

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

SHIRE OF BUSSELTON

**MINUTES OF A MEETING OF THE BUSSELTON SHIRE COUNCIL
HELD ON 9 SEPTEMBER 2009**

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SHIRE OF BUSSELTON**MINUTES OF A MEETING OF THE BUSSELTON SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON WEDNESDAY, 9 SEPTEMBER 2009 AT 5:30 PM**

The Presiding Member opened the meeting at 5.30 p.m.

1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Presiding Member: Cr Wes Hartley Shire President

Members: Cr Bethwyn Hastie
Cr David Binks
Cr Ian Stubbs
Cr Anne Ryan
Cr Tom Tuffin
Cr Jackie Emery
Cr Bernie Masters
Cr Rob Underdown
Cr Bev Clarke
Cr Don Hanran-Smith until 9.57pm

Officers: Mr Andrew Macnish Chief Executive Officer
Mr Matthew Smith Director, Community and Organisational Development
Mr Nigel Bancroft Director, Lifestyle Development - until 7.50pm
Ms Cathryn Hutton Executive Manager, Systems and Information - until 7.50pm
Miss Lynley Rich Governance Manager

Apologies: Cr David Reid

Leave of Absence: Cr Ross Bromell

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

Public: 11

2. OPENING PRAYER

The Opening Prayer was delivered by Pastor Noel Kara of the Down South Gospel Church.

3. PUBLIC QUESTION TIME

- 3.1 Josh Dittmer of Georgiana Molloy Anglican School asked if the Council was aware of the problems that young people were experiencing with bus services and whether the Shire could write to the companies concerned to request that the timetables be reviewed. He went on to provide examples where connecting buses to another location where not available for several hours upon arrival in Busselton.

Response: Chief Executive Officer

The Shire can be involved in an advocacy roll in the interests of youth and community transport by putting this request before the relevant company, however, it is also something that could also be addressed through the schools and existing school bus service committee to further support the request. While it is a matter related to transport that is not school based, the relevant company is involved in that committee.

4. SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. CONFIRMATION OF MINUTES

- 6.1 Minutes of an Ordinary Council Meeting held on 26 August 2009.

C0909/306 Moved Councillor Masters, seconded Councillor Hastie:

That the minutes of an Ordinary Council Meeting held at 5.30 p.m. on Wednesday, 26 August 2009, be confirmed as a true and correct record.

CARRIED 11/0

7. ANNOUNCEMENTS by the Presiding Member without discussion

Nil.

8. PETITIONS AND MEMORIALS**8.1 REQUEST FOR BUSSELTON TO BECOME A "GM FREE" ZONE**

A petition containing 14 signatures has been received, stating as follows:

"We the undersigned electors of the Shire of Busselton whose names, addresses and signatures are listed below, ask that the Busselton Shire Council request the Premier to declare that the Shire of Busselton becomes a GM Free Zone for at least the next five years. This would support similar

decisions taken by the following Shires: Fremantle, Manjimup, Boyup Brook, Wagin, Wandering, Toodyay, Woodanilling, Goomalling Williams, Plantagenet, Carnamah, Tammin, Northam, Chittering, Mukinbudin, Albany, Denmark, Kojanup and Serpentine-Jarrahdale.

Summary Of Reasons For Request:

We believe that Genetically Modified crops pose unacceptable risks to human health, to non-GM farming enterprises, to honey production and to the environment. We see no reason to jeopardise Busselton Shire's clean, green reputation and GM free markets. We have not been assured that all parties involved in bringing GM crops and/or food into Western Australia (including growers and patent holders) will be held legally liable for any contamination incidents causing market and economic loss, health impacts or environmental damage associated with GM crops/food. We therefore object to the growing, storage or transport of genetically modified crops in this Shire."

MOTION

Moved Councillor Masters, seconded Councillor Tuffin:

That in accordance with Clause 10.2(a) of the Standing Orders, the Council receives the petition.

FORESHADOWED MOTION

Councillor Binks foreshadowed his intention to move that in accordance with Clause 10.2(c) of the Standing Orders the petition be received and referred to the CEO for a report back to the Council.

COUNCIL DECISION

C0909/307 Moved Councillor Masters, seconded Councillor Tuffin:

That in accordance with Clause 10.2(a) of the Standing Orders, the Council receives the petition.

CARRIED 6/5

Dissenting Voters

Cr David Binks

Cr Ian Stubbs

Cr Wes Hartley

Cr Don Hanran-Smith

Cr Bev Clarke

Note: As the motion was carried, Councillor David Binks was not able to move the motion that he had previously foreshadowed.

9. DECLARATION OF DUE CONSIDERATION

The Presiding Member requested Councillors to acknowledge, in accordance with Clause 8.1 of the Standing Orders, that they have given due consideration to the matters contained within the Agenda.

Declared Due Consideration	No Declaration
Councillor Wes Hartley	
Councillor Bethwyn Hastie	
Councillor David Binks	
Councillor Ian Stubbs	
Councillor Anne Ryan	
Councillor Tom Tuffin	
Councillor Jackie Emery	
Councillor Bernie Masters	
Councillor Rob Underdown	
Councillor Bev Clarke	
Councillor Don Hanran-Smith	

10. DECLARATIONS OF INTERESTS

10.1

DECLARATION OF INTEREST	
Name / Position	Councillor David Binks
Item No. / Subject	Item 16.3, 2009/10 Community Bids Budget Allocations
Type of Interest	Interest Affecting Impartiality

10.2

DECLARATION OF INTEREST	
Name / Position	Councillor Bernie Masters
Item No. / Subject	Item 16.3, 2009/10 Community Bids Budget Allocations
Type of Interest	Interest Affecting Impartiality

10.3

DECLARATION OF INTEREST	
Name / Position	Councillor Bernie Masters
Item No. / Subject	Item 16.4, ArtGeo Management Plan Revision and Proposed Lease Opportunities
Type of Interest	Interest Affecting Impartiality

11. PRESENTATIONS BY PARTIES WITH AN INTEREST

11.1

Mr Noel Fogarty addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 16.3, 2009/10 Community Bids Budget Allocations. Mr Fogarty, representing the Dunsborough Bay Yacht Club, was seeking support for the club's application for funding through the community bids process.

- 11.2 Mr David Bell addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 16.3, 2009/10 Community Bids Budget Allocations. Mr Bell, representing Cape Harmony Choir, was seeking support for the choir's late application for funding through the community bids process.
- 11.3 Mr Mike Hair addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 13.1, Proposed Amendment for Lot 9005 Pickmore Circus, West Busselton for rezoning and a draft development guide plan for consideration for adoption for community consultation. Mr Hair, the owner of the subject property, was in agreement with a revised officer recommendation as provided for the Council's consideration in the Items for Debate.
- 11.4 Josh Dittmer addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Items 18.3 and 18.4, School Participation at Community Access Sessions and Youth Advisory Council. Josh, of Georgiana Molloy Anglican School, was in agreement with both proposed motions.

6.18pm At this time Councillor Tom Tuffin left the meeting.

12. **BUSINESS FROM PREVIOUS MEETING**

Nil.

EN BLOC COUNCIL RESOLUTION

At this juncture Items 13,2, 14.1, 14.2, 15.1 and 16.2 were considered in accordance with Clause 11.1 of the Standing Orders via an En Bloc resolution of Council.

COUNCIL DECISION

C0909/308 Moved Councillor Hanran-Smith, seconded Councillor Hastie:

That the Officer Recommendations for Items 13,2, 14.1, 14.2, 15.1 and 16.2 be adopted.

CARRIED 10/0

Note: Councillor Tom Tuffin was not in the chamber for the vote on this matter.

13.2 CENTRAL EAST BUSSELTON FORESHORE MANAGEMENT PLAN - SCOUT ROAD TO FORD ROAD (CONSIDERATION FOR FINAL ADOPTION)

SUBJECT INDEX:	Environmental Management Plans, Impacts Studies and Reports
STRATEGIC INITIATIVE:	4.1.2.1 Ensure Adequate Framework of Reserve and Foreshore Management Plans.
BUSINESS UNIT:	Strategic Planning and Sustainability
SERVICE:	Environmental Planning
DATE OF COMPLETION:	09/10/2009
VOTING REQUIREMENT:	Simple majority

PRÉCIS

A draft management for the foreshore reserve between Scout Road and Ford Road, Busselton, was adopted by the Council at its meeting on 27 May 2009, for the purposes of advertising for public comment. The draft management plan, prepared by Litoria Ecoservices, outlined management recommendations to maintain and improve the key qualities of the foreshore, namely: conservation values; recreational values; social values; and coastal erosion buffering functions.

The draft plan has been advertised for public comment with a total of two submissions being received. Both submissions generally support the intent and objectives of the draft plan. The submissions are summarised and addressed in the attached Schedule of Submissions (Attachment H).

This report seeks the Council's adoption of the attached management plan.

COUNCIL DECISION / OFFICER RECOMMENDATION

C0909/309 Councillor Hanran-Smith, Councillor Hastie (En Bloc):

That Council adopt the Central East Busselton Foreshore Management Plan.

CARRIED 10/0
EN BLOC

14.1 PAYMENT LISTING - JULY 2009

SUBJECT INDEX:	Financial Operations
STRATEGIC INITIATIVE:	5.1.3 Ensure regulatory requirements are met
BUSINESS UNIT:	Finance
SERVICE:	Financial management and control
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority

PRÉCIS

This report provides details of payments made from the Shires bank accounts for the month of July 2009, for noting by the Council and recording in the Council Minutes.

COUNCIL DECISION / OFFICER RECOMMENDATION

C0909/310 Councillor Hanran-Smith, Councillor Hastie (En Bloc):

That voucher numbers 093617 – 093932, EF00424 – EF004712, DD001161 - DD1174 and T006521 – T006523, together totalling \$5,489,588.15 be noted.

CARRIED 10/0
EN BLOC

14.2 FINANCIAL ACTIVITY STATEMENT - JULY 2009

SUBJECT INDEX:	Financial Operations
STRATEGIC INITIATIVE:	5.1.3 Ensure regulatory requirements are met
BUSINESS UNIT:	Finance
SERVICE:	Financial management and control
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority

PRÉCIS

A local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted budget. The report is to include details of budget estimates and financial performance against those estimates to the end of the month to which the statement relates, is to disclose any material variances identified as a result of the above, and is also required to detail the net current asset position for the reporting period.

This report has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations and also to provide the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 July 2009.

COUNCIL DECISION / OFFICER RECOMMENDATION

C0909/311 Councillor Hanran-Smith, Councillor Hastie (En Bloc):

That the statutory financial reports for the period ending 31 July 2009 be received.

CARRIED 10/0
EN BLOC

15.1 DUNSBOROUGH OVAL RECONSTRUCTION CONSULTANCY

SUBJECT INDEX:	Parks and Reserves – Design and Construction.
STRATEGIC INITIATIVE:	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community.
BUSINESS UNIT:	Infrastructure Services.
SERVICE:	Parks & Gardens.
DATE OF COMPLETION:	June 2010.
VOTING REQUIREMENT:	Simple majority.

PRECIS

On the 13th of August 2008 the Council resolved that the Dunsborough Oval Reconstruction Consultancy be a high priority matter for processing by the Shire and that the Council agree to consider upgrading work of the Dunsborough Oval as soon as the Consultant's report is completed and the CEO has provided a report to the Council C0808/244.

The purpose of this report is to provide the Council with a copy of the consultants reports inclusive of technical information to be used for the reconstruction of the Dunsborough Playing Fields in the 2009/10 financial year.

COUNCIL DECISION / OFFICER RECOMMENDATION

C0909/312 Councillor Hanran-Smith, Councillor Hastie (En Bloc):

1. That the Council note the technical information relating to the reconstruction of the Dunsborough Playing Fields in the 2009/10 financial year.
2. That the Council support the change in scope of works and the additional cost to deliver night time playing lights as opposed the night time training lights at the Dunsborough Playing Fields and that the additional costs be part funded by the grant of \$145k from the Royalties for Regions South West Regional Grants Scheme.

CARRIED 10/0
EN BLOC

16.2 SMALL LOCAL PROJECTS FUND 2009/10 - NO. 1

SUBJECT INDEX: Sponsorship and Grant Applications
STRATEGIC INITIATIVE: 1.1.1 Encourage and Support Cultural Activities and Events
BUSINESS UNIT: Finance
SERVICE: Financial Management and Control
DATE OF COMPLETION: Subject to receipt of all necessary information, funds will be provided as soon as practicable following this Council Meeting
VOTING REQUIREMENT: Simple Majority

PRÉCIS

The following allocations of funds for expenditure from the Small Local Projects Budget allocation have been proposed. Funds are available and expenditure is permissible under the Local Government Act 1995.

No	Councillor Making Request	Amount	Recipient	Purpose for which funds will be used
1	Cr Hartley	\$500	Vasse Venturers	Assist to establish Scout Venturer Unit

COUNCIL DECISION / OFFICER RECOMMENDATION

C0909/313 Councillor Hanran-Smith, Councillor Hastie (En Bloc):

That the following amount be allocated from the Council's Small Local Projects Budget Allocation:

No	Councillor Making Request	Amount	Recipient	Purpose for which funds will be used
1	Cr Hartley	\$500	Vasse Venturers	Assist to establish Scout Venturer Unit

CARRIED 10/0
EN BLOC

6.20pm At this time Councillor Tom Tuffin returned to the meeting.

13. LIFESTYLE DEVELOPMENT REPORT

13.1 PROPOSED AMENDMENT FOR LOT 9005 PICKMORE CIRCUS, WEST BUSSELTON TO REZONE FROM 'RESIDENTIAL', 'RECREATION' AND 'DEVELOPMENT INVESTIGATION AREA' TO 'SPECIAL PURPOSES' (OLD BROADWATER FARM DEVELOPMENT AREA) AND 'SPECIAL PROVISION AREA' WITH ASSOCIATED PROVISIONS; AND DRAFT DEVELOPMENT GUIDE PLAN - CONSIDERATION FOR ADOPTION FOR COMMUNITY CONSULTATION

SUBJECT INDEX:	Town Planning Schemes and Amendments
APPLICATION NUMBER:	11437AMD
STRATEGIC INITIATIVE:	2.4.1 Support development that is contained in identified nodes with well defined boundaries
BUSINESS UNIT:	Strategic Planning and Sustainability
SERVICE:	Strategic Land Use Planning
DATE OF COMPLETION:	23/09/2009
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	<p>The proposed amendment would rezone the site to 'Special Purposes' zone, introduce special area provisions to Schedule 7 to guide future subdivision and development, modify the boundary of the existing Special Purposes zone and amend conditions under Schedule 4 Additional Uses No. 56.</p> <p>The proposed Development Guide Plan would facilitate the subdivision of approximately 241 residential lots, the creation of an orchid reserve and public open space to protect remnant vegetation and habitat of the Western Ringtail Possum, as well as retain the golf course and commercial site.</p> <p>Adoption in Draft Form will enable referral to the EPA for environmental assessment and subsequent advertising for community consultation.</p>
LOT SIZE:	44.091ha
ZONE:	'Residential R10 & R12.5', 'Business', 'Recreation', 'Special Purposes', 'Additional Use', 'Development Investigation Area', 'Landscape Value Area'
POLICIES:	<ol style="list-style-type: none"> 1. Busselton Urban Growth Strategy 2. Liveable Neighbourhoods 3. Community Facilities Implementation Policy 4. Planning Bulletin 92 Urban Water Management/Better Urban Water

Management

5. Draft Statement of Planning Policy – Road and Rail Transport Noise
6. Residential Design and Landscaping Guidelines on Controlled Access Road

Mr Mike Hair had previously addressed the Council as a party with an interest in this matter. Refer to item 11.3.

PRÉCIS

The Council is asked to consider initiating an amendment to the Scheme to rezone Lot 9005 Pickmore Circus, West Busselton from 'Residential', 'Recreation' and 'Development Investigation Area' to 'Special Purposes (Old Broadwater Farm Development Area)' and 'Special Provision Area' designation with associated provisions and delete existing 'R10' and 'R12.5' residential density designations.

The proposed amendment would also facilitate a boundary modification to the existing 'Special Purposes' zone and clarification of conditions for Schedule 4 Additional Uses No. 56 to ensure consistency with clause 36 of the Scheme as it relates to heritage matters.

A draft Development Guide Plan ('draft DGP') has been submitted in support of the proposed amendment to guide future land use and development, including the introduction of new residential density designations of between R12.5 and R40.

Subject to minor modifications, it is recommended that the proposed Scheme Amendment and draft DGP are adopted for referral to the Environmental Protection Authority for environmental assessment and subsequent advertising for community consultation.

OFFICER RECOMMENDATION

1. That the Council, in pursuance of Part V of the Planning and Development Act 2005, initiate draft Amendment No. 128 to the Shire of Busselton District Town Planning Scheme No. 20 for the purposes of:
 - (a) rezoning Lot 9005 Pickmore Circus, West Busselton from 'Residential', 'Recreation' and 'Development Investigation Area' to 'Special Purposes (Old Broadwater Farm Development Area)', deleting residential density designations, applying a 'Special Provision' Area designation and modifying the Scheme Map accordingly.
 - (b) inserting the following Special Provisions into Schedule 7 (Special Provision Areas) of the Scheme:

No.	Particulars of Land	Zone	Special Provision
SP31	Lot 9005 Pickmore Circus, West Busselton	Special Purposes (Old Broadwater Farm Development Area) Business	<p>1. Subdivision and development of the land shall be generally in accordance with the Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to the Scheme.</p> <p>2. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>3. All provisions (such as land use and development controls or approval procedures) applicable to a zone, reserve or R-code pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan. Notwithstanding this provision, clause 65 of the Scheme shall not apply to the Business zone.</p> <p>4. Prior to final approval of the Development Guide Plan the developer will prepare a Local Water Management Strategy (LWMS) for the full extent of the site in accordance with the principles outlined in Better Urban Water Management (WAPC, 2008). The LWMS will be prepared to the satisfaction of the Shire of Busselton with advice from Department of Water. The LWMS will provide a framework to ensure that the quality and quantity of surface and groundwater is maintained post-development. The Strategy will address:</p> <ul style="list-style-type: none"> * flood management (major events); * specify measures to ensure that existing hydrological and ecological functions of the adjacent wetland associated with the New River are not impacted by the future development; * establish groundwater conditions (based on monitoring) and management requirements; * identify and describe proposed measures to capture and treat the minor events; and * outline future monitoring and management requirements.

		<p>5. As a condition of approval for each stage of subdivision, the developer is to prepare an Urban Water Management Plan (UWMP) for the relevant subdivision stage to the specification and satisfaction of the Shire of Busselton with advice from the Department of Water. The UWMP will specify how development will occur in a manner that is consistent with the objectives and requirements outlined within the LWMS. The primary objective of the UWMP will be to ensure the implementation of the LWMS at the time of development and will contain details of engineering design in relation to the proposed urban water management approaches.</p> <p>6. Prior to final approval of the Development Guide Plan the developer will prepare a Noise Impact Assessment to the satisfaction of the Shire of Busselton. The Plan will address the following:</p> <ul style="list-style-type: none"> * identify likely future traffic volumes, road upgrades and/or changes in road surface conditions that may have implications for noise generated from the Busselton Bypass; and * determine through quantitative modelling the noise emissions that are expected to be generated by the Busselton Bypass and the extent to which noise emissions are likely to extend into adjacent areas of the subject site. <p>The layout of the development Guide Plan will reflect any requirements of the assessment that are spatially relevant and require land uptake considerations relevant at this stage of planning. Any future development will be undertaken in accordance with the requirements of the Plan, and details will be provided with subdivision applications as to how noise management is to be undertaken in a manner that is consistent with the Plan.</p> <p>7. As a condition of approval for a stage of subdivision adjacent to the Busselton Bypass the developer will prepare a Noise Management Plan to the satisfaction of the Shire of Busselton. The Plan will address</p>
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		<p>the following:</p> <ul style="list-style-type: none"> * identify appropriate noise criteria to apply to various uses within the subject site; and * outline how the proposed noise criteria will be met within the subdivision area. <p>8. As a condition of approval for each stage of subdivision adjacent to the New river and associated wetlands, the developer will prepare a Foreshore Management Plan to the satisfaction of the Shire of Busselton. The primary objective of the Plan will be to ensure that the foreshore reserves provide an appropriate buffer to the wetland systems from residential development. The Plan will address the following:</p> <ul style="list-style-type: none"> * identify proposed uses and any works to be undertaken within the foreshore reserves adjacent to subdivision, and provide a management framework to ensure that these do not adversely affect the adjacent wetlands or their hydrological or ecological functions and attributes; * outline landscaping and revegetation works to be undertaken within the foreshore reserves; and * specify ongoing monitoring and management activities for a period of not less than two years following subdivision at which point the responsibility for the management of the foreshore reserves will be transferred to the Shire of Busselton. <p>9. As a condition of the first approval to subdivide the developer is to prepare a Golf Course Management Plan to the satisfaction of the Shire of Busselton with advice from the Department of Environment and Conservation, to apply to the land to be retained as the golf course. The primary objective of the Plan will be to ensure the preservation of both Western Ringtail Possum and <i>Calandenia procera</i> within the golf course site. The Plan will address the following:</p> <ul style="list-style-type: none"> * provide details regarding any proposed
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		<p>realignment of the golf course fairways and other infrastructure/facilities;</p> <ul style="list-style-type: none"> * identify areas of remnant vegetation within the golf course site that provide habitat for Western Ringtail Possum or <i>Calandenia procera</i>, and develop management measures to ensure that the habitat functions of these areas are maintained and where possible enhanced; * detail revegetation that will be undertaken to enhance existing habitat functions within the golf course site; and * provide a framework for ongoing monitoring and reporting on the resident Western Ringtail Possum population, the <i>Calandenia procera</i> population and any revegetation undertaken for three years following the issue of the title for the golf course lot, and any management response measures proposed. <p>10. As a condition of the first approval to subdivide the developer is to prepare an Orchid Reserve Management Plan to the satisfaction of the Shire of Busselton with advice from the Department of Environment and Conservation, to apply to the orchid reserve. The primary objective of the Plan will be to ensure that the orchid reserve is created and managed in a way that ensures the ongoing presence of a viable population of <i>Calandenia procera</i>. The Plan will address the following:</p> <ul style="list-style-type: none"> * Provide construction management measures to minimise impacts to the <i>Calandenia procera</i> population when subdivision works are being undertaken and the orchid reserve is created; * allow for the identification and relocation of <i>Calandenia procera</i> currently outside the reserve (in areas to be developed) to within the orchid reserve when subdivision works are undertaken; * specify a program of weed monitoring and weed management; * detail access management measures to ensure that uncontrolled access does not impact on the <i>Calandenia procera</i>
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		<p>population;</p> <ul style="list-style-type: none"> * outline any revegetation that will be undertaken to increase the resilience of the remnant vegetation within the orchid reserve; and * specify a program of monitoring and maintenance within the orchid reserve for three years from when the orchid reserve is created. <p>11. As a condition of the first approval to subdivide the developer is to prepare a Western Ringtail Possum Management Plan to the satisfaction of the Shire of Busselton with advice from the Department of Environment and Conservation. The primary objective of the Plan will be to ensure that the overall future development of the site is undertaken in a way that is sympathetic to the resident Western Ringtail Possum population. The Plan will address the following:</p> <ul style="list-style-type: none"> * detail the results of Western Ringtail Possum counts/surveys involving at least two additional and more recent (two night) counts, that are in addition to the two surveys that have already been undertaken; * provide details on how the resident Western Ringtail Possum population can be supported onsite and development occur without requiring animal translocations, or alternatively provide a framework for translocations to occur; * outline measures to ensure that potential Western Ringtail Possum habitat will be created within the subdivision area, and in particular in areas of public open space and in road reserves; * ensure the creation and maintenance of east-west and north-south corridors through the site through a combination of public open space, adjacent road reserves, foreshore reserves, road reserve landscaping and the planting of these areas with <i>Agonis flexuosa</i>; * provide construction management measures to ensure that site works do not result in Western Ringtail Possum mortalities; and
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			<p>* specify an ongoing monitoring and maintenance program to extend for three years after the completion of subdivision works (on a stages basis) and to include Western Ringtail Possum counts, <i>Agonis flexuosa</i> canopy condition monitoring, revegetation/landscaping survival.</p> <p>12. As a condition of subdivision approval, the proponent shall prepare a developer contributions plan to the satisfaction of the Shire of Busselton. An appeal right will exist in respect to determination of the plan pursuant to clause 96(2) of the Scheme.</p>
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(c) modifying the boundary of the existing 'Special Purposes' zone and amending Schedule 4 Additional Uses No. 56 as outlined in the following table:

No.	PARTICULARS OF LAND	LAND USE PERMITTED/ SPECIFIED	CONDITIONS
56	Portion of Lot 9005 Pickmore Circus, West Busselton	1. Bed and Breakfast or Chalets or Guesthouse 2. Restaurant/ Reception Centre 3. Single House 4. Managers/ Caretakers Residence	1. the additional uses specified shall be deemed to be "AA" uses for the purpose of clause 21 of the Scheme. 2. no development shall occur on the land prior to preparation of a conservation plan that is approved by the Council. 3. development of the land shall generally be in accordance with a conservation plan approved by the Council.

2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the *Town Planning Regulations 1967*. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.

3. That the Council, pursuant to clause 25 of the Shire of Busselton *District Town Planning Scheme No. 20*, adopt for community consultation purposes the draft Revised Development Guide Plan "Old Broadwater Farm" (Revision I dated 07/08/09) subject to the following modifications being undertaken prior to advertising:

- (i) the three R12.5 lots adjacent to the Business zone being replaced with an R30 grouped housing site.
- (ii) inclusion of the following additional conditions:

"NOISE IMPACT: Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1993 (as amended) is to be placed on the Certificates of Titles of proposed lots adjacent to the Busselton Bypass and R40 lots fronting the public open space adjacent to the bypass, advising that the amenity of the lot may be affected by current and future traffic noise."

"Prospective purchasers of lots adjacent to the Busselton Bypass shall be advised of 'quiet house' design principles that can be incorporated into the built form to achieve acceptable internal noise levels, should dwellings be more than single storey."

- (iii) the 'limit of development line' to read 'limit of habitable development line'.

- (iv) Inclusion of the following additional sentence in condition 4 (b):

"The DAP will also address issues associated with the visual impact of development from the Busselton Bypass, ensuring that development is not oriented towards the Bypass, and ensuring that the area to the south of the 'Limit of Development Line' is not developed for commercial purposes and is developed as screening landscaping using locally indigenous vegetation."

Note: Officers had provided a revised officer recommendation for the Council's consideration to remove the words "and is developed as screening landscaping using locally indigenous vegetation" from the additional sentence at 3(iv) of the Officer Recommendation.

COUNCIL DECISION / REVISED OFFICER RECOMMENDATION

C0909/314 Moved Councillor Hanran-Smith, seconded Councillor Hastie:

- 1. That the Council, in pursuance of Part V of the Planning and Development Act 2005, initiate draft Amendment No. 128 to the Shire of Busselton District Town Planning Scheme No. 20 for the purposes of:

- (a) rezoning Lot 9005 Pickmore Circus, West Busselton from 'Residential', 'Recreation' and 'Development Investigation Area' to 'Special Purposes (Old Broadwater Farm Development Area)', deleting residential density designations, applying a 'Special Provision' Area designation and modifying the Scheme Map accordingly.
- (b) inserting the following Special Provisions into Schedule 7 (Special Provision Areas) of the Scheme:

No.	Particulars of Land	Zone	Special Provision
SP31	Lot 9005 Pickmore Circus, West Busselton	Special Purposes (Old Broadwater Farm Development Area) Business	<p>1. Subdivision and development of the land shall be generally in accordance with the Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to the Scheme.</p> <p>2. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>3. All provisions (such as land use and development controls or approval procedures) applicable to a zone, reserve or R-code pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan. Notwithstanding this provision, clause 65 of the Scheme shall not apply to the Business zone.</p> <p>4. Prior to final approval of the Development Guide Plan the developer will prepare a Local Water Management Strategy (LWMS) for the full extent of the site in accordance with the principles outlined in Better Urban Water Management (WAPC, 2008). The LWMS will be prepared to the satisfaction of the Shire of Busselton with advice from Department of Water. The LWMS will provide a framework to ensure that the quality and quantity of surface and groundwater is maintained post-development. The Strategy will address:</p> <ul style="list-style-type: none"> * flood management (major events); * specify measures to ensure that existing hydrological and ecological functions of the

		<p>adjacent wetland associated with the New River are not impacted by the future development;</p> <ul style="list-style-type: none"> * establish groundwater conditions (based on monitoring) and management requirements; * identify and describe proposed measures to capture and treat the minor events; and * outline future monitoring and management requirements. <p>5. As a condition of approval for each stage of subdivision, the developer is to prepare an Urban Water Management Plan (UWMP) for the relevant subdivision stage to the specification and satisfaction of the Shire of Busselton with advice from the Department of Water. The UWMP will specify how development will occur in a manner that is consistent with the objectives and requirements outlined within the LWMS. The primary objective of the UWMP will be to ensure the implementation of the LWMS at the time of development and will contain details of engineering design in relation to the proposed urban water management approaches.</p> <p>6. Prior to final approval of the Development Guide Plan the developer will prepare a Noise Impact Assessment to the satisfaction of the Shire of Busselton. The Plan will address the following:</p> <ul style="list-style-type: none"> * identify likely future traffic volumes, road upgrades and/or changes in road surface conditions that may have implications for noise generated from the Busselton Bypass; and * determine through quantitative modelling the noise emissions that are expected to be generated by the Busselton Bypass and the extent to which noise emissions are likely to extend into adjacent areas of the subject site. <p>The layout of the development Guide Plan will reflect any requirements of the assessment that are spatially relevant and require land uptake considerations relevant at this stage of planning. Any future development will be undertaken in accordance with the requirements of the</p>
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		<p>Plan, and details will be provided with subdivision applications as to how noise management is to be undertaken in a manner that is consistent with the Plan.</p> <p>7. As a condition of approval for a stage of subdivision adjacent to the Busselton Bypass the developer will prepare a Noise Management Plan to the satisfaction of the Shire of Busselton. The Plan will address the following:</p> <ul style="list-style-type: none"> * identify appropriate noise criteria to apply to various uses within the subject site; and * outline how the proposed noise criteria will be met within the subdivision area. <p>8. As a condition of approval for each stage of subdivision adjacent to the New river and associated wetlands, the developer will prepare a Foreshore Management Plan to the satisfaction of the Shire of Busselton. The primary objective of the Plan will be to ensure that the foreshore reserves provide an appropriate buffer to the wetland systems from residential development. The Plan will address the following:</p> <ul style="list-style-type: none"> * identify proposed uses and any works to be undertaken within the foreshore reserves adjacent to subdivision, and provide a management framework to ensure that these do not adversely affect the adjacent wetlands or their hydrological or ecological functions and attributes; * outline landscaping and revegetation works to be undertaken within the foreshore reserves; and * specify ongoing monitoring and management activities for a period of not less than two years following subdivision at which point the responsibility for the management of the foreshore reserves will be transferred to the Shire of Busselton. <p>9. As a condition of the first approval to subdivide the developer is to prepare a Golf Course Management Plan to the satisfaction of the Shire of Busselton with</p>
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		<p>advice from the Department of Environment and Conservation, to apply to the land to be retained as the golf course. The primary objective of the Plan will be to ensure the preservation of both Western Ringtail Possum and <i>Calandenia procera</i> within the golf course site. The Plan will address the following:</p> <ul style="list-style-type: none"> * provide details regarding any proposed realignment of the golf course fairways and other infrastructure/facilities; * identify areas of remnant vegetation within the golf course site that provide habitat for Western Ringtail Possum or <i>Calandenia procera</i>, and develop management measures to ensure that the habitat functions of these areas are maintained and where possible enhanced; * detail revegetation that will be undertaken to enhance existing habitat functions within the golf course site; and * provide a framework for ongoing monitoring and reporting on the resident Western Ringtail Possum population, the <i>Calandenia procera</i> population and any revegetation undertaken for three years following the issue of the title for the golf course lot, and any management response measures proposed. <p>10. As a condition of the first approval to subdivide the developer is to prepare an Orchid Reserve Management Plan to the satisfaction of the Shire of Busselton with advice from the Department of Environment and Conservation, to apply to the orchid reserve. The primary objective of the Plan will be to ensure that the orchid reserve is created and managed in a way that ensures the ongoing presence of a viable population of <i>Calandenia procera</i>. The Plan will address the following:</p> <ul style="list-style-type: none"> * Provide construction management measures to minimise impacts to the <i>Calandenia procera</i> population when subdivision works are being undertaken and the orchid reserve is created; * allow for the identification and relocation of <i>Calandenia procera</i> currently outside the
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		<p>reserve (in areas to be developed) to within the orchid reserve when subdivision works are undertaken;</p> <ul style="list-style-type: none"> * specify a program of weed monitoring and weed management; * detail access management measures to ensure that uncontrolled access does not impact on the <i>Calandenia procer</i> population; * outline any revegetation that will be undertaken to increase the resilience of the remnant vegetation within the orchid reserve; and * specify a program of monitoring and maintenance within the orchid reserve for three years from when the orchid reserve is created. <p>11. As a condition of the first approval to subdivide the developer is to prepare a Western Ringtail Possum Management Plan to the satisfaction of the Shire of Busselton with advice from the Department of Environment and Conservation. The primary objective of the Plan will be to ensure that the overall future development of the site is undertaken in a way that is sympathetic to the resident Western Ringtail Possum population. The Plan will address the following:</p> <ul style="list-style-type: none"> * detail the results of Western Ringtail Possum counts/surveys involving at least two additional and more recent (two night) counts, that are in addition to the two surveys that have already been undertaken; * provide details on how the resident Western Ringtail Possum population can be supported onsite and development occur without requiring animal translocations, or alternatively provide a framework for translocations to occur; * outline measures to ensure that potential Western Ringtail Possum habitat will be created within the subdivision area, and in particular in areas of public open space and in road reserves; * ensure the creation and maintenance of east-west and north-south corridors
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			<p>through the site through a combination of public open space, adjacent road reserves, foreshore reserves, road reserve landscaping and the planting of these areas with <i>Agonis flexuosa</i>;</p> <p>* provide construction management measures to ensure that site works do not result in Western Ringtail Possum mortalities; and</p> <p>* specify an ongoing monitoring and maintenance program to extend for three years after the completion of subdivision works (on a stages basis) and to include Western Ringtail Possum counts, <i>Agonis flexuosa</i> canopy condition monitoring, revegetation/landscaping survival.</p> <p>12. As a condition of subdivision approval, the proponent shall prepare a developer contributions plan to the satisfaction of the Shire of Busselton. An appeal right will exist in respect to determination of the plan pursuant to clause 96(2) of the Scheme.</p>
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(c) modifying the boundary of the existing 'Special Purposes' zone and amending Schedule 4 Additional Uses No. 56 as outlined in the following table:

No.	PARTICULARS OF LAND	LAND USE PERMITTED/ SPECIFIED	CONDITIONS
56	Portion of Lot 9005 Pickmore Circus, West Busselton	1. Bed and Breakfast or Chalets or Guesthouse 2. Restaurant/ Reception Centre 3. Single House 4. Managers/ Caretakers Residence	1. the additional uses specified shall be deemed to be "AA" uses for the purpose of clause 21 of the Scheme. 2. no development shall occur on the land prior to preparation of a conservation plan that is approved by the Council. 3. development of the land shall generally be in accordance with a conservation plan approved by the Council.

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from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the *Town Planning Regulations 1967*. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.

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(i) the three R12.5 lots adjacent to the Business zone being replaced with an R30 grouped housing site.

(ii) inclusion of the following additional conditions:

"NOISE IMPACT: Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1993 (as amended) is to be placed on the Certificates of Titles of proposed lots adjacent to the Busselton Bypass and R40 lots fronting the public open space adjacent to the bypass, advising that the amenity of the lot may be affected by current and future traffic noise."

"Prospective purchasers of lots adjacent to the Busselton Bypass shall be advised of 'quiet house' design principles that can be incorporated into the built form to achieve acceptable internal noise levels, should dwellings be more than single storey."

(iii) the 'limit of development line' to read 'limit of habitable development line'.

(iv) Inclusion of the following additional sentence in condition 4 (b):

"The DAP will also address issues associated with the visual impact of development from the Busselton Bypass, ensuring that development is not oriented towards the Bypass, and ensuring that the area to the south of the 'Limit of Development Line' is not developed for commercial purposes".

CARRIED 11/0

13.2 CENTRAL EAST BUSSELTON FORESHORE MANAGEMENT PLAN - SCOUT ROAD TO FORD ROAD (CONSIDERATION FOR FINAL ADOPTION)

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0909/309, page 6](#)).

13.3 DRAFT BUSSELTON TOWN CENTRE URBAN DESIGN POLICY - ADOPTION FOR COMMUNITY CONSULTATION

SUBJECT INDEX:	Local Planning Policies
APPLICATION NUMBER:	N/A
STRATEGIC INITIATIVE:	2.1.3 Work with developers to ensure community sensitive town site and neighbourhood layouts and functionality
BUSINESS UNIT:	Strategic Land Use and Sustainability
SERVICE:	Cultural Planning
DATE OF COMPLETION:	9 February 2010
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	Adoption of <i>Draft Busselton Town Centre Urban Design Policy</i> for community consultation
LOT SIZE:	N/A
ZONE:	N/A
POLICIES:	<i>Busselton Town Centre Guide Plan 2004</i>

PRÉCIS

This report seeks the Council's adoption of the *Draft Busselton Town Centre Urban Design Policy* for the purposes of community consultation, under Clause 103 of District Town Planning Scheme 20.

The purpose of the policy is to provide guidance on development, within an urban design context, within the Busselton town centre, to achieve an enhanced urban environment, to improve the experience of the town for pedestrians, and to reinforce and build upon its established character.

OFFICER RECOMMENDATION

That the Council adopt the *Busselton Town Centre Urban Design Policy* as a draft for consultation purposes pursuant to Clause 103 of District Town Planning Scheme 20 as set out below:

1.0 BACKGROUND/STATEMENT OF INTENT

The Busselton town centre is entering a new phase in its evolution from a small country town into a growing sub-regional service and tourism centre. Several major private and public developments are being discussed and planned. The Shire is keen to provide prospective development proponents with clearer urban design guidance, above and beyond basic town planning

requirements, to ensure new development adds positively to the town centre's growth.

Busselton has always been a low scale, low density and dispersed commercial centre, with Queen Street forming the major movement and activity axis connecting the causeway over the river to the ocean front. The town is laid out on a traditional grid pattern, with a general consistency of lot sizes and frontages. The town retains many of its older buildings.

New development must be mindful of the existing pattern of development, the character, scale and form of existing buildings. However, this does not mean that the character cannot and should not evolve over time.

The town centre currently contains few residents or temporary accommodation for tourists and visitors. This has resulted in most streets becoming very quiet after hours, which is not conducive to the safety and security of the streets and their users, detrimental to the commercial viability of many businesses, and inconsistent with the vibrant, lively and attractive urbanity the Shire is keen to promote.

The Shire is keen to promote more mixed use development of an appropriate scale and form throughout the Policy Area, and to reinforce the role of Queen Street as the premier retail main street of the town. Tourism is likely to become an increasingly important part of the town's future development.

Urban design concerns the integration of land use, movement/access and traffic management, and the form and amenity of the built environment. The aim of good urban design is to provide high quality urban places that are efficient, functional, attractive and comfortable for users, and which can respond to the changing needs of the community, the economy and the environment over time. Urban design involves both planning and design, and deals with the three dimensional built environment by addressing the context of buildings and spaces, rather than just the objects themselves.

The purpose of this policy is to provide guidance on the design of private buildings and spaces within the Busselton town centre, to achieve an enhanced urban environment, to improve the experience of the town for pedestrians, and to reinforce and build upon its established character.

This policy consists of general objectives and principles that provide overall development guidance, and associated provisions on the six primary elements of:

- * Built form
- * Development interface and interaction
- * Access, traffic and movement
- * Safety and security
- * Environment and microclimate
- * Advertising signage

The policy also provides design principles relating to land use in the context of place making and urban design, particularly with regard to mixed use and commercial development.

The principles contained in the Policy represent the desired outcome for developments, and compliance with these principles will achieve compliance with the Policy. The provisions that follow provide direction into how these principles and the overall objectives of the Policy can be satisfied.

2.0 POLICY AREA

This policy applies to all land within the Busselton Town Centre zoned 'Business'. This includes land within the area bounded by Marine Terrace, Brown Street, Peel Terrace and West Street, including the whole of Queen Street (including the area known as the 'Cultural Precinct', which comprises the section of Queen St between Adelaide St and Marine Terrace), but excluding the remainder of the 'Busselton Heritage and Special Character Area', for which there is a separate policy (See Figure 1).

3.0 POLICY OBJECTIVES

In general terms, the Scheme seeks to strengthen the retail and commercial heart of the Busselton town centre centred on the Queen Street/Prince Street locality, with civic and cultural uses aligned along a north-south axis to the east of Stanley Street.

While new mixed commercial/residential uses will be encouraged generally throughout the town centre, these developments are likely to be most numerous and concentrated in the area lying to the east of Cammilleri Street. Cultural and tourist uses shall continue to occupy the land located to the north of the retail and commercial precinct.

This policy specifically addresses urban design issues relating to new development in the private domain. The objectives of this Policy are:

- * to enhance the physical quality and established character of the built environment of the Busselton town centre through sensitive and innovative design of buildings and spaces;
- * to facilitate a range of appropriately located land uses to provide diversity, interest and choice;
- * to encourage a range of housing opportunities in appropriate locations, and generally above and behind commercial uses;
- * to improve the experience of the town centre, especially pedestrian amenity, by promoting the continuity of streetscapes, interactive frontages, climate protection, safety and security, visual cohesiveness of new development, and the enclosure of spaces by development which should clearly define public and private areas;

- * to particularly concentrate street front activity along the primary movement routes; and
- * to conserve and enhance Busselton's architectural heritage and special character and to promote adaptability through development that can respond to changing social, technological and economic conditions.

4.0 APPLICATION OF THIS POLICY

This policy is adopted under Clause 103 of the Scheme.

This policy is to be used in conjunction with the Shire's Town Planning Scheme, and other relevant planning policies and guidelines including the *Busselton Heritage and Special Character Area Policy*. It should also be used in conjunction with the Shire's adopted *Busselton Town Centre Guide Plan*, and the *Busselton Town Centre Streetscape Manual* as amended and updated from time-to-time. The latter document deals with the future development of the public domain.

This policy shall be implemented by the Shire's staff (planners, building inspectors, engineers, etc.) when assessing development applications for new development within the policy area.

5.0 INTERPRETATIONS

Active or Interactive Frontages means street frontages where there is an active visual engagement between people in the street and those on the ground floors of buildings.

Amenity means all those factors which combine to form the character of an area and includes the present and likely future amenity. An area of high amenity could be described as a comfortable and pleasant immediate environment, located within agreeable surroundings.

Articulation means the breaking up of a building façade into individual elements to provide a modulated effect aimed at enhancing individual building identity, variety and interest through the use of such elements as window projections, balconies, awnings, minor recesses and/or projections of walls or parts of walls.

Built Form means the configuration of the aggregate form of all buildings, structures, etc., which make up the physical environment of a locality.

Bulk means the size, or mass, of a building within its built form context.

Character means the essential combination of the public and private domains. Every property, public place or piece of infrastructure and the way it is used by the public, makes a contribution, whether large or small. It is the cumulative impact of all these contributions that establishes neighbourhood character.

Conservation means all the processes of looking after a place, so as to retain its cultural significance.

Context means the specific character, quality, physical, historic and social context of a building's setting and may, according to circumstances, be a group of buildings, a part of a street, whole street, part of a town or the whole town.

CPTED Principles

Means the planning and design principles contained in "Crime prevention through environmental design". (Ref: *Designing Out Crime – Planning Guidelines Outline WAPC 2005*).

Façade means the exposed face(s) of a building towards roads or open space, or the frontal outward appearance of a building.

Heritage means buildings, structures or places having aesthetic, historic, scientific or social value for past, present or future generations.

Legibility means a street and movement system designed to provide a clear sense of direction and connection, giving definite signals regarding the spatial layout and geography of an area.

Massing means the size and volume of a building.

Mixed Use Development means the provision of various compatible, balanced land uses with a 'fine grain', integrated in close proximity to each other. Physically it includes both vertical and horizontal mixing of uses. Good mixed use development has the potential to improve the efficiency and amenity of neighbourhoods, reduce travel demand, increase walkability, and make more efficient use of available space and buildings.

Public Realm or Public Domain means areas of a town which belong to the community as a whole. This refers to spaces that are physically accessible to the public, and those aspects of other spaces that are visible from physically accessible spaces. It incorporates features such as streets, parks, squares, community buildings and the street facades of other buildings.

Scale means the size of a building and its relationship with its surrounding buildings or landscape.

Street Alignment means the common boundary between the land comprising a street (i.e., the road reserve), and the land abutting it.

Street Setback means the horizontal distance between the street alignment and a building, measured at right angles to the street alignment. The "street setback area" is the area between the street alignment and the street setback line.

Streetscape means the total visual impression gained from any one location within a street including the natural and man-made elements and is made up of the appearance of and the relationships between buildings in terms of design, scale, materials, colours, finishes, signs, external furniture, paving materials for roads, footpaths and landscaping.

Surveillance means the presence of passers-by or the ability of people to be seen in public spaces from surrounding windows, decks, balconies or the like. "Casual surveillance" means "eyes on the street" provided by local people going about their daily activities.

The Scheme means the Shire of Busselton District Town Planning Scheme 20.

Universal Access means the provision of access which is inclusive of all people including children, seniors and people with disabilities.

6.0 BUILT FORM

6.1 Principles

- * Development shall respond sensitively to the site and its setting, and create a place that is valued and pleasing to the eye.
- * Development shall respond to the scale and massing of surrounding buildings and avoid unsympathetic contrasts of scale.
- * The streetscape and character significance of heritage buildings shall be conserved and enhanced through the sensitive design of new developments.

6.2 Design Quality

New building design should encompass innovative and high quality contemporary design which is functional, aesthetically well-resolved and environmentally responsible, and:

- * Result in the development of quality urban places, buildings, streets, squares and parks;
- * Respond to its site and locality, including the topography, landscape and existing builtform. It should provide sustainable living environments, both in private and public areas.
- * Respond to technical, social, aesthetic, economic and environmental challenges with innovation.

6.3 Context, Scale & Massing

New development should take into account the scale, massing and grain (i.e. the proportions) of surrounding buildings, and without seeking to copy or imitate existing structures, make a positive contribution to their location and the streetscape.

The scale and massing of a proposed new development should be considered in relation to the topography, the general pattern of building height in the area, as well as view corridors, vistas and landmarks. New buildings should reflect the vertical or horizontal emphasis of the existing streetscape where this emphasis is apparent. In the Busselton town centre, this is predominantly a vertical emphasis.

6.4 Building Heights

The maximum floor-to-floor heights shall be:

- * Ground floor – 4.5m
- * First floor (second storey) – 3.5m
- * Second and subsequent floors - 3.0m

Any levels above a third storey are to be setback by a minimum of 3 metres.

Any application for a building proposed at higher than 3 storeys will need to be accompanied by an urban design statement. (Refer to Section 14.0)

Any lift overrun shall be less than 3.0m above the ceiling level of the top storey.

6.5 Street Setback

Each street within the policy area has been defined as a Primary, General Commercial or Green Street, with specific requirements for street setback. Refer to Figure 2 and Section 7.2 for setback requirements for particular locations.

6.6 Articulation

Buildings should be articulated to break up their perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage. A 'fine grain' of built form shall be achieved by each new development. Each floor level should be articulated.

A variety of architectural expression will be encouraged with a strong emphasis on promoting high quality, contemporary design.

6.7 Detailing, Colours & Materials

New buildings are not expected to imitate the materials, colours or finishes of the existing buildings of the locality. The emphasis is on the blending of new buildings with the best elements of the existing streetscape. A variety of materials and colours is encouraged.

Large expanses of glass which has been treated to increase reflectivity are strongly discouraged, as this would be contrary to the prevailing character of the town's built forms, and the resultant glare and heat can create

discomfort in the public realm and to occupiers of surrounding buildings. Also refer to the Shire's *Use of Reflective Building Materials Policy*.

Proponents of new development should acquaint themselves at the beginning of the design process with the Colour and Material Palette attached to the *Busselton Town Centre Streetscape Manual*. The palette provides guidance on base and highlight colours and building materials. A theme of 'Ocean to River' has been developed for the Busselton town centre and the colour palette can be used to strengthen the three identified character zones of Ocean, Town and River.

6.8 Prominent Sites

Buildings on prominent sites, such as corner sites, sites which terminate views and vistas, and sites which define and identify squares and public spaces, should accentuate the built character of an area. Important view corridors and landmarks should be protected where possible, as they provide legibility and "way finding", and contribute to the town's image.

This is most effectively achieved by developing to the street alignment where appropriate in their setting, and creating landmark features. In this regard:

- * corner elements of buildings (on corner sites) should be emphasised by greater scale or differing geometry relative to the remainder of the building or surrounding development. This could include curving, additional height, different roof forms, verandahs, balconies or other design elements which accentuate building corners; and
- * the facades of buildings should address street frontages and public spaces.

6.9 Roofscapes & Skylines

Service structures on roofs shall be incorporated into the building design.

New taller buildings should incorporate well-designed rooftops which are integrated into the design of the building, and add visual interest to the town's skyline.

In addition to views from the street, in designing the rooftop, the view from higher surrounding buildings should also be taken into account.

6.10 Heritage & Streetscape

New development should conserve and enhance the heritage of the town, and maintain/foster areas of individual and interesting character. Proponents who intend to develop a property which is listed on the Shire's Municipal Heritage Inventory need to refer to the Shire's *Heritage Conservation Policy*.

This policy offers guidance on various matters, and highlights incentives that may be available for appropriate, sensitive new development.

New development should respect the setting of any surrounding properties of identified heritage and/or streetscape value in terms of building design and form.

The design of new buildings on sites adjoining properties of heritage significance shall pay particular attention to the built character relationship between the new building and the existing adjacent heritage building(s) in terms of scale, setbacks, form, materials and external finishes.

6.11 Services

Satellite dishes and other communications facilities should be visually unobtrusive. This may include the concealment of the facility as part of the design of the building, a restriction in the number of facilities, or locating the facility where it will not be visible from the public domain.

7.0 DEVELOPMENT INTERFACE & INTERACTION

7.1 Principles

- * Buildings shall clearly address the street, and provide interest and definition of the built form or defined space to the passerby.
- * Buildings shall have interactive edges, such as shop fronts, doors directly opening onto the street, or residential upper floors, to enable people to casually observe public spaces, thereby making the spaces feel safer.

7.2 Relationship to the Street (Public/Private Interface)

Each street within the Policy Area has been defined as a Primary, General Commercial or Green Street, with specific requirements to each Frontage Type. Frontage Types in the policy area are defined in Figure 2.

Frontage Type 1: Primary Street

- * Highly activated.
- * Predominantly shop uses at ground floor level.
- * Other subsidiary commercial uses and residential lobby at ground floor level may be considered.
- * Non shop uses permitted above ground floor.
- * At the ground floor level, buildings shall address the street with a primary business entrance and a shop front façade.
- * Nil front setback, with continuous façade to be encouraged.
- * Pedestrian shelter, through provision of verandah or awning, must be provided over the public footpath for the full width of the lot frontage.
- * No vehicular access to sites to be taken from Queen St.

Frontage Type 2: General Commercial Street

- * Moderate to high level of activation.
- * Mix of shop, office and other commercial tenancies at ground floor level, residential lobby also acceptable.
- * General commercial and residential uses permitted above ground floor level.
- * At ground floor level, the facades of buildings shall address the street with a commercial shop front, primary business entrance and/or residential lobby.
- * Front setback may be a minimum of nil, up to a maximum of 4m, however the setback will be determined after consideration of the front setbacks of any adjoining existing buildings.
- * New development should conform to any clearly established building line in the near vicinity.
- * The front setback area to be landscaped with soft and hard treatments in a manner appropriate to the site's location and context.
- * Pedestrian shelter, through provision of an awning over the front door, must be provided as a minimum requirement.
- * Car parking shall not be located between the building and the street boundary.
- * The number and width of vehicle crossovers to each site shall be minimised and sharing with adjoining properties encouraged.

Frontage Type 3: Green Street

- * Moderate level of activation.
- * Mix of office and consulting-type activities at ground and upper floors.
- * Residential uses permitted above ground floor level.
- * At ground level, the facades of buildings shall address the street with a primary business entrance and/or residential entry lobby.
- * Front setback may be at a minimum of 2m and a maximum of 4m.
- * The front setback area to be landscaped to a high standard, with appropriate trees, shrubs and ground covers, all planted in-ground, to achieve and attractive, 'green' street character. Tree species shall be determined by Shire staff in consultation with proponents.
- * Car parking shall not be located between the building and the street boundary.
- * The number and width of vehicle crossovers to each site will be minimised.

When two street frontages are involved, e.g. a corner block, priority shall be given to the higher level activation classification.

Activation levels should be addressed through such measures as transparency, building detail and entry to building.

All new buildings must address the street with facades generally parallel to the street, with windows facing the street and clearly defined entry points visible and accessed from the street. Tenancies abutting the street shall provide primary entrances off the public footpath.

New commercial developments are encouraged to incorporate ground floor uses that promote activity and informal surveillance of the street, and have facades that add interest and vitality to the public domain. Upper levels should be designed to promote informal surveillance of the street through the use of balconies and/or large windows.

Buildings should be designed to be adaptable to allow for future use changes.

Blank or screen walls, opaque roller shutters and air vents, especially in ground floor walls, will not generally be supported by the Shire.

Designs of perimeter walls of new buildings may incorporate secondary seating options such as wide sills, steps or low walls to promote activity whilst maintaining universal accessibility.

Where possible, power substations should be integrated into the design of a development where they are located within view of the public realm.

7.3 Pedestrian Shelter

Pedestrian shelters should be constructed to provide weather protection across adjacent buildings. The design of the pedestrian shelter should provide for an interesting and cohesive streetscape, whilst relating to the architecture of the host building. Pedestrian shelters may take the form of awnings, canopies, verandahs or balconies.

Pedestrian shelters shall be approximately 2.5m wide over the footpath, but shall not extend beyond the point where the fascia is 600mm behind the kerb on the street below. The shelter shall provide a minimum clearance as to be consistent with the Building Code of Australia.

7.4 Fencing

Any fencing which is constructed forward of the building line which obscures the entry to a building will not be supported, however, in circumstances where security is an issue, e.g. Child Care Centre, then any fencing is to be as defined by provisions in the R-Codes, e.g. low and visually permeable.

8.0 ACCESS, TRAFFIC & MOVEMENT

8.1 Principles

- * Buildings and public spaces shall be designed to be accessible to all users whatever their ability, with equity and dignity.
- * Developments shall be designed to ensure that any access ways and parking facilities do not visually dominate the public realm or create obstructions to the pedestrian environment.
- * Places shall be designed to encourage accessibility and local permeability through integration with neighbouring developments.

8.2 Design of Car parking

Car parking areas shall be located towards the rear of the site and screened from public view or as an undercroft/basement to the building if technically feasible. No car parking shall be located between the building and the street boundary.

At-grade car parking areas incorporated into a development which caters for 8 or more vehicles shall be landscaped with suitable trees at the rate of one tree per 6 bays. The chosen trees shall provide shade, improve amenity and assist in visual screening from above. Assistance in selecting tree species may be gained by reference to the Shire's *Busselton Town Centre Streetscape Manual*. The car park should also be appropriately lit for after-dark use.

Any new multi-storey car parks should incorporate interactive street frontages, such as shops or other uses that promote activity, where possible. These can be 'sleeved' along the street frontages of the car park structure.

Where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors.

8.3 Rationalisation of Crossovers

The width and number of crossovers onto a site should be minimised.

Vehicle access to developments should be designed in a way which minimises potential pedestrian/vehicular conflict, or alternative pedestrian access should be provided if necessary. Measures to clearly define the primacy of pedestrian amenity should be taken; these could include mountable kerbing to ensure continuity of footpaths.

8.4 Servicing

Servicing/loading areas are generally to be provided at the rear of developments.

Where this is not possible, for example when the property has two street frontages, then the servicing/loading area should be located in the middle of the development out of sight of the street, or at the side of the building, perhaps incorporating a new or existing laneway. The laneway should be kept to a minimum trafficable width, preferably utilising a one-way through traffic system so that service/delivery vehicles do not have to reverse over public footpaths.

Vehicle crossovers to the street should be kept to a minimum width, suitable for access by one vehicle at a time.

8.5 Arcades

New arcades shall only be supported by the Shire where they connect one street directly through to a major activity centre and/or another street. Arcades with 'dead ends' will not be permitted.

9.0 SAFETY & SECURITY

9.1 Principles

- * Buildings shall be designed to provide a safe environment for all users, contribute positively to the enhancement of public safety, and minimise the need for intrusive surveillance technologies.
- * Security measures shall be incorporated into building design so as to be visually unobtrusive and in keeping with the building's architectural style and materials.

9.2 Lighting

Developments should make provision for the location of external lighting, to include the lighting of commercial building facades for public safety purposes and to add drama, variety, interest and character to the development at night.

Lighting should be even and consistent to avoid shadows and glare, and should be provided to increase safety and security along important pedestrian pathways.

The lighting of retail frontages of buildings on Queen Street in particular will be encouraged.

9.3 Roller Doors on Shop fronts

To create and maintain a comfortable pedestrian environment with welcoming streetscapes, new shop fronts should be attractive, interesting and well illuminated at night in order to foster the window shopping experience. Traditional shop fronts should be retained wherever possible.

- * If security is an issue, new developments/shop fronts should incorporate security protection into the structure itself.
- * Roller doors or screens of solid material on shop fronts will not be permitted.
- * Roller doors of see-through acrylic material may be acceptable providing that at least 75% of the roller door is transparent and the material maintains a high level of transparency once installed.
- * Security bollards in the public footpath are not acceptable.

9.4 Safer Design (CPTED)

The design and layout of buildings should enhance actual and perceived safety, and reduce the potential for crime, graffiti and vandalism. Developments should minimise potential entrapment areas such as recessed doorways and storage areas, and other semi-enclosed spaces.

Areas not intended for night time access should be unlit or closed off to discourage use of these spaces and avoid giving a false sense of security.

Developments which include public spaces should be designed to encourage pedestrian use and create a sense of public ownership by providing quality landscaping, lighting, furniture, art, finishes, universal access and measures to improve environmental conditions, as well as providing a high standard of regular maintenance.

Public and private spaces should be clearly defined to encourage a sense of ownership by users and to ensure the legitimate use of the space.

For vulnerable developments, a 'safer design' assessment should be submitted by an approved expert in the field.

10.0 ENVIRONMENT & MICROCLIMATE

10.1 Principles

- | |
|--|
| <ul style="list-style-type: none">* Building designs shall contribute to an interesting and comfortable pedestrian environment, provide opportunities for weather protection and minimise strong wind conditions and sun reflection in the street and public spaces. |
|--|

* Developments shall incorporate energy-efficient and environmentally sustainable principles into their design.

10.2 Air Conditioners

Air conditioning units or mechanical ventilation shall not discharge air into areas below the finished ceiling level of pedestrian shelters, or to the street at ground level. (This does not apply to doorways that discharge air as a result of pressurisation within the building.)

Air conditioning units should be located on rooftops or towards the rear of the site, and screened from the public domain.

10.3 Antennae/Satellite Dishes

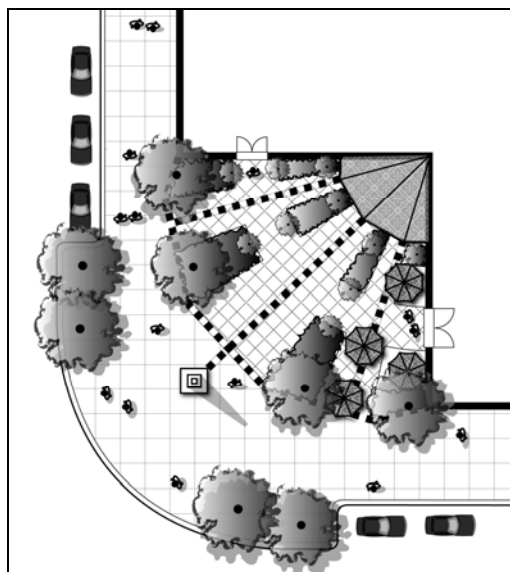
Antennae and satellite dishes should be located out of public view, located on the ground and/or adequately screened.

10.4 Landscaping

Where developments are not built up to the front boundary, the setback area shall be landscaped with an appropriate and attractive mix of hard paving and in-ground planting, provided that the plantings maintain an openness to the building to ensure a visible and safe entrance, and create no potential entrapment areas.

Water-sensitive design planting principles will be encouraged.

Opportunities should be taken to include simple pedestrian amenities such as seats and shade/shelter.



Opportunities may be taken on corner sites, especially those having a northerly aspect, to enhance the landscape setting of the building, while at the same time increasing the area available for pedestrian use and social interaction, and improving user amenity.

11.0 ADVERTISING SIGNAGE

11. General Advice & Guidance

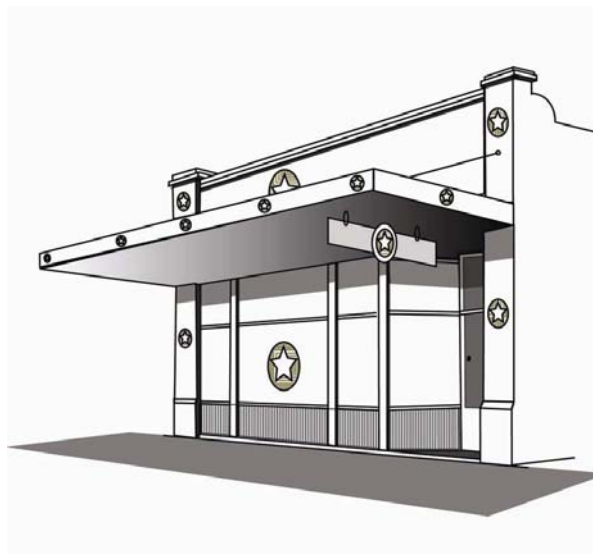
The location and size of signage panels for new buildings shall be identified at Planning Approval stage.

Advertising signs will only be approved where they:

- * describe the business or activity carried out on the site;
- * relate to products produced, stored or sold on the site; or
- * are required by law.

The proportions and shape of advertising signs should complement the building to which they are attached. Signs on building facades should not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally. Signage should be kept simple, and only display information that relates to the activities carried out on the premises (i.e., no 'third party' advertising will be permitted). Above roof signs will not be permitted.

Signage should be located in places that are appropriate to the architecture and be considered part of the overall building design. In particular, under-verandah signs, awning signs and projecting signs will generally be encouraged.



Signage should be located in places that are appropriate to the architecture of the building, and be considered as an integral part of the overall building design.



Prohibited signs include:

- * moving (flashing and animated) signs;
- * bunting;
- * roof signs;
- * stand-alone structures such as tower signs, pylon signs and hoardings;
- * third party (unrelated) advertising.

Corporate signage which seeks to impose a standardised format onto individual buildings is not suitable for heritage buildings and may often ruin their presentation. Instead of corporate signage, individually styled signs, which attempt to complement the colours, scale and design of the building, should be developed. At times a satisfactory compromise can be achieved.

Corner buildings may be treated differently where signage can be clearly demonstrated to be an integral part of the building design, and visually compatible.

Colours for signs should be selected with due consideration for the colours used in neighbouring developments.

Signs should not totally obscure windows, and should not impede the pedestrian's view into a shop.

Building owners are strongly encouraged to prominently display the street number (and name if applicable) of their building to facilitate identification by visitors.

Small heritage interpretation plaques may be fixed to walls when warranted and where appropriate.

12.0 MIXED USE RESIDENTIAL & COMMERCIAL DEVELOPMENT

Whilst the Scheme requires that residential development is subsidiary to commercial development on the same site, residential development at densities one would expect in a significant urban centre is encouraged, particularly in locations where such density serves to contribute to a variety of uses which promote activity and informal surveillance of the street. In residential/commercial developments the open space requirements of the Residential Design Codes may be relaxed subject to the provision of external private spaces to each residential unit (this may be in the form of balconies or terraces).

The scale and form of new mixed use development should endeavour to be compatible with existing surrounding development.

13.0 CULTURAL PRECINCT

The 'Cultural Precinct' comprises the section of Queen St between Adelaide St and Marine Terrace.

The Precinct contains five buildings, three of which are listed on the State Register of Heritage Places and used for community cultural purposes, and two which have future development potential. The precinct has been identified as playing a key role in providing a connection between the foreshore and the town centre.

Any development applications in the Cultural Precinct will necessitate an Urban Design Statement, as detailed in Section 14.0 below. Any significant proposals, as determined by the Shire, shall be preceded by development of more detailed guidelines for the development of that Precinct.

14.0 URBAN DESIGN STATEMENT

An Urban Design Statement, prepared by a suitably qualified and experienced urban design professional, shall be provided by the proponent in the event that the development application proposes:

- * buildings of more than 3 storeys;
- * significant proposals with the potential to alter the character of the surrounding urban landscape (generally considered to include all proposals for floor space in excess of 2000m²);
- * any kind of deck, multi storey or undercroft parking;
- * any significant development within the Cultural Precinct; or
- * is in any way inconsistent with the specific requirements contained in this policy.

The intent of the Urban Design Statement is to enable those proposals which are in some way inconsistent with the specific requirements of this policy or will have a significant impact on the town centre to be considered on their merit in the context of the principles set out in the policy.

The Urban Design Statement shall be formulated in consultation with Shire Officers and affected or adjacent landowners and will demonstrate how the proposal has addressed the objectives and urban design principles contained in this policy.

Note: Councillor Anne Ryan had provided an alternative motion for Council's consideration to include clauses relating to a designated café/restaurant strip and a 'forgotten spaces' initiative.

COUNCIL DECISION

C0909/315 Moved Councillor Ryan, seconded Councillor Tuffin:

That the Council adopt the *Busselton Town Centre Urban Design Policy* as a draft for consultation purposes pursuant to Clause 103 of District Town Planning Scheme 20 as set out below and subject to the following additions:

- (a) That the draft includes a Clause to enable community feedback on any current constraints to, and opportunities for, a designated café/restaurant strip with alfresco dining in the Policy Area, and any responses being reported back to the Council for consideration for final adoption.
- (b) That a 'Forgotten Spaces' initiative Clause (similar to that which the City of Perth has adopted) be also included in the Policy draft for any response by the community.

1.0 BACKGROUND/STATEMENT OF INTENT

The Busselton town centre is entering a new phase in its evolution from a small country town into a growing sub-regional service and tourism centre. Several major private and public developments are being discussed and planned. The Shire is keen to provide prospective development proponents with clearer urban design guidance, above and beyond basic town planning requirements, to ensure new development adds positively to the town centre's growth.

Busselton has always been a low scale, low density and dispersed commercial centre, with Queen Street forming the major movement and activity axis connecting the causeway over the river to the ocean front. The town is laid out on a traditional grid pattern, with a general consistency of lot sizes and frontages. The town retains many of its older buildings.

New development must be mindful of the existing pattern of development, the character, scale and form of existing buildings. However, this does not mean that the character cannot and should not evolve over time.

The town centre currently contains few residents or temporary accommodation for tourists and visitors. This has resulted in most streets becoming very quiet after hours, which is not conducive to the safety and security of the streets and their users, detrimental to the commercial viability of many businesses, and inconsistent with the vibrant, lively and attractive urbanity the Shire is keen to promote.

The Shire is keen to promote more mixed use development of an appropriate scale and form throughout the Policy Area, and to reinforce the role of Queen Street as the premier retail main street of the town. Tourism is likely to become an increasingly important part of the town's future development.

Urban design concerns the integration of land use, movement/access and traffic management, and the form and amenity of the built environment. The aim of good urban design is to provide high quality urban places that are efficient, functional, attractive and comfortable for users, and which can respond to the changing needs of the community, the economy and the environment over time. Urban design involves both planning and design, and deals with the three dimensional built environment by addressing the context of buildings and spaces, rather than just the objects themselves.

The purpose of this policy is to provide guidance on the design of private buildings and spaces within the Busselton town centre, to achieve an enhanced urban environment, to improve the experience of the town for pedestrians, and to reinforce and build upon its established character.

This policy consists of general objectives and principles that provide overall development guidance, and associated provisions on the six primary elements of:

- * Built form
- * Development interface and interaction
- * Access, traffic and movement
- * Safety and security
- * Environment and microclimate
- * Advertising signage

The policy also provides design principles relating to land use in the context of place making and urban design, particularly with regard to mixed use and commercial development.

The principles contained in the Policy represent the desired outcome for developments, and compliance with these principles will achieve compliance with the Policy. The provisions that follow provide direction into how these principles and the overall objectives of the Policy can be satisfied.

2.0 POLICY AREA

This policy applies to all land within the Busselton Town Centre zoned 'Business'. This includes land within the area bounded by Marine Terrace, Brown Street, Peel Terrace and West Street, including the whole of Queen Street (including the area known as the 'Cultural Precinct', which comprises the section of Queen St between Adelaide St and Marine Terrace), but excluding the remainder of the 'Busselton Heritage and Special Character Area', for which there is a separate policy (See Figure 1).

3.0 POLICY OBJECTIVES

In general terms, the Scheme seeks to strengthen the retail and commercial heart of the Busselton town centre centred on the Queen Street/Prince Street locality, with civic and cultural uses aligned along a north-south axis to the east of Stanley Street.

While new mixed commercial/residential uses will be encouraged generally throughout the town centre, these developments are likely to be most numerous and concentrated in the area lying to the east of Cammilleri Street. Cultural and tourist uses shall continue to occupy the land located to the north of the retail and commercial precinct.

This policy specifically addresses urban design issues relating to new development in the private domain. The objectives of this Policy are:

- * to enhance the physical quality and established character of the built environment of the Busselton town centre through sensitive and innovative design of buildings and spaces;
- * to facilitate a range of appropriately located land uses to provide diversity, interest and choice;
- * to encourage a range of housing opportunities in appropriate locations, and generally above and behind commercial uses;
- * to improve the experience of the town centre, especially pedestrian amenity, by promoting the continuity of streetscapes, interactive frontages, climate protection, safety and security, visual cohesiveness of new development, and the enclosure of spaces by development which should clearly define public and private areas;
- * to particularly concentrate street front activity along the primary movement routes; and
- * to conserve and enhance Busselton's architectural heritage and special character and to promote adaptability through development that can respond to changing social, technological and economic conditions.

4.0 APPLICATION OF THIS POLICY

This policy is adopted under Clause 103 of the Scheme.

This policy is to be used in conjunction with the Shire's Town Planning Scheme, and other relevant planning policies and guidelines including the *Busselton Heritage and Special Character Area Policy*. It should also be used in conjunction with the Shire's adopted *Busselton Town Centre Guide Plan*, and the *Busselton Town Centre Streetscape Manual* as amended and updated from time-to-time. The latter document deals with the future development of the public domain.

This policy shall be implemented by the Shire's staff (planners, building inspectors, engineers, etc.) when assessing development applications for new development within the policy area.

5.0 INTERPRETATIONS

Active or Interactive Frontages means street frontages where there is an active visual engagement between people in the street and those on the ground floors of buildings.

Amenity means all those factors which combine to form the character of an area and includes the present and likely future amenity. An area of high amenity could be described as a comfortable and pleasant immediate environment, located within agreeable surroundings.

Articulation means the breaking up of a building façade into individual elements to provide a modulated effect aimed at enhancing individual building identity, variety and interest through the use of such elements as window projections, balconies, awnings, minor recesses and/or projections of walls or parts of walls.

Built Form means the configuration of the aggregate form of all buildings, structures, etc., which make up the physical environment of a locality.

Bulk means the size, or mass, of a building within its built form context.

Character means the essential combination of the public and private domains. Every property, public place or piece of infrastructure and the way it is used by the public, makes a contribution, whether large or small. It is the cumulative impact of all these contributions that establishes neighbourhood character.

Conservation means all the processes of looking after a place, so as to retain its cultural significance.

Context means the specific character, quality, physical, historic and social context of a building's setting and may, according to circumstances, be a group of buildings, a part of a street, whole street, part of a town or the whole town.

CPTED Principles

Means the planning and design principles contained in "Crime prevention through environmental design". (Ref: *Designing Out Crime – Planning Guidelines Outline WAPC 2005*).

Façade means the exposed face(s) of a building towards roads or open space, or the frontal outward appearance of a building.

Heritage means buildings, structures or places having aesthetic, historic, scientific or social value for past, present or future generations.

Legibility means a street and movement system designed to provide a clear sense of direction and connection, giving definite signals regarding the spatial layout and geography of an area.

Massing means the size and volume of a building.

Mixed Use Development means the provision of various compatible, balanced land uses with a 'fine grain', integrated in close proximity to each other. Physically it includes both vertical and horizontal mixing of uses. Good mixed use development has the potential to improve the efficiency and amenity of neighbourhoods, reduce travel demand, increase walkability, and make more efficient use of available space and buildings.

Public Realm or Public Domain means areas of a town which belong to the community as a whole. This refers to spaces that are physically accessible to the public, and those aspects of other spaces that are visible from physically accessible spaces. It incorporates features such as streets, parks, squares, community buildings and the street facades of other buildings.

Scale means the size of a building and its relationship with its surrounding buildings or landscape.

Street Alignment means the common boundary between the land comprising a street (i.e., the road reserve), and the land abutting it.

Street Setback means the horizontal distance between the street alignment and a building, measured at right angles to the street alignment. The "street setback area" is the area between the street alignment and the street setback line.

Streetscape means the total visual impression gained from any one location within a street including the natural and man-made elements and is made up of the appearance of and the relationships between buildings in terms of

design, scale, materials, colours, finishes, signs, external furniture, paving materials for roads, footpaths and landscaping.

Surveillance means the presence of passers-by or the ability of people to be seen in public spaces from surrounding windows, decks, balconies or the like. "Casual surveillance" means "eyes on the street" provided by local people going about their daily activities.

The Scheme means the Shire of Busselton District Town Planning Scheme 20.

Universal Access means the provision of access which is inclusive of all people including children, seniors and people with disabilities.

6.0 BUILT FORM

6.1 Principles

- * Development shall respond sensitively to the site and its setting, and create a place that is valued and pleasing to the eye.
- * Development shall respond to the scale and massing of surrounding buildings and avoid unsympathetic contrasts of scale.
- * The streetscape and character significance of heritage buildings shall be conserved and enhanced through the sensitive design of new developments.

6.2 Design Quality

New building design should encompass innovative and high quality contemporary design which is functional, aesthetically well-resolved and environmentally responsible, and:

- * Result in the development of quality urban places, buildings, streets, squares and parks;
- * Respond to its site and locality, including the topography, landscape and existing builtform. It should provide sustainable living environments, both in private and public areas.
- * Respond to technical, social, aesthetic, economic and environmental challenges with innovation.

6.3 Context, Scale & Massing

New development should take into account the scale, massing and grain (i.e. the proportions) of surrounding buildings, and without seeking to copy or imitate existing structures, make a positive contribution to their location and the streetscape.

The scale and massing of a proposed new development should be considered in relation to the topography, the general pattern of building height in the area, as well as view corridors, vistas and landmarks. New

buildings should reflect the vertical or horizontal emphasis of the existing streetscape where this emphasis is apparent. In the Busselton town centre, this is predominantly a vertical emphasis.

6.4 Building Heights

The maximum floor-to-floor heights shall be:

- * Ground floor – 4.5m
- * First floor (second storey) – 3.5m
- * Second and subsequent floors - 3.0m

Any levels above a third storey are to be setback by a minimum of 3 metres.

Any application for a building proposed at higher than 3 storeys will need to be accompanied by an urban design statement. (Refer to Section 14.0)

Any lift overrun shall be less than 3.0m above the ceiling level of the top storey.

6.5 Street Setback

Each street within the policy area has been defined as a Primary, General Commercial or Green Street, with specific requirements for street setback. Refer to Figure 2 and Section 7.2 for setback requirements for particular locations.

6.6 Articulation

Buildings should be articulated to break up their perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage. A 'fine grain' of built form shall be achieved by each new development. Each floor level should be articulated.

A variety of architectural expression will be encouraged with a strong emphasis on promoting high quality, contemporary design.

6.7 Detailing, Colours & Materials

New buildings are not expected to imitate the materials, colours or finishes of the existing buildings of the locality. The emphasis is on the blending of new buildings with the best elements of the existing streetscape. A variety of materials and colours is encouraged.

Large expanses of glass which has been treated to increase reflectivity are strongly discouraged, as this would be contrary to the prevailing character of the town's built forms, and the resultant glare and heat can create discomfort in the public realm and to occupiers of surrounding buildings. Also refer to the Shire's *Use of Reflective Building Materials Policy*.

Proponents of new development should acquaint themselves at the beginning of the design process with the Colour and Material Palette attached to the *Busselton Town Centre Streetscape Manual*. The palette provides guidance on base and highlight colours and building materials. A theme of 'Ocean to River' has been developed for the Busselton town centre and the colour palette can be used to strengthen the three identified character zones of Ocean, Town and River.

6.8 Prominent Sites

Buildings on prominent sites, such as corner sites, sites which terminate views and vistas, and sites which define and identify squares and public spaces, should accentuate the built character of an area. Important view corridors and landmarks should be protected where possible, as they provide legibility and "way finding", and contribute to the town's image.

This is most effectively achieved by developing to the street alignment where appropriate in their setting, and creating landmark features. In this regard:

- * corner elements of buildings (on corner sites) should be emphasised by greater scale or differing geometry relative to the remainder of the building or surrounding development. This could include curving, additional height, different roof forms, verandahs, balconies or other design elements which accentuate building corners; and
- * the facades of buildings should address street frontages and public spaces.

6.9 Roofscapes & Skylines

Service structures on roofs shall be incorporated into the building design.

New taller buildings should incorporate well-designed rooftops which are integrated into the design of the building, and add visual interest to the town's skyline.

In addition to views from the street, in designing the rooftop, the view from higher surrounding buildings should also be taken into account.

6.10 Heritage & Streetscape

New development should conserve and enhance the heritage of the town, and maintain/foster areas of individual and interesting character. Proponents who intend to develop a property which is listed on the Shire's Municipal Heritage Inventory need to refer to the Shire's *Heritage Conservation Policy*. This policy offers guidance on various matters, and highlights incentives that may be available for appropriate, sensitive new development.

New development should respect the setting of any surrounding properties of identified heritage and/or streetscape value in terms of building design and form.

The design of new buildings on sites adjoining properties of heritage significance shall pay particular attention to the built character relationship between the new building and the existing adjacent heritage building(s) in terms of scale, setbacks, form, materials and external finishes.

6.11 Services

Satellite dishes and other communications facilities should be visually unobtrusive. This may include the concealment of the facility as part of the design of the building, a restriction in the number of facilities, or locating the facility where it will not be visible from the public domain.

7.0 DEVELOPMENT INTERFACE & INTERACTION

7.1 Principles

- * Buildings shall clearly address the street, and provide interest and definition of the built form or defined space to the passerby.
- * Buildings shall have interactive edges, such as shop fronts, doors directly opening onto the street, or residential upper floors, to enable people to casually observe public spaces, thereby making the spaces feel safer.

7.2 Relationship to the Street (Public/Private Interface)

Each street within the Policy Area has been defined as a Primary, General Commercial or Green Street, with specific requirements to each Frontage Type. Frontage Types in the policy area are defined in Figure 2.

Frontage Type 1: Primary Street

- * Highly activated.
- * Predominantly shop uses at ground floor level.
- * Other subsidiary commercial uses and residential lobby at ground floor level may be considered.
- * Non shop uses permitted above ground floor.
- * At the ground floor level, buildings shall address the street with a primary business entrance and a shop front façade.
- * Nil front setback, with continuous façade to be encouraged.
- * Pedestrian shelter, through provision of verandah or awning, must be provided over the public footpath for the full width of the lot frontage.
- * No vehicular access to sites to be taken from Queen St.

Frontage Type 2: General Commercial Street

- * Moderate to high level of activation.
- * Mix of shop, office and other commercial tenancies at ground floor level, residential lobby also acceptable.
- * General commercial and residential uses permitted above ground floor level.
- * At ground floor level, the facades of buildings shall address the street with a commercial shop front, primary business entrance and/or residential lobby.
- * Front setback may be a minimum of nil, up to a maximum of 4m, however the setback will be determined after consideration of the front setbacks of any adjoining existing buildings.
- * New development should conform to any clearly established building line in the near vicinity.
- * The front setback area to be landscaped with soft and hard treatments in a manner appropriate to the site's location and context.
- * Pedestrian shelter, through provision of an awning over the front door, must be provided as a minimum requirement.
- * Car parking shall not be located between the building and the street boundary.
- * The number and width of vehicle crossovers to each site shall be minimised and sharing with adjoining properties encouraged.

Frontage Type 3: Green Street

- * Moderate level of activation.
- * Mix of office and consulting-type activities at ground and upper floors.
- * Residential uses permitted above ground floor level.
- * At ground level, the facades of buildings shall address the street with a primary business entrance and/or residential entry lobby.
- * Front setback may be at a minimum of 2m and a maximum of 4m.
- * The front setback area to be landscaped to a high standard, with appropriate trees, shrubs and ground covers, all planted in-ground, to achieve and attractive, 'green' street character. Tree species shall be determined by Shire staff in consultation with proponents.
- * Car parking shall not be located between the building and the street boundary.
- * The number and width of vehicle crossovers to each site will be minimised.

When two street frontages are involved, e.g. a corner block, priority shall be given to the higher level activation classification.

Activation levels should be addressed through such measures as transparency, building detail and entry to building.

All new buildings must address the street with facades generally parallel to the street, with windows facing the street and clearly defined entry points visible and accessed from the street. Tenancies abutting the street shall provide primary entrances off the public footpath.

New commercial developments are encouraged to incorporate ground floor uses that promote activity and informal surveillance of the street, and have facades that add interest and vitality to the public domain. Upper levels should be designed to promote informal surveillance of the street through the use of balconies and/or large windows.

Buildings should be designed to be adaptable to allow for future use changes.

Blank or screen walls, opaque roller shutters and air vents, especially in ground floor walls, will not generally be supported by the Shire.

Designs of perimeter walls of new buildings may incorporate secondary seating options such as wide sills, steps or low walls to promote activity whilst maintaining universal accessibility.

Where possible, power substations should be integrated into the design of a development where they are located within view of the public realm.

7.3 Pedestrian Shelter

Pedestrian shelters should be constructed to provide weather protection across adjacent buildings. The design of the pedestrian shelter should provide for an interesting and cohesive streetscape, whilst relating to the architecture of the host building. Pedestrian shelters may take the form of awnings, canopies, verandahs or balconies.

Pedestrian shelters shall be approximately 2.5m wide over the footpath, but shall not extend beyond the point where the fascia is 600mm behind the kerb on the street below. The shelter shall provide a minimum clearance as to be consistent with the Building Code of Australia.

7.4 Fencing

Any fencing which is constructed forward of the building line which obscures the entry to a building will not be supported, however, in circumstances where security is an issue, e.g. Child Care Centre, then any fencing is to be as defined by provisions in the R-Codes, e.g. low and visually permeable.

8.0 ACCESS, TRAFFIC & MOVEMENT

8.1 Principles

- * Buildings and public spaces shall be designed to be accessible to all users whatever their ability, with equity and dignity.
- * Developments shall be designed to ensure that any access ways and parking facilities do not visually dominate the public realm or create obstructions to the pedestrian environment.
- * Places shall be designed to encourage accessibility and local permeability through integration with neighbouring developments.

8.2 Design of Car parking

Car parking areas shall be located towards the rear of the site and screened from public view or as an undercroft/basement to the building if technically feasible. No car parking shall be located between the building and the street boundary.

At-grade car parking areas incorporated into a development which caters for 8 or more vehicles shall be landscaped with suitable trees at the rate of one tree per 6 bays. The chosen trees shall provide shade, improve amenity and assist in visual screening from above. Assistance in selecting tree species may be gained by reference to the Shire's *Busselton Town Centre Streetscape Manual*. The car park should also be appropriately lit for after-dark use.

Any new multi-storey car parks should incorporate interactive street frontages, such as shops or other uses that promote activity, where possible. These can be 'sleeved' along the street frontages of the car park structure.

Where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors.

8.3 Rationalisation of Crossovers

The width and number of crossovers onto a site should be minimised.

Vehicle access to developments should be designed in a way which minimises potential pedestrian/vehicular conflict, or alternative pedestrian access should be provided if necessary. Measures to clearly define the primacy of pedestrian amenity should be taken; these could include mountable kerbing to ensure continuity of footpaths.

8.4 Servicing

Servicing/loading areas are generally to be provided at the rear of developments.

Where this is not possible, for example when the property has two street frontages, then the servicing/loading area should be located in the middle of the development out of sight of the street, or at the side of the building, perhaps incorporating a new or existing laneway. The laneway should be kept to a minimum trafficable width, preferably utilising a one-way through traffic system so that service/delivery vehicles do not have to reverse over public footpaths.

Vehicle crossovers to the street should be kept to a minimum width, suitable for access by one vehicle at a time.

8.5 Arcades

New arcades shall only be supported by the Shire where they connect one street directly through to a major activity centre and/or another street. Arcades with 'dead ends' will not be permitted.

9.0 SAFETY & SECURITY

9.1 Principles

- * Buildings shall be designed to provide a safe environment for all users, contribute positively to the enhancement of public safety, and minimise the need for intrusive surveillance technologies.
- * Security measures shall be incorporated into building design so as to be visually unobtrusive and in keeping with the building's architectural style and materials.

9.2 Lighting

Developments should make provision for the location of external lighting, to include the lighting of commercial building facades for public safety purposes and to add drama, variety, interest and character to the development at night.

Lighting should be even and consistent to avoid shadows and glare, and should be provided to increase safety and security along important pedestrian pathways.

The lighting of retail frontages of buildings on Queen Street in particular will be encouraged.

9.3 Roller Doors on Shop fronts

To create and maintain a comfortable pedestrian environment with welcoming streetscapes, new shop fronts should be attractive, interesting and well illuminated at night in order to foster the window shopping experience. Traditional shop fronts should be retained wherever possible.

- * If security is an issue, new developments/shop fronts should incorporate security protection into the structure itself.
- * Roller doors or screens of solid material on shop fronts will not be permitted.
- * Roller doors of see-through acrylic material may be acceptable providing that at least 75% of the roller door is transparent and the material maintains a high level of transparency once installed.
- * Security bollards in the public footpath are not acceptable.

9.4 Safer Design (CPTED)

The design and layout of buildings should enhance actual and perceived safety, and reduce the potential for crime, graffiti and vandalism. Developments should minimise potential entrapment areas such as recessed doorways and storage areas, and other semi-enclosed spaces.

Areas not intended for night time access should be unlit or closed off to discourage use of these spaces and avoid giving a false sense of security.

Developments which include public spaces should be designed to encourage pedestrian use and create a sense of public ownership by providing quality landscaping, lighting, furniture, art, finishes, universal access and measures to improve environmental conditions, as well as providing a high standard of regular maintenance.

Public and private spaces should be clearly defined to encourage a sense of ownership by users and to ensure the legitimate use of the space.

For vulnerable developments, a 'safer design' assessment should be submitted by an approved expert in the field.

10.0 ENVIRONMENT & MICROCLIMATE

10.1 Principles

- | |
|--|
| <ul style="list-style-type: none">* Building designs shall contribute to an interesting and comfortable pedestrian environment, provide opportunities for weather protection and minimise strong wind conditions and sun reflection in the street and public spaces. |
|--|

* Developments shall incorporate energy-efficient and environmentally sustainable principles into their design.

10.2 Air Conditioners

Air conditioning units or mechanical ventilation shall not discharge air into areas below the finished ceiling level of pedestrian shelters, or to the street at ground level. (This does not apply to doorways that discharge air as a result of pressurisation within the building.)

Air conditioning units should be located on rooftops or towards the rear of the site, and screened from the public domain.

10.3 Antennae/Satellite Dishes

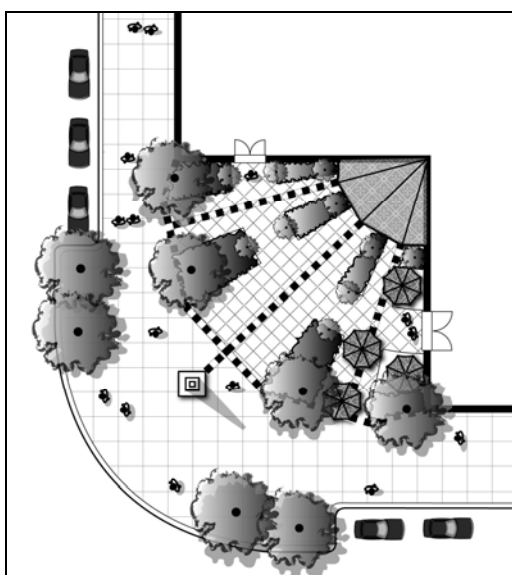
Antennae and satellite dishes should be located out of public view, located on the ground and/or adequately screened.

10.4 Landscaping

Where developments are not built up to the front boundary, the setback area shall be landscaped with an appropriate and attractive mix of hard paving and in-ground planting, provided that the plantings maintain an openness to the building to ensure a visible and safe entrance, and create no potential entrapment areas.

Water-sensitive design planting principles will be encouraged.

Opportunities should be taken to include simple pedestrian amenities such as seats and shade/shelter.



Opportunities may be taken on corner sites, especially those having a northerly aspect, to enhance the landscape setting of the building, while at the same time increasing the area available for pedestrian use and social interaction, and improving user amenity.

11.0 ADVERTISING SIGNAGE

11. General Advice & Guidance

The location and size of signage panels for new buildings shall be identified at Planning Approval stage.

Advertising signs will only be approved where they:

- * describe the business or activity carried out on the site;
- * relate to products produced, stored or sold on the site; or
- * are required by law.

The proportions and shape of advertising signs should complement the building to which they are attached. Signs on building facades should not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally. Signage should be kept simple, and only display information that relates to the activities carried out on the premises (i.e., no 'third party' advertising will be permitted). Above roof signs will not be permitted.

Signage should be located in places that are appropriate to the architecture and be considered part of the overall building design. In particular, under-verandah signs, awning signs and projecting signs will generally be encouraged.



Signage should be located in places that are appropriate to the architecture of the building, and be considered as an integral part of the overall building design.



Prohibited signs include:

- * moving (flashing and animated) signs;
- * bunting;
- * roof signs;
- * stand-alone structures such as tower signs, pylon signs and hoardings;
- * third party (unrelated) advertising.

Corporate signage which seeks to impose a standardised format onto individual buildings is not suitable for heritage buildings and may often ruin their presentation. Instead of corporate signage, individually styled signs, which attempt to complement the colours, scale and design of the building, should be developed. At times a satisfactory compromise can be achieved.

Corner buildings may be treated differently where signage can be clearly demonstrated to be an integral part of the building design, and visually compatible.

Colours for signs should be selected with due consideration for the colours used in neighbouring developments.

Signs should not totally obscure windows, and should not impede the pedestrian's view into a shop.

Building owners are strongly encouraged to prominently display the street number (and name if applicable) of their building to facilitate identification by visitors.

Small heritage interpretation plaques may be fixed to walls when warranted and where appropriate.

12.0 MIXED USE RESIDENTIAL & COMMERCIAL DEVELOPMENT

Whilst the Scheme requires that residential development is subsidiary to commercial development on the same site, residential development at densities one would expect in a significant urban centre is encouraged, particularly in locations where such density serves to contribute to a variety of uses which promote activity and informal surveillance of the street. In residential/commercial developments the open space requirements of the Residential Design Codes may be relaxed subject to the provision of external private spaces to each residential unit (this may be in the form of balconies or terraces).

The scale and form of new mixed use development should endeavour to be compatible with existing surrounding development.

13.0 CULTURAL PRECINCT

The 'Cultural Precinct' comprises the section of Queen St between Adelaide St and Marine Terrace.

The Precinct contains five buildings, three of which are listed on the State Register of Heritage Places and used for community cultural purposes, and two which have future development potential. The precinct has been identified as playing a key role in providing a connection between the foreshore and the town centre.

Any development applications in the Cultural Precinct will necessitate an Urban Design Statement, as detailed in Section 14.0 below. Any significant proposals, as determined by the Shire, shall be preceded by development of more detailed guidelines for the development of that Precinct.

14.0 URBAN DESIGN STATEMENT

An Urban Design Statement, prepared by a suitably qualified and experienced urban design professional, shall be provided by the proponent in the event that the development application proposes:

- * buildings of more than 3 storeys;
- * significant proposals with the potential to alter the character of the surrounding urban landscape (generally considered to include all proposals for floor space in excess of 2000m²);
- * any kind of deck, multi storey or undercroft parking;
- * any significant development within the Cultural Precinct; or
- * is in any way inconsistent with the specific requirements contained in this policy.

The intent of the Urban Design Statement is to enable those proposals which are in some way inconsistent with the specific requirements of this policy or will have a significant impact on the town centre to be considered on their merit in the context of the principles set out in the policy.

The Urban Design Statement shall be formulated in consultation with Shire Officers and affected or adjacent landowners and will demonstrate how the proposal has addressed the objectives and urban design principles contained in this policy.

CARRIED 11/0

14. SYSTEMS AND INFORMATION REPORT**14.1 PAYMENT LISTING - JULY 2009**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0909/310, page 7](#)).

14.2 FINANCIAL ACTIVITY STATEMENT - JULY 2009

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0909/311, page 8](#)).

15. COMMUNITY INFRASTRUCTURE REPORT**15.1 DUNSBOROUGH OVAL RECONSTRUCTION CONSULTANCY**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0909/312, page 9](#)).

16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT**16.1 NAMING OF THE NEW GROUP FITNESS ROOM AT THE GEOGRAPHE LEISURE CENTRE**

SUBJECT INDEX:	Geographe Leisure Centre/GLC Operations
STRATEGIC INITIATIVE:	1.2 Support the provision of a range of healthy recreation, entertainment and lifestyle options
BUSINESS UNIT:	Community Development
SERVICE:	Geographe Leisure Centre
DATE OF COMPLETION:	30 October 2009
VOTING REQUIREMENT:	Simple Majority

PRÉCIS

The purpose of this report is to seek Council endorsement to proceed with the public advertising of the proposed naming of the new group fitness room under construction at the Geographe Leisure Centre.

OFFICER RECOMMENDATION

That the provisional name of the "Dave Ingarfield/Jules Varga Group Fitness Room" be endorsed and that this suggestion be advertised for 30 days as per Policy 237 requirements.

Note: Councillor Ian Stubbs provided an alternative motion for the Council's consideration to endorse the name of the David Ingarfield Group Fitness Room for advertising.

MOTION

Moved Councillor Stubbs, seconded Councillor Ryan:

That the provisional name of "David Ingarfield Group Fitness Room" be endorsed and that this suggestion be advertised for 30 days as per Policy 237 requirements.

6.25pm At this time the Chief Executive Officer left the meeting.

FORESHADOWED MOTION

Councillor Don Hanran-Smith foreshadowed his intention to move the Officer Recommendation.

COUNCIL DECISION

C0909/316 Moved Councillor Stubbs, seconded Councillor Ryan:

That the provisional name of "David Ingarfield Group Fitness Room" be endorsed and that this suggestion be advertised for 30 days as per Policy 237 requirements.

CARRIED 6/5

Dissenting Voters

Cr Bethwyn Hastie

Cr David Binks

Cr Bev Clarke

Cr Don Hanran-Smith

Cr Wes Hartley

Note: The Council did not adopt the Officer Recommendation as it did not consider it appropriate to name Council facilities after an employee of 7 years service.

Note: As the motion was carried, Cr Don Hanran-Smith was not able to move the motion that he had previously foreshadowed.

6.30pm At this time the Chief Executive Officer returned to the meeting.

16.2 **SMALL LOCAL PROJECTS FUND 2009/10 - NO. 1**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0909/313, page 10](#)).

16.3 2009/10 COMMUNITY BIDS BUDGET ALLOCATIONS

SUBJECT INDEX:	Grants and Subsidies
STRATEGIC INITIATIVE:	Encourage and support cultural activities and events. Support and facilitate leisure information and sporting activities. Facilitate aged, youth and disabled service access. Create opportunities for community involvement in the maintenance of, and the improvement to the natural environment.
BUSINESS UNIT:	Community Development
SERVICE:	Community Services
DATE OF COMPLETION:	End of September 2009
VOTING REQUIREMENT:	Simple Majority

Mr Noel Fogarty and Mr David Bell had previously addressed the Council as parties with an interest in this matter. Refer Items 11.1 and 11.2.

DECLARATION OF INTEREST	
Name / Position	Councillor David Binks
Item No. / Subject	Item 16.3, 2009/10 Community Bids Budget Allocations
Type of Interest	Interest Affecting Impartiality
Declaration	With regard to the above item, I disclose that I have an association with Cornerstone School as my children attend that school. I am proposing a late allocation to the Cornerstone Church of Christ's Core Defensive Driving Program. As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the item solely on its merits and vote or act accordingly.

DECLARATION OF INTEREST	
Name / Position	Councillor Bernie Masters
Item No. / Subject	Item 16.3, 2009/10 Community Bids Budget Allocations
Type of Interest	Interest Affecting Impartiality
Declaration	With regard to the above item, I disclose that I have an association with various community groups through membership or other involvement. As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the item solely on its merits and vote or act accordingly.

PRÉCIS

Each year the Council provides financial assistance to community groups and not-for-profit organisations through the Community Bid process. This assistance is for specific activities or projects proposed to be undertaken by that group or organisation within the 2009/10 financial year.

This report provides a summary of the Community Bid process to date; lists the submissions received and the rating allocated by staff following assessment using the Sustainability Assessment Tool previously adopted by the Council. This report seeks the Council's decision regarding the community bid submissions that will be funded in the 2009/10 financial year.

OFFICER RECOMMENDATION

SIMPLE MAJORITY REQUIRED

That the Council determines those organisations to which it will provide funding and the amount of the funding for each organisation from the 2009/10 adopted budget allocation balance of \$190,000 for Community Bids.

Note: Councillor David Binks had provided an alternative recommendation for the Council's consideration that proposed to include for consideration the late applications from Cornerstone Church of Christ and Cape Harmony Choir.

Note: In accordance with Clause 18.15 of the Standing Orders, the Presiding Member agreed for the parts of Cr Binks' proposed motion to be moved separately.

MOTION

Moved Councillor Binks, seconded Cr Hastie:

That the Council includes the late application from Cornerstone Church of Christ entitled Core Defensive Driving Program for the sum of \$2000.

LOST 0/11

Dissenting Voters

Cr Wes Hartley
Cr Bethwyn Hastie
Cr David Binks
Cr Ian Stubbs
Cr Anne Ryan
Cr Tom Tuffin
Cr Jackie Emery
Cr Bernie Masters
Cr Rob Underdown
Cr Bev Clarke
Cr Don Hanran-Smith

Note: Councillor David Binks indicated that he did not wish to move the other part of his alternative motion that related to Cape Harmony Choir's late application and the elected members indicated agreement for it to be withdrawn.

6.43pm At this time Councillor Ian Stubbs and Councillor Rob Underdown left the meeting.

6.44pm At this time the Presiding Member invoked Clause 15.8 of the Standing Orders to suspend the operation of Clauses 15.6 and 15.7 to allow informal discussion on the applications received through the community bids process.

6.46pm At this time Councillor Ian Stubbs returned to the meeting.

6.47pm At this time Councillor Rob Underdown returned to the meeting.

7.17pm At this time the application of Clause 15.8 of the Standing Orders was ceased.

COUNCIL DECISION

ABSOLUTE MAJORITY REQUIRED

C0909/317 Moved Councillor Masters, seconded Councillor Hanran-Smith:

1. That the Council approves funding for organisations who made community bids in accordance with the following:

	Organisation	Project	Allocation
1.	Cape to Cape Catchments Group	Fostering environmental awareness for the north cape to cape area	\$10,000
2.	Busselton Community Garden Inc	Stage 2 Busselton Community Garden - "The Eco House"	\$10,000
3.	Busselton Population Medical Research Foundation	The Busselton Health Study	\$20,000
4.	Busselton RSL Sub Branch	ANZAC Day March and Memorial Service	\$3,000
5.	Festival of Busselton Committee Inc	Festival of Busselton	\$12,000
6.	Cape Mountain Bikers	Meelup Trails Master Plan	\$20,000*

*The allocation for Cape Mountain Bikers is conditional on their agreement to sign the proposed memorandum of understanding between their group and the Meelup Regional Park Management Committee before the funds are released.

7.	Dunsborough Bay Yacht Club	Facility Upgrade	\$25,000^
^The Dunsborough Bay Yacht Club is also offered a self-supporting loan for \$25,000.			
8.	West Australian Car Club (Inc)	2010 Quit Forrest Rally & Shannon's Busselton Sprint	\$10,000
9.	Bare Naked Theatre Company Inc.	The West Australian Shakespeare Festival (Bard on the Bay)	\$5,000
10.	Small Business Centre Vasse	Bizsmart 2009	\$10,000
11.	Geographe French Australian Festivals Inc	Cinefest Oz 2009	\$10,000
12.	NURTURE WORKS, St Mary's Community Care Busselton	BUZ Parent Education Seminars Project.	\$5,000
13.	Artatac - Busselton Beach Festival Inc	2010 Busselton Beach Festival	\$7,000
14.	South West Academy of Sport	South West Academy of Sport Communities Programs	\$5,000
15.	Busselton Geographe Bay Rotary Club - Australia Day	Australia Day Celebration	\$5,500
16.	Busselton Historical Society Oral History	Recording of Busselton Oral History CD's for Busselton Public Library	\$15,000
17.	Dunsborough & Districts Progress Association Inc	Dunsborough Arts Festival and Family Concert by the Bay	\$5,000
18.	Rotary Club of Busselton Geographe Bay - Carols by Candlelight	Carols by Candlelight	\$9,000
19.	Geo Bay Swim inc.	Geo Bay Swim	\$5,000
20.	SW Phoenix FC	Support for SW Phoenix FC	\$1,000
21.	LAMP Inc	LAMP Inc Environmental Art	\$7,155
22.	Geographe Bay Table Tennis Club	Veterans Open Table Tennis Tournament	\$800
23.	Busselton Pottery Group	Purchase of New Heavy Duty Vacuum Cleaner	\$400
			\$200,855

2. That in the event the Shire is advised that any of the approved projects cannot proceed, any funding that is not accessed by the approved organisations to a maximum of \$15,000 shall be used to increase the allocation to the Dunsborough Bay Yacht Club, bringing its allocation to a maximum of \$40,000.

CARRIED 11/0
BY ABSOLUTE MAJORITY

16.4 ARTGEO MANAGEMENT PLAN REVISION AND PROPOSED LEASE OPPORTUNITIES

SUBJECT INDEX:	Art Gallery Operations Agreements / Contracts
STRATEGIC INITIATIVE:	Encourage and support cultural activities and events Build and recognise the value of our cultural heritage Optimise revenue opportunities
BUSINESS UNIT:	Community Development
SERVICE:	Property Management
DATE OF COMPLETION:	30 June 2010
VOTING REQUIREMENT:	Simple Majority

DECLARATION OF INTEREST	
Name / Position	Councillor Bernie Masters
Item No. / Subject	Item 16.4, ArtGeo Management Plan Revision and Proposed Lease Opportunities
Type of Interest	Interest Affecting Impartiality
Declaration	With regard to the above item, I disclose that I have an association with the Busselton Art Society, of which I am a patron. As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the item solely on its merits and vote or act accordingly.

PRÉCIS

A management plan for the operation of the Courthouse Arts Complex, Agricultural Building and Artgeo Gallery now known as the Artgeo Cultural Complex (ACC) was adopted by the Council in February 2007.

This report advises of progress on the management plan including some operational and strategic aspects of the plan but importantly, specifically addresses and makes recommendations on relevant Occupational Safety & Health matters and the Old Police Quarters and café leases which now require reconsideration.

OFFICER RECOMMENDATION

1. That the continuation of the operations and management of the Artgeo Cultural Complex be supported beyond the term of the current business plan to enable the facility to progress toward self funding status with the following alteration:

That the CEO advertises for Expressions of Interest for:

- (i) the commercial letting of the Courthouse café site for up to 3 years at an annual rental of \$7,800.00 inclusive of outgoings; and
- (ii) the lease or hire of the northern Police Cottage for up to 3 years at an annual rental of \$5,200.00 inclusive of outgoings to a tenant that as a minimum, expresses an art-form which adds to the diversity of cultural activity already present within the venue, demonstrates an ability to uphold the venues objectives and shows a willingness to work collaboratively with other tenants and users".

2. That a report of the results and recommendations from the Expression of Interest be bought back to the Council.

Note: Councillor Bernie Masters had provided an alternative motion in relation to this matter for the Council's consideration. However, he indicated that he did not wish to move it and the elected members therefore agreed that it be withdrawn.

Note: Officers had provided an alternative recommendation for the Council's consideration following the negotiation of a mutually beneficial outcome with respect to the Busselton Art Society's leased area.

MOTION / ALTERNATIVE OFFICER RECOMMENDATION

Moved Councillor Masters, seconded Councillor Hanran-Smith:

1. That the continuation of the operations and management of the Artgeo Cultural Complex be supported beyond the term of the current business plan to enable the facility to progress toward self funding status with the following alteration:

That the CEO advertises for Expressions of Interest for:

- (i) the commercial letting of the Courthouse café site for up to 3 years at an annual rental of \$7,800.00 inclusive of outgoings; and
- (ii) the lease or hire of the northern Police Cottage for up to 3 years at an annual rental of \$5,200.00 inclusive of outgoings to a tenant that as a minimum, expresses an art-form which adds to the diversity of cultural activity already present within the venue, demonstrates an ability to uphold the venues objectives and shows a willingness to work collaboratively with other tenants and users".

2. That a report of the results and recommendations from the Expression of Interest be bought back to the Council.
3. That the wall alignment dividing the northern and southern police cottages be altered as depicted on the revised attachment 1 to allow the Busselton Art Society to lease a larger area, subject to:
 - (a) the Busselton Art Society funding the cost of the wall realignment; and
 - (b) The Shire consulting the Busselton Art Society on the construction costs and components prior to commencing any works.

AMENDMENT

Moved Councillor Masters, seconded Councillor Ryan:

That a part (c) be added to Clause 3 of the motion, to read:

That a double locked door be included in the new wall to divide the two cottages.

CARRIED 11/0

COUNCIL DECISION

C0909/318 Moved Councillor Masters, seconded Councillor Hanran-Smith:

1. That the continuation of the operations and management of the Artgeo Cultural Complex be supported beyond the term of the current business plan to enable the facility to progress toward self funding status with the following alteration:

That the CEO advertises for Expressions of Interest for:

 - (i) the commercial letting of the Courthouse café site for up to 3 years at an annual rental of \$7,800.00 inclusive of outgoings; and
 - (ii) the lease or hire of the northern Police Cottage for up to 3 years at an annual rental of \$5,200.00 inclusive of outgoings to a tenant that as a minimum, expresses an art-form which adds to the diversity of cultural activity already present within the venue, demonstrates an ability to uphold the venues objectives and shows a willingness to work collaboratively with other tenants and users".
2. That a report of the results and recommendations from the Expression of Interest be bought back to the Council.

3. That the wall alignment dividing the northern and southern police cottages be altered as depicted on the revised attachment 1 to allow the Busselton Art Society to lease a larger area, subject to:
 - (a) the Busselton Art Society funding the cost of the wall realignment; and
 - (b) The Shire consulting the Busselton Art Society on the construction costs and components prior to commencing any works.
 - (c) That a double locked door be included in the new wall to divide the two cottages.

CARRIED 11/0

17. CHIEF EXECUTIVE OFFICER'S REPORT

Nil

18. MOTIONS of which notice has been given**18.1 SCHOOL PARTICIPATION AT COMMUNITY ACCESS SESSIONS**

NoM NO: 09/10: 6

Josh Dittmer had previously addressed the Council as a party with an interest in this matter. Refer Item 11.4.

7.30pm At this time Councillor Jackie Emery left the meeting.

Councillor David Binks had previously given notice of his intention to move the following motion at this Council Meeting:

MOTION

That the Council requires the Shire President to write a letter to each of the Shire's High Schools inviting one year 10, 11 or 12 student to attend an Agenda Briefing/Community Access Session as per the following schedule and be seated alongside the President as an observer to the session, along with an invitation to the student and their guardians/parents to attend the meal following the session. The School is to be provided with a copy of the agenda items that are non-confidential, along with relevant attachments, for the student's reference. The Student should also be encouraged to attend the related Ordinary Meeting as a gallery observer. Invitations to the schools are then to be continued in the future on a rotational basis from the conclusion of Christmas School Holidays until the conclusion of Council's annual meetings schedule.

COMMUNITY ACCESS SESSION DATE	SCHOOL
16 September	Busselton Senior High School
7 October	Cape Naturaliste College
21 October	Cornerstone Christian College
4 November	Georgiana Molloy Anglican School
18 November	Mackillop Catholic College
2 December	Busselton Senior High School

Note: Councillor David Binks moved the motion of which he had given notice with a small change to the number of students to be invited on each occasion.

7.33pm At this time Councillor Jackie Emery returned to the meeting.

COUNCIL DECISION

C0909/319 Moved Councillor Binks, seconded Councillor Hastie:

That the Council requires the Shire President to write a letter to each of the Shire's High Schools inviting up to two year 10, 11 or 12 students to attend an Agenda Briefing/Community Access Session as per the following schedule and be seated alongside the President as an observer to the session, along with an invitation to the student and their guardians/parents to attend the meal following the session. The School is to be provided with a copy of the agenda items that are non-confidential, along with relevant attachments, for the student's reference. The Student should also be encouraged to attend the related Ordinary Meeting as a gallery observer. Invitations to the schools are then to be continued in the future on a rotational basis from the conclusion of Christmas School Holidays until the conclusion of Council's annual meetings schedule.

COMMUNITY ACCESS SESSION DATE	SCHOOL
16 September	Busselton Senior High School
7 October	Cape Naturaliste College
21 October	Cornerstone Christian College
4 November	Georgiana Molloy Anglican School
18 November	Mackillop Catholic College
2 December	Busselton Senior High School

CARRIED 11/0

18.2 YOUTH ADVISORY COUNCIL

NoM NO: 09/10: 7

Josh Dittmer had previously addressed the Council as a party with an interest in this matter. Refer Item 11.4.

Councillor Rob Underdown had previously given notice of his intention to move the following motion at this Council Meeting:

MOTION

Moved Councillor Underdown, seconded Councillor Masters:

1. That the Council requires the CEO to report by 25 November 2009, regarding the implications of establishing a Shire of Busselton Youth Advisory Council. The report is to be prepared in consultation with Southern RIP and is to include, but not be limited to:
 - (a) examples and Modus Operandi of other successful Youth Advisory Councils that have been established in other Local Governments within Australia, and
 - (b) Structural, Budgetary and Resourcing options and recommendations.

AMENDMENT

Moved Councillor Binks, seconded Councillor Masters:

That the motion be amended by the inclusions of the words "relevant stakeholders including" between the words "with" and "Southern".

CARRIED 10/1
Dissenting Voter
Cr Anne Ryan

COUNCIL DECISION

C0909/320 Moved Councillor Underdown, seconded Councillor Masters:

1. That the Council requires the CEO to report by 25 November 2009, regarding the implications of establishing a Shire of Busselton Youth Advisory Council. The report is to be prepared in consultation with relevant stakeholders including Southern RIP and is to include, but not be limited to:

- (a) examples and Modus Operandi of other successful Youth Advisory Councils that have been established in other Local Governments within Australia, and
- (b) Structural, Budgetary and Resourcing options and recommendations.

CARRIED 11/0

18.3 LETTER TO TROY BUSWELL

NoM NO: 09/10: 8

Councillor Rob Underdown had previously given notice of his intention to move the following motion at this Council Meeting:

MOTION

The Shire President writes a letter to the Honorable Member for Vasse, Mr Buswell, asking:

- (a) why he has not made a public request of the WA Health Minister to personally intervene in the closure of the dedicated midwifery section of the Busselton Hospital; and
- (b) that he request WA Health Minister Hames to investigate the circumstances surrounding the closure of the dedicated Midwifery section, and
- (c) that he request WA Health Minister Hames to intervene and reinstate the provision of the dedicated midwifery section of the Busselton Regional Hospital.

Note: Councillor Rob Underdown advised that it was not his intention to move the motion of which notice had been given and it therefore lapsed.

18.4 LETTER TO HEALTH MINISTER

NoM NO: 09/10: 9

Councillor Rob Underdown had previously given notice of his intention to move the following motion at this Council Meeting:

MOTION

Moved Councillor Underdown, seconded Councillor Stubbs:

That the Shire President writes a letter to the WA Minister for Health, Mr Hames, and provide a copy to the WA Premier, Mr. Barnett, expressing the Council's concern and disappointment with the removal of the dedicated Maternity ward at the Busselton Regional Hospital, and request the Minister to intervene and reinstate the provision of the dedicated service as soon as possible.

AMENDMENT

Moved Councillor Underdown, seconded Councillor Stubbs:

That the word "Mr" be changed to the word "Dr", the word "MLA" be included after the word "Hames" and all words following those words are to be deleted. The words "requesting a briefing session to the Council with respect to maternity services at Busselton Regional Hospital" are to be included in their place.

CARRIED 11/0

AMENDMENT

Moved Councillor Underdown, seconded Councillor Masters:

That the words "the Council" be deleted and replaced by the word "Councillors".

CARRIED 11/0

COUNCIL DECISION

C0909/321 Moved Councillor Underdown, seconded Councillor Stubbs:

That the Shire President writes a letter to the WA Minister for Health, Dr Hames MLA, requesting a briefing session to Councillors with respect to maternity services at Busselton Regional Hospital.

CARRIED 11/0

- 7.50pm At this time the Director, Lifestyle Development and the Executive Manager, Systems and Information left the meeting and did not return.
- 7.50pm At this time, the Presiding Member declared that the meeting would adjourn for a period of three minutes.
- 7.53pm At this time the meeting reconvened with all in attendance prior to the adjournment, with the exception of the Director, Community and Organisational Development.

PROCEDURAL MOTION

Moved Councillor Binks, seconded Councillor Hastie:

That the meeting be closed to members of the public to allow discussion of a matter confidential in accordance with Section 5.23(2)(a) of the Local Government Act, a matter affecting an employee.

CARRIED 11/0

- 7.55pm At this time the meeting was closed to members of the public and the Governance Manager left the meeting.

19. CONFIDENTIAL REPORTS

19.1 KPIS FOR 2009/10 PERFORMANCE PERIOD

SUBJECT INDEX:	Organisational Development
STRATEGIC INITIATIVE:	5.2.1 Ensure ongoing development of internal capability
BUSINESS UNIT:	Organisational & People Development
SERVICE:	Organisational Development
DATE OF COMPLETION:	
VOTING REQUIREMENT:	Simple Majority

A confidential report pursuant to Clause 5.23(2)a of the Local Government Act 1995, a matter affecting an employee, was provided to Councillors and the Chief Executive Officer only.

- 8.50pm At this time the Chief Executive Officer left the meeting.
- 9.05pm At this time the Director, Community and Organisational Development returned to the meeting.
- 9.30pm At this time the Chief Executive Officer returned to the meeting.
- 9.40pm At this time the Governance Manager returned to the meeting.

COUNCIL DECISION

C0909/322 Moved Councillor Hartley, seconded Councillor Hastie:

1. That the Council approve the CEO to take leave from a date in October 2009 including being entitled to take Long Service Leave at double time on half pay in accordance with the Local Government (Long Service Leave) Regulations.
2. That the Shire and CEO by agreement invoke Clause 9.3 of the Employment Contract dated 22 August 2006 (as amended).
3. That the Shire President and Acting CEO be given authority to enter into a deed of settlement on behalf of the Shire with the CEO, including a date of the CEO formally ceasing employment with the Shire of Busselton of 2 July 2010 and all entitlements payable as at that date under the contract dated 22 August 2006 and other provisions normally found in a deed of this type, including but not limited to confidentiality.
4. That the Council recognise the CEO's period of employment from 5 May 2003 to 2 July 2010 and acknowledge the achievement of his KPIs throughout that period and thank him for his services.
5. That Mr Matthew Smith be appointed as Acting CEO.

CARRIED 11/0

PROCEDURAL MOTION

Moved Councillor Masters, seconded Councillor Clarke:

That the meeting be reopened to members of the public.

CARRIED 11/0

9.48pm At this time the meeting reopened to members of the public. The Presiding Member did not read aloud the decision of the Council as there were no members of the public who returned to the meeting.

20. **NOTICES OF MOTION** proposed for consideration at a future Meeting

Nil.

21. **QUESTIONS FROM MEMBERS WITHOUT NOTICE**

21.1 Councillor Bernie Masters referred to an article in a local newspaper regarding a missing sign in Dunsborough. The sign was taken from Geographe Bay Road and was one that had been erected in accordance with the Reserves Vegetation Protection policy. He asked if he could have an update on this matter.

The question was taken on notice.

21.2 Councillor Bernie Masters referred to advice dated 8 September from Jackson MacDonald Lawyers regarding Port Geographe. He asked when the Councillors would receive a briefing in relation to this legal advice.

Response - Director, Community and Organisational Development

A written briefing to the Councillors will be provided as soon as possible, likely to be within the next week. As the advice was only received late yesterday, there has not yet been any opportunity to review it to provide a briefing, but this will occur as soon as possible.

MOTION OF APPRECIATION

The Shire President advised that at the close of business this afternoon Jenny Mathies had completed her employment with the Shire of Busselton. Ms Mathies had played a significant role as the Minuting Officer for Council meetings for a significant period of time.

Moved Councillor Hartley, seconded Councillor Underdown:

That the appreciation of this Council and previous Councils be conveyed to Ms Jenny Mathies for the exemplary work undertaken as Administration Officer – Governance, including the responsibility of Minuting Officer for Council Meetings. The Council sincerely appreciated her conscientious work, unfailing attention to detail and responses to all requests from elected members.

CARRIED 11/0

9.57pm At this time Councillor Don Hanran-Smith left the meeting and did not return.

REQUEST FOR LATE ITEM

Councillor David Binks asked if the request for funding from Cornerstone Church of Christ for the Core Defensive Driving Program could be raised as a late item for funding from the Small Local Projects Allocation.

The Presiding Member indicated that he would support its introduction as a late item of urgent business at the Council meeting on 23 September as the agenda for that meeting had already been finalised, produced and distributed.

22. NEXT MEETING

Wednesday, 23 September 2009, commencing at 5.30 p.m.

23. CLOSURE

The meeting closed at 9.59 p.m.

THESE MINUTES CONSISTING OF PAGES 1 TO 85 WERE CONFIRMED AS A TRUE
AND CORRECT RECORD ON _____
DATE: _____ PRESIDING MEMBER: _____