



**Shire of Busselton**  
*Geographe Bay*

## **Council Agenda**

***12 August 2009***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

## SHIRE OF BUSSELTON

### AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 12 AUGUST 2009

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**SHIRE OF BUSSELTON**

**MEETING NOTICE AND AGENDA – 12 AUGUST 2009**

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**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

**NOTICE** is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 12 August 2009, commencing at 5:30 pm.

Your attendance is respectfully requested.

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**NIGEL BANCROFT  
(FOR) ANDREW MACNISH  
CHIEF EXECUTIVE OFFICER**

28 July 2009

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**A G E N D A**

1. **ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

2. **OPENING PRAYER**

The Opening Prayer will be delivered by Deacon Greg Dudley of the Busselton Catholic Churches.

3. **PUBLIC QUESTION TIME**

4. **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

6. **CONFIRMATION OF MINUTES**

6.1 Minutes of an Ordinary Meeting of the Council held on 22 July 2009.

7. **ANNOUNCEMENTS** by the Presiding Member without discussion

8. **PETITIONS AND MEMORIALS**

9. **DECLARATION OF DUE CONSIDERATION**

The Presiding Member will request 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.

10. **DECLARATIONS OF INTERESTS**

11. **PRESENTATIONS BY PARTIES WITH AN INTEREST**

12. **BUSINESS FROM PREVIOUS MEETING**

12.1 INTERIM ACCOMMODATION STRATEGY FOR THE BUSSELTON PUBLIC LIBRARY AND CONSTRUCTION OF A COMMUNITY RESOURCE CENTRE (LOTTERIES HOUSE)

<b>SUBJECT INDEX:</b>	Library Management Economic Development
<b>STRATEGIC INITIATIVE:</b>	1.2.1 Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities.
<b>BUSINESS UNIT:</b>	Corporate Relations
<b>SERVICE:</b>	Library Services
<b>DATE OF COMPLETION:</b>	October 2011
<b>VOTING REQUIREMENT:</b>	Simple majority item 1, 2, 4 and 6 Absolute majority item 3, 5 and 7
<b>ATTACHMENT(S):</b>	A. Preferred Concept Plan – Option 4 B. Concept Plan - Option 8 C. Concept Plan - Option 9

### PRÉCIS

At a Special Council Meeting on 2 December 2008, the Council adopted the recommendations from the Library Services Plan (with modifications) (CO812/361-264). A primary recommendation from this plan was that the Shire should progress investigation into the expansion of the existing Busselton Library to meet both current and future requirements. To facilitate this process Officers were directed to investigate options to expand the Busselton Library footprint within the Busselton CBD through the development of an interim accommodation strategy (CO812/363). An intrinsic part of this strategy was to ensure the inclusion of an enhanced local studies/local history facility.

The intent of this report is to:

1. confirm to the Council (as per CO812/362) that it is not feasible to use the existing Department of Environment and Conservation's facility in Queen Street, to expand the footprint of the Busselton Public Library to approximately 2,000m<sup>2</sup> over these two sites;
2. seek endorsement for the construction of a 1,800m<sup>2</sup> community resource centre on the existing library site which includes the construction of a 135m<sup>2</sup> local studies facility and approve a funding application to Lotterywest to fully fund the non-Shire component of this project; and
3. seek support and funding approval to progress to concept design and tender ready documentation stage a joint project that provides for a 1,700m<sup>2</sup> expanded library footprint on the existing library site.

### BACKGROUND

The Shire of Busselton currently operates two libraries being Busselton library (available public floor space 455m<sup>2</sup>) and Dunsborough (available public floor space

351m2). Both of these libraries are well subscribed exceeding state averages for both membership and issues.

This project has arisen from the inadequacies of the current library facilities (based on State Library guidelines) and a recognition that an expanded central library facility is required to meet the short to medium requirements of the Busselton and catchment residents. This project has been shaped by a number of Council decisions as outlined below:

In 2007 a Library Services Plan was developed to provide guidance to the delivery of Library Services within the Shire over the period 2007-2011. The Library Services plan was adopted (with modifications detailed below) by the Council at a Special Council meeting on 2<sup>nd</sup> December 2008 (CO812/361-264).

The main recommendations of the draft Library Services Plan suggested that the Council:

1. *Adopt a hybrid centralised learning and information service (library) model in lieu of a traditional decentralised multiple branch model*
2. *Establish the main Library operations in the Busselton CBD*

Additionally:

5. *Develop the Busselton Library as a focal point within the Shire's civic precinct within the Busselton CBD with a view to opening in 2012*
6. *Locate to the central Library development a floor space of 2,300m2 which will enable accommodation of all central library services, both front of house and behind the scenes operations, in the CBD until the immediate catchment population exceeds 30,000 (estimated to be around 2020).*

As the original Library Services Plan was predicated on the construction of a centrally located civic precinct facility which would house both the library and administration (notably customer service) activities, the Council resolved (CO812/361):

1. *That the Library Services Strategic Plan be endorsed with specific projects being referred to the five year financial planning process for consideration and with the following modifications:*
  - (a) *That the proposal to expand and enhance the Busselton Public Library becomes a stand alone project by being decoupled from the wider Civic Precinct project...*

It should be noted that as a consequence of the consultation process undertaken as part of the original Civic Precinct project, an opportunity arose to conduct a "land swap" with the Department of Environment and Conservation's (DEC) facility in Queen Street for the existing Shire Administration site in Southern Drive (which would have been vacated should a new administration facility be

constructed). During the deliberations in December 2008, the Council considered the opportunity of using this site as a potential library site (C0812/362):

*That the Council endorses officers to proceed with the timely investigation of the feasibility of utilising the existing Department of Environment and Conservation's facility in Queen Street for the purposes of expanding the footprint of the Busselton Public Library to approximately 2,000m<sup>2</sup> (over two sites) with a report back to the Council.*

The Council further provided direction to officers to investigate an interim accommodation strategy for the Library (C0812/363):

*That the Council recommends an immediate allocation of \$24,372 from the strategic projects budget of 2008/2009 (COA 100-10000-3588-0000) to develop an interim accommodation strategy and a concept plan (with associated costs) to progress the expansion of the Busselton Library.*

This report provides the outcomes in respect of Council Resolution C0812/362) and also seeks to present a concept plan (with associated costs) to progress the expansion of the Busselton Library (C0812/363).

#### Community Resource Centre (Lotteries House)

In May 2008, a Lotterywest funded feasibility assessment and business case was undertaken by Business Horizons into a proposed Busselton Community Resource Centre. The two main outcomes of this study indicated that a community facility to accommodate local charitable organisations was needed, and that the preferred location for this centre was in the Busselton Central Business District, on the existing Busselton Library Site.

The feasibility study and recommendation were presented to the Council as part of the larger Civic Precinct project. During the Council's deliberations, it was resolved (C0812/355):

*That the Council seek to create a Community Hub on the land comprising the existing Shire Administration and Lot 42 Causeway Road with the intent of accommodating the following:*

*(b) Use of the existing Shire Administration Centre for public purposes either as a Community Resource Centre or accommodating Government Agencies.*

In subsequent deliberations by the Council (C0905/145) it was decided to "defer indefinitely the proposal for a "Community Hub" on Rotary Park". As a consequence of this decision, the Shire Administration building was precluded from consideration as a possible future site of a Community Resource Centre.

#### **CONSULTATION**

A Communications Strategy was developed and included in the Project Management Plan for this project. The communications strategy identified and

guided the methods that were to be used to inform, involve and engage with all stakeholders to ensure clarity of understanding of the project objectives.

To ensure the involvement in the “shaping of decisions” by key stakeholders, three reference groups/working parties have been formed and their input has been fundamental to the formation of this report.

The membership of these groups/parties is as follows:

a. Library Councillor Reference Group

Councillors Hanran-Smith, Hastie, and Clarke

b. Museum Working Group

Evelyn Brand, member Busselton Historical Society and Busselton Family History Society and Chairperson of the Busselton Dunsborough Historians Group; Melody Langridge, Secretary of the Busselton Family History Society; (Proxy - George Herring Vice President of the Busselton Family History Society); Delys Forrest, Co-ordinator Busselton Historical Society Oral History Group (Proxy - Margaret Tickle, Secretary of the Busselton Historical Society Oral History Group); Allan Horridge, President Busselton Historical Society (Proxy – Frank Mouritz, Vice President Busselton Historical Society); Chris Ryall, Member Dunsborough and Districts Progress Association.

c. Community Reference Group

Bill Dyas, Silver Chain (Chair); Sandra Doherty, Busselton Childcare Centre, (Vice-Chair) Alison Cassanet, Busselton Dunsborough Environment Centre; Peter Santwyk, Maura Bunney, Ricki Bester, DCP; Carl Holroyd, Busselton Dunsborough Volunteers; Fay Overheu, Lotterieswest; Amanda Bell, FAWNA: Sue Robertson, YMCA Family Resource Centre: Evelyn Brand, Busselton- Dunsborough Historians Group: Melody Langridge, Busselton Family History Society: Des Cantwell, Citizens Advice Bureau: Rance Driscoll, Southern Rip: Bob Blond, Caring Friends and Carol Anderson, Busselton Public Library, Allan Whitfield, Shire of Busselton.

A schedule of meetings/presentations/ tours and associated outcome notes to deliver on this strategy is available on request to the Administration Officer, Deb Wilkes.

Positive involvement and comments, along with full membership of these groups has demonstrated that the level of consultation and communication has been successful to date. In particular the reference group and stakeholder information sessions held have provided an opportunity to the community and stakeholders to be involved in the project earlier than would normally be the case.

The previous public consultation associated with the adoption of the Library Services Plan and the previous Civic Precinct project have also supported and mirrored the findings of this subsequent consultation.

Key shire personnel have been consulted as required.

Informal briefings/presentations by Officers and the architects have been held for Councillors, inclusive of reference group/working party members in June and July 2009.

### **STATUTORY ENVIRONMENT**

In accordance with the Local Government Act section 3.59, a Local Government is not required to produce a business case for this project. To assist in ensuring the transparency of decision making, information pertinent to the preparation of a business case has been incorporated into the body of this report.

The proposal before the Council is at a very early stage and, as such, has not reached design stage. However, during the process of determining the feasibility of constructing a Community Resource Centre (1,800m<sup>2</sup>) and Busselton Central Library (1,700m<sup>2</sup>) the Commercial Strategy, Landscape Strategy and Car Parking policy were referenced and this proposal is consistent with these guidelines.

### **POLICY IMPLICATIONS**

The Shire's Percent for Art Policy would need to be considered as part of the project budget, although the Council may choose not to apply this policy.

It is acknowledged that the Shire is currently drafting the Busselton Town Centre Urban Design Guidelines and that this document is anticipated to be before the Council in late 2009. Whilst in its early stages, this document provides guidance to the development of the Busselton town centre on such things as built form, massing, orientation, safety and security, and vehicle and pedestrian access and movement. Best practice guidelines have been adopted during the development of the feasibility study designs and it is acknowledged that further concept designs will be subject to these guidelines.

### **FINANCIAL IMPLICATIONS**

In summary, the financial aspects are as follows:

- \* The estimated construction cost of the new Community Resource Centre is \$5.4 million and the construction cost of the new Library is \$5.1 million. This is calculated by escalating a construction figure in today's dollars out to July 2010 (using a 5% pa escalation rate).
- \* In addition to these direct construction costs there are a range of other costs including design (\$156,000), project management, specialised consultants and community engagement.
- \* It is assumed the Community Resource Centre will be self-funded via LotteryWest and other government agencies. Whilst this funding has not been confirmed at this stage, indications are positive.

- \* To complete the construction of the entire new facility, being a 1,800m<sup>2</sup> Community Resource Centre and a 1,700m<sup>2</sup> new Library, the total income with be:
  - \$5.4 million – LotteryWest (based on 5 green star rating noting that addition green star will increase the overall budget and grant application)
  - \$5.3 million - Shire (or other external sources) will be required
  - \$500,000 - Shire Reserve for expansion of the Busselton Library
  - \$570,000 – Silver Chain
  - \$156,000 – Shire of Busselton (Project Management)

Total – \$11.926 million
  
- \* At this stage it is proposed to that the \$5.1 million required from the Shire for the new library construction (stage 2) will be funded via a loan (note \$200,000 is funded from DCP). If repaid annually in arrears over 21 years at an interest rate of 7% pa the principal and interest repayments would amount to \$493,000 pa commencing in 2011.
  
- \* Costs associated with fit out of the expanded library will be determined as part of the master planning stage and will be reported to the Council at this stage.
  
- \* Based on the debt servicing requirement of \$493,000, the impact of this project on the debt servicing ratio of the Shire (that is debt as a percentage of operating income) is within acceptable ranges. The Council has adopted a position that this ratio should not exceed 10% and the maximum impact the project will have on this ratio would see it increase to 7.4% in 2012.

The Proposed Funding Model is:

Stage 1

Community Resource Centre

2009/2010 - \$2.5 million (Lotteries)

2009/2010 - \$344,000 (Transfer from Reserve for Local Studies expansion)

2010/2011 - \$2.9 million (Lotteries)

Stage 2

Busselton Library Expansion

2009/2010 - \$256,000 (Transfer from Reserve for Local Studies expansion – including returned contribution from DCP)

2010/2011 – \$493,000 (first loan instalment)

Operating and Maintenance Costs

### Library Expansion

While current budget parameters include the operational maintenance associated with the existing Busselton Library site, it should be noted that depending on the Council's decision on the retention of the existing library building, any additional building will incur increased operational expenditure.

When investigating whether to build new or refurbish an existing building, a major consideration is the difference in operating and maintenance cost between a new energy efficient building and a refurbished building. The overall running cost of an energy efficient building has been determined by the project's Quantity Surveyors as 25% cheaper than a conventional older building.

Generally an office building requires a refurbishment every 15 years. The cost of refurbishing an older, conventional building is much higher than that of a newer building. Previous studies have indicated that after 15 years the cost of refurbishment is approximately 15% of capital cost, whereas the older building refurbishment would cost up to 65% of capital cost (mostly due to the replacement of the aging mechanical systems, such as air-conditioners). It is noted that the existing library building (should it be retained) will require significant refurbishment within the project timeframe. This has not been costed and thus comparisons can not be made.

The operational costs associated with an expanded Central Busselton library were explored within the Library Services Plan (and detailed in CCS Strategic Management's *Feasibility Study into the Development and Construction of a Learning and Information Facility at Vasse Newton*; March 2008). Based on the existing operational parameters of the Busselton library an expanded central Busselton library would increase operational expenditure to \$916,000 (in today's values) when fully operational and fully staffed (approximately 2014). These figures have been calculated on existing operational costs and, with green star efficiencies, could be reduced by some 10-15%. Further efficiencies could be achieved through the introduction of new technologies such as electronic issuing. Please note that should the expansion of the library be achieved over two discrete sites the operational costs for an expanded library footprint will be more due to the loss of economies of scale.

### Community Resource Centre

The Community Resource Centre will be a facility owned by the Shire of Busselton, however it will be expected to lease the facility to LotteryWest for a period of 20 years for minimal or no cost. The maintenance of this facility will be calculated and distributed proportionally to each tenant in the rental requirements, inclusive any portion responsible to the Shire of Busselton. It is proposed that LotteryWest and Silver Chain will be responsible for the administration of the facility via an incorporated tenant management group.

## **STRATEGIC IMPLICATIONS**

This report progresses the following strategic objectives from the Strategic Plan 2006-2011:

- \* 1.2 Support the provision of a range of healthy recreation, entertainment and lifestyle
- \* 1.3 Facilitate and assist in the development of quality community facilities and services
- \* 2.1 To develop and maintain the Shire's assets and built environment to maximise public benefit now and into the future.
- \* 2.2 To develop and ensure the provision of universally accessible and socially inclusive services, facilities and functions for all people within the community.

This project is also consistent with the guiding principles of the Shire Strategic Plan.

The recommendations of this report are consistent with the Library Services Plan (CO812/361).

## **OFFICER COMMENT**

### Background to consultative process

During the initial investigations associated with the drafting of the Library Services Plan it was recognised that a synergy exists between the project to progress the expansion of the Busselton Public Library and the project which aimed to realise accommodation for a number of local, community groups through the construction of a Community Resource Centre (Lotteries House). In working towards achieving the intent of the Council Resolutions associated with both projects, an early opportunity presented itself to investigate a solution to the accommodation issues of both interest groups through the construction of a Community Resource Centre adjacent to or collocated with the Busselton Library on the existing site.

Further to this, accommodation for the local studies/local history groups, inclusive of the Busselton Family History Society could also be realised by monies held in Reserve for this purpose (CO301/041) being added to the grant monies from Lotterywest to fund the construction of Lotteries House.

It was further noted that, as a consequence of earlier investigation into the provision of a Lotteries type facility the Department of Child Protection (DCP) was obligated and holding in reserve (CO411/392) both Shire land and money for the purposes of constructing a joint DCP and Geographe Community Centre facility. Due to delays experienced within the DCP and the uncertainty over the inclusion of DCP into the larger Civic Precinct, this facility was not progressed. However

both the funds allocated by the Shire and the land have remained reserved for this purpose.

Negotiations immediately commenced with DCP to secure, should the project be approved by the Council, the return of the land and funds transferred from the Shire to the DCP for the purpose of the construction of a Community Resource Centre. As a consequence of these negotiations, the inclusion of the Department for Child Protection as a self funded tenant into the facility was also considered in this new concept.

To investigate the feasibility of this venture, a consultative process was undertaken over February and March 2009, including all previous groups represented in the Business Horizons study (Lotterywest, DCP, Shire Officers and executive of various local studies/local history groups).

Changing circumstances from the original Lotteries House project saw the withdrawal from the project of two potential tenants each with significant floor space requirements. As a consequence, a much smaller facility (1,800 m<sup>2</sup>) is now required. This new facility will be more aligned to the funding model preferred by Lotterywest and thus the success of the required funding application is more likely.

At this point the Working Group was established to progress a joint funded proposal for a museum/archival facility in a local studies area in any future library expansion (CO812/361). Provision for the possible inclusion of such a facility in an expanded Busselton Public Library was also factored into the scope of work to be undertaken.

As an initial step (as per CO812/363) a Request for Quotation (RFQ) was advertised in April 2009 to develop an interim accommodation strategy and a concept plan (with associated costs) to progress the expansion of the Busselton Library. The scope of work included a requirement for the architect to investigate the feasibility of utilising the existing Department of Environment and Conservation's facility in Queen Street Busselton for the purposes of expanding the footprint of the Busselton Public Library to approximately 2,000m<sup>2</sup> (over two Sites)(CO812/362). However, the intent of the RFQ had to be modified following the Council's meeting of May 25<sup>th</sup>, 2009 where the Council resolved to defer indefinitely progression of a new Shire Operations facility (CO905/145). This resolution negated the opportunity to expand the footprint of the Busselton Library over the two previous nominated sites, plus eliminated the possibility of utilising a vacated Shire Administration facility on Southern Drive to house community groups.

Sixteen submissions were received in response to the RFQ, and following an intensive evaluation process, the architectural firm Woods Bagot Ltd was selected and endorsed by the Community Reference Group as the preferred architect.

The architect was requested to refocus the concept plan to achieve the enhanced library floor space as part of the wider construction project on the same site. The

architect was also requested to consider the requirements of the Community Resource Centre as a collocated facility on the existing library site.

The initial investigation was restricted to the existing library site (bounded by the car park to the north and Peele Terrace to the South). The site investigation did however expand to include the entire reserve to enable a long term development footprint to be established. The impact of this broader site plan is discussed below.

As a precursor to the development of a concept plan to address these various requirements, Shire Officers investigated the suitability of the existing library site for these suggested purposes. Advice received from the Department of Planning and Infrastructure indicates the development of community facilities on R41445 Lot 416 (the current library site), would be consistent with the current vesting of "Parking and Community Purposes". It would be possible therefore, for the Shire to expand or rebuild the existing library and construct a new Community Resource Centre on this Reserve without the purchase of the land or any change to the vesting management order.

#### Development of Preferred Option

The development of the preferred option for the required concept plan (Attachment A) as presented in this report, was the result of an exhaustive process of workshops, meetings, tours and presentations. The extensive consultation undertaken as part of the previous Civic Precinct project established the framework within which the architects were requested to work. This framework included the community's direction in relation to size and feel of the buildings, reference to the Busselton lifestyle and community tolerance to destruction of or disruption in usage of the existing Busselton library. The maintaining of gardens within the concept, including the Japanese Garden, representative of the sister city relationship with Sugito was also defining aspects to be considered by the architect.

The preferred option presented in this report is Option 4. This option comprises:

\* Stage 1: The construction of a 1800m<sup>2</sup> community resource centre in a "village" type development comprising a number of smaller facilities whose tenancy will include (at inception):

- Activ Foundation
- Busselton Volunteers
- Caring Friends
- Childcare
- Citizens' Advice Bureau
- Environmental Centre
- FAWNA
- Local studies facility
- Silverchain
- SouthernRip
- YMCA

- \* Stage 2: The construction of a 1700m<sup>2</sup> expanded central Busselton Library over the existing library premises

Option 4 as presented is contained within the existing library site (R41445 Lot 416) bounded by Harris Street to the south.

Whilst detailed design work has not been undertaken, in order to prove the feasibility of constructing a facility of this size and volume a series of concept design documents were developed. The concept design (Attachment A) presents a village type concept comprising of a number of smaller facilities. Within this design, a two storey construction will be necessary for the library facility and a portion of the community resource centre. The resulting density and height are consistent with the Commercial Strategy and also consistent with nearby already approved developments within the CBD.

The advantages of this option include:

- \* Maintenance of village type ambience with maximum height of buildings softened by extensive landscape and treescape
- \* Maintenance of traffic flows through Harris Road thus maintaining maximum vehicle access
- \* Tight integration between library and CRC permitting maximum sharing of facilities (such as meeting facilities, toilets and kitchen) and the ability for the library to undertake some management/reception functions for the CRC
- \* Ability to stage construction allowing the retention of the existing library structure during stage 1.
- \* Minimal impact on existing parking and traffic flow
- \* No interference with FESA

The main disadvantage of this option (in its current configuration) is the need to demolish the existing library building. However, with further encroachment into the parking area to the north, the need for demolition can be avoided.

Whilst this building is structurally sound, it should be noted that a major refurbishment to achieve the necessary green star would be required as part of the integration with the new facility and this has been estimated to be up to 65% of the existing capital value due to the need to upgrade major services.

As indicated above, the project has been designed to be progressed in stages. Stage 1 would see the construction of the Community Resource Centre including the Silver Chain facility. Stage 2 is the proposed expansion of the central Busselton Public Library. This proposal seeks approval to progress with Stage 1 design and construction and incorporate Stage 2 within the design and tender

process. By including Stage 2 (the library expansion) within the initial design and tender process we are able to:

- \* Achieve cost savings in the design and tender process
- \* Develop documentation to the stage required when seeking grant funding from either State or Federal agencies

Whilst this proposed library falls short of the standards-based estimated required space, at 1,700m<sup>2</sup> however, realises a significant increase of the existing 660m<sup>2</sup>. This concept provides potential for a decentralised "one stop shop" method of Customer Service allowing access to a variety of the services and facilities provided to community members via the public libraries of the Shire.

The broader concept plan for the site could see the construction of a jointly funded museum type facility in the future, should FESA relocate the Volunteer Fire Brigade Headquarters. This later stage is subject to more detailed design/scoping.

#### Evaluation of Alternative Options

During the consultation process and subsequent to the staff presentation to the Councillors, a number of alternative options were evaluated. The findings of these evaluations are summarised below for reference.

All of the options examined provide for adequate parking and incorporate the proposed tram reserve.

Option 8 (Attachment B): CRC, expanded library with Silver Chain and DCP located on separate site to the south of existing FESA building

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>* Silver Chain is able to achieve more parking, separate entrance and access</li> <li>* Local studies and Citizen's Advice Bureau are on ground level</li> </ul>	<ul style="list-style-type: none"> <li>* Fragmentation of block reducing future opportunities for FESA block</li> <li>* Cost implications of DCP building and loss of prime CBD land to state entity</li> <li>* Requires realignment of Stanley Street</li> </ul>

Option 9 (Attachment C): CRC including Silver Chain, expanded library, existing library retained (DCP is not catered for in project)

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>* Ability to retain existing parking within "Coles" carpark</li> </ul>	<ul style="list-style-type: none"> <li>* Lower than supported density achieved on site</li> <li>* Fragmentation of CRC and library thus reducing ability to share common facilities and jointly manage the overall</li> </ul>

	facility * Impact on traffic is not supported by planning guidelines * No realignment of Stanley Street required
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There is a perception that the retention of the existing library is cost effective. This has not been supported by whole of life costing models. An additional perceived consideration regarding the retention of the existing library building has been the potential increased in Green Star rating. However, Green Star credit is based on re-use of the building this can either be through refurbishment or through reuse of the building materials following demolition (the aim of the green star rating being to reduce waste to landfill from building demolition).

**Parking and Traffic Implications**

As part of the now defunct Civic Precinct project, a thorough traffic and parking study was carried out by Lowes Churchill and Associates for the purpose of identifying and discussing the potential traffic engineering issues associated with that proposed new facility.

As a prelude to Lowes Churchill carrying out another full study, a review has been made of the "Busselton Central Business District Traffic Study" prepared for the Shire by Uloth and Associates in 2001. This study has estimated the future traffic and parking needs within the Busselton CBD through to 2021. It is understood that the life of the proposed development of the Community Resource Centre and expanded library will extend well beyond 2021, however to conduct a further separate study of traffic beyond 2021 would be a significant undertaking and not justified at this time.

This study has examined the likely impacts from the Civic Precinct Project with respect to traffic engineering by reference to the traffic predicted for 2021 by the Uloth and Associates Study conducted in 2000. Considering that the Civic Precinct Project had a total floor area 8,300m<sup>2</sup> (compared to the proposed Community Resource Centre and Expanded Library of 3,600m<sup>2</sup>), it concluded that the impacts will be relatively minor.

The Uloth and Associates study was based on an increase in gross floor area of over 60,000 m<sup>2</sup> and an additional 2,766 parking bays from the 2000 base year level to year 2021. The Community Resource Centre and Expanded Library project has proposed to have a floor area of 3,600 square metres which relates to only 6% of future traffic growth predicted for the Busselton CBD, therefore is not expected to be a major driver for any network upgrade, or traffic congestion.

**Parking**

A community/public building of this type is not technically subject to the parameters of the Shire of Busselton District Town Planning Scheme and its associated Policies, however in developing such properties, compliance with the Scheme is our objective. Advice from Shire Officers in relation to parking

requirements for this facility was to provide for sufficient, specific car parking needs inherent in the special purposes of some of the tenants as a minimum, and to ensure that any generated tenants parking requirements are determined and accommodated without impact on the surrounding area.

Community acceptance of the facility is the required outcome and the architects, in the preferred option, have been able to provide tenants required parking needs plus an additional 6 public bays. It is important to note that many of the tenants will not be utilising their bays past their hours of operation, and these bays will be available for public use.

In addition, as part of the push for a higher green star rating, provision has been allowed for public transport (possible tram line) in the future. This will, therefore continue to reduce the requirement for parking, plus ensuring ease of access to the facility now and into the future.

A survey conducted of the parking areas adjoining the Busselton Library site show that parking demand was typically 50-67% of total capacity during the hours of 9:00 am and 5:00 pm.

This survey was carried out during off-peak holiday periods and found that there was spare capacity in the parking areas, however anecdotal evidence suggests that this is not the case during the peak holiday season. As Busselton is a prime holiday destination the influx of tourists during holiday peak periods is likely to cause all available parking to be highly utilised.

It is proposed that the Community Resource Centre's building footprint will consume the existing 24 bays surrounding the library, but not extend into the parking area known as "Coles Carpark". This parking area has 290 parking bays of which 134 bays are reserved for the adjacent shopping centre under an existing cash-in-lieu arrangement.

A study of the Kent Street parking area was also conducted and found that this area has 210 car bays, and operates at 9% to 21% capacity. This area being in immediate proximity to the Coles area will easily cater for the longer term parking inherent in use of this type of facility, such as staff parking.

### Traffic

Within urban areas the controlling factor for traffic flow is the performance of intersections rather than mid-block flows. When the predicted 2021 traffic flows at the intersections are examined it can be seen that the most critical intersection in the region of the proposed precinct will be the Stanley Place/Albert Street intersection.

Total traffic movements through this intersection are predicted to increase from about 17,500 in 2007 to 30,000 in 2021. A previous study of the Peel Terrace/Queen Street/Causeway Road intersection carried out in 2006 for the Shire of Busselton (Lowes Churchill) estimated the total traffic volume through this intersection would be of a similar order by 2021.

An analysis of the intersection performance carried out as part of this study found that the roundabout subsequently built at the intersection would operate at a Level of Service B with a degree of saturation of around 0.7. This is a quite an acceptable performance for peak hour conditions and it could be concluded that the Stanley Place/Albert Street intersection would have a similar level of performance. On this basis it is considered unlikely that there will be significant traffic issues within this area of the CBD in the future.

The traffic associated with the new facility will generate more vehicles entering and leaving the area, however excluding holiday and special event fluctuation, the volumes do not reduce the level of service of the existing road network surrounding the development. This project, being a community type development will differ from an office type development and will not produce a noticeable morning and afternoon "peak hour".

If the impact of the Community Resource Centre on traffic volumes is examined at a more micro level it will really be the amount of parking in the location that will influence traffic flows. If, as discussed previously, there are an additional 73 bays provided for the facility then a conservative estimate of the additional traffic generated during a peak hour would be to assume an additional 73 vehicle movement. However also as mentioned previously, this type of facility should not generate a peak traffic requirements due as its predominant client use will be outside of these normal peak business hours.

The impact of any additional movements will be greatest in the immediate vicinity of the facility but should quickly dissipate across the network within a few blocks.

#### **Effect on Provision of Services and Facilities Offered by the Local Government**

The Community Resource Centre will be a facility owned by the Shire of Busselton, however it will be required to lease the facility to LotteryWest for a period of 20 years for minimal or no cost. The maintenance of this facility will be calculated and distributed proportionally to each tenant in the rental requirements, inclusive any portion responsible to the Shire of Busselton. It is proposed that LotteryWest and Silver Chain will be responsible for the administration of the facility via an incorporated tenant management group.

The construction or expansion of the new library will provide additional infrastructure, and therefore additional demand on local government services, however it is expected that the demand will be offset by the reduced maintenance and upkeep of a new building.

It is expected the new facility will have a significant positive effect on the provision of services to the community. Key services such as the library will in fact benefit from this development. The expansion and enhancement of the Shire's library facility will deliver advantages in addition to those provided currently in the existing library. Should the concept for the proposed library be adopted it will include a purpose built local studies and archive facility, a centre to support life long learning, a technology laboratory and significantly upgraded

general library facilities including community access to various meeting and conference facilities.

Customer information about the Shire's various services and functions will also be provided from this new library facility. Electronic access to a majority of the library's information services will be provided 24 hours a day, 7 days a week. A complete feasibility study for this facility is outlined in a separate report that was considered by the Council (July 2008) on the provision of Library and Information Services in the Shire of Busselton.

The inclusion of the Community Resource Centre on site will also improve the level of service provided to the community and provide access to shared areas such as meeting rooms and core building facilities (including lifts, stair wells, toilets).

As such it is expected that this development will have a nominal increase in demand on the customer services interface with increased activity caused by being more centrally located, however this cost will be offset by the reduction of cost in maintaining an old building, and the savings in the greater energy efficiency of the new building.

A major advantage of the proposed village type development with the new Community Resource Centre is that the entire centre (as a number of separate facilities) can be construction without impact on the current library building or services to the community.

However if Council decide to continue construction with Stage 2 (New library construction) then the existing library will need to be decanted into portion of the Community Resource Centre during construction and then into their new facility once constructed.

For the purpose of this business case \$300,000 has been included in the project budget to carry out any temporary relocation of the library.

#### **Expected Effect on Other Persons Providing Facilities and Services in the District**

The new facility will house a Community Reference Centre and expanded or new Busselton Library. The types of services provided are those of government agencies and community services which are generally only provided in the South West / Geographe district by Government agencies, or non profit groups.

With the construction of a Community Resource Centre to compliment the library services, the new facility will provide non government organisations with modern, affordable facilities which are expected to improve the level of services they provide to the community.

This will be of important social benefit to the community as it will provide a meeting point and a space where community members can go to access a range of services to meet their needs.

The Community Resource Centre in conjunction with the enhanced library facilities will enable customers to conduct their general retail business as well as other tasks such as pay rates, licenses, whilst visiting the library. Significant capital infrastructure investment, (the largest ever seen in one project in the Busselton CBD), typically adds value to neighbouring land. This in itself might encourage increased investment in the form of capital upgrade by the private sector.

Flow on effects of the Community Resource Centre could include:

- \* Transportation – creating a central mass of people to provide demand to increasing public transport and perhaps facilitate the positioning of a central bus transit;
- \* One stop shop – for community support, services and citizen advice;
- \* Environmental leadership – aiming at highest Green Star rating possible;
- \* Establishing a benchmark for building design and management internationally

#### **Ability of the Local Government to Manage the Undertaking**

There are a number of components to the project which will receive independent management support from the relevant agencies involved in each component. These components are:

- \* New or expanded Busselton Library
- \* New Community Resource Centre

The Shire of Busselton has the resources in-house to project manage the Busselton Library expansion and Community Resource Centre. All project management fees and costs for the Community Resource Centre will come from LotteryWest and Silver Chain, and Department of Child Protection if included.

The Shire of Busselton will be responsible for the operational management of the Library components of the new building. The Community Resource Centre component of the building will be leased to LotteryWest, and managed by an incorporated management board to be formed, for the term of its lease.

Following is a summary of the timeframes required for the CRC project to be occupied in 2011.

#### **Project Milestones/Dependencies**

<b>Milestone</b>	<b>Date</b>
1. Project Development	January 2009 to July 2009 (completed)
2. Reviewing and reporting submission to Council	July 2009 (completed)
3. Lodge LotteryWest Application	July/August 2009

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4.	Source Additional Funding	August 2009 to September 2009
5.	Community Reference Group led consultation	July/August 2009
6.	Advertise and Award Design Tender	October 2009 to December 2009
7.	Detail Design and Construction Specifications	January 2010 to May 2010
8.	Tender, Evaluate and Award	May 2009 to June 2010
9.	Construction	July 2010 to August 2011
10.	Occupy Building	August 2011 to October 2011

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The project timeline has been determined to have the building occupancy coinciding with the 50 year anniversary of when the organisation changed from Busselton Road District to the Shire (1961). This will provide a great celebrating, focal point for the community during a year of celebrating the Shire's achievements.

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

The Officer Recommendations will be progressed as soon as practicably possible. The following indicate critical milestones for reporting back to the Council.

1. Report back to the Council on the outcome of the funding application with LotteryWest by November 2009.
2. Report back to the Council on opportunities for funding the construction of the expanded central Busselton Library from federal or state funding agencies by November 2009

#### **OFFICER RECOMMENDATION**

That the Council:

1. Accept this report (as per C0812/362) to note that it is not feasible to utilise the existing Department of Environment and Conservation's facility in Queen Street for the purposes of expanding the footprint of the Busselton Public Library to approximately 2,000m<sup>2</sup> (over two sites).
2. Endorse the preferred option (Option 4 – Busselton Library and Lotteries House) for the Community Resource Centre (Attachment A) being the construction of a community resource centre and 135m<sup>2</sup> local studies area on R41445 Lot 416.
3. Approve a funding application for the construction of a Community Resource Centre adjacent to the existing Busselton Library on R41445 Lot 416 (as outlined in Option 4 - Attachment A) to be placed with LotteryWest for

consideration within their next funding round and report back to the Council on the outcome of the funding application.

4. Endorse the transfer \$344,000 from the Busselton Library Extension reserve to enable the drafting of master design and construction ready documents and the construction of a stand alone facility to house local studies within the community village.
5. Endorse the modification of the existing Busselton Library Extension Reserve description as follows "to provide funding for the expansion of the Busselton Library including a local studies facility" in the 2009/10 budget.
6. Progress expansion of the Busselton Central Public Library as part of the wider "Community Village' concept (Attachment A) to the master design and construction ready tender stage as per the proposed funding model to capitalise on new funding opportunities and transfer \$156,000 from the Busselton Library Extension Reserve for this purpose in the 2009/10 budget.
7. Request the CEO to pursue grant opportunities to fund the expansion of the Busselton Central Public Library and report the outcomes back to the Council by November 2009 in order to determine possible inclusion of an expanded Busselton Library into Stage 1.
8. Revoke C0411/392 and formally withdraw from the agreement between the Shire of Busselton and the Department of Child Protection in relation to construction of a Geographe Community Centre; and:
  - (a) Request that the Department of Child Protection instigate arrangements to return the vesting of the land adjacent to the Geographe Leisure Centre (lot 301 Recreation Lane) to the Shire of Busselton;
  - (b) Request that the Department of Child Protection return \$200,000 provided by the Shire as a contribution to construction of a Community Centre to the Shire; and
  - (c) Transfer any returned contribution from the Department of Child Protection as a result of this request into the Busselton Library Extension Reserve.

### 13. LIFESTYLE DEVELOPMENT REPORT

#### 13.1 DRAFT SCHEME AMENDMENT NO. 137: PROPOSED REZONING OF LOT 41 BUSSELL HIGHWAY, BUSSELTON FROM 'RESIDENTIAL R15' TO 'RESIDENTIAL R40/R60' AND LOTS 11 & 35 BUSSELL HIGHWAY, BUSSELTON FROM 'TOURIST' TO 'RESIDENTIAL R40/R60' (CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL)

<b>SUBJECT INDEX:</b>	Town Planning Schemes and Amendments
<b>APPLICATION NUMBER:</b>	P6937
<b>STRATEGIC INITIATIVE:</b>	2.4.1 Support development that is contained in identified nodes with well defined boundaries
<b>BUSINESS UNIT:</b>	Strategic Planning and Sustainability
<b>SERVICE:</b>	Strategic Land Use Planning
<b>DATE OF COMPLETION:</b>	09/09/2009
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>PROPOSAL:</b>	The proposed Amendment would facilitate the development of a purpose built residential complex, comprising 48 one and two bedroom units that would meet a demand for this type of accommodation in close proximity to the Busselton town centre.
<b>LOT SIZE:</b>	6,461m <sup>2</sup>
<b>ZONE:</b>	'Tourist' 'Residential R15'
<b>POLICIES:</b>	1. Draft Local Tourism Planning Strategy 2. Residential Design Codes
<b>ATTACHMENT(S):</b>	A: Location Plan B: Concept Plan - Site and Ground Floor Plan C: Elevation Plan D. Schedule of Submissions

#### **PRÉCIS**

The Council is requested to consider adopting for final approval draft Amendment No. 137 to the Scheme, which proposes to rezone Lot 41 Bussell Highway, Busselton from 'Residential R15' to 'Residential R40/R60' and Lots 11 and 35 Bussell Highway, Busselton from 'Tourist' to 'Residential R40/R60'.

The intent of the draft amendment is to facilitate the development of a purpose built residential complex, comprising one and two bedroom units that would meet a demand for this type of accommodation in close proximity to the Busselton town centre.

In support of the draft amendment, indicative concept, site layout and elevation plans have been submitted that demonstrate the potential development of 48 grouped and multiple dwelling units on the subject land.

It is also proposed that a range of special conditions be introduced into the Scheme to ensure that future development of this site meets appropriate design outcomes, especially with respect to sustainability.

The draft amendment was advertised for community consultation and no objections or substantive issues were raised. It is recommended that the Council adopts draft Amendment No. 137 for final approval.

### PROPOSAL / BACKGROUND

At its meeting of 11 March 2009, the Council resolved (C0903/082) to adopt for community consultation, draft Amendment No. 137 for the purposes of rezoning lot 41 Bussell Highway, Busselton from Residential R15 to Residential R40/60 and Lots 11 and 35 Bussell Highway, Busselton from Tourist to Residential R40/R60, with the following provisions being inserted into Schedule 7 - Special Provision Areas:

Particulars of Land	Zone	Special Provisions
Lots 11, 35 and 41 Bussell Highway, Busselton	Residential R40/R60	<p>1. Prior to submission of an application for planning approval, a single Development Guide Plan for the whole site shall be prepared and adopted consistent with clause 25 of the Scheme, except that it will not require endorsement by the Western Australian Planning Commission.</p> <p>2. The Development Guide Plan shall ensure that for all residential development above R40:</p> <p>(i) not less than 60% of units are single bedroom;</p> <p>(ii) the average and minimum site area may be varied by a maximum of 5% less than that minimum area specified in table 1 of the Residential Design Codes of WA in addition to the density bonus applicable to single bedroom dwellings;</p> <p>(iii) development is orientated towards and provides for public surveillance of Bussell Highway; and</p>

Particulars of Land	Zone	Special Provisions
		(iv) development demonstrates outstanding environmental and sustainability features.

### STATEMENT OF IMPACT

Whilst the proposal may change the planning framework as it relates to the land, the proposal is supported by the land owner and it is therefore assumed that the land owner believes the proposal to be consistent with their interests.

### CONSULTATION

Pursuant to Section 81 of the Act, draft Amendment No. 137 was referred to the Environmental Protection Authority for consideration of the need for formal assessment under Part IV of the *Environmental Protection Act 1986*. The EPA resolved that formal assessment was not required.

The draft amendment was subsequently advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967. During the advertising period, seven government/servicing agency and two public submissions were received (Attachment D).

No objections or substantive issues were raised in the submissions.

### STATUTORY ENVIRONMENT

The key statutory environment for the consideration of the draft amendment includes the relevant policies and objectives of the Residential zone pursuant to the Scheme.

The draft amendment was previously assessed as being consistent with the relevant objectives and policy statements of the Residential zone (refer agenda item 13.3 of the 11 March 2009 Council meeting).

### POLICY IMPLICATIONS

The key policy implications for consideration are set out in the Shire of Busselton (Unadopted) *Draft Local Tourism Planning Strategy and Residential Design Codes*.

The draft amendment was previously assessed against the relevant policy provisions and found to be consistent with policy outcomes (refer to the agenda item referenced under the 'statutory environment' section).

### FINANCIAL IMPLICATIONS

There will be no significant financial implications of the recommendations of this report.

## STRATEGIC IMPLICATIONS

One of the strategic initiatives of the Shire of Busselton *Strategic Plan 2006 – 2011* is to support development that is contained in identified nodes with well defined boundaries. The draft amendment is considered to be consistent with this strategic initiative.

## OFFICER COMMENT

No objections or substantive issues were raised during the community consultation period. It is considered that issues previously identified prior to advertising have been addressed in the officer recommendation. The draft Local Tourism Planning Strategy has identified the subject site as being no longer essential to support the tourism industry.

## CONCLUSION

It is recommended that the Council adopt draft Amendment No. 137 for final approval.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the officer recommendation would involve provision of advice of the Council resolution to the applicant and this will occur within 14 working days of the resolution.

## OFFICER RECOMMENDATION

1. That the Council, in pursuance of Part V of the *Planning and Development Act 2005*, adopt draft Amendment No. 137 to the Shire of Busselton District Town Planning Scheme No. 20 for final approval for the purposes of rezoning Lot 41 Bussell Highway, Busselton from Residential R15 to Residential R40/R60 and Lots 11 and 35 Bussell Highway, Busselton from Tourist to Residential R40/R60 and including Lots 11, 35 and 41 Bussell Highway, Busselton in Schedule 7 Special Provision Areas pursuant to the Scheme to which the following special provisions will apply:

Particulars of Land	Zone	Special Provisions
Lots 11, 35 and 41 Bussell Highway, Busselton	Residential R40/R60	1. Prior to submission of an application for planning approval, a single Development Guide Plan for the whole site shall be prepared and adopted consistent with clause 25 of the Scheme, except that it will not require endorsement by the Western Australian Planning Commission.

Particulars of Land	Zone	Special Provisions
		<p>2. The Development Guide Plan shall ensure that for all residential development above R40:</p> <p>(i) not less than 60% of units are single bedroom;</p> <p>(ii) the average and minimum site area may be varied by a maximum of 5% less than that minimum area specified in table 1 of the Residential Design Codes of WA in addition to the density bonus applicable to single bedroom dwellings;</p> <p>(iii) development is orientated towards and provides for public surveillance of Bussell Highway; and</p> <p>(iv) development demonstrates outstanding environmental and sustainability features.</p>

2. That the Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to Scheme Amendment No. 137.
3. That the Council refer Amendment No. 137 to the Shire of Busselton District Town Planning Scheme No. 20, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
4. That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration.

13.2 DRAFT LOCAL COMMERCIAL PLANNING STRATEGY - ADOPTION FOR COMMUNITY CONSULTATION

<b>SUBJECT INDEX:</b>	Scheme Review: Local Commercial Planning Strategy
<b>APPLICATION NUMBER:</b>	N/A
<b>STRATEGIC INITIATIVE:</b>	2.4.5 Develop a new Town Planning Scheme to provide for the lifestyle we cherish and protect
<b>BUSINESS UNIT:</b>	Strategic Planning and Sustainability
<b>SERVICE:</b>	Strategic Land Use Planning
<b>DATE OF COMPLETION:</b>	12 September 2009
<b>PROPOSAL:</b>	Adoption of draft Local Commercial Planning Strategy for community consultation
<b>LOT SIZE:</b>	N/A
<b>ZONE:</b>	N/A
<b>POLICIES:</b>	Busselton Urban Growth Strategy, 1999 Busselton Town Centre Guide Plan, 2004 Dunsborough Structure Plan 1990 Dunsborough Urban Design Strategies Busselton Industrial Development Code
<b>ATTACHMENT(S):</b>	A. Draft Local Commercial Planning Strategy as presented to the Council in June 2008 B. Automotive dealers suggested sites C. Shire officer's analysis of suggested sites D. Workshop Outcomes Report

### PRÉCIS

The undertaking of a review of the Shire's town planning scheme is identified as a high priority in the Shire's *Strategic Plan* as adopted by the Council. The preparation of a local commercial planning strategy is an important and necessary part of that review process.

Accordingly, in 2007 the Shire commenced development of the strategy, with a draft strategy being presented for the Council's consideration in June 2008. At that time, the Council deferred adoption of the draft local commercial planning strategy for consultation purposes pending –

- \* Further consultation with the local automotive industry regarding potential sites for an 'automotive park'; and
- \* The undertaking of a broader stakeholder workshop.

Following that additional consultation, the Council is now asked to further consider adopting a draft strategy for consultation purposes, subject to a number of recommended changes to address issues raised in the consultation undertaken since June 2008 and to reflect some changes in the broader context. The most significant changes are in response to the consultation with the local automotive

industry and to reflect the Council's recent adoption for consultation purposes of the Ambergate North Development Guide Plan.

In particular, it is recommended that two additional, potential sites to accommodate automotive sales and servicing be identified in the draft strategy. It should also be noted that some broad guidelines for the identification of other potential sites in the future, if necessary, are also included in the draft strategy. In addition, it is recommended that additional consultation sessions are held during the formal consultation period to allow stakeholders to discuss and comment on the draft strategy.

Following the formal consultation period the Council would then be asked to consider the draft in the light of any submissions received and, potentially, undertake further consultation and/or research before the making of a recommendation to the Western Australian Planning Commission on the draft strategy.

The local commercial planning strategy will set out the broad strategic direction for the planning and development of commercial activity in the Shire. There will, however, be both the scope and the need to review and refine that direction during the preparation of an overall local planning strategy for the Shire and the subsequent development of the new town planning scheme.

#### **PROPOSAL / BACKGROUND**

The undertaking of a review of the Shire's town planning scheme is identified as a high priority in the Council's *Strategic Plan* for the Shire. This reflects the significant pressures for growth and change being experienced in the Shire. There is also a need to have a planning framework which manages those pressures in a manner consistent with community needs and aspirations, and which will encourage sustainable development that supports the high quality of life currently enjoyed here.

The preparation of a local commercial planning strategy is an important and necessary part of the town planning scheme review process. It is important because the planning and development of commercial activities is seen as a critical element in encouraging sustainable development and supporting quality of life. It is necessary because the planning legislation requires the preparation of an overall local planning strategy to guide development of a new town planning scheme and the Western Australian Planning Commission will require that commercial planning issues are addressed in any local planning strategy.

Accordingly, in 2007 the Shire commenced development of the strategy, with a draft strategy being presented for the Council's consideration in June 2008. At that time, the Council deferred adoption of the draft strategy for consultation purposes pending –

- \* Further consultation with the local automotive industry regarding potential sites for an 'automotive park'; and

- \* The undertaking of a broader stakeholder workshop.

Specifically, the Council resolved (C0806/189) as follows –

1. *That Council defer adoption of the Draft Local Commercial Planning Strategy for the purpose of community consultation at this stage.*
2. *That the Director Lifestyle Developments meet with representatives of the local franchised automotive dealers to determine and agree upon a suitable site for an automotive park and that site be included in the draft strategy prior to it being re-submitted for Council consideration.*
3. *That a stakeholder workshop/s be initiated as soon as possible, including (but not be limited to) commercial landowners, tenants, real estate agents, developers, Councillors and a representative of the Department of Planning & Infrastructure, advertising of the dates and times of the workshop/s and formally writing to possible stakeholders inviting their input.*

Following that additional consultation, the Council is now asked to further consider adopting a draft strategy for consultation purposes, subject to a number of recommended changes to address issues raised in the consultation undertaken since June 2008. The most significant changes are in response to the consultation with the local automotive industry and to reflect the Council's recent adoption for consultation purposes (subject to an array of changes before consultation occurs) of the Ambergate North Development Guide Plan (which proposes a larger retail centre than provided for in the draft strategy).

In particular, it is recommended that two additional, potential sites to accommodate automotive sales and servicing be identified in the draft strategy, and that some broad guidelines for the identification of other potential sites in the future are also included in the draft strategy. Two of the five sites suggested by representatives of the local automotive industry are conditionally supported by staff for further consideration, however, three are not, primarily because of their potential visual and/or environmental impacts and the significant impact that their development would have on the commercial functioning and distribution of commercial land use in Busselton.

In addition, it is recommended that additional consultation sessions are held during the formal consultation period to allow stakeholders to discuss and comment on the draft strategy.

Following the formal consultation period the Council would then be asked to consider the draft strategy in the light of any submissions received and, potentially, undertake further consultation and/or research before the making of a recommendation to the Western Australian Planning Commission on the draft strategy.

The local commercial planning strategy would set out the broad strategic direction for the planning and development of commercial activity in the Shire, but there will be both the scope and the need to review and refine that direction during the

preparation of an overall local planning strategy for the Shire and the subsequent development of the new town planning scheme.

Further details regarding the draft strategy, and the consultation subsequently undertaken is set out below under appropriate sub-headings. A number of recommended changes to the draft strategy and issues to highlight for further attention are set out in the 'Officer Comment' section of this report.

### **The Draft Strategy**

One of the key elements of the draft strategy, as required by State planning policy, is the setting out of a 'retail hierarchy' for the Shire. The retail hierarchy set out in the draft may be summarized as follows –

- \* Regional Centre – Busselton
- \* District Centre – Dunsborough
- \* Neighbourhood Centres – Ambergate, Vasse and Airport North (up to 4,500m<sup>2</sup> GLA 'Shop' floorspace)
- \* Local Centres – up to 1800m<sup>2</sup> GLA 'Shop' floorspace
- \* Tourist/Commercial – as required, subject to local planning assessments

Offices and showrooms are intended to be located within the proposed retail hierarchy. The Strategy identifies the following areas to accommodate future industrial growth:

- \* Airport industrial area – approx 250 ha
- \* Strelly Street industrial area – approx 11.7 ha additional developable area
- \* Vasse Industrial estate – approx 33 ha
- \* Dunsborough industrial park – approx 9 ha
- \* Dunsborough Lakes industrial – approx 3 ha

The draft strategy also makes a number of broader recommendations regarding the planning and development of commercial activities in the Shire, which may be summarised as follows –

- \* Supporting mixed-use development in the Busselton town centre. This would involve the removal of scheme requirements that residential development is only permissible in the Business Zone if it is 'subsidiary' to the business use.
- \* Amending the TPS to delete the current height limits in the Scheme for the business zone on the basis of urban design and built form trade-offs.
- \* A study for the Busselton CBD to examine the ways by which improved pedestrian movement could be facilitated.
- \* The opportunities for using rate incentives as a means to encourage development of mixed-use projects in the under-developed parts of the Busselton CBD be considered.
- \* Active consideration of the concept for the foreshore development as an active way to increase vitality in the Busselton CBD.

- \* Formation of a design advisory panel to assist it in the consideration of major projects that are likely to have a major impact on the built form or function of the Busselton CBD.
- \* The preparation of an amendment to the TPS to facilitate proposed land use changes for Dunsborough town centre. The changes are aimed at creating a mixed-use ambience/village atmosphere with tourist accommodation, retail, office and commercial and other types of uses all present in the town.
- \* A study of urban design improvements in the Dunsborough town centre be undertaken, with particular reference to the development of a design theme for inclusion into the TPS as a policy.
- \* The pedestrian movement network in the Dunsborough town centre be reviewed in conjunction with the parking study currently being conducted.
- \* Development proposals for future tourist commercial operations should be considered against economic development objectives but should also ensure that retail components remain incidental to the main operations.
- \* The general urban design criteria espoused in the Liveable Neighbourhoods policy document (WAPC) should be integrated into the TPS as a general guideline for the development of commercial centres.
- \* Consideration of the need for an amendment to the TPS to restrict retail uses in the industrial zone to only that which is necessary as an ancillary component to the main industrial activity.

#### **'Automotive park'**

In pursuance of point 2 of the Council's June 2008 resolution, Shire staff undertook initial consultation with representatives of the local automotive industry which resulted in their identification of five potential sites for establishment of an 'automotive park'. Those sites are identified in Attachment B and may be described as follows (in order of expressed industry preference)–

- \* Site 1 – the land on the northern side of the Causeway Road and the Bypass between Koorden Place and a point opposite the Vasse Highway intersection.
- \* Site 2 - the land on the northern side of Causeway Road between Strelly and Molloy Streets and extending north to the undeveloped Stanley Street road reserve.
- \* Site 3 – the land at the corner of the Bypass and Queen Elizabeth Avenue known locally as the 'old abattoir site'.
- \* Site 4 – the land south of Causeway Road, east of the Vasse River and north of Fairlawn Road, both sides of Molloy Street.
- \* Site 5 – land south of the Bypass bordered by Chapman Hill Road and the diversion drain.

The representatives of the local automotive industry indicated that the key reason that Site 5 was the lowest priority was their understanding that the current landowner is not supportive of its development and would be unwilling to make the land available for development. From the staff perspective, however, it is the most suitably located of the five sites identified.

Correspondence from the representatives of the local automotive industry indicated that each of the franchised automotive dealers has expressed a need for an initial 10,000m<sup>2</sup> land area, with a future requirement for an additional 10,000m<sup>2</sup> for the purpose of a car dealership precinct. Their proposal is that an area of 10-15 hectares to accommodate automotive sales and servicing should be identified in the strategy. Whilst the automotive industry approach to have one precinct to accommodate all such uses is noted, it cannot necessarily be accommodated in the short-term and may be an objective that they work toward in longer term relocation to the Airport North industrial area.

The potential sites were assessed by Shire officers according to the following criteria:

- \* Current zoning
- \* Adequate size of landholding
- \* Compatibility with surrounding existing and future uses
- \* Physical characteristics
- \* Visual prominence/exposure
- \* Impact on visual amenity
- \* Access, Safety and Amenity
- \* Land availability
- \* Strategic Planning

This assessment is set out at Attachment C. The assessment of the five sites concluded that proposed Sites 4 and 5 may have potential for an automotive park. Sites 1, 2 and 3 however, were identified as having fatal flaws and would not be recommended for further investigation. With respect to Sites 1 and 2, these fatal flaws are summarised as follows:

- \* Site 1 - The site represents an inappropriate location for an automotive park as it is isolated from other commercial and industrial development and also incompatible with surrounding uses. It is a highly prominent location with visual amenity issues. Also clearly inconsistent with Wetland and Landscape Value area designations applying to the land. It would represent an undesirable precedent for commercial ribbon development along Causeway Road and Bussell Highway and would have a significant impact on the visual character of Busselton and the long term pattern of commercial growth of the town.
- \* Site 2 - The fatal flaws with Site 2 are the same as those for Site 1, plus it is Crown Land and, given its environmental characteristics, it would clearly not be appropriate for the State Government to release the land for the proposed use.

Whilst Site 3 is not supported by officers, it is seen as preferable to either Sites 1 or 2, and the key issues with respect to the site are summarised as follows –

- \* Whilst the physical characteristics of the land are considered to be potentially suitable, this site is, in terms of its developable area, somewhat smaller than what the automotive industry representatives have identified as

being required, and would be isolated from other commercial and industrial development. It is also bordered by existing developed rural residential areas and would potentially be the catalyst for further commercial development along the Busselton Bypass. A potential long-term site could, however, be identified further south, on the eastern side of Queen Elizabeth Avenue and in the Busselton Waste Water Treatment Plant Buffer, as part of the Ambergate North DGP process.

Whilst Site 4 is considered to have some potential, it is considered that it needs to be considered in the context of other planning processes, as follows –

- \* This site is currently undeveloped, but is zoned 'Residential R20' and, given its proximity to Busselton town centre and services, may be a suitable site for medium-density residential development (and this form of development may also enjoy greater support from landowners and neighbours). It is considered that this should be identified as a potential site, but noted that any rezoning should not occur until such time as the Local Settlement Planning Strategy has been formulated and considered by the Council. It is also considered that the visual prominence of this site would require significant detailed planning controls to ensure that it does not change the visual character of the Causeway Road entrance to Busselton.

Unlike Site 4, it is considered that Site 5 can be identified as a potential site without the need to await other planning processes. Site 5 is identified in the Shire's Urban Growth Strategy ('UGS') as 'Short to Mid Term Development (5-10 years) Category A and A1 Urban Deferred'. Note that, whilst most of the future urban land identified in the UGS will be developed for residential purposes, the UGS does not differentiate between residential and other urban land-uses, leaving that to later planning processes.

Site 5 is considered to have strategic planning merit for an automotive park or other forms of light industrial or service commercial uses due to its proximity, and location contiguous to and compatible with industrial/commercial uses on the opposite side of the Busselton Bypass within the Strelly Street industrial area. The potential risk of ribbon industrial development along the southern side of the Bypass would be limited by the physical separation that is provided by the Vasse Diversion Drain and future Ambergate residential area to the west and the Vasse River to the east. Visual and environmental buffering to the Bypass and to the Vasse Diversion Drain and the Vasse River would, however, be required.

Staff also remain of the view that the Airport North Industrial area will be well placed to accommodate the automotive industry, however, it is acknowledged that the land is not currently available and its currently isolated location is problematic in the shorter term. Because of the planned scale of this industrial area (around three times the size of the Strelly Street industrial area), though, it will eventually develop its own 'commercial gravity' (i.e. ability to attract customers and customer awareness). The Vasse and potential future Dunsborough industrial areas would also be potentially suitable from a planning perspective. It should also be noted that given the need for other potential sites to proceed through the planning process and the planning that has already occurred at Airport North, land could potentially be available at Airport North before the other sites.

Shire officers have met with representatives of the local automotive industry on several occasions to discuss this issue. In particular, Shire officers have broadly outlined the proposed approach intended to be set out in this report. It is understood that the proposed approach has gone some way to address their concerns with the draft strategy previously presented to the Council, but significant concerns remain. In particular, industry representatives would like the Shire to support Site 1. As noted above, Shire officers are not prepared to do so on the basis that this would not represent orderly and proper planning.

The Shire has also written to the owners of Sites 4 and 5 to discuss the future use of this land. At the time of writing, the Shire has not received a response from the owners of Site 5, but has had responses from some of the owners of Site 4. Those responses indicate that they are not supportive of the identification of the land for an automotive park.

Councillors should also note that, given that the 'Industrial' zone provisions in the Scheme allow for development of automotive sales premises, the draft strategy already identifies a number of areas that could accommodate automotive industry, specifically, the Strelly Street, Airport North, Vasse and Dunsborough light industrial areas. With respect to Strelly Street in particular, there is in excess of 10 hectares of vacant, zoned land in the area at present, some in quite large parcels and a significant amount of which is currently on the market.

### **Stakeholder Workshop**

In pursuance of point 3 of the Council's June 2008 resolution, the Shire convened a stakeholder workshop including commercial landowners, tenants real estate agents, developers, Councillors, individuals and a representative of the Department for Planning and Infrastructure. The workshop was held on 12 November 2008 at the St Mary's Centre in Busselton. Approximately 50 persons attended the workshops that was run by an independent workshop facilitator. The 'Workshop Outcomes Report' is included as Attachment D.

The workshop was useful in giving Shire staff and others a greater understanding of the commercial planning issues facing the Shire. The key issues raised and brief responses (largely based on advice from the consultants that prepared the draft strategy) are set out in the table below.

Issue	Response
Methodology: demand prediction is too conservative. Predictions need a range - low versus high rather than an average demand projection	<i>The population driven demand model used in developing the LCPS recommendations is a robust methodology used in commercial and industrial land use models. While other approaches such as those applying retail turnover/floorspace ratios to projected expenditure levels could be used, the resulting outcomes are likely to be similar. Further quantitative assessment is not required. A flexible approach to the application of floor space limits is recommended.</i>

Issue	Response
Has Busselton's regional catchment been considered?	<i>The LCPS sets out a hierarchy of centres that identifies Busselton as a regional centre servicing districts outside the Shire. A key platform of the LCPS is that Busselton is the regional centre and its primacy should be protected.</i>
Hierarchy of centres is too prescriptive.	<i>The approach of identifying a hierarchy of centres is supported. It is consistent with State Planning Policy e.g. SPP No. 1 State Planning Framework Policy, SPP No. 3 Urban Growth and Settlement, SPP No. 6.1 Leeuwin-Naturaliste Ridge; and SPP No. 9 Liveable Neighbourhoods Policy. It reflects future demand scenarios for the Shire. It was a requirement of the project brief and the Shire's Strategic Plan. The strategy should be reviewed every five to ten years and external sources of demand information incorporated. In addition, the Shire has and will be able to implement the strategy in a flexible manner where appropriate, and has already demonstrated that with the recommendation and decision of the Council on the Draft Ambergate North Development Guide Plan.</i>
Factoring in the tourism component. Has the mass of tourism expenditure been taken into account?	<i>A recurring theme in the discussions on the topic of function of centres is the need for the strategy to recognise and allow for the significant tourism component of Busselton's commercial make-up. In the quantitative needs assessment that formed the basis of the strategy recommendations the influence of tourism expenditure has been allowed for. Tourism expenditure is factored into the population driven demand assessment. Tourist residential and entertainment/cultural/recreation are land use categories that have been forecast for floorspace growth based on current trends.</i>
Busselton town centre needs physical integration with foreshore precinct to improve tourism and maintain pre-eminence of Busselton as regional centre.	<i>Consistent with strategy recommendations.</i>

Issue	Response
Consolidate development in Busselton town centre.	<i>Consistent with strategy recommendations.</i>
Activation of development in Busselton CBD.	<i>Consistent with strategy recommendations.</i>
Creating vibrant centres with a variety of uses.	<i>This principle underpins the LCPS. By adopting the hierarchy and LCPS recommendations the Council will be supporting this principle. The TPS development control and land use provisions for the commercial centres needs to evolve from a development limitation approach to an outcomes based approach to facilitate the envisioned form of commercial centres.</i>
Design guidelines required for industrial areas.	<i>This is supported, and is reflected in both the existing planning framework (with respect Vasse LIA for instance) and in the draft LCPS. This report does, however, recommend that this be made more explicit in the LCPS.</i>
Proposed industrial area on Commonage Road may compromise this tourist route which is a key economic driver in the locality. Alternative location is Vasse.	<i>See above, agreed that design guidelines will be especially important in this location with the existing zoning provisions relating to this site already addressing this issue.</i>
Dunsborough Clarke Street should not be industrial. Change to retail, professional offices, or other use.	<i>Not supported. Dunsborough retail can be accommodated in existing zoned commercial land. LCPS sets out a clear rationale as to the purpose and future of Clarke Street as a specialty light industrial area servicing the local production and tourism based light manufacturing industry currently established.</i>
Strelly Street industrial area – has no room for expansion	<i>LCPS notes that Strelly Street is near capacity and that additional land in other locations is required to meet demand for industrial land e.g. Dunsborough, Vasse and Airport North have been identified in LCPS as new areas to accommodate demand for industrial land.</i>
Location of car sales precinct remains a contentious issue	<i>LCPS identifies several potential sites for this use. Other suggested locations for car sales</i>

Issue	Response
	<i>uses should be incorporated into LCPS and include the existing industrial areas.</i>
Retain industrial areas for what they were intended.	<i>Separation of bulky goods from industrial sites should be enforced and infiltration should be reversed through appropriate scheme controls as this is a commercial retail use and not industrial.</i>
	<i>Shire consider developing an industrial sites development strategy with similar scope to a town centre strategy for commercial town centres to establish clear theme and identity for each industrial centre. Will enable landowners to target development toward desired forms.</i>
Bulky retail uses should be developed close to Busselton, industrial uses should be located at airport north	<i>Consistent with LCPS. The Council should endorse LCPS recommendations for Busselton town centre</i>
Dunsborough discussion highlight unresolved issues to be addressed i.e. relationship of town with coast; traffic circulation; landscaping; mix of uses; building heights.	<i>LCPS has developed recommendations to address these issues. Council should embrace strategy actions for Dunsborough</i>
Dunsborough key/recurring comments:  Encourage more residential, commercial and tourist mixed use on Dunn Bay Road (main focus of town centre); retain tourist village character of town centre; busselton to provide major goods, Dunsborough to retain boutique flavour; parking issues (overflow); suitable retail/tourist uses for foreshore end of town	<i>Discussion on Dunsborough highlighted many of the issues that have been left unresolved in the town for some time. These include: the relationship between the town and the coast; parking; traffic circulation; landscaping; the mix of uses; and building heights. The LCPS has developed recommendations to address these issues</i>
Busselton key/recurring comments:	<i>Comments are consistent with LCPS. Further work outside scope of the LCPS</i>

Issue	Response
Need to better link busselton CBD, foreshore and jetty; tourist use near foreshore; relax height limits in CBD; rationalise car parking; mixed use redevelopment Mitchell Park to be emphasised as focal point	<p><i>should be commissioned to look at detailed planning of:</i></p> <ul style="list-style-type: none"> <li>- <i>Busselton - Busselton Foreshore</i></li> <li>- <i>Mitchell Park; and</i></li> <li>- <i>Cultural Precinct</i></li> </ul> <p><i>Priorities for Council's attention in town centre are: foreshore and Queen Street. Queen Street important facet of Busselton town centre.</i></p>

### STATEMENT OF IMPACT

There are not considered to be any adverse impacts to the Shire or community from granting advertising consent to the draft strategy as it provides a broad overview and direction within which planning decisions can be made when it is finalised. The Strategy will provide a strategic planning framework for consideration of proposals by outlining strategic land use recommendations to provide for commercial and industrial development in Busselton over the next 5-20 years. It does not propose the removal of any potential associated with land already zoned for business or industrial use and does not in itself initiate any rezoning proposals.

Advertising of the draft Strategy will raise community awareness and assist to identify attitudes to key planning issues. Advertising will provide an opportunity for opinions to be effectively represented in the process and ensure transparency and accountability of the outcomes.

### CONSULTATION

As outlined above, since the draft strategy was considered by the Council in June 2008, it has been the subject of additional consultation as described in the 'Background' section above.

Advertising of the LCPS for community consultation will be in accordance with the Scheme Review Communications Strategy and advertising will be for a minimum period of 60 days. Two community information sessions will be undertaken during the 60 day advertising period.

### FINANCIAL IMPLICATIONS

Further preparation and advertising of the LCPS as recommended will be accommodated using existing resources. Further delays in progressing to formal consultation, however, may have financial implications (for instance, in terms of additional costs for the consultant to finalise the document, or the undertaking of further informal consultation – the Council should note that the cost of the additional informal consultation associated with the Local Tourism Planning Strategy, if undertaken by the consultants rather than by Shire staff, has been estimated as approximately \$10,000) and require the allocation of additional resources.

## STRATEGIC IMPLICATIONS

The Scheme Review process and therefore the LCPS process which forms part of that broader process is a high priority in the *Shire's Strategic Plan 2006-2011*. The process is also guided by its vision, principles and strategic priorities. The LCPS is considered to meet the following strategic priorities of the Shire's Strategic Plan:

- \* *We will monitor and manage population growth to ensure our capacity to protect our environment and support community well being is not exceeded*
- \* *We will ensure that development is contained in identified nodes with defined boundaries to provide balance between urban and natural environments. We will support the development of individual character within these nodes or townships.*
- \* *We will manage our environment and lifestyle through decisions and actions being assessed against a sustainability framework. We will ensure economic development is underpinned by the environment that supports and sustains our growing population.*
- \* *We will facilitate and promote the enhancement of our community to encourage community cohesiveness and a sense of place.*
- \* *We will provide good corporate governance and professionally manage the organisation to address intergenerational equity, legislative compliance, organisational capability and financial viability.*

The need to *'review town planning to reflect emerging diversity whilst retaining identity and character'*; and *'develop a new Town Planning Scheme to provide for the lifestyle we cherish and protect'* are key strategic objectives and initiatives of the Shire's Strategic Plan.

## STATUTORY ENVIRONMENT

The planning legislation requires that a local government prepare, adopt and obtain WAPC approval for a local planning strategy (LPS) prior to preparing a new town planning scheme. Whilst not specifically requiring a local commercial planning strategy, strategic policy statements are required in the LPS to address key issues such as housing, industry and business, open space and recreation, transport, infrastructure, environment, townsite and rural land. The LCPS has been prepared by the Shire to assist in preparing an LPS that addresses the full range of planning issues that will need to be addressed to obtain WAPC approval for the LPS.

## POLICY IMPLICATIONS

The LCPS has been developed in accordance with State Planning Policy No.1 State Planning Framework Policy, SPP No.3 Urban Growth and Settlement, SPP 6.1 Leeuwin-Naturaliste Ridge; SPP No.9 and Liveable Neighbourhoods policy. These are the key WAPC policies relevant to the development of the LCPS.

## **OFFICER COMMENT**

As noted in 'Background' above, the reviewing of the Shire's town planning scheme is identified as a high priority in the Shire's *Strategic Plan* as adopted by the Council. The preparation of a local commercial planning strategy is an important and necessary part of that review process. It is therefore seen as important that the Council adopt a draft LCPS for consultation purposes to allow the broader scheme review process to also progress.

Officers are therefore recommending that the draft LCPS, as previously presented to the Council, be adopted subject to a number of changes. Those changes will go some way towards addressing concerns raised during consultation and when the draft was previously presented to the Council. The recommended changes are outlined and discussed below under an appropriate heading, as are several issues it is considered should be highlighted for further consideration. If the Council forms the view that the recommended changes do not go far enough, then it is the role of the Council to identify those further changes required to allow the matter to progress.

Prior to that, however, there are considered to be two, broader, conceptual issues that the Council should be aware of, as they have guided officers' thinking in the development of the draft LCPS and the preparation of this report. Firstly, an understanding of the role of the LCPS and how it fits into the broader planning framework. Secondly, a view that the future development of the Shire does not and should not need to depend upon development of ribbon commercial strips along major roads or be driven by a single industry sector. These two issues are addressed below under appropriate headings.

### **Role of strategy as part of broader planning framework**

The LCPS will inform development of an overall local planning strategy which, in turn, will guide the development of a new town planning scheme and the subsequent development of that scheme (via amendments) over the medium-term (with a time 'horizon' of 20 plus years). Therefore, it is neither possible and nor is it appropriate for the LCPS to address all potential commercial planning issues in a detailed manner. Instead, it needs to provide a broad vision and set out guidance in terms of how issues may be resolved in a more detailed manner when they need to be resolved.

Recognising that planning for the future involves a significant level of uncertainty, including how the views of landowners and fundamental economics and land use requirements may change over time, a number of options and a degree of flexibility may need to be provided in some areas. It should also be recognised that, whilst the time horizon for the LCPS is 20 plus years, the land use outcomes it will give rise to will have a much longer timeframe. The strategy itself will also need to be reviewed in 5-10 years time (the legislation requires a review every 5 years, but the practical reality is currently closer to ten years).

**Commercial strips**

The preparation of the draft LCPS and subsequent work undertaken by staff has been driven by a view that further commercial strip development along major roads is not and should not be necessary. Instead, a key principle of the LCPS is to locate commercial and industrial activity in integrated, well planned, strategically located nodes or areas that have good exposure and connections to major transport routes, easily accessible to their catchments population and/or markets. Resisting further strip development will enhance and maintain the Shire's visual character and differentiate this Shire from many other settlements in Western Australia.

The LCPS outlines a number of commercial locations including the Busselton regional centre, Dunsborough district centre, the future neighbourhood centres at Ambergate, Vasse and Airport North, and the local centres throughout the Busselton urban strip, as suitably accommodating the commercial needs of the Shire and its catchment over the time horizon for the strategy. Offices and showrooms are intended to be located within or adjacent to retail centres, supporting integrated centres of commerce, industry and community, rather than commercial strips.

It also needs to be acknowledged that designation of strip development for a single use that may seem acceptable to some in the shorter term will inevitably evolve over time as development economics evolve. Even with very tight design and zoning guidelines, this will occur and it is difficult to predict or control the longer term outcomes. Even over the shorter term that may prove difficult – the Scheme, for instance, does not differentiate between the sale of passenger cars and the sale of other types of vehicles, such as boats, caravans or heavy commercial vehicles. The visual characters associated with sites selling these different types of vehicles is, however, not the same. As such, it is seen as important to ensure that the right sites for commercial development are identified before land is identified to accommodate such development.

**Recommended changes and issues to highlight**

Given the above, and following further review of the draft LCPS previously presented for the Council's consideration, it is recommended that the Council endorse the draft LCPS for consultation purposes, subject to a number of changes. It is also recommended that the Council highlight two issues for further consideration after consultation. The recommended changes and issues to highlight are outlined and discussed below.

*Automotive industry*

As outlined in the 'Background' section, Sites 4 and 5, as identified by representatives of the automotive industry, are seen by staff as potentially appropriate sites for the automotive industry, as are existing and future industrial areas at Strelly Street, Airport North, Vasse and Dunsborough. The identification of Sites 4 and 5, however, will require changes to the draft strategy. It is recommended that the draft strategy be modified to identify these sites as potential sites for the automotive industry (with the sites being illustrated in a 'conceptual' rather than a 'hard-edged' fashion, with Site 5 being identified as the

most appropriate), but also identify the prior resolution of particular issues (i.e. in addition to the full range of issues that would otherwise be considered – including environmental factors and the views of landowners) before Site 4 is rezoned, specifically, that it is to be considered only after the Local Settlement Planning Strategy has been formulated and considered by the Council.

Whilst no additional sites have been identified in the work to date, it is considered that further sites may be identified in the future and the draft LCPS identifies the following criteria for consideration of potential sites for an automotive park. These criteria include:

- \* Areas that are not visually sensitive or where visual impact would not negatively affect the image of Busselton as a coastal tourist location;
- \* Reasonable exposure to passing traffic of more than a local nature where this does not conflict with the previous point;
- \* Where possible augment the established commercial planning framework of the town. Complementary to and consolidate existing commercial and industrial zones;
- \* Regard for the strategic growth and development of the Shire; and
- \* Detailed site planning to specify landscape treatments, signage, building form and materials to ensure the highest possible standards result.

It is considered that the above criteria are sound and should be retained in the draft strategy.

#### *Ambergate North*

There is a level of inconsistency between the retail and non-retail floorspace recommendations of the draft Ambergate Development Guide Plan (ADGP) and the draft LCPS. The ADGP proposes 14,000m<sup>2</sup> NLA of shop retail floorspace within a single village centre, with 5000m<sup>2</sup> of this proposed for a Discount Department Store (DDS). 3000m<sup>2</sup> of office floorspace is also proposed within the village centre. The ADGP also proposes a second centre of up to 2,000m<sup>2</sup>, plus smaller convenience centres.

The draft LCPS proposes 12,500m<sup>2</sup> total commercial floorspace at Ambergate with this to be divided into at least 2 neighbourhood centres, with no centre being larger than 4,650m<sup>2</sup> in terms of shop retail floorspace. It does not support a DDS at Ambergate.

This inconsistency was discussed when the ADGP was considered by the Council earlier this year, and it was resolved that the ADGP be adopted as a draft in a manner not consistent with the current draft LCPS, but with some additional controls to meet the overall objectives of the LCPS, specifically, that a future DDS (up to 5000m<sup>2</sup> NLA) and/or provision of greater than 9000m<sup>2</sup> NLA within the village centre at Ambergate North should not occur before –

- \* The development of two full-size (5,000m<sup>2</sup> or more) department stores (discount or otherwise) in the Busselton town centre.
- \* The development of a minimum 50,000m<sup>2</sup> of shop retail floorspace in the Busselton town centre (at which point it would become a 'regional' centre in terms of the current retail planning hierarchy in WA).
- \* Confirmation of compliance with a Shire-level hierarchy as established in an adopted commercial strategy for the Shire.

It is recommended that the draft LCPS be amended to be consistent with the draft ADGP.

#### *Summary of non-retail elements*

The LCPS contains a tabular summary of the existing and proposed retail and commercial hierarchy within the Shire. It is considered that a similar table should be inserted that identifies existing and proposed industrial areas within the Shire.

#### *Clarify approach to height*

The LCPS recognises that there will be future pressure for the development of higher buildings in both the Busselton and Dunsborough town centres. It also recognises that additional height and development density will be beneficial in terms of further activating and diversifying these centres, and ensuring that they can respond to growing and changing community demands.

It is also recognised by staff, however, that some in the community have understandable concerns about the potential impact of greater height on the character of these centres. It is recognised that there needs to be a balanced and considered approach to building height and that the draft LCPS does not clearly provide for that at present.

Whilst it is considered that the draft LCPS should provide clear support for greater height and density, it is recommended that changes be made to clearly set out that development of buildings higher than three storeys should require a careful consideration of design issues and the development of more detailed planning guidelines relating to taller buildings.

#### *Busselton foreshore*

The LCPS fully supports the progression of planning aimed at increasing the vitality in the town foreshore area and notes the potential to facilitate mixed use development. Since the LCPS was prepared there has been some change with regard to the committees responsible for overseeing future detailed planning of the Busselton foreshore area. The LCPS is supportive of this separate process, but requires modification to reflect the current committee and associated process. It is recommended, however, that the draft LCPS continue to provide clear support for the development of the Busselton foreshore in a manner that better links the existing town centre with Geographe Bay.

*Industrial design guidelines*

In the aim of reducing the amount of retail intrusion (such as bulky goods retailing) into industrial areas it is recommended that development strategies be developed for all industrial areas to establish the types of uses that will be acceptable, as well as to encourage good design outcomes. This reflects an outcome of the workshop, as described in 'Background' above.

*Mapping changes and correction of factual errors*

A number of maps in the LCPS require additional information and detail. This includes more detailed depiction of the existing commercial and industrial land in the Shire and updated mapping of proposed commercial and industrial areas. These improvements are required prior to advertising of the LCPS.

There also a number of minor factual errors that have been identified, many of which are a result of the passage of time since the draft was prepared. It is recommended that these be addressed prior to formal consultation.

*Issues highlighted for further consideration*

Several other issues have been identified through the LCPS process that may best be determined following development of the other Scheme Review strategies such as the Local Settlement Planning Strategy or through the Local Planning Strategy. These issues are –

- \* The future zoning and development of the land currently occupied by the automotive industry along Bussell Highway; and
- \* The future zoning and development of the land within Site 1 as identified by representatives of the automotive industry.

**CONCLUSION**

It is recommended that the draft strategy be adopted as a draft for consultation purposes, subject to the changes as identified. This is seen as important to enable the broader scheme review process to progress and is seen as the best way of resolving any remaining concerns that the Council may have.

**TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Adoption of the officer recommendation will result in the consultation period commencing within one month of the meeting.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That the Council -

1. Adopt the *Shire of Busselton Local Commercial Planning Strategy (May 2008)* as included as Attachment A as a draft for consultation purposes, subject to the following modifications -
  - a. With respect to the automotive industry –
    - i. Identification (in a 'conceptual' fashion on maps) of 'Site 5' (Lot 800 Chapman Hill Road) as a potential site for the automotive industry;
    - ii. Identification (in a 'conceptual' fashion on maps) of 'Site 4' (including lots 384, 385, 5, 228, 100, 101 25, 26 and 28) as a further investigation site for the automotive industry following development of a draft local settlement planning strategy;
  - b. With respect Ambergate North, amendments to ensure consistency with the Council's resolutions of 11 March 2009 to (C0903/083 and C0903/084) to adopt the draft Ambergate North Development Guide Plan for consultation purposes;
  - c. Include a tabular summary of existing and proposed industrial areas within the Shire;
  - d. Set out that development of buildings higher than three storeys in the Busselton and Dunsborough town centres should require a careful consideration of design issues and the development of more detailed planning guidelines relating to taller buildings;
  - e. With respect to potential redevelopment of the Busselton foreshore, update to reflect the current committee and associated process;
  - f. Clearly recommend that development strategies be developed for all industrial areas to establish the types of uses that will be acceptable, as well as to encourage good design outcomes;
  - g. Address factual errors and make changes to maps as follows –
    - i. Replace Figures 8a, 9, , 10, 11 and 12 with more detailed mapping which includes; road names; outline of road hierarchy; cadastre; and existing zoning;
    - ii. Include a map of each local centre including: cadastre; road names; existing uses and 500 metre walkable radius;

2. Highlight the following issues for further consideration in the Local Settlement Planning Strategy-
  - a. The future zoning and development of the land currently occupied by the automotive industry along Bussell Highway; and
  - b. The future zoning and development of the land within 'Site 1' (Causeway Road) as identified by representatives of the automotive industry.
3. Advertise the Shire of Busselton Draft Local Commercial Planning Strategy in accordance with the Scheme Review Communications Strategy for a minimum period of 60 days.
4. Undertake two community information sessions during the 60 day advertising period:
5. Refer the Shire of Busselton Draft Local Commercial Planning Strategy to relevant State Government agencies for comment during the advertising period; and
6. Report back to the Council on the draft strategy and submissions received following the close of the advertising period.

**13.3 PREPARATION OF MODEL SCHEME TEXT COMPLIANT TOWN PLANNING SCHEME**

<b>SUBJECT INDEX:</b>	Town Planning Scheme Review
<b>APPLICATION NUMBER:</b>	N/A
<b>STRATEGIC INITIATIVE:</b>	2.4.5 Develop a new town planning scheme to provide for the lifestyle we cherish and protect
<b>BUSINESS UNIT:</b>	Strategic Planning and Sustainability
<b>SERVICE:</b>	Strategic Land Use Planning
<b>DATE OF COMPLETION:</b>	30 September, 2009
<b>VOTING REQUIREMENT:</b>	Simple majority
<b>PROPOSAL:</b>	Draft Scheme Text for Adoption for Advertising
<b>LOT SIZE</b>	N/A
<b>ZONE:</b>	N/A
<b>POLICIES:</b>	Nil
<b>ATTACHMENT(S)</b>	A: Draft Shire of Busselton Local Planning Scheme No. 21 Scheme text

**PRÉCIS**

The Council is asked to consider a draft, 'policy neutral', 'model scheme text compliant' town planning scheme. If adopted as a draft it would be referred to the Western Australian Planning Commission and Environmental Protection Authority seeking consent to advertise for public comment. The preparation of the draft scheme reflects a resolution of the Council in early 2008.

**PROPOSAL / BACKGROUND**

At its Ordinary Meeting of 30 January 2008, the Council resolved -

1. *That Council, in pursuance of Section 4 of the Town Planning Regulations 1967 and Part 5 of the Planning and Development Act 2005, resolve to prepare a Scheme for its municipal district as outlined in Form 1 as attached (to the Agenda for this meeting).*
2. *That within 28 days of passing this resolution the Shire forward to the Western Australian Planning Commission:*
  - (a) *a copy of the resolution certified by the Chief Executive Officer;*
  - (b) *a map marked "Scheme Area Map", signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and*
  - (c) *a statement setting forth –*
    - (i) *the objectives and intentions of the Scheme; and*
    - (ii) *the anticipated format of the Scheme.*

This resolution reflected a report from officers recommending development of a generally 'policy neutral', 'model scheme text compliant' scheme text. The above resolution was actioned and officers subsequently commenced development of the new scheme text. A draft scheme text for the Council's consideration has now been developed and is included as Attachment A.

The map component of the new scheme is proposed to be the same as the current scheme, other than in one minor respect which is associated with the moving of a clause from the body of the scheme text into one of the schedules (i.e. the special provisions that relate to an area currently shown on the scheme as the 'Dunsborough Industrial Park').

The Council is now asked to adopt the draft scheme for referral to the Western Australian Planning Commission (WAPC) and Environmental Protection Authority (EPA) for consent to advertise for public comment.

### **STATEMENT OF IMPACT**

The draft scheme is 'policy neutral', other than in the particular respects outlined below. As such, the impacts on landowners are limited to those particular changes. The most significant impact will be in resolving any uncertainty over the existence of non-conforming use rights created via amendments to the current scheme and ambiguities associated with definition under the current scheme. That will be of benefit to affected landowners.

### **CONSULTATION**

Shire officers sought comment on an earlier draft from planning consultants operating in the Shire. They were particularly asked for comment on any aspects of the then draft they thought might not be policy neutral. A number of changes were made to the draft, especially with regard to the structure planning provisions, in response to comments received.

If the Council adopts the draft scheme, it will be forwarded to the WAPC and EPA for consent to advertise. At such time as consent to advertise is granted, the draft scheme will be required by legislation to be advertised for public comment for a 90 day period. It is envisaged that the following, as a minimum, would occur in support of the public comment period –

- \* Availability of draft documents on the Shire's website;
- \* Publication of notices in Bay to Bay and Council for Community notices;
- \* Press release;
- \* Letters to all planning consultants known to be operating in the Shire;
- \* Letters to all government agencies and service authorities; and
- \* Information sessions for industry and the public.

The draft scheme would then be reported back for the Council's Final consideration in the light of any submissions received.

## **FINANCIAL IMPLICATIONS**

The Shire will receive no fees to progress the draft scheme and, as such, all costs will need to be met from the Shire's own resources. The main costs have been and will be staff time. It is envisaged that the project can be progressed using existing resources.

One of the key purposes of this project is to consolidate and simplify the scheme. This will enable and assist with the development of more efficient and effective planning assessment processes. Final gazettal of this new scheme will also require the WAPC to have regard for the scheme in determining subdivisions.

## **STRATEGIC IMPLICATIONS**

This initiative supports the following strategic objective and initiative –

- \* Strategic objective 'review town planning to reflect emerging diversity whilst retaining identity and character' and related strategic initiative 'develop a new town planning scheme to provide for the lifestyle we cherish and protect.

## **STATUTORY ENVIRONMENT**

The key elements of the statutory environment in relation to this proposal are set out in the *Planning and Development Act 2005* and subsidiary *Town Planning Regulations 1967*. Of particular importance are the following aspects of the legislation –

- \* The regulations require that a local planning strategy be prepared in support of a new town planning scheme, but the WAPC can waive this requirement where a 'policy neutral' consolidation is occurring;
- \* The regulations require that new town planning schemes generally follow the format set out in the 'model scheme text', which forms an appendix to the regulations; and
- \* Clause 138 (3) of the act sets out that the WAPC is not bound by a local planning scheme when determining subdivision applications if the scheme is more than five years old – the current scheme is now ten years old.

## **POLICY IMPLICATIONS**

The Shire's local planning policies are undergoing ongoing review and will remain in effect if and when the draft scheme comes into force.

## **OFFICER COMMENT**

The reasons for preparing the new scheme at this time may be summarised as follows –

- \* To ensure that the WAPC is bound by the scheme with respect to their determination of subdivision applications;

- \* To introduce specific provisions that provide a clear framework for adopting and implementing developer contributions, detailed area and structure plans;
- \* To develop a scheme that is more logically structured and user-friendly;
- \* To make the scheme, in terms of its structure, consistent with the 'model scheme text' (which forms Appendix B to the *Town Planning Regulations 1967*, was adopted in revised form shortly after the current scheme was completed and should form the basis of all new schemes) and therefore more similar, in the way it is structured and in terms of interpretations, to other planning schemes in Western Australia; and
- \* The preparation of a new 'non-policy neutral' scheme reflecting the outcomes of the various sector-based planning strategies currently under development (local commercial planning strategy, local tourism planning strategy *et al*) and a consolidated local planning strategy will not be complete for a number of years.

It should be noted that scheme amendments which have not yet been approved by the Minister for Planning, other than the heritage-related amendment set out below, have not been incorporated into the draft text. Any amendments that have been approved by the Minister prior to the making of a final decision on the new scheme could and would be incorporated into to the new scheme prior to its Gazettal.

In preparing the draft scheme it has been ensured that the draft scheme is structured in as consistent and logical a fashion as possible. In particular, effort has been made to ensure that, as much as possible –

- \* All of the provisions that relate to 'land-use' (i.e. what types of land-use may be developed where) are included in Parts 3 and 4 (Reserves and Zones);
- \* All of the provisions that relate to development standards (e.g. things such as setbacks or development density) are in Part 5 (General Development Requirements);
- \* All of the provisions relating to structure planning or similar are in Part 7 (Structure Plans etc.); and
- \* All of the provisions that determine whether development does or does not need approval are in Clause 9.2 (which becomes a very complex clause, but consolidates all of these provisions in one place).

This approach reflects the model scheme text and makes the scheme more user-friendly.

As with the current scheme, the draft scheme contains an array of lengthy and complicated schedules. Whilst officers would have liked to consolidate and simplify these, it would be difficult and very time-intensive to do so, especially whilst confidently maintaining 'policy-neutrality'. As such, other than the removal

of Schedule 10 ('Planning Policies' - which is not necessary because of the move to a model scheme text compliant format which does not require planning policies to be listed in the Scheme itself), some minor changes to Schedule 1 (Interpretations), all of which reflect the discussion below, some changes to ensure correct cross-referencing, and the shifting of Clause 78 (which relates to the 'Dunsborough Industrial Park') to what is now Schedule 3 (Special Provision Areas), the schedules remain the same as in the current scheme (although they are re-ordered to reflect the model scheme text).

In preparing the draft scheme it has also been ensured that the principle of 'policy-neutrality' is maintained (i.e. that the planning outcome is the same – but it should be easier to arrive at that planning outcome), other than in the following respects

–

- \* The introduction of a consolidated framework for the development and implementation of structure, development guide, detailed area and developer contributions plans (with respect to structure and detailed area plans, this reflects the earlier report to the Council);
- \* A change to the definition of 'Gazettal date' which has the effect of confirming the continued existence of 'non-conforming use rights';
- \* The introduction of a definition of 'incidental development';
- \* The removal of scheme powers relating to 'untidy sites' reflecting the fact that these powers are already provided for in the local government act;
- \* The introduction of heritage provisions consistent with an amendment previously initiated by the Council; and
- \* Changes to the definitions of 'corner shop', 'cottage industry' and 'residential enterprise' and related changes to the zoning table and introduction of development standards to resolve confusion as to whether there is discretion to vary the 'development standards' which are embedded in the definitions in the current scheme.

More detail on each of these elements is set out below under appropriate sub-headings.

#### **Structure plans etc.**

The Shire has a large number of structure, development guide and detailed area plans relating to various parts of the Shire. These plans provide for the coordination of development and subdivision at varying levels of detail.

Structure plans typically operate at the more conceptual, 'broad-brush' level, development guide plans are more detailed (in many cases being very detailed), with detailed area plans being more detailed again (currently, such plans have only been required for development of new residential areas at Vasse, Dunsborough

Lakes and Airport North/Yalyalup). These plans usually, but not exclusively, relate to new subdivision areas.

Developer contributions plans, rather than providing for the physical coordination of development, provide for the sharing of costs amongst developers and contribute toward the funding of facilities for future communities. There is currently an adopted developer contributions plan for Port Geographe and draft plans under development for Vasse, Airport North/Yalyalup and Ambergate North. The Shire also has a number of developer contributions policies which apply to different kinds of development across the Shire.

There are seen to be a number of shortcomings in the current scheme with respect to the adoption and implementation of these plans.

Firstly, both conceptually and practically, there is considerable overlap and confusion between the issues that should be addressed in a structure versus a development guide versus a detailed area plan. It is considered that, in most cases, a single level of plans should be sufficient, with two levels only being required where there are particular circumstances requiring an additional level of detail or review.

The draft scheme seeks to achieve this by providing for the continued implementation of existing structure plans, but preventing the adoption of new structure plans, other than where the scheme specifically requires them. Unless both the local government and affected landowners are in agreement, the draft scheme only enables preparation of a detailed area plan where the scheme, a structure plan or a development guide plan so requires. The draft scheme also clearly sets out that, where there is inconsistency between different plans, the development guide plan shall prevail.

The development guide plan process is thus confirmed as the primary planning process, other than the scheme itself. The draft scheme also clearly enables adoption and implementation of development guide plans for any area of the Shire, but does not enable the Shire or WAPC to require preparation of such plans prior to approving development or subdivision unless it is specifically required by the scheme or a structure plan.

Secondly, the current scheme sets out a process and provides for appeal rights associated with the adoption of development guide plans, but does not do so for structure, detailed area or developer contributions plans (a schedule to the scheme does, however, set out a process for adoption and provide for appeal rights for detailed area plans for Vasse and developer contributions policies are subject of the same adoption and implementation powers as are other local planning policies).

The draft scheme addresses these shortcomings by setting out processes associated with the adoption and implementation of all of these plans and also providing appeal rights for all affected landowners relating to all decisions of both the Council and the WAPC in relation to these plans (including the adoption of current developer contributions policies as developer contributions plans –

providing a stronger basis for them than is provided for by the local planning policy process). The draft scheme proposes that both structure and development guide plans must be adopted by both the Council and the WAPC (as does the current scheme), as must developer contributions plans that relate to subdivision, but developer contributions plans that do not relate to subdivision and detailed area plans do not need to be approved by the WAPC (other than in the case of Vasse – reflecting the current scheme).

There is currently no mandated process for adoption of developer contributions plans, but the WAPC has developed a draft policy that would require all such plans to be incorporated into the scheme itself. This would mean that the Environmental Protection Authority, WAPC and Minister for Planning would all need to approve all such plans as part of a town planning scheme amendment process. This would be a slow, resource intensive process. In addition, were such a policy to be introduced it may undermine existing plans and policies of the Shire.

The proposed scheme provisions are seen as providing for a more efficient, more responsive and equally accountable approach to developer contributions – which given the rapid growth occurring here is a critical issue for the Shire. The proposed scheme provisions would also provide a sound statutory basis for such plans, even if the WAPC adopts its draft policy in final form.

Thirdly, the current scheme does not provide a specific power to enable the review of plans that, in some cases, are up to twenty years old. This is incongruous, as the planning legislation requires the periodic review of town planning schemes, yet structure plans and other subsidiary planning documents can retain currency indefinitely.

The draft scheme proposes powers to require the review of such plans after ten years where they are no longer consistent with the overarching planning framework. This is similar to a condition included on the *Draft Ambergate North Development Guide Plan* recently adopted by the Council for consultation purposes. If plans are no longer consistent with the overarching planning framework there is a power for the Shire or the WAPC to refuse applications for development or subdivision approval where such applications are not consistent with the then current planning framework – note that any decision to do so would be subject of an appeal right.

### **Non-conforming use rights**

Non-conforming use rights exist where a land-use was being lawfully undertaken at the time a town planning scheme came into effect, but such a land-use could not be approved pursuant to the new scheme (for instance, if a light industrial use was being undertaken on land which is included in a residential zone in a new scheme). The model scheme text and most schemes also extend such rights where land is rezoned via a town planning scheme amendment (and provide mechanisms for ending such uses, including, in some cases, via the payment of compensation to affected landowners).

Recent legal advice received by the Shire, however, indicates that the current scheme could have inadvertently extinguished such rights where uses become

non-conforming by virtue of an amendment to the current scheme. The draft scheme confirms the existence of such rights where uses have been made non-conforming by virtue of amendments to the current scheme, as well as any uses that, in the future, may be made non-conforming by amendments to the new scheme (it does this via changing the definition of 'Gazettal date').

### **Incidental development**

Provisions of both the current and draft scheme seek to confine development on lots in the rural-residential and some other zones to a building envelope. These controls relate to dwellings and incidental development. The current scheme, however, contains no definition of 'incidental development'. The uncertainty that this creates has been highlighted by a recent appeal. To address this, the draft scheme includes a definition of incidental development consistent with the practice of the Shire and consistent with State Administrative Tribunal decisions regarding the meaning of the term.

### **Untidy sites**

The current scheme contains a power (set out in clause 50) which purports to allow the Shire to issue a notice requiring that an owner or occupier of land; "upgrade the conditions of the property to a standard commensurate with those generally prevailing in the vicinity". The empowering legislation for the scheme (i.e. the *Planning and Development Act 2005*), however, does not support this power. The *Local Government Act 1995* does, however, contain a power to issue a notice for such purposes. As such, the draft scheme contains no equivalent power. It should be noted, however, that the draft scheme otherwise contains the same enforcement powers as does the current scheme.

### **Heritage**

The current scheme provides that the 'heritage list' (i.e. the list of sites subject of additional controls in the scheme due to their heritage value) is the municipal heritage inventory adopted by the Council pursuant to the *Heritage of Western Australia Act 1990*. The Council has recently initiated an amendment which permits the adoption of a separate heritage list (and sets out a process for the listing of a property), but retains the existing arrangements until such time as the Council actually adopts a heritage list. As such, the amendment, in and of itself, is policy-neutral and provisions consistent with the amendment already initiated have been included in the scheme.

### **Changes to the definitions of 'corner shop', 'cottage industry' and 'residential enterprise'**

The current scheme definitions for these three land-uses contain quantitative standards that are, in effect, 'development standards'. For instance, the current definition of 'corner shop' does not apply to any development with more than 100m<sup>2</sup> gross floor area. It is not clear in the current scheme whether or not there is any discretion to approve a development as a 'corner shop' which otherwise meets the requirements of the scheme, but which has a greater floor area than that specified. The current scheme definitions of 'cottage industry' and 'residential enterprise' contain similar, quantitative standards.

It is considered that where the nature and essential character of the use does not depend on these quantitative standards, that such standards are more appropriately set out as 'development standards' rather than forming part of the definition. The draft scheme reflects that view and clarifies that these standards can be varied where appropriate, the same as any other development standard.

In the process of reviewing these provisions it was identified that 'Residential enterprise' (which is essentially small-scale office use employing up to one person not resident of a dwelling) is currently a prohibited use in the 'Agriculture' and 'Viticulture and Tourism' zones. Given that the use is permissible in all other zones in which dwellings are permissible, and a range of other home-based business activities are permissible in those two zones, this was considered to be anomalous. In the draft scheme, therefore, the zoning table has been changed such that a residential enterprise may be approved in those two zones.

### **CONCLUSION**

Adoption of the draft scheme seeking consent to advertise will enable this project to progress, enabling the progress of the broader scheme review process, which forms an important part of the Shire's Strategic Plan.

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

The draft scheme text will be referred to the WAPC within 28 days of the meeting.

### **OFFICER RECOMMENDATION**

That the Council -

1. In pursuance of Part V of the *Planning and Development Act 2005* ('the Act') and the *Town Planning Regulations 1967* ('the Regulations') adopt the draft *Shire of Busselton Local Planning Scheme 21*, consisting of the scheme text included as Attachment A and the same scheme map as the current *Shire of Busselton District Planning Scheme No. 20* scheme map, other than the area identified as 'Dunsborough Industrial Park' shall instead be identified as 'SP31'; and
2. That, as the draft scheme is, in the opinion of Council consistent with Part V of the Act and Regulations made pursuant to the Act, it be referred to the Western Australian Planning Commission (WAPC) and Environmental Protection Authority (EPA) as required by the Regulations and Part V of the Act, and, on receipt of consent to advertise from the WAPC and a response from the EPA indicating that the draft scheme is not subject to formal environmental assessment, be advertised for a period of 90 days in accordance with the Regulations.

13.4 DRAFT DEVELOPMENT GUIDE PLAN FOR 137 AGED PERSONS DWELLINGS ON LOT 29 AND 30 WILLIAM DRIVE, BROADWATER

<b>SUBJECT INDEX:</b>	Development Guide Plans
<b>APPLICATION NUMBER:</b>	SP09/0002
<b>STRATEGIC INITIATIVE:</b>	2.1.3 Work with developers to ensure community sensitive townsites and neighbourhoods layouts and functionality
<b>BUSINESS UNIT:</b>	Strategic Planning
<b>SERVICE:</b>	Strategic Land Use and Sustainability Planning
<b>DATE OF COMPLETION:</b>	30 August 2009
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>PROPOSAL:</b>	Draft Development Guide Plan for 137 Aged Persons Dwellings on Lot 29 and 30 William Drive, Broadwater
<b>LOT SIZE:</b>	8.5 ha – Development Area 3.0 ha
<b>ZONE:</b>	Special Purpose
<b>POLICIES:</b>	Use of Reflective Building Materials
<b>ATTACHMENT(S):</b>	A. Location Plan B. Site Plan C. Draft DGP D. Photomontage images of conceptual development from the coast E. Sectional drawings of conceptual development F. 'Viewline' sectional drawings of conceptual development

### PRÉCIS

Freemasons WA are proposing to redevelop Lots 29 and 30 William Drive for a retirement village comprising of up to 137 dwellings contained within a development footprint of around 3.0 ha in the southern portion of the site. The remaining 5.5 ha of the site is proposed by the applicants to be ceded to the Shire as foreshore reserve.

The existing aged persons dwellings in the south east portion of the subject land would be completely redeveloped as part of the proposal. The Scheme requires that a Development Guide Plan be approved prior to submission of an application for planning consent for development of this land.

The key issues associated with the proposal are considered to be building height and density, and foreshore reserves/management. Increased height, above the standard in the Scheme, and density has been supported by officers for advertising, in part because of the significant size of the site and the benefits to visual impact and amenity associated with the ceding of a large portion of the site as foreshore reserve.

It is recommended that the Development Guide Plan be adopted for advertising and then brought back to the Council for determination.

## **PROPOSAL / BACKGROUND**

Lots 29 and 30 were identified for Aged Persons dwellings under TPS No. 5 and the site was designated "Special Purpose – Aged Persons Housing" under DTPS No. 20 when it was gazetted in 1999. The special provisions for this particular site state the following:

*Development of the land shall be in accordance with a Development Guide Plan prepared and adopted pursuant to Clause 25 (Amendment No. 53 GG 18.7.03) of the Scheme with such to specifically address coastal management, habitat protection, landscape issues, provision of adequate foreshore reserves and public access.*

There is an existing aged persons dwelling development in the south east corner of the subject land which is proposed to be demolished and redeveloped as part of the DGP.

This proposed DGP addresses the requirements of the Scheme with the relevant plans/reports included as attachments.

The proposal will result in the development of 137 aged persons dwellings comprising of single and multi storey units. The development will reach up to 5 storeys and is stepped back from single storey units fronting William Drive. Car parking is to be provided on site along with ancillary facilities.

Surrounding land is low density residential with adjoining foreshore areas and a local park.

Plans setting out and describing the proposal are provided as Attachments A to F.

It should be noted that Attachments D to F are of a conceptual nature only and represent what may be possible in the context of the draft Development Guide Plan, not necessarily what would be developed in a detailed sense.

In addition to the attachments listed above, the applicants have also agreed to provide additional photomontage images of conceptual development from the William Drive perspective. Community consultation would not commence until such time as those images are received.

## **STATEMENT OF IMPACT**

This is a significant development that has been subject of discussion for some years. The applicants have proposed to cede approximately 5.5 ha of the subject site which contains remnant vegetation and portions which are potentially subject of coastal erosion. The applicant has further identified that they will undertake revegetation of this foreshore area and thereby improve and build upon the existing vegetation base which should result in a densely vegetated foreshore in good condition, providing protection of the development from expected coastal erosion.

The Freemasons have also identified that the endangered Western Ringtail Possum is found on the site and have proposed to retain a significant number of the existing peppermint trees within the proposed development area. The final development and revegetation will create a corridor between the proposed foreshore reserve through the proposed development and link to Reserve 30111 (Lions Park) across William Drive via the road verge. It is expected that in the short term there may be some impact on the local Western Ringtail population but in the long term their habitat should be increased.

### **CONSULTATION**

This item proposes adoption of the draft DGP for advertising. Consultation would consist of letters to relevant State agencies and all landowners within 100 metres of the site, plus the placement of notices in the newspaper providing a submission period of 28 days.

### **STATUTORY ENVIRONMENT**

The special provisions for the subject site are as identified in 'Background' above and the draft DGP addresses the requirements of the provisions. The process for adoption of a DGP requires public consultation and final approval by the WAPC.

The Scheme contains specific requirements in respect to height of buildings and these are addressed under 'Officer Comment'. The detailed design of development will also be required to be consistent with the residential design codes.

### **POLICY IMPLICATIONS**

The proposal is consistent with the 'Use of Reflective Building Materials Policy'.

### **FINANCIAL IMPLICATIONS**

Following endorsement of the DGP, the subsequent Development Application would attract standard road upgrade and community facilities contributions. In the longer term, there will be some ongoing costs related to the maintenance of the foreshore area to be ceded, but this is considered to be nominal once the revegetation plan has been fully implemented.

By having an adequate foreshore reserve and setback to development there will be a reduced potential for coastal protection works to be required.

### **STRATEGIC IMPLICATIONS**

One of the strategic initiatives of the Shire of Busselton Plan 2006 – 2011 ('Strategic Plan') is to work with developers to ensure community sensitive townsite and neighbourhood layouts and functionality. That has occurred as part of the discussions leading up to the preparation of this report to ensure that the local neighbourhood is considered and that the functionality of the area continues.

Another strategic initiative is to ensure the integration of natural habitat in urban neighbourhoods. This proposal is considered to be consistent with this strategic initiative, as land will be ceded to create an increased foreshore area. There will also be a significant retention and further revegetation of peppermint trees both on site and within the adjoining road verge.

#### **OFFICER COMMENT**

The key issues are considered to be –

- \*Height;
- \*Density;
- \*Interface with William Drive; and
- \*Foreshore management.

Each of these issues is discussed below.

#### ***Height***

The Scheme contains the following standards in respect to height of residential buildings:

Clause 47 of the Scheme provides:

- (1) A dwelling house, having more than two storeys, shall not be erected on land to which this Scheme applies, except with the consent of the Council.
- (2) A building (including a dwelling house) shall not be erected on land to which this Scheme applies where –
  - (a) in the case of land within 150 metres of the Mean High Water Mark –
    - (i) the building contains more than two storeys; or
    - (ii) the perpendicular distance from its highest point to the natural ground level of the land on which it is to be erected exceeds 7.5 metres;
  - (b) in all other cases –
    - (i) the building contains more than three storeys; or
    - (ii) the perpendicular distance from its highest point to the natural ground level of the land on which it is to be erected exceeds 10 metres.
- (3) Notwithstanding Sub-Clauses (2)(a)(i) and (2)(b)(i), the Council may approve a building containing more than two or three storeys, as the case may be, provided that the additional storey or storeys are of the nature of a basement or similar structure and that they do not protrude more than 1 metre above finished ground level at the perimeter of the building.
- (4) *In respect of sub-clauses (1), (2) and (3) above, the Council upon receipt of an application for planning consent, may approve building heights and/or*

*storeys which exceed those maximum height limitations and/or maximum storey limitations as specified, subject to the Council being satisfied that the building height is consistent with the relevant assessment criteria specified under clause 13 of the Scheme and the Performance Criteria specified under provision 3.7.1 (P1) of the Residential Design Codes.*

The tallest building is 19.5 metres to ridge height above natural ground level, this is proposed to be 5 storeys which includes a basement for parking. This building is located centrally in the proposed development. The next tallest building has a ridge height of 17.7 metres, the remaining multi storey reduces accordingly to a height of 11.6 metres and further reduces to 8.5 metres to ridge height above natural ground level for the single storey units. This 8.5m is above that normally required for single storey dwellings and is a maximum height and provides flexibility associated with the requirement to fill the site.

This proposed height and number of storeys is considered to meet the requirements under clause 13 of the Scheme (i.e. 'Matters to be considered'). The height and number of storeys is considered to be beneficial to the environment because of a reduced development footprint. The central buildings will be visible from William Drive and Barnard Road but the impact will be reduced due to existing vegetation, the large site, and the stepped nature of the proposed development. It is not considered that it will significantly impact on the amenity of the area.

Photomontages provided suggest that the development will have limited impact from a coastal perspective. The significant setback from the foreshore at approximately 250 metres back from the high water mark along with existing vegetation, appropriate design and colours will ensure that the coastal amenity is not significantly affected.

The proposed size, bulk and density is considered to be acceptable because of the design layout identified on the DGP. Aged persons dwellings are considered to be appropriate in residential areas and are afforded density bonuses in the R Codes of Western Australia 2008.

The advertising process will provide opportunity for nearby land owners to provide comment on the proposal.

It is recognised that it is likely that there may be some reaction from the community given the prevailing single residential nature of the area. However, considering the benefits in terms of efficiency of land use, coastal setbacks and protection of the foreshore area on the site the proposed development does address the requirements of clause 13 for matters to be considered.

### ***Density***

The developer has provided supportive information outlining that the density expressed as an "R code" over the whole of the site is "R16" and the density expressed as an "R code" over the developable area of "R 46", this presents a guiding comparison to the adjoining residential coding of "R15". The proposed

development will be required to comply with the "R codes" except for those matters that have been identified on the DGP.

#### ***Interface with William Drive***

There are proposed to be a maximum of 22 grouped dwellings fronting William Drive. The proposed setbacks comprise a minimum of 2 metre setback to the dwellings but maintain an average setback of 4 metres. The garage setback of 5.2 metres allows for visitor car parking to generally be contained behind the property boundary.

The residential area on the other side of William Drive is generally required to have a setback of 6 metres. There are no powerlines on the side of the road where the development is proposed, therefore, there is no restriction on landscaping and screening with peppermint trees, improving the amenity, providing increased habitat and it is considered that this will in effect reduce the impact of the proposed reduced setback. This is a matter that would be addressed in detail when a landscaping plan is developed.

The distance between the property boundary and the road pavement is currently 6.25 metres which is of sufficient width to allow for the provision of a dual use path.

#### ***Foreshore Management***

The proposed foreshore management plan contains the Western Ringtail possum mitigation and revegetation plan. The development will require the removal of a limited number of existing peppermint trees, but the land to be ceded and revegetated is significant and will provide adequate compensation for any losses incurred. It is expected with the proposed revegetation of the foreshore area, retention and revegetation within the development site, along with the street verge plantings, there will in effect be a net gain in Western Ringtail possum habitat. Prior to endorsing a landscaping plan, consideration could be given to the possibility of relocating existing peppermint trees within the site and the road verge.

#### **CONCLUSION**

This development will result in a variety of aged persons housing for the Busselton area.

The ceding of approximately 5.5 ha of foreshore land is a significant outcome for this area as it will provide a buffer between the proposed development and the beachfront and provide coastal protection. The proposed revegetation will result in improved habitat for the western ringtail possum.

The proposed development with staged heights increasing towards the rear of the development and proposed revegetation is expected to have minimal impact on the amenity of the neighbourhood.

Whilst there is a significant deviation in height and density for the locality and a variation to the Scheme standards, it is considered worthy of advertising as it is consistent with the Scheme objectives. As the site is of an unusually large size for the developed urban area and has unique characteristic associated with the foreshore reserve and vegetation, it is not considered that the proposal will create a precedent.

Given that the draft DGP is generally consistent with the requirements of the Scheme it is recommended that the draft DGP be advertised.

If the Council is not, however, inclined to endorse the draft DGP for advertising due to the proposed variation to height limits or the reduced setback it is suggested that the Council condition any endorsement to this effect and allow the advertising to proceed.

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

The recommendation will involve provision of advice of the Council resolution to the applicant and this will occur within five working days of the resolution. The draft DGP will then be progressed for advertising.

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER RECOMMENDATION**

1. That the draft Development Guide Plan for Lots 29 and 30 William Drive, Broadwater proposing 137 aged persons units (TPG plan No. 709.033 DAP1HDGP 160609) be endorsed, pursuant to clause 25 of the Shire of Busselton District Town Planning Scheme No. 20 for advertising.

**14. SYSTEMS AND INFORMATION REPORT**

Nil.

**15. COMMUNITY INFRASTRUCTURE REPORT****15.1 STINGER NET**

<b>SUBJECT INDEX:</b>	Environmental Management.
<b>STRATEGIC INITIATIVE:</b>	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community.
<b>BUSINESS UNIT:</b>	Infrastructure Services.
<b>SERVICE:</b>	Maintenance and Development.
<b>DATE OF COMPLETION:</b>	12 August 2009.
<b>VOTING REQUIREMENT:</b>	Simple Majority.
<b>ATTACHMENT(S):</b>	Nil.

**PRÉCIS**

Following an earlier resolution of the Council (C0905/149), this report provides the costing for installation of stinger nets for Dunsborough. The Council is provided with the following information for its consideration in the upcoming 2009/2010 Budget.

**BACKGROUND**

The Dunsborough Progress Association approached the Council with a request regarding Stinger Nets. As a result of this request, Council resolved (C0905/149) that:

- 1. That the CEO investigate the cost of installation of a stinger net such as the one proposed by the Dunsborough Progress Association presentation to Councillors in the Community Access Session on 15 April 2009 (documentation provided).*
- 2. That the CEO bring back to the Council actual costs and any associated costs to the next meeting of the Council so this may be considered in the upcoming 2009/2010 Budget.*
- 3. That the CEO advise the possible timing of purchase and delivery in the event that the Council deems it an expenditure it wishes to allocate to the 2009/2010 budget.*

**CONSULTATION**

The quotes provided within this report relating to the costing of the stinger nets for Dunsborough has occurred with consultation of the Shire Officers within the Community Infrastructure Directorate.

## STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires local governments to prepare annual budgets.

## POLICY IMPLICATIONS

Nil.

## FINANCIAL IMPLICATIONS

Financial information is provided in the officer comment, however, no funds have been placed on the 09/10 FY budget for this project at this time. If the Council support the project, the funds will need to be included in the 09/10 budget when it is adopted. However the budget, due to the current economic climate, is set neither to reduce existing levels of service nor to improve on them as this would require additional funds. Projects that are non-essential have been postponed, leaving only works which provide sufficient funds to ensure no redundancies are necessary. Should this project be included in the 09/10 FY, it would have to be in addition to the existing draft funds.

In addition to the initial capital costs of the pile anchors and boat, in order to provide the stinger nets on an ongoing basis there will be a minimum cost of \$20,500 per annum (plus annual cost increases) for their supply, installation and maintenance.

## STRATEGIC IMPLICATIONS

This proposal is considered relevant to the Shire's Strategic Plan 2006 - 2011:

- 1. Strategic Focus:** **Built and Physical (Infrastructure) Well Being:**

Strategic Objectives: To develop and maintain the Shire's assets and built environment to maximize public benefit now and into the future.

Strategic Initiative: Manage and maintain the Shire's assets for the amenity of the Community.
- 2. Strategic Focus:** **Community and Social Well Being:**

Strategic Objectives: Facilitate and assist in the development of quality community facilities and services.

Strategic Initiative: Build community vitality and a sense of place through nodal design and development.
- 3. Strategic Focus:** **Community and Social Well Being:**

Strategic Objectives: To work with the community to enhance safety and security in a healthy environment.

Strategic Initiative: Achieve an environment in which residents are safe, and feel safe.

**OFFICER COMMENT**

Limited information has been provided other than an aerial photo and basic plan. The costs are based on assumed sea bed and ground conditions.

Required budgets for installation and maintenance of proposed Stinger Nets Dunsborough.

- \* Purchase of a small boat with trailer/motor and safety equipment. Required to install, maintain and remove nets. **\$9,835** (quoted).
- \* Purchase of 300m of net same specification as that used in Busselton, **\$9,500**.
- \* Maintenance of nets for one season. **\$10,000**.
- \* Installation of piles to anchor net. This will be dependent on the exact location of where the net and piles will need to be placed and the potential need for rock anchors. The approximate cost would be \$5,000 per anchor (excluding mobilisation) a minimum of six anchors would be required but a final design would provide the exact quantities more accurately. **\$30,000**.
- \* Mobilisation and Demobilisation of piling rig (approximate quotation as this is dependant on time of year and availability). **\$16,000**
- \* Approximate initial capital outlay: **\$69,335**.
- \* Approximate annual costs thereafter **\$20,500 plus annual cost increases** (annual costs include new nets, installation and removal, maintenance of nets and plant operation/depreciation)

Please note that the Busselton net, even though left in to Easter, is usually totally unserviceable sometime before this due to vandalism, damage from large fish and a build-up of marine life. The Dunsborough area is very weedy and this would no doubt shorten the operational life of the net. Each year a new net would have to be purchased.

The Dunsborough foreshore beach is popular for recreational swimmers and beach users including surf life saving and swimming clubs. The stinger nets would be beneficial to provide an improved beach amenity but only provide limited protection from stingers (i.e. some stingers can still get through the net). This would in general encourage recreational swimming in the area.

It must be understood that the installation and provision of stinger nets will require ongoing annual funding if this service is to be provided. The stinger nets are a high maintenance item and although labour has been included in the above costs, shire staff have been unable to determine whether or not at this point the shire has sufficient labour to cover this maintenance requirement. The works could be completed by contractors but this would require additional funds and reduce the flexibility of reactive maintenance.

Due to the current economic climate it may be prudent to postpone these works until the 2010/2011 budget.

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

The Officer Recommendation would take effect immediately. If the Council resolved that funds be included in the 09/10 Budget for stingers nets, suppliers have indicated that the nets would be available in six to eight weeks from order. The pile anchors would be dependant on the availability of a suitable piling barge and contractor.

Installation of the nets would be completed by shire staff or contractors and would be installed, based on the availability of the pile anchors.

#### **OFFICER RECOMMENDATION**

That the installation of stinger nets at the Dunsborough Foreshore be deferred for further consideration in the preparation of the 2010/2011 budget and in the review of the five year financial plan.

15.2 IMPLEMENTATIONS OF CAPITAL WORKS PROJECTS: 2009/2010.

<b>SUBJECT INDEX:</b>	Financial Management.
<b>STRATEGIC INITIATIVE:</b>	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community.
<b>BUSINESS UNIT:</b>	Infrastructure Development.
<b>SERVICE:</b>	Infrastructure Development.
<b>DATE OF COMPLETION:</b>	12 August 2009.
<b>VOTING REQUIREMENT:</b>	Simple Majority.
<b>ATTACHMENT(S):</b>	A Draft 2009/10 Works Budget Summary (Part of).

**PRECIS**

The purpose of this report is to seek the Council's approval to start some of the budgeted capital projects prior to the adoption of the 2009/2010 budget. This would allow for continuity of work flow for the operations staff, during the transition from the previous 2008/2009 to the new 2009/2010 budget.

**BACKGROUND**

During the start of the new financial year the Depot Staff are normally able to carry out the majority of their maintenance requests on gravel roads, drainage and footpaths type projects, due to these projects having low or any materials costs involved.

Leading up to the 2009/2010 financial year the Design Team has been successful in achieving its target of prior preparation of designs for a series of capital works projects. These projects range from Footpath Works, Asphalt Overlays, Gravel Resheets, Road Works to Oval and Reserve Works.

The above-mentioned maintenance work will generally keep the Depot Staff busy for between 3-6 weeks into the new financial year, thereafter the Depot Staff has to commence with Capital Works, otherwise they start exhausting the maintenance budget. Therefore it is suggested that Council consider approving the commencement of work on priority projects on the 2009/2010 Capital Budget, prior to adopting the entire 2009/2010 Council Budget.

A Summary of the Capital Works requiring prior budget approval and adoption by the Council are as follows:

<b>2009/2010 Footpath Works</b>	<b>Budget</b>
Barnard Road	\$47,940.00
Gifford Road	\$9,730.00
<b>SUB TOTAL</b>	<b>\$57,670.00</b>

<b>2009/2010 Asphalt Overlay</b>	<b>Budget</b>
Bignell Drive	\$103,400.00
Bunbury Street	\$32,100.00
<b>SUB TOTAL</b>	<b>\$135,500.00</b>

<b>2009/2010 Gravel Resheet</b>	<b>Budget</b>
Adams Rd	\$33,700.00
Chamber Road	\$146,440.00
Downes Road	\$179,040.00
Heath Road	\$108,550.00
Mewett Road	\$70,040.00
<b>SUB TOTAL</b>	<b>\$537,770.00</b>

<b>2009/2010 Road Reconstruction</b>	<b>Budget</b>
Jindong Treeton	\$126,190.00
Kaloorup Road	\$449,700.00
<b>SUB TOTAL</b>	<b>\$575,890.00</b>

<b>2009/2010 Oval &amp; Reserve Works</b>	<b>Budget</b>
Dunsborough Oval – Construct new football oval	\$1,300,000.00
Sir Stewart Bovell Park – Upgrade internal roads	\$55,300.00
Lou Western Oval – upgrade carpark	\$75,700.00
Sir Stewart Bovell Park – Renew bore	\$372,900.00
<b>SUB TOTAL</b>	<b>\$1,803,900.00</b>
<b>GRAND TOTAL</b>	<b>\$3,110,730.00</b>

## CONSULTATION

These projects are recommended based on Community Infrastructure consultation internally on priority projects.

## STATUTORY ENVIRONMENT

Under Section 6.8 of the Local Government Act 1995, Expenditure from municipal fund not included in annual budget:

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

These projects are included as a part of the draft 2009/2010 Capital Works Budget reflecting the outcome of budget workshops.

**STRATEGIC IMPLICATIONS**

This proposal is considered relevant to the Shire's Strategic Plan 2006 - 2011:

- 1. Strategic Focus:**                      **Organisational Well Being:**

Strategic Objectives:                      To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles.

Strategic Initiative:                      Build organisational capacity through continuous service review and improvement.

    Ensure regulatory requirements are met.

    Optimise Revenue opportunities.
- 2. Strategic Focus:**                      **Built and Physical (Infrastructure) Well Being:**

Strategic Objectives:                      To develop and maintain the Shire's assets and built environment to maximize public benefit now and into the future.

Strategic Initiative:                      Manage and maintain the Shire's assets for the amenity of the Community.

**OFFICER COMMENT**

These projects have been recommended on the basis that construction is required to begin as soon as possible and potentially prior to the formal budget adoption process to ensure that the works program can be completed. Delay in commencement of these projects will have an effect for the scheduling of the 2009/2010 works programme that may result in uncompleted projects at the end of the 2009/2010 financial year.

**OFFICER RECOMMENDATION**

That the Council approve the implementation of the Capital Works projects listed below prior to final adoption of the 2009/2010 Council Budget pursuant to Section 6.8(1)(a) of the Local Government Act 1995.

<b>2009/2010 Footpath Works</b>	<b>Budget</b>
Barnard Road	\$47,940.00
Gifford Road	\$9,730.00
<b>SUB TOTAL</b>	<b>\$57,670.00</b>

<b>2009/2010 Asphalt Overlay</b>	<b>Budget</b>
Bignell Drive	\$103,400.00
Bunbury Street	\$32,100.00
<b>SUB TOTAL</b>	<b>\$135,500.00</b>

<b>2009/2010 Gravel Resheet</b>	<b>Budget</b>
Adams Rd	\$33,700.00
Chamber Road	\$146,440.00
Downes Road	\$179,040.00
Heath Road	\$108,550.00
Mewett Road	\$70,040.00
<b>SUB TOTAL</b>	<b>\$537,770.00</b>

<b>2009/2010 Road Reconstruction</b>	<b>Budget</b>
Jindong Treeton	\$126,190.00
Kaloorup Road	\$449,700.00
<b>SUB TOTAL</b>	<b>\$575,890.00</b>

<b>2009/2010 Oval &amp; Reserve Works</b>	<b>Budget</b>
Dunsborough Oval – Construct new football oval	\$1,300,000.00
Sir Stewart Bovell Park – Upgrade internal roads	\$55,300.00
Lou Western Oval – upgrade carpark	\$75,700.00
Sir Stewart Bovell Park – Renew bore	\$372,900.00
<b>SUB TOTAL</b>	<b>\$1,803,900.00</b>
<b>GRAND TOTAL</b>	<b>\$3,110,730.00</b>

15.3 RAILS TO TRAILS

<b>SUBJECT INDEX:</b>	Crown land administration.
<b>STRATEGIC INITIATIVE:</b>	1.1.2 Build and recognise the value of our cultural heritage
<b>BUSINESS UNIT:</b>	Infrastructure Development.
<b>SERVICE:</b>	Development Control.
<b>DATE OF COMPLETION:</b>	All planning work during 2011/12. Construction work will depend on the project scope but is likely to be many years thereafter.
<b>VOTING REQUIREMENT:</b>	Simple majority.
<b>ATTACHMENT(S):</b>	A. - Rails to trails report – July 2009

**PRÉCIS**

This report fulfils a previous resolution of the Council (C0807/206) requiring a report on the status of the rails to trails project with recommendations.

This report proposes that the Council adopts a new “rails to trails” policy.

**BACKGROUND**

Council resolution C0807/206 supported a proposal for a portion of Crown land adjacent to Vasse Yallingup Siding Road in Marybrook to be excised and dedicated as a road. The dedication would allow legal access to a Caves Road property from Vasse Yallingup Siding Rd so that an application for subdivision could proceed.

The portion of Crown land to be excised in the proposal once formed part of a railway that ran from Busselton to Augusta. The railway was closed in 1957, but most of the land remains as Crown land. One proposal for the former railway reserve land that gained impetus during the 1990s was for the land to be converted to a trail under a rails to trails project.

The Council report for the meeting held July 7, 2008 stated that when assessing the proposal to excise the land, the reporting officer:

*...was not able to find a plan for extension of the rail-trail west of Vasse, despite current State Planning Policy, its heritage value and a 1996 report claiming that the subject section of the corridor has the highest rail-trail priority within the Shire of Busselton.*

In resolution C0807/206, the Council among other things resolved:

*That a Shire Officer prepares a report for Council explaining the status of the ‘Rails to Trails’ project with recommendations.*

This report fulfils that resolution.

## CONSULTATION

Consultation has mostly been internal (with Shire officers). Should the Council support the recommendations for the rails to trails concept, it is proposed that an extensive community consultation process be adopted.

There has been some discussion with officers of the Shire of Augusta Margaret River regarding progress of the rails to trails project within that district.

## STATUTORY ENVIRONMENT

- a). Local Government Act 1996; and
- b). Land Administration Act 1997.

## POLICY IMPLICATIONS

A new Council Policy entitled "Rails to trails" is proposed.

## FINANCIAL IMPLICATIONS

An amount of \$40,000 in 2010/11 and 2011/12 budgets is proposed to be listed for consideration for the development and management of the rails to trails concept.

Should the concept be developed further, planning and construction costs will be incurred, although it is expected that this is mostly funded through grants.

Should the Shire accept management responsibility for the rails to trails as proposed, the Shire will be responsible for ongoing maintenance and management costs. These costs are not identified in this report but should be identified as the planning for the rails to trails progresses.

## STRATEGIC IMPLICATIONS

- 1. Strategic focus:** **Community and Social Well Being:**
  - Strategic objective: Foster vibrant cultural activities that celebrate diversity and a sense of community.
  - Strategic initiative: Build and recognise the value of our cultural heritage.
  - Strategic objective: Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities.
  - Strategic initiative: Support and facilitate leisure information and sporting activities.
  - Strategic objective: Facilitate and assist in the development of quality community facilities and services.
  - Strategic initiative: Build community vitality and a sense of place through nodal design and development. Facilitate aged, youth and disabled service access.

- 2. Strategic focus: Built and Physical (Infrastructure) Well Being:**
- Strategic objective: To develop and maintain the Shire's assets and built environment to maximize public benefit now and into the future.
- Strategic initiative: Ensure community assets are effectively managed and maintained through improvement of asset base. Investigate the merits of targeted asset rationalisation.
- Strategic objective: To develop and ensure the provision of universally accessible and socially inclusive services, facilities and functions for all people within the community.
- Strategic initiative: Ensure equitable access and inclusion to Shire facilities and services through the embedding of Access and Inclusion principles within Shire operations.
- 3. Strategic focus: Business and Economic Well Being:**
- Strategic objective: To promote an environment that supports and encourages business that contributes to the community and is in keeping with the environmental and cultural aspirations of the region.
- Strategic initiative: Establish partnerships with key agencies to build economic development.
- 4. Strategic focus: Natural and Environmental Well Being:**
- Strategic objective: Foster a culture of environmental awareness, ownership and action within the community and the organisation.
- Strategic initiative: Create opportunities for community involvement in the maintenance of, and the improvement to, the natural environment. Create partnerships and encourage co-operation with other agencies to assist in environmental protection.

#### **OFFICER COMMENT**

The 92km of former and disused railways within the Shire district should be regarded as a significant and valuable public asset. The land that formed the railways has significant value in its heritage and should be retained as State land, managed for a strategic purpose of non-motorised transport corridors.

To achieve this strategic intent, this report proposes that recreation trails are constructed on the disused railways to form what are known as "rails to trails". With recreation trails being the primary purpose for the land, the proposed additional uses include extension of the Shire's walk-cycle path network,

landscape protection, landscape enhancement and heritage trails. This rail-trail network might ultimately extend from Boyanup to the Busselton Jetty, from the Busselton Jetty to Flinders Bay (Augusta), from Wonnerup beach to Nannup and from Quindalup beach to Metricup.

Furthermore, the rails to trails concept may be extended to link with other recreation and heritage trails within the region. These might include the Geographe Bay walk-cycle path (to form a recreational loop), Meelup Park, the Cape to Cape Walk Trail and the Munda Bididi Trail (which runs from Mundaring to Nannup via Jarrahwood with extensions planned to Albany).

Constructed, maintained and promoted correctly, this regional trails scheme may prove to be a major attraction to visitors and tourists to the region looking for hiking, cycling, heritage, environmental and adventure experiences.

Development of the rail-trail concept is not without its challenges. These include issues of land tenure, existing land uses, heritage and environmental constraints, engineering detail, construction, maintenance, management, promotion, funding and resourcing.

The attached report describes further the extent of the overall rail-trail concept and proposes an approach for the development of the concept within the region. This proposed approach starts with a Policy of the Council that sets the Shire's position for the former and disused railway land and establishes a framework for the development and management of rails to trails within the region, with the Busselton Jetty forming the head of the trails within the Shire district.

If managed correctly, the rails to trails concept has the potential to be a project of regional scope that provides many positive outcomes, while engaging the community through all phases of the development, from concept to a managed and integrated trail network of world-class standard.

In working towards the approach outlined in the attached report, the Officer Recommendation in this report proposes that the Council endorses a new Policy that establishes a management framework for the rails to trails.

The recommendation also proposes that funding is made available in 2010/11 and 2011/12 budgets for: the development of a strategic plan, communication plan, project plan; costings and grant applications. The funding may also provide for establishing management plans and for surveys, design and other work required to progress the concept.

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

The preparation of a strategic plan is proposed during the 2010/11 financial year. During that year and the subsequent financial year, a communication plan, project plan, costings and grant applications should all be completed. This should then lead to construction work on the rail-trail and its ongoing management.

## **OFFICER RECOMMENDATION**

1. That the allocation of \$40,000 in the 2010/11 and 2011/12 budgets for the development of the rails to trails strategy and to progress implementation of that strategy be considered as part the next review of the 5 year financial plan.
2. That the following be adopted as the Council Policy for rails to trails:

### Purpose

The intent of this policy is to state the Shire's position with respect to the use of land that formed government railways within the district; to establish a framework for the development and management of recreation trails on that land to form what may be referred to as "rails to trails"; and to link the rails to trails with other recreational and heritage trails within the region.

### Background

The government railway network within the region was once extensive and much of the land that formed the railway reserves remains as State land. As part of a state wide railway network, the three lines that ran through the district were: a) Boyanup to Busselton, b) Busselton to Flinders Bay, and c) Wonnerup to Nannup.

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

### Policy content

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

It is the position of the Council then that:

- a) the land is a valuable public asset and should be retained as Crown land;
- b) unless the Council approves otherwise, the land is to be kept as a contiguous transport corridor;
- c) under the *Land Administration Act 1997* and with the Minister of Lands approval, the land is to be made Crown Reserve and managed for the primary purpose of 'recreation trail'; and

- d) where the Council determines that the Shire is capable of managing sections of the Crown Reserve, the Shire may advise the Minister that the Shire would be willing to accept a management order over those sections of Crown Reserve.

It is the intent of the Council that:

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

That, where practicable:

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

15.4 REQUEST FOR PROVISION OF PLAYGROUND - COUNTRY ROAD, BOVELL

<b>SUBJECT INDEX:</b>	Land Administration.
<b>STRATEGIC INITIATIVE:</b>	1.3.1 - Build community vitality and a sense of place through nodal design and development.
<b>BUSINESS UNIT:</b>	Infrastructure Development.
<b>SERVICE:</b>	Development Control.
<b>DATE OF COMPLETION:</b>	30 June 2011.
<b>VOTING REQUIREMENT:</b>	Absolute Majority.
<b>ATTACHMENT(S):</b>	A - Map of Area. B - Option 1 - Bovell Park extension. C - Option 2 - Bovell Park extension.

**PRÉCIS**

This report is in response to a valid petition received by the Shire on the 6 May 2009 requesting for the provision of a Playground in the Country Road Estate at the Sir Stewart Bovell Park.

**BACKGROUND**

The petition was presented to the Council on 27 May 2009 (CO905/175) meeting containing 100 signatures stating:

*"We as a group are asking for a playground to be located at 120 Country Road, Bovell. This piece of land is located beside the major sporting oval for Busselton. In this park we would like to see swings, slides, climbing and other play equipment. We would also like at least one barbeque with shelter with table and chairs. Also a toilet would be beneficial"*

Country Road Estate has been developed over 10 years and is reasonably well established excepting the south eastern corner (approx 23 lots remaining) and totals 152 lots. As part of the development, public open space was allocated adjoining Sir Stewart Bovell Park consisting of approximately 4.1 hectares.

As part of the subdivision process the Western Australian Planning Commission (WAPC) requires that public open space be allocated to provide residents with suitable recreational space.

As part of the WAPC 'liveable neighbourhoods' guidelines, categories of parks include district, neighbourhood and local. The use of playgrounds within these categories is based on urban density and location. The table below outlines the criteria for establishing parks in conjunction with the Shire's landscape guideplan:

Type of Public Open Space (POS).	Example of Community Uses.	POS requirements (dependant on use - examples below are only some suggestions).	Location requirements.	Preferred categories (SOB Policy 185/3).	Minimum size requirement.	Levels of maintenance.
Drainage (Regional flood paths) - dependent on community use.	Playing fields, conservation, passive use, recreation.	Grassed where part of playing field or trees and shrubs.	Possible restricted use public open space in adverse weather, ability for storm event water to be held for infiltration or pass through.	Cat 3 with Cat 2 only where part of formal playing field.	Part of either district, neighbourhood or local park.	Broadacre - low / medium and/or intensive low / medium.
District Parks - Generally 2.5 - 7 hectares.	Formal Playing fields, adventure playgrounds, conservation areas, walking, cycling network.	Trees and shrubs / hard surfaces for netball, basketball, cricket pitch / parking / lighting / grass with irrigation for formal playing fields / building facilities ie toilets / paths / access roads, furniture	Serving 3 neighbourhoods and between 600 metres and 1 km walking distance, may partner with schools for shared usage of formal playing fields.	Cat 2 irrigated formal playing fields as priority; second priority playground surrounds remainder Cat 3.	2.5 - 7 hectares.	Broadacre - low / medium with some intensive low / medium.
Neighbourhood parks - Generally 3,000 - 5,000 m <sup>2</sup>	Playgrounds, public art, informal playing zones, conservation areas ie foreshore reserves	Some irrigated grass to playgrounds surrounds / trees and shrubs / parking / paths / lighting if strategic paths / building facilities ie shade structures, furniture and toilets.	Within 400 metre walking distance and serving 600 to 800 dwellings / towards edge of neighbourhood or linking to future subdivision areas.	Cat 3 with minimal Cat 2 (Can be combination dependent on cost to maintain local parks, availability of water for irrigation).	3,000 - 5,000 sq metres.	Broadacre - low / medium with some intensive low / medium.
Local Parks - Generally up to 3,000 m <sup>2</sup> .	Playgrounds, resting, public art, sense of place, conservation.	Seasonal grasses / trees and shrubs / path connections / playgrounds, bench seats.	Within 150 to 300 metres safe walking distance from dwellings.	Cat 3 for most unless specific site has high profile location (central neighbourhood) and own bore system with available water.	Up to 3,000 sq metres.	Intensive / low / medium.

As the table above suggests, the distribution of 'playground areas' can be for all types of parks and is mainly focused on population densities and distance. Where the Country Road public open space is located and the size of the land area being 4.1 hectares (highlighted in the table) this would be categorized as a District Park.

Typically with 'liveable neighbourhoods', the household densities are derived from small lots where sufficient play areas cannot be provided within the lot size. In the case of Country Road residents lot sizes are far more expansive and form individual lifestyle opportunities without the confines of limited space.

The walking distance from the eastern most point of the estate to the park is approx 1 kilometre and falls outside the intention of the 'liveable neighbourhoods' document for local or neighbourhood parks.

The current Community Facilities Policy 2008 (CFP) - Precinct Level Community Facilities identifies 'playgrounds' in the Busselton area and Sir Stewart Bovell Park for resurfacing, road improvements, additional playing fields and local use.

The Leisure Services Plan identifies the need for additional playing fields to be incorporated into the adjacent (Country Road) Public Open Space (POS). The Leisure Services Plan provides 2 options as concepts (Attachment B & C).

### **CONSULTATION**

Consultation has been undertaken with Shire officers from the Parks and Gardens, Planning, Community Development, Infrastructure Development and Community Infrastructure areas for this report. Public consultation has only been provided as a summary position through the petition as a request for facilities from local Country Road residents.

### **STATUTORY ENVIRONMENT**

The 2 main strategic plans that provide input into this report is the Council endorsed Leisure Services Plan and the Community Facilities Plan. Both of these plans have been taken into consideration and form the basis of this report.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

A budget of \$40,000 will be required in the 2010/2011 budget to provide a basic playground and 2 picnic tables. This will be until such time as this equipment may form part of a larger playground following extension of the Sir Stewart Bovell Park. Equipment provided prior to the Bovell Park extension will be reused in the redevelopment of Sir Stewart Bovell Park.

### **STRATEGIC IMPLICATIONS**

This proposal is considered relevant to the Shire's Strategic Plan 2006 - 2011:

- |                            |  |
|----------------------------|--|
| <b>1. Strategic Focus:</b> | <b>Community and Social Well Being:</b>  |
| Strategic Objective:       | Facilitate and assist in the development of quality community facilities and services. |
| Strategic Initiative:      | Build community vitality and a sense of place through nodal design and development.    |

Strategic Objective: Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities  
Strategic Initiative: Support and facilitate leisure information and sporting activities

**2. Strategic Focus: Built and Physical (Infrastructure) Well Being:**

Strategic Objective: To develop and ensure the provision of universally accessible and socially inclusive services, facilities and functions for all people within the community.

Strategic Initiative: Ensure equitable access and inclusion to Shire facilities and services through the embedding of Access and Inclusion principles within Shire operations.

**3. Strategic Focus: Natural and Environmental Well Being:**

Strategic Objective: Ensure that communities are provided with a balance of active and passive space

Strategic Initiative: Ensure maintained open space in current and future urban areas

**OFFICER COMMENT**

Officers have considered the following with regard to the installation of a playground and supporting facilities including BBQ's, shelters, tables and toilets for the POS with Country Road Estate.

Some of the main considerations are:

- \* Over half of the Country Road lots are outside the accepted walking distance (150 - 400 metres) for neighbourhood and local parks as stated in liveable neighbourhoods.
- \* The site of the POS adjoining Bovell Park and as per 'liveable neighbourhoods' would fit the criteria for a District Park considering the position and size.
- \* All the Country Road lots are of large size from approx 2,000 m<sup>2</sup> to over 4,000 m<sup>2</sup> and not limited in available space for children's recreational space within each lot.
- \* Currently there are no community activity facilities or walkable parks provided for Country Road estate residents at a local or neighbourhood park level.
- \* Sir Stewart Bovell playing field has a substantial weekend population adjoining the Country Road Park that also requires a similar facility (large playground).

- \* If Country Road estate is provided with a playground and supporting facilities, they would need to be duplicated for patrons utilising the playing fields and within approx 200 metres of each other.
- \* The Leisure Services plan identifies the Country Road POS for development of additional playing fields.
- \* The extension of Bovell Park into the Country Road POS will require detailed design prior to any 'fixed' assets being provided, however the installation of some play equipment temporarily (easily moved) may be suitable in the short term.
- \* The long term security of residents within Country Road estate will need to be considered in any design to ensure that both the residents and the community using the playing fields can both benefit from recreational facilities without conflict.
- \* A detailed environmental assessment inclusive of a ring tail possum management plan, vegetation clearing permits and any subsequent conditions will need to be approved prior to any determination on any permanent playing fields, car parks, toilets and playground.

Considering the strategic planning documents including the Leisure Services Plan and the Community Facilities Plan that identify extending Sir Stewart Bovell park into the Country Road POS the following should apply:

- \* In order to progress the matter further funds would need to be budgeted in the next financial year towards some basic playground equipment that could be accessed by Country Road residents and installed in Bovell Park as a temporary measure (est \$40,000).
- \* The basic play equipment will be set out as a temporary design until such time as the Country Road POS is redesigned incorporating additional playing fields extending from Bovell Park and the play equipment is incorporated into a new playground facility.
- \* Any future design of Bovell Park will incorporate the recreational requirements of Country Road estate residents as well as providing the public using the playing fields with suitable playground facilities.
- \* The basic playground facilities would incorporate a set of swings, a climbing frame and a slide and be suitable for younger children, with the addition of two combination picnic tables under the tree canopy for shelter/shade.
- \* Facilities that are more permanent in fixture, including BBQ's, shelters and toilets should not be included in the Country Road estate POS or Bovell Park until such time that a detailed design can be accepted by the Community for the extension of Sir Stewart Bovell park into the Country Road POS and the sharing of a larger playground facility for the local and greater community.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Any facilities provided for in the existing Country Road estate POS will need to be budgeted for in the next financial year budget (2010/2011). Based on the Council adopting the 2010/2011 budget with funds included for this play equipment, works would be completed by 30 June 2011.

**OFFICER RECOMMENDATION**

That an amount of \$40,000 be included for consideration in the 2010/2011 FY budget to supply and install a small playground including two picnic benches as a temporary arrangement within Sir Stewart Bovell Park as shared facility until such time as the Sir Stewart Bovell playing fields are extended into the Country Road public open space.

**16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT****16.1 LOCAL LAW REVIEW - SHIRE OF BUSSELTON DUST AND BUILDING WASTE CONTROL LOCAL LAW 2009**

<b>SUBJECT INDEX:</b>	Local Laws
<b>STRATEGIC INITIATIVE:</b>	5.1.3 Ensure regulatory requirements are met
<b>BUSINESS UNIT:</b>	Legal
<b>SERVICE:</b>	Legal Services
<b>DATE OF COMPLETION:</b>	31 January 2010
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENT(S):</b>	Proposed Dust and Building Waste Control Local Law 2009

**PRÉCIS**

The Council has previously resolved to consider implementing a dust control local law. The purpose of this report is for the Council to consider whether to commence the process of making the new local law pursuant to section 3.12 of the *Local Government Act 1995*. It is recommended that the Council commence the law-making process for the proposed *Shire of Busselton Dust and Building Waste Control Local Law 2009* "Dust Control Local Law".

**BACKGROUND**

The Council has previously resolved, inter alia, to "require the CEO to refer consideration of a Local Law relating to Dust Nuisance to the Local Law review project". This resolution was made in response to issues regarding dust nuisance associated with subdivision and development, particularly large subdivisions. The Council wanted to ensure there were appropriate enforcement mechanisms in place such that action could be required both in relation to preventative measures and compliance. Accordingly, a draft Dust Control Local Law has been prepared for the consideration of the Council.

As this proposed local law covers areas not covered by any other existing local laws, no current local laws are repealed by this local law.

**CONSULTATION**

The proposed Dust Control Local Law will be advertised publicly for a minimum of 6 weeks in accordance with the requirements of section 3.12(3)(a) of the *Local Government Act 1995*.

The local law will be forwarded to the Department for Local Government as well as the Department of Environment and Conservation for comment.

A further report will be presented to the Council following this period for the Council to consider any submissions received during advertising before it may resolve to make the local law.

Internal consultation has occurred in the preparation of the local law.

### **STATUTORY ENVIRONMENT**

The procedure for making local laws is set out in Section 3.12 of the *Local Government Act 1995* and regulation 3 of the *Local Government (Functions and General) Regulations 1996*.

The process is commenced by the person presiding at the Council meeting giving notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner. For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

The purpose and effect of the local law is as follows:

Purpose: To provide for the regulation, control and management of dust, sand drift, rubbish and litter, on building sites, extractive industries and subdivisions on land within the district so as to protect the amenity of the district.

Effect: To establish the requirements relating to dust, sand drift, rubbish and litter control on building sites, extractive industries and subdivisions on land within the district.

The local law will then be advertised in accordance with Section 3.12(3) which involves giving state wide public notice in relation to the local law and allowing at least 6 weeks from the date that notice is given for the public to make submissions. A copy of the local law is also provided to the Minister for Local Government.

Following this process, the proposed local law will then be referred back to the Council for consideration of any submissions received in relation to the local law and for the Council to resolve whether or not to make the local law by absolute majority decision.

### **POLICY IMPLICATIONS**

There are various Shire policies that deal with issues associated with developments that may cause dust release, however, there does not appear to be any policies which are directly affected by the introduction of this local law.

## **FINANCIAL IMPLICATIONS**

Costs associated with the advertising and gazettal of the local law will come from the legal budget. These costs are unlikely to exceed \$5,000 and there are sufficient funds in the legal budget for this purpose.

## **STRATEGIC IMPLICATIONS**

One of the Shire's strategic objectives is "to manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles". To achieve this, the Shire has a strategic initiative to "ensure regulatory requirements are met". The Shire is required under the Local Government Act 1995 to review its local laws every 8 years. The proposed local law has been identified in the review of the Shire's local laws as an area in which regulation may be required.

## **OFFICER COMMENT**

The proposed Dust Control Local Law provides for the ability to regulate a range of activities associated with subdivisional works, extractive industries, and building sites that have the potential to create dust and litter issues.

The local law creates general responsibilities on owners and occupiers to ensure that dust does not release or escape from land and to notify owners of adjoining land if a potential breach may occur. It also requires that receptacles for building waste be provided on building sites which has been a compliance issue for the Shire in recent times. Drivers leaving Building Sites or Dust Generating Developments must also ensure that loads cannot escape from their vehicles.

A Dust Generating Development is determined as a subdivision of land exceeding 5,000m<sup>2</sup>, an extractive industry, or is determined by the Shire in writing. A Dust Management Plan must be prepared for any Dust Generating Development and approved by the Shire prior to commencement of works. This already occurs through the planning approval process in some cases but gives further effect to these provisions through a local law.

Extractive Industries that are operating on or before the date on which the local law comes into force will be given a period of 6 months before they are required to comply with the provisions relating to dust management plans. This is to provide operators time to prepare and comply with dust management plans.

The new local law also provides for the ability of the Shire to issue a notice to a person to stabilise dust on the land and ensure that no dust is released from the land, clean up and properly dispose of any released or escaped dust, comply with the terms of an approved dust management plan, clean up or make good any damage resulting from the release or escape of the dust, take effective measures to stop any further release or escape of dust, stop work or prevent a possible breach. Alternatively the Shire may complete the works and recover the costs of doing so as a debt due.

Infringement and prosecution penalties are created for breaches of the provisions of the local law. A figure of \$400 has been set as the infringement penalty for all offences. For serious breaches of the local law the Shire could commence a prosecution and a maximum penalty of \$5,000 would be available to a court.

The proposed local law will need to be reviewed in accordance with the *National Competition Policy Guidelines Local Law Review Guidelines*. The local law will also require the approval of the Chief Executive Officer of the Department of Environment and Conservation due to parts of the local law being made under the powers provided for in the *Waste Avoidance and Resource Recovery Act 2007* in addition to the powers under the *Local Government Act 1995*.

The Council at this stage is simply considering whether to place the local law for advertising and retains the ability to reconsider any aspects of the local law before finally making the local law. However, any significant amendments would need to be re-advertised.

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

Within three weeks of the Council decision the Dust Control Local Law will be advertised for public comment. A further report to the Council will be submitted within three months of the close of the advertising period.

#### **OFFICER RECOMMENDATION**

1. That the Council commences the law-making process, for the Dust and Building Waste Control Local Law 2009, the purpose and effect of the local law being as follows:

Purpose: To provide for the regulation, control and management of dust, sand drift, rubbish and litter, on building sites, extractive industries and subdivisions on land within the district so as to protect the amenity of the district.

Effect: To establish the requirements relating to dust, sand drift, rubbish and litter control on building sites, extractive industries and subdivisions on land within the district.

2. That the Council authorise the CEO to carry out the law making procedure under section 3.12(3) of the *Local Government Act 1995* by following the procedures set out in sequence in the Act; by –
  - (a) giving Statewide public notice and local notice of the proposed local law; and
  - (b) giving a copy of the proposed local law and public notice to the Minister for Local Government.
3. That the CEO, after close of the public consultation period, submit to the Council for consideration a report on any submissions received on the proposed local law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4).

**16.2 MINOR SPORT AND COMMUNITY GRANTS - 2009/10**

<b>SUBJECT INDEX:</b>	Leisure Services
<b>STRATEGIC INITIATIVE:</b>	1.2.1 Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities
<b>BUSINESS UNIT:</b>	Community Development
<b>SERVICE:</b>	Leisure Services and Community Development
<b>DATE OF COMPLETION:</b>	30 September 2009
<b>VOTING REQUIREMENT:</b>	Simple Majority for Officer Recs. 1 and 2. Absolute Majority for Officer Rec. 3.
<b>ATTACHMENT(S):</b>	A. Policy for the Administration of the Minor Assistance for Sporting, Recreation and Community Projects Scheme

**PRÉCIS**

Each year the Council provides financial assistance to community groups and organisations through the Minor Assistance for Sporting, Recreation and Community Projects Scheme (MAS.) This assistance is for the provision or improvement of community, sporting, recreation and cultural facilities and/or to purchase items of durable equipment. These funds are made available on a dollar for dollar basis, and it has been the Council's practice to not exceed a \$2,000 contribution, per application.

This report provides a summary of the MAS applications that were received for the 2009/10 financial year and seeks the Council's decision regarding priority of funding.

To guide the future management of the MAS, a policy (see Recommendation 2) has been drafted and this report is seeking endorsement of this policy.

**BACKGROUND**

For at least the last ten years the Minor Assistance for Sporting, Recreation and Community Projects Scheme has provided financial assistance to local community groups and organisations. This has occurred in line with the Shire's budget preparation process each year.

This assistance has been for the provision or improvement of community, sporting, recreation and cultural facilities and/or to purchase items of durable equipment. The funds have been made available on a dollar for dollar basis, and it has been the Council's practice to not exceed a \$2,000 contribution, per application.

Applications supported by the Council are submitted for inclusion in the budgetary process, with the money being available on a reimbursement basis to community groups early in the new financial year once the budget has been adopted.

The criteria used to establish the priorities for funding are as follows:

1. Consideration of the groups' capacity to generate funds from other sources.
2. Consideration of previous financial assistance from the Council.
3. Greater consideration being given to predominantly junior, as opposed to senior, groups.
4. Consideration of the number of people within the community who will benefit by the funding (i.e. size of the group).
5. Funding assistance to projects of a development nature, and not funding of day to day operational/non-capital requirements of clubs.

### **CONSULTATION**

The Minor Assistance for Sporting, Recreation and Community Projects Scheme (MAS) was advertised in the local community newspapers on 11, 13, 25 & 27 February, and 11, 14, 25 & 27 March 2009, via the Council for the Community page. Recognised community groups and sporting clubs in the Shire of Busselton were also notified of the MAS via email.

The applications were reviewed by Shire staff with the recommendations determined using the criteria that was previously resolved by the Council.

### **STATUTORY ENVIRONMENT**

This report recommends the adoption of a policy pursuant to Section 2.7(2)(b) of the Local Government Act and an associated delegation of authority to the Chief Executive Officer in accordance with Section 5.42(1) of the Act. The recommended delegated authority will require an absolute majority decision of the Council.

### **POLICY IMPLICATIONS**

There is not a specific policy for the administration of this round of the Minor Assistance for Sporting, Recreation and Community Projects Scheme (MAS). However, the 'Information and Application Guidelines' that accompany each application form were formulated to assist applicants with their administrative compliance with the MAS.

#### Future Scheme Restructure

A Councillor workshop was held on Wednesday 5 March 2008 to explore the future of the Minor Assistance for Sporting, Recreation and Community Projects Scheme (MAS.) As a result of this workshop a policy has been drafted (see Recommendation 2) to guide the future management of the MAS.

## **FINANCIAL IMPLICATIONS**

In 2007, the Council resolved (C0705/116) to increase the funds that are allocated to the Minor Assistance for Sporting, Recreation and Community Projects Scheme from \$10,000 to \$20,000. In respect to this decision, \$20,000 has been allocated in the 2009/10 draft budget.

## **STRATEGIC IMPLICATIONS**

The Minor Assistance for Sporting, Recreation and Community Projects Scheme is particularly relevant to the Shire's 'Community and Social Well Being' strategic focus area, with the relevant sub set Strategic Objectives being:

- \* Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities;
- \* Facilitate and assist in the development of quality community facilities and services.

## **OFFICER COMMENT**

Fifteen (15) applications were received for the 2009/10 Minor Assistance for Sporting, Recreation and Community Projects Scheme, totalling \$19,624.40.

The 15 applications have been assessed using the selection criteria and 14 are recommended to be funded. These 14 have a facility improvement and durable equipment focus and directly enhance participation in community/sport/recreation/cultural activities and are therefore recommended for budget allocation. Using the criteria these 14 have been prioritised 1 – 14 and this can be seen in the Officer Recommendation.

The Busselton Hockey Stadium submitted an application for funding to purchase an air-conditioning unit for their administration office. This application is not being recommended for funding as it does not meet criteria four (4) and five (5) as listed below:

4. Consideration of the number of people within the community who will benefit by the funding (i.e. size of the group).
5. Funding assistance to projects of a development nature, and not funding of day to day operational/non-capital requirements of clubs.

This approach is consistent with the Council's previous decisions in regard to the scope of this funding scheme.

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

Applicants will be notified of the result of their applications within the fortnight following the Council's decision in respect to this matter.

Following the adoption of the Shire of Busselton 2009/10 budget a final letter of approval will be issued to the successful applicants. Successful applicants will have until the end of April 2010 to finalise their proposed activities, provide an accurate acquittal and claim their funding.

### OFFICER RECOMMENDATION

### SIMPLE MAJORITY REQUIRED

1. That the Council prioritise the applications for financial assistance as follows:

Ranking	Organisation	Project	Budget Request 09/10
1 (High Priority)	Busselton Netball Association Inc	Replacement flooring for the netball club rooms at Lou Weston Oval	\$2,000.00
2 (Medium Priority)	Geographe Bay Table Tennis Club	3 x table tennis tables and nets	\$1,485.00
3 (Medium Priority)	Dunsborough Bay Yacht Club Inc	Connection of water services to club house site	\$2,000.00
4 (Medium Priority)	Busselton Horse and Pony Club	"Limestone Wall" complex for cross country course upgrade	\$1,878.40
5 (Medium Priority)	Busselton Kart Club Inc	1) 1 x Rain water tank for canteen (\$800); 2) 1 x Whirly bird fan for toilet (\$300)	\$550.00
6 (Medium Priority)	Disabled Surfers Association	1) 1 x Trailer (\$12,000); 2) 8 x Soft surfboards (\$3200); 3) Rash vests (\$4000); 4) Beach matting (\$unknown)	\$2,000.00
7 (Medium Priority)	Busselton Hockey Stadium	1 x Set of goals	\$800.00
8 (Medium Priority)	Busselton Baptist Church	50 x Chairs for the Baptist Church Community Centre	\$2,000.00
9 (Medium Priority)	Busselton Surf Life Saving Club	2 x Racing skis	\$1,360.00
10 (Medium Priority)	Busselton Softball Association	1) 2 x Canvas pitching plates (\$373); 2) 2 x 1st safety bases and 4 x 2nd & 3rd bases (\$576.00)	\$474.50
11 (Medium Priority)	LAMP Inc	1 x Reclined exercise bike and 1 x Foos ball table	\$624.50
12 (Low Priority)	Busselton Community Garden	1) Artificial turf to line the skate park ramp 2) 1 x Water filter for the community garden	\$2,000.00
13 (Low Priority)	Geographe Outrigger Canoe Racing Club Inc	1) 1 x OC6 Canoe Trolley and 2) 1 x OC6 Canoe Storage Rack	\$500.00
14 (Low Priority)	Busselton Shire Brass Band	40 x Winter jackets (casual uniforms)	\$1,102.00
		<b>TOTAL AMOUNT</b>	<b>\$18,774.40</b>

2. That the following be adopted as the Council policy for the administration and management of this projects grant scheme:

Policy for the Administration of the Minor Assistance for Sporting, Recreation and Community Projects Grants Scheme

Purpose

This Policy will be used to manage the future assessment of the Minor Assistance for Sporting, Recreation and Community Projects Grants Scheme.

Objective

The objective of this policy is to provide direction as to the future management and administration of the Minor Assistance for Sporting, Recreation and Community Projects Scheme (MAS) by outlining the following:

- a) An allocation of \$20,000 be maintained under a renamed "Minor Assistance for Sporting, Recreation and Community Grants Project Scheme" commencing in the 2010/11 financial year;
- b) The MAS is opened at the start of February and closed at the end of March each year during which time community groups and organisations can make application in accordance with the budget preparation process;
- c) An assessment panel comprising of three staff and one Councillor assess each application against a selection criteria to establish the funding priorities. The criteria to establish the priorities for funding are as follows:
  1. Consideration of the groups' capacity to generate funds from other sources.
  2. Consideration of previous financial assistance from the Council.
  3. Greater consideration being given to predominantly junior, as opposed to senior, groups.
  4. Consideration of the number of people within the community who will benefit by the funding (i.e. size of the group).
  5. Funding assistance to projects of a development nature, and not funding of day to day operational/non-capital requirements of groups.
- d) The final funding approval is delegated to the Chief Executive Officer who will progress the recommendations of the assessment panel without further need for referral to the Council.

**ABSOLUTE MAJORITY REQUIRED**

3. That the Council delegates to the Chief Executive Officer the authority to determine the applications for funding under the MAS in accordance with the policy of the Council after receiving the recommendations of the assessment panel. This will commence in the 2010/11 financial year.

17. **CHIEF EXECUTIVE OFFICER'S REPORT**

Nil.

18. **MOTIONS** of which notice has been given

Nil.

19. **CONFIDENTIAL REPORTS**

Nil.

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

21. **QUESTIONS FROM MEMBERS WITHOUT NOTICE**

22. **NEXT MEETING**

Wednesday, 26 August 2009, commencing at 5.30 p.m.

23. **CLOSURE**

