



Council Agenda

26 June 2019

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 26 JUNE 2019


TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 26 June 2019, commencing at 5.30pm.

Your attendance is respectfully requested.

DISCLAIMER

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

14 June 2019

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 26 JUNE 2019

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

2. **ATTENDANCE**

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Approved Leave of Absence

3. **PRAYER**

4. **APPLICATION FOR LEAVE OF ABSENCE**

5. **DISCLOSURE OF INTERESTS**

6. **ANNOUNCEMENTS WITHOUT DISCUSSION**

Announcements by the Presiding Member

7. **QUESTION TIME FOR PUBLIC**

Response to Previous Questions Taken on Notice

Public Question Time For Public

8. **CONFIRMATION AND RECEIPT OF MINUTES**

Previous Council Meetings

8.1 **Minutes of the Council Meeting held 12 June 2019**

RECOMMENDATION

That the Minutes of the Council Meeting held 12 June 2019 be confirmed as a true and correct record.

Committee Meetings

8.2 **Minutes of the Policy and Legislation Committee meeting held 11 June 2019**

RECOMMENDATION

That the Minutes of the Policy and Legislation Committee meeting held 11 June 2019 be confirmed as a true and correct record.

9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

Petitions

Presentations





Deputations

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

11. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

12. REPORTS OF COMMITTEE

12.1 Policy and Legislation Committee - 11/06/2019 - REVIEW OF COUNCIL POLICY - PRESENTATIONS ON TERMINATION

SUBJECT INDEX:	Council Policies
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Policy - Payments and presentations on termination  
	Attachment B Current Policy - Presentations on Termination  

This item was considered by the Policy and Legislation Committee at its meeting on 11 June 2019, the recommendations from which have been included in this report.

PRÉCIS

This report presents a revised and expanded 'Presentations on Termination' Council Policy, proposed to be renamed 'Payments and presentations on termination' (Attachment A) (the Policy) for Council approval. The proposed changes are designed to ensure the Policy more fully responds to the requirements of Section 5.50 of the *Local Government Act 1995*, and that appropriate recognition of service is provided for employees leaving the organisation.

BACKGROUND

Section 5.50 of the *Local Government Act 1995* (the Act) requires the local government to have a policy in relation to payments that may be made to employees who are finishing employment which are in addition to entitlements under a contract of employment or industrial instrument, including an award or enterprise agreement. A policy in relation to the presentation of (or contribution to) a gift to an employee on termination has been in place for a long period of time, and was last reviewed in August 2017, where the method of determining the value of the contribution towards a gift was simplified.

The Local Government Amendment Bill 2019 currently before the Legislative Council, and expected to be given Royal Assent in the coming months, will result in an explicit requirement for all local governments to publish their policy in relation to Section 5.50 of the Act. The City has reviewed its current policy and recommends that it be expanded as outlined in the officer comment section of this report, improving overall governance in relation to payments made to employees on termination that are in addition to those made under the terms of a contract of employment or industrial instrument.

STATUTORY ENVIRONMENT

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

Section 5.50 (1) of the Act states:

- (1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —

- (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
- (b) the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.

As per Section 5.50 (4) “a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person” and hence includes the contribution to a gift.

The value of a payment made under this section is not to exceed the amount prescribed by Regulation 19A of the Local Government (Administration) Regulations 1996 (the Regulations), being:

- \$5,000 to a CEO or senior officer in all cases;
- 12 months’ pay for all other employees where the employment ends by way of the employee accepting voluntary severance by way of resignation; and
- \$5,000 for all other employees where the employment ended for other reasons.

Importantly, Section 5.50 and Regulation 19A only relate to payments that are made in addition to an amount which the employee is entitled to under their contract of employment or an industrial instrument. Further, regulation 18B of the Regulations provides that a contract of employment for a CEO or senior officer may include a term that the employee will (in certain circumstances) receive a payment on termination of up to 12 months’ remuneration, or the balance of their contract term. As this is a payment that the senior employee is entitled to under their contract, it is not captured by Section 5.50 or Regulation 19A, or therefore the Policy.

Section 5.50 and Regulation 19A also only deals with payments that are made in relation to an employee whose employment with the local government is finishing (i.e. a termination payment). A payment that is made to a terminated employee in settlement of a legal claim (e.g. an unfair dismissal claim) is not a payment made in relation to that employee’s employment finishing, and therefore would not fall within the scope of section 5.50 or the cap provided by Regulation 19A. A severance payment however made to an employee in settlement of a dispute where they have, or are reasonably likely to, make a claim would fall within the scope of the Policy.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City’s governance systems – the Governance Systems Review (GSR). The GSR made a number of recommendations with respect to the City’s policy and procedure framework. In response the City developed a policy framework which sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

FINANCIAL IMPLICATIONS

The provisions of the Policy are catered for within the City’s annual budget, with a current annual allocation of \$4,000 for recognition of service and the settlement of employment related claims funded where necessary through existing salaries and wages budget.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Amending the Policy will have no long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Policy, and specifically the proposed amendments, aim to improve transparency and governance in relation to payments of a type outlined in Section 5.50 of the Act, therefore supporting Key Goals Area 6 – Leadership and Community Objective 6.1 – Governance systems, processes and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There are no identified risks of a medium or greater level associated with the officer recommendation, with the amendments to the Policy improving overall governance and compliance with the Act.

CONSULTATION

A review of other local government policies referencing Section 5.50 found a fair degree of diversity in terms of scope and content. The City of Joondalup's policy for instance, in addition to payments for the settlement of employment claims, provides for payments on redundancy (over and above entitlements) and in broad circumstances relating to a voluntary severance, based on the person having been employed for a continuous period of over ten years, and having demonstrated a commendable or outstanding level of performance. The City of Wanneroo's policy provides for a severance payment in circumstances relating to settlement of a claim, plus illness or impairment or poor performance / conduct. The City of Stirling provides a payment to employees on leaving based on their years of service.

The City of Busselton provides adequate redundancy entitlements under its contracts of employment / enterprise agreement and therefore we have limited the Policy to severance payments in settlement of a dispute where there is a reasonable risk of a legal claim. External legal advice about, and review of, the Policy was sought, with the inclusion of provisions relating to such payments recommended as best practice.

OFFICER COMMENT

The current 'Presentations on Termination' policy deals solely with Council's contribution (payment) in relation to a farewell gift and function for an employee on termination. Three changes are proposed in relation to this aspect of the Policy.

One, it is recommended that the threshold for eligibility be reduced from two years' of service to a minimum of one year. An employee will generally, after a year of employment, have contributed to the achievements of their team and established good working relationships with their colleagues. A farewell function in particular is considered important as it plays a role in creating positive employee relations and branding.

Secondly a change is recommended in relation to the Council contribution value for a gift where between 10 and 15 years of service has been completed. It is recommended that this be increased from \$100 to \$150. This provides for a more even increment in the contribution value with an increase of \$50 every 5 years until 20 years of service, where it then increases more significantly.

And finally it is recommended that the maximum amount for a farewell function (for those situations where the CEO feels exceptional circumstances apply) be reduced from \$400 to \$300. This is based on analysis of spend in this area.

With respect to the inclusion of provisions relating to payments made on termination, it is recommended that the Chief Executive Officer be authorised to make a severance payment in settlement of a dispute where an employee has, or is reasonably likely to, take action or make a claim under any relevant industrial relations legislation. In determining an appropriate settlement amount the Policy sets out the following factors:

- a. the amount recommended by industrial legal advisors, a court or industrial tribunal to settle the matter;
- b. the exposure or potential exposure to litigation and the strength of the respective cases;
- c. the cost or potential cost of legal services in relation to the matter; and
- d. the disruption to operations and cost to the organisation of the dispute ongoing.

Unfortunately not all employment relationships end amicably and disputes can arise that give cause for a mutual separation to be considered, generally in circumstances where the cost to the City of a matter proceeding through a court or industrial tribunal is likely to be high, or where the operational cost of a dispute ongoing is considered significant. These are enacted through a voluntary resignation and severance payment. The City's current policy does not contain specific provision for this. As a result mutual separations are required to be structured within the terms and conditions of a contract of employment. The recommended provisions will provide for improved transparency and clarity in these situations.

CONCLUSION

It is recommended that the Policy be adopted as a revised and renamed Council policy 'Payments and presentations on termination', maintaining and slightly improving the current recognition of service provisions, and ensuring that the City has clear and accountable governance structures in place for the settling of employment related disputes in accordance with Section 5.50 of the *Local Government Act 1995*.

OPTIONS

The Council could:

1. decide to retain the Policy in its current form.
2. decide to make additional amendments.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be implemented immediately on adoption.

OFFICER RECOMMENDATION

That the Council adopts the Council Policy 'Payments and presentations on termination' as per Attachment A, to replace the current Council policy entitled 'Presentations on Termination' (Attachment B).

COMMITTEE RECOMMENDATION

That the Council adopts the Council Policy 'Payments and presentations on termination' as per Attachment A, to replace the current Council policy entitled 'Presentations on Termination' (Attachment B), inclusive of the following Committee changes:


- i. Reorder paragraphs 1.1 and 1.2;

- ii. Amend the wording in paragraphs 1.1 and 1.2 respectively to the following:
 - “1.1 This Policy provides a framework for recognising, where relevant, the contribution of employees when they voluntarily leave the employment of the City.
 - 1.2 This Policy additionally sets out the circumstances in which the City of Busselton will pay an employee who is leaving the employment of the City a severance payment in addition to any amount the employee is entitled to under their contract of employment, Industrial Instrument or order of a court or industrial tribunal, in accordance with Section 5.50 of the *Local Government Act 1995 (WA)*”;
- iii. Reorder Paragraph 5. Policy Statement:
 - a. Move paragraphs 5.5, 5.6 and 5.7 up to commence at 5.1 (now reading 5.1 through to 5.3).
 - b. Move paragraphs 5.1, 5.2, 5.3 and 5.4 down to commence at 5.4 (now reading 5.4 through to 5.7);
- iv. Remove ‘industrial’ from paragraph 5.3 (a); and
- v. Remove symbols from the ‘Years of Service’ column within the table in paragraph 5.5 and replace with 1 to 5 years; 5 to 10 years, 10 to 15 years, and so forth.

CARRIED 5/0

Reason: The Committee felt that the amendments to the wording would improve readability of the policy and the reordering of paragraph 5 would provide for the more positive aspects of recognition to be considered first.

COUNCIL POLICY


City of Busselton
Geographic Bay

Council Policy Name:Payments and presentations on termination

Responsible Directorate:Finance and Corporate Services

Version:Proposed

1. PURPOSE

- 1.1. The purpose of this Policy is to set out the circumstances in which the City of Busselton will pay an employee who is leaving the employment of the City a severance payment in addition to any amount the employee is entitled to under their contract of employment, Industrial Instrument or order of a court or industrial tribunal, in accordance with Section 5.50 of the *Local Government Act 1995* (WA).
- 1.2. This Policy additionally provides a framework for recognising the contribution of employees when they voluntarily leave the employment of the City.

2. SCOPE

- 2.1. This Policy applies to all City of Busselton employees.

3. DEFINITIONS

Term	Meaning
Industrial Instrument	An instrument that has legal application with respect to minimum entitlements including modern awards and enterprise agreements
Policy	This City of Busselton Council policy entitled "Payments and presentations on termination"

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 6 - Leadership of the City's Strategic Community Plan 2017 and specifically Community Objective 6.3: Accountable leadership that is supported by a skilled and professional workforce.

5. POLICY STATEMENT

Settlement of an employment-related claim

- 5.1. Subject to the Chief Executive Officer's approval, the City may make a severance payment to an employee in settlement of a dispute where an employee has, or is reasonably likely to, take action or make a claim under any relevant industrial relations legislation. Any such decision will be made in accordance with Regulation 19A of the *Local Government (Administration) Regulations 1996* (WA).
- 5.2. Clause 5.1 does not apply to the Chief Executive Officer and those designated as senior employees in accordance with section 5.37 of the *Local Government Act 1995* (WA).
- 5.3. In assessing and making a severance payment, the following factors will be considered:
 - a. the amount recommended by industrial legal advisors, a court or industrial tribunal to settle the matter;
 - b. the exposure or potential exposure to litigation and the strength of the respective cases;

- c. the cost or potential cost of legal services in relation to the matter; and
- d. the disruption to operations and cost to the organisation of the dispute ongoing.

- 5.4. The amount of the payment under clause 5.1 above will be no more than the value of the employee's final annual remuneration.

Recognition of service

- 5.5. The Chief Executive Officer is authorised, at their discretion to make a contribution towards a gift to recognise the service of employees voluntarily leaving the employment of the City, including at the end of a fixed or maximum term contract, up to the value outlined in the table below:

Years of Service	Council Contribution
>1, ≤5 Years	\$50
>5, ≤ 10 Years	\$100
>10, ≤15 Years	\$150
>15, ≤20 Years	\$200
>20, ≤25 Years	\$350
>25 Years	\$500

- 5.6. Gifts enabled under this Policy will generally be presented to the employee at a farewell function held on City premises.

- 5.7. A contribution of up to \$200 may be provided for the purposes of a farewell function, or, where the CEO considers that special circumstances apply, a contribution of up to \$300 may be made.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Administration) Regulations 1996*
- 6.3. *City of Busselton Enterprise Agreement 2017*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	9 August 2017	Resolution #	C1708/188

COUNCIL POLICY


City of Busselton
Geographic Bay

Council Policy Name: Presentations On Termination

Responsible Directorate: Finance and Corporate services

Version: Current

1. PURPOSE

- 1.1. The purpose of this policy is to provide a framework for recognising the contribution of employees of the City of Busselton when they voluntarily leave the employ of the City.

2. SCOPE

- 2.1. This policy is applicable to employees voluntarily leaving the City of Busselton with a minimum of two years employment.

3. DEFINITIONS

Term	Meaning
Policy	This City of Busselton Council Policy entitled "Presentations on Termination"

4. STRATEGIC CONTEXT

- 4.1. This policy links to Key Goal Area 6 - Leadership of the City's Strategic Community Plan 2017 and specifically Community Objective 6.3: Accountable leadership that is supported by a skilled and professional workforce.

5. POLICY STATEMENT

- 5.1. The Council values the contribution made by employees during their service, and views a gift and minor function to enable colleagues to farewell the departing employee as appropriate recognition of this.
- 5.2. Employees who have provided more than two years' service will be provided with a certificate of service. Additionally the Chief Executive Officer, on behalf of the Council, is authorised at his discretion to make a contribution towards a gift up to the value outlined in the table at 5.3.

5.3.

Years of Service	Council Contribution
>2, ≤5 Years	\$50
>5, ≤15 Years	\$100
>15, ≤20 Years	\$200
>20, ≤25 Years	\$350
>25 Years	\$500

- 5.4. Gifts enabled under this policy will generally be presented to the employee at a minor function authorised by the CEO for this purpose, to which other employees of the City of Busselton shall be invited.
- 5.5. The Council contribution to an employee's function is not to exceed \$200, except where special circumstances apply. Where special circumstances apply the CEO may approve up to an additional \$200 for this purpose.
- 5.6. If two or more employees depart the employ of the City at a similar time, one function shall wherever possible be held to achieve cost efficiencies.



6. RELATED DOCUMENTATION / LEGISLATION

6.1. *Local Government Act 1995*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	9 August 2017	Resolution #	C1708/188
Previous Adoption	DATE	22 August 2012	Resolution #	C1208/234

12.2 Policy and Legislation Committee - 11/06/2019 - NEW COUNCIL POLICY - AUDIO RECORDING OF COUNCIL MEETINGS

SUBJECT INDEX:	Council Meetings
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Council Policy - Audio Recording of Council Meetings  

This item was considered by the Policy and Legislation Committee at its meeting on 11 June 2019, the recommendations from which have been included in this report.

PRÉCIS

This report presents a new policy 'Audio Recording of Council Meetings' (Attachment A) (the Policy) for Council approval. The Policy has been developed following a request from a member of the public for a copy of a recording of an Ordinary Council Meeting taken under the City's Standing Orders Local Law 2018 for minute purposes, and following advice from the Western Australian Local Government Association (WALGA) and a review of other local government policies relating to the topic. The Policy is recommended for Council approval.

BACKGROUND

Clause 6.14 of the City of Busselton Standing Orders Local Law 2018 provides for the proceedings of a meeting to be recorded by or at the discretion of the CEO for the purpose of taking minutes, subject to the meeting being advised that the meeting is being recorded for that purpose. For approximately the last six months Ordinary Council Meetings have been recorded for the purposes of taking minutes.

In April the City received a request from a member of the public for a copy of the recording of a Council meeting. In the absence of a clear policy position regarding public access to the recordings taken, the City declined the request, resulting in a request for the same being made under the Freedom of Information (FOI) Act 1992. Advice from the City's FOI officer indicated that the recording would likely be released (subject to the consideration of personal information) under the FOI Act, however it was in absence of a policy determined as the most appropriate channel for the request to be considered.

In the interim the City contacted WALGA for advice who recommended that a policy be put in place governing the recording of meetings and access to such recordings. A number of other local governments were also contacted, with the following table summarising the various policy positions:

City of Cockburn	<ul style="list-style-type: none"> Tape recordings or transcripts not made available to members of the public outside of Freedom of Information legislation.
City of Kalgoorlie Boulder	<ul style="list-style-type: none"> Policy states applications must be made to the CEO, and provide details of the item concerned and a reason for the request. CEO position is generally that the recordings are for minute taking only and so are not available to anyone, including elected members

City of Kalamunda	<ul style="list-style-type: none"> • Provide copies of recordings on a disk for a \$15 fee. • Understand that recordings, even though generally for minute taking purposes, are still available under FOI, hence provide them for a fee.
City of Wanneroo	<ul style="list-style-type: none"> • Public may purchase a copy of recorded proceedings or alternatively listen to recorded proceedings with the supervision of a City Officer. • Costs charged as per fees and charges
City of South Perth	<ul style="list-style-type: none"> • Public may purchase a copy of the recorded proceedings upon written request to the CEO and the payment of the prescribed fee.
City of Albany	<ul style="list-style-type: none"> • Provide word for word transcripts of recordings to members of the public. • Do not provide a media file (audio).
City of Swan	<ul style="list-style-type: none"> • Recordings available on website following meeting free of charge. • For the purposes of transparency and increased participation in decision-making. • Also considered a record under FOI Act
City of Vic Park	<ul style="list-style-type: none"> • Provide recording on website free of charge. • Pending approval for live audio/video streaming of council meetings.

All of the policies reviewed considered the recordings a record retainable under the State Records Act 2000. In light of this, and the ability for them to be accessed under FOI legislation, officers have developed a policy position similar to that of the City of Wanneroo, South Perth and Kalamunda, with the recordings available to purchase for a fee.

STATUTORY ENVIRONMENT

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

As outlined in the background section of this report the *City of Busselton Standing Orders Local Law 2018* provides for the Chief Executive Officer to audio record meetings for the purpose of taking minutes. Any such recordings are considered a record under the *State Records Act 2000* and are required under the General Disposal Authority for Local Government to be retained for 1 year after the minutes are confirmed. It is our general understanding that they are therefore also available under FOI legislation.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). The GSR made a number of recommendations with respect to the City's policy and procedure framework. In response the City developed a policy framework which sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

FINANCIAL IMPLICATIONS

Adoption of the Policy will require a fee to be set for the purchase of a copy of each recording. It is recommended that this fee be set at \$15 per copy, taking into account the cost of the USB and the resourcing costs associated with the conversion of the audio file.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy is not expected to have any long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation primarily aligns with the following Key Goal Area/s and Community Objective/s of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6 - LEADERSHIP: Visionary, collaborative, accountable

6.1 Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There are some low level risks associated with providing a copy of the recorded proceedings, mainly that the recording could be altered or that it could be used to try and cause reputational damage. The Policy makes it clear that the official record of the meeting will be the written minutes and additionally the City will retain the recorded proceedings as the official recorded proceedings. Council meetings are of course public meetings and so it is not expected that anything recorded would be of a high risk in terms of reputation. On balance it is felt that the interests of transparency and administrative efficiencies in not requiring requests to be considered under FOI legislation outweigh these risks.

CONSULTATION

As outlined in the background section of this report consultation has been undertaken with a number of other local governments and with WALGA.

OFFICER COMMENT

The purpose of the Policy is to outline the City's position with respect to the audio recording of Council meetings (both Ordinary and Special Council meetings) and access to the recorded proceedings.

The Policy sets out a clear position with respect to the recording of Council meetings, stating that all Ordinary and Special Council meetings will be recorded by the City, including where Council has resolved to close the meeting to members of the public in accordance with Section 5.23 of the *Local Government Act 1995* (the Act).

The Policy also makes it clear however that the official record of the meeting will be the written minutes prepared in accordance with the requirements of the Act and the Local Government (Administration) Regulations 1996.

Officers considered two options for providing public access to the recorded proceedings; allowing members of the public to, on written request, purchase of a copy of the recording, or for the recording to be placed on the City's website. While both options achieve the intended outcome officers felt that providing a copy of the recording on request and for a fee allowed for more oversight (accepting the risk noted above) and enabled recovery of associated costs. It was also considered a good starting point and something Council could potentially build on.

With respect to Elected Members the Policy provides for recorded proceedings to be provided to Elected Members on request from the CEO at no charge. All Elected Members will be notified of such requests.

With respect to the transcribing of recorded proceedings officers have recommended that this not be offered by the City, with the risk of error being high and it being resource intensive.

CONCLUSION

The Policy provides for a clear and transparent position with respect to the audio recording of Council meetings and ensures that requests for the same are dealt with in a consistent fashion.

OPTIONS

Council could instead decide:

1. not to adopt the Policy, with requests for access to the recorded proceedings to be managed at the discretion of the CEO.
2. to amend the Policy to provide the recorded proceedings on the City's website free of charge.
3. to require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be implemented immediately on adoption.

OFFICER RECOMMENDATION

1. That the Council adopts the Council Policy 'Audio Recording of Council Meetings' as per Attachment A.
2. That a fee of \$15.00 be included in the City's 2019/2020 schedule of fees and charges.

COMMITTEE RECOMMENDATION

The Committee recommends:

1. That the Council adopts the Council policy 'Audio Recording of Council Meetings' as per Attachment A, inclusive of the following amendments:
 - i. Paragraph 5.8 to now read "Elected Members may request from the CEO a copy of the recorded proceedings at no charge."; and
 - ii. Add new paragraph 5.9 – "All Elected Members are to be notified when requests for recordings have been received."
 - iii. Paragraph 5.9 now becomes paragraph 5.10; and
 - iv. Paragraph 5.10 now becomes paragraph 5.11.
2. That a fee of \$15.00 be included in the City's 2019/2020 schedule of fees and charges

CARRIED 5/0

Reason: The Committee felt that Elected Members should be notified of all requests for recording and the additional wording reflects this request.

COUNCIL POLICY


City of Busselton
Geographic Bay

Council Policy Name:

Audio Recording of Council Meetings

Responsible Directorate:

Finance and Corporate Services

Version:

Proposed

1. PURPOSE

- 1.1. The City of Busselton's *Standing Orders Local Law 2018* provides for the Chief Executive Officer to audio record the proceedings of a meeting for the purpose of taking minutes.
- 1.2. The purpose of this Policy is to outline the City's position with respect to the audio recording of Council meetings and access to the recorded proceedings.

2. SCOPE

- 2.1. This Policy applies to all Council meetings, all recorded Council meeting proceedings and all requests for such recordings.

3. DEFINITIONS

Term	Meaning
Act	<i>Local Government Act 1995</i>
Policy	this City of Busselton Council policy entitled "Audio Recording of Council Meetings"

4. STRATEGIC CONTEXT

- 4.1. This policy links to Key Goal Area 6 – Leadership of the City's Strategic Community Plan 2017 and specifically the Community Objective 6:1: Governance systems, process and practices are responsible, ethical and transparent.

5. POLICY STATEMENT

- 5.1. All Ordinary and Special Council meetings will, wherever technically possible, be recorded by the City on sound recording equipment, including where Council has resolved to close the meeting to members of the public in accordance with Section 5.23 of the Act and the *City of Busselton's Standing Orders Local Law 2018*.
- 5.2. The primary purpose of recording Council meetings is to assist in the preparation of the minutes of Council meetings.
- 5.3. The official record of the meeting will be the written minutes prepared in accordance with the requirements of the Act and the *Local Government (Administration) Regulations 1996*.
- 5.4. Clear signage will be placed in the Council chamber advising members of the public that the meeting will be audio recorded. Signage will also alert members of the public to the use of any other recording, audio or visual devices in use from time to time.

Proposed Council Policy - Audio Recording of Council
Meetings

- 5.5. Other than in accordance with this Policy, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a Council (or committee) meeting without the written permission of the Presiding Member.
- 5.6. Members of the public may, by written request to the CEO, purchase a copy of the recorded proceedings, with the fee for purchase set out in the City's fees and charges each year.
- 5.7. Members of the public are not entitled to receive a copy of the recording of that part of the meeting that was declared confidential and closed to the public.
- 5.8. Elected Members may request from the CEO a copy of the recorded proceedings at no charge. All Elected Members are to be notified when recordings are requested by individual members.
- 5.9. Recordings will not be transcribed.
- 5.10. Recordings will be stored in accordance with the *State Records Act 2000*.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
6.2. *State Records Act 2000*
6.3. *City of Busselton Standing Orders Local Law 2018*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	N/A	Resolution #	N/A

13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.1 PROPOSED STRUCTURE PLANS FOR LOT 590 AND LOT 612 SPINNAKER BOULEVARD AND LOT 585 AND PT LOT 9501 PORT LAND, GEOGRAPHE; TOGETHER WITH ASSOCIATED MODIFICATIONS TO THE PORT GEOGRAPHE DEVELOPMENT PLAN AND VILLAGE CENTRE PRECINCT PLAN - CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL

SUBJECT INDEX:	Structure Plans, Local Development Plans and Activity Centre Plans
STRATEGIC OBJECTIVE:	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
BUSINESS UNIT:	Strategic Planning
ACTIVITY UNIT:	Strategic Planning
REPORTING OFFICER:	Senior Strategic Planner - Helen Foulds
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan 
	Attachment B Aerial Photograph - Lot 590 and Lot 612 
	Attachment C Aerial Photograph - Port Lane 
	Attachment D Port Geographe Development Plan & Village Centre Precinct Plan (Current Adopted Structure Plans) 
	Attachment E Proposed Structure Plan Report Part 1 - Lot 590 
	Attachment F Development Concept Plan - Lot 590 
	Attachment G Proposed Structure Plan Report Part 1 - Lot 612 
	Attachment H Development Concept Plan - Lot 612 
	Attachment I Proposed Structure Plan Report Part 1 - Port Lane 
	Attachment J Development Concept Plan - Port Lane 
	Attachment K Proposed Modified Port Geographe Development Plan 
	Attachment L Proposed Modified Village Centre Precinct Plan 
	Attachment M Schedule of Submissions 
	Attachment N Schedule of Modifications 

PRÉCIS

The Council is requested to consider adopting for final approval proposed Structure Plans for Lot 590 and Lot 612 Spinnaker Boulevard and for Lot 585 and Pt Lot 9501 Port Lane, Geographe; and incorporating required modifications to the existing Port Geographe Development Plan (PGDP) and Village Centre Precinct Plan (VCCP) in relation to these lots.

The proposals aim to guide the future subdivision and development of the subject properties by providing for predominantly residential development, whilst also recognising the changing nature of tourist accommodation within the District and South-West more generally. The applicants are seeking to rationalise landholdings, development opportunities and outcomes to stimulate development within and around the Port Geographe Village Centre precinct.

The purpose of this report is to recommend to the Council that the subject proposals be adopted for final approval (in accordance with recommended modifications) and forwarded to the Western Australian Planning Commission (WAPC).

BACKGROUND

Three new Structure Plans are proposed: two separate Structure Plans for Lots 590 and 612 Spinnaker Boulevard, and one Structure Plan for both Lot 585 and Pt Lot 9501 Port Lane, Geographe (these being

the last remaining large undeveloped parcels in the Port Geographe Village Centre precinct). Location Plans and Aerial Photographs for each parcel are provided at Attachments A, B and C, respectively.

The Spinnaker Boulevard Lots are zoned 'Tourism' in Local Planning Scheme No. 21 (the Scheme) and identified on the Port Geographe Development Plan (PGDP) as 'Tourist Accommodation'. Both sites are significant in the context of Port Geographe, being classified as 'landmark' sites; however, the 'Tourism' zone covering them is considered by officers to be too restrictive with respect to the range of permissible land uses. The zoning has effectively prevented any coordinated and commercially viable development proposals being proposed and submitted by the landowner for the two sites in the past 20 years.

The Port Lane parcels are zoned 'Local Centre' in the Scheme (previously titled the 'Business' zone). The land parcels form part of the Port Geographe Village Centre precinct on the PGDP, with respective land use designations of 'Residential R60' (including mixed use retail and commercial) for Lot 9501 and 'Shopping/Tourist Carpark' for Lot 585, which is owned by the City in freehold. The applicant is seeking to rationalise and optimise planning outcomes over the land holdings to stimulate development within and around the 'Village Centre'.

Amendment No. 28 to the Scheme, which was approved by the Council for initiation for public consultation at the meeting of 13 April 2018 (and, having taken an extended period to receive Environmental Protection Authority agreement, is now awaiting WAPC approval for advertising), proposes to include all of the subject parcels of land in an 'Urban Development' zone. The intent of Amendment 28 is, in part, to provide greater planning and development flexibility than the current zoning allows, with detailed zoning and land use outcomes to be updated through structure plans. Amendment 28 is expected to be formally advertised in the coming months.

The PGDP and Port Geographe Village Centre Precinct Plan (VCPP) were included in original rezoning documentation for Port Geographe (gazetted in 1996) to guide subdivision and development. A number of modifications to the PGDP and VCPP have been made since then, with the current versions being endorsed by the WAPC on 19 December 2008 (see Attachment D).

The WAPC resolved in August 2018 that structure plans for each of the lots would be required for the purposes of orderly and proper planning. Furthermore, WAPC advised that an amendment to the PGDP, identifying these sites as requiring separate structure plans, would be expected to be undertaken prior to, or concurrently with, the structure plans for the abovementioned sites.

Lot 590 Spinnaker Boulevard Structure Plan

Lot 590 Spinnaker Boulevard is 1.3 ha in area and located at the western-most end of Spinnaker Boulevard. The lot contains two grouped dwellings built in 2004 and the remainder of the land is vacant. This property was identified on the early Development Plan as "Hotel and Harbour Apartments", and later as a landmark development site, being situated close to the seaward entrance into the marina. However, substantial development of this site for tourist-related purposes has not occurred.

The proposed Structure Plan, provided at Attachment E, identifies Lot 590 as largely for 'Residential' development, with land set aside for a small scale commercial development (such as a Restaurant/Café) overlooking the Marina entrance. A range of densities (R30, R40 and R60) are proposed to provide for a variety of housing choices, and the ability for both short-stay and long-stay residential options will be retained. The applicant has estimated that 30-40 residential dwellings could be accommodated under the proposed Structure Plan.

An extension of Spinnaker Boulevard is proposed to enable vehicle access to both existing and future dwellings on the site. The site-specific Development Concept Plan is provided at Attachment F.

The current site levels for Lot 590 range from between 3.2m and 3.5m AHD and, as such, compliance with the finished floor level (FFL) of 3.8m AHD required by the Department of Planning, Lands and Heritage (DPLH) is expected to be achieved.

Lot 612 Spinnaker Boulevard Structure Plan

Lot 612 Spinnaker Boulevard is 2.6 ha in area and located to the north-west of the Spinnaker Boulevard and Layman Road intersection. The parcel is undeveloped and vacant, with a current lot level of between approximately 3.2m – 3.6m AHD. A narrow pedestrian access way (PAW) of 0.1m in width runs along the length of the Layman Road frontage (with the exception of a 10m section approximately half way along) which would restrict vehicular access onto Layman Road.

The applicant estimates approximately 45 to 55 residential dwellings will be accommodated via a medium density range of R30 to R40, enabling both short- and long-stay residential options, and with the higher density concentrated along Layman Road and Spinnaker Boulevard. The provision of an area zoned for 'Business'/'Local Centre' enables a potential local convenience store development option, for the benefit of the local community, without compromising the broader objectives for commercial centres. A road network is identified to access both Layman Road and Spinnaker Boulevard, along with further minor laneways within the development area. A legible pedestrian network will also be provided, to ensure public access to the foreshore can be gained through the site.

The proposed Structure Plan for Lot 612 is provided at Attachment G and the accompanying Development Concept Plan is provided at Attachment H.

Lot 585 & Pt Lot 9501 Port Lane Structure Plan

Lot 585 and Pt Lot 9501 Port Lane have long been identified for commercial purposes, being the centre of the original 'Port Geographe Village' precinct. Lot 9501 is the balance of the 'Village Centre' subdivision, with two portions being located on the mainland and the two southern-most portions that, by virtue of the lot design, are commonly called 'The Islands'.

Lot 585 is a 5,456m² parcel of land, which has been in the unencumbered, freehold title ownership of the City since 1999. The original intentions for this land were for the provision of car parking associated with the commercial component of the former 'Village Centre'. However, with the proposed conversion of this area to 'Residential' (for reasons stated within this report) the additional parking within this site would no longer be necessary. The car park associated with the adjacent boat launching facilities has undergone a recent expansion and will not require a further increase unless an extension to the boat launching facilities were to take place, which is not possible due to site constraints.

The Port Lane parcels are currently zoned 'Local Centre' under the Scheme, despite the 'Residential' zoning identified on the PGDP (which initially identified the area as a mix of R40 and R60 and was subsequently modified to increase these densities to R60). Lot 585 is identified as 'Shopping/Tourist Carpark' on both the PGDP and VCPP.

This land area within the 'Village Centre' was constructed around 2006 but has never been formally subdivided from the balance lot. Canal walls largely surround three of the main areas of land the subject of the proposed Structure Plan. The subject sites are generally cleared with a current lot level of approximately 2.2 – 2.4m AHD.

For a variety of reasons, the commercial development of the land has not proceeded, and given the location of the land, such development is seen as unlikely to be viable in future. As such, the Structure Plan proposal identifies the land for medium-density residential development, delivering a greater range of housing choices into the precinct known as the 'Port Geographe Village Centre'. An estimated 60 to 75 residential dwellings will be delivered within R30 and R60 density codes, providing a variety of housing options; from smaller rear-loaded lots, to townhouse-style dwellings, contemporary single housing lots and a possible grouped or multiple dwelling site, depending on market demands. The applicant has indicated that minimum two storey building heights will be a requirement for this residential development within the structure plan area, although this has not been indicated on the draft Structure Plan. It is possible that the applicant intends to establish and enforce developer covenants over the future individual housing lots to require this.

The area covered by the proposed Structure Plan also includes a portion of the Port Lane road reserve. The intention in incorporating this portion of road reserve is that this will enable the realignment of cadastral boundaries more in keeping with the existing constructed road pavement and necessary road reserve width, and will improve the overall efficiency of the development footprint. A separate process under the *Land Administration Act 1997* would need to be followed in relation to this matter.

The proposed Port Lane Structure Plan is provided at Attachment I and accompanying Development Concept Plan is provided at Attachment J.

Proposed Modifications to the Port Geographe Development Plan and Village Centre Precinct Plan

Consistent with the WAPC's resolution of 28 August 2018, the PGDP and VCPP are proposed to be modified such that the subject land parcels will be identified as being excluded from those plans and subject to separate structure plans (as proposed herein).

Further modifications to the PGDP and the VCPP include the removal of Planning Policy Statements related to commercial and community floor space, public boardwalks and cycle racks in the originally proposed but now redundant shopping centre car park.

The subject PGDP and VCPP have been updated accordingly (see Attachment K and L, respectively) and those modifications are recommended to be assessed and determined alongside the three current Structure Plan proposals.

Supporting Technical Assessments

Technical reports provided in support of the Spinnaker Boulevard proposals, discussed in further detail in this report, include:

- Coastal Hazard Assessment
- Engineering Services Report

The following report was provided with the Port Lane proposal:

- Geotechnical Note on Proposed Infill

Each of these technical reports is outlined below.

Coastal Hazard Assessment (Spinnaker Boulevard)

A Coastal Hazard Assessment by MP Rogers & Associates was provided in support of the proposed Structure Plans for both Lot 590 and Lot 612 Spinnaker Boulevard. The report found that the reconfiguration of the Port Geographe coastal protection structures in 2014 provides adequate protection of these lots from coastal erosion. Further, that the coastal protection works included an increased height to the sea wall adjacent to Lot 612 to provide protection against wave overtopping during severe weather events. Lot 590 is considered to have sufficient protection from wave overtopping due to the two sea walls that provide entry into the marina, together with the separation distance between the sea walls and the proposed development site.

Any proposed development on either Lot 590 or Lot 612 is required to be constructed at a sufficient elevation to avoid risks posed by severe coastal inundation events. In the absence of detailed modelling, a conservative estimate of the inundation level determined by the *Design Storms for Western Australian Coastal Planning – Tropical Cyclones* (Seashore Engineering 2018) has been used, requiring the FFL to meet a minimum requirement of 3.8m AHD.

Engineering Services Report (Spinnaker Boulevard)

The Engineering Services Report confirms that Lots 590 and 612 are connected to all essential service infrastructure and that there is sufficient capacity within the existing network to accommodate development of the sites as proposed by the subject Structure Plans.

The report also demonstrates that, in order to achieve a minimum FFL of 3.8m AHD, retaining walls may be necessary at the lot boundaries and at entry points. The amount of fill necessary for each of these lots is likely to be up to 500mm to reach the appropriate finished lot level of 3.7m AHD. Final road and retaining wall levels would then be determined at the detailed design stage.

Geotechnical Note on Proposed Infill (Port Lane)

The applicant sought the advice of civil and structural engineers as to whether it would be physically possible to achieve a FFL of 3.8m AHD over the Structure Plan area of Lot 585 and Pt Lot 9501 given the site is currently approximately 2.2 – 2.4m AHD. The advice stipulates:

- Increased fill levels have the potential to cause offsite subsidence, and could potentially result in damage to adjoining roads, service infrastructure, and private property.
- The potential for instability and structural failure of the canal walls is increased significantly due to additional driving forces and load of the increased fill. This may result in the need to undertake significant improvement works to the walls and footings, at considerable expense to the landowner.
- Any improvement works (e.g. for strengthening the canal walls or extensive building footings) will most likely require significant dewatering, resulting in an increased risk of exposing acid sulphate soils, which in turn can have significant environmental consequences.
- In order to maintain a suitable factor of safety, building setbacks will most likely need to be increased to an estimated 12m-15m, resulting in a significant reduction in the developable footprint of the land (from a previous average setback of 6m, under the Scheme) to the point where the practicality of the developable area and the financial viability of the development would become highly questionable.

Due to this advice, the proposed Structure Plan does not mandate or agree to a minimum FFL, and proposes that the site can be developed 'at or around' the existing, approved lot levels of the surrounding area. This matter is further discussed within the 'Officer Comment' section of this report.

STATUTORY ENVIRONMENT

The key elements of the statutory environment with respect to this proposal are set out in the relevant objectives, policies and provisions of the City of Busselton *Local Planning Scheme 21* ('the Scheme') and the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations').

Local Planning Scheme No. 21

As mentioned above, Lots 590 and 612 Spinnaker Boulevard are zoned 'Tourism' within the Scheme, whilst Lot 585 and Pt Lot 9501 Port Lane are zoned 'Local Centre'. All parcels are located within the Port Geographe Development Area (PGDA), which is subject of controls set out at clause 5.9 of the Scheme.

The Scheme requires for the PGDA that, in considering development within this 'Special Control Area', the City is to be mindful of:

- (a) the need to ensure appropriate standards of development and maintenance are achieved;
- (b) the need to control and enhance the health, safety, convenience, and general welfare and amenity of the locality; and
- (c) the need to ensure that development control within the PGDA is guided by the PGDP itself, but also by the 'Port Geographe Landscape Master Plan' and the Port Geographe VCPP.

Clause 5.9 provides for various development provisions related to canal lots, including that any structures within the lot boundary (such as water frontage walling and 'other structures') shall be the responsibility of, and maintained by, each water frontage lot owner.

The requirements of the 'Special Control Area' also cover what must be considered through any proposed modifications to the PGDP and VCPP, such as the provision for a high level of direct public access to waterways and canals and a general presumption against residential lots backing onto conservation and foreshore reserves. Specifically in regard to the VCPP, the Scheme requires the inclusion of a maximum 3,000m² nett floor area for commercial/retail space and a minimum 200m² constructed floor area for community and/or meeting space (or a minimum 400m² development site for same).

The PGDA seeks the promotion of innovative development, and for a high standard of amenity to be maintained. A comprehensive range of commercial uses is encouraged, together with residential and tourist accommodation, recreation and community facilities.

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

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations came into operational effect on 19 October 2015 and introduced 'Deemed Provisions' for the preparation, advertising and approval of structure plans (Part 4). The status of structure plans has also changed and local governments are now required to have 'due regard' to approved structure plans when making decisions relating to subsequent subdivision and development.

Clause 15 of the Deemed Provisions prescribes the circumstances in which a structure plan may be prepared:

“A structure plan in respect of an area of land in the Scheme area may be prepared if —

(a) the area is —

- (i) all or part of a zone identified in this Scheme as an area suitable for urban or industrial development; and*
- (ii) identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken;*

or

(b) a State planning policy requires a structure plan to be prepared for the area; or

(c) the Commission considers that a structure plan for the area is required for the purposes of orderly and proper planning.”

Although Amendment No. 28 to rezone the land to ‘Urban Development’ zone has been initiated by the City and will ultimately satisfy clause 15(a) of the Deemed Provisions of the Regulations above, it may be some time before it is finalised and gazetted, as it is still awaiting WAPC approval for advertising. On this basis, the applicant sought the WAPC’s agreement to progress structure planning over the subject sites for the purposes of orderly and proper planning. This agreement was subsequently received from the WAPC in August 2018 and the matter was therefore able to be progressed.

RELEVANT PLANS AND POLICIES

The key policies, plans and strategies relevant to the current proposal are:

- *State Planning Policy 2.6: State Coastal Planning.*
- *Liveable Neighbourhoods (2009) and draft Liveable Neighbourhoods.*
- *City of Busselton Draft Local Planning Strategy.*
- *City of Busselton Local Commercial Planning Strategy.*
- *City of Busselton Local Tourism Planning Strategy.*
- *Local Planning Policy 4B – Port Geographe Village Centre Design Guidelines and Performance Standards.*
- *Port Geographe Development Plan and Village Centre Precinct Plan.*

Each is addressed below under appropriate subheadings.

State Planning Policy 2.6: State Coastal Planning (2013)

The purpose of *State Planning Policy 2.6: State Coastal Planning* (SPP2.6) is to provide guidance for decision-making within the coastal zone and to protect, conserve and enhance coastal values. The Policy requires that coastal hazard risk management and adaptation is appropriately planned for, and encourages innovative approaches to managing coastal hazard risk.

The key objectives of the policy that relate to the proposal are:

- to ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria; and
- to ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities.

One of the key aspects of SPP2.6 is the management of development in the vicinity of the coast, and especially consideration of risks that may arise to and from development in relation to coastal processes. Coastal processes include coastal erosion (i.e. more or less 'permanent' shifts in the coastline), coastal accretion and coastal inundation (i.e. temporary, flooding events).

Discussion of the proposal, as it is affected by SPP2.6, has been provided within the 'Officer Comment' section to follow.

Liveable Neighbourhoods (2009) and draft Liveable Neighbourhoods (2015)

Liveable Neighbourhoods (LN, 2009) is an adopted operational policy of the WAPC to guide structure planning and subdivision of new and infill urban areas. LN 2015 is a 'seriously entertained' draft policy and, as advised by the DPLH, should be referred to in order to provide updated and improved guidance for the assessment and determination of planning and development proposals (rather than the now outdated LN 2009).

Aspects of LN 2015 especially relevant to this proposal are as follows:

- Street layout – to provide a movement network which has a highly-interconnected street network that clearly distinguishes between arterial routes and local streets, establishes good internal and external access for residents, encourages walking and cycling, and minimises the impact of through traffic.
- Design for a range of housing products – to provide a variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.
- Activity Centres – to promote mixed-use development of activity centres that optimise commercial opportunities, access to public transport and efficient street network connections.

Each of the proposed Structure Plans is considered to comply with the relevant objectives and requirements of the draft Liveable Neighbourhoods, 2015, with the exception of the guidance criteria for Activity Centre planning.

City of Busselton Draft Local Planning Strategy (2016)

The draft Local Planning Strategy (LPS) sets out the long-term planning direction for the City and provides an overarching, strategic rationale for decisions related to the planning and development of the District. The draft LPS establishes an urban growth area framework that identifies 'current' (land that is already zoned and where development is generally progressing), 'medium-term' (not currently zoned or subject to structure planning) and 'long-term' (also not currently zoned or subject to structure planning) locations for growth.

The draft LPS identifies Port Geographe as a 'current' urban growth area, noting that land is already zoned with approved Structure Plans in place. The document also identifies that further development of Port Geographe may involve the necessary updating, rationalisation and re-consideration of existing structure planning and should be reviewed.

Officers consider the current structure planning proposal to each be broadly consistent with the draft LPS.

City of Busselton Local Commercial Planning Strategy (2011)

The City of Busselton *Local Commercial Planning Strategy* (LCPS, 2011) provides a framework for the location of retail, commercial and industrial centres within the District.

The LCPS acknowledges both that a significant over-supply of commercial land is provided for in the Port Geographe Village Centre and that the location of this 'Local Centre' zoned land is far from ideal in terms of its access and serviceability to the entire East Busselton area.

However, the following recommendation of the LCPS is made, referring to the Port Geographe Village Centre:

"The Layman Road area currently has a significant surplus of commercial zoned land but given the location of this site near the Port Geographe marina area, it may be worthwhile retaining in its current form. Council should consider this prospect together with the project proponents. Retain [sic] space in this centre should not exceed 1800m²."

Given the context of the Port Geographe project at the time, the LCPS was not open to making a recommendation to remove the Activity Centre in its entirety, but the analysis at the time made a clear basis for why that location was not ideal. Provision has been made within the two Spinnaker Boulevard sites for commercial development at a smaller scale, to provide basic amenities to the localised community.

The proposed Structure Plans, along with other planning proposals within the Port Geographe area are considered to generally comply with the LCPS.

City of Busselton Local Tourism Planning Strategy (2011)

The *Local Tourism Planning Strategy* (LTPS, 2011) provides the long-term strategic land use planning and direction for tourism development within the District. The Tourism Strategy identifies specific parcels of land as 'Strategic Tourism Sites', 'Strategic Tourism Precincts' and 'Non-strategic Tourism Sites', all of which should be retained for tourism purposes.

The Village Centre is identified in the LTPS as 'Strategic Tourism Precinct No. 9 – Port Geographe', where rezoning of the Spinnaker Boulevard sites for residential use is considered to be a risk to tourism opportunities as it would reduce the amount of accommodation for tourists potentially available at these locations.

The following policy directions are identified for this precinct:

"Apply special provisions to ensure that tourist accommodation development is permissible and generally support proposals to rezone land to support tourism development, where it is consistent with the broader planning framework."

“As part of any rezoning proposal due consideration will need to be given to any future foreshore works or groyne configuration works intended as part of any wider land use and waterbody rationalisation for the Port Geographe locality.”

The Spinnaker Boulevard lots are specifically identified within the LTPS as ‘Tourist-zoned land where alternative zonings may be considered’, suggesting that any proposal to amend the zoning should be assessed on its fundamental, and realistic, planning merits.

Further comments in relation to Lots 590 and 612 within the LTPS advise that building heights greater than 3 storeys may be considered, subject to further consideration of detailed issues and consultation with the community. The land may be zoned to allow for the full range of permissible uses in ‘Residential’, ‘Tourism’ and ‘Commercial’, but the tourist accommodation component is to be a minimum of 30 per cent of the total number of proposed residential units of development.

The recommendations of the LTPS have been taken into consideration in the formulation of these proposed Structure Plans.

Local Planning Policy 4B – Port Geographe Village Centre Design Guidelines and Performance Standards

The ‘Port Geographe Village Centre Design Guidelines and Performance Standards’ (LPP 4B) provides a number of architectural principles and building form guidelines to ensure that development in the Port Geographe Village Centre retains a high built-form quality and an aesthetically pleasing standard.

The policy identifies both Lots 590 and 612 for ‘Tourist Accommodation’, with Lot 590 establishing a waterside entry statement for the whole of the Port Geographe development and which should therefore be developed to create a distinctive ‘landmark’ presence at the harbour entry channel. The Port Lane properties are identified within the LPP as “Marina Facility”.

The design requirements proposed for the subject parcels of land will be expected to address these guidelines and standards, should the Structure Plan proposals be supported by the Council.

Port Geographe Development Plan and Village Centre Precinct Plan (2008)

As mentioned above, the PGDP and VCPP, both most recently adopted in 2008, identify Lots 590 and 612 Spinnaker Boulevard for ‘Tourist Development’. A note on both Plans states that *“notwithstanding that lots numbered PT 500, 590, 612, 614, 616 and 617 are shown uncoloured on the plan, development shall be determined in accordance with the District Town Planning Scheme.”* No provisions are provided within the Structure Plan relating to the development of these parcels, other than generic references to compliance with the requirements of the Port Geographe Village Centre Design Guidelines.

Pt Lot 9501 is also identified as ‘Residential R60’ with sections identified for “Mixed use retail/Commercial/Residential” and “Tourist/Residential”. Lot 585 is identified for “Shopping/Tourist Car Park”.

A further notation on the PGDP and VCPP requires the provision of public boardwalks “to be secured for unrestricted general public (pedestrian) access” along the perimeter of Pt Lot 9501 where it fronts the marina.

The PGDP and VCPP set out a number of 'Planning Policy Statements' that are relevant to the Port Lane Structure Plan area, including:

"...

2. *Maximum of 3000m² of net lettable area of Retail floorspace and a minimum of 200m² of constructed floorspace for Community Purposes is to be provided within the area of the Village Centre identified for Mixed Use.*
3. *Public access along the boardwalks proposed along the waterfront and within the Village Centre, as identified on the Port Geographe Development Plan and Village Centre Precinct Plan, is to be appropriately secured. The Boardwalks and associated structures are to be constructed by the Proponent and maintained by the owners of the relevant lots to the satisfaction of the Shire of Busselton and the Department for Planning and Infrastructure in accordance with construction details submitted by the Subdivider and approved by those agencies. The design of the Public Boardwalk adjacent to the Public Boat Ramp is to be to the satisfaction of the Department for Planning and Infrastructure so as not to hinder boat launching.*

...

9. *Cycle racks are to be provided in the Village Centre Shopping/Tourist Carpark."*

The applicant proposes to remove the abovementioned planning policy statements as part of the proposal to modify the PGDP and VCPP. The appropriateness of the removal of these clauses is discussed within the Officer Comment section of this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the proposal.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial plan implications arising from the proposal.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of officers provided in this report is consistent with community objective 2.1 of the City's *Strategic Community Plan 2017*, which is – '*Planning strategies that foster the development of neighbourhoods that meet our needs as we grow*'.

RISK ASSESSMENT

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

It is noted that the 'Officer Recommendation' addresses the adoption of the proposal for referral to the WAPC. In making a recommendation to the WAPC, however, the City will need to consider risks that may arise from the actual development that may follow approval of the Structure Plan by the WAPC. Key amongst those are risks associated with coastal processes, especially risks that may be associated with coastal storm surge events and potential climate change related sea level rise.

CONSULTATION

The draft Structure Plans were advertised for 28 days, in accordance with the Deemed Provisions, ending 24 April 2019. A Schedule of Submissions is provided at Attachment M. Ten public submissions were received with the majority generally supporting development on the sites. Of these submissions, five stated concerns with particular components of the proposed plans, while five supported the plans as advertised.

The main issues raised during the submission period relate to:

- The loss of pedestrian access to the waterfront/canals;
- The perceived loss of a community purpose building;
- The provision of short stay accommodation; and
- Finished floor levels required under State policy.

These matters are discussed in the 'Officer Comment' section below and in the 'Schedule of Submissions'.

The following agencies made specific comment on the proposal:

- DPLH (Strategy and Engagement) provided advice on the compliance of the structure plan proposals against SPP2.6. DPLH advised that the parcels would be considered as infill development and could therefore be developed, provided coastal hazard risks over the 100-year planning timeframe are identified, considered and managed. Further, DPLH identified inundation as a significant risk and, in accordance with SPP2.6 and the Department of Transport's *Design Storms for Western Australian Coastal Planning – Tropical Cyclones*, a minimum FFL of 3.8m AHD would be necessary. Given the current site levels are 2.2m-2.6m AHD, DPLH has suggested that the structure plan should be modified to demonstrate how the inundation risk is to be managed and alternative design options should be investigated.
- The Department of Transport (DoT) provided advice with regard to mooring considerations. A 'Jetty and Mooring Envelope Plan' is recommended to be provided as a condition of subdivision of Lot 9501 Port Lane and is reflected in the Schedule of Modifications at Attachment N. No jetty structures will be supported at the remaining sites.

DoT also provided further advice that additional detailed information, supporting the assessment of Lot 612 against SPP2.6, demonstrating that the existing coastal structures shall provide sufficient protection from coastal hazards over the planning timeframe.

OFFICER COMMENT

The most substantive issues identified through the officer assessment and the outcomes of consultation are addressed under the following headings:

- Coastal processes
- Requirements of the Port Geopraphe Development Area
 - Tourist Development
 - Commercial Development
 - Community Facilities
 - Port Geopraphe Village Centre Design Guidelines
 - Public Boardwalks/Public Access
- City Owned Land (Lot 585 Port Lane)
- Starboard Lane

Coastal processes

Inundation Risk

DPLH has identified that inundation is a significant risk over the planning timeframe (100 years) and that based on SPP2.6 and DoT's *Design Storms for Western Australian Coastal Planning - Tropical Cyclones*, a minimum FFL of 3.8m AHD should be achieved.

The applicant has advised that development within Lots 590 and 612 is likely to meet the required FFL of 3.8m AHD as it appears only 500mm of fill would be required. However, further consideration is required to be given to the Port Lane proposal, where a substantial amount of fill would be needed to achieve 3.8m AHD as the finished ground level is currently much lower, and there may be implications associated with the integrity of the existing canal revetment (et al.) should a higher ground level be introduced.

With regard to Lot 585 and Pt Lot 9501 Port Lane, the applicant has advised that compliance with a FFL of 3.8m AHD, as required by SPP2.6, is unworkable for the development at this location. Given current ground levels at the site range from approximately 2.2 to 2.6m, the import of 1.2 – 1.6m of compacted fill would be required to achieve the necessary level determined as appropriate by State agencies (3.8m AHD). The geotechnical report submitted with the application has indicated that this level of fill could not be supported by the existing canal structures and significant improvement works would be necessary, which in turn could cause further environmental consequences through the risk of acid sulphate soils exposure by dewatering. The concerns raised by the applicant in this instance seem reasonable.

In this report, the City does not suggest an alternative minimum FFL. Given the proponent's concerns, the technical advice and the policy framework, the key question is – why and in what circumstances would the WAPC, whose role it is to make sustainable planning decisions on behalf of the Government of Western Australia, acting in the best long-term interests of the people of Western Australia as a whole, consider allowing development to proceed at a lower FFL?

SPP2.6 does, to a degree, provide an answer to this question, and that is through the ability for local governments (and in some cases, proponents) to develop a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP). A CHRMAP may then identify alternative means of protecting the development (and other existing areas, that would be similarly exposed to coastal flooding risks), rather than setting building floor levels at or above 3.8mAHD. For instance, through a system of seawalls/levies and storm surge barriers.

The City has commenced the process of developing its CHRMAP, but the project is not expected to be completed until September 2019 (and may be subject to delay). It is expected that the City will be making a recommendation on the subject Structure Plan in mid-2019. In the absence of a CHRMAP and alternative means of addressing the risk, how else might the City and the WAPC consider allowing development to proceed at a lower FFL?

Conceptually, there are considered to be three key reasons why the City and WAPC might consider doing so –

- Because they might consider that it is a reasonably likely prospect that an alternative means of addressing the risk will emerge in the future;
- Because they might consider the risk in the context of the competing risk that the development (i.e. the Port Geographe development area as a whole) does not continue to completion in a timely fashion, given that the relatively slow and inconsistent progress of the development to date has been problematic already; and
- Because they might consider that the application of SPP2.6 without broader contextual considerations creates investor uncertainty, which may then have other implications.

Reflected in the recommended Schedule of Modifications at Attachment N is the requirement for the applicant to provide a more detailed investigation of the site against the aims, objectives and requirements of SPP2.6, particularly in terms of how the inundation risk is to be managed, and consideration of alternative design options, consistent with DPLH's advice. Whilst the City is not in a position to offer an alternate figure, officers consider that levels lower than the 3.8m AHD minimum requirement offered by State agencies could nevertheless result in a sound outcome.

Wave Overtopping

Wave overtopping on Lot 590 is likely to be minimal, due to protection from both the outer and inner breakwaters and separation from the ocean. The Coastal Hazard Assessment submitted with the Structure Plan found that the extent of any overtopping would be negligible and no risk to safety or property.

In relation to Lot 612, whilst the detail provided with the Structure Plan proposal included a Coastal Hazards Assessment, limited information was provided on the ability of the coastal structures, recently reconfigured in 2014, to protect the development from wave overtopping at that particular site. The Coastal Hazard Risk Management Plan itself identifies that "the design for the revetment section fronting Lot 612 was completed primarily to focus on the stability of the structures themselves, as well as the safety of pedestrians immediately behind the structure." The MP Rogers and Associates report, however, concludes that Lot 612 can be safely developed (and any minor risks managed).

However, this detailed additional information is needed to be provided to demonstrate that the coastal structures provide sufficient protection from coastal hazards under SPP2.6 and has been requested by officers from the applicant on several occasions. It is expected that this will confirm the matter, but the evidence to demonstrate this is necessary.

Requirements of the Port Geopraphe Development Area

Tourist Development (Spinnaker Boulevard Structure Plans)

In terms of comments and recommendations within the LTPS, with respect to the new Structure Plans identifying the Spinnaker Boulevard sites for 'Residential' development (as opposed to 'Tourist' development), it should be noted that the LTPS pre-dates the City's 'Holiday Homes Local Planning Policy'. Market forces are likely to ensure that residential units and single houses have the demand, and opportunity, to be utilised as holiday homes, if needed (as is the case in other areas of high amenity within the District). The applicant reports that the current zoning of 'Tourism' has precluded viable commercial development of the Spinnaker Boulevard lots for some 20 years and it is highly unlikely that any development will occur under the current zoning.

In response, the current Structure Plan proposal is expected to facilitate the attractive and functional development of the subject land, which could in turn provide for short-stay (tourist-related) development opportunities, as well as increased housing choices, on an otherwise 'undevelopable' site.

Commercial Development (Port Lane Structure Plan)

The Port Lane Structure Plan does not propose to include any additional commercial land, and instead seeks to deliver a high quality, medium-density residential precinct, catering for both permanent residents and short-stay tourist accommodation.

The LCPS acknowledges that the proximity of the Port Geographe Village Centre to the Busselton City Centre (within 2km) means that additional commercial floor space provided there will be unlikely to attract patronage by the current and future catchment in and around eastern Busselton. A significant over-supply of commercial land in the Port Geographe area is already identified within the LCPS and consideration should be given for rezoning portions of the site for appropriate non-commercial uses, such as higher density residential.

Further, the LCPS acknowledges that the location of this potential commercial precinct is poor in terms of its serviceability to the broader eastern Busselton area for general local and neighbourhood shopping needs. It is at the far eastern edge of the logical service catchment area and more appropriately suited to uses associated with the nearby marina. Given its coastal location, it is considered that this commercial land would be better used for residential and/or tourist purposes rather than retail/commercial uses per se.

There may be the need in the future for a small store/mini-mart and related retail facilities in this commercial area, such as that which is provided for in the Structure Plan for Lot 612. As a general restriction, however, any retail space in the Layman Road centre should be sized to service at the local level, with a maximum of 1800m² floor space, as opposed to the 3000m² required under the PGDA.

While the LCPS considers that the 'Business'/'Local Centre' zone remain to encourage the development of "marine, tourist and related uses", the planning context and strategic planning framework has changed since 2011, whereby Holiday Home uses are now much more prevalent. It is considered that the modifications proposed to the planning framework under the proposed Structure Plans will encourage development of areas that has so far been unfeasible and impractical.

In the assessment of this proposal it is noted that Liveable Neighbourhoods (2015) supports the provision of mixed-use development and activity centres in areas with suitably sized catchments that can add to the vitality and viability of commercial ventures. The lack of commercial development within the Port Geographe Village Centre is thought to be a result of the relative isolation of the mooted commercial sites. The proposed 'Newport Geographe' Structure Plan in the southern portion of Port Geographe is instead making provision for an alternative Commercial Centre, or 'hub', which will take advantage of the residential areas on both the eastern and western sides of the marina. It is not anticipated to conflict with the existing Local Centre on Armitage Drive as it is expected to deliver a different commercial product and be far better suited to such development, having direct access to the canals and therefore more likely to provide more tourist-related functions.

The somewhat outdated, sector-based Strategies (both Tourism and Commercial) are not reflective of contemporary planning for the Port Geographe area and fail to acknowledge the 'real' and 'on the ground' circumstances that have been evolving there over the last 10+ years.

Community Facilities

The Scheme and the PGDP both identify the requirement for the provision of a small community-purpose facility with 200m² of constructed floor area within the Village Centre precinct. An agreement between the City and the current landowner specifically requires the transfer of either:

- (a) a minimum of 200m² of constructed floorspace within the Village Centre; or
- (b) a block of freehold land within the village centre with a minimum size of 400m².

As with the commercial/retail hub that is considered to be more likely and appropriate within the 'Newport Geographe' development, and with community facilities already well provided for at Port Geographe (and additional quality facilities likely at 'Newport'), it is considered to be in the City's best interests to seek a 'cash in lieu' payment from the current landowner, instead of accepting transfer to the City of the physical site and being unable to determine suitable facilities that are needed/wanted by the local community to construct there.

The landowner has indicated it is prepared to consider foregoing the provision (required ceding) of the community purpose site for a cash in lieu payment to the City.

City officers also met with representatives of the 'Port Geographe Landowners' Association' to discuss that particular prospect and ensure that those representatives were fully aware of (and generally supportive of) the planned intentions of the City regarding the prospective use of those cash-in-lieu funds and the adequate provision of such facilities elsewhere in the Port Geographe location. While no objection was initially received to this proposal, the submission from the Port Geographe Landowners' Association and other submissions have expressed a desire to see a portion of Lot 585 retained for some form of community use.

Port Geographe Village Centre Design Guidelines

The Scheme (at clause 5.9.4) requires any development within the VCPP to be in accordance with the Port Geographe Village Centre Design Guidelines. The Design Guidelines are being retained, but given the proposed Structure Plan areas will be removed from the VCPP, this connection with the Design Guidelines will be lost. Whilst the Design Guidelines need review to update the land uses contemplated, the general architectural concepts remain valid.

The three proposed Structure Plans also identify where a Local Development Plan is to be prepared, addressing lots that:

- abut public foreshore reserves;
- are serviced by a rear laneway; or
- are zoned 'Business'/'Local Centre'.

The proposed Structure Plans do not reference the existing Design Guidelines and, given the land parcels will no longer be included within the PGDP and VCPP, the Design Guidelines would therefore no longer apply.

To ensure continuation of the critical aspects of the Design Guidelines, being certain desirable architectural principles and building form, it is recommended that the proposed Structure Plans be amended to ensure that a Local Development Plan is prepared for all land parcels within the Structure Plan area and that these Local Development Plans are developed in reference to the Port Geographe Village Centre Design Guidelines. This recommendation is provided within the Schedule of Modifications at Attachment N.

Public boardwalks/Public Access

The Port Geographe Development Area 'Special Control Area' places importance on the retention of "a high level of direct public access to waterway/canals" in the Scheme by the inclusion of this within any future version of the PGDP. The requirement to retain pedestrian routes throughout the former Village Centre is echoed within the PGDP, VCPP and LPP 4B, with the extensive provision of waterfront boardwalks to facilitate public access.

The applicant has stated that the boardwalks were initially proposed to provide a public interface to the planned commercial and tourist uses within Lot 9501 and were not intended as primary pedestrian routes through the site, which is identified separately on the PGDP. The applicant further argues that the change of land use proposed by this Structure Plan no longer gives rise to the need for a public boardwalk in this location, and as such, seeks the removal of this requirement.

Despite this, the desire for this pedestrian access has been reflected through the public submissions received during advertising, with a number of submissions seeking better pedestrian access for lots within the southern portion of the Port Geographe development to the marina and coastal areas. Currently, the only public access to the marina and canals is provided at the marina itself, around the existing restaurant and at the small number of pocket parks that are not widely used. The development of Lot 9501 is the last remaining opportunity for the creation of meaningful access for the community to enjoy the amenity of the waterfront areas. Although a perceived security and amenity risk could arise with the provision of public access in close proximity to residential houses, this concern is no different to the provision of a dual use path.

Given the importance placed on access to the waterfront areas and canals by the Scheme, et al, and the expressed desire of existing residents, it is recommended that a portion of the original public boardwalk network be retained and incorporated into the proposed pedestrian network within the 'Village Centre'. Officers consider that the portion of Lot 9501 nearest to the public boat launching facilities providing the mainland interface with the Marina (as distinct from the portions known as 'The Islands') should include public access to the waterway as an extension of the pedestrian network.

The original provision within the PGDP required public boardwalks to be created within individual lot boundaries and to be maintained by each individual lot owner. Officers believe this requirement to be overly onerous and impractical. A preferred approach could be for a constructed pathway along the landward side of the canal edge in this location, instead of a boardwalk, would achieve the requirement for public access while reducing the construction and ongoing maintenance costs quite significantly. The ongoing maintenance of the pathway would also more appropriately lie with the City rather than the individual lot owners.

These land tenure matters will need to be further investigated and resolved with the applicant/landowner, which can occur without delaying final consideration of the Structure Plan. As such, the Schedule of Modifications, at Attachment N, recommends a new provision to be included within Part One of the Structure Plan document with a notation on the Structure Plan map.

City Owned Land (Lot 585 Port Lane)

Development of the northern-most section of Lot 9501 nearest to the Marina is constrained by the narrow width (being only approximately 26 metres of 'dry' land) between the marina (canal wall) and the City-owned Lot 585. The narrow nature of this strip of land limits viable development opportunities, particularly with respect to accommodating on-site car parking.

As part of a broader review of the balance of the land within the former Village Centre precinct, the applicant identified an opportunity for a 'like-for-like' land exchange between Lot 9501 and Lot 585 which will not only improve the development potential of the area fronting the marina, but will consolidate the City's landholding and provide direct frontage to the main entry of the former 'Village Centre' from Layman Road. It is intended that such a land rationalisation will stimulate development of the strip of land fronting the marina, as well as providing an improved planning and development outcome for Lot 585.

Alternatively, the applicant identified a proposal where the landowners would potentially purchase Lot 585 for residential development. Lot 585 was initially set aside for future expansion of the parking area to service the commercial/retail aspect of the former 'Village Centre'. In recent times, the focus on the 'Village Centre' as a major commercial node has dissipated, and as such, there will no longer be demand for public parking in this location.

Comments provided during the public submission period sought an additional area of public open space in the area of Lot 585, rather than the development of this land. However, a significant provision for public open space has already been provided for the area north of Lanyard Boulevard, a contribution by the original subdivider of 17.77% of the gross subdivisible area, being greater than the 10% required by State policy. Much of these existing parks appear to be underutilised.

Further discussions with the applicant and landowners are continuing and the correct statutory processes for disposal of the subject land will be followed, if that approach is favourably endorsed by the Council.

Starboard Lane

The Starboard Lane road reserve ceases at the boundary of Lot 584, directly to the north of Lot 585 Port Lane. Lot 584 is owned in freehold by the City and the road pavement continues through to the marina and associated parking. In order for the development to be realised as per the proposed Structure Plan, this land would need to be ceded as road reserve. The Structure Plan recognises this by requiring any lots fronting Starboard Lane to have legal road access prior to subdivision. Any costs associated with the creation and dedication of the road reserve will be required to be borne by the subdivider.

CONCLUSION

As a result of the assessment detailed above, City officers recommend that the Council provides a recommendation to the WA Planning Commission to support, subject to the modifications detailed at Attachment N) the following proposed Structure Plans:

1. Proposed Structure Plan for Lot 590 Spinnaker Boulevard, Geographe.
2. Proposed Structure Plan for Lot 612 Spinnaker Boulevard, Geographe.
3. Proposed Structure Plan for Lot 585 and Pt Lot 9501 Port Lane, Geographe.
4. Proposed modifications to the Port Geographe Development Plan.
5. Proposed modifications to the Village Centre Precinct Plan.

OPTIONS

Should the Officer Recommendation not be supported, the following options could be considered –

1. Resolve to adopt the draft Structure Plans for final approval subject to further (or alternative) modification(s); and/or
2. Resolve not to adopt the draft Structure Plans for final approval, for reasons to be specified.

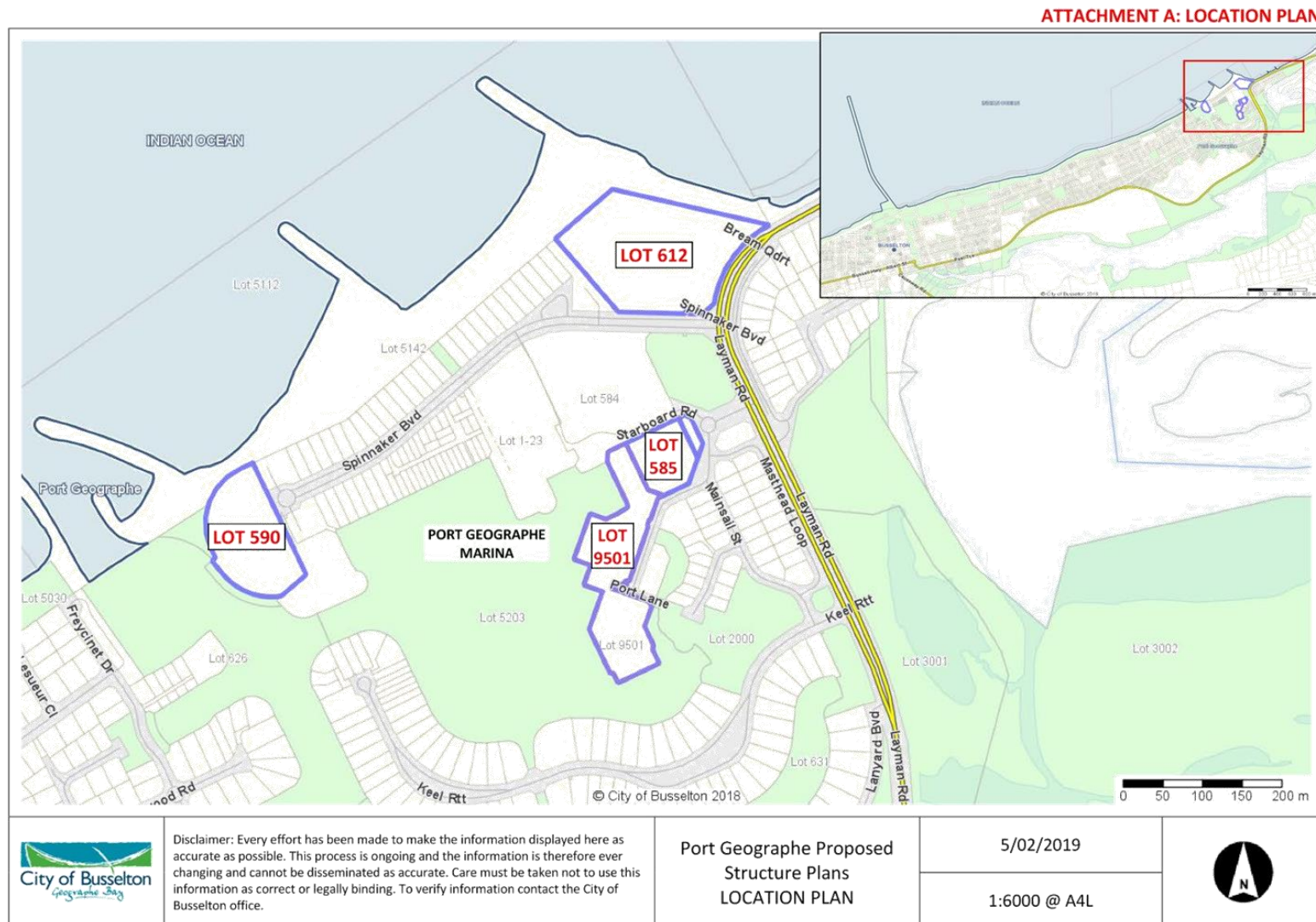
TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the Officer Recommendation will occur within one month of the date of decision.

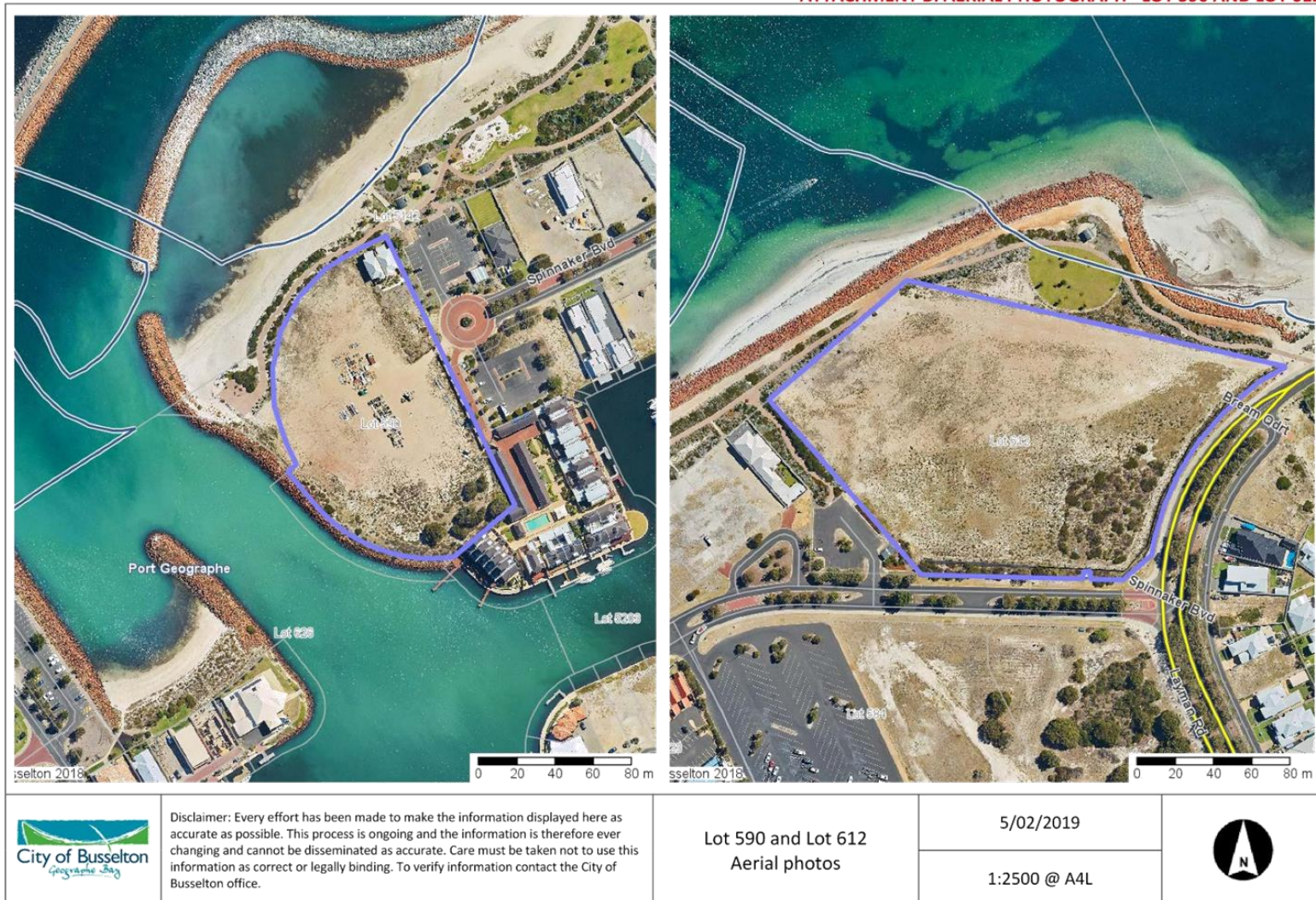
OFFICER RECOMMENDATION

That the Council:

1. Pursuant to Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts for Final Approval, subject to the Schedule of Modifications at Attachment N, the following:
 - a) Proposed Structure Plan for Lot 590 Spinnaker Boulevard, Geographe.
 - b) Proposed Structure Plan for Lot 612 Spinnaker Boulevard, Geographe.
 - c) Proposed Structure Plan for Lot 585 and Pt Lot 9501 Port Lane, Geographe.
 - d) Proposed modifications to the Port Geographe Development Plan.
 - e) Proposed modifications to the Village Centre Precinct Plan.
2. Pursuant to Schedule 2, regulation 19 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to endorse the Schedule of Submissions at Attachment M prepared in response to the public consultation undertaken in relation to these draft Structure Plans.
3. Pursuant to Schedule 2, regulation 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, requires that a report on the draft Structure Plans be provided to the Western Australian Planning Commission within the timeframe agreed with the Commission.
4. Pursuant to Schedule 2, regulations 22 and 23 of the *Planning and Development (Local Planning Schemes) Regulations 2015* should the WAPC require modification be made to any of the draft Structure Plans, other than those set out in Attachment N, these modification are to be undertaken accordingly, on behalf of the Council, unless they are considered by officers to be likely to significantly affect the purpose and intent of the draft Structure Plan(s), in which case the matter shall be formally referred by to the Council for assessment and determination.



ATTACHMENT B: AERIAL PHOTOGRAPH - LOT 590 AND LOT 612



ATTACHMENT C: AERIAL PHOTOGRAPH - PORT LANE



Disclaimer: Every effort has been made to make the information displayed here as accurate as possible. This process is ongoing and the information is therefore ever changing and cannot be disseminated as accurate. Care must be taken not to use this information as correct or legally binding. To verify information contact the City of Busselton office.

Port Lane Aerial

5/02/2019

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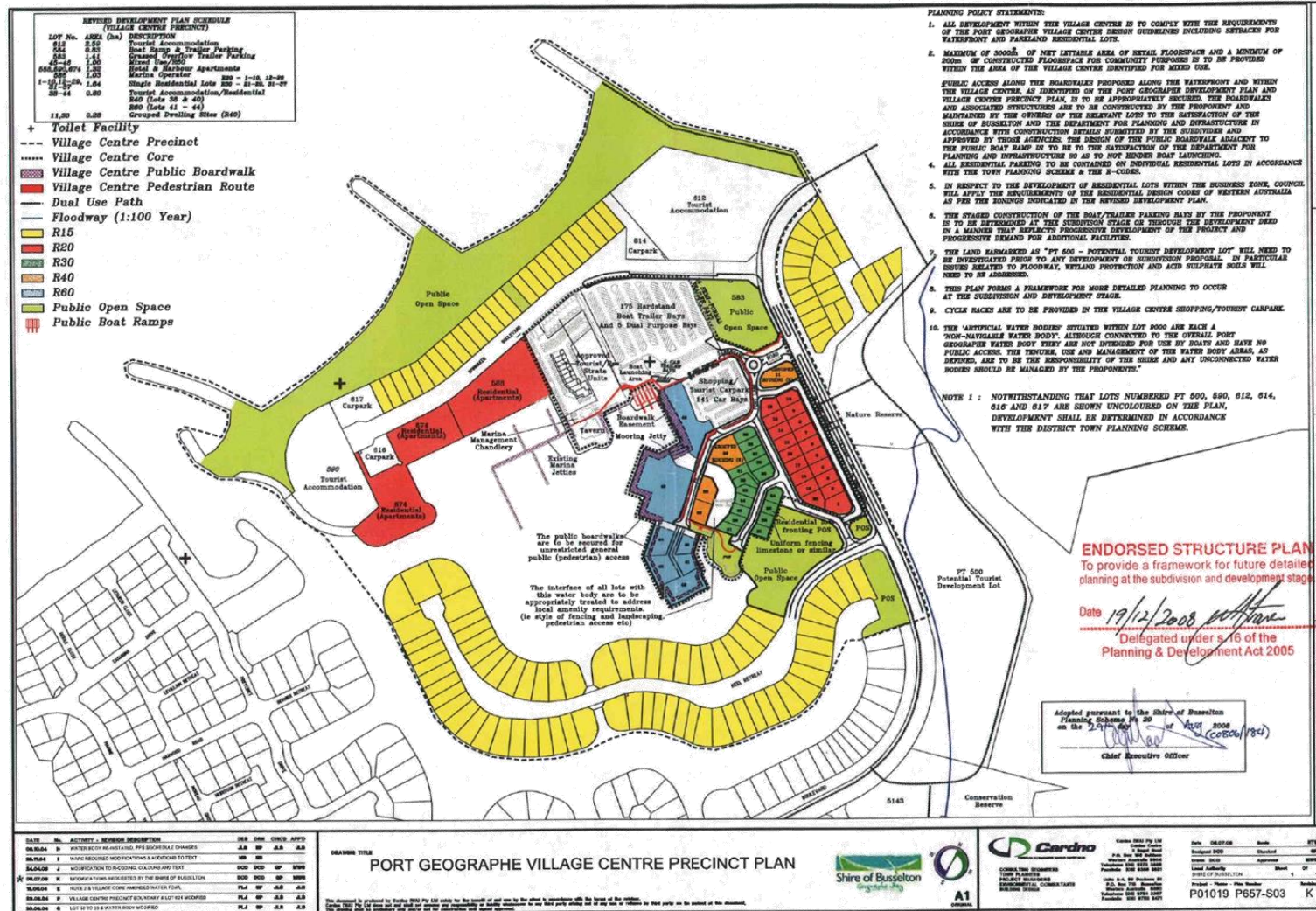


Attachment D

Port Geographe Development Plan & Village Centre Precinct Plan (Current Adopted Structure Plans)

[illegible]

Port Geographe Development Plan & Village Centre Precinct Plan (Current Adopted Structure Plans)





ATTACHMENT E: PROPOSED STRUCTURE PLAN REPORT PART 1 - LOT 590
LOT 590 SPINNAKER BOULEVARD STRUCTURE PLAN
PART ONE IMPLEMENTATION

1.0 Structure Plan Area

The Structure Plan Area is shown on Plan A: Structure Plan Map.

2.0 Structure Plan Content

This Structure Plan comprises:

- Part One – Implementation Section
- Part Two – Explanatory Report
- Appendices – Technical Reports

Part One of the Structure Plan comprises the Structure Plan Map and planning provisions. Part Two of the Structure Plan is the planning report component which can be used to interpret and implement the requirements of Part One.

3.0 Operation

This Structure Plan comes into effect on the date that it is endorsed by the Western Australian Planning Commission (WAPC).

4.0 Interpretation and Relationship with Statutory Planning Framework

The Structure Plan constitutes a Structure Plan pursuant to the City of Busselton Local Planning Scheme 21 and the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 - Deemed provisions for local planning schemes.

The Structure Plan Map (Plan A) outlines future land use, zones and reserves applicable within the structure plan area.

Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 - Deemed provisions for local planning schemes, a decision maker of an application for development approval or subdivision approval is to have due regard to the provisions of this Structure Plan, including the Structure Plan Map, Implementation Report, Explanatory Report and Technical Appendices.

5.0 Staging

Development staging will follow an orderly sequence and shall not exceed the extension of essential service infrastructure or constructed road access.

6.0 Land Use and Subdivision

6.1 Land Use and Zones

The subdivision and development of land is to generally be in accordance with the Structure Plan.

6.2 Residential

6.2.1 Dwelling Target

In accordance with the requirements of Liveable Neighbourhoods, subdivisions are to achieve an average residential density of 22 dwellings per site hectare across the Structure Plan area.

6.2.2 Density

Residential densities applicable to the Structure Plan shall be those residential densities shown on the Local Structure Plan Map.

7.0 Development

7.1 Local Development Plans

The preparation of a Local Development Plan in accordance with Clause 6A.5 of the Scheme may be required by the WAPC, on the advice of the City of Busselton, as a condition of subdivision approval where deemed necessary for land comprising, but not limited to:

- Lots abutting public foreshore reserves and/ or waterways;
- Lots serviced by a rear laneway;
- Lots zoned 'Business'.

7.2 Subdivision and Development Requirements

The following requirements shall apply to subdivision and development:

- Finished floor levels of all habitable rooms shall achieve a minimum of 3.8m AHD.

7.3 Notifications on Title

In respect of applications for the subdivision of land, the Council shall recommend to the Western Australian Planning Commission that a condition be imposed on the grant of subdivision approval for a notification to be placed on the Certificate(s) of Title(s) to advise of the following:

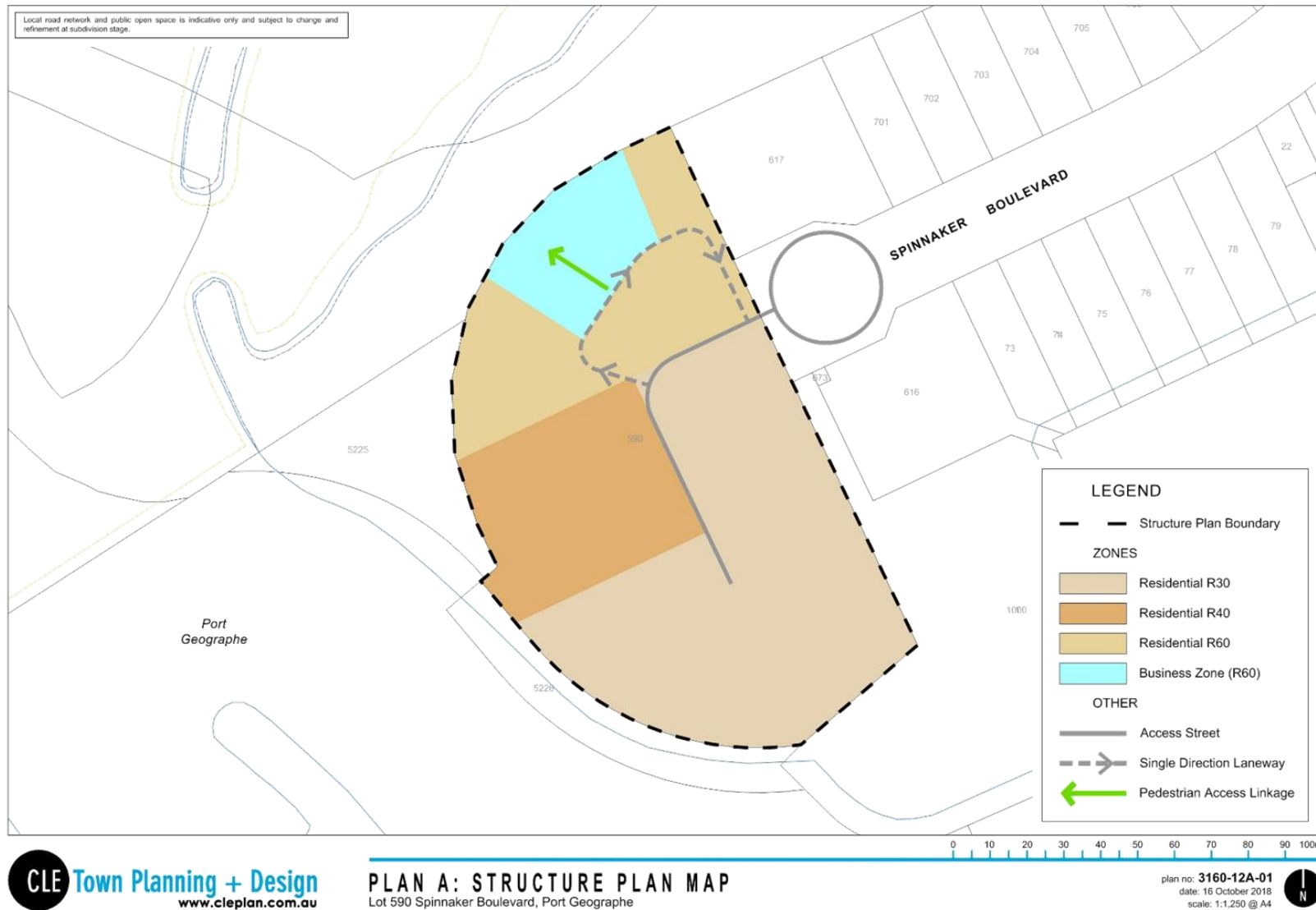
- Lots are capable of use for short stay accommodation purposes subject to approval of the City of Busselton.

8.0 Other Requirements

8.1 Conditions of Subdivision Approval

The following technical reports / strategies are to be prepared and submitted as a condition of subdivision approval (where applicable):

- Urban Water Management Plan.



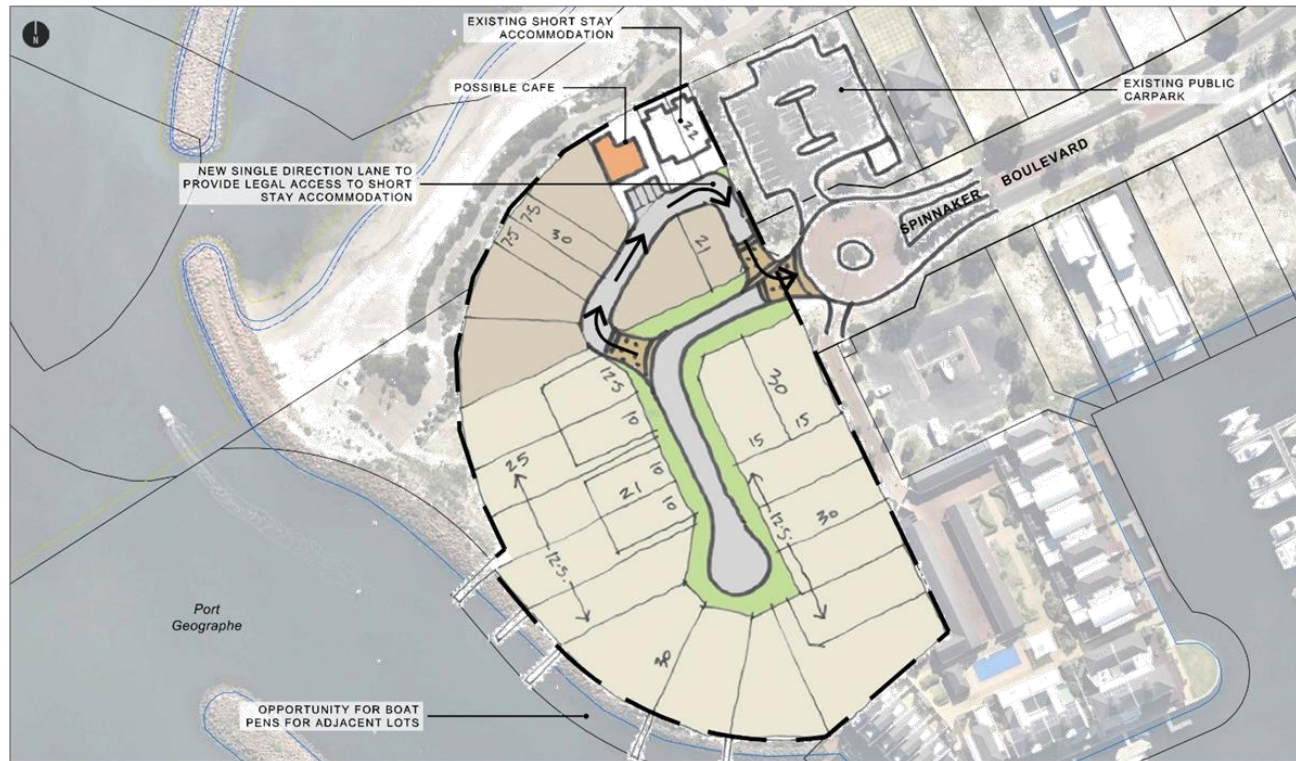


Figure 7 Development Concept Plan



ATTACHMENT G: PROPOSED STRUCTURE PLAN REPORT PART 1 - LOT 612
LOT 612 SPINNAKER BOULEVARD STRUCTURE PLAN
PART ONE IMPLEMENTATION

1.0 Structure Plan Area

The Structure Plan Area is shown on Plan A: Structure Plan Map.

2.0 Structure Plan Content

This Local Structure Plan comprises:

- Part One – Implementation Section
- Part Two – Explanatory Report
- Appendices – Technical Reports

Part One of the Structure Plan comprises the structure plan map and planning provisions. Part Two of the Structure Plan is the planning report component which can be used to interpret and implement the requirements of Part One.

3.0 Operation

This Structure Plan comes into effect on the date that it is endorsed by the Western Australian Planning Commission (WAPC).

4.0 Interpretation and Relationship with Statutory Planning Framework

The Structure Plan constitutes a Structure Plan pursuant to the City of Busselton Local Planning Scheme 21 and the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 - Deemed provisions for local planning schemes.

The Structure Plan Map (Plan A) outlines future land use, zones and reserves applicable within the structure plan area.

Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 - Deemed provisions for local planning schemes, a decision maker of an application for development approval or subdivision approval is to have due regard to the provisions of this Structure Plan, including the Structure Plan Map, Implementation Report, Explanatory Report and Technical Appendices.

5.0 Staging

Development staging will follow an orderly sequence and shall not exceed the extension of essential service infrastructure or constructed road access.

6.0 Land Use and Subdivision

6.1 Land Use and Zones

The subdivision and development of land is to generally be in accordance with the Structure Plan.

6.2 Residential

6.2.1 Dwelling Target

In accordance with the requirements of Liveable Neighbourhoods, subdivisions are to achieve an average residential density of 26 dwellings per site hectare across the Structure Plan area.

6.2.2 Density

Residential densities applicable to the Structure Plan shall be those residential densities shown on the Structure Plan Map.

7.0 Development

7.1 Local Development Plans

The preparation of a Local Development Plan in accordance with Clause 6A.5 of the Scheme may be required by the WAPC, on the advice of the City of Busselton, as a condition of subdivision approval where deemed necessary for land comprising, but not limited to:

- Lots abutting public foreshore reserves;
- Lots serviced by a rear laneway;
- Lots zoned 'Business'.

7.2 Subdivision and Development Requirements

The following requirements shall apply to subdivision and development:

- Finished floor levels of all habitable rooms shall achieve a minimum of 3.8m AHD.

7.3 Notifications on Title

In respect of applications for the subdivision of land, the Council shall recommend to the Western Australian Planning Commission that a condition be imposed on the grant of subdivision approval for a notification to be placed on the Certificate(s) of Title(s) to advise of the following:

- Lots are capable of use for short stay accommodation purposes subject to the approval of the City of Busselton.

8.0 Other Requirements

8.1 Conditions of Subdivision Approval

The following technical reports / strategies are to be prepared and submitted as a condition of subdivision approval (where applicable):

- Urban Water Management Plan.



ATTACHMENT H: LOT 612 DEVELOPMENT CONCEPT PLAN

LOT 612 SPINNAKER BOULEVARD STRUCTURE PLAN

PART TWO EXPLANATORY REPORT

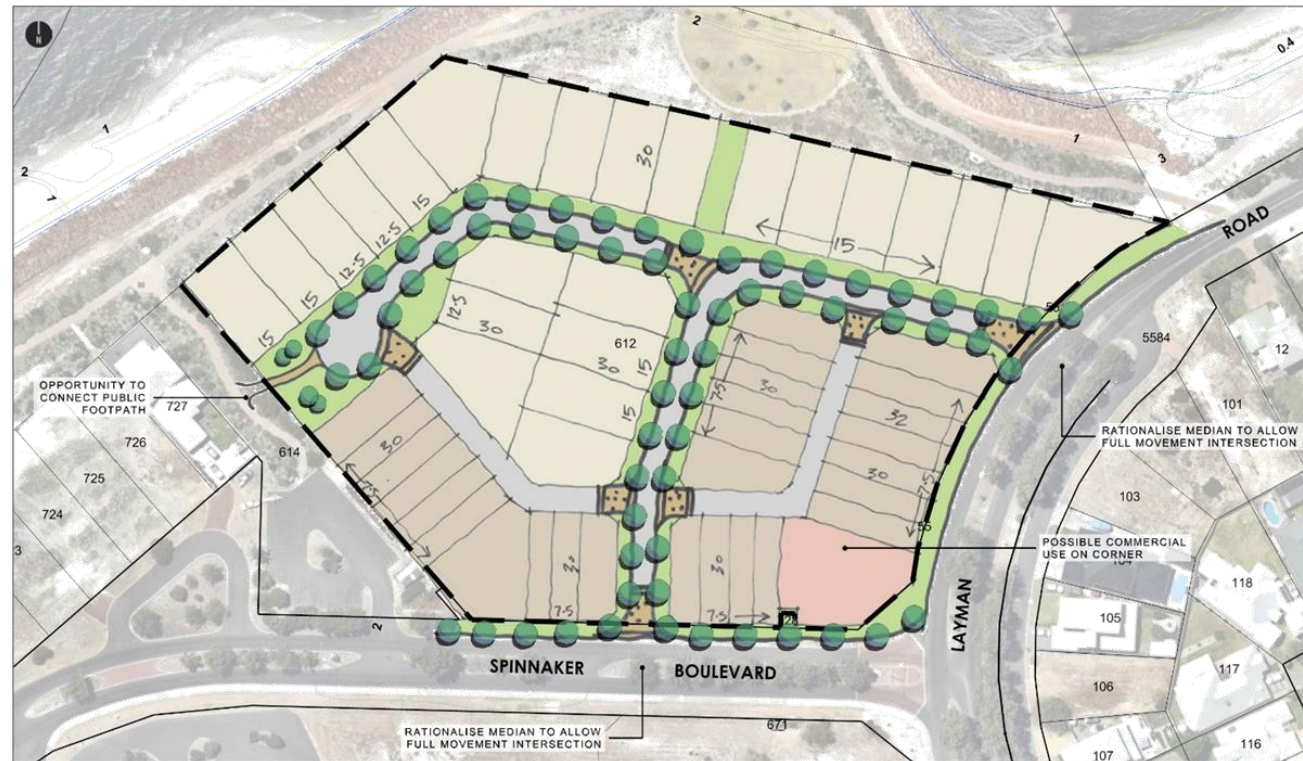


Figure 7 Development Concept Plan



1.0 Structure Plan Area

The Structure Plan Area is shown on Plan A: Structure Plan Map

2.0 Structure Plan Content

This Structure Plan comprises:

- Part One - Implementation Section
- Part Two - Explanatory Report
- Appendices - Technical Reports

Part One of the Structure Plan comprises the structure plan map and planning provisions. Part Two of the Structure Plan is the planning report component which can be used to interpret and implement the requirements of Part One.

3.0 Operation

This Structure Plan comes into effect on the date that it is endorsed by the Western Australian Planning Commission (WAPC).

4.0 Interpretation and Relationship with Statutory Planning Framework

The Structure Plan constitutes a structure plan pursuant to the City of Busselton Local Planning Scheme 21 and the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 - Deemed provisions for local planning schemes.

The Structure Plan Map (Plan A) outlines future land use, zones and reserves applicable within the Structure Plan area.

Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 - Deemed provisions for local planning schemes, a decision maker of an application for development approval or subdivision approval is to have due regard to the provisions of this Structure Plan, including the Structure Plan Map, Implementation Report, Explanatory Report and any Technical Appendices.

5.0 Staging

Development staging will follow an orderly sequence and shall not exceed the extension of essential service infrastructure or constructed road access.

6.0 Land Use and Subdivision

6.1 Land Use and Zones

Land use permissibility within the Structure Plan area shall generally be in accordance with the corresponding zone or reserve under the Scheme or as otherwise outlined in this Structure Plan.

The subdivision and development of land is to generally be in accordance with the Structure Plan.

6.2 Residential

6.2.1 Residential Density

Residential densities applicable to the Structure Plan shall be those residential densities shown on the Local Structure Plan Map.

7.0 Development

7.1 Local Development Plans

The preparation of a Local Development Plan may be required by the WAPC in accordance with Clause 47 (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 - Deemed provisions for local planning schemes, on the advice of the City of Busselton, as a condition of subdivision approval where deemed necessary for land comprising, but not limited to:

- Lots abutting foreshore reserves and/ or waterways;
- Lots serviced by a rear laneway; and
- Density sites.

Local Development Plans shall be prepared to address the following:

- Built form standards;
- R-Code variations;
- Canal setbacks;
- Retaining walls and fencing;
- Private jetties; and
- Maintenance of the stabilised canal edge.

7.2 Notifications on Title

In respect of applications for the subdivision of land the Council shall recommend to the Western Australian Planning Commission that a condition be imposed on the grant of subdivision approval for a notification to be placed on the Certificate(s) of Title(s) to advise of the following:

- Lots capable of use for short stay accommodation purposes.

8.0 Other Requirements

8.1 Conditions of Subdivision Approval

The following technical reports / strategies are to be prepared and submitted as a condition of subdivision approval (where applicable):

- Urban Water Management Plan.

Lots fronting Starboard Lane are required to have Legal road access prior to subdivision.

8.2 Canal Walls

The City of Busselton may require, as a condition of development approval, certification from a structural engineer that the existing canal walls are structurally sound and capable of supporting the proposed development.

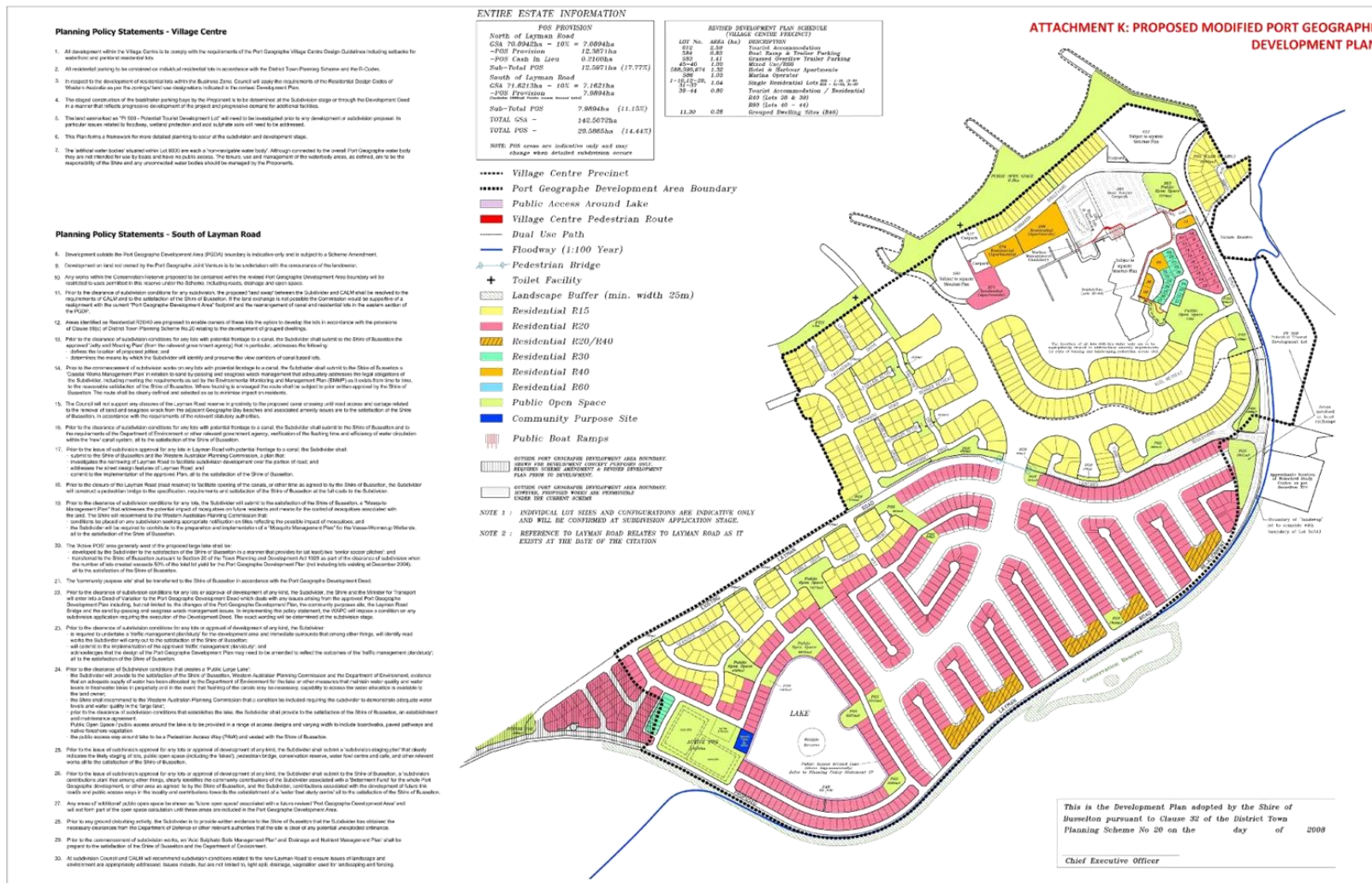
8.3 Provision of Community Infrastructure

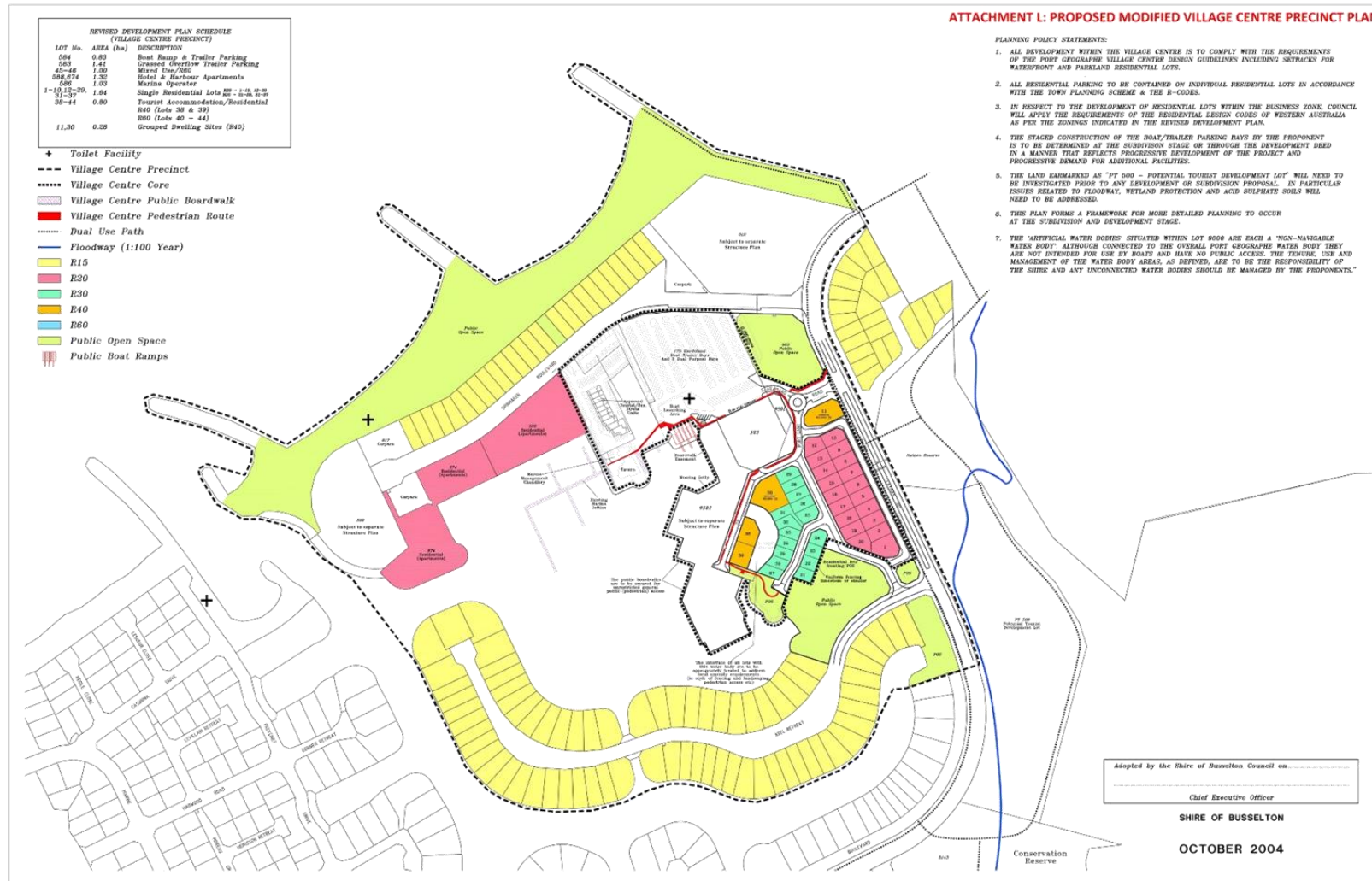
A cash payment in lieu of the provision of land or buildings for community purposes is to be provided, and is subject to a separate deed of agreement between the City of Busselton and the landowners.





Figure 7 Development Concept Plan





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PROPOSAL: DRAFT STRUCTURE PLANS – PORT GEOGRAPHE VILLAGE CENTRE
SUBMISSIONS CLOSE: 24 Apr 2019
OFFICER: Helen Foulds

No	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
1.	Department of Planning, Lands and Heritage (Heritage Services) 491 Wellington Street Perth WA 6000	No comment.	Noted.	That the submission be noted.
2.	Department of Water and Environmental Regulation (DWER) PO Box 261 Bunbury WA 6230	The department has identified the Port Geopraphe Village Centre Structure Plans have the potential for impact on the environment and water resource values and management. While the request is supported in principle, the following matter should be addressed: <ul style="list-style-type: none"> Stormwater management: That the structure plans for Lot 612, Lot 590, Lot 9501 and Lot 585 are compliant with the department's decisions process for <i>Stormwater Management in WA</i> (DWER 2017) and the <i>Stormwater Management Manual for Western Australia</i> (DoW 2004–2007), for roads and impervious surfaces on site. 	Noted; DWER advised this is a standard response. Compliance with stormwater requirements will form part of the approval process at subdivision and/or development stage.	That the submission be noted.
3.	Department of Planning, Lands and Heritage (Aboriginal Heritage) Locked Bag 2506 Perth WA 6001	A review of the Register of Places and Objects as well as the DPLH Aboriginal Heritage Database concludes that there are no known Aboriginal sites or heritage places within the proposed draft Structure Plan areas that intersect Lots 590 and 612 Spinnaker Blvd , and Lots 585 and Pt Lot 9501 Port Lane . Therefore, based on the information held by DPLH, no approvals are required under the <i>Aboriginal Heritage Act 1972</i> (AHA).	Noted.	That the submission be noted.
4.	Busselton Water PO Box 57 Busselton WA 6280	Busselton Water supports the structure plans as presented. At building development stage, DFES assessment of the fire service requirements for the R60 lots may require the building owner to upgrade the capacity of the water mains in the street that serves the property.	Noted.	That the submission be noted.

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5.	Water Corporation – Development Services	<p>1. Water Supply – The Corporation does not provide water supply services to the structure plan area.</p> <p>2. Wastewater – The structure plan area is currently serviced by a vacuum sewerage system within the Busselton SD90 wastewater catchment. Due to some minor increases in development density based on the original land use plan, upgrading of the current system may be required to prevent existing customers being affected by the proposed development. When the proposed demands are provided, the developer should liaise with the Corporation to determine wastewater requirements to serve the subject area.</p> <p>3. General – The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works. Water Corporation may also require land being ceded free of cost for works.</p>	Noted. All lots are capable of being serviced with reticulated water and wastewater services.	That the submission be noted.
6.	Department of Transport Coastal Infrastructure 1 Essex Street Fremantle WA 6160	<p>Department of Transport, Maritime Planning has no in principle objection to the proposal proceeding subject to the following:</p> <p><u>Mooring Considerations</u></p> <p>1. The Proponent will need to produce a Jetty and Mooring Envelope Plan for Lot 9501 that will need to be approved by the City of Busselton and the Department of Transport (Maritime Planning). When preparing the Plan, the following items will need to be considered:</p>	<p>1. Noted. A Jetty and Mooring Envelope plan is most appropriately addressed as a condition of subdivision approval once detailed lot design is confirmed. It is recommended that Part One of the Structure Plan document for 'Lot 585 and</p>	<p>That the submission be noted.</p> <p>That Part One of the Structure Plan document for 'Lot 585 and Pt Lot 9501 Port Lane' be amended to reflect the requirement for a Jetty and Mooring Envelope Plan to be prepared at subdivision, to the satisfaction of the City of Busselton and Department of Transport (Maritime Planning).</p>

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		<p>a. There is a distance of 7.5 metres from the canal wall to the cadastre boundary - the jetty and mooring envelope must be wholly contained within this limit;</p> <p>b. Land backed jetty structures would only be permitted on these Lots;</p> <p>c. "Beam to mooring" berthing of vessels will only be permitted (parallel berthing);</p> <p>d. For individual Lots, a minimum offset from the neighbouring property boundary may be required;</p> <p>e. For Strata Lots with multiple dwellings, a single continuous land backed maritime structure may be more suitable than individual structures;</p> <p>f. Any maritime structure(s) constructed at these Lots must be in accordance with the City of Busselton's Local Planning Policy – Residential Development Policy.</p> <p>g. The design of any proposed maritime structure should not adversely affect the structural integrity of the canal wall or revetment wall.</p> <p>2. It is recommended that no jetty and mooring envelope is allocated for Lot 585 & Lot 612.</p> <p>3. Regarding Lot 590:</p> <p>a. Based on the location of the site – adjacent to an entrance channel for the Port Geographe canal estate and marina, DoT would not recommend any structure(s) being installed (in this area) that would inhibit navigational access and comprise navigational safety for vessels (specifically larger vessels) utilising the channel.</p>	<p>Pt Lot 9501 Port Lane' be amended to reflect this requirement at subdivision.</p> <p>2. Noted. No jetties or mooring envelopes are proposed as part of the Structure Plans for Lot 585 and Lot 612.</p> <p>3. Noted. The applicant has been advised of the Department of Transport's comments in this regard and has not made an objection.</p>	

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		<p>b. In addition to the navigational issues, it is noted that the land immediately adjacent to the waterway (revetment) is Crown land and not under the ownership of the proponent.</p> <p>c. Taking into consideration the above items, (specifically the first bullet) the Department of Transport (responsible for jetty licensing) would not approve any structures (mooring jetties) at Lot 590.</p> <p>4. Final approval of maritime structures referred to within this proposal are conditional on approval of the Jetty and Mooring Envelope Plan by the City of Busselton and Department of Transport (Maritime Planning).</p> <p><u>Operational considerations</u></p> <p>5. The proponent(s) should be aware of adjacent land use requirements, that will include but is not limited to:</p> <p>a. Maintenance may on occasion be required on the breakwater and revetment structures.</p> <p>b. Other facility maintenance activities may occur in adjacent areas to Lots 590, 612 and 9501.</p> <p>c. There is a maintenance access way to the north of Lot 612 which will be used on a regular basis during facility maintenance works campaigns. Access to the beach area immediately north-west of Lot 590 will also be utilised during works campaigns.</p> <p><u>Coastal considerations</u></p> <p>6. The development sites are anticipated to have coastal hazard risks over the 100 year planning timeframe that will require coastal hazard risk</p>	<p>4. Noted.</p> <p>5. Noted.</p> <p>6. The Department of Planning, Lands and Heritage have provided a submission with</p>	

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		management and adaptation planning. If the Strategy and Engagement Team at DPLH requires technical advice from DoT Coastal Management during the preparation of their advice on application of SPP2.6 then we will liaise with them directly.	respect to SPP2.6 (refer to submission no. 8, below).	
		Additional comments received. 7. As Lots 590 and 612 benefit from the presence of coastal structures it is our understanding that there is a requirement under State Planning Policy 2.6 - State Coastal Planning Policy for the <i>Lots 590 & 612 Spinnaker Boulevard, Port Geographe Coastal Hazard Risk Management Plan</i> (Rev 0, 22 August 2018) prepared by MP Rogers and Associates to demonstrate the coastal structures provide sufficient protection from coastal hazards over the planning timeframe. We recommend further information is added to this Plan to demonstrate this including discussion on the design life of the structure, age and current condition, remaining structure life, design storm conditions, overtopping (especially for Lot 612), and arrangements for ongoing care, control and maintenance.	7. Whilst the detail provided with the structure plan proposal included a coastal hazards assessment, limited information was provided on the ability of the coastal structures, recently reconfigured in 2014, to protect the development from wave overtopping. The Coastal Hazard Risk Management Plan itself identifies that “the design for the revetment section fronting Lot 612 was completed primarily to focus on the stability of the structures themselves, as well as the safety of pedestrians immediately behind the structure.” The MP Rogers and Associates report concludes that Lot 612 can be safely developed. However, this detailed additional information is needed to demonstrate that the coastal structures provide sufficient protection from coastal hazards under SPP2.6 and has been requested on several occasions from the applicant. It is expected that this additional information will confirm sufficient protection is provided; however, this nonetheless needs to be demonstrated.	That the additional information be provided by the applicant to demonstrate compliance with SPP2.6 for Lot 612.
7.	Department of Biodiversity, Conservation and Attractions	No comments. It is considered that the proposal and any potential environmental impacts will be appropriately	Noted.	That the submission be noted.

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	Parks and Wildlife Service, South West Region	addressed through the existing planning framework.		
8.	Department of Planning, Lands and Heritage (Strategy and Engagement) 140 William Street Perth WA 6000	<p>1. The draft <i>Port Geographe Village Centre Structure Plan</i> dated January 2019 relates to an undeveloped portion of the Port Geographe marina surrounded by developed sites. As such, it is able to be considered as infill development under SPP2.6. This means that the site may be able to be developed, given proper consideration and management of coastal hazard risk over the 100-year planning timeframe.</p> <p>2. It has been identified that inundation is a significant risk in this timeframe and, in accordance with Schedule 1 of SPP2.6, based on the Department of Transport's <i>Design Storms for Western Australian Coastal Planning - Tropical Cyclones</i>, a minimum development level of +3.8m AHD was determined for site. It is stated in the structure plan that the current established site levels are 2.2m-2.6m AHD, suggesting proposed floor levels would be similar and therefore significantly lower than the minimum required development level. The proposal does not provide any relevant justification to depart from the policy requirements of SPP2.6. The structure plan should be modified to demonstrate how inundation risk is to be managed. In doing so, design options such as elevating buildings to achieve the required level should be considered as an alternative to filling the site to achieve of the required development level of +3.8m AHD.</p>	<p>1. DPLH advises that the 'Lot 585 and Pt Lot 9501 Port Lane Structure Plan' would be considered as infill development under State Planning Policy 2.6 – State Coastal Planning Policy (SPP2.6).</p> <p>2. This information is consistent with advice received in relation to another nearby structure plan proposal facing similar issues.</p> <p>Whilst the City is not in a position to offer an abiding alternative view, a responsible outcome could feasibly be achieved through FFLs lower than the 3.8m AHD level suggested by State agencies.</p> <p>It is considered incumbent on peak authorities (such as DPLH and DoT) to clearly ascertain minimum requirements in regard to FFLs for habitable buildings, being also cognisant of potential future solutions, financial feasibility, risks and threats to existing infrastructure such as canal walls and the overall viability of the mooted project(s).</p>	<p>That the submission is noted, however the Western Australian Planning Commission is respectfully requested to consider the matter holistically and consider that a more flexible approach to the assessment of the development against SPP2.6 might be available.</p> <p>Further, that the structure plan be modified to demonstrate how the inundation risk is to be managed and alternative design options should be investigated.</p>
Public Submissions				
9.	B. Eastman 31 Pandora Dr	Lot 612 Spinnaker Boulevard	Noted.	That the submission be noted.

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	City Beach WA 6015	Support the overall amendment due to the current zoning holding back development of Lots 590 and 612 as evidenced by the fact that they have been vacant for over 20 years. This area needs more population to support the Marina/Tavern and foreshore development that has been undertaken by the DoT and City of Busselton.		
10.	P. Brinsden 12 Anchor View Geographe WA 6280	Lot 585 and Pt Lot 9501 Port Lane Structure Plan In general, we approve of the proposed 'minor' changes with the following exceptions. 1. Pedestrian access – The new proposals no longer include the boardwalks, there is a loss of the existing access for pedestrian, bicycle and dogs, from the south, through Port Lane to Starboard Road via the existing vacant land of Lot 9501 next to the boat ramp area. The new proposal allows for two 6.0m wide public laneways from Port Lane through to Starboard Road for pedestrian through traffic as well as vehicle access to the garages of the rear-loaded lots. There will be a need to make these laneways user friendly and avoid conflict with traffic. Perhaps widening of one of the laneways, to have a dedicated separate pedestrian section that could be landscaped and some form of barrier between the vehicles and the pedestrians should be considered. That would hopefully provide some security for the new dwellings that will use these laneways for vehicle access. A preferred solution would be to keep the boardwalk from the north end of the existing 'bridge', to run down the western canal edge of Lot 9501 to the existing carpark next to the boat ramp.	1. Concerns related to pedestrian access are noted. The Officer Report recommends the retention, where possible, of a requirement for public access to the waterfront within this section of Lot 9501 to reflect the requirements of the Port Geographe Development.	That the submission be noted. That the Lot 585 and Pt Lot 9501 Port Lane Structure Plan be modified to include consideration for pedestrian accessibility and the interface to the waterfront on the mainland interface of Pt Lot 9501 with the Marina adjacent to the Port Geographe boat launching facilities.

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		<p>2. Short stay accommodation – The noise/nuisance generated from this type of accommodation can be exaggerated when the dwellings are on the water, where noise is amplified to those around. This problem is already being experienced for some residents who live on or near the enclosed stinger free pool between Anchor View and Port Lane. Some existing houses have been used for short stay accommodation and attract people who have little respect for the long-term residents, particularly at 'schoolies' week and long weekends, Christmas and Easter breaks. Perhaps the short stay accommodation can be limited to areas that face onto the canal and boat ramp areas and away from existing residents.</p> <p>3. Building heights – It is understood that the new buildings can be up to three storey or 12m maximum under the Residential Codes. When most of us built some years ago, the maximum height was 10.5m. However, if the ground levels are to be raised to the 3.8m AHD level, this means that the overall height would now be 13.3m above our level of 2.5m AHD. We are concerned that this height, particularly adjacent to existing buildings, would be an anomaly. We will be interested in the requirements for new buildings in terms of heights and potential privacy and overshadowing issues. We look forward to having some consultation when the DAP (detailed area plan) is prepared.</p>	<p>2. The parcel of land adjacent to the 'stinger free pool' is not considered as part of these proposals.</p> <p>Any future application for a holiday home use would be considered on its merits at the time a development application is submitted, pursuant to the Local Planning Scheme and the City's Holiday Homes Policy. It should be noted that the Structure Plans under consideration were previously identified for tourist accommodation and mixed use, in which similar uses would be likely to be far greater.</p> <p>3. Any future residential development would be developed in accordance with the Residential Design Codes of WA (the R-Codes), which includes the control of privacy via setbacks and avoidance of overshadowing.</p>	

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		<p>4. New ground levels – The proposed new levels for the development, raised from the existing 2.5m AHD up to 3.8m AHD would appear to be a make-or-break factor for whether the future development will proceed. If Council enforces this new requirement and the developer pulls out, then it may be an opportunity to convert these lots into attractive, landscaped public areas, controlled by the Council.</p> <p>5. Commercial precinct – The loss of the commercial precinct is understandable in today's economy and lack of population in the area, but what plans have been allowed for in the future when the population will be demanding more services? Although Lot 612 has some provision on the corner of Layman Road and Spinnaker Boulevard, will this be adequate?</p> <p>6. Community land/infrastructure – The provision of community land/infrastructure is and will be important to the residents of Port Geographe. There are several existing groups in the area</p>	<p>4. The City is compelled to comply with SPP2.6 and rely on the expert advice of the relevant government agencies (in this case, Department of Transport and Department of Planning, Lands and Heritage). The structure plan proposals are recommended to be modified to demonstrate how the inundation risk is to be managed and alternative design options should be investigated.</p> <p>The subject land is privately-owned, zoned land and its conversion to POS in the event of any withdrawal of development intentions would be expensive, far from guaranteed and, anyway, not necessarily desirable.</p> <p>5. The City of Busselton Local Commercial Planning Strategy acknowledges that a significant over-supply of commercial land is provided for in the Port Geographe Village Centre and that the location of this 'Local Centre' zoned land is far from ideal in terms of its access and serviceability to the entire East Busselton area.</p> <p>The proposed 'Newport Geographe' Structure Plan in the southern portion of Port Geographe is instead making provision for an alternative Commercial Centre, which will be better positioned to service the residential areas on both the eastern and western sides of the marina.</p> <p>6. As with the commercial/retail hub that is considered to be more likely and appropriate within the proposed 'Newport Geographe' development, and with community facilities</p>	

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		that are and will be interested in a facility that will allow them to gather and promote their interests. If Council is suggesting a cash payment in lieu of providing this facility, where do these funds get allocated too and where else will these facilities be provided?	<p>already well provided for at Port Geographe and additional quality facilities likely at 'Newport', it is considered to be in the City's best interests to seek a 'cash in lieu' payment from the current landowner, instead of accepting an unneeded physical site and being unable to find or determine suitable facilities to construct upon it, and/or that are needed/wanted by the local community.</p> <p>In terms of cash-in-lieu payments for the 400m² site required, these shall be directed to relevant facilities in the subject location, to the benefit of the local community. Allocation of funds will be determined following due strategic analysis by the City.</p>	
11.	Port Geographe Landowners Association (PGLOA)	<p>1. In general we support the proposals for more residential lots in the entire Port Geographe precinct. We agree that trends in tourism accommodation and business opportunities require a change in planning concepts. We are also sensitive to the needs of commercial developers, for without their facilitation, the undeveloped lots will remain as wastelands. We have comments on four specific areas.</p> <p>2. Finished floor levels – Mandating 3.8m AHD for FFLs remains a major issue for Port Geographe, and threatens all future developments. The CLE submission on behalf of Qube in respect of Lot 9501 strongly argues that the 3.8m FFL is 'highly conservative' and should not apply. The reasons given are (i) the lots are "infill", (ii) none of the blocks at Port Geographe or the entire Busselton Townsite are at 3.8m, (iii) it is not commercially viable, and (iv) canal walls will be at risk. We agree with those statements.</p>	<p>1. Noted.</p> <p>2. The concerns mentioned within the submission are noted. Although the sites are considered to be 'infill development' under SPP2.6, they are still required to give proper consideration to coastal hazard risk over the 100-year planning timeframe.</p> <p>The City is compelled to comply with SPP2.6 and rely on the expert advice and instruction of the relevant government agencies (in this case,</p>	That the submission be noted.

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		<p>Included in the Qube submission is a technical memorandum from highly respected geotechnical consultants GGC which opines that the existing canal walls are inadequate to support the increased loads. A build-up of an extra 1.4-1.6m could induce canal-wall instability, settlement creep, and require increased horizontal set-backs for buildings of 15metres.</p> <p>PGLOA has in a formal submission to BCC in December 2018 has argued that the 3.8m AHD prescription is not based on observable evidence, is inconsistent with measurable trends, and is thoughtlessly applied to full 5000km of the WA coastline. Clearly it takes the <i>precautionary principle</i> to absurd levels. The prescription of a 3.8m AHD for future residences in Port Geographe will disrupt current and future development plans in the precinct, tarnish the image of Port Geographe and impair landowner assets, for no beneficial outcomes.</p> <p>3. Loss of community amenity – PGLOA sees the sale of Lot 585 by the Busselton City Council for residential development as a loss of community amenity. Although we appreciate the concept of a shopping centre is not viable, this prime land should be preserved for some form of future community use. Converting it to high-density residential is a retrograde step. Obviously there would be an additional cost to Council to maintain this area in respectable condition, but this would be a small fraction of the additional revenue from rates with the higher residential densities.</p>	<p>Department of Transport and Department of Planning, Lands and Heritage).</p> <p>The structure plan proposals are recommended to be modified to demonstrate how the inundation risk is to be managed and alternative design options investigated. These will assist any required justification for re-consideration of minimum FFL requirements by peak authorities ultimately responsible for making such determinations.</p> <p>3. Further discussions with the applicant and landowner(s) are continuing and the correct statutory processes for the disposal of the land will be followed, if that is the action the Council supports.</p>	

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		<p>4. Potential short-stay nuisance - PGLOA notes the encouragement of both residential and short-term accommodation. We are aware of many instances of noisy occupancy and even anti-social behaviour within short-stay accommodations. We urge that some form of capping be imposed on such provision. It should be up to BCC to determine how best this is done.</p> <p>5. Constraints on Pedestrian access - Pedestrian access from the southern residential areas to the commercial and recreational facilities around the marina is constrained by the denser residential proposal on Lots 585 and 9501B. There needs to be better access through these areas.</p> <p>We agree that public boardwalks along residential canal frontages present an unacceptable impact on privacy and security. However they do represent a public amenity, and should be retained where possible. Specifically the strip along the canal wall adjacent to the public boat-launching area (Lot 9501B) would provide such an amenity. This can be achieved by a slight setback of blocks, even if it needs a small strip of Lot 585.</p>	<p>4. With regard to the matter of short stay accommodation, please refer to the officer comment (2) adjacent to submission no. 10.</p> <p>5. With regard to the matter of pedestrian access, please refer to the Officer comment (1) adjacent to submission no. 10.</p>	
12.	B. Gannon (Capricorn Society Ltd) Lot 612 Spinnaker Boulevard Geographe WA 6280	<p>Lot 612, Modifications to Port Geographe Development Plan and Village Centre Precinct Plan</p> <p>The proposed changes are supported. In the case of Lot 612, as I understand it, the site has sat vacant for over 20 years with the current zoning of Tourist. This has been detrimental to the Port Geographe Marina area and has meant a lesser amenity for those in the community and those who use the Marina area. The proposed changes overcome this</p>	Noted.	That the submission be noted.

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		issue and are of benefit to all stakeholders. We consider that the proposal will receive strong support and provide an important lift to the whole area at this time.		
13.	R.N. Ryan Lot 612 Spinnaker Boulevard Geographe WA 6280	Lot 612, Modifications to Port Geographe Development Plan and Village Centre Precinct Plan With my wife we have equity in the land. At the time approx. 1999/2000 we purchased equity there was interest in what could be developed under the current zoning, however this quickly dissipated. Time has demonstrated any return of interest is still a long way off and the undeveloped land detracts from the general appearance of the area. I support the rezoning which will allow development.	Noted.	That the submission be noted.
14.	M. and B. Lenton 60 Spinnaker Boulevard Geographe WA 6280	Lot 590, Lot 612, Lot 585 and 9501, Modifications to Port Geographe Development Plan and Village Centre Precinct Plan Totally in agreement to the change. The area needs revitalising and an increase in population ie. families and some sort of commerce ie. shop to cater for coffee, papers, milk and other staples.	Noted.	That the submission be noted.
15.	P. Lukin	Lot 590, Lot 612, Lot 585 and 9501, Modifications to Port Geographe Development Plan and Village Centre Precinct Plan About time something sensible is proposed for this vacant land.	Noted.	That the submission be noted.
16.	C. Keane On behalf of Port Geographe Marina	Lot 590, Lot 585 and 9501 I am part owner of Port Geographe Marina. I am writing on behalf of all owners. We are concerned about the approval for more private jetties on those lots indicated above. Our concerns are two-fold: 1. The impact on our business. By supplying additional jetties in to the precinct, there will	The Department of Transport provided a submission (no. 6) with respect to potential jetties. The location of private jetties will be determined in accordance with a Jetty and Mooring Envelope Plan as a condition of subdivision approval (for Lot 9501 only). Any structure and associated mooring envelope would be required to be located entirely within the relevant property's boundaries (which extend a short way into the waterway).	That the submission be noted.

Schedule of Submissions DP18/0006, DP18/0007, DP18/0008, DP19/0001
PROPOSAL: DRAFT STRUCTURE PLANS – PORT GEOGRAPHE VILLAGE CENTRE
SUBMISSIONS CLOSE: 24 Apr 2019
OFFICER: Helen Foulds

No	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>be a negative impact on our commercial operation. The original zoning for these lots did not include additional jetties. We would request that any proposals that permit additional jetties on these lots be refused.</p> <p>2. The incursion of these jetties into the waterway is likely to affect the traffic of watercraft from the public boat ramps, which risks directing traffic in to our waterbed lease. In fact, as drawn, there will be the loss of one public boat ramp (the most eastern) due to encroachment. Further, the proposed jetties for Lot 590 will encroach in to the main channel of the marina entrance.</p>	<p>No jetties will be permitted at Lot 590 due to tenure issues and the proximity to the main entrance channel and the potential to compromise navigational safety.</p>	
17.	J. Callaghan 20 Mainsail Street Geographe WA 6280	<p>Lot 585 and 9501</p> <p>I would like to see Lot 585 used for Public community building, public open space to promote community health, happiness and wellbeing for all to enjoy.</p> <p>Where have all the swings gone, we do have many visitors to the nearby Marina with the young and old could enjoy the open space community building while events, yachting, Triathlons are on.</p>	<p>With regard to the matter of the community purpose building, please refer to the Officer comment (6) adjacent to submission no. 10.</p>	
Late Submissions				
18.	J. and S. O'Brien 6 Mainsail St Geographe WA 6280	<p>I have no objection to any of what is proposed except for the following:</p> <p>1. Public Open Space and Community land – Lot 585 was public open space vested in the City. This public open space portion was a planning requirement, allotting a percentage of open space in this area. Therefore the City should not be trying to maximise a return by trying to sell it back to Qube or any other developer. It should remain as public open space where a hall or some other community recreational use</p>	<p>1. Lot 585 was not designated as part of the 10% contribution requirement for public open space. Lot 585 is a 5,456m² parcel of land previously identified on some plans as being intended for future car parking purposes, which has been in the unencumbered, freehold title ownership of the City since 1999.</p>	That the submission be noted.

Schedule of Submissions DP18/0006, DP18/0007, DP18/0008, DP19/0001
PROPOSAL: DRAFT STRUCTURE PLANS – PORT GEOGRAPHE VILLAGE CENTRE
SUBMISSIONS CLOSE: 24 Apr 2019
OFFICER: Helen Foulds

No	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>structure could be positioned. In the event that the City does sell of this land, it is recommended that there is public open space to the south eastern corner at the junction of Port Lane and Mainsail Street, and the funds from this sale should be reinvested in the area. Those that bought land on Mainsail Street from the “Glades” plan, were shown a public space area across the road from this junction.</p> <p>2. Pedestrian Access – There should be provision for pedestrian access separate to road traffic along the length of Port Lane. Unless provided through access to the tavern from the southern side of the development will get very messy and hazardous along this narrow roadway given the density of the development proposed. Safety should be a prime factor. Limit street parking may help but I would think that during the Christmas and Easter break this will put pressure on road space.</p> <p>3. Height of buildings – Height of buildings facing across the non-navigable water channel should be limited to 2 storeys, complimenting those built on the eastern bank. I have no problem with three storey buildings facing into the marina. The first of the original buildings proposed by Qube facing the marina received City approval back in 2006/7 and had underground parking with two storeys above.</p>	<p>Planning and landowner development intentions at Port Geographe have ‘moved on’ in relation to the former ‘Village Centre’, and a preferable location for any form of commercial/retail hub is far more likely as part of the ‘Newport Geographe’ development currently in the early structure planning stage. As car parking for the former ‘Village Centre’ should therefore no longer be required, proceeds from any future sale of Lot 585, if ultimately supported by the Council, could be directed into Municipal funds for use elsewhere in Geographe Bay or the City.</p> <p>2. With regard to the matter of pedestrian access, please refer to the Officer comment (1) adjacent to submission no. 10.</p> <p>3. The land parcel adjacent to the non-navigable water channel, also referred to as the ‘stinger free pool’, does not form part of these current proposals. A separate Local Development Plan for this site has been considered and already adopted by the City.</p>	

Schedule of Submissions DP18/0006, DP18/0007, DP18/0008, DP19/0001
PROPOSAL: DRAFT STRUCTURE PLANS – PORT GEOGRAPHE VILLAGE CENTRE
SUBMISSIONS CLOSE: 24 Apr 2019
OFFICER: Helen Foulds

No	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>4. Public facilities – A reminder that in the original Cube's <i>[sic]</i> proposal, there was the inclusion of a Gazebo on the park south of the southern footbridge over the channel. Over the years, the implementation of this facility was not supported because of high maintenance issues. With the population increase as a consequence of new development on Lot 585 and pt. Lot 9501, then the gazebo is justifiable. A natural gas barbecue should also be considered because it would be better placed, closer to a denser population node, than the foreshore barbecues.</p> <p>5. Ground levels – Until a decision is made by the WA Planning Commission on land heights, which I understand may be subject to appeal, the development of the land could be many years away, if at all. This land height bogey has the potential to stall development. While the market is flat that may not be a big issue although the developer will want some surety in order to continue its planning. However should the market return to some normality and decisions haven't been made, or are going through the process of appeal, then that would be catastrophic. It will put the development back ten years just as the City and Dept. of Transport arguments in SAR <i>[sic]</i> courts over canal water quality stalled the development in 2007.</p>	<p>4. The comments are noted, although outside the scope of the current Structure Plan proposals.</p> <p>5. With regard to the matter of finished floor levels and coastal hazards, please refer to the Officer comment (2) adjacent to submission no. 11.</p>	

SCHEDULE OF MODIFICATIONS

**DP18/0006: Draft Structure Plans for the Port Geographe Village Centre
(Lot 590 and Lot 612 Spinnaker Boulevard and Lot 585 and Part Lot 9501 Port Lane)**

No.	Proposed Modification	Reason
1.	<p>That the Lot 585 and Part Lot 9501 Port Lane Structure Plan be modified to identify an appropriate finished floor level that meets the requirements of <i>State Planning Policy 2.6: State Coastal Planning Policy</i> (SPP2.6), or can otherwise be justified in planning and coastal management terms.</p>	<p>The Structure Plan proposal is not currently consistent with the requirements of SPP2.6.</p> <p>The applicant has advised that the project will not be financially viable if required to meet the 3.8m AHD minimum FFL requirement currently suggested by State agencies as being an appropriate response to State Planning Policy 2.6. Whilst the applicant is required to provide further information in this regard in respect to the site, the Western Australian Planning Commission is respectfully requested to determine the matter in a pragmatic and appropriate way, especially given the site context and the stated position of the applicant/landowner.</p> <p>Conceptually, there are considered to be three key reasons why the City considers a lower finished floor level might be reasonably considered to be appropriate:</p> <ul style="list-style-type: none"> • Because it is a reasonably likely prospect that an alternative means of adequately addressing the risk will emerge in due course; • Because the risk in the context of the competing risk that the development (i.e. the Port Geographe Development Area as a whole) is unable to progress to completion in a timely fashion, given the relatively slow and inconsistent progress of the development to date which has already proven to be problematic; and • Because the application of SPP2.6 without factoring in broader considerations creates investor uncertainty, which may have significant implications.
2.	<p>That additional information be provided to support the Lot 612 Spinnaker Boulevard Structure Plan proposal, demonstrating that adjacent coastal structures provide sufficient protection from coastal hazards over the planning timeframe, including discussion on the following:</p> <ul style="list-style-type: none"> • design life of the structure; • age and current condition; • remaining structure life; • design storm conditions; • overtopping; and • arrangements for ongoing care, control and maintenance. 	<p>In order to confirm and ensure reasonable compliance with SPP2.6 can be achieved for Lot 612 Spinnaker Boulevard.</p>

No.	Proposed Modification	Reason
3.	That the Structure Plans for Lot 590 and Lot 612 Spinnaker Boulevard and Lot 585 and Part Lot 9501 Port Lane be modified within Part One, section 7.1 of the respective Structure Plan documents, to require that a Local Development Plan be prepared for all land parcels within the Structure Plan area and that such a Local Development Plan is to be proposed in accordance with the Port Geographe Village Centre Design Guidelines.	To ensure consistency with the remainder of the Port Geographe Village Centre in respect to desirable architectural principles and built form.
4.	That the Lot 585 and Part Lot 9501 Port Lane Structure Plan be modified to identify a notation on the map in the area of the mainland interface of Pt Lot 9501 with the Marina, adjacent to the boat launching facilities (as distinct from the portions known as 'The Islands') and to include the following provision within Part One, section 8.0 of the Structure Plan document: <i>"Prior to subdivision of the lot, pedestrian accessibility and interface to the waterfront is to be addressed along the mainland interface with the Marina within Lot 9501."</i>	In acknowledgement of the requirement of the Port Geographe Development Area to provide a high level of direct public access to waterways/canals. Whilst the previous Port Geographe Development Plan identified boardwalks in this location (and also around the other commercial sites known as 'The Islands'), the City considers the provision of a constructed pathway along the landward side of the canal edge to achieve the requirement for public access to the waterway, while imposing less of a maintenance burden on the future landowner (which may be the City). Land tenure matters will need to be further investigated and resolved, which can occur without delaying final consideration of the Structure Plan.
5.	That the Lot 585 and Part Lot 9501 Port Lane Structure Plan be modified to include the following provision within Part One, section 8.0 of the Structure Plan document: <i>"A Jetty and Mooring Envelope Plan shall be prepared and approved prior to subdivision to the satisfaction of the City of Busselton and the Department of Transport (Maritime Planning)."</i>	To reflect the requirements of the submission from the Department of Transport.
6.	That the Structure Plan maps for Lot 590 and Lot 612 Spinnaker Boulevard be modified such that the 'Business' zone is instead identified as a 'Local Centre' zone, consistent with Local Planning Scheme No. 21.	To reflect a recent Amendment (Scheme Amendment No. 29, gazetted 7 June 2019) to the Scheme that modified the title of the subject zone.

14. ENGINEERING AND WORK SERVICES REPORT

Nil

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

15.1 NAMING OF THE BUSSELTON TENNIS CENTRE

SUBJECT INDEX:	Naming of City Assets
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Community Development
ACTIVITY UNIT:	Community Development
REPORTING OFFICER:	Club Development Officer - Pam Glossop
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

This report seeks the Council's endorsement to name the Busselton Tennis Courts and Pavilion located at Lot 507, part Reserve 8485 Busselton (Barnard Park) as the Busselton Tennis Centre, in line with Council policy 'Naming of City Roads and Assets'.

BACKGROUND

The Busselton Tennis Club Relocation Working Group (the Working Group) have meet regularly over the last three years as they plan for the soon to be realised relocation of the Busselton Tennis Club from the corner of Queen Street and Marine Terrace to the new location at Lot 507 Marine Terrace.

The existing tennis club pavilion is called the Charlie Clayton Pavilion and the complex as a whole is named the Busselton Tennis Club. The subject of naming the new tennis club premises was raised during business planning. It was felt that the name of the new facility was important to support the City and Club's aim of engaging more broadly with the community. The Busselton Tennis Centre was suggested as a name for the new facility and this was discussed at a meeting of the Busselton Tennis Club on 4 February, 2019.

On 11 May 2019, at the Busselton Tennis Club Annual General Meeting (AGM), a proposal to name the new facility the Busselton Tennis Centre (with no separate name for the pavilion) was put forward. An alternative motion was moved to name the new pavilion after a local identity however this motion was defeated. The Busselton Tennis Club now seek the Council's endorsement to name the new Busselton tennis courts and pavilion located at Lot 507 part Reserve 8485 Busselton (Barnard Park) the 'Busselton Tennis Centre'.

STATUTORY ENVIRONMENT

Nil.

RELEVANT PLANS AND POLICIES

Council Policy Naming of City Roads and Assets is a relevant policy.

The policy applies in respect to any proposal to name a park, garden, reserve, memorial, sports ground and building or other significant infrastructure asset owned by or under the care, control or management of the City of Busselton

FINANCIAL IMPLICATIONS

There are no financial implication associated with the officer recommendation with the cost of signage able to be met in the current budget.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial implications associated with the officer recommendation.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation primarily aligns with the following Key Goal Area and Community Objective of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 2 – PLACES AND SPACES

2.2 Attractive parks and open spaces that create opportunity for people to come together, socialise and enjoy a range of activities.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. There are no risks identified of a medium or greater level associated with the officer recommendation.

CONSULTATION

Consultation has been undertaken with the Working Group and with club members via the AGM, who support the 'Busselton Tennis Centre' as the most appropriate name for the new tennis complex (inclusive of the courts and pavilion). Officers are comfortable that broader community consultation including advertising of the proposed name is unnecessary.

OFFICER COMMENT

The Busselton Tennis Club has discussed the naming of the new tennis courts and pavilion with its members and has achieved consensus on the proposed name – the 'Busselton Tennis Centre'.

It is felt that the name, the 'Busselton Tennis Centre' is inclusive in nature and reflects a facility that can be used by all of the community. This view is supported by City Officers.

CONCLUSION

Council are requested to endorse the naming of the Busselton tennis courts and pavilion located at Lot 507 part Reserve 8485 Busselton (Barnard Park) as the Busselton Tennis Centre.

OPTIONS

Council may elect to:

- Propose or seek alternative naming of the tennis courts and pavilion located on Lot 507 part reserve 8485 Busselton (Barnard Park).
- Not proceed with the proposed naming at this time.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Officers will advise the Busselton Tennis Club immediately of the Council's decision.

OFFICER RECOMMENDATION

That the Council:

1. Approve the naming of Part Reserve 8485, Lot 507 as the Busselton Tennis Centre; and
2. Consult with the relevant Government agencies to formalise the naming process of Part Reserve 8485, Lot 507 to the Busselton Tennis Centre.

16. FINANCE AND CORPORATE SERVICES REPORT

Nil

17. CHIEF EXECUTIVE OFFICERS REPORT

17.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillor's Information Bulletin
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Executive Assistant to Council - Katie Banks
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

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

17.1.1 Current Active Tenders 2018/19

EOI01/18 CONSTRUCTION OF THE CITY CENTRE EASTERN LINK – STAGE 1

- Requirement – Construction of the City Centre Eastern Link Stage 1.
- An Expression of Interest was advertised on 15 December 2018 with a closing date of 22 January 2019.
- The process for making a preliminary selection among prospective tenderers has been completed and pursuant to delegation LG3K, the CEO determined that Ertech Pty Ltd, Georgiou Group Pty Ltd and BMD Constructions Pty Ltd be accepted by the City as “acceptable tenderers” and thus eligible to participate in the forthcoming request for tender.
- The tender phase was commenced by private notice pursuant to RFT05/19 (see below).

PQS01/19 PLANT AND EQUIPMENT HIRE – REQUEST FOR APPLICATIONS TO JOIN A PANEL OF PRE-QUALIFIED SUPPLIERS

- Requirement – hire of plant and equipment.
- The PQS was advertised on 9 February 2019 with a closing date of 7 March 2019.
- The closing date has been extended until 14 March 2019. A further State wide advertisement providing notification of the extension was provided by the City on 9 March 2019.
- Thirty submissions were received.
- In accordance with delegation LG3M the CEO has authority to establish the panel and to decide which applications to accept.
- It is anticipated that the panel of pre-qualified suppliers will be established by the CEO in June 2019.

RFT01/19 SUPPLY OF MOBILE WASTE SHREDDER

- Requirement – the supply of a mobile waste shredder to be delivered at the Dunsborough Waste Facility.
- A Request for Tender was advertised on 9 March 2019 with a closing date of 26 March 2019.
- Five submissions were received.
- The value of the contract is expected to exceed the CEO's delegated authority under Delegation LG3J and will require Council approval.
- The CEO under delegated authority declined to accept any tender.

RFT02/19 PROVISION OF CLEANING SERVICES TO CITY OWNED FACILITIES

- Requirement – the provision of cleaning services to City owned facilities.
- A Request for Tender was advertised on 9 March 2019 with a closing date of 4 April 2019.
- Eight submissions were received.
- The value of the contract is expected to exceed the CEO's delegated authority under Delegation LG3J and will require Council approval.
- It is anticipated that the contract will be awarded in June 2019.

RFT04/19 SUPPLY OF TWO TRI-AXLE SIDE TIPPING TRAILERS

- Requirement – supply of two tri-axle side-tipping trailers.
- A Request for Tender was advertised on 23 March 2019 with a closing date of 9 April 2019.
- Four submissions were received.
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.
- A contract was awarded by the CEO under delegated authority to Haulmore Trailer Sales Pty Ltd in June 2019.

RFT05/19 CITY CENTRE EASTERN LINK

- Requirement – following an Expression of Interest (EOI 01-18) process for making a preliminary selection among prospective tenderers, the City of Busselton invited tenders for the construction of the City Centre Eastern Link Road upgrade including stages 1,2A and 2B.
- Three tenderers were invited to submit a tender – Georgiou Group Pty Ltd, Ertech Pty Ltd and BMD Constructions Pty Ltd, with a closing date of 14 May 2019.
- The closing date was extended to 28 May 2019.
- Two submissions were received.
- The value of the contract is expected to exceed the CEO's delegated authority under Delegation LG3J and will require Council approval.
- It is anticipated that the contract will be awarded in July 2019. However contract commencement is subject to the relevant conditions precedent being satisfied including environmental approvals being obtained.

RFT06/19 DESIGN, SUPPLY AND INSTALLATION OF BIRD NETTING OVER STORM WATER RETENTION BASIN

- Requirement – The design, supply and installation of bird netting over storm water retention basin.
- A Request for Tender was advertised on 22 May 2019 with a closing date of 12 June 2019.
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.

17.1.2 Donations, Contributions and Subsidies Fund – May 2019

The Council allocates an annual budget allowance to the Donations, Contributions and Subsidies (Sponsorship Fund). This is provided such that eligible groups and individuals can apply for and receive sponsorship to assist them in the pursuit of endeavours that bring direct benefit to the broader community. Allocation of the funds is delegated to the Chief Executive Officer, in accordance with published guidelines and funding availability.

Two applications were supported in May 2019, totalling \$800.00 as outlined in the table below:

App. No.	Recipient	Purpose	Amount
May 2019			
63/1819	Obie Herring	Selected to represent WA as a member of the U13 Junior State Team to compete in the 2019 National Junior Table Tennis Championships held in Wollongong NSW in July 2019. Funds to assist with travel related expenses.	\$300.00
64/1819	Southern Districts Agricultural Society Inc.	The Southern Districts Agricultural Society are seeking sponsorship to purchase materials needed to construct display frames to be used in exhibits at the Busselton Show in an effort to improve the experience for people attending the Show by updating their exhibitions area.	\$500.00
		May Total	\$800.00

- At the end of May 2019, expenditure from the Donations, Contributions and Subsidies Fund totalled \$21,271.00, leaving a balance of \$8,729.00.

17.1.3 Recent Correspondence

20 May 2019 – Local Economic Development - WALGA

To assist the Local Government sector in this area, WALGA has recently undertaken a major study into Local Economic Development. The project aimed to:

- Examine the current economic development activities undertaken by Local Governments in Western Australia;
- Explore the broader economic development landscape and environment in which Local Government operates;
- Support the sector to understand its role in driving local economic outcomes;
- Provide practical examples of the types of economic development activities that Local Governments can undertake; and
- Identify reforms at a State level needed to ensure WA's future economic success.

As a result, information relating to Economic Development Framework, Research Findings and Future Directions and Policy Summary has been provided by WALGA.

30 May 2019 – Publication of the Leeuwin- Naturaliste Sub-regional Strategy

The Western Australian Planning Commission has advised the abovementioned strategy has been published and is available to view and download via www.dplh.wa.gov.au

11 June 2019 – Blackwood Complex Fires – June 2019

Following the recent fire events at Jarrahwood, Baudin and Vasse Plantations, City of Busselton Volunteer Bushfire Brigades, Volunteer Fire and Rescue Service and SES have been acknowledged by the Department of Biodiversity, Conservation and Attraction (DBCA) Parks and Wildlife Service, Blackwood District. Due to the collective efforts and experience of firefighters, no properties were lost as a result of the bushfires.

Hard copies of the abovementioned correspondence are available to view upon request.

OFFICER RECOMMENDATION

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

- 17.1.1 Current Active Tenders 2018/19
- 17.1.2 Donations, Contributions and Subsidies Fund – May 2019
- 17.1.3 Recent Correspondence

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

20. CONFIDENTIAL MATTERS

Nil

21. CLOSURE