



Shire of Busselton
Geographe Bay

Council Agenda

26 August 2009

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

SHIRE OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 26 AUGUST 2009

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE NO.
1.	ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE	1
2.	OPENING PRAYER	1
3.	PUBLIC QUESTION TIME	1
4.	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	1
5.	APPLICATIONS FOR LEAVE OF ABSENCE	1
6.	CONFIRMATION OF MINUTES	2
6.1	Minutes of an Ordinary Meeting of the Council held on 12 August 2009.	2
7.	ANNOUNCEMENTS by the Presiding Member without discussion	2
8.	PETITIONS AND MEMORIALS	2
9.	DECLARATION OF DUE CONSIDERATION	2
10.	DECLARATIONS OF INTERESTS	2
11.	PRESENTATIONS BY PARTIES WITH AN INTEREST	2
12.	BUSINESS FROM PREVIOUS MEETING	2
13.	LIFESTYLE DEVELOPMENT REPORT	2
14.	SYSTEMS AND INFORMATION REPORT	3
14.1	FINANCIAL ACTIVITY STATEMENT - JUNE 2009	3
14.2	PAYMENT LISTING - JUNE 2009	13
15.	COMMUNITY INFRASTRUCTURE REPORT	15
15.1	SEALING OF BRASH ROAD, YALLINGUP - PETITION RESPONSE	15
15.2	SIGNAGE POLICIES REVIEW	22
16.	COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT	36
16.1	COMMUNITY SPORT & RECREATION FACILITIES FUND - SMALL GRANT ROUND APPLICATIONS	36
16.2	BUSSELTON BOWLING CLUB LEASE APPLICATION	41
17.	CHIEF EXECUTIVE OFFICER'S REPORT	44
17.1	PROPOSED LOCAL GOVERNMENT REFORM REPORT TO MINISTER FOR LOCAL GOVERNMENT	44
18.	MOTIONS of which notice has been given	45
18.1	PROPOSED STORAGE SHED / RURAL ENTERPRISE - RETROSPECTIVE APPROVAL FOR CHANGE OF USE - LOT 20 QUINDALUP SOUTH ROAD, QUINDALUP	45
18.2	POSSIBLE CHANGE OF NAME - HARMANS ROAD SOUTH	47
18.3	PRE-ELECTION WORKSHOP FOR 2009 LOCAL GOVERNMENT ELECTION CANDIDATES	50
19.	CONFIDENTIAL REPORTS	52
19.1	POTENTIAL PURCHASE OF LAND	52
20.	NOTICES OF MOTION proposed for consideration at a future Meeting	53
21.	QUESTIONS FROM MEMBERS WITHOUT NOTICE	53
22.	NEXT MEETING	53
23.	CLOSURE	53

SHIRE OF BUSSELTON**MEETING NOTICE AND AGENDA – 26 AUGUST 2009**

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, 26 August 2009, commencing at 5:30 pm.

Your attendance is respectfully requested.

ANDREW MACNISH
CHIEF EXECUTIVE OFFICER

11 August 2009

A G E N D A

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

2. **OPENING PRAYER**

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

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 12 August 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****13. LIFESTYLE DEVELOPMENT REPORT**

Nil.

14. SYSTEMS AND INFORMATION REPORT**14.1 FINANCIAL ACTIVITY STATEMENT - JUNE 2009**

SUBJECT INDEX:	Financial Operations
STRATEGIC INITIATIVE:	5.1.3 Ensure regulatory requirements are met
BUSINESS UNIT:	Finance
SERVICE:	Financial management and control
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Financial Activity Statements to 30 June 2009

PRECIS

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

This report has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations and also to provide the Council with an overview of the Shire's financial performance for the period ending 30 June 2009.

BACKGROUND

The Local Government (Financial Management) Regulations detail the form and manner in which financial activity statements are to be presented to the Council. Financial activity statements are to be presented to the Council on a monthly basis and are to include the following:

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

Additionally, and pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 28 January 2009, the Council adopted (C0901/007) a 10% material variance reporting

threshold in respect of the 2008/09 financial year, based on the year to date budget variances as detailed in the 'Income Statement by Nature and Type' financial report.

CONSULTATION

Not Applicable

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This matter aligns with the Council's Strategic Plan 2006-2011 and principally the following Strategic Objective:

- * *Organisational Well Being*
To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles.

STAFF COMMENT

In order to fulfil statutory reporting requirements, the following reports, which include additional financial data considered relative, are attached:

Income Statement by Nature and Type

This report provides details of the Shire's operating revenues and expenditures on a year to date basis by nature and type (i.e. description). The respective totals in this report reconcile with the operating revenues and expenditures as contained within the Statement of Financial Activity (refer below) that is reported on a local government program basis.

Statement of Financial Activity

This report provides details of operating revenues and expenses on a year to date basis (by local government program). The report is further extrapolated to include details of non-cash adjustments and capital revenues and expenditures. The

resultant net current position in this report reconciles with that contained in the Net Current Position report summary.

Net Current Position

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

In addition to the above reports, a number of capital expenditure budgets have been further itemised to provide greater detail on expenditure activity. These items are as follows:

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

COMMENTS ON FINANCIAL ACTIVITY TO 30 JUNE 2009

OPERATING ACTIVITY

As at 30 June 2009:

- * There is an adverse variance of some 8.0% in operating revenue
- * There is an adverse variance of some 4.4% in operating expenditure

A summary of material variances within the operating revenue and expenditure activities is provided within the body of this report.

CAPITAL ACTIVITY

As at 30 June 2009:

- * There is an adverse variance of some 67% in capital revenue
- * There is a favourable variance of some 45% in capital expenditure

Capital Revenue

As detailed above, as at 30 June 2009, there is an adverse variance in capital revenue in the order of 67%. The below table details the Shire's capital revenue budget and actual revenue for the reporting period.

Description	Actual YTD \$	Budget YTD \$	Annual Budget \$	Variance YTD \$	Variance YTD %
Proceeds from Sale of Assets - Plant	404,936	536,000	536,000	-131,064	-24.5%
Proceeds from New Loans	0	12,100,000	12,100,000	-12,100,000	-100.0%
Self Supporting Loans - Principal Repayments	160,652	166,356	166,356	-5,704	-3.4%

Transfers from Restricted Assets	2,285,024	2,630,861	2,630,861	-345,837	-13.15%
Transfers from Reserves	3,763,078	4,469,452	4,469,452	-706,374	-15.8%
TOTAL	6,613,690	19,902,669	19,902,669	-13,288,979	-66.7%

The reportable variances in relation to capital revenue activities are summarised as follows:

Proceeds from Sale of Assets – Plant

Whilst a number of plant items were not sold during the 2008/09 financial year, this variance is primarily due to budgeted sales proceeds not being achieved in numerous instances, and particularly in respect of light vehicles. This is due in part to prevailing economic conditions.

Proceeds from New Loans

The 2008/09 budget included new loans totalling \$12.1M, comprising:

Busselton Jetty Refurbishment Project	\$11.0M
Construction of Group Fitness Room - GLC	\$0.6M
Reserve Acquisition	\$0.5M

None of the above loans were drawn in 2008/09. However each of the above facilities are re-listed for consideration in the 2009/10 draft annual budget (albeit the Busselton Jetty loan facility has been reduced to \$2.1M).

Transfers from Restricted Assets

This variance is reflective of the level of 'funded' works completed in 2008/09 for which a transfer from Restricted Assets was able to be made. Whilst the overall variance comprises numerous activities, major variance items include a reduced transfer from unspent loan funds in respect of identified Townscape works, and also numerous projects whereby budgeted contributions were not able to be fully transferred. Where applicable, unfinished projects will be re-listed in the 2009/10 budget for completion.

Transfers from Reserves

This variance is primarily reflective of projects or budgeted procurements that were either not commenced or finalised in 2008/09, or where the applicable budget allocation was not fully expended. For example, several plant items were not procured in 2008/09 or were purchased for a price less than budgeted for. Additionally, a number of 'reserve funded' projects were not completed in 2008/09 (e.g. landfill contamination, property development seed funding etc). Where applicable, these projects will be re-listed in the 2009/10 draft budget for completion.

Capital Expenditure

As at 30 June 2009, there is a favourable variance in capital expenditure in the order of 45%. The below table details the Shire's capital expenditure budget and actual expenditure for the reporting period.

Description	Actual YTD \$	Budget YTD \$	Annual Budget \$	Variance YTD \$	Variance YTD %
Land & Buildings	1,338,305	3,204,675	3,204,675	-1,866,370	-58.2%
Plant & Equipment	2,672,160	3,040,000	3,040,000	-367,840	-12.1%
Furniture & Equipment	1,116,033	1,137,760	1,137,760	-21,727	-1.9%
Infrastructure	10,339,046	20,283,664	20,283,664	-9,944,618	-49.0%
Loan Repayments - Principal	591,458	694,656	694,656	-103,198	-14.9%
Transfers to Restricted Assets	2,576,932	1,763,805	1,763,805	813,127	46.1%
Transfers to Reserves	3,317,540	9,605,381	9,605,381	-6,287,841	-65.5%
TOTAL	21,951,474	39,729,941	39,729,941	-17,778,467	-44.8%

The variance in relation to the above items (approximately \$17.8M) can be attributed to a number of factors. However, the most significant component of the variance relates to the (budgeted) expenditure in relation to the Busselton Jetty project, which alone accounts for a variance of -\$8.6M in the Infrastructure budget and also -\$6.6M in respect of Transfers to Reserves.

As detailed earlier in this report, the attachments hereto include categorised listings of the following capital expenditure activities; that detail individual line item variances:

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

The reportable variances in relation to other capital expenditure activities are summarised as follows:

Loan Repayments - Principal

This variance is primarily due to the inclusion in the adopted budget of principal repayments on new loans (totalling approximately \$97K) that were not drawn in the 2008/09 financial year.

Transfers to Restricted Assets

Due to the nature of this item, (which includes developer contributions and government grants - budgeted or otherwise) it is difficult to accurately predict any amount to be restricted at the end of the financial year. However, the variances include the transfer of unspent Royalties for Regions monies (Dunsborough Oval) of approximately \$0.3M, the transfer of unspent Grants Commission monies in relation to bridge works of approximately \$0.4M and also the transfer of 'net' wristband sales monies (School Leavers Week) of approximately \$0.1M.

Transfers to Reserves

Whilst the value of monies transferred to Reserves in 2008/09 was adversely affected by credit interest earnings, the variance is primarily due to the (budgeted) transfer of \$6.6M in relation to the Busselton Jetty project not occurring, in

addition to the (non budgeted) transfer to reserves of the early Grants Commission instalment payment of approximately \$0.4M (refer Council Resolution C0906/227).

VARIANCE REPORTING

At its meeting of 28 January 2009, the Council adopted a variance reporting threshold for the 2008/09 financial year to be set at 10% of the relevant Nature and Type 'year to date' budget amount. As detailed in the Income Statement by Nature and Type report attached, there are numerous areas in which this threshold was exceeded as at 30 June 2009.

The following table identifies and generally comments on operating revenues and expenditures (by nature and type) whereby the variance threshold was exceeded:

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Government Grants and Subsidies	7,941,234	9,709,642	-1,768,408	-18.2%	This variance is primarily attributable to: <ul style="list-style-type: none"> ▪ A shortfall of approximately \$2.6M in respect of funding for the Busselton Jetty Project. Whilst the adopted budget included \$6.0M in grant funding (based on the initial funding model), approximately \$3.4M in grant funding was received in 2008/09 (based on the amended funding model/ agreement) to offset associated expenditures incurred in 2008/09 ▪ Receipt of the 'unbudgeted' 1st instalment payment (Royalties for Regions) of approximately \$0.6M in respect of the Dunsborough Oval reconstruction project ▪ Receipt of the 'unbudgeted' 1st instalment payment of the 2009/10 Grants Commission Financial Assistance Grant of approximately \$0.4M
Contributions, Reimbursements & Donations	7,018,644	9,832,725	-2,814,081	-28.6%	This variance is primarily attributable to: <ul style="list-style-type: none"> ▪ The non-receipt of the budgeted contribution to the Jetty reconstruction project by BJECA of \$1.6M (albeit this budget allocation was based on the initial funding model) ▪ A shortfall of approximately \$1.1M in the budget for donated assets (principally roads). N.B. This is a 'non-cash' transaction
Other Revenue	685,392	304,296	381,096	125.2%	This variance is primarily attributable to: <ul style="list-style-type: none"> ▪ Higher than projected revenue from numerous fines and penalties that

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
					<p>exceeded annual budget estimates by approximately \$43K</p> <ul style="list-style-type: none"> ▪ Receipt of Leavers Wristband sales revenue (unbudgeted) of approximately \$305K. It should be noted that, consequent to payments made against these funds (principally Leavers Appreciation donations), the remainder is restricted for use in funding future years Leavers activities.
Interest Earnings	942,858	1,917,600	-974,742	-50.8%	<p>Due to a change in accounting methodologies, this category now contains late payment interest and instalment plan interest (both related to rates). The favourable annual budget variance in relation to these items was approximately \$55K (due primarily to additional late payment interest charges).</p> <p>In respect of interest earnings from deposited funds, it should be noted that whilst the formal budget allocation sits with the 'interest earnings' line item, there are a number of other (unbudgeted) line items that need to be considered when reviewing net deposit interest earnings.</p> <p>Subsequent to the adoption of the 2008/09 annual budget, and as part of the annual financial report compilation, in consultation with the Shire's Auditors, the method of reporting 'interest earnings' was amended such that unit price movements in managed funds would be recognised separately from the previous 'net interest' reporting format. As a result, four new items were added to the 'Income Statement by Nature and Type' report, with the net of these reflecting what was previously included in 'interest earnings'. These items are as follows:</p> <p><u>Revenue</u> Distributions - YTD \$953K Fair Value Adjustment - YTD \$0K</p> <p><u>Expenditure</u> Loss on Redemption - YTD \$255K Fair Value Adjustment - YTD \$451K</p> <p>Cognisant of the actual deposit interest earnings to 30 June 2009 of \$710K, net interest earnings amounted to \$957K, against an annual budget of approximately \$1.7M.</p>

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
					Whilst a number of factors affected interest earnings during 2008/09, the global economic crisis (that saw interest rates fall considerably and equity market instability) was the major contributor.
Profit on Asset Disposal	122,221	234,500	-112,279	-47.9%	The variance is principally due to the lower than budgeted proceeds from sale on vehicle changeovers, that affected the budgeted profit on disposal, in addition to a number of proposed sales that did not eventuate in 2008/09.

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Utilities (Gas, Electricity, Water etc)	1,333,900	1,167,768	166,132	14.2%	This variance is primarily attributable to: <ul style="list-style-type: none"> ▪ Electricity costs exceeding budget estimates by approximately \$52K ▪ Water costs exceeding budget estimates by approximately \$98K The increased costs are attributable to a combination of both increased usage and also increased supplier charges
Depreciation on Non-current Assets	7,764,100	6,742,800	1,021,300	15.2%	As was reported in previous Financial Activity Statement reports, it was estimated that depreciation expenses would exceed budget estimates by approximately \$1.0M in 2008/09. This was due to an extensive review of depreciation data that was undertaken early in the 2008/09 financial year, but subsequent to the budget adoption. Notwithstanding the above, and has been previously reported to the Council, this 'non-cash' expense has not affected the 'net current position' as at 30 June 2009, due to the offsetting adjustment for 'non-cash' items.
Interest Expenses	201,666	592,280	-390,614	-66.0%	This item relates to interest payments on borrowing facilities (both shire and self-supporting). The primary variances comprise:

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
					<ul style="list-style-type: none"> ▪ Budgeted interest repayments on new loans, that were not drawn in 2008/09, amounted to \$423K ▪ Overdraft interest paid of \$36K exceeded annual budget estimates by \$35K
Other Expenditure	2,142,963	1,826,815	316,148	17.3%	<p>This variance is primarily attributable to:</p> <ul style="list-style-type: none"> ▪ Members related expenses were collectively \$28K below annual budget estimates ▪ Leavers Week donations totalled approximately \$200K for the year (non budgeted as these funds are paid from wristband sales income) ▪ Donations and sponsorships expenditure exceeded annual budget estimates by approximately \$67K, principally due to payments to FESA for the Fire Prevention Officer (budgeted elsewhere) ▪ Pay-out of a resident funded Aged Housing unit for approximately \$97K has been incurred

SUMMARY

As is reflected in the attachments to this report, the Shire achieved a closing net current position of approximately \$1.0M (surplus) as at 30 June 2009.

Whilst the variances in both operating and capital activities are summarised in this report, it is important to note that the variances are, in numerous instances, due to changes in projects that occurred subsequent to the adoption of the 2008/09 budget (e.g. Busselton Jetty).

It should also be noted that projects (included in the adopted budget) that were either not able to be commenced or completed in 2008/09, have been identified for consideration for inclusion in the 2009/10 annual budget, and these amount to approximately \$0.7M at this time. These items will be presented to the Council for consideration as part of its 2009/10 budget deliberations.

The 2008/09 financial year was certainly challenging (from a financial perspective). Clearly, the prevailing economic conditions impacted on the Shires revenue earning capacity, with the likes of interest earnings, planning fees and building fees all being adversely affected. However where possible, costs were constrained to lessen the overall extent of this impact. In summary, it is considered that the overall financial performance of the Shire during this testing

period was solid and this performance has provided a stable platform from which to financially plan for the future.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the statutory financial reports for the period ending 30 June 2009 be received.

14.2 PAYMENT LISTING - JUNE 2009

SUBJECT INDEX:	Financial Operations
STRATEGIC INITIATIVE:	5.1.3 Ensure regulatory requirements are met
BUSINESS UNIT:	Finance
SERVICE:	Financial management and control
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S)	List of Payments Made – June 2009

PRÉCIS

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

BACKGROUND

The Local Government (Financial Management) Regulations, and more specifically Regulation 13, requires that when the Council has delegated authority to the Chief Executive Officer to make payments from the Shire's bank accounts, that a list of payments made is prepared each month for presentation to, and noting by, the Council.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Where applicable, payments are made in accordance with relevant Council policies.

FINANCIAL IMPLICATIONS

All payments are made in accordance with the Councils adopted budget.

STRATEGIC IMPLICATIONS

Not applicable

STAFF COMMENT

Not applicable

TIMELINES FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable

OFFICER RECOMMENDATION

That voucher numbers M093115 – M093616, EF003945 – EF004423, DD001160 and T006502 – T006520, together totalling \$8,416,367.48 be noted.

15. COMMUNITY INFRASTRUCTURE REPORT**15.1 SEALING OF BRASH ROAD, YALLINGUP - PETITION RESPONSE**

SUBJECT INDEX:	Land Use and Planning Control.
STRATEGIC INITIATIVE:	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community.
BUSINESS UNIT:	Infrastructure Development.
SERVICE:	Infrastructure Development.
DATE OF COMPLETION:	30 October 2009.
VOTING REQUIREMENT:	Absolute Majority for Office Recommendations 1 & 2. Simple Majority for Officer Recommendation 3.
ATTACHMENTS:	Nil.

PRÉCIS

The purpose of this report is to inform the Council of the outcome of the investigation done by CI staff regarding the petition to seal a portion of Brash Road Yallingup presented to the Ordinary meeting of the Council on the 10 June 2009.

BACKGROUND

The Council received the following petition from residents of Brash Road:-

REQUEST FOR SEALING OF BRASH ROAD / INTERSECTION OF ABBEY FARM ROAD, YALLINGUP

A valid petition containing 19 signatures has been received, stating as follows:

"Several calls and emails have been sent to the Busselton Shire since July 2008 to May 2009, expressing concerns about the state of the first 100 metres of Brash Road/intersecting Abbey Farm Road, Yallingup, Western Australia. The gravel road gets particularly boggy during winter with accumulation of loose gravel and mud washing down >70 degree slope to the bottom of Brash Road/intersection of a main arterial road, Abbey Farm Road, creating a traffic safety hazard. As Brash Road was not identified in the 2008/09 Budget for any works, the Busselton Shire has been providing reactive maintenance works to grade the road and re-gravel when needed and this has become unsatisfactory.

To gain a reflection of the traffic volumes, a traffic counter was placed from 20 January to 2 February 2009, for which the results show an average seven day count was 133.2 vehicles but the Busselton Shire uses an average of 150 vehicles/seven day count (i.t.o the Shire's weighting assigned under the Five Year Capital Project Plan for Roads) before they will add to the capital works for sealing. One could argue that on several peak days there were in excess of 150 vehicles using this road.

Busselton Shire Officers are going to review this intersection to assess, confirm and review any safety concerns that have been raised and if it may warrant sealing the intersection, but at this stage, the traffic counts do not obligate the Shire to plan for sealing the road. In order to be considered for the stretch of Brash Road/intersection of Abbey Farm Road, Yallingup to be sealed in the Budget, we must provide support by signing this petition."

This report details the Council's decision C0906/193:

That in accordance with the provisions of Clause 10.2c of the Standing Orders, Council receives the petition and refers it to the CEO for a report back to Council.

Brash Road - Road Safety Assessment

Background

The owner of the Winery on Lot 341 of 57 Brash Road, has requested the Shire, on a number of occasions since July 2008, to upgrade the road. The Council recently received a resubmitted petition on 10 June 2009, from residents of Brash Road and various stakeholders, who have expressed concerns in regard to the state of the first 100m of the road from the Abbey Farm Road intersection (the intersection). The petition cites the first 100m of Brash Road as being boggy in winter, with a very steep profile which leads to gravel washing down the hill and onto the intersection. Shire officers have also been advised that a truck travelling along Brash Road towards the intersection slid through the intersection due to the loose gravel and steepness of the road. Luckily no vehicles were travelling along Abbey Farm Road at the time. Brash Road (Abbey Farm Road end) supports Wills Domain winery, a second winery which is open by appointment only and two other rural residences.

The owner of Wills Domain winery which is located 200m from the intersection, has applied for and received planning approval (dated 9 June 2009) for a proposed rural enterprise (cellar door), restaurant and guesthouse. Community Infrastructure has advised in its engineering assessment of the development that Brash Road, including the intersection with Abbey Farm Road, will need to be upgraded to a sealed standard.

Site Inspection

A site inspection was carried out by three Road Safety Audit Qualified Officers to determine whether there were any safety issues. As a guide, "Section 6: Existing Roads: Roads Safety Audit" from the Austroads booklet "Road Safety Audit" was used for assessment purposes.

This report is an informal Road Safety Audit report as it was not lead by a Road Safety Audit team leader and team of auditors.

The following items/issues were identified on the site visit:

Road Alignment & Cross-section:

- (a) The Abbey Farm Road/Brash Road intersection is partly sealed (approx 15m into Brash Road). Brash Road is gravel pavement with a width of 6m and a pinch point of 5.1m, near the intersection. This pinch point is considered too narrow for the volume and composition of traffic using Brash Road. Section 2 of the Shire of Busselton's Technical Specifications requires, the road to be five metres wide with half-metre wide shoulders on both sides, totalling six (6) metres. The majority of the section of road conforms to the above-mentioned Technical Specifications.
- (b) The first 300m of Brash Road is considered moderately steep at a measured ± 6 degrees/10%.
- (c) The shape condition rating from ROMAN is a "2". This is based on "1" as being a gravel road that has just been re-surfaced to "5" being a gravel road with numerous potholes.

Intersections:

- (a) No advance "T" warning sign has been erected. It is recommended this type of sign be erected to advise motorists of the intersection.
- (b) Turn in/out radius of the eastern sweep of the intersection is too small. Trucks turning southwards onto Abbey Farm Road need to encroach onto the opposing lane.
- (c) Loose gravel was observed on the seal of the intersection. This was probably moved there as a result of erosion and vehicles and increases the risk of motorists skidding on the surface and careering through the intersection.

A "T" junction chevron needs to be installed at the intersection to warn motorists of the "T" junction.

Pavement:

- (a) The road is a gravel surface with no potholes and some minor corrugation.
- (b) Sheet flow of stormwater has occurred in the past and this has contributed to erosion and movement of gravel downhill.
- (c) The road showed no signs of being boggy and the maintenance supervisor confirmed that the road did not deteriorate into a boggy state over the winter months.

CONSULTATION

The development of the path program has occurred with consultation of Community Infrastructure Officers with inputs from the Access and Inclusion Committee, community members, development applicants and community groups.

STATUTORY ENVIRONMENT

Section 5.56 of the Local Government Act 1995 requires the local government to plan for the future of the district. This program assists in the development of the plan for the future of the district.

POLICY IMPLICATIONS

143/3 Road Contributions, Policy and Guidelines.

FINANCIAL IMPLICATIONS

The Five Year Capital Roads Program identifies the capital requirements for construction and sources of funds to achieve the strategic objectives in the Strategic Plan 2006 - 2011. The Five Year Capital Roads Program has been developed in accordance with the advertised five year financial plan and the Path Asset Management Plan.

However an amount of \$4,266.00 has been collected in terms of contributions from Developers for the improvement of Brash Road. The road upgrade works on Brash Road is estimated at \$4,000.00.

The maintenance component can be accommodated, utilizing the Shire's Road Maintenance Budget. The estimated maintenance cost is \$5,000.00.

The estimated cost for surfacing the portion of Brash Road is \$54,000.00 if the Shire had to carry out the works.

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 Objective: | To develop and maintain the Shire's assets and built environment to maximise public benefit now and into the future. |
| Strategic Initiatives: | Ensure community assets are effectively managed and maintained through improvement of asset base. |

OFFICER COMMENT

Traffic counts taken over the period 20/01/09 to 02/02/09 showed a seven day AADT of 133 vehicles per day. The classifiers show that traffic was made up of the following composition:

* Class 1 & 2 (car, car & trailer):	92.0%
* Class 3 & 4 (trucks up to 12.5m with 2 or 3 axles):	7.7%
* Class 6, 7 & 8 (trucks up to 19m with 3, 4 or 5 axles):	<u>0.3%</u>
	100%

It can be seen from the data that the majority of vehicles were cars.

The Shire has a Five Year Plan which is used as a planning tool for the upgrading of the Shire's road infrastructure. The Shire uses certain criteria to assess whether a road should be considered for inclusion into the Five Year Plan and these are as follows:

- (a) Traffic counts of at least 150 vehicles per day are achieved – Brash Road does not qualify (i.t.o the Shire's weighting assigned under the Five Year Capital Project Plan for Roads) as it currently has 133 vehicles.
- (b) Whether the road is part of a school bus route – this does not apply to Brash Road.
- (c) Whether the road is part of a through route – this does not apply to Brash Road.
- (d) Whether existing road upgrade contributions have already been taken for developments.

As can be seen from the above criteria, Brash Road does not qualify to be considered to be sealed although traffic movements are anticipated to increase due to the proposed upgrading of the existing infrastructure at Wills Domain winery.

The proposed development has been approved by the Shire of Busselton, with 22 conditions, one of these being item 10, which states:-

"10. Brash Road to be constructed, sealed and drained, at full cost of the applicant, to the Shire of Busselton specifications from Abbey Farm Road to 20 metres past the entrance to the development, as required as a direct consequence of the development. Provision of the sealed and drained crossover to the specifications and satisfaction of the Shire of Busselton. Plans to be submitted for approval prior to the issue of a building licence and the works completed prior to the issue of a Permit to Use."

Due to the anticipated traffic movements created as a result of this development, the above-mentioned condition of the development approval (dated 9 June 2009)

has required the proponents to seal Brash Road from the intersection to a point 20m past the crossover entrance (totalling 220m) at their cost.

Although the Shire has been maintaining Brash Road at a satisfactory standard, the following additional works are proposed to improve the safety:

- (a) Clean out of all stormwater culvert pipes in Brash Road.
- (b) Re-grade/enlarge open drains on Brash Road which lead to stormwater culverts.
- (c) Installation of advance warning "T" junction sign (W2-3B).
- (d) Installation of advance warning signage indicating steep descent (W5-39B).
- (e) Installation of "T" junction chevron sign (D4-2-1).
- (f) Install a series of guide posts along both sides of Brash Road, within 60-70m of the intersection to assist delineating the travelled path (particularly around the culvert headwalls at the T junction).
- (g) Having both table drains within 60-70m of the intersection installed deeper and better alignment (to minimise scour damage).
- (h) Remove tree at the 5.1 metre pinch point and widen gravel formation to 6 metres, to ensure the section of road conforms to the Shire of Busselton Technical Specifications.

The estimated cost of above-mentioned safety improvements should be able to be carried out utilizing the current funding the Shire has in terms of Developer Contributions for Brash Road, i.e. \$4,266.00.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation can be undertaken and completed by 30 October 2009.

OFFICER RECOMMENDATION

1. That the Council endorse the following remedial road upgrade works on Brash Road, utilizing the existing road upgrade contributions of \$4,266.00:-
 - (a) Installation of advance warning "T" junction sign (W2-3B).
 - (b) Installation of advance warning signage indicating steep descent (W5-39B).
 - (c) Installation of "T" junction chevron sign (D4-2-1).

- (d) Install a series of guide posts along both sides of Brash Road, within 60-70m of the intersection to assist delineating the travelled path (particularly around the culvert headwalls at the T junction).
 - (e) Widen gravel formation to 6 metres after removing the tree at the pinch point, to ensure the section of road conforms to the Shire of Busselton Technical Specifications.
2. That the Council endorse the following maintenance works utilizing the road maintenance funds:-
- (a) Clean out of all stormwater culvert pipes in Brash Road.
 - (b) Re-grade/enlarge open drains on Brash Road which lead to stormwater culverts.
 - (c) Having both table drains within 60-70m of the intersection installed deeper and better alignment (to minimise scour damage).
 - (d) Remove tree at the 5.1 metre pinch point.
3. That the Council endorse the planning consent as listed as a condition for the proposed development:-
- "10. Brash Road to be constructed, sealed and drained, at full cost of the applicant, to the Shire of Busselton specifications from Abbey Farm Road to 20 metres past the entrance to the development, as required as a direct consequence of the development. Provision of the sealed and drained crossover to the specifications and satisfaction of the Shire of Busselton. Plans to be submitted for approval prior to the issue of a building licence and the works completed prior to the issue of a Permit to Use."*

15.2 SIGNAGE POLICIES REVIEW

SUBJECT INDEX:	Signs.
STRATEGIC INITIATIVE:	2.1.2 Ensure community assets are effectively managed and maintained through improvement of asset base.
BUSINESS UNIT:	Infrastructure Development.
SERVICE:	Permits and applications.
DATE OF COMPLETION:	30 June 2011.
VOTING REQUIREMENT:	Simple majority for Officer Recommendations 1, 2, 3, 4, and 6. Absolute majority for Officer Recommendations 5 and 7.
ATTACHMENT(S):	Nil.

PRÉCIS

This report discusses all Council Policies relating to signage and provides recommendations for improvement.

BACKGROUND

A petition with 1000 signatures was received by the Council at a meeting held on February 27, 2008. The petition stated:

We the undersigned request that the signage policy (146/4) currently in use by the Shire of Busselton be reviewed.

Business is being affected because of the restrictive nature of the policy. Although there may be issues regarding visual amenity we believe that there could be some negotiation to ensure a win/win situation regarding this matter.

Due to inadequate directional signage, visitors to the region are complaining they are unable to locate Yahava Koffee Works. Lack of direction and subsequent frustration can lead to potential dangers on the roads.

At the meeting, Council resolved (C0802/065):

That the petition be received and referred to the CEO for a report back to Council after the conduct of a Councillor Workshop to be held no later than the end of April, on any signage-related Council Policies.

At a session on 16 April 2008, Councillors were presented with a discussion paper addressing the statutory environment and Council Policy relating to signage.

This Council report is intended to complete the C0802/065 resolution.

CONSULTATION

A presentation to Councillors on signage related Council Policies was conducted April 16, 2008. Councillors were provided with a lengthy report detailing the statutory environment, the existing policy and issues relating to signage. Discussion at the workshop revolved around explanation and clarification of the existing policies and issues with signage.

The Shire receives many enquiries and requests each year from commercial tourism, commercial businesses and community groups regarding signage and advertising. These organisations would like more signage. Where the request is for signage on public land, the organisations are often advised that their request is not permitted under policy.

The Shire often receives complaints from the public about unauthorised signs, particularly when they are placed on road verges.

Consultation with Tourism WA is always ongoing as applications for tourism directional signage involve a check by that organisation. Periodically, officers of the Shire of Busselton, Shire of Augusta Margaret River, Main Roads WA and Tourism WA meet to discuss issues relating to tourism directional signage.

STATUTORY ENVIRONMENT

- * Shire of Busselton *Signs Local Law*
- * Shire of Busselton *Town Planning Scheme No. 20* – Clause 104
- * *Road Traffic Code 2000* – Regulation 297
- * *Local Government Act 1996* – Section 3.37

POLICY IMPLICATIONS

The following Council Policies relate to signage:

No.	Policy title	Proposal
008/5	Recreational hire sites / Activities on crown reserves.	Remove parts of the policy that refers to directional signage.
021/4	Signs – Political advertising.	Revoke the policy in favour of the Signs Local Law.
064	Joint policy for tourism directional signs, applied by the Busselton and Augusta-Margaret River Shire Councils.	Combine into new and simplified 'Signage on Shire managed land' policy.
064/1	Integrated directional information system – Concept plan.	Combine into new and simplified 'Signage on Shire managed land' policy.

No.	Policy title	Proposal
142	Roadside advertising policy.	Research opportunities, options and community opinion and draft new policy.
146/4	Signs placed on Council controlled land.	Research best practice for dealing with signage compliance. Review policy with view to combine into new and simplified 'Signage on Shire managed land' policy.
240	Reserves vegetation protection.	No change proposed to this policy.

FINANCIAL IMPLICATIONS

The officer recommendations include amounts of \$40,000 for development of information systems and \$5,000 for consultancy.

STRATEGIC IMPLICATIONS

- 1. Strategic Focus:** **Built and Physical 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.

OFFICER COMMENT

As per the task of the Council resolution, this report is about the Council Policies that relate to signage.

Signage is a broad subject area that covers many facets of the Shire's activities. To help explain a relatively complex subject, this report describes signage in four categories:

1. Signage placed on private property.
2. Signage placed on Shire managed land.
3. Road traffic signage (a subset of the previous category).
4. Advertising on Shire managed land and facilities (another subset of the second category).

This report also discusses current policy, identifies issues with the policy and makes a recommendation for improvement. The report also identifies issues that affect the Shires ability to perform its functions as they apply to signage.

One of the broader issues identified is the complexity of the policy as it applies to signage. Current policy appears unstructured and disconnected from legislation. To address this issue, this report proposes that signage policy is made structured, rationalised and simplified.

This report also proposes that Shire signage is managed as an asset in its own right. This would require development and integration of information systems to assist with signage asset management and the functions of the Shire as they relate to signage.

Description of signage by category

Signage placed on private property

As one of its functions, the Shire controls signs placed on *all* land within the district. This is done mostly through the Shire of Busselton *Signs Local Law* where a sign licence is required before a sign, may be placed on land, unless the sign is exempt under the local law (clause 3).

Examples of signs covered under the local law are display home sign, free standing sign, hoarding, information panel, portable sign, verandah sign and wall sign.

The Shire of Busselton *Town Planning Scheme No. 20* also has a provision for signage. Clause 104 "Control of advertisements" requires prior consent of the Council prior to the placement of a sign. This clause, however, is not generally applied by the Shire in preference for the *Signs Local Law*.

One Council Policy that relates to signage placed on private property is 021/4 "Signs – political advertising". This policy is discussed further in this report with a recommendation to revoke the policy.

Apart from a discussion of Council Policy 021/4, this report does not discuss further the topic of signage placed on private property. This category of signage is considered beyond the scope of this report as it would involve a review of the Shire of Busselton's *Signs Local Law* and the *Town Planning Scheme No. 20*.

Signage placed on Shire managed land.

The Shire is responsible for signs placed on land managed by the Shire. This includes:

- * road traffic signage (refer to subsection below);
- * advertising on Shire facilities (refer to subsection below);
- * signs advising of regulatory requirements such as dog control and littering;
- * signage for parks and trails;

- * signage for facilities such as public toilets, libraries, playgrounds and Shire Offices;
- * coastal signage advising hazards and Surf Lifesaving patrols;
- * information panels;
- * interpretative signage.

Further to the signs managed by the Shire, the Department of Fisheries and the Department for Planning and Infrastructure may place signs on Shire managed land. Near some boat ramps, the Shire provides a structure for mounting these signs.

Signage on Shire managed land has several functions. An important function of the Shire is to warn the public of hazards in the Shire's ongoing obligation to manage public risk. Another important function is to inform and advise the public, making everyday life of residents and the experiences of visitors to the district more convenient and enjoyable. Furthermore, if done correctly, signage can add to the character of an area.

For these reasons, this report regards Shire signage as a significant asset in its own right, rather than something that is just attached to another asset. This report proposes then that Shire information systems are improved to assist in management of signage as an asset class and to improve the handling of signage applications, licensing and enquiries.

An important Shire function is controlling unauthorised signage placed on Shire managed land. Unauthorised signs need to be controlled for a number of reasons:

- * the sign and materials used to support the sign may be a hazard to the public or may damage property;
- * they can be unsightly; and
- * they may provide a business an unfair competitive advantage over another business.

Council Policy 146/4 "Signs placed on Council controlled land" attempts to address this issue. The policy is discussed later in this report.

It is proposed that the Shire develops a new "umbrella" policy for "Signage placed on Shire managed land". The policy should describe the legislative environment for signage and the types of signage permitted on Shire managed land. The policy should refer to technical standards and provide guidelines for community facilities and organisations that might be permitted signage on Shire managed land. Guidelines for managing compliance (replacing policy 146/4) and the signage asset should also be provided in policy.

Road traffic signage

Traffic signs include regulatory signs (speed, stop, give way, etc.), hazard markers, warning signs (black on yellow diamond), parking signs and guide signs (such as road names and tourism directional). *All* road traffic signage and road markings (i.e. anything that directs or warns traffic) are controlled by the Commissioner of Main Roads through regulation 297 of the *Road Traffic Code 2000*.

Under delegation from the Commissioner, the Shire manages non-regulatory and parking signs on roads not controlled by Main Roads WA. In the Shire district, Main Roads WA controls Bussell Hwy (except for the section from Albert St to Caves Rd), Busselton Bypass, Vasse Hwy, Caves Rd and Sues Rd.

The delegation from the Commissioner requires that the Shire complies with Main Roads WA standards for road traffic signage and markings which are mostly the Standards Australia AS 1742 "Manual of uniform traffic control devices".

Council Policies that fall within the category of road traffic signage are:

- * 008/5 "Recreational hire sites / Activities on Crown reserves".
- * 064 "Joint policy for tourism directional signs, applied by the Busselton and Augusta-Margaret River Shire Councils".
- * 064/1 "Integrated directional information system – Concept plan".

This report recommends that policy 008/5 is reviewed to remove any reference to directional signage as road traffic signs for this type of business are not permitted under road traffic signage standards. The policy is discussed later in this report.

For policies 064 and 064/1, both these policies relate to tourism directional signage and define a standard of road traffic signage just for the Cape to Cape region. The policy was developed with Main Roads WA (and other organisations) and is necessary to address the concentration of tourism attractions and services within the region that require directional signage, while avoiding a proliferation of signs.

This report recommends that policies 064 and 064/1 are brought under a new policy for "Signage on Shire managed land". That new policy should refer to the Commissioner's delegation and simplify the tourism directional policy as it relates to tourism directional signage. The two existing policies are discussed later in this report.

Advertising on Shire managed land and facilities.

Council Policy 142 "Roadside advertising policy" intends for street seats and bus shelters to be provided by an advertising business. As discussed later in this report, the effectiveness of the policy is debatable. Furthermore, the Shire may not be maximising opportunity for revenue from advertising.

This report proposes that the subject of advertising on Shire managed land is researched with consultation involving the business community, the general community and the marketing and advertising industry.

The research should look beyond advertising on street seats and bus shelters. Advertising may be provided in various forms including electronic billboards, but it will depend on the public acceptance for the various forms of advertising within the various zones of the Shire district.

The research and consultation should result in a report with guidelines for a review of Council Policy 142.

Description of current Council Policies where they relate to signage

Council Policy 008/5 and recreational hire sites.

Council Policy 008/5 allows recreational hire businesses to operate on Shire managed land, where approved. An example may be a jet-ski hire business that may operate from a foreshore reserve.

Where a business is permitted to operate on Shire managed land, the policy allows the business to erect a road traffic directional guide sign (white on blue sign) that directs traffic towards the location of the business. There are two issues with this policy:

- a). when the business is not operating, particularly during off-season periods, the guide sign may be misleading; and
- b). directional signs for the purpose described in the policy is not supported by road traffic signage standards.

Any policy statement permitting use of directional signs for recreational hire businesses should be removed. These businesses may apply for signage to be erected on the land of the business as per the *Signs Local Law*.

Council Policy 021/4 and political signs

Council Policy 021/4 relates to political signs and states:

The Council policy is that political signs will only be permitted at polling places in compliance with the Electoral Act and within shop windows.

Signs illegally erected on public property will be removed and, if located on private property, will be the subject of a notice requiring the prompt removal thereof.

Where this policy applies to signs on private property, it is unclear how this policy may be enforced by the Shire, particularly where the sign may otherwise comply with the *Signs Local Law*. For unauthorised signs placed on Shire managed land, this is already covered under clause 38 of the *Signs Local Law*.

Therefore, to rationalise policy, it is recommended that Council Policy 021/4 is revoked, in favour of the *Signs Local Law*.

Council Policies 064, 064/1 and tourism directional signage.

The Cape to Cape region is relatively unique for the concentration of its tourism attractions and services. For this reason, Council Policies 064 and 064/1 were developed as joint policies between the Shire of Busselton and the Shire of Augusta Margaret River and in consultation with Main Roads WA, Tourism WA and regional tourism associations. The intent of the policy is:

To provide the travelling public (including visitors and tourists) with clear and uniform roadside information that gives directions to recognised tourist attractions and tourist service facilities, while minimising the number of signs and avoiding direct advertising.

Prior to the implementation of this policy early this decade, tourism signage was non-uniform and in various states of repair. The current system is uniform and effectively controls the placement of signs to key intersections.

An issue with the two policies is that they tend to be long-winded in that they cover concepts, standards and practices that may be better placed in other documentation or referred to as an operational matter rather than written in policy.

It is recommended that the two policies are combined into a single "umbrella" policy entitled, "Signage on Shire managed land". It is also recommended that the policies are simplified, with any standards referred to a separate technical standards document; and with anything that refers to an operational or administrative matter removed from the policy.

Council Policy 142 and roadside advertising.

Council Policy 142 allows for advertising to be placed on street seats, bus shelters and bin surrounds through a contracted arrangement with a business. In practise, street seat advertising has been contracted to a business that provides an advertising service on street seats placed at Shire defined points, mainly along Causeway Rd and Bussell Hwy. In the agreement, the contractor provides and maintains the street seats and is charged an annual fee. The initial contract with the contractor has expired but is being renewed annually.

With respect to advertising on bus shelters, a similar contractual arrangement was attempted but could not be reached, as no final agreement could be reached between the Shire and a supplier.

Essentially, the policy attempts to provide "free" to the Shire street seating and bus shelters through a contractor who in turn is funded through advertising.

An issue with the policy is that the aims of the Shire may not be met through the commercial interests of a contractor. For example, the positioning of the seats to service the community may not provide the best exposure for an advert. Also,

with the commercial interest to manage costs, do the street seats conform to preferred townscape design, are they being well maintained and are they practical to the sitter (comfortable, not too hot in summer)?

The reporting officer suggests that the provision of street seating, bins and bus shelters should be planned and designed as part of a townscape design *before* the placement of roadside advertising, i.e. a townscape design plan should lead advertising on Shire managed land, not vice versa. Where advertising, as part of a townscape plan, can be integrated into a facility then the space may be provided for advertising.

Other points for consideration:

- * Lost revenue opportunity. If the service is profitable for a commercial enterprise, then it should be profitable for the Shire, provided the Shire can streamline its practises. The revenue for the Shire from advertising could be lucrative and should be assessed financially.
- * Guidelines for what is deemed appropriate advertising, i.e. not offensive to the broader community.

In summary, Council Policy 142 should be reviewed before any new contracts are entered into. A recommended approach is:

- * Review townscape plans for provision of street seats, bins, bus shelters and other potential elements of Shire facilities where advertising may be integrated into that element.
- * Consult with the business community, the general community and the marketing industry.
- * Consult with other local governments to determine "best practice".
- * Assess the general community view with regard to advertising on public land and consider this against the commercial need for businesses and organisations to advertise and the potential revenue that may be earned from advertising.
- * Determine the feasibility of a Shire provided advertising service; or leasing of advertising space on Shire provided facilities on public land.
- * Determine guidelines for acceptable forms of advertising within various zones or areas of the district.
- * Determine a set of advertising standards (preferably industry standards) for what may be deemed appropriate and inappropriate advertising and a process for review and disputes handling.
- * Draft a Council Policy for "Advertising on Shire managed land" or consider integrating into the new proposed policy "Signage on Shire managed land".

Council Policy 146/4, the Signs Local Law and signs on Shire managed land.

Council Policy 146/4 "Signs placed on Council controlled land" (the subject of the petition to the Council referred to in the *Background* section of this report) relates to the impoundment of unauthorised signs placed on Shire managed land. The policy defines a procedure for handling unauthorised signs which involves writing a letter to the offender, follow up inspection, removal, impoundment and, after a two month waiting period, disposal. This procedure involves considerable officer time, effort and follow-up, with little incentive for the offender not to reoffend, as the replacement cost for a *new* sign is often less than the impoundment fee.

The procedure defined in the policy appears to be written to ensure consistency with sections 3.37 to 3.48 of the *Local Government Act 1996* as it relates to the impounding of goods.

On the other hand, clause 38.1 of the *Signs Local Law* more simply requires the Shire to remove and dispose of signs from "land managed by or under the care and control of the Shire", and without incurring any liability. Clearly, this is a much more efficient approach for dealing with unauthorised signs placed on Shire managed land.

However, legal advice recommends that when removing signs from public land, the Shire should be compliant with the provisions of both pieces of legislation, i.e. the *Local Government Act 1996* and the *Signs Local Law*.

The Signs Local Law does provide for the Shire to prosecute persons who erect unauthorised signs, but again this can take considerable officer time and effort.

The Shire requires a more efficient practise supported by policy for dealing with unauthorised signs placed on Shire managed land and managing compliance with the *Signs Local Law*. It is recommended then that Council Policy 146/4 is reviewed with a view to achieving operational efficiencies. Furthermore, the policy should be combined into a 'Signage on Shire managed land' policy to minimise the number of policies relating to the subject.

Council Policy 240 "Reserves vegetation protection".

This is a relatively new policy that allows for a sign to be erected at the place of an unauthorised clearing of vegetation from Shire managed land. No changes are recommended for this policy.

Other general issues and comments about signage**Directional signage annual licence renewal.**

The Shire's current information systems do not provide adequate details about signs to enable the Shire to issue annual licence charges for directional signage. With an estimated 450 directional sign blades at \$27.50 for the annual licence fee, an estimated total of \$12,375 revenue is not being collected per annum. Development of integrated information systems is recommended.

Directional signage application process.

The current information systems for handling directional signage applications is essentially a manual process and non integrated and does not allow for efficient handling of an application which involves handling enquiries, assessment, approval, invoicing, scheduling, purchase ordering, work orders, inspection and records. Development of integrated information systems is again recommended.

Sign vandalism.

For the 2008/09 financial year, the cost to the Shire to repair signs subjected to graffiti, vandalism or theft amounted to \$41,000. Approximately 30% to 40% of the Shire's Lines and Signs Coordinators time is involved with repairing and replacing vandalised signs. During development of a proposed policy for 'Signage on Shire managed land', strategies should be considered for dealing with this costly problem.

Signs Local Law and issuing of infringement notices.

Although the Shire is able to prosecute offenders for breaches of the *Signs Local Law*, due to a technicality, the issuing of infringement notices (or fines) is problematic. The related section of the local law should therefore be reviewed. No recommendations are made in this report though due to the limited scope of the report.

Stakeholders

- * Main Roads WA;
- * Tourism WA;
- * Department for Planning and Infrastructure (coastal facilities);
- * Public Transport Authority (bus stop signs and shelters);
- * Shire of Augusta Margaret River, Shire of Capel and other local governments of the south west region;
- * Department of Environment and Conservation (trails and conservation reserves);
- * Department of Fisheries;
- * Tourism associations;
- * Surf Lifesaving groups;
- * Commercial tourism attractions and services;
- * Businesses;
- * Community groups;
- * Mapping agencies (e.g. RAC);
- * Broader community.

Proposed strategy for managing signage

The following strategy is proposed for the overall management of signage within the district:

- * Remove any reference to directional signage in Council Policy 008/5 "Recreational hire sites".
- * Revoke Council Policies 021/4 (political advertising) in favour of the *Signs Local Law*.
- * Establish community objectives for signage, involving discussion and consultation with key stakeholders.
- * Create a new policy entitled "Signage on Shire managed land". The new policy is to include combined and simplified versions of existing Council Policies 064 and 064/1 (tourism directional signage) and 146/4 (unauthorised signs placed on Shire managed land). To simplify the policy, the policy should create a "framework" for signage on Shire managed land while minimising technical and operational content that may be referred to in other documents.
- * Develop a set of technical standards and specifications for the Shire's sign asset.
- * Develop operational practices and procedures for signage. This should include handling enquiries, handling applications, licensing, risk management, compliance and signage planning.
- * Research the subject of "advertising on Shire managed land and facilities", then draft a new policy replacing Council Policy 142 "Roadside advertising policy".
- * Redevelop organisational systems to support the effective management of the Shire's sign asset and its operational practices and procedure.
- * Review the Shire of Busselton legislative environment for signage. Ensure the Signs Local Law and the Town Planning Scheme are compatible, supportable, enforceable and meet community objectives.
- * Measure and review the effectiveness of planning for signage against community objectives.

NOTE: Not all activities in this strategy form part of the officer recommendations as some are considered to be operational matters and others are considered to be beyond the scope of the report, particularly where they apply to a review of local laws and planning schemes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

- * Draft policy in officer recommendations 3 and 4 to be prepared by March 31, 2010, then dependent on outcomes of a Council meeting.
- * Officer recommendation 5 by June 30, 2011, depending on availability of technical expertise to develop and integrate information systems.

- * Draft policy for officer recommendation 6 to be prepared by December 31, 2010, then dependent on outcomes of a Council meeting.

OFFICER RECOMMENDATION

1. That Council Policy 008/5 "Recreational hire sites / Activities on crown reserve" be reviewed so that any reference to directional signage is removed.
2. That Council Policy 021/4 "Signs – Political advertising" be revoked, in favour of the Signs Local Law.
3. That a Council Policy entitled "Signage on Shire managed land" be drafted with the objectives of:
 - a) replacing Council Policies 064, 064/1 and 146/4;
 - b) providing a framework for management of the Shire's sign asset as an asset class in its own right;
 - c) ensuring compliance of traffic signage with the Shire's delegated authority from the Commissioner of Main Roads;
 - d) providing a safer road environment;
 - e) providing a convenient and informative travelling and tourism experience through directional signage while avoiding sign proliferation;
 - f) minimizing public risk through providing signs that, where appropriate, inform and warn the public of hazards, and then, as far as practicable, ensuring that those signs remain functional;
 - g) where appropriate, informing the public of regulatory controls that may apply to a reserve or location;
 - h) providing a means for bona fide community groups to promote their organisations;
 - i) providing informative signage about Shire managed reserves;
 - j) providing an approach for the effective and efficient control of unauthorised signs placed on Shire managed land; and
 - k) identifying approaches for dealing with signage theft and vandalism;

and, that a draft document be prepared and referred to the Council for endorsement to advertise, and then following a period allowing for public submissions, referred back to the Council for consideration.

4. That a technical specification for "tourism directional signage" be drafted; and for the document to be reviewed with the Council Policy draft document referred to in item 3.
5. That \$40,000 is budgeted in the 2010/11 budget for the implementation of a sign asset register and for the development of an integrated sign asset management information system that includes the handling of directional sign applications and licence renewals. That the ongoing development and maintenance of the system be part funded from annual licensing fees for tourism directional signage.
6. That:
 - a) the subject of the provision of advertising on Shire managed land and facilities be researched involving consultation with the business community, the public and the advertising industry;
 - b) the revenue opportunity from advertising be explored; and
 - c) a draft document be prepared and referred to the Council for endorsement to advertise, and then following a period allowing for public submissions, referred back to the Council for consideration.
7. That \$5,000 is budgeted in the 2010/11 budget for a consultant to assist with the preparation of the report referred to in item 6.

16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT**16.1 COMMUNITY SPORT & RECREATION FACILITIES FUND - SMALL GRANT ROUND APPLICATIONS**

SUBJECT INDEX:	Leisure Services
STRATEGIC INITIATIVE:	1.2.1 Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities
BUSINESS UNIT:	Community Development
SERVICE:	Leisure Services and Community Development
DATE OF COMPLETION:	30 November 2009
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Nil

PRÉCIS

Each year Local Government Authorities are required to rate and prioritise the Community Sport & Recreation Facilities Fund (CSRFF) submissions received in respect to their municipality.

In June 2009 several changes were made to the CSRFF program including the introduction of the Small Grant Round, which has a different timeline to Standard Grants Round. Small Grant Applications must be submitted to Department of Sport & Recreation (DSR) from the local government by the 31st of August 2009. The purpose of this report is to outline the submissions received by the Council in this current funding round, and to rank them prior to forwarding to DSR for evaluation and assessment.

BACKGROUND

The Department of Sport & Recreation administers the CSRFF program. The purpose of this fund is to provide State Government financial assistance to Local Government Authorities and local community groups (up to one third of the total capital cost), to develop well-planned facilities for sport and recreation.

In June 2009 several changes were made to the CSRFF program to improve the support the Western Australian Government provides to the sporting community. Of particular note is the introduction of the Small Grant Round, which has a different timeline to Standard Grants Round. Small Grant Applications must be submitted to DSR from the local government by the 31st of August 2009, which requires local government to assess the applications and gain the Council's endorsement by this date. Successful Small Grants will be required to be acquitted prior to 15 June 2010. In addition to this, a further Small Grants Round will also be open for applications in February 2010.

In order to assist with the evaluation of submissions, and to ensure projects are viable and appropriate propositions, the DSR has developed the "Key Principles of

Facility Provision". Accordingly, each submission is to be assessed against those criteria.

The State Government requires the Local Government Authority to rate and prioritise local submissions using the following guide;

- A Well planned and needed by the municipality
- B Well planned and needed by the applicant
- C Needed by the municipality, more planning required
- D Needed by the applicant, more planning required
- E Idea has merit more, preliminary work needed
- F Not recommended

Submissions for the current funding round closed on Friday, July 31, 2009. Following this date, each Local Government Authority is required to assess and prioritise the applications before forwarding all documentation to the South West Office of the DSR no later than September 1, 2009.

Between September and October 2009 local applications (along with others received throughout the State) will be evaluated and ranked by relevant State Sporting Associations, and the CSRFF Assessment Panel, prior to the outcome being announced by the Minister for Sport and Recreation. Funds for successful applications will become available in early December 2009.

Two submissions have been received this year as follows:

- (i) *Shire of Busselton - construction of Sports Lighting at Sir Stewart Bovell Oval #2*
- (ii) *Shire of Busselton - refurbishment of change rooms at the Geographe Leisure Centre (GLC)*

CONSULTATION

Consultation has taken place between Officers of the Shire and staff from the South West Office of DSR in regard to the funding submission received. Consultation has also taken place between Shire Officers assessing the application and the applicants in regards to the submission received.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy No. 208/2 (Financial Support for Community Initiated Projects) has been applied in consideration of all applications received.

FINANCIAL IMPLICATIONS

Two (2) applications have been received for consideration in the current round of funding. Both applications have been submitted by the Shire of Busselton.

The application from the Shire of Busselton for the Sports Lighting Project at Sir Stewart Bovell Oval #2 will require a cash commitment from the Council to the value of \$44,000 in the 2009/10 budget. This budget item is currently being considered by the Council for re-listing on the 2009/10 draft budget. This project was originally listed on the 2008/9 budget, but due to incorrect financial forecasting, insufficient funds were available to complete the project in the 2008/9 financial year.

An additional funding component for this project has been sourced as part of the Federal Government's Community Infrastructure Funding Program. It was decided at the MANEX meeting on the 21st of July 2009, that \$49,334 of the \$63,000 allocated to the Shire of Busselton from this funding source be allocated to this project.

The application from the Shire of Busselton for the refurbishment of change rooms at the GLC will require a cash commitment from the Council to the value of \$42,000 in the 2009/10 budget and has been listed as a budget item in the 2009/10 draft budget under the GLC capital expenditure and operational maintenance accounts.

A summary of the financial implications for Council in respect to the capital costs of these two projects, should they proceed as planned, is as follows:

- | | | |
|------|---|----------|
| (i) | Shire of Busselton (Sports Lighting Project – Sir Stewart Bovell Oval #2) | \$44,000 |
| (ii) | Shire of Busselton (GLC Change room refurbishment) | \$42,000 |

STRATEGIC IMPLICATIONS

The applications are consistent with fostering the following strategic objectives:-

- * 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

- (a) Shire of Busselton - construction of Sports Lighting at Sir Stewart Bovell Oval #2: anticipated total project costs - \$140,000

On February 14, 2007, the Council adopted certain recommendations as contained in the Section 16 of the *Leisure Services Plan for the Shire of Busselton - Final Report* without amendment, to be used as a set of guiding

principles for future facility and services planning within the Shire. This allowed the Leisure Services Plan Working Group (LSPWG) to re-develop the implementation strategy within the Leisure Services Plan.

The Leisure Services Plan Working Group conducted four strategic meetings. Recommendation 16.2.43 'Support the installation of sports ground lighting on all active sports grounds' was listed by the LSPWG as a 'high priority'.

Regular interaction with all the current users of the facility has further justified the requirement of improved Sports Lighting at this particular Active Playing reserve. The need to increase the amount of available playing time at existing reserves is an important strategy to allow for an increase in physical activity by current and future users of the facility.

The project has significant community support, as 10 affiliated members of the Busselton Football and Sportsman's Club have provided an official letter of support and outlined how the facility will improve physical activity opportunities for its members in the short and longer term.

Lighting at the facility is managed by the Bovell Oval Lighting Committee and the operational costs of running the lights at the facility are covered by a user pays philosophy.

The Council's adoption of the Leisure Services Plan and the LSPWG listing this type of project as a 'high priority' provides significant support for this project; therefore it is now recommended that this project be assessed as a 'high' priority and that it is - (A) Well planned and needed by the municipality.

- (b) Shire of Busselton – refurbishment of the Geographe Leisure Centre Change rooms: anticipated total project costs - \$63,000

The GLC has approximately 230,000 visitations by members of the public each year. The Centre is open for almost 100 hours per week and is also the primary training and competition facility for the Basketball, Netball, Volleyball, Indoor Hockey, Indoor Soccer, Swimming and Water Polo clubs.

Customer satisfaction surveys have indicated a level of dissatisfaction with the standard of the current change room, toilet and showering facilities which are now 11 years old. In addition to regular maintenance, reporting indicates that the existing cubicles and shower facilities are due for replacement.

The standard of the toilets and change room facilities has previously been listed as the problem area for the Centre. By improving this facility the whole image of the Centre and therefore the likelihood to continue to use the facility is increased. This is particularly evident with the parents of young children.

The refurbishment of the GLC change rooms has been identified as part of the asset management processes by the Management of the Centre and as the Shire of Busselton's premier aquatic and recreation facility this project is well needed. Therefore it is now recommended that this project be assessed as a 'high' priority and that it is - (A) Well planned and needed by the municipality.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

DSR, South West Office staff will be advised in writing of the Council's decision prior to the end of August 2009 when the full contents of the application are forwarded to their regional office in Bunbury.

OFFICER RECOMMENDATION

1. That the Council supports in principle the construction of Sports Lighting at Sir Stewart Bovell Oval #2 as proposed by the Shire of Busselton in their CSRFF application, rating it as 'A' and number one priority of the two applications received for consideration.
2. That the Council supports in principle the refurbishment of the Geographe Leisure Centre Change rooms in their CSRFF application, rating it as 'A' and number two priority of the two applications received for consideration.

16.2 BUSSELTON BOWLING CLUB LEASE APPLICATION

SUBJECT INDEX:	Agreements / Contracts
STRATEGIC INITIATIVE:	1.2.1 Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities.
BUSINESS UNIT:	Community Development
SERVICE:	Property Management
DATE OF COMPLETION:	30 November 2009
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	A. Aerial Photo of Leased Area

PRÉCIS

The Shire of Busselton leases a portion of Lot 410 Kent Street, Busselton, to the Busselton Bowling Club (BBC).

The current lease for a term of 20 years expires on 21 August 2009 and this report presents the case for the council to grant a new lease to the BBC for a similar term.

BACKGROUND

The BBC was established in 1904 with one Green and a membership of 12 bowlers. Today the BBC has three and a half Greens with a total of 23 rinks and a membership of about 290 including 30 social members. It is a proactive club that has enjoyed a stable history.

The Club meets its financial obligations through an income stream from memberships, bar trade, functions, fundraising and Corporate Bowls. Additionally, the facility is hired out for various activities such as social cards, indoor bowls, boot scooting and craft afternoons, business and community functions.

Over the years the growth of the club has caused some issues with parking availability to members and players. The Club has approached the Shire for assistance with a possible reconfiguration of the site layout to allow additional parking to be created. Although some investigation has been undertaken in this regard, this matter is yet to be resolved but will possibly be the subject of a later report to the Council, should extensions to the leased area be formally requested.

CONSULTATION

Discussions have been held with the management committee of the BBC over recent months in respect to renewal of the lease, potential amalgamation between the BBC and the Busselton Croquet Club and parking facilities.

STATUTORY ENVIRONMENT

When disposing of property whether by sale, lease or other means a Local Government is bound by the requirements of section 3.58 of the Local

Government Act. However 3.58 (5)(d) provides exclusions to this process under Regulation 30(2)(b)(i) & (ii) of the Local Government (Functions & General) Regulations. This section states "disposal of land to incorporated bodies with objects of benevolent, cultural, educational or similar nature and the members of which are not entitled to receive any pecuniary profit from the body's transactions, are exempt from the advertising and tender requirements of section 3.58 of the Local Government Act."

The constitution of the Busselton Bowling Club is such that this exemption applies.

The land occupied by the BBC is Lot 410 Kent Street, Busselton, on Plan 216960 Volume 1850 Volume 572.

In 1989 the land, formerly Reserve 629, was transferred from the Crown to the Shire in fee simple, (freehold) subject to conditions regarding the use of the land. The transfer was subject to Section 75 of the Land Administration Act 1997 and restricts the use of the land to 'Recreation'. Additionally, it requires the Shire to seek permission from the Minister prior transferring any interest in the land i.e. leasing.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The annual rent charged for Shire land and/or buildings, under leases to community and sporting groups has for the last few years been \$150.00 plus GST. This amount neither recovers the costs nor reflects the resources applied to the management and administration of the lease, however has been considered by the Council to be an appropriate amount for a sporting club to pay.

The full maintenance costs of the building are borne by the Club and the cost of the building insurance premium is reimbursed to the Shire.

STRATEGIC IMPLICATIONS

The request for a lease renewal is consistent with fostering the following Shire of Busselton strategic objectives to:-

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

OFFICER COMMENT

The BCC is a well administered club with a history of growth and good management. The Club has formed substantial community and sporting links and adopts a conscientious approach to ongoing maintenance of their assets. The Club operates in a financially responsible manner by actively seeking to fund its requirements through memberships, hiring of facilities, the bar, sponsorships and grants.

The Club is keen to enter into a new lease arrangement with the Shire for a ten year term with a further ten year option.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A draft lease would be forwarded to the BCC by 30 October 2009. (Note: the current lease provides for a continuation of the lessee's occupation of the premises under the "Holding Over" clause. This will allow the current terms and conditions to apply until the new lease is in place.)

OFFICER RECOMMENDATION

That subject to permission of the Minister for Lands, the CEO be authorised to enter into a lease with the Busselton Bowling Club (Inc) over the portion of Lot 410 Kent Street, Busselton, as identified on the attached plan (Agenda Attachment A) on the following terms;

- (a) the lease shall be consistent with the Shire's standard community and sporting group lease agreement;
- (b) the term of the lease to be 10 years, commencing on the day following the expiry of the previous lease with a further 10 year option;
- (c) the annual rent to be \$150.00 plus GST; and
- (d) all costs for the preparation of the lease to be met by the Lessee.

17. CHIEF EXECUTIVE OFFICER'S REPORT**17.1 PROPOSED LOCAL GOVERNMENT REFORM REPORT TO MINISTER FOR LOCAL GOVERNMENT**

This report was not ready at the time of Agenda finalisation and will therefore need to be circulated via an Addendum to this Agenda before the Council Meeting on 26 August 2009. It is intended the Reform Team meet to discuss the finalisation of the report prior to it being considered by the Council.

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

18.1 **PROPOSED STORAGE SHED / RURAL ENTERPRISE - RETROSPECTIVE APPROVAL FOR CHANGE OF USE - LOT 20 QUINDALUP SOUTH ROAD, QUINDALUP**

NoM NO: 09/10: 02

Councillor Ian Stubbs has given notice of his intention to move the following motion at the Council Meeting on 26 August 2009:

MOTION

"That the reconsideration of the development application titled "Proposed Storage Shed/Rural Enterprise – Retrospective Approval for Change of Use – Lot 20, Quindalup South Road, Quindalup" be submitted to the Council for determination."

REASON

The development application was refused by the Shire. The proponent has requested that the application be reconsidered. This notice of motion seeks to have the reconsideration determined by the Council. It is considered that this land use would not detrimentally impact on the character of the area. The existing sheds and storage areas are surrounded by pine plantations and natural timber.

STAFF COMMENT (Lifestyle Development Directorate)

A retrospective development application was submitted for Innovest Constructions Pty Ltd and previously determined for the use of the existing outbuildings and areas adjoining the buildings on the subject lot for a Contractor's Storage Yard/Rural Enterprise. There are a number of outbuildings that are used to store numerous types of building materials in the operation of a construction business.

The application that was submitted was for a mixture of uses comprising contractors storage yard/Rural Enterprise and domestic storage associated with the existing dwelling. The supporting statement which accompanied the application states that the construction company focuses on the construction of mainly agricultural and winery buildings.

The definition of a Rural Enterprise states "means the use of rural land and buildings for business activities, the operations of which are related to or are dependant on rural and agricultural activity in the locality in which they are situated".

Officers have undertaken a number of site visits to ascertain what materials are being stored on site and investigated the work that is undertaken by the proponent's construction business and are of the opinion that insufficient evidence has been provided to show that the business is related to or dependant on rural activity and furthermore are aware that the construction company carries out numerous industrial, commercial and residential projects within the urban area.

The previous application was refused for a number of reasons:

- i) the industrial development is an unsuitable form of development in the agricultural zoned area;
- ii) the proposal is inconsistent with the Local Rural Planning Strategy by way that the use is identified as undesirable;
- iii) the open storage of sea containers, building materials and site offices would both visually and physically diminish the rural character of the area;
- iv) the sight lines for the existing ingress and egress are inadequate, detrimental to highway safety, and furthermore in order to comply a significant amount of vegetation would be required to be removed; and
- v) lack of evidence to support the claim that the business is dependant on rural activity.

An application for reconsideration has been submitted with an accompanying supporting letter which states that "it is considered that the proposal does fit the definition of rural enterprise on the basis that the business is a construction business that focuses on the construction of buildings associated with agricultural and rural industries linked to agriculture. Furthermore the business is only 'low key' and that is common in the rural area."

Officers are of the opinion that the information submitted does not overcome the reasons for refusal and the proposal can not be considered as a Rural Enterprise. While the application must be determined on the basis of the use/development that is proposed to be undertaken, the justification that has been provided is based on the construction activity of the company. However when this is reviewed it is evident that Innovest Constructions Pty Ltd has only constructed one barrel store since they have occupied the subject site and a retaining wall and decking in a rural zone, but have had building licences issued for 18 commercial/residential developments. As a result it is considered that the proposal fits into the definition of 'Bulk Store' which states ' means a building or place used for the bulk storage of goods where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership'.

A bulk store is not a use which is permissible in the agricultural zone and as such cannot be approved by the Council. Correspondingly the Notice of Motion is not supported as there is no discretion to approve the application unless the Council forms the view that the use can be identified as an alternative land use under the scheme and that this is permissible in the Agricultural zone. The avenue available for the applicant is to seek a rezoning of the property, however, while this would require determination by the Council it should be noted that this would not be supported by staff as development of an industrial nature should be located within the industrial zoned areas of the Shire as many similar businesses to this are.

18.2 POSSIBLE CHANGE OF NAME - HARMANS ROAD SOUTH

NoM NO: 09/10: 3

Councillor Anne Ryan has given notice of her intention to move the following motion at the Council Meeting on 26 August 2009:

MOTION

That the CEO reports to the Council prior to 23 September 2009, as to the status of an application for a possible change of name of Harmans Road South, Metricup to Tom Cullity Drive.

The report to include:

- (a) Copies of any correspondence with regard to this issue including the letters of support from local landowners;*
- (b) The progress by the Shire of Augusta Margaret River on the issue;*
- (c) Any information from the Geographical Names Committee;*
- (d) What steps need to be initiated if such a change was to be initiated;*
- (e) Costs to each Shire; and*
- (f) Any other relevant information necessary for Council to progress such an initiative.*

REASON

The death of Tom Cullity recently, a pioneer of the Margaret River Wine region, created a possible solution to the frustration and confusion behind the roads Harmans Road South and Harmans Mill Road in Metricup.

It has been requested that the Council progress any possibility of a name change, in conjunction with the Shire of Augusta Margaret River with full consultation with the surrounding landholders, businesses, pioneers and/or their successors.

STAFF COMMENT (Community Infrastructure Directorate)**Description of Harmans Road South**

Harmans Road South extends from Harmans Mill Road, Wilyabrup, to Caves Road. About two-thirds of the approximately 5km road is located within the Shire of Busselton. The other third is within the Shire of Augusta Margaret River.

Correspondence relating to a request to change the road name

The Shire of Busselton has received a letter from a business requesting that 'Harmans Road South' is renamed to 'Tom Cullity Drive'. Attached to the letter are letters of support to the request.

In a response letter, the Shire advised that the request had been referred to the Shire of Augusta Margaret River as that Shire was dealing with the request.

Legislation, the Minister for Lands and the Geographic Names Committee

Under the *Land Administration Act 1997*, the Minister for Lands has the authority to name and rename roads (sections 26 and 26A). Acting for the Minister, Landgate's Geographic Names Committee (GNC) approves road name changes in accordance with a set of guidelines and procedures.

Following are excerpts from the GNC document entitled, 'Principles, guidelines and procedures':

- * *New names and changes of names shall have strong local community support.*
- * *Names characterised as follows are to be avoided, where possible:- incongruous; given and surname combinations; qualified names; double names; corrupted, unduly cumbersome, obscene, derogatory or discriminating names; and commercialised names.*
- * *New names proposed must be accompanied by exact information as to location, feature identification, origin, or if alteration is proposed, by a rationale.*
- * *Suitable Names - Preferred sources of names include names from Aboriginal languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant community contribution, war casualty lists and thematic names (eg nautical, sporting etc). Ethnic and gender diversity is encouraged. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.*
- * *Unsuitable Names - Names characterised as follows are to be avoided - given/first names, corrupted, unduly cumbersome or difficult to pronounce names, obscene, derogatory, racist or discriminating names, company or commercialised names (unless in an historical context).*
- * *Road Types - The Committee has approved a comprehensive list of road types with definitions outlining their particular application. Correct application of these types assists the motoring public. The abbreviation of road types is in accordance with the AS 4212.*

With respect to Road Types, the document describes a 'Drive' as:

A wide thoroughfare allowing a steady flow of traffic without many cross streets.

Officer comment to the notice of motion

The road name 'Tom Cullity Drive' is likely to be unsuitable to the Geographic Names Committee, the group responsible for road naming guidelines. This is because the name uses a first name and surname combination and the road type 'Drive' may not appropriately describe the road.

The following is provided as an indication only of costs for the Shire of Busselton to deal with the request:

- * Advertising and administration for processing the proposal - \$550.
- * GNC fee for processing an application to rename a road - \$250.
- * And assuming the road name change is approved by the Minister for Lands:
 - Advertising and administration for advising that the road name has changed - \$550.
 - New road name signs - \$330 each. Two required within the Shire of Busselton.
 - Temporary road name signs (advising road name has changed) - \$330 each. Two required within the Shire of Busselton.

A report to the Council regarding the request may find other costs or a variation of cost amounts just described.

No specific budget has been allocated to the request. Sources of funding for a budget should be considered in a report to the Council.

To achieve the timeframe described within Cr Ryan's notice of motion, the report would need to be completed by 2 September so that it would make the agenda for the 23 September meeting of the Council. This gives staff a one week window to gather necessary information, consult with appropriate external agencies (Landgate, Shire of Augusta Margaret River), and then prepare and internally review the report. Given already demanding workloads all contending for Shire Officer time, a report by 11 November (rather than 23 September) is a more realistically achievable timeframe.

It is recommended that the Shire of Busselton acts with the Shire of Augusta Margaret River on any proposal to rename Harmans Road South. Acting independently may result in the same road being split into two names and that would be an undesirable outcome causing confusion for the traveller.

18.3 PRE-ELECTION WORKSHOP FOR 2009 LOCAL GOVERNMENT ELECTION CANDIDATES

NoM NO: 09/10: 4

Councillor David Binks has given notice his intention to move the following motion at the Council Meeting on 26 August 2009:

MOTION

That the Council requires the CEO to:

1. Arrange a workshop for confirmed candidates for the upcoming 2009 Local Government Elections to be held within two weeks of the closing date of nominations specifically for the purposes of providing detailed information to candidates regarding the statutory requirements of the Local Government (Rules of Conduct) Regulations 2007,
2. Include in the workshop detailed information regarding the requirements of the Shire of Busselton Standing Orders and any other information deemed necessary by the CEO in order to provide candidates with as much understanding as possible of their statutory requirements with respect to the Local Government (Rules of Conduct) Regulations 2007 and Shire of Busselton Standing Orders;
3. Facilitate the workshop using Shire staff on Shire premises;
4. Advertise the workshop in the Council for the Community pages each week from the opening date for nominations until the date of the workshop;
5. Arrange for a written invitation to the workshop to be extended to all candidates immediately following the closing date of nominations;
6. Allocate any external expenses associated with the workshop up to the value of \$3000 to the Council Strategic Fund; and
7. Review the effectiveness of the workshop after the conclusion of the 2009 elections, and determine to hold a similar workshop in the same manner prior to future Local Government Elections.

REASONS:

It is important to give all candidates a clear understanding of their obligations under the Local Government Act, not only once successfully elected, but also with respect to their responsibilities IN THE CAMPAIGNING PERIOD prior to the Election. There are many pitfalls that can be encountered in the lead-up to an election, which can lead to significant implications for the Elected Member if they are not fully understood.

It is understood the Shire usually holds an information session for intended nominees and that the Electoral Officer provides information to the candidates, however this workshop is intended to provide DETAILED INFORMATION specifically focussed on compliance with the Local Government (Rules of Conduct) Regulations 2007 and Shire of Busselton Standing Orders specifically for candidates following the closing of nominations. The inclusion of the Standing Orders in this workshop is intended to give potential Councillors the information they need to assist them "hit the ground running".

Whilst the obligation is clearly on the individual to be appropriately informed, this motion will be a pro-active step forward into encouraging and assisting each other to perform the duties of a Councillor with understanding, transparency and accountability.

STAFF COMMENT (Chief Executive Officer):

This will hopefully prove to be a very good investment and therefore a most worthy initiative.

19. CONFIDENTIAL REPORTS**19.1 POTENTIAL PURCHASE OF LAND**

This report, confidential under s.5.23(2)(c) of the Local Government Act 1995, being a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting, was not ready at the time of Agenda finalisation. It will therefore need to be provided to Councillors, the Chief Executive Officer, Directors and the Executive Manager, Systems and Information only, via an Addendum to this Agenda before the Council Meeting on 26 August 2009.

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

21. **QUESTIONS FROM MEMBERS WITHOUT NOTICE**

22. **NEXT MEETING**

Wednesday, 9 September 2009, commencing at 5.30 p.m.

23. **CLOSURE**

