. Six (6) tender submissions were received. The value of the contract is not expected to exceed the CEO's

delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in July 2016.

RFT07/16 PEST AND WEED CONTROL SERVICES

The City of Busselton invited tenders for the provision of Pest and Weed Control Services, including urban and rural pest and weed control on road verges, drainage sumps, cycle-ways, footpaths, kerb-lines, bridges, parks, ovals and other various infrastructure managed by the City. The successful Contractor will be required to provide the required services to the City for a period of two years, with the option of two one year extensions, to be exercised at the discretion of the City. The tender was advertised on 11 June 2016 with a closing date of 28 June 2016. Five (5) tender submissions were received. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the Council in August 2016.

RFT08/16 STREET AND DRAIN CLEANING TENDER

The City of Busselton invited tenders for the provision of Street and Drain Cleaning Services. The successful Contractor was required to provide the required services to the City for a period of three years, with the option of two one year extensions, to be exercised at the discretion of the City. The tender was advertised on 11 June 2016 with a closing date of 28 June 2016. The closing date was extended to 5 July 2016. Due to a delay in providing tender documentation to one of the prospective tenderers, the tender process under RFT08/16 was cancelled and new tender process has commenced for the Street and Drain Cleaning Tender under RFT15/16.

RFT09/16 AUDIO VISUAL FIT OUT – CITY OF BUSSELTON NEW CIVIC & ADMINISTRATION BUILDING

The City of Busselton invited tenders for the Audio Visual Fit-out for the new City of Busselton Administration and Civic Building. The functional requirements of this tender include the design, supply and installation of audio visual technologies for the Council Chambers, Council Civic reception/gallery, function hall and up to six meeting rooms. The tender was advertised on 11 June 2016 with a closing date of 29 June 2016. Four (4) tender submissions were received. The value of the contract is not expected to exceed the CEO's delegated authority. The evaluation has been completed and the recommendation report is due for presentation to the CEO on 14 July 2016.

RFT10/16 SUPPLY AND INSTALLATION OF OFFICE WORKSTATIONS TO THE CITY OF BUSSELTON ADMINISTRATION AND CIVIC BUILDING

Following an Expressions of Interest (EOI 02/16) process for making a preliminary selection among prospective tenderers, the City of Busselton invited tenders for the Supply and Installation of Office Workstations to the City of Busselton Administration and Civic Building. Nine (9) respondents were considered to be capable of satisfactorily supplying the goods/services and were subsequently shortlisted as acceptable tenderers:

Company	Location
CabiCo Pty Ltd	Bunbury
Design Farm	Perth
Innerspace Commercial Interiors Pty Ltd	Perth
UCI	West Perth
Haworth	Perth
Zenith Interiors (WA) Pty Ltd	Perth
Burgtec	Balcatta
Castledex	Osborne Park
Schiavello (WA) Pty	Perth

On 20 June 2016, under delegated authority, the CEO proceeded to invite the shortlisted tenderers to formally submit tenders. The tender closing date was 12 July 2016 and 7 tenders were received. The CEO has a specific delegation in relation to award of this tender, subject to it not exceeding the approved budget for these goods/services (refer Council Resolution C1605/111). It is anticipated that the evaluation process will be concluded and a preferred tenderer appointed by mid-August 2016.

RFT11/16 AIRSIDE D & C CONTRACTOR

Following an Expressions of Interest (EOI 01/16) process for making a preliminary selection among prospective tenderers, the City of Busselton invited tenders for the Airside D & C Contractor (Design and Construction of Airside Infrastructure at Busselton Margaret River Regional Airport). Ten (10) respondents were considered to be capable of satisfactorily supplying the goods/services and were subsequently shortlisted as acceptable tenderers;

Company	Location
Downer EDI Works Pty Ltd	Perth
Densford Civil Pty Ltd	Perth
CPD Contractors Pty Ltd	Perth
Ertech Pty Ltd	Perth
Fulton Hogan Construction Pty Ltd	South Australia
Georgiou Group Pty Ltd	Perth
BCG Contracting Pty Ltd	Perth
BMD Constructions Pty Ltd	Perth
WBHO Infrastructure Pty Ltd	Perth
NRW Pty Ltd	Perth

On 16 June 2016, under delegated authority, the CEO proceeded to invite the shortlisted tenderers to formally submit tenders. NRW Pty Ltd and Fulton Hogan Construction Pty Ltd have since advised that, for commercial reasons, they will not be submitting a tender. A tender briefing and site inspection was held at the Airport on 27 June 2016 which was attended by the remaining eight tenderers. The tender closing date is 28 July 2016. The value of the contract is expected to exceed the CEO's delegated authority under Delegation Ref 3L (refer to Council Resolution C1606/140). It is anticipated the evaluation will be completed and a recommendation report presented to the Council in September 2016.

RFT12/16 SUPPLY AND INSTALLATION OF LOOSE FURNITURE ITEMS FOR THE CITY OF BUSSELTON ADMINISTRATION AND CIVIC BUILDING

The City of Busselton invited tenders for the Supply and Installation of Loose Furniture for the new City of Busselton Administration and Civic Building. The tender was advertised on 25 June 2016 with a closing date of 15 July 2016. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to Council in September 2016.

RFT13/16 BUSSELTON MARGARET RIVER REGIONAL AIRPORT: AVIATION ENGAGEMENT CONSULTANT

The City of Busselton invited tenders for the Busselton Margaret River Regional Airport: Aviation Engagement Consultant. The objective of this tender is to appoint a specialist Airline Consultant to work with the Busselton Margaret River Regional Airport (BMRRRA) Airline Engagement Working Group (AEWG) to develop an approach to attracting and securing an airline(s) in time for the completion of the BMRRRA Development Project, and to assist in the mitigation of identified risk within this area. The tender was advertised on 29 June 2016 with a closing date of 28 July 2016. The CEO has a specific delegation in relation to award of this tender (refer to Council Resolution

C1606/140). It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in August 2016.

RFT14/16 BUSSELTON FORESHORE DEVELOPMENT: JETTY WAY PEDESTRIAN LINK EXPOSED AGGREGATE CONCRETE

The City of Busselton invited tenders for the construction of Jetty Way Pedestrian Link Exposed Aggregate Concrete on the Busselton Foreshore. Jetty Way pedestrian link walkway (incorporating the Jetty train tracks between the Jetty and Railway House) will be located between Foreshore Parade and the Busselton Jetty abutment. The tender was advertised on 2 July 2016 with a closing date of 2 August 2016. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to Council in September 2016.

RFT15/16 STREET & DRAIN CLEANING SERVICES

The City of Busselton invited tenders for the provision of Street and Drain Cleaning Services. This RFT replaces RFT 08/16. The successful Contractor will be required to provide the required services to the City for a period of three years, with the option of two one year extensions, to be exercised at the discretion of the City. The tender was advertised on 9th July, with a closing date of 25th July. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the Council in August 2016.

15.1.4 Department of Lands – Development Applications Made Under PDA

Correspondence has been received from the Department of Lands and is available to view in Attachment D.

15.1.5 Minister for Transport – Coastal Adaptation and Protection Grants 2016-17

Correspondence has been received from the Dean Nalder MLA, Minister for Transport and is available to view in Attachment E.

15.1.6 Department of Mines and Petroleum – South West Petroleum Exploration

Correspondence has been received from the Department of Mines and Petroleum and is available to view in Attachment F.

15.1.7 Premier of Western Australia – Busselton Regional Cabinet Meeting

Correspondence has been received from Colin Barnett MLA, Premier of Western Australia and is available to view in Attachment G.

15.1.8 Commissioner for Children and Young People – Letter of Appreciation

Correspondence has been received from Colin Pettit, Commissioner for Children and Young People and is available to view in Attachment H.

15.1.9 Dunsborough Yallingup Chamber of Commerce and Industry – Letter of Appreciation

Correspondence has been received from the Dunsborough Yallingup Chamber of Commerce and Industry and is available to view in Attachment I.

15.1.10 Department of Local Government and Communities – Safe Haven Enterprise Visas

Correspondence has been received from the Department of Local Government and Communities and is available to view in Attachment J.

15.1.11 Shooters, Fishers and Farmers Party WA – Election Letter

Correspondence has been received from the Hon Nigel Hallett MLC, Member for South West Region and is available to view in Attachment K.

15.1.12 Black Dog Ride – Certificate of Appreciation

Correspondence has been received from the Black Dog Ride and is available to view in Attachment L.

15.1.13 Margaret River Busselton Tourism Association – Winter Magazine

Correspondence has been received from the Margaret River Busselton Tourism Association, the covering letter is available to view in Attachment M and the full edition of the Winter 2016 magazine is located in the Council in tray.

Council Decision and Officer Recommendation

C1607/178 Moved Councillor P Carter, seconded Councillor G Bleechmore

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 State Administrative Tribunal (SAT) Appeals
- 15.1.3 Current Active Tenders
- 15.1.4 Department of Lands – Development Applications Made Under PDA
- 15.1.5 Minister for Transport – Coastal Adaptation and Protection Grants 2016-17
- 15.1.6 Department of Mines and Petroleum – South West Petroleum Exploration
- 15.1.7 Premier of Western Australia – Busselton Regional Cabinet Meeting
- 15.1.8 Commissioner for Children and Young People – Letter of Appreciation
- 15.1.9 Dunsborough Yallingup Chamber of Commerce and Industry – Letter of Appreciation
- 15.1.10 Department of Local Government and Communities – Safe Haven Enterprise Visas
- 15.1.11 Shooters, Fishers and Farmers Party WA – Election Letter
- 15.1.12 Black Dog Ride – Certificate of Appreciation
- 15.1.13 Margaret River Busselton Tourism Association – Winter Magazine

CARRIED 9/0

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ITEMS CONSIDERED BY SEPARATE RESOLUTION

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

10.2 Policy and Legislation Committee - 21/06/2016 - PROPOSED CITY OF BUSSELTON CEMETERIES AMENDMENT LOCAL LAW 2016

SUBJECT INDEX:	Local Laws
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Legal Services
REPORTING OFFICER:	Legal Services Coordinator - Cobus Botha
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Proposed Cemeteries Amendment Local Law 2016

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

PRÉCIS

Following gazettal of the *City of Busselton Cemeteries Local Law 2015 (Cemeteries Local Law)* the Joint Standing Committee on Delegated Legislation (JSC) notified the City that a penalty imposed under clause 9.1 of the Cemeteries Local Law is inconsistent with the *Cemeteries Act 1986 (Cemeteries Act)* and consequently required amendment of the local law to resolve the issue. Council subsequently resolved to authorise the preparation and advertising of the proposed *City of Busselton Cemeteries Amendment Local Law 2016 (Amendment Local Law)*. The purpose of this report is for Council to consider submissions received in relation to the proposed Amendment Local Law and to consider whether to make the proposed Amendment Local Law pursuant to section 3.12 of the *Local Government Act 1995 (Act)*.

It is recommended that Council resolve to make the proposed Amendment Local Law.

BACKGROUND

On 11 November 2015 Council resolved to make the Cemeteries Local Law which was subsequently gazetted on 10 December 2015 and came into operation 14 days after its publication in the *Government Gazette*.

The JSC, which is a committee of state politicians from both houses of the Western Australian Parliament, has delegation from Parliament to scrutinize and recommend the disallowance of local laws to the Parliament of Western Australia. Under the above mentioned delegation, the JSC reviewed the Cemeteries Local Law following gazettal thereof and advised the City that, although section 55(1)(p) of the Cemeteries Act limits the further fine for a continued contravention of a local law to \$20 for every day or part of a day during which the offence has continued, clause 9.1 of the Cemeteries Local law specifies a maximum penalty of \$50 for such an offence; resulting in this provision of the Cemeteries Local Law being inconsistent with the Cemeteries Act. As a consequence the JSC requested Council to give certain undertakings in relation to the Cemeteries Local Law, which resulted in Council resolving on 9 March 2016 as follows:

That the Council:

1. *Provides, in relation to the City of Busselton Cemeteries Local Law 2015, the following undertaking to the Joint Standing Committee on Delegated Legislation:*
 - a) *To amend by no later than 25 August 2016 clause 9.1 of the local law by replacing the amount of \$50 with the amount of \$20;*
 - b) *Not to enforce the continuing fine under clause 9.1 of the local law until it has been amended in accordance with resolution 1(a) above; and*
 - c) *Where the local law is made publicly available, whether in hard copy or electronic form, ensure that the law is accompanied by a copy of these undertakings.*
2. *Commences the law-making process for amending the City of Busselton Cemeteries Local Law 2015, the purpose and effect of the amendment local law being as follows:*

Purpose: To amend clause 9.1 of the City of Busselton Cemeteries Local Law 2015 to ensure consistency with the Cemeteries Act 1986.

Effect: Replacement of the penalty \$50 for a continuing offence under clause 9.1 of the City of Busselton Cemeteries Local Law 2015 with a penalty of \$20 to achieve consistency with the relevant provisions under the Cemeteries Act 1986.
3. *Authorises the CEO to carry out the law-making procedure under section 3.12(3) of the Local Government Act 1995, by –*
 - (i) *giving Statewide public notice and local public notice of the proposed amendment of the local law; and*
 - (ii) *giving a copy of the proposed amendment local law and public notice to the Minister for Local Government.*
4. *That the CEO, after the close of the public consultation period, submit a report to the Council on any submissions received on the proposed amendment of the local law to enable the Council to consider the submissions made and to determine whether to make an amendment local law in accordance with section 3.12(4) of the Act.*

Pursuant to abovementioned Council resolution the City provided the requested undertakings to the JSC, gave Statewide and local public notice of the proposed Amendment Local Law and provided the Minister for Local Government and Communities with a copy of the public notice and proposed Amendment Local Law.

The proposed Amendment Local Law is now referred to Council for consideration to resolve whether or not to make the proposed Amendment Local Law.

STATUTORY ENVIRONMENT

The procedure for making an amendment local law is the same as the procedure for making a local law. The procedure for making local laws is set out in section 3.12 of the Act and Regulation 3 of the *Local Government (Functions and General) Regulations 1996*.

In terms of section 3.12(4) of the Act Council is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was originally proposed. A decision to make a local law has to be supported by an absolute majority of the Council.

If Council resolve to make the proposed Amendment Local Law then the process required under section 3.12(5) and (6) of the Act needs to be carried out. Section 3.12(5) requires that the local law be published in the *Government Gazette* and a copy be provided to the Minister. Section 3.12(6)

requires that after the local law has been published in the *Government Gazette*, the City must give local public notice stating the title of the local law, summarising the purpose and effect of the local law and advising that copies of the local law may be inspected at or obtained from the City offices.

In accordance with section 3.14 of the Act the Amendment Local Law will come into operation 14 days after publication in the *Government Gazette*.

RELEVANT PLANS AND POLICIES

None.

FINANCIAL IMPLICATIONS

Costs associated with the advertising and gazettal of the proposed Amendment Local Law will come from the legal budget. These costs are unlikely to exceed \$2,000 and there are sufficient funds in the legal budget for this purpose. Making and implementing the proposed Amendment Local Law should not have any other financial implications for the City.

Long-term Financial Plan Implications

Abovementioned expenses will not impact on the City's Long-term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

The proposal aligns with the *City of Busselton Strategic Community Plan 2013* as follows:

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

RISK ASSESSMENT

The proposed Amendment Local Law does not involve any significant changes from current practices and is therefore considered low risk with no risks identified as "medium" or greater.

CONSULTATION

The proposed Amendment Local Law was advertised publicly in both local and state wide newspapers for a minimum of 6 weeks in accordance with the requirements under section 3.12(3)(a) of the Act. No public submissions were received.

The proposed Amendment Local Law was also given to the Minister for Local Government and Communities for consideration and comment. Except for minor drafting changes, the Department of Local Government and Communities, who responded on behalf of the Minister, did not require any variations to the proposed Amendment Local Law.

OFFICER COMMENT

Section 55 of the Cemeteries Act provides local governments with the heads of power to make local laws that are necessary or convenient for the purposes of this act. In terms of Section 55(1)(p) a local law may provide that contravention of a local law constitutes an offence and provide for penalties not exceeding a fine of \$500 and, if the offence is a continuing one, to a further fine not exceeding \$20 for every day or part of a day during which the offence has continued.

Clause 9.1 of the Cemeteries Local Law, which was made in accordance with the provisions of Section 55(1)(p) of the Cemeteries Act, specifies the further fine for a continuing offence as "not exceeding

\$50 for every day or part of a day during which the offence has continued". The amount of \$50 (instead of \$20 as prescribed under the act) is a typographical error and clearly inconsistent with the relevant provisions of the Cemeteries Act. In order to rectify this error the amount of \$50 in clause 9.1 of the Cemeteries Local Law must be replaced with \$20. No other amendments to the local law are required as a consequence of this change.

The proposed amendment is consistent with the undertakings provided by the City to the JSC. It is therefore recommended that Council resolve to make the proposed Amendment Local Law.

CONCLUSION

The proposed Amendment Local Law will achieve consistency between the relevant provisions of the Cemeteries Local Law and the Cemeteries Act and avoid disallowance of the Cemeteries Local Law by Parliament.

OPTIONS

Cognisant of the undertakings given by Council to the JSC to effect the proposed amendment and given the matter has previously been considered by Council and obtained unanimous support, it is considered that Council have no other option than adopting the Officer Recommendation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If Council resolve to make the proposed Amendment Local Law, the local law will be gazetted and will come into operation 14 days after publication. The timeframe for completion of the gazettal process is approximately thirty days from the date of the Council resolution.

Council Decision / Committee Recommendation and Officer Recommendation

C1607/179

Moved Councillor J McCallum, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Resolves to make the City of Busselton Cemeteries Amendment Local Law 2016 in accordance with section 3.12(4) of the Local Government Act 1995.
2. Authorises the Chief Executive Officer to carry out the processes required to make the City of Busselton Cemeteries Amendment Local Law 2016 in accordance with section 3.12(5) and section 3.12(6) of the Local Government Act 1995.

CARRIED 9/0

BY ABSOLUTE MAJORITY

13.3 RFT04/16 KOOKABURRA CARAVAN PARK MANAGEMENT CONTRACT

SUBJECT INDEX:	RFT04/16 Kookaburra Caravan Park Management Contract
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Commercial Services
REPORTING OFFICER:	Manager, Commercial Services - Jennifer May
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Confidential 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 the Councillors, the Chief Executive Officer and Directors only.

DISCLOSURE OF INTEREST	
Name/Position	Grant Henley, Councillor
Item No./Subject	13.3 - RFT04/16 Kookaburra Caravan Park Management Contract
Type of Interest	Financial Interest
Nature of Interest	Due to the ownership of 66 Adelaide Street, Busselton

DISCLOSURE OF INTEREST	
Name/Position	Coralie Tarbotton, Councillor
Item No./Subject	13.3 - RFT04/16 Kookaburra Caravan Park Management Contract
Type of Interest	Impartiality Interest
Nature of Interest	Due to a family member being an applicant

6.00pm At this time Councillor Grant Henley left the meeting and Councillor Coralie Tarbotton assumed chairmanship of the meeting.

PRÉCIS

The Request for Tenders for the Management Contract of the Kookaburra Caravan Park has now closed and tender submissions have been received and evaluated. This report summarises the submissions received and recommends that Council awards RFT04/16 Kookaburra Caravan Park Management Contract to BCP Contractors Pty Ltd.

BACKGROUND

The management contract for the Kookaburra Caravan Park was first advertised in July 2012 and executed with the current Managers on 1 November 2012 for a three (3) year term with a further one (1) year option being exercised.

Prior to the current management contract the City employed staff to operate the Park, however following a review of the management options in 2012, Council agreed to contract this service out. This was in main due to the previous difficulties in recruiting and retaining suitable staff, a management contract allows for a more flexible management arrangement and allows the City to engage experienced individuals/organisations that would usually not be available through the City's employee recruitment process. In addition to this, managing caravan parks is not seen as a core service of the City.

A further opportunity through a management contract is it allows for partnerships between organisation's and individuals offering a broader level of experience and knowledge extending across management systems, marketing and promotions, OSH, customer service, asset maintenance and renewal as well strategy development, financial and operational planning.

The first management contract commenced in November 2012 and has been successful in delivering the daily operational services for the Park. A number of improvements have been implemented over the term of the contract and the overall standard of the Park with regard to the facilities and cleanliness resulting in a recent rating audit of 3.5 stars.

During the term of the contract, a small number of issues have been identified with interpreting the original management contract, and as such Officers have reviewed the contract and made improvements where necessary. However, in general, the intent and scope of services of the management contract have not changed and the contract term has remained at three years with a one year option.

STATUTORY ENVIRONMENT

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 apply. 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 draft 2016/17 Kookaburra Caravan Park Operations Budget has a total allocation of \$390,800, split across two accounts; \$314,300 in Contractors and \$76,500 in Contract Cleaning Building Costs. The recommendation to award the tender to BCP Contractors is for the amount of \$385,000 which is within the allocated budget. The tender price is then fixed (plus annual CPI) for the term of the contract. A further budget allocation of \$5,850 is also included in the draft 2016/17 operations budget for a performance based bonus which is defined in the contract.

Long-term Financial Plan Implications

The annual budget allocation of funds for the management contract for the Park is included in the LTFP. The LTFP increases the management fee by CPI which is in line with the management contract.

STRATEGIC COMMUNITY OBJECTIVES

The Kookaburra Caravan Park is one of the Council's strategic assets and the ongoing management is consistent with the City's following strategic objectives to:-

Community and Social Wellbeing;

- Provide a range of quality, cultural, recreation and sporting facilities and services.

Business and Economic Wellbeing;

- To assist and provide for the economic development of the district.

Natural and Built Environment Wellbeing

- Responsible management of public infrastructure assets.

RISK ASSESSMENT

A risk assessment was carried out and risks of medium and high associated with the awarding of the tender are listed below;

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
The Managers do not meet the KPI's included in the Management Contract and revenue targets are not met or reputational damage occurs.	The Managers are required to prepare a management plan and marketing plan within a specified time of signing the contract. Regular meetings with the Managers will be put in place to monitor KPI's and identify any issues.	Minor	Possible	Medium

CONSULTATION

RFT04/16 Kookaburra Caravan Park Management Contract was advertised between 14 May 2016 and 11 June 2016, for a period of four weeks, closing at 2.00pm on Tuesday 14 June 2016.

OFFICER COMMENT

RFT04/16 Kookaburra Caravan Park Management Contract was advertised between 14 May 2016 and 11 June 2016, for a period of four weeks, closing at 2.00pm on Tuesday 14 June 2016.

The City issued RFT documents to nineteen (19) potential Respondents and received a total of six (6) Submissions from five (5) tenderers as follows:

	Company	Location	Contact
1.	GOMOUNT	Harrisdale WA	Dennis Osia
2.	KOOKA SERVICES	Busselton WA	Peter and Deborah Ebsary
3.	BJECA	Busselton WA	Lisa Shreeve
4.	BCP Contractors	Busselton WA	Kyle Jackson
5.	BCP Contractors (Alternative Tender)	Busselton WA	Kyle Jackson
6.	LAKSHMI (WA) PTY LTD	Busselton WA	Paul & Peta Fullarton

Three mandatory pretender site inspections were held on 24 May, 1 June and 10 June 2016 at the Kookaburra Caravan Park and was attended by all respondents;

- BCP Contractors Pty Ltd
- Kooka Services
- Gomount
- Lakshmi (WA) Pty Ltd
- BJECA.

The tender assessment was carried out by a tender review panel consisting of Naomi Searle (Director Community & Commercial Services), Sophia Moore (Contract and Tendering Officer) and Jennifer May (Manager Commercial Services). 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. All six (6) tender submissions were found to be compliant with the specified requirements

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

The qualitative criteria assessed and weightings applied were as follows;

- | | |
|-------------------------------------|-----|
| • Relevant Experience | 20% |
| • Key Personnel Skills & Experience | 15% |
| • Tenderer's Resources | 5% |
| • Demonstrated Understanding | 10% |

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

- Tendered Price: 50%

The net tendered price was scored used the 'Average Based Scoring Method' recommended by WALGA.

The panel members individually assessed the compliance and qualitative criteria and applied an average to provide a final rating. The scores were then added together to indicate the rankings for the tender.

The attached confidential report provides the detailed evaluation by individual panel members for each tender submission.

Following the evaluation, the panel agreed that two (2) of the five (5) tenderers would be requested to provide clarification on their tender responses. Tender Points of Clarification were issued and the responses forwarded onto the evaluation panel for assessment once received by the City. A further meeting of the evaluation panel was carried out to agree on a final recommendation.

When combining the tendered price in conjunction with the qualitative criteria detailed in Part 6 – Tenderer's Offer, the evaluation panel all agreed to recommend RFT04/16 Kookaburra Caravan Park Management Contract be awarded to BCP Contractors Pty Ltd based on the qualitative and pricing scoring as detailed in the confidential attachment.

BCP, provided a detailed tender response highlighting that they would be 'partnering' with two experienced organisations that specialise in providing operational support, management and training services to caravan park operators and owners. BCP's previous experience is in facilities management, asset management, construction resources however combined with Innoviv's management and operational support, as well as OSH, financial reporting, experience in park design, planning, redevelopment plans and strategies meet the requirements of the contract. Hire Me Holiday Parks Management will also support BCP in providing Caravan Park and resort training, management tools designed to improve business performance and meet work health and safety compliance.

The summary of the tender evaluation is as presented in attachment.

CONCLUSION

This report seeks the Council's endorsement of the Officer's recommendation to award the Kookaburra Caravan Park Management Contract to BCP Contractors Pty Ltd for a term of three years with a one year option. BCP's submission represents the best value for money for the City of Busselton and clearly demonstrates BCP's ability to fulfil the contract requirements to an acceptable standard by partnering with two other organisations that specialise in providing services to caravan park operators and owners. The combination of BCP's current organisational capabilities (facilities/asset management and construction resources) combined with Innoviv and Hire Me Holiday Parks Management offers the City a unique opportunity for the management of the Park.

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 budget implications or future reputational risks if the alternative tenderer has provided a price over the annual 2016/17 allocated budget or under resourced;
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 Park. This this option may result in staff not being recruited in time for 1 November 2016 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. The successful tenderer will receive formal written notification within seven (7) days of the decision being handed down. The unsuccessful tenderer will also be notified in this time.

Council Decision and Officer Recommendation

C1607/180

Moved Councillor G Bleechmore, seconded Councillor P Carter

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council award the RFT 04/16 – Kookaburra Caravan Park Management Contract to BCP Contractors Pty Ltd for \$385,000 per annum (excluding GST) (plus annual CPI) for a term of three years with a one year option.

CARRIED 8/1

BY ABSOLUTE MAJORITY

Voting:

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

Against the motion: Councillor R Bennett.

6.02pm At this time Councillor Grant Henley returned and resumed chairmanship of the meeting.

11.7 DA14/0561 - PROPOSED EXTRACTIVE INDUSTRY - LOT 61 (NO.1958) CAVES ROAD, NATURALISTE

SUBJECT INDEX:	Planning/Development Applications
STRATEGIC OBJECTIVE:	Growth is managed sustainably and our environment is protected and enhanced as we develop.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Development Services and Policy
REPORTING OFFICER:	Senior Development Planner - Andrew Watts
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan Attachment B Revised Proposal Attachment C Original vs Revised Extraction Area Proposals Attachment D Schedule of Submissions

DISCLOSURE OF INTEREST	
Name/Position	Mike Archer, Chief Executive Officer
Item No./Subject	11.7 - DA14/0561 - Proposed Extractive Industry - Lot 61 (No.1958) Caves Road, Naturaliste
Type of Interest	Impartiality Interest
Nature of Interest	The proponent of the application being a distant relative.

PRÉCIS

The Council is asked to consider application DA14/0561 seeking approval for an extractive industry (sand mining) on Lot 61, Caves Road, Naturaliste (“the site”). This follows the City’s earlier deferral of consideration at its 22 June 2016 meeting – with consideration deferred to this month.

The proposal has been placed before Council due to the history of extractive industry proposals for this property and also given the number and nature of submissions received as a result of the consultation process.

It is considered that the extractive industry proposed in this location is consistent with the relevant planning framework and is recommended for approval subject to conditions.

BACKGROUND

The City received an application (DA14/0561) for an extractive industry (sand) at Lot 61, Caves Road, Naturaliste.

The site is located on the corner of Caves and Vidler Roads. It is zoned ‘Agriculture’, is located within a Landscape Value area and has a total size of 54.3 Ha (see Attachment A). The site currently accommodates the ‘Empire Retreat’ tourist development – and the owner of that development is also the applicant for this application. Access for the purposes of the extraction operation is to be via Vidler Road.

The application was advertised for public comment and was also referred to relevant agencies. Both public and agency referral submissions raised various issues and concerns with the proposal and these concerns were subsequently presented to the applicant for consideration and response prior to a recommendation being presented to Council.

The original proposal was for a total of 1,000,000m³ of sand to be removed from the site, which the application stated would be removed at an average rate of 50,000 tonnes per year over a 20 year

period, however it was also advised that if a major contract is won then 100,000 tonnes may be removed within a 3 month period.

The applicant subsequently revised the proposal by reducing the total volume of material to be extracted to 350,000m³, increasing the distance between the extraction site and sensitive premises. Further to this the applicant has advised that they are removing from the proposal providing for any significant increase in extraction volumes over short periods for major contracts.

The application for planning consent as revised is Attachment B. A plan showing a comparison of the original and proposed extraction areas is Attachment C.

The subject site has had a history of applications for extractive industry being considered by Council with an application being refused by Council on 13 July 2005 due to the following reasons:

- (a) *The proposed sand pit conflicts with Council Policy in that it is within 500 metres of residences and the residents who are opposing the sand pit are likely to be adversely affected by dust/noise.*
- (b) *The proposed sandpit is practically surrounded by established or about to be established high-grade tourist resorts.*
- (c) *The cartage requirements of the pit would drastically increase the danger to motorists in their use of Vidler Road.*
- (d) *Council at its Meeting of 14 February 2001, determined that no sand pits would be permitted in this area in the future.*

It should be noted that the current Council is not bound by this earlier resolution, and that a Council cannot bind a future Council in this matter. Furthermore, the relevant policy framework was modified a number of years ago to allow extractive industry in this area, and more broadly in the western part of the District.

The application was previously presented to Council for the meeting of 22 June 2016. At that meeting the Council resolved:

That this item be deferred for further consideration until the next Council meeting on 27 July 2016.

The reason given by Council for deferring consideration of this item was:

Some property owners in the vicinity of the proposal have complained that they were not given enough notice that this was coming to council this week. The extra month will provide them with the opportunity to consider the matter and alleviate any claims it is being rushed through council.

The officer comments and recommendation in this report are the same as that presented to Council for consideration on 22 June 2016, with the exception that an alternative officer recommendation presented to Council following a site inspection by Councillors and staff on the day prior to the 22 June meeting has been incorporated into the officer recommendation in this report. Whilst at present there is no sensitive land use on the land adjoining the southern boundary within 300 metres of land where extraction is now proposed, there is a current approval for sensitive land uses in that area. The alternative recommendation would encourage extraction activity in the southern-most part of the site to occur within the next 12 months, when, despite the approval that is in place, there is unlikely to be any sensitive land-use actually in occupation (given the timeframes likely to be associated with further approvals and construction, should that development proceed).

STATUTORY ENVIRONMENT

The key statutory environment is set out in the City of Busselton *Local Planning Scheme No. 21* ('the Scheme'), which classifies 'Extractive Industry' as development requiring planning consent and 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 10.4 of the Scheme.

RELEVANT PLANS AND POLICIES

The assessment of the proposed extractive industry 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.

Local Rural Planning Strategy

The site is contained within the 'Naturaliste' Precinct in the Local Rural Planning Strategy. The Strategy recognizes that from an economic perspective that there are commercial sand extraction resources in the area.

The precinct vision is to *'Retain and conserve the natural environment, landscape values and character of the area in balance with limited tourist development.'*

The objectives of the precinct are *'To ensure that the planning in this precinct is consistent with the LNRSP and Scheme provisions.'*

Agricultural Zone - Objectives and Policies

The objectives and policies of the Agriculture zone seek to preserve the agricultural potential of rural land and to only permit development for other purposes where other suitable land is not available and where the rural amenity will not be adversely impacted.

Leeuwin-Naturaliste Ridge Statement of Planning Policy

The LNRSP places a very high priority on the protection of Prime Agricultural Land with the overriding criterion being to ensure the predominant use of land will be agriculture. Other uses, including uses of interspersed lands with lesser agricultural potential, will be compatible with and not jeopardise, agricultural use of adjoining Prime Agricultural Land. The LNRSP requires that development of mineral and basic raw material resources will be subject to programmed rehabilitation which will be recommended as a condition of any Planning Consent granted. The proposal is consistent with this policy.

Local Planning Policy 5A: Extractive Industries

The Extractive Industry Policy recognises that extractive industries have the potential for incompatibility with other land uses. It also recognises that this is particularly the case west of Bussell Highway where sensitive land uses such as tourist accommodation and tourist-oriented land uses are most often located. The Policy only supports extractive industries where land use conflicts can be avoided or minimised.

The Local Planning Policy requires the advertising of all Extractive industry Proposals to involve advising all landowners within 1.0km of the site.

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 5.2 of the Strategic Community Plan 2013, which is; *“Growth is managed sustainably and our environment is protected and enhanced as we develop.”*

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 proposed extractive industry and to relevant Government agencies. It was also advertised in the local newspaper. 36 submissions were received — seven from Government agencies or service providers, 29 from surrounding landowners. All public submissions received broadly objected to the proposal.

Subsequent to being provided with details of the issues raised in submissions the applicant revised the proposal. As revisions to the proposal were made in response to addressing issues raised in submissions the revised proposal has not been re-advertised. The exception to this being that the revised proposal was referred to Main Roads WA due to a reduction in proposed peak traffic volumes and significant works having been undertaken to Caves Road and its intersection with Vidler Road subsequent to comment being made on the original proposal.

A schedule of submissions is at Attachment D.

Agency comment

The Department of Mines and Petroleum (DMP) had no specific comments regarding this proposal. It did, however, advise that sand is a scarce and important resource in the South West region and that supplies of it are needed for affordable development and infrastructure projects. It has also been requested that the City notify the Geological Survey of Western Australia of all extractive industry applications to assist/contribute towards their database.

The Department of Water (DoW) recommends that any approval for the proposed extractive industry should include the following conditions:

- the extractive industry will not intercept the water table;
- there will be no dewatering of the extraction area permitted; and
- no standing water will occur at the end of mining / post rehabilitation.

To protect water resources against potential contamination, the following specific conditions are also recommended to be applied:

- there will be no additional storage of hydrocarbons on-site,

- on-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment; a
- no major repairs or maintenance will take place on site.

The Department of Parks and Wildlife (DPaW) advised the Lot 61 subject of the proposal borders two lots which are subject to the DPaW “Land for Wildlife” program, which aims to encourage landholders to conserve nature and wildlife on properties. DPaW note that the proposed extractive industry site is generally cleared of native vegetation but is within close proximity to potential Western Ringtail Possum and Black Cockatoo habitat trees. The proponent should ensure that these trees are not impacted by the proposed extraction works.

DPaW has also mentioned the requirements of the Leeuwin Naturaliste Ridge Statement of Planning Policy and the need to comply with landscape protection requirements. DPaW recommends that all final contour and batter slopes should be no steeper than 1 vertical to 6 horizontal.

Main Roads referral response to the original proposal requested that a condition of approval should be applied for upgrades to be made to the intersection of Vidler and Caves Roads, including right turn widening. As a result of a revised proposal that reduces peak truck movement numbers and with recent improvements made to the Vidler Road intersection with Caves Road, Main Roads has revised their comments to advise that they have no objection to the proposal and that the intersection upgrades recently undertaken by Main Roads are sufficient to cater for the proposal without any further works being necessary.

The Department of Environment and Regulation (DER) had no specific comments other than to advise that if clearing of native vegetation or screening and washing of sand is proposed, approval from DER may be required for these activities.

Public Comment

29 public submissions objected to the proposal. The main issues raised in public submissions related to proximity to houses and tourist accommodation, noise, dust, traffic and landscape amenity issues. These issues are discussed in more detail within the officer comment section of this report.

OFFICER COMMENT

There are seen to be a number of key issues affecting the consideration of this proposal. These issues are outlined below:

1. Environmental Impact;
2. Traffic Impact and Management;
3. Noise and Dust Emissions;
4. Landscape Impact; and
5. Basic Raw Material Supply

Environmental Impact

The extraction site is predominantly clear of vegetation however if native vegetation clearing is required, that clearing may require approval of the Department of Environment Regulation.

In accordance with the Extractive Industry Policy, however, it is necessary for a rehabilitation and environmental management plan to be provided and approved.

The extractive industry policy requires that only 2ha can be worked at any one time. Further to this, it is required that worked areas commence rehabilitation prior to commencing extraction on the next cell.

Given the role of the DER in the clearing permit process, the environmental responsibility of the City involves approving a suitable Environmental Management Plan and associated Rehabilitation Plan.

Traffic Impact and Management

Access and the additional trucks movements the proposal would place on Vidler & Caves Roads and safety concerns was raised as an issue by most submitters during the consultation process. Both roads are currently sealed, with Caves Road being under the management of Main Roads WA. Main Roads' referral response to the original proposal requested that a condition of approval if granted was for upgrades to be made to the intersection of Vidler and Caves Roads including right turn widening. As a result of a revised proposal that reduces peak truck movement numbers and with recent improvements made to the Vidler Road intersection with Caves Road, Main Roads has revised their comments to advise that they have no objection to the proposal, and that the intersection upgrades recently undertaken by Main Roads are sufficient to cater for the proposal without any further works being necessary.

Noise and Dust

There are a number of controls within the Extractive Industry Policy which aim to control the impact of extractive industries on amenity. Noise and dust generated from extractive industry are the primary concerns which require addressing in this regard. As mentioned in the Background section of this report, there are a number of sensitive land uses located within the general proximity of the site. The primary controls in this case are setback requirements and noise/dust management plans.

Clause 6.2.1 of the Extractive Industry Policy states that *"No extractive industry operations to be located within 500m of any tourist accommodation/attraction, where the owners of such object to the proposal"*. The owners of the nearby Yallingup Lodge tourist development which is within 500m of the site of the original proposal objected. There was also objection submitted on behalf of the owners of Lot 4 Hemsley Road, which adjoins the subject site and upon which Tourist Accommodation was approved as part of developments for DA13/0739, at the Council meeting of 23 April 2014. The nearest part of the approved development (Chalets) would be approximately 100m to the original proposed extraction area. No physical construction of development for DA13/0739 has commenced and with the Development Approval due to expire in May 2017, to date no building permit application has been submitted, so it is unclear if development for DA13/0739 will proceed.

With the revised proposal modifying the proposed extraction area layout a 500m buffer from all existing tourist developments will be achieved and the distance to the nearest existing sensitive premises will be approximately 370m to a house on adjoining Lot 6. The distance to the development site for DA13/0739 is approximately 200m.

The policy provides for setbacks between extractive industry and dwellings in 6.2.1, stating *"No extractive industry is to be located within 500m of a residence where the owner or resident of such objects to the proposal"*. In this instance the owners of Lot 24 Drummond Glen have objected to the original proposal, however the revised proposal achieves a setback of greater than 500m to the house on Lot 24.

Notwithstanding Clauses 6.2.1 and 6.2.2 of the policy discussed above, the policy guides that the extraction of sand could be located less than 500m but no closer than 300m from a sensitive landuse dependent on the nature and scale of the development and suitable dust and noise management. The revised proposal is located approximately 370m from the nearest sensitive premises, being a house on Lot 6 Caves Rd.

Furthermore, in terms of setbacks, clause 6.2.5 of the Extractive Industry Policy is also applicable, requiring the following to be addressed; *“Policy Areas 2 and 3: Where an extractive industry is approved within 1km of a residence or tourist accommodation or attraction, additional conditions to reduce amenity impact from noise and dust may be imposed, including operating times.”*

There are a significant number of residences and tourist based operations within 1km of the proposal, which includes almost all of the objections received. The noise and dust management plan which has been submitted to the City, as per requirements of the Extractive Industry Policy, proposes a number of management measures. This includes installation of noise and particulate monitoring equipment. The noise targets identified for compliance within the management plans are as set out in the State noise regulations (i.e. the *Environmental Protection (Noise) Regulations 1997*). Also, operating and haulage hours are in accordance with the provisions outlined by the Policy, which does not allow work on the weekends or public holidays.

Having assessed the noise and dust management plan, officers are of the view that the plan is technically sound. It is also important that distance alone is not a protection of amenity. Other measures will be applied in combination to maintain the amenity for neighbouring residents. Note that does not mean there will be *no* impact on the amenity of the locality, but rather that the impacts will not be unreasonable, provided they are managed in accordance with the noise and dust management plan that has been provided by the applicant.

In summary on the issue of amenity, it is considered that the noise and dust management plan which the applicant has submitted are of an appropriate standard and meet the requirements of the Extractive Industry Policy. The management plan, in conjunction with a rehabilitation plan, will manage the amenity concerns raised.

Landscape Impact

The issue of amenity at a localised level has been addressed above. In regards to the potential impact on the greater area, it is necessary to consult the landscape provisions of the *Leeuwin-Naturaliste Ridge Statement of Planning Policy*. Lot 61 is largely classified as ‘General Character’ with the rear section of the site mapped as ‘Natural Landscape Significance’ and the front part of the site being ‘Travel Route Corridor’. The Extraction area appears to be confined to ‘General Character.’ General character is classified as the lowest level of significance within the policy and is the designation given to areas which do not fall into higher levels of importance. The western section of the site is classified as ‘Natural Landscape Significance’; this is the highest level of landscape value in the policy. It is to be noted that this section of the site is not proposed to be subject to extractive industry. It is important to note that the proposal does not fall within an area that may be viewed from an identified ‘travel route corridor’. The policy requires that extractive industries are to be subject to programmed rehabilitation, which will be recommended as a condition of any consent granted. On this basis, given that the area mapped ‘Natural Landscape Significance’ is not affected and with the implementation of a suitable rehabilitation plan, the proposal will not result in a significant impact on landscape values.

Basic Raw Material Supply

The supply of basic raw materials, including sand, is a significant issue across the region and is a relevant planning consideration – although primarily at the policy and strategy development level, rather than as a significant factor in the determination of individual applications. In assessing individual applications the City should be primarily concerned with ensuring that the impacts of proposals, in terms of environmental, traffic, amenity and/or landscape values, will be effectively managed.

CONCLUSION

It is accepted that sand is an important resource and finding such accessible resources is becoming increasingly difficult.

A number of submissions regarding the proposal have been received, concerning a range of issues, and the applicant has responded to these issues satisfactorily.

Officers are satisfied that the road network is satisfactory to accommodate this proposal, and haulage time will be restricted to avoid a potential to conflict with school bus travel times.

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 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 DA14/0561 submitted for an Extractive Industry at Lot 61 Caves Road, Naturaliste 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 is permitted to operate for five years from the date of this Decision Notice or until 350,000 cubic metres volume of material has been extracted, whichever is sooner, except that extraction activity and bulk earthworks associated with land within 250 metres of the southern lot boundary shall be completed within 12 months of the date of this Decision Notice.
2. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this planning consent and shall be operated in a manner consistent with all associated detailed plans, including but not limited to the Noise Management Plan and Dust Management Plan.
3. The development hereby approved shall be limited to: the extraction of sand from the site; screening of material; associated drainage works; and rehabilitation works. At no time shall any processing, crushing or blasting works be carried out.
4. Working hours within the pit area and transportation of materials shall be restricted to the hours between: 7.00am and 6.00pm Mondays to Fridays; 7.00am and 12.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.

5. No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 7.3 concurrently with the extraction of the following 2 hectare area.
6. The lowest level of excavation shall always be a minimum of at least 1 metre above the maximum water table level.
7. The minimum setback from all boundaries shall be 20 metres.

Prior to Commencement of Any Works Conditions:

8. 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:
 - 8.1. A Noise Management Plan. The plan is to be prepared using the prescribed standards for noise emissions as set down in the Environmental Protection (noise) Regulations 1997.
 - 8.2. A Dust Management Plan. This plan is to be prepared using the DEC guidelines "A Guideline for Managing The Impacts of Dust and Associated Contaminants From Land Development Sites, Contaminated Sites Remediation and Other Related Activities (DEC 2011).
 - 8.3. A Rehabilitation Plan, incorporating, at a minimum, the following:
 - Embankments not to be steeper than 1 in 6;
 - Contour ripping the bottom and sides of the pit area;
 - Spreading of stockpiled topsoil;
 - Spreading of stockpiled branches and undergrowth;
 - Seeding with an appropriate agriculture seed mix, and / or planting native species of trees,
 - Shrubs and ground covers;
 - Topsoil is to be stockpiled and re-established;
 - Reuse of timber;
 - Staging of rehabilitation process.
 - 8.4. A Drainage Management Plan, incorporating the installation of detention and silt / nutrient stripping ponds. The measures incorporated into the Plan shall be implemented prior to the commencement of excavation and maintained at all times.
 - 8.5. A Dieback Hygiene Management Plan addressing the issue of dieback spread from, or to, the property by transfer of the disease by plant and vehicles, and the material being transported. All operations related to the extractive industry shall be carried out in accordance with the approved Plan.
 - 8.6. A Traffic Management plan, incorporating, at a minimum, the following:
 - Road signage to be erected along the transport route. The installation of the signs shall be completed by the City of Busselton for which fees are payable;
 - Truck operating hours that avoid conflict with school bus services;
 - A maximum of 30 laden truck movements departing the property on any given day.

Prior to Occupation/Use of the Development Conditions:

9. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City within 2 months of the date

of this planning consent:

- a. A road maintenance bond of \$20,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at the applicant's cost; such bond may be utilised for road maintenance purposes where necessary as a result of the operation;
 - b. A performance bond to the value of \$5,000.00 in the form of an unconditional bank guarantee to ensure that the impacts on surrounding properties as affected by the activities related to the subject Extractive industry are managed to a standard acceptable to the City;
10. The crossover to be constructed to a sealed and drained standard to the specifications and satisfaction of the City. Existing access off Vidler Rd to be sealed and drained for a minimum of 20m from the edge of seal on Vidler Road into Lot 61.

On-Going Conditions:

11. The works undertaken to satisfy Condition(s) 7.1-7.6 shall be subsequently maintained for the life of the development including:
- 11.1 The approved Rehabilitation Plan shall be carried out in accordance with the approved details.
 - 11.2 All operations related to the extractive industry shall be carried out in accordance with the approved Dieback Management Plan.
 - 11.3 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
 - 11.4 The approved Noise Management Plan shall be implemented and carried out in accordance with the approval details.
 - 11.5 The approved Traffic Management Plan shall be implemented and carried out in accordance with the approval details.
- 11.6 The approved Drainage Management Plan shall be implemented and maintained at all times.

Note: Councillor Paine proposed an Alternative Motion for Council consideration that would decline the development application DA14/0561.

MOTION

Moved Councillor R Paine

That the Council decline the development application DA14/0561.

Voting:

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

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

Note: As the motion was defeated the Mayor referred to the Revised Officer Recommendation that had been made to further reduce the amenity/noise impacts of the proposal.

Council Decision and Revised Officer Recommendation

C1607/181

Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council resolve:

- 1) That application DA14/0561 submitted for an Extractive Industry at Lot 61 Caves Road, Naturaliste 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 is permitted to operate for five years from the date of this Decision Notice or until 350,000 cubic metres volume of material has been extracted, whichever is sooner, except that extraction activity and bulk earthworks associated with land within 250 metres of the southern lot boundary shall be completed within 12 months of the date of this Decision Notice.
2. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this planning consent and shall be operated in a manner consistent with all associated detailed plans, including but not limited to the Noise Management Plan and Dust Management Plan.
3. The development hereby approved shall be limited to: the extraction of sand from the site; screening of material; associated drainage works; and rehabilitation works. At no time shall any processing, crushing or blasting works be carried out.
4. Working hours within the pit area shall be limited to 7.00am – 5.00pm Mondays to Fridays (other than public holidays). Haulage of sand from the site shall be limited to 7.30am – 4.30pm Mondays to Fridays (other than public holidays). Rehabilitation work only may occur 7.00am – 12.00pm Saturdays. No operations of any kind may occur Sundays or public holidays.
5. No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 7.3 concurrently with the extraction of the following 2 hectare area.
6. The lowest level of excavation shall always be a minimum of at least 1 metre above the maximum water table level.
7. The minimum setback from all boundaries shall be 20 metres.

Prior to Commencement of Any Works Conditions:

8. 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:
 - 8.1. A Noise Management Plan. The plan is to be prepared using the prescribed standards for noise emissions as set down in the Environmental Protection (noise) Regulations 1997. The Noise Management Plan shall specify the use of 'low-tone' audible warning devices on all vehicles being used by the operator.
 - 8.2. A Dust Management Plan. This plan is to be prepared using the DEC guidelines "A Guideline for Managing The Impacts of Dust and Associated Contaminants From Land Development Sites, Contaminated Sites Remediation and Other Related Activities (DEC 2011).

- 8.3. A Rehabilitation Plan, incorporating, at a minimum, the following:
 - Embankments not to be steeper than 1 in 6;
 - Contour ripping the bottom and sides of the pit area;
 - Spreading of stockpiled topsoil;
 - Spreading of stockpiled branches and undergrowth;
 - Seeding with an appropriate agriculture seed mix, and / or planting native species of trees,
 - Shrubs and ground covers;
 - Topsoil is to be stockpiled and re-established;
 - Reuse of timber;
 - Staging of rehabilitation process.
- 8.4. A Drainage Management Plan, incorporating the installation of detention and silt / nutrient stripping ponds. The measures incorporated into the Plan shall be implemented prior to the commencement of excavation and maintained at all times.
- 8.5. A Dieback Hygiene Management Plan addressing the issue of dieback spread from, or to, the property by transfer of the disease by plant and vehicles, and the material being transported. All operations related to the extractive industry shall be carried out in accordance with the approved Plan.
- 8.6. A Traffic Management plan, incorporating, at a minimum, the following:
 - Road signage to be erected along the transport route. The installation of the signs shall be completed by the City of Busselton for which fees are payable;
 - Truck operating hours that avoid conflict with school bus services;
 - A maximum of 30 laden truck movements departing the property on any given day.

Prior to Occupation/Use of the Development Conditions:

9. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City within 2 months of the date of this planning consent:
 - a. A road maintenance bond of \$20,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at the applicant's cost; such bond may be utilised for road maintenance purposes where necessary as a result of the operation;
 - b. A performance bond to the value of \$5,000.00 in the form of an unconditional bank guarantee to ensure that the impacts on surrounding properties as affected by the activities related to the subject Extractive industry are managed to a standard acceptable to the City;
10. The crossover to be constructed to a sealed and drained standard to the specifications and satisfaction of the City. Existing access off Vidler Rd to be sealed and drained for a minimum of 20m from the edge of seal on Vidler Road into Lot 61.

On-Going Conditions:

11. The works undertaken to satisfy Condition(s) 7.1-7.6 shall be subsequently maintained for the life of the development including:

- 11.1 The approved Rehabilitation Plan shall be carried out in accordance with the approved details.
- 11.2 All operations related to the extractive industry shall be carried out in accordance with the approved Dieback Management Plan.
- 11.3 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 11.4 The approved Noise Management Plan shall be implemented and carried out in accordance with the approval details.
- 11.5 The approved Traffic Management Plan shall be implemented and carried out in accordance with the approval details.
- 11.6 The approved Drainage Management Plan shall be implemented and maintained at all times.

CARRIED 8/1

Voting:

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

Against the motion: Councillor R Paine.

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 BUSSELTON FORESHORE REDEVELOPMENT: HOTEL/SHORT STAY ACCOMMODATION PRECINCT

This report contains information of a confidential nature in accordance with Section 5.23(2)(b), and 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 the personal affairs of any person, and 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.

17.2 RENEWAL OF CHIEF EXECUTIVE OFFICER'S CONTRACT

This report contains information of a confidential nature in accordance with Section 5.23(2)(a) of the Local Government Act 1995, as it contains information relating to a matter affecting an employee or employees.

17.1 BUSSELTON FORESHORE REDEVELOPMENT: HOTEL/SHORT STAY ACCOMMODATION
PRECINCT

SUBJECT INDEX:	Tourism Development
STRATEGIC OBJECTIVE:	A strong, innovative and diversified economy that attracts people to live, work, invest and visit.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Economic and Business Development
REPORTING OFFICER:	Economic and Business Development Coordinator - Jon Berry
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Busselton Foreshore Master Plan Showing Location of Hotel Sites Attachment B Singman Tourism Group Pty Ltd: Design Concepts for Site 2 Attachment C Hotel Development Group Pty Ltd: Site Plan For Proposed Hotels on Sites 1, 2 and 3

This item is confidential in accordance with section 5.23(2) (b), (c), (e)(ii) and (e)(iii) of the Local Government Act 1995, as it contains information relating to the personal affairs of any person, 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

C1607/182 Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council:

1. Nominates **Singman Tourism Group Pty Ltd (STG)** as 'preferred proponent' for the development of a minimum 4-star hotel/short-stay accommodation on a portion of Lot 503 (shown as **Site 2** on the Busselton Foreshore Master Plan in Attachment A), for a period of 12 months and within that timeframe, authorises the CEO to:
 - i. invite STG to develop a detailed proposal with the aim of drafting a development agreement and sub-lease for further consideration by Council;
 - ii. request the Minister for Lands to amend the management order to allow powers to lease (or license) newly created Lot 503 (Reserve 38558) for any term not exceeding 65 years, subject to the Minister for Lands providing written consent for any proposed improvements.

2. Nominates **Hotel Development Group Pty Ltd (HDG)** as 'preferred proponent' for the development of a minimum 5 star hotel/short-stay accommodation on a portion of Lot 418, Reserve 28535 (shown as **Site 1** on the Busselton Foreshore Master Plan in Attachment A), for a period of 12 months and within that timeframe, authorises the CEO to:
 - i. invite HDG to develop a detailed proposal with the aim of drafting a development agreement and sub-lease for further consideration by Council;
 - ii. negotiate with HDG on strategies to accelerate access to Lot 418, Reserve 28535 (Site 1), prior to expiry of the existing lease with the Busselton Tennis Club (30 June 2021);

- iii. request the Minister for Lands to amend the management order to allow powers to lease (or license) Reserve 28535 for any term not exceeding 65 years, subject to the Minister for Lands providing written consent for any proposed improvements.
3. Does not nominate a preferred proponent for Site 3 at this time.

CARRIED 9/0

17.2 RENEWAL OF CHIEF EXECUTIVE OFFICER'S CONTRACT

SUBJECT INDEX:	Employee Relations
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Human Resources
REPORTING OFFICER:	Manager, Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Manager, Corporate Services - Sarah Pierson
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

This item is confidential in accordance with section 5.23(2) (a) of the Local Government Act 1995, as it contains information relating to a matter affecting an employee or employees.

DISCLOSURE OF INTEREST	
Name/Position	Mike Archer, Chief Executive Officer
Item No./Subject	17.2 - Renewal of Chief Executive Officer's Contract
Type of Interest	Financial Interest
Nature of Interest	The contract being for Mike Archer, Chief Executive Officer.

6.32pm At this time the Chief Executive Officer left the meeting.

Officer Recommendation and Council Decision

C1607/183 Moved Councillor J McCallum, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council in accordance with Section 5.36(2) of the Local Government Act, believing that he is suitably qualified for the position, endorse the offering of a new contract of employment to Mr Mike Archer for the role of Chief Executive Officer commencing 28th July 2016 for a term of 5 years.

CARRIED 8/1

BY ABSOLUTE MAJORITY

Voting:

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

Against the motion: Councillor R Bennett.

6.32pm At this time the Chief Executive Officer returned to the meeting.

18. QUESTIONS FROM MEMBERS

Nil

19. PUBLIC QUESTION TIME

Nil

20. NEXT MEETING DATE

Wednesday, 10 August 2016

21. CLOSURE

The meeting closed at 6.33pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 108 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 10 AUGUST 2016.

DATE: _____

PRESIDING MEMBER: _____