



Shire of Busselton
Geographe Bay

Council Agenda

9 September 2009

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

SHIRE OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 9 SEPTEMBER 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 26 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	3
13.1	PROPOSED AMENDMENT FOR LOT 9005 PICKMORE CIRCUS, WEST BUSSELTON TO REZONE FROM 'RESIDENTIAL', 'RECREATION' AND 'DEVELOPMENT INVESTIGATION AREA' TO 'SPECIAL PURPOSES' (OLD BROADWATER FARM DEVELOPMENT AREA) AND 'SPECIAL PROVISION AREA' WITH ASSOCIATED PROVISIONS; AND DRAFT DEVELOPMENT GUIDE PLAN - CONSIDERATION FOR ADOPTION FOR COMMUNITY CONSULTATION	3
13.2	CENTRAL EAST BUSSELTON FORESHORE MANAGEMENT PLAN - SCOUT ROAD TO FORD ROAD (CONSIDERATION FOR FINAL ADOPTION)	25
13.3	DRAFT BUSSELTON TOWN CENTRE URBAN DESIGN POLICY - ADOPTION FOR COMMUNITY CONSULTATION	29
14.	SYSTEMS AND INFORMATION REPORT	51
14.1	PAYMENT LISTING - JULY 2009	51
14.2	FINANCIAL ACTIVITY STATEMENT - JULY 2009	53
15.	COMMUNITY INFRASTRUCTURE REPORT	60
15.1	DUNSBOROUGH OVAL RECONSTRUCTION CONSULTANCY	60
16.	COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT	64
16.1	NAMING OF THE NEW GROUP FITNESS ROOM AT THE GEOGRAPHE LEISURE CENTRE	64
16.2	SMALL LOCAL PROJECTS FUND 2009/10 - NO. 1	67
16.3	2009/10 COMMUNITY BIDS BUDGET ALLOCATIONS	69
16.4	ARTGEO MANAGEMENT PLAN REVISION AND PROPOSED LEASE OPPORTUNITIES	70
17.	CHIEF EXECUTIVE OFFICER'S REPORT	80

18.	MOTIONS of which notice has been given	80
18.1	SCHOOL PARTICIPATION AT COMMUNITY ACCESS SESSIONS	80
18.2	YOUTH ADVISORY COUNCIL	82
18.3	LETTER TO TROY BUSWELL	84
18.4	LETTER TO HEALTH MINISTER	85
19.	CONFIDENTIAL REPORTS	86
19.1	KPIS FOR 2009/10 PERFORMANCE PERIOD	86
20.	NOTICES OF MOTION proposed for consideration at a future Meeting	87
21.	QUESTIONS FROM MEMBERS WITHOUT NOTICE	87
22.	NEXT MEETING	87
23.	CLOSURE	87

SHIRE OF BUSSELTON**MEETING NOTICE AND AGENDA – 9 SEPTEMBER 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, 9 September 2009, commencing at 5:30 pm.

Your attendance is respectfully requested.

ANDREW MACNISH
CHIEF EXECUTIVE OFFICER

25 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 26 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**13.1 PROPOSED AMENDMENT FOR LOT 9005 PICKMORE CIRCUS, WEST BUSSELTON TO REZONE FROM 'RESIDENTIAL', 'RECREATION' AND 'DEVELOPMENT INVESTIGATION AREA' TO 'SPECIAL PURPOSES' (OLD BROADWATER FARM DEVELOPMENT AREA) AND 'SPECIAL PROVISION AREA' WITH ASSOCIATED PROVISIONS; AND DRAFT DEVELOPMENT GUIDE PLAN - CONSIDERATION FOR ADOPTION FOR COMMUNITY CONSULTATION**

SUBJECT INDEX:	Town Planning Schemes and Amendments
APPLICATION NUMBER:	11437AMD
STRATEGIC INITIATIVE:	2.4.1 Support development that is contained in identified nodes with well defined boundaries
BUSINESS UNIT:	Strategic Planning and Sustainability
SERVICE:	Strategic Land Use Planning
DATE OF COMPLETION:	23/09/2009
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	<p>The proposed amendment would rezone the site to 'Special Purposes' zone, introduce special area provisions to Schedule 7 to guide future subdivision and development, modify the boundary of the existing Special Purposes zone and amend conditions under Schedule 4 Additional Uses No. 56.</p> <p>The proposed Development Guide Plan would facilitate the subdivision of approximately 241 residential lots, the creation of an orchid reserve and public open space to protect remnant vegetation and habitat of the Western Ringtail Possum, as well as retain the golf course and commercial site.</p> <p>Adoption in Draft Form will enable referral to the EPA for environmental assessment and subsequent advertising for community consultation.</p>
LOT SIZE:	44.091ha
ZONE:	'Residential R10 & R12.5', 'Business', 'Recreation', 'Special Purposes', 'Additional Use', 'Development Investigation Area', 'Landscape Value Area'
POLICIES:	<ol style="list-style-type: none"> 1. Busselton Urban Growth Strategy 2. Liveable Neighbourhoods 3. Community Facilities Implementation Policy 4. Planning Bulletin 92 Urban Water Management/Better Urban Water Management 5. Draft Statement of Planning Policy – Road and Rail Transport Noise 6. Residential Design and Landscaping Guidelines on Controlled Access Road

ATTACHMENT(S):

- A. Location Plan
- B. Proposed Amendment Map
- C. Draft Development Guide Plan
- D. Old Broadwater Farm Development Guide Plan 2003
- E. Green Corridor Concept

PRÉCIS

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

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

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

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

PROPOSAL/BACKGROUND

The proposal comprises a scheme amendment and draft DGP that relate to Lot 9005 Pickmore Circus, West Busselton. The subject land is located on the corner of the Busselton Bypass and Fairway Drive, within an area commonly known as 'Old Broadwater Farm' (Attachment A). This zoning area represents the final stage of development of the Old Broadwater Farm urban area.

The subject land is 44.091ha in area, is relatively flat with a gentle gradient northwards to the New River. Current land uses include grazing, the golf course and events associated with the Old Broadwater Farm homestead. The land is zoned residential providing for its full development including the existing golf course.

The subject land has been cleared in part for grazing and retains remnant vegetation that is rated from 'Very Poor' to 'Very Good to Excellent' (mostly in the eastern portion of the site).

The Western Ringtail Possum ('WRP') survey found that the site retains habitat suitable for use by the WRP that is likely to support a population of approximately 30 individuals. The Western Grey Kangaroo census estimates that approximately 35 kangaroos reside within the site and favour the eastern area.

Each component of the proposal is outlined below, under appropriate sub-headings.

Scheme Amendment

The scheme amendment comprises four elements:

1. Rezoning from Residential, Recreation and Development Investigation Area to Special Purposes (Old Broadwater Farm Development Area).
2. Inclusion of the land in a Special Provision area, pursuant to Schedule 7 (Special Provision Areas) of the Scheme and introduction of special provisions.
3. Deletion of the existing 'R10' and 'R12.5' residential density designations (residential density would instead be regulated via the proposed DGP).
4. Modifying the boundary of the existing 'Special Purposes' zone (containing the historic Old Broadwater Farm homestead) and clarifying conditions contained in Schedule 4 Additional Uses No. 56. The conditions currently require a conservation plan to be approved by the Heritage Council of WA prior to any development. Proposed conditions remove this element because Heritage Council of WA approval of a conservation plan is not required.

The proposed zoning boundaries are shown as Attachment B.

The principle intent of the proposed amendment is to place the subject land within a Special Purposes zone and Special Provision area that would determine residential densities and other land uses by reference to an approved DGP. This is a more appropriate approach to the planning of new development areas, allowing minor changes to design and layout without the need to go through the scheme amendment process. It is also consistent with the approach used in other new development areas such as Yalyalup and Dunsborough Lakes.

The proponent supports this approach, however they wish to retain the Business zone as depicted on the draft DGP reflecting the current zoning.

Draft Development Guide Plan

The draft DGP is shown as Attachment D. The draft DGP is accompanied by an explanatory report and 4 technical appendices as follows:

- A. Urban Water Management Plan – prepared by Cardno (WA)
- B. Vegetation Survey – prepared by Cardno BSD
- C. Western Ringtail Possum Assessment Survey and Western Grey Kangaroo Census – prepared by Greg Harewood
- D. Noise Impact Assessment – prepared by Lloyd George Acoustics

The draft DGP sets out a framework for the future subdivision and development of the balance of the Old Broadwater urban area. The key aspects of this are summarised below, under appropriate sub-headings.

Residential Development

The draft DGP proposes the following outcomes in terms of residential development:

- * 241 single residential lots at densities ranging from R12.5 to R40, comprising 178 lots between 450m² and 550m² (R20), 37 lots between 200m² and 230m² (R40) and 26 lots 1000m² or larger (R12.5).
- * R20 is the predominant residential density with this forming the bulk of the proposed lots.
- * Medium density R40 laneway lots are proposed along an avenue towards the historic cottage lot and overlooking areas of public open space. An R40 grouped housing site, 1.4ha in area, is proposed adjacent to the golf course.
- * Larger R12.5 lots are proposed along the boundary of the subject land with the Busselton Bypass. This provides opportunities for retention of vegetation and to accommodate appropriate building setbacks to the Bypass to reduce noise impact.

The expected residential lot yield for the subject land under the current adopted Old Broadwater Farm DGP is 273 lots. Retention of the golf course and inclusion of the orchid reserve has reduced the developable area and the expected lot yield. To offset the reduction in developable area to some extent, the draft DGP proposes to increase the base residential density from R12.5 to R20, with the inclusion of several medium density (R40) areas.

Public Open Space

The draft DGP proposes five areas of open space combining for a total of 3.9687ha. The components of this comprise:

- * POS 1 (1.723ha) located to the north of the golf course. This area would retain habitat suitable for WRP and known occurrences of WRP, as well as a historic lime kiln.
- * POS 2 (4734m²) located along the northwest boundary of the draft DGP area. This area would retain some remnant vegetation and also have a drainage function.
- * POS 3 (3738m²) located in the north west of the subject land. This area would retain a number of existing trees and provide an active recreational area for residents in the western portion of the estate.

- * POS 4 (1.2976ha) located adjacent to the bypass. This area would retain significant vegetation and provide visual relief to future development from the bypass.
- * POS 5 (1000m²) located adjacent to the bypass. This area would connect the proposed tree lined avenue to the historic cottage lot and facilitate movement of WRP.

Orchid reserve

A conservation reserve, 1.2061ha in area, is proposed adjacent to the golf course. The reserve would facilitate the protection of a known population of the Declared Rare Flora ('DRF') *Calandenia procera* orchid and its supporting habitat.

Golf course

The retention of the golf course is proposed as it supports both WRP habitat and the highest observed WRP population densities, as well as habitat suitable for (and with known occurrences of) *Calandenia procera*.

Commercial

The existing Business zone is proposed to be retained on the corner of Fairway Drive and the Busselton Bypass. The size of the site has increased from 1ha to 1.09ha due to the realignment of the subdivisional access road from Fairway Drive in response to retaining the golf course and increasing the size of the proposed orchid reserve.

The draft DGP proposes a maximum shop retail floorspace of 955m² NLA. This floorspace allowance was determined through a retail demand assessment, undertaken in early 2000, in support of Amendment No. 11 (which facilitated the current zoning of the subject land) and was anticipated to be sufficient to accommodate a fuel outlet and local convenience shopping, plus some ancillary non-retail uses.

Given that significant time has elapsed since the assessment was undertaken, there may be scope in the future to re-examine the shop retail floorspace allowance to ensure, amongst other things, that it is sufficient to enable the development of a viable local neighbourhood centre, with an appropriately sized anchor tenant (such as a small supermarket).

A new retail demand assessment would be needed to justify any recommended increase in the shop retail floorspace and recommended outcomes would need to be consistent with the objectives of *Liveable Neighbourhoods* and the Shire's Local Commercial Planning Strategy.

Green Corridors

Green corridors linking the golf course, orchid reserve, public open space, historic cottage lot and the conservation reserve of the New River are proposed on the

draft DGP to ultimately provide canopy linkages for WRP (Attachment E). Tree corridors will be principally planted with *Agonis flexuosa* (WA Peppermint trees).

Dual Use Path Network

The draft DGP proposes a pedestrian and cycleway network that links public open space areas, the remainder of the estate, commercial site, Fairway Drive and the bypass.

DGP Conditions

The draft DGP contains a number of conditions that relate to requirements for the:

- * preparation of management plans for the golf course, orchid reserve, WRP, the New River foreshore reserve, noise management and landscaping;
- * preparation of Detailed Area Plans ('DAPs') to guide the detailed design and development outcomes for the R40 grouped dwelling site, lots less than 350m² in area and the Business zone;
- * interface between the golf course and residential lots; and
- * preparation of a developer contributions plan.

STATEMENT OF IMPACT

The applicant has submitted the proposal for the Council's consideration and it is therefore assumed that they consider that the proposal would have a net benefit in terms of their objectives for their land. Whilst some modifications to the draft DGP are proposed, it is understood that the applicant has no objection to the proposed changes.

CONSULTATION

There is no requirement under the *Planning and Development Act 2005* to advertise a proposed scheme amendment prior to it being initiated by the Council. Accordingly, no advertising has occurred to date.

If the Council resolves to initiate the proposed amendment, the relevant amendment documentation would be referred to the Environmental Protection Authority (EPA) for consideration of the need for formal assessment under Part IV of the *Environmental Protection Act 1986*. Should the EPA resolve that the draft amendment does not require formal assessment it will be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*.

STATUTORY ENVIRONMENT

The key elements of the statutory environment with respect to the proposal are set out in the *Shire of Busselton District Town Planning Scheme No. 20*, the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

In the Scheme, the subject land is zoned Residential, Business and Recreation within a Development Investigation Area ('DIA'). Pursuant to clause 25 of the Scheme, the DIA requires the preparation of a DGP to be adopted by the Council and endorsed by the WAPC prior to any development occurring. The draft DGP generally complies with the requirements of clause 25 in terms of the provision of information.

Clause 25 of the Scheme sets out the process for adopting a DGP, the essential elements of which for the purposes of the current proposal are as follows -

- (4) *Following receipt of a Development Guide Plan which, in the opinion of the Council, adequately addresses the orderly and proper planning of the land, the Council shall cause the Development Guide Plan to be advertised for a minimum period of 28 days.*
- (5) *The Council shall consider any submissions made and may refuse or adopt the Development Guide Plan with or without modifications and subject to such conditions as it thinks fit.*
- (6) *The Council shall, following its adoption of the Development Guide Plan, cause the Plan to be forwarded to the Western Australian Planning Commission, together with any comments the Council may wish to make on the Plan.*
- (7) *The Western Australian Planning Commission may refuse or adopt, with or without modification, the Development Guide Plan so forwarded to it by the Council subject to any conditions that the Commission thinks fit.*

Decisions of both the Shire and the Western Australian Planning Commission (WAPC) with respect to a DGP are subject of a right of application for review to the State Administrative Tribunal.

The process associated with the amending of a town planning scheme is set out in the *Planning and Development Act 2005* and the *Town Planning Regulations 1967* and may be summarised as follows:

1. The Council considers a town planning scheme amendment proposal in the context of the relevant planning framework and determines whether or not to 'initiate' an amendment – note that once an amendment is initiated it cannot be 'uninitiated';
2. The amendment is referred to the Environmental Protection Authority (EPA) for environmental impact assessment;

3. If the amendment is consistent with the relevant State Planning Policy framework, the amendment must be advertised for consultation purposes for the minimum period of 42 days (if an amendment is not consistent with the relevant State Planning Policy framework then it must first be referred to the WAPC for consent to advertise);
4. The Council must further consider the amendment in light of any submissions received and make a recommendation to the WAPC regarding the amendment;
5. The WAPC must consider the amendment and make a recommendation to the Minister for Planning;
6. The Minister must consider the amendment and, if supportive, agree to the Gazettal of the amendment; and
7. The amendment is gazetted and comes into effect.

Decisions relating to the amendment process are not subject of a right of application for review to the State Administrative Tribunal.

POLICY IMPLICATIONS

The key policy implications with respect to the proposal are set out in the following policy documents:

1. *Busselton Urban Growth Strategy*;
2. *Liveable Neighbourhoods*;
3. *Community Facilities Implementation Policy*
4. *Planning Bulletin 92 Urban Water Management and Better Urban Water Management*;
5. *Draft Statement of Planning Policy – Road and Rail Transport Noise*; and
6. *Residential Design and Landscaping Guidelines on Controlled Access Roads*.

The relevant aspects of each of the above documents are outlined below under appropriate sub-headings.

Busselton Urban Growth Strategy 1999

The *Busselton Urban Growth Strategy* ('the Strategy') has been endorsed by both the Council and the WAPC as a guide to the growth and development of the Busselton urban area. As such, it is a document that should be given due consideration in the assessment of related proposals.

The Strategy identifies Old Broadwater Farm area within a 'Short Term Development' category, which has an indicative timeframe for development of less than 5 years.

Finalisation of structure planning and/or rezoning is a requirement for the development of land within this category. The subject land is referenced as

representing the final area of urban development between the existing urban form and the bypass.

In terms of assessment, the Strategy states that sustainability and other matters (such as *Liveable Neighbourhoods*, urban stormwater management, retention of landscape, impact on community facilities and other matters consistent with clause 25 of the Scheme) should be addressed as part of more detailed DGP and DAP preparation stages.

The draft DGP encompasses three requirements outlined by the Strategy, that being:

1. protection of environmental values, such as habitat for known populations of WRP and DRF, as well as remnant vegetation generally;
2. establishing multiple use corridors; and
3. incorporation of *Liveable Neighbourhood* principles.

Liveable Neighbourhoods

Liveable Neighbourhoods is an operational policy of the WAPC for the design and assessment of structure plans, DGP's and subdivision applications for new urban areas. As such it must be given due consideration in the assessment of the draft DGP.

Element 3 - Lot Layout, Element 4 - Public Parkland and Element 5 - Urban Water Management have particular relevance to the draft DGP and may be summarised as follows:

- * Element 3 - Lot Layout sets out requirements for, amongst other things, variety in lot size diversity and density, lots with rear lane access and detailed area plans (DAP's) to be prepared for lots less than 350m² in area (essentially the proposed R40 lots).
- * Element 4 - Public Parkland establishes the requirement for a minimum 10% contribution of public open space, with a ratio of 8% useable POS and 2% restricted POS. Restricted POS includes elements such as natural wetlands and urban water management measures (e.g. swales and/or detention areas). The POS schedule provided on the draft DGP demonstrates compliance with this ratio.
- * Element 5 - Urban Water Management promotes water-sensitive urban design principles and allows for the integration of POS and the spatial requirements of urban water management, via such measures as drainage swales and artificial wetlands. An Urban Water Management Strategy has been prepared in support of the proposed amendment and draft DGP, and incorporates water-sensitive urban design principles and other measures consistent with element 5.

The draft DGP generally meets the relevant requirements of *Liveable Neighbourhoods*. It is important to note that in some areas DAPs will be required to further refine and guide the detailed design and development outcomes of the draft DGP, in accordance with the criteria of *Liveable Neighbourhoods*. Future DAPs will require adoption by the Council.

Community Facilities Implementation Policy

The *Community Facilities Implementation Policy* was adopted by the Council in 2008 as a mechanism for the Shire to deal with cost contributions towards the provision of community facilities required as a result of subdivision and development. The policy should be given due weight in consideration of the proposed amendment and draft DGP.

The policy identifies the subject land as being included within the Broadwater precinct, to which precinct based contribution rates will apply to development. This requirement should be reflected on the draft DGP and is discussed further in the 'Officer Comment' section.

Planning Bulletin 92 Urban Water Management/Better Urban Water Management

WAPC Bulletin 92 and *Better Urban Water Management* provide guidance on urban water management matters to be taken into account in considering new residential, rural-residential, industrial and commercial planning proposals.

Better Urban Water Management requires that a Local Water Management Strategy (LWMS) be prepared as part of district and major structure planning, and urban scheme amendments. The next stage of water planning for the site will be an Urban Water Management Plan (UWMP), which will be critical in ensuring water management, water quality and environmental outcomes for the DGP area are met from a detailed design perspective.

An UWMP has, however, already been prepared in support of the amendment proposal and draft DGP. The UWMP proposes a stormwater management strategy that includes piped drainage systems for the collection of road runoff, incorporation of bio-swales to enhance nutrient stripping and the use of previously constructed vegetated flood storage basins.

The UWMP also includes an investigation of average annual maximum groundwater levels ('AAMGL') to provide guidance on anticipated subsoil drainage and fill requirements. The UWMP indicates that finished floor levels of future dwellings will need to achieve a minimum 1.2m clearance above the AAMGL.

The UWMP suggests that the estimated depth to AAMGL in the western portion of the subject land ranges from 1.5m to 3m. Depths to AAMGL in the eastern portion of the subject land are estimated to range from 0.3m to 1.5m. Based on estimated AAMGL, there appears to be scope to retain remnant trees within road reserves and larger residential lots.

Should the Council resolve to initiate the proposed amendment and draft DGP for community consultation, the UWMP will be referred to the Environmental Protection Authority, Department of Water and Department of Environment and Conservation for assessment and advice. It is anticipated that any issues arising as a result of the referral process can be dealt with prior to reporting the draft amendment and draft DGP to the Council for consideration for final approval.

Draft Statement of Planning Policy – Road and Rail Transport Noise

The WAPC draft SPP – *Road and Rail Transport Noise 2005* establishes acceptable (target) and unacceptable (limit) noise level criteria to be used in the assessment of proposals involving noise-sensitive development in the vicinity of major transport routes.

A Noise Impact Assessment ('NIA') has been prepared to determine the level of acoustic impact on lots adjoining the bypass using the criteria outlined in the draft SPP. Based on the findings of the NIA, the construction of an acoustic wall of between 2m to 2.4m in height is recommended along the boundary of the residential lots adjacent to the bypass.

Should any of the residences within the bypass lots be more than single storey, the acoustic wall will not attenuate noise to upper floors. 'Quiet house' design principles can be incorporated into the built form to minimise noise intrusion. Such principles include placing less noise sensitive rooms (e.g. bathrooms, laundries and hallways etc) adjacent to the transport corridor, forced ventilation systems and installing thicker glass in windows.

The NIA also contains a recommendation that purchasers of lots adjacent to the bypass be made aware of noise impact and be advised of quiet house design principles. This is discussed further under the 'Officer Comment' section.

The draft DGP proposes a 10m wide road widening reserve along the boundary of lots adjacent to the bypass to retain remnant vegetation and to provide scope for additional landscaping to screen the acoustic wall from the bypass.

Should the Council resolve to initiate the proposed amendment and draft DGP for community consultation, the NIA will be referred to the Environmental Protection Authority and Main Roads WA for assessment and advice. It is anticipated that any issues arising as a result of the referral process can be dealt with prior to reporting the draft amendment and draft DGP to the Council for consideration for final approval.

Residential Design and Landscaping Guidelines on Controlled Roads

The *Residential Design and Landscaping Guidelines on Controlled Roads Policy* was adopted by the Council in 1998 to provide guidance on perimeter fencing and landscape buffers around new residential subdivisions that abut controlled access roadways in the Shire.

In relation to land abutting the northern side of the bypass, the policy requires residential subdivision to achieve a minimum separation between the building line and the edge of the closest carriageway of 60m, to allow for noise mitigation and landscaping.

The draft DGP indicates a 60m setback to development for lots adjacent to the bypass and is therefore consistent with the policy in this regard. Given that the limit of development line relates primarily to noise mitigation, the draft DGP should clearly reflect this intent with reference to the setback line as being the limit of habitable development. This would not preclude non-habitable development between the setback and rear boundary of lots as the acoustic wall (and landscaping) would provide visual protection from the Bypass.

FINANCIAL IMPLICATIONS

The development of the subject land will create approximately 241 residential properties. The development would increase the demand on existing facilities and is likely to create demand for more. Accordingly, the draft DGP proposes a requirement for a contribution towards community facilities.

STRATEGIC IMPLICATIONS

A strategic initiative of the Shire of Busselton *Strategic Plan 2006 – 2011*, is to ensure that development is contained in identified nodes with well defined boundaries. The proposed amendment and draft DGP are considered to be consistent with this initiative.

OFFICER COMMENT

The proposed amendment and draft DGP are considered to be generally consistent with the planning framework. Three minor matters have arisen from the assessment of the draft DGP that require consideration: the visual impact from the Bypass of development on the 'Business' zoned land, the proposed R12.5 lots adjacent to the Business zone and noise impact. Each is outlined and discussed under appropriate sub-headings.

Visual impact from the Bypass of development on the 'Business' zoned land

The draft DGP includes a condition requiring preparation of a 'detailed area plan' for the Business zoned site before development can occur. This will allow for the development of more detailed design guidelines before development can commence and would provide an opportunity to address visual impact from the bypass. It is considered, however, that this condition should be strengthened to make it clear at this stage that development should not be oriented to the Bypass, and that appropriate screening vegetation will need to be incorporated on the site. A change to that effect is included in the officer recommendation.

R12.5 Lots Adjacent to the Business Zone

The *Residential Design Codes* require an average front setback of 7.5m for R12.5 lots. This setback, combined with the limit of development line from the bypass, would significantly restrict the developable area for dwellings on the two lots closest to POS 4.

An acceptable alternative would involve the amalgamation of the three R12.5 lots into a single grouped housing site with a density of R30. The minimum front setback for R30 lots is 4m. A higher density site at this location is considered to have merit given its proximity to future commercial development, public open space and outlook to the golf course.

Discussions with the proponent indicate support for higher density at this location and it is recommended that the draft DGP be modified to reflect this. Detailed design and development outcomes for this area would be guided by a DAP.

Noise Impact

Whilst the NIA recommends an acoustic wall along the bypass residential lots to mitigate noise impact, it would be appropriate for prospective purchasers of these, and the R40 lots fronting POS 4 to be advised, by means of a section 70A notification on title, pursuant to the *Transfer of Lands Act 1893* (as amended) of traffic noise impacts from the bypass.

It is recommended that the draft DGP be annotated with an additional condition that reflects this requirement.

CONCLUSION

Subject to the minor modifications outlined in the 'Officer Comment' section, the proposed amendment and the draft DGP are considered to be consistent with the planning framework and should be initiated and adopted for the purposes of referral to the EPA and subsequent community consultation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the officer recommendation would involve provision of advice of the Council resolution to the applicant and this will occur within 10 working days of the resolution.

OFFICER RECOMMENDATION

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

- (a) rezoning Lot 9005 Pickmore Circus, West Busselton from 'Residential', 'Recreation' and 'Development Investigation Area' to 'Special Purposes (Old Broadwater Farm Development Area)', deleting residential density

designations, applying a 'Special Provision' Area designation and modifying the Scheme Map accordingly.

- (b) inserting the following Special Provisions into Schedule 7 (Special Provision Areas) of the Scheme:

No.	Particulars of Land	Zone	Special Provision
SP31	Lot 9005 Pickmore Circus, West Busselton	Special Purposes (Old Broadwater Farm Development Area) Business	<p>1. Subdivision and development of the land shall be generally in accordance with the Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to the Scheme.</p> <p>2. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>3. All provisions (such as land use and development controls or approval procedures) applicable to a zone, reserve or R-code pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan. Notwithstanding this provision, clause 65 of the Scheme shall not apply to the Business zone.</p> <p>4. Prior to final approval of the Development Guide Plan the developer will prepare a Local Water Management Strategy (LWMS) for the full extent of the site in accordance with the principles outlined in Better Urban Water Management (WAPC, 2008). The LWMS will be prepared to the satisfaction of the Shire of Busselton with advice from Department of Water. The</p>

No.	Particulars of Land	Zone	Special Provision
			<p>LWMS will provide a framework to ensure that the quality and quantity of surface and groundwater is maintained post-development. The Strategy will address:</p> <ul style="list-style-type: none"> * flood management (major events); * specify measures to ensure that existing hydrological and ecological functions of the adjacent wetland associated with the New River are not impacted by the future development; * establish groundwater conditions (based on monitoring) and management requirements; * identify and describe proposed measures to capture and treat the minor events; and * outline future monitoring and management requirements. <p>5. As a condition of approval for each stage of subdivision, the developer is to prepare an Urban Water Management Plan (UWMP) for the relevant subdivision stage to the specification and satisfaction of the Shire of Busselton with advice from the Department of Water. The UWMP will specify how development will occur in a manner that is consistent with the objectives and requirements outlined within the LWMS. The primary objective of the UWMP will be to ensure the implementation of the LWMS at the time of development and will contain details of engineering design in relation to the proposed urban water management approaches.</p> <p>6. Prior to final approval of the Development Guide Plan the</p>

No.	Particulars of Land	Zone	Special Provision
			<p>developer will prepare a Noise Impact Assessment to the satisfaction of the Shire of Busselton. The Plan will address the following:</p> <ul style="list-style-type: none"> * identify likely future traffic volumes, road upgrades and/or changes in road surface conditions that may have implications for noise generated from the Busselton Bypass; and * determine through quantitative modelling the noise emissions that are expected to be generated by the Busselton Bypass and the extent to which noise emissions are likely to extend into adjacent areas of the subject site. <p>The layout of the development Guide Plan will reflect any requirements of the assessment that are spatially relevant and require land uptake considerations relevant at this stage of planning. Any future development will be undertaken in accordance with the requirements of the Plan, and details will be provided with subdivision applications as to how noise management is to be undertaken in a manner that is consistent with the Plan.</p> <p>7. As a condition of approval for a stage of subdivision adjacent to the Busselton Bypass the developer will prepare a Noise Management Plan to the satisfaction of the Shire of Busselton. The Plan will address the following:</p> <ul style="list-style-type: none"> * identify appropriate noise criteria to apply to various uses

No.	Particulars of Land	Zone	Special Provision
			<p>within the subject site; and</p> <p>*outline how the proposed noise criteria will be met within the subdivision area.</p> <p>8. As a condition of approval for each stage of subdivision adjacent to the New river and associated wetlands, the developer will prepare a Foreshore Management Plan to the satisfaction of the Shire of Busselton. The primary objective of the Plan will be to ensure that the foreshore reserves provide an appropriate buffer to the wetland systems from residential development. The Plan will address the following:</p> <p>* identify proposed uses and any works to be undertaken within the foreshore reserves adjacent to subdivision, and provide a management framework to ensure that these do not adversely affect the adjacent wetlands or their hydrological or ecological functions and attributes;</p> <p>* outline landscaping and revegetation works to be undertaken within the foreshore reserves; and</p> <p>* specify ongoing monitoring and management activities for a period of not less than two years following subdivision at which point the responsibility for the management of the foreshore reserves will be transferred to the Shire of Busselton.</p> <p>9. As a condition of the first approval to subdivide the developer is to prepare a Golf</p>

No.	Particulars of Land	Zone	Special Provision
			<p>Course Management Plan to the satisfaction of the Shire of Busselton with advice from the Department of Environment and Conservation, to apply to the land to be retained as the golf course. The primary objective of the Plan will be to ensure the preservation of both Western Ringtail Possum and <i>Calandenia procera</i> within the golf course site. The Plan will address the following:</p> <ul style="list-style-type: none"> * provide details regarding any proposed realignment of the golf course fairways and other infrastructure/facilities; * identify areas of remnant vegetation within the golf course site that provide habitat for Western Ringtail Possum or <i>Calandenia procera</i>, and develop management measures to ensure that the habitat functions of these areas are maintained and where possible enhanced; * detail revegetation that will be undertaken to enhance existing habitat functions within the golf course site; and * provide a framework for ongoing monitoring and reporting on the resident Western Ringtail Possum population, the <i>Calandenia procera</i> population and any revegetation undertaken for three years following the issue of the title for the golf course lot, and any management response measures proposed. <p>10. As a condition of the first approval to subdivide the developer is to prepare an Orchid Reserve Management Plan to the</p>

No.	Particulars of Land	Zone	Special Provision
			<p>satisfaction of the Shire of Busselton with advice from the Department of Environment and Conservation, to apply to the orchid reserve. The primary objective of the Plan will be to ensure that the orchid reserve is created and managed in a way that ensures the ongoing presence of a viable population of <i>Calandenia procera</i>. The Plan will address the following:</p> <ul style="list-style-type: none"> * Provide construction management measures to minimise impacts to the <i>Calandenia procera</i> population when subdivision works are being undertaken and the orchid reserve is created; * allow for the identification and relocation of <i>Calandenia procera</i> currently outside the reserve (in areas to be developed) to within the orchid reserve when subdivision works are undertaken; * specify a program of weed monitoring and weed management; * detail access management measures to ensure that uncontrolled access does not impact on the <i>Calandenia procera</i> population; * outline any revegetation that will be undertaken to increase the resilience of the remnant vegetation within the orchid reserve; and * specify a program of monitoring and maintenance within the orchid reserve for three years from when the orchid reserve is created.

No.	Particulars of Land	Zone	Special Provision
			<p>11. As a condition of the first approval to subdivide the developer is to prepare a Western Ringtail Possum Management Plan to the satisfaction of the Shire of Busselton with advice from the Department of Environment and Conservation. The primary objective of the Plan will be to ensure that the overall future development of the site is undertaken in a way that is sympathetic to the resident Western Ringtail Possum population. The Plan will address the following:</p> <ul style="list-style-type: none"> * detail the results of Western Ringtail Possum counts/surveys involving at least two additional and more recent (two night) counts, that are in addition to the two surveys that have already been undertaken; * provide details on how the resident Western Ringtail Possum population can be supported onsite and development occur without requiring animal translocations, or alternatively provide a framework for translocations to occur; * outline measures to ensure that potential Western Ringtail Possum habitat will be created within the subdivision area, and in particular in areas of public open space and in road reserves; * ensure the creation and maintenance of east-west and north-south corridors through the site through a combination of public open space, adjacent road reserves, foreshore reserves, road reserve landscaping and the

No.	Particulars of Land	Zone	Special Provision
			<p>planting of these areas with <i>Agonis flexuosa</i>;</p> <p>* provide construction management measures to ensure that site works do not result in Western Ringtail Possum mortalities; and</p> <p>* specify an ongoing monitoring and maintenance program to extend for three years after the completion of subdivision works (on a stages basis) and to include Western Ringtail Possum counts, <i>Agonis flexuosa</i> canopy condition monitoring, revegetation/landscaping survival.</p> <p>12. As a condition of subdivision approval, the proponent shall prepare a developer contributions plan to the satisfaction of the Shire of Busselton. An appeal right will exist in respect to determination of the plan pursuant to clause 96(2) of the Scheme.</p>

(c) modifying the boundary of the existing 'Special Purposes' zone and amending Schedule 4 Additional Uses No. 56 as outlined in the following table:

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

2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the *Town Planning Regulations 1967*. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.
3. That the Council, pursuant to clause 25 of the Shire of Busselton *District Town Planning Scheme No. 20*, adopt for community consultation purposes the draft Revised Development Guide Plan "Old Broadwater Farm" (Revision I dated 07/08/09) subject to the following modifications being undertaken prior to advertising:
 - (i) the three R12.5 lots adjacent to the Business zone being replaced with an R30 grouped housing site.
 - (ii) inclusion of the following additional conditions:

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

"Prospective purchasers of lots adjacent to the Busselton Bypass shall be advised of 'quiet house' design principles that can be incorporated into the built form to achieve acceptable internal noise levels, should dwellings be more than single storey."
 - (iii) the 'limit of development line' to read 'limit of habitable development line'.
 - (iv) Inclusion of the following additional sentence in condition 4 (b):

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

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

SUBJECT INDEX:	Environmental Management Plans, Impacts Studies and Reports
STRATEGIC INITIATIVE:	4.1.2.1 Ensure Adequate Framework of Reserve and Foreshore Management Plans.
BUSINESS UNIT:	Strategic Planning and Sustainability
SERVICE:	Environmental Planning
DATE OF COMPLETION:	09/10/2009
VOTING REQUIREMENT:	Simple majority
ATTACHMENT(S):	A: Central East Busselton Foreshore Management Plan B: Appendix 1 Shoreline And Vegetation Line Comparisons 1941- 1993 C: Appendix 2 Information On Coastal Protection Project D: Figure 1 Study Area E: Figure 2a Site Features And Recommendations (Scout Rd To Milne St) F: Figure 2b Site Features and Recommendations (Milne St To Georgette St) G: Figure 2c Site Features and Recommendations (Georgette St to Ford Rd) H: Summary of submissions

PRÉCIS

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

The draft plan has been advertised for public comment with a total of 2 submissions being received. Both submissions generally support the intent and objectives of the draft plan. The submissions are summarised and addressed in the attached Schedule of Submissions (Attachment H).

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

BACKGROUND

May, 27, 2009, the Council resolved (C0905/178):-

That the draft Central East Busselton Foreshore Management Plan be adopted under Clause 3.54 of the Local Government Act for the purposes of formal consultation for 28 days involving advertising and inviting public comment on the document.

The draft Foreshore Management Plan was advertised for public comment for a 28 day period from 10 June to 8 July 2009.

CONSULTATION

The development of the management plan has involved a significant consultation effort including:

- * 'one-on-one' conversations with key stakeholders who were identified as having a specific interest in the area;
- * input from discussions with locals and visitors encountered during site work;
- * submissions received by the Shire during the preparation of the plan; and
- * individual and group comments received during three consultation sessions held on-site on Thursday January 29, Sunday February 1 and Thursday February 5.

The consultation sessions were promoted through the 'Council for Community' page of the Busselton - Dunsborough Mail, signage at key locations throughout the study area and media releases distributed to a range of local media outlets.

Representatives from the following organisations were contacted for input into the plan:

- * Geocatch;
- * Busselton Dunsborough Environment Centre;
- * Ironman and Half Ironman organisers;
- * Forest Rally;
- * Volunteer Marine Rescue;
- * Commercial hire site licensees;
- * Sea Scouts; and
- * Indigenous representatives.

Input from these discussions was considered in preparation of the draft management plan.

Formal consultation occurred when the plan was released for public comment for a period of 28 days from 10 June to 8 July 2009. A notice was placed in the Council for Community page and on the Shire website and a copy of the plan was sent to all previously identified stakeholders, including government agencies.

Two public submissions were received from local community groups. The schedule of submissions, Attachment H, documents the details of both submissions.

A copy of the draft plan was provided to the Busselton Foreshore Redevelopment (BFR) Committee for their information. The Committee was unable to provide comments during the statutory timeframe as the group had just been formed. It is not anticipated that the Committee would need to provide significant input on the management plan as there is minimal overlap between the two project areas. The BFR project may impact on the western 100 metres (approximately) of the foreshore area covered by the management plan. It is advised that the implementation of the management plan recommendations relevant to this western portion of the site be delayed until such time as the BFR process is complete to ensure consistency and that future land management complements the final outcome for adjoining areas.

STATUTORY ENVIRONMENT

The Management Plan is proposed to be adopted by the Council pursuant to Clause 3.54 of the Local Government Act which provides the Shire the head of power for the purpose of controlling and managing land vested in the Shire.

The Shire of Busselton District Town Planning Scheme No.20 identifies the land in question as reserved for Recreation, and the draft management plan is in accordance with this purpose.

POLICY IMPLICATIONS

The Central East Busselton Foreshore Management Plan is supported by the following Policies and Strategies:

- * *Shire of Busselton Environment Strategy* - Action 1.12 "Continue to prepare and implement reserve management plans" clearly supports the development and implementation of this plan. Actions 2.1 "Identify high risk and degraded foreshore areas" and 2.3 "Progressively prepare and implement coastal rehabilitation and management plans" also provide support to this plan.
- * *Shire of Busselton Geographe Bay Foreshore Management Plan (2001)*. This overarching document covers the Geographe Bay Foreshore area from Dunsborough to Port Geographe and in addition to generic recommendations on foreshore management throughout Geographe Bay; it provides a number of management recommendations for each foreshore 'precinct', including the 'Busselton' precinct.

FINANCIAL IMPLICATIONS

It is expected that conservation-related works, such as revegetation, weed control, fencing and installation of minor infrastructure can be accommodated within the existing overall management plan implementation budget. The implementation of these actions have been costed at approximately \$25,000.

Additional funding would also be available in the existing Community Infrastructure budget for maintenance of reserves.

Implementation of some of the more costly recommendations, in particular formalisation of existing carparks and minor modifications to the Georgette Street carpark, establishment of a parkland area between Milne Street and the Volunteer Marine Rescue building and future widening of the Shared-Used Path (SUP) would need to be built into the ten year financial plan, together with applications to source external funding.

Timing of the works in the 10 year plan will also be dependent on the outcomes of the Busselton Foreshore Re-development project and works that may alternatively be done as part of that project.

STRATEGIC IMPLICATIONS

Development and implementation of this management plan supports multiple Natural and Environmental Well Being objectives under the Shire of Busselton's Strategic Plan 2006-2011 including:

- * 'Foster a culture of environmental awareness, ownership and action within the community and the organisation';
- * 'Ensure that communities are provided with a balance of active and passive open space'; and
- * 'To minimise the adverse environmental impact of the activities of the Shire of Busselton and to encourage local businesses and the community to adopt practices that reduce their ecological footprint'.

OFFICER COMMENT

Comments raised by the two submissions do not require modifications to the advertised plan. It is therefore recommended to adopt the plan as it was advertised for public comment (minus a typographical error).

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Stakeholders will be advised of the foreshore management plan's adoption by the Council within one month of the Council's resolution.

It is expected that the full implementation of the management plan will take place over several years, according to available budget and other completing demands. Timing of the works will also be dependent on the outcomes of the Busselton Foreshore Redevelopment project.

OFFICER RECOMMENDATION

That Council adopt the Central East Busselton Foreshore Management Plan.

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

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

PRÉCIS

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

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

PROPOSAL / BACKGROUND

The policy has been developed in fulfilment of recommendations contained in the *Busselton Town Centre Guide Plan* and in accordance with the Council's Terms of Reference for the Busselton Centre 2020 Project Group.

Section 9.2 (Statutory Requirements and Considerations) of the *Busselton Town Centre Guide Plan* recommends that modifications to District Town Planning Scheme 20 may include:

- * *Development of building design guidelines to ensure fundamental elements of building form, roof pitches, vertical elements, opening and scale of development is consistent with the intent of precincts within which development occurs.*
- * *Adoption of policies, which provide clear direction for the development, intended within precincts. The various policies could incorporate diagrams clearly depicting the elements of key components intended for each policy area.*

The Terms of Reference for the Busselton Centre 2020 Project Group includes a requirement to make recommendations to the Shire on matters including; "Any key design elements not covered by the existing Town Centre Guide Plan."

In accordance with this requirement, the Busselton Centre 2020 Project Group initiated the development of the *Busselton Town Centre Urban Design Policy* in collaboration with urban design consultant, Chris Antill and Shire Officers.

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

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

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

An outline of key features of the policy is contained in the Officer Comment section of this report.

STATEMENT OF IMPACT

The draft policy will provide the Shire, the community and landowners with greater certainty regarding the design outcomes required for development in the Busselton Town Centre.

This greater certainty will be beneficial to landowners and it is not envisaged that, on balance, the policy will have significant negative impacts on the development potential of private land. The proposed consultation will, however, enable any areas of concern to be identified by landowners and addressed when the policy is referred back to the Council after consultation.

CONSULTATION

The draft policy has been developed in collaboration with urban design consultant, Chris Antill, and the Busselton Centre 2020 Project Group.

In addition to the advertising required by the Scheme, the draft policy will be referred via letter to all landowners within the policy area for comment during the advertising period. The draft will also be sent directly to planning and design professionals operating in the Shire inviting their input. Stakeholders will be asked to indicate whether they would like to meet with Shire Officers to discuss the draft policy and, depending on the level of response, either individual meetings or group information sessions will be held.

STATUTORY ENVIRONMENT

Clause 13 (e) of the Scheme requires that:

In determining applications for planning consent the Council shall take into consideration such of the following matters as are of relevance to the development the subject of that application: the character, location, siting, bulk, scale, size, height, density, design or external appearance of that development.

The draft policy seeks to provide more detailed guidance regarding the assessment of these matters, which are matters that the Shire is already required to consider in the assessment of applications for planning approval.

The adoption of local planning policies must be carried out in accordance with the provisions of Clause 103 of the Scheme, which requires draft policies to be advertised for public comment prior to final adoption.

POLICY IMPLICATIONS

The *Busselton Town Centre Urban Design Policy* is a new policy initiative.

Development of the policy has reference to the *Busselton Town Centre Guide Plan*, as detailed in the Proposal/Background section of this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This proposal addresses the following actions contained in the Shire of Busselton Strategic Plan 2006 – 2011 (revised May 2008):

2.1.3 Work with developers to ensure community sensitive town site and neighbourhood layouts and functionality

2.3.1 Create innovative approaches to development and allow this to occur via a reviewed town planning scheme.

1.4.1 Achieve an environment in which residents are safe, and feel safe.

OFFICER COMMENT

The Scheme currently requires the Council to take a range of urban design matters into consideration when assessing a development application, as detailed in the Statutory Environment section of this report. Despite this requirement, there are currently no clear urban design guidelines for private developments in the Busselton town centre to inform such consideration. This can create uncertainty

for development proponents when designing their proposal and may result in inconsistency in urban design outcomes.

In developing the draft policy, Shire Officers have sought to address this situation, fulfilling key recommendations of the *Busselton Town Centre Guide Plan* and in accordance with the Terms of Reference for the Busselton Centre 2020 Project Group.

The policy addresses the interface between private and public spaces, providing clear principles and provisions for the benefit of development proponents and Shire officers. The policy will enable a cohesive and integrated approach achieving towards good urban design outcomes, which improves the pedestrian experience of the Busselton town centre and underpins its tourism and business function.

The policy states that:

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

An outline of some key features of the draft policy is contained below:

Policy Area

The proposed policy area includes all land within the Busselton Town Centre zoned 'Business' within the area bound by Marine Terrace, Brown Street, Peel Terrace and West Street, including the whole of Queen Street (including the area known as the 'Cultural Precinct', which comprises the section of Queen St between Adelaide St and Marine Terrace), but excluding the remainder of the 'Busselton Heritage and Special Character Area'. (See Figure 1 of the draft policy included in the recommendation)

Frontage Types

Each street within the policy area has been defined as a Primary, General Commercial or Green Street, with specific urban design requirements for each frontage type, as detailed in Section 7.2 of the draft policy and mapped at Figure 2.

Frontage types have been determined through consideration of such factors as existing streetscape character, opportunities for street activation and interface with neighbouring residential areas.

Urban Design Statements

In developing policy provisions to support new development which adds positively to the town's development it is understood that some development proposals will

be inconsistent with the specific provisions. This may be due to a number of reasons, including lot assembly for large developments, size, height or servicing requirements.

In these instances, the policy provides for an Urban Design Statement to be provided by the proponent, as stated in the policy:

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

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

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

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

This provision allows for flexibility of the policy application to address specific circumstances, whilst providing a framework of clear principles for assessment of development proposals against the urban design principles set out in the policy.

Cultural Precinct

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

The precinct contains five buildings, three of which are listed on the State Register of Heritage Places and used for community cultural purposes (Courthouse Art Centre, Art Geo Gallery and Weld Hall) and two which have future development potential (old Police Station site, Department of Environment and Conservation). The precinct has been identified as playing a key role in providing a connection between the foreshore and the town centre. If development were to be proposed for either the old Police Station site or the Department of Environment and Conservation building, there is an opportunity for the Shire to work with the proponent to gain a successful urban design interface for the private and public areas.

For this reason, the Cultural Precinct has been included in the draft policy, which stipulates that; "any development applications in the Cultural Precinct will necessitate an Urban Design Statement. Any significant proposals, as determined by the Shire, shall be preceded by development of more detailed guidelines for the development of that Precinct, in collaboration with the Shire."

CONCLUSION

Given the comment above and information contained in this report, it is recommended that the *Draft Busselton Town Centre Urban Design Policy* is adopted by the Council for the purposes of community consultation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Pursuant to Clause 103 of District Town Planning Scheme 20, the draft Policy will be advertised for no less than 21 days. The advertising of the draft Policy will commence within 3 weeks of a decision of the Council to support advertising.

As detailed in the consultation section of this report, the draft policy will be referred to landowners within the policy area for comment during the advertising period.

A further report regarding final adoption of the policy will be brought to the Council within 5 months of a resolution that is consistent with the Officer Recommendation.

OFFICER RECOMMENDATION

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

1.0 BACKGROUND/STATEMENT OF INTENT

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

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

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

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

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

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

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

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

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

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

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

2.0 POLICY AREA

This policy applies to all land within the Busselton Town Centre zoned 'Business'. This includes land within the area bounded by Marine Terrace, Brown Street, Peel Terrace and West Street, including the whole of Queen Street (including the area

known as the 'Cultural Precinct', which comprises the section of Queen St between Adelaide St and Marine Terrace), but excluding the remainder of the 'Busselton Heritage and Special Character Area', for which there is a separate policy (See Figure 1).

3.0 POLICY OBJECTIVES

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

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

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

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

4.0 APPLICATION OF THIS POLICY

This policy is adopted under Clause 103 of the Scheme.

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

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

5.0 INTERPRETATIONS

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

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

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

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

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

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

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

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

CPTED Principles

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

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

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

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

Massing means the size and volume of a building.

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

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

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

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

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

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

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

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

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

6.0 BUILT FORM

6.1 Principles

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

6.2 Design Quality

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

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

6.3 Context, Scale & Massing

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

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

6.4 Building Heights

The maximum floor-to-floor heights shall be:

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

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

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

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

6.5 Street Setback

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

6.6 Articulation

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

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

6.7 Detailing, Colours & Materials

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

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

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

6.8 Prominent Sites

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

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

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

6.9 Roofscapes & Skylines

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

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

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

6.10 Heritage & Streetscape

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

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

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

6.11 Services

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

7.0 DEVELOPMENT INTERFACE & INTERACTION

7.1 Principles

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

7.2 Relationship to the Street (Public/Private Interface)

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

Frontage Type 1: Primary Street

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

Frontage Type 2: General Commercial Street

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

- * The number and width of vehicle crossovers to each site shall be minimised and sharing with adjoining properties encouraged.

Frontage Type 3: Green Street

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

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

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

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

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

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

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

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

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

7.3 Pedestrian Shelter

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

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

7.4 Fencing

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

8.0 ACCESS, TRAFFIC & MOVEMENT

8.1 Principles

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

8.2 Design of Car parking

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

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

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

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

8.3 Rationalisation of Crossovers

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

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

8.4 Servicing

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

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

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

8.5 Arcades

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

9.0 SAFETY & SECURITY

9.1 Principles

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

9.2 Lighting

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

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

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

9.3 Roller Doors on Shop fronts

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

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

9.4 Safer Design (CPTED)

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

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

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

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

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

10.0 ENVIRONMENT & MICROCLIMATE

10.1 Principles

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

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

10.2 Air Conditioners

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

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

10.3 Antennae/Satellite Dishes

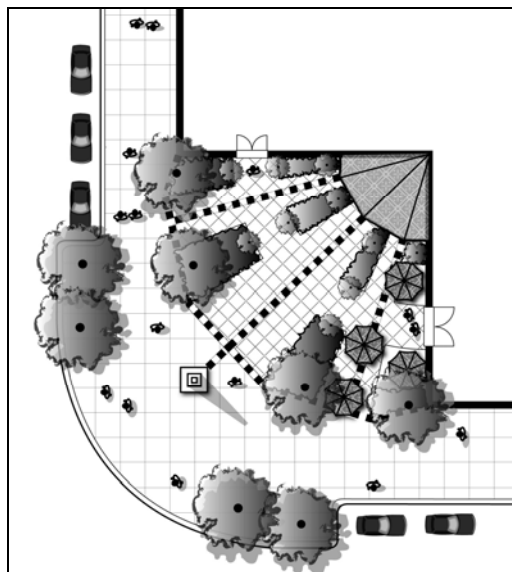
Antennae and satellite dishes should be located out of public view, located on the ground and/or adequately screened.

10.4 Landscaping

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

Water-sensitive design planting principles will be encouraged.

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



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

11.0 ADVERTISING SIGNAGE

11. General Advice & Guidance

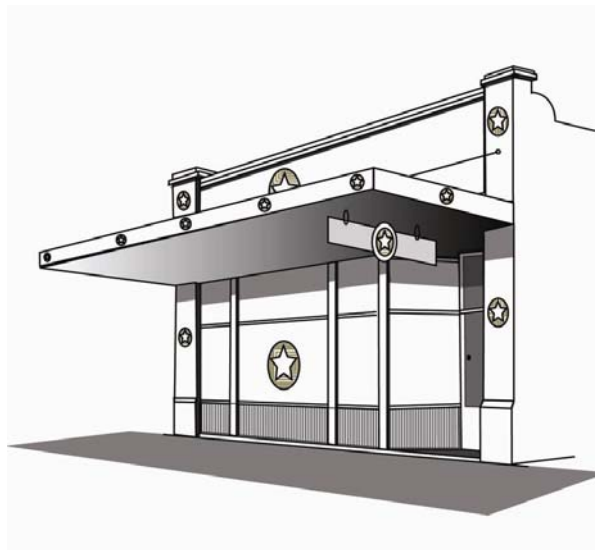
The location and size of signage panels for new buildings shall be identified at Planning Approval stage.

Advertising signs will only be approved where they:

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

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

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



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



Prohibited signs include:

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

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

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

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

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

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

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

12.0 MIXED USE RESIDENTIAL & COMMERCIAL DEVELOPMENT

Whilst the Scheme requires that residential development is subsidiary to commercial development on the same site, residential development at densities one would expect in a significant urban centre is encouraged, particularly in locations where such density serves to contribute to a variety of uses which

promote activity and informal surveillance of the street. In residential/commercial developments the open space requirements of the Residential Design Codes may be relaxed subject to the provision of external private spaces to each residential unit (this may be in the form of balconies or terraces).

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

13.0 CULTURAL PRECINCT

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

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

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

14.0 URBAN DESIGN STATEMENT

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

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

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

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

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

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

PRÉCIS

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

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

14.2 FINANCIAL ACTIVITY STATEMENT - JULY 2009

SUBJECT INDEX:	Financial Operations
STRATEGIC INITIATIVE:	5.1.3 Ensure regulatory requirements are met
BUSINESS UNIT:	Finance
SERVICE:	Financial management and control
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S)	Financial Activity Statements to 31 July 2009

PRÉCIS

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

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

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. Historically, the Council has adopted a (+/- 10%) reporting threshold, based on the year to date budget variances as detailed in the 'Income Statement by Nature and Type' financial report. As part of its annual budget adoption, it has been recommended that the Council endorses this same threshold in respect of the 2009/10 financial year.

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 31 JULY 2009

OPERATING ACTIVITY

As at 31 July 2009:

- * There is a favourable variance of some 72.7% in operating revenue.
- * There is a nominal variance of some 0.7% in operating expenditure.

A brief summary of material variances within the operating revenue and expenditure activities (on a year to date basis) is provided within the body of this report.

CAPITAL ACTIVITY

As at 31 July 2009:

- * There is an favourable variance of some 1,777% in capital revenue
- * There is a favourable variance of some 74% in capital expenditure

Capital Revenue

As detailed above, as at 31 July 2009, there is a favourable variance in capital revenue in the order of 1,777%. The below table details the Shire's capital revenue budget and actual revenue on a year to date basis.

Description	Actual YTD \$	Draft Budget YTD \$	Draft Annual Budget \$	Variance YTD \$	Variance YTD %
Proceeds from Sale of Assets	0	0	591,700	0	0.0%
Proceeds from New Loans	0	0	4,800,000	0	0.0%
Self Supporting Loans -Principal Repayments	5,701	14,807	177,686	-9,106	-61.5%
Transfers from Restricted Assets	737,229	107,974	1,295,687	629,255	582.8%
Transfers from Reserves	1,561,913	0	2,125,452	1,561,913	0.0%
TOTAL	2,304,843	122,781	8,990,525	2,182,062	1,777.2%

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

Self Supporting Loans - Principal Repayments

The current variance is due to timing differences only.

Transfers from Restricted Assets

In order to fund the Shire's operations pending the adoption of the annual budget (at which time a further funding requirement review was to be undertaken), any available transfers from Restricted Assets and Reserves were to be processed (pursuant to Council Resolution C0906/210). The significant variance in both transfers from Restricted Assets and also Transfers from Reserves is reflective of this resolution.

Transfers from Reserves

Refer above.

Capital Expenditure

As at 31 July 2009, there is a favourable variance in capital expenditure in the order of 74%. The below table details the Shire's capital expenditure budget and actual expenditure on a year to date basis.

Description	Actual YTD \$	Budget YTD \$	Annual Budget \$	Variance YTD \$	Variance YTD %
Land & Buildings	9,956	114,575	1,666,100	-104,619	-91.3%
Plant & Equipment	48,831	10,000	2,391,000	38,831	388.3%
Furniture & Equipment	1,940	8,442	432,790	-6,502	-77.0%
Infrastructure	93,166	728,745	25,728,239	-635,579	-87.2%
Loan Repayments - Principal	22,799	51,544	618,531	-28,745	-55.8%

Description	Actual YTD \$	Budget YTD \$	Annual Budget \$	Variance YTD \$	Variance YTD %
Transfers to Restricted Assets	136,393	109,937	1,319,239	26,456	24.1%
Transfers to Reserves	0	184,614	2,315,461	-184,614	0.0%
TOTAL	313,085	1,207,857	34,471,360	-894,772	-74.1%

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

Loan Repayments - Principal

The current variance is due to timing differences only. Whilst the annual budget is presently set on a straight line basis, repayments are primarily made on a quarterly basis.

Transfers to Restricted Assets

Funds received this year to date include \$88.9K for cash in lieu of parking and \$40.6K in roads contributions. Due to the very nature of this item, variances are not uncommon.

Transfers to Reserves

Transfers to reserves will be deferred until such time that cash-flow permits.

VARIANCE REPORTING

As mentioned in this report, the Council has historically adopted a variance reporting threshold set at (+/- 10%) of the relevant Nature and Type 'year to date' budget amount. As this report has been compiled prior to the Council adopting its variance reporting threshold for the 2009/10 financial year (to be considered as part of the 2009/10 budget adoption), for the purposes of this report it is assumed that the (+/-10%) threshold will be readopted. On this basis, there are numerous areas in which this threshold is presently being exceeded.

The following table identifies and generally comments on operating revenues and expenditures (by nature and type) whereby the variance threshold of 10% is presently being exceeded on a year to date basis:

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Operating Grants, Subsidies and Contributions	182,958	51,624	131,334	254.4%	The current variance is primarily attributable to: <ul style="list-style-type: none"> Grant funding for Leavers Week of \$106K recognised (Office of Crime Prevention) Earlier than projected receipt of 1st instalment (\$31K) of annual FESA Grant (Bushfire Brigades and SES)
Fees & Charges	340,523	397,985	-57,462	-14.4%	The current variance is primarily attributable to: <ul style="list-style-type: none"> Building fees are presently \$36K above YTD draft budget estimates Waste Disposal Site fees are presently \$25K below YTD draft budget estimates Supervision Fees are presently \$20K below YTD draft budget estimates Leasing fees are presently \$52K below YTD draft budget estimates (timing only)
Other Revenue	39,028	12,027	27,001	224.5%	The current variance is primarily attributable to: <ul style="list-style-type: none"> Revenue from the sale of scrap metal is presently \$18K above YTD draft budget estimates Revenue from Fines & Penalties is presently \$5K above YTD draft budget estimates
Interest Earnings	6,423	29,165	-22,742	-78.0%	As at 31 July 2009, interest from invested funds had not yet been brought to account. The \$6K received relates to late payment interest on rates.
Non-operating Grants, Subsidies and Contributions	771,409	285,193	486,216	170.5%	The current variance is primarily attributable to: <ul style="list-style-type: none"> Earlier than projected receipt of Royalties for Regions (2nd instalment) of \$631K in respect of the Dunsborough Playing Fields Delay in receipt of Main Roads grant funding of \$185K (timing difference only)

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Materials & Contracts	469,149	898,425	-429,276	-47.8%	The current variance in this item (that comprises a raft of expenditure types) can

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
					be attributed to a number of factors; that include the requirement for the budget to be adopted prior to significant expenditures being incurred.
Utilities (Gas, Electricity, Water etc.)	78,068	120,385	-42,317	-35.2%	The current variance is primarily due to a timing difference only in respect of the payment of electricity charges (-\$48K YTD).
Insurance Expenses	364,914	288,239	76,675	26.6%	The current variance is primarily due to the earlier than projected payment of insurance premiums.
Other Expenditure	196,126	(315,915)	-512,041	-162.1%	The current variance is primarily attributable to: <ul style="list-style-type: none"> ▪ Earlier than projected sponsorship payment for Ironman of \$150K ▪ Earlier than projected payment to Busselton Chamber of Commerce for CBD Specified Area Rate of \$40K ▪ Present under-allocation of \$363K in respect of plant charges and public works overheads
Interest Expenses	8,049	24,375	-16,326	-67.0%	The current variance is primarily due to a timing difference only as the annual budget is principally set on a straight line basis, whilst repayments are generally made quarterly.

SUMMARY

With the annual budget not having been adopted as at 31 July 2009, the Shires financial performance on a year to date basis is generally reflective of its ongoing operational requirements, with the exception of the transfers from Restricted Assets and Reserves (as have been necessitated to fund the same).

As such, it is not considered relevant to provide further commentary on overall financial performance at this early stage in the financial year.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

OFFICER RECOMMENDATION

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

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

SUBJECT INDEX:	Parks & Reserves – Design & Construction.
STRATEGIC INITIATIVE:	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community.
BUSINESS UNIT:	Infrastructure Services.
SERVICE:	Parks & Gardens.
DATE OF COMPLETION:	June 2010.
VOTING REQUIREMENT:	Simple majority.
ATTACHMENT(S):	A.- Dunsborough Playing Fields Site Plan; B.- Concept Plan (Sports Turf Technology); C.- Sports Turf Technology – Root zone sand test results; D.- Audax Enterprises Pty Ltd – Proposed Drainage design for Existing Dunsborough Oval; E. - Development Engineering Consultants – Report on Upgrading of Dunsborough Oval, Dunsborough Lakes Drive, Dunsborough.

PRECIS

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

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

BACKGROUND

The Dunsborough Playing Fields are currently the only open sports fields available for public use in the Dunsborough area. With recent population growth the field's usage has increased substantially.

The original playing fields were constructed in an add hoc manner with little consideration for drainage, soil types and the finished level. In winter when the ground water table is at its highest level over 50% of the playing surface is below the water level in the near by lake. This results in a saturated and poor draining surface.

For many years user groups have been demanding an oval upgrade and improved drainage. With the Council's support for the reconstruction of the existing Playing Fields – Shire staff engaged specialist drainage and turf management consultants to make recommendation for drainage design, material selection and turf selection.

Part way through this process the Shire received an unexpected Royalties for Regions grant of \$1.26m for the construction of a new Dunsborough Oval. This resulted in a reprioritisation of design from the existing oval to a new oval. Therefore much of the information compiled by the consultants, refer **Table 1 - Specialist consultants reports for construction of Dunsborough Playing Fields**, will be used for the construction of Both playing surfaces.

Table 1 Specialist consultants reports for construction of Dunsborough Playing Fields.

Attachment A	Dunsborough Playing Fields Site Plan.
Attachment B	Sports Turf Technology - Concept Plan for Dunsborough Oval.
Attachment C	Sports Turf Technology – Root zone sand test results.
Attachment D	Audax Enterprises Pty Ltd – Proposed Drainage design for Existing Dunsborough Oval.
Attachment E	Development Engineering Consultants – Report on Upgrading of Dunsborough Oval, Dunsborough Lakes Drive, Dunsborough.

Separate to the above is the amended budget to install night time playing light on the existing Dunsborough Oval.

On the 17th of December 2008 the Council resolved that the CEO makes application for funding of \$176,000 under the Regional and Local Community Infrastructure Program with Infrastructure Australia as follows:

- (a) Installation of Sports Lighting at Dunsborough Playing Fields (noting that provision of lighting at Lou Weston Oval is NOT included); and
- (b) any balance of funding to go towards the Busselton to Dunsborough Cycle Path

When the initial cost estimate of \$150k to upgrade the oval lighting was calculated it was assumed that the project would simply be for the extension of training lights (two of which are already in place) This would have made use of the existing power supply and required the installation of four lighting towers with minimal luminaries. This estimate was undertaken prior to the receipt of the \$1.26m Royalties for Regions funding to construct a new oval and with the understanding that the existing power supply would be sufficient.

In early 2009 priority was given to the design and construction of a new football oval immediately south of the existing playing field and to work towards an upgraded lighting design for the existing oval that would result in full night time playing standard lighting as opposed to training standard lighting. Engineering staff

were also instructed to prepare for the possible future installation of night time playing lights on the soon to be constructed new football oval.

This change resulted in an upgrade of the original lighting concept, including an increase in the number of luminaries, the number of lighting towers, strength of towers, footing sizes, control equipment and power supply. The existing power supply was found to be completely inadequate and a new 300Amp power supply is required. It should be noted that the power supply to the sporting facility has been inadequate for some time. A project team consisting of Shire staff, external electrical contractors and sports oval lighting specialist toured the site in early Feb 2009 and estimate the revised cost to install full night time playing lights at \$400k.

An original grant of \$176k was received from the Department of Infrastructure, Transport, Regional Development and local Government of which \$150k was allocated to cover the original cost estimate of \$150k for the extension of training lights.

Following the decision to install night time playing lights a second successful application for \$145k was submitted to the Royalties for Regions South West Regional Grants Scheme giving a total of \$295k. This amount combined with an amount for shared utilities included in the Oval Reconstruction budget of \$1.6m is considered sufficient to cover the full cost of this project.

CONSULTATION

Shire staff, Drainage specialists, Turf management specialists, Aboriginal Heritage specialists, Soil Laboratories, and Reticulation specialists have been consulted in regard to the reconstruction of the oval. This information provided through this process includes, but is not limited to, surface levels, sub soil drainage, soil selection, hydrology (groundwater), irrigation (water efficiency), turf selection and ongoing maintenance.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

There are no financial implications as it is information only.

All costs associated with the reconstruction project have been allowed for in the draft 2009/10 operating budget which is to be considered by the Council at another time.

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

OFFICER COMMENT

In order to provide the user groups of Dunsborough Playing Fields with "year round" playing surfaces, catering for all sports, there is a need to construct both ovals to a high standard.

To achieve this it is important that any new oval surface be designed and constructed in a fit for purpose manner and all direct and indirect design elements be raised, considered and addressed to deliver the community the best value for money playing fields, considering constructability, local materials, ease of maintenance, water efficiency and quality year round playing surface. To achieve this staff have engaged professional outside resources.

The information attached has or will be used throughout the design and construction of both ovals.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The construction of New Dunsborough Oval commenced on the 19th of May 2009. The reconstruction of the existing Playing Fields will commence once the new oval is finished. This is expected in February 2010 and on the assumption that the Council will make funding available. The construction timetable of the new oval is currently being affected by Aboriginal Heritage issues.

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION

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

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

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

PRÉCIS

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

BACKGROUND

The new group fitness room, to be located at the Geographe Leisure Centre, is currently under construction and due for completion in January 2010.

In June 2009 public suggestions were requested for the naming of this portion of the facility, with nominations closing on 31 July 2009.

Other sections of the facility were named when the building was first completed in 1998 (e.g. R & M Malatesta Sports stadium).

CONSULTATION

A request for nominations for the naming of the group fitness room was advertised in the Council for Community pages of both local papers throughout June 2009, with nominations closing on 31 July 2009. Suggestions were invited for a period of one month, and a total of 13 were received.

A summary of the nominated potential names is as follows:

Seven nominated David Ingarfield and Jules Varga jointly (i.e. Ingarfield/Varga Room)

Four nominated Jules Varga (Jules Varga Room)

One nominated David Ingarfield (David Ingarfield Room)

One questioned the need for a name at all

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

Policy 237: Naming of parks, gardens, reserves, memorials, sports grounds and buildings applies.

FINANCIAL IMPLICATIONS

The financial commitment is limited to the provision of appropriate signage at the entrance to the room and the conduct of a small function to officially open the facility. The anticipated expenditure of approximately \$500 - \$700 is presently contained within the 2009/10 financial year budget for Community Development.

STRATEGIC IMPLICATIONS

Strategic Objectives;

- 1.2 Support the provision of a range of healthy recreation, entertainment and lifestyle options.

OFFICER COMMENT

Both David Ingarfield and Jules Varga were long serving staff members at the Shire of Busselton, and inaugural staff members at the Geographe Leisure Centre. Unfortunately both have passed away in recent years.

David Ingarfield commenced duties with the Shire in August 1995 and worked in the role of Manager of Recreation Services for almost 10 years. In this time he was responsible for coordinating the planning and construction of the Geographe Leisure Centre, and played a pivotal role in the direction and success of the facility in the initial years of the Centre's operation.

Jules Varga commenced duties with the Shire in August 1998, and worked in the role of Fitness Coordinator at the Geographe Leisure Centre for seven years. In this time she was responsible for the operations of the fitness facility at the centre including initial planning for the new group fitness room being constructed.

Both Jules Varga and David Ingarfield were respected and well liked by past and present staff members, as well as being valued members of the Busselton community. Comments received in the nomination process indicate that as inaugural staff members of the Geographe Leisure Centre, both have been inspirational to many current patrons of the centre. These patrons feel that the naming of this room after Jules Varga and David Ingarfield would be an appropriate way to honour their memory.

Policy 237 states that a request to name a Shire Asset after a person shall be assessed against the following criteria:

1. Whether the person being honoured has been instrumental in the development of the Shire Asset or activities to be undertaken or contributed in a significant way to the Shire Asset.
2. The views of the community with respect to honouring the person or event after which the Shire Asset is proposed to be named.
3. The length of the residency of the person proposed. For the purposes of guidance, residency of ten (10) years or more in a relevant location is likely to be favourably looked upon.
4. The contribution made by the person to the local community through education, representation on Council/State Government, voluntary input, association with a local sporting or service club or through business development or the like. A significant contribution could include:
 - (i) Two or more terms of office on a local government council.
 - (ii) Twenty (20) or more years association with a local community or sporting group, such as Scouts, Apex, Rotary, Chamber of Commerce, School P & C etc.
 - (iii) Actions by an individual to protect, restore, enhance, or maintain an area that produces substantial long-term improvements for the community or area.
 - (iv) Evidence of works undertaken being of a pioneering nature for the benefit of the community.

Both David Ingarfield and Jules Varga qualify for this honour, rating well across all of the above criteria. It is further noted that both individuals were the only names nominated during the initial public consultation period.

Should the Council agree with this initial assessment, the policy requires the proposal to be advertised for comment for a period of not less than 30 days, after which the results of the advertising are to be summarised to form part of a report to the Council seeking final approval for the proposal.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Advertising for public comment for 30 days as per Policy 237 to commence within 14 days of decision.

OFFICER RECOMMENDATION

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

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

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

PRÉCIS

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

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

BACKGROUND

Council's Policy No. 202/1 is applicable.

CONSULTATION

Not applicable.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Council's Policy No. 202/1 is applicable.

The intent of the Small Local Projects Fund is to provide the Council with the ability to facilitate small local improvements and/or assist community groups to provide facilities/services or to carry out activities that are felt to be a positive contribution to their local area or the district as a whole. It is not intended that allocations be contributed to single projects or single associations/causes, especially on a continuing basis, but that the funds be spread across a variety of purposes.

FINANCIAL IMPLICATIONS

On 13 August 2008, the Council resolved (C0808/237) to amend Policy 202/1 to facilitate an equal portion of any monies budgeted for small local projects to be available to each Councillor.

At the time of preparation of this report, available funds for each Councillor's recommendation are as follows:

Councillor	Amount Available \$
Cr Hartley	2,500
Cr Hastie	2,500
Cr Binks	2,500
Cr Stubbs	2,500
Cr Bromell	2,500
Cr Ryan	2,500
Cr Tuffin	2,500
Cr Emery	2,500
Cr Masters	2,500
Cr Underdown	2,500
Cr Clarke	2,500
Cr Hanran-Smith	2,500
Cr Reid	2,500
TOTAL FUNDS REMAINING	32,000

There are sufficient funds available within the portions allocated in the 2009/10 financial year for recommendation for disbursement by Cr Hartley.

STRATEGIC IMPLICATIONS

Nil

OFFICER COMMENT

Nil

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Subject to receipt of all necessary information, funds will be provided as soon as practicable following this Council Meeting.

OFFICER RECOMMENDATION

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

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

16.3 2009/10 COMMUNITY BIDS BUDGET ALLOCATIONS

This report had not been finalised at the time of Agenda preparation and will therefore need to be circulated via an Addendum to this Agenda before the Council Meeting on 9 September 2009.

16.4 ARTGEO MANAGEMENT PLAN REVISION AND PROPOSED LEASE OPPORTUNITIES

SUBJECT INDEX:	Art Gallery Operations Agreements / Contracts
STRATEGIC INITIATIVE:	Encourage and support cultural activities and events Build and recognise the value of our cultural heritage Optimise revenue opportunities
BUSINESS UNIT:	Community Development
SERVICE:	Property Management
DATE OF COMPLETION:	30 June 2010
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	1. Floor Plan of Old Courthouse Complex 2. Artgeo Aerial Site Plan

PRÉCIS

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

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

BACKGROUND

The complex now known as the Artgeo Cultural Complex has a long history as an arts and cultural centre which originally consisted of the Old Courthouse Gallery and Police Cottages. Today the centre comprises the original buildings plus the former Agricultural Building on the eastern side of Queen St, directly opposite the Old Courthouse.

Since 2004 the centre has seen a number of changes to the management structure and operations. In the resultant five years the Shire has continued:

- * the restoration and ongoing maintenance of the buildings
- * established an exhibition gallery and community arts gallery
- * hosted key arts events and community arts projects
- * developed the artists studios and community workshop space
- * renovated and restored the old Agricultural building as the new Artgeo Gallery
- * established the Shire of Busselton annual Acquisitive Art Prize, and
- * completed the first stage of the Heritage Interpretation Plan with the production of the "Recollections Heritage Audio Tours".

These achievements have laid the groundwork for the growth of the ACC and paved the way for its maturity into a renowned regional arts and cultural facility.

In February 2007 the Council resolved the following (C0702/044);

- "1. *That Council approves the Courthouse Arts Complex Management plan, as attached, for implementation including endorsement of the following primary actions:*
 - (a) *Staffing of the Courthouse Arts Complex to be based on one full time Complex Manager based on a three year contract commencing July 2007, and one part time (2 days p/w) administrative assistant based on a 2 year contract.*
 - (b) *The Courthouse Arts Complex buildings, including the Agricultural Building, to be based on the following primary use allocation:*
 - (i) *The Agricultural Building to be used as the main Gallery and function room.*
 - (ii) *The Police Quarters to be leased as a food and refreshment venue through statutory process.*
 - (iii) *Busselton Art Society maintaining present work room inclusive of part of the Police Quarters with modification of kitchen and toilet facilities and an extended 5 year lease.*
 - (iv) *The use of the area between Exercise Yard and Police Office as an interpretive centre of the facility.*
 - (c) *That an amount of \$135,000 for operations and \$80,000 for development be listed for consideration in the 07/08 budget to enable the achievement of 1. above.*
 - (d) *That an amount of \$10,000 annually be set aside from the Shire of Busselton Budget for an acquisition based Art award in order for the Shire of Busselton to build its Art Collection."*

The Courthouse Arts Complex Management Plan as referred to in the resolution has provided a framework for the ACC since its adoption. As with all management plans it is prudent to review and reassess the continuing appropriateness and relativity to the current situation. Additionally, given the complexity and broad nature of the plan it is timely to update the Council on progress and reconsider those matters which may not hold the priority they once had.

CONSULTATION

Extensive public consultation was undertaken during the 'Old Courthouse Complex - Visioning and Planning' exercise, prior to developing the original plan in 2007. The changes recommended in this report do not require additional formal public consultation. However Shire officers have instigated a regular calendar of meetings with stakeholders of the ACC to ensure appropriate dialogue takes place.

A professional valuer has been consulted with respect to the proposed rental for the northern Police Cottage and the small Courthouse café. Additionally, key Shire staff have been consulted where appropriate particularly in relation to Occupational Health & Safety requirements for the staffing of the galleries.

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. In the case of a lease to a commercial entity, the Shire's intention to enter into the lease would be publicly advertised in accordance with Section 3.58 (3)(a) & (4)(a)(b) & (c) of the Local Government Act.

A lease to an incorporated 'not for profit' group is exempt from these requirements under section 3.58 (5)(d) which 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.

Under the Occupational Safety & Health Act (OSH) 1984, the Shire has a "duty of care" to ensure that the general public is not exposed to hazards while accessing a Shire facility, in this instance the Artgeo Cultural Complex. This applies as far as reasonably practicable (Section 21 and 22). This could include hazards such as:

- * Angry, difficult or emotionally unstable visitors to the galleries
- * Armed hold-ups
- * Slips, falls, trips

Additionally, the Shire's 'duty of care' extends to the environment in which volunteers are requested to work. In particular, the weekend operations place the volunteers and therefore the Shire in a high risk situation, giving rise to the need for trained casual staff to provide supervision and support to volunteers at these times.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As detailed in the 'Officer Comment', provision of paid gallery attendants to the Old Courthouse area would be funded from income received by leasing the northern Police Cottage and the Courthouse Café and the hiring of the Recollections audio tours. Property incomes in accordance with the valuation are \$200pw for the Police Cottage and \$150pw for the Courthouse Café being \$10,400 and \$7,800 per annum respectively. This is believed to be achievable for the café as it is a purely commercial operation, however the northern Police Cottage would be a community based organisation. On application of the preferred criteria for tenancies at the ACC, a 50% reduction of that return is recommended due to the nature of the activities that are expected to take place.

Income from the hire of the Recollections tours, based on an \$8.00 hire fee, with the trained casual Gallery Attendants is anticipated to be around \$7,200 per annum. Employment of two casuals (working alternate weekends) at \$26.00 per hour will be \$16,224. Casual employment could also be extended to additional hours at peak times and still be totally self funded.

	Proposed Annual Income	Proposed Annual Expenditure
Nth Police Cottage	\$5,200.00	\$1,500.00
Courthouse Café	\$7,800.00	\$1,000.00
Recollections Tours (\$8 each) Mon-Fri (2 per day / 50 weeks)	\$4,000.00	
Recollections Tours (\$8 each) Sat – Sun (4 per day)	\$3,200.00	
Gallery Attendants (@\$26ph)		\$16,224.00
Reduction to Shire Subsidy		\$1,476.00
Total	\$20,200.00	\$20,200.00

STRATEGIC IMPLICATIONS

The recommendations in this report progress the following Strategic Objectives;

- 1.1 *Foster vibrant cultural activities that celebrate diversity and a sense of community,*
- 1.2 *Support a range of healthy recreation, entertainments and lifestyle opportunities, and*

Facilitate and assist with the development of quality community facilities and services; by providing a quality venue exhibiting diverse forms of arts and culture.

To promote the Shire of Busselton as the preferred destination within Western Australia for visitors seeking to experience food and wine, recreation, culture, heritage, and nature based attractions; by contributing to the tourism attractions of the region.

- 5.1 *To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles; by ensuring the facility is adequately staffed, has appropriate OSH strategies to ensure the safety and wellbeing of staff and volunteers and recovers as higher percentage of operating costs as possible thus minimising the rate at which the facility is financially subsidised.*

OFFICER COMMENT

The most appropriate way to review the Courthouse Arts Complex Management Plan is to provide comment on each of the six areas of recommendations (summary) adopted. The Objectives from the original business plan are in italics. It should be noted though; that much of the information provided below is of an operational nature and for information purposes only, the Council is not being requested to make decisions on operational matters.

3.1 Staffing Structure

Objective: *The ACC to operate under one FTE facility manager (3 year contract) and a .4 FTE Administrative / Gallery Assistant (2 year contract).*

Comment: Relates to Part 1(a) of the resolution.

Efforts to recruit a suitably qualified full time facility manager for Artgeo were unsuccessful. Two attempts to recruit were made in July and October 2007 before electing to split the positions to become two .6 FTE's and offer a saving of .2 FTE. This recruitment strategy was successful with the employment of the two current part time staff on a job share basis. The facility also utilises a casual position to assist with exhibition change over and openings.

The facility relies heavily on a volunteer program as noted in the plan. While the volunteers are essential to the operation of the facility, this extremely high reliance results in overly labour intensive management to ensure the doors can be opened as advertised. From January to June 2009, the Courthouse gallery was closed between 3 and 8 rostered periods per month mainly due to illnesses and holidays. These closures disadvantage the artists exhibiting and selling works and the public wishing to access the gallery at advertised times.

Recommendation: The current Artgeo Manager positions are critical to the continued growth towards economic sustainability of the centre, which is the mainstay of the Shire's current commitment to the arts. The facility and its associated activities and attractions are fundamentally reliant upon the specialised skills of the centre management and permanence of these positions will reflect the Shire's commitment to the continuing operation of the ACC.

An additional two casual part time Gallery Attendants should be employed to work alternate weekends at the Courthouse complex to supervise the volunteers as per OSH requirements, manage the sales and hiring of the Recollections Tours, provide hospitality at the centre, retail sales of artwork and associated administrative duties. Volunteers would still be required on the weekends but the presence of paid casuals would eliminate the gallery closures caused by insufficient volunteer availability.

The casual employees wages would be fully funded by the revenue received from letting of the two available spaces and the Recollections Tours and indeed would be employed if and when the leasing occurs. In addition to the tour operations, the assistants would undertake various other gallery work and retail sales thereby freeing the current facility managers to focus their attention and skills on promotion of educational programs, marketing, policy development, curating of exhibitions and collections etc.

3.2 Proposed Usage of Complex

Objective: (it is advisable to consult the attached facility plans when reviewing this section)

<i>Plan Recommendation</i>	<i>Comment</i>
<i>a) Stables for artists in residence hired by the month.</i>	<i>Achieved</i>
<i>b) Fodder Room - community access / workshops hired by the hour / day.</i>	<i>Achieved</i>
<i>c) Exercise Yard, Cells, Day Room, Police Office - as history and heritage learning centre.</i>	<i>Commenced - the Heritage Interpretation Plan makes a number of recommendations which are being implemented. The Recollection Tours being the initial stage.</i>
<i>d) Original Courtroom, Magistrates retiring room, Courtroom and Bonded Store - local arts and crafts, community arts exhibitions, retail.</i>	<i>Achieved</i>
<i>e) Magistrates retiring room as entry, information point, history heritage</i>	<i>Change proposed for early 09/10 to coordinate with opening of Recollections tours. See Recommendation e) below.</i>
<i>f) Post Office - community arts organisation office for hire</i>	<i>Recommended for change, see Recommendation f) below.</i>
<i>g) Police Quarters - south side to Bsn Art Society(BAS), north side to lease as cafe</i>	<i>Partly achieved with BAS occupying south side. Recommend temporary change to north side. See Recommendation g) below.</i>

Plan Recommendation	Comment
<p><i>h) (i) Agricultural building as main gallery</i></p> <p><i>(ii) Store for Shire collection, BAS collection and Sugito collection</i></p> <p><i>(iii) Managers Office</i></p> <p><i>(iv) Community Meeting space / office</i></p>	<p><i>(i) Achieved</i></p> <p><i>(ii) Partly achieved with the relocation of the Woodturners Group to the southern most area. See Recommendation h) below.</i></p> <p><i>(iii) Achieved</i></p> <p><i>(iv) Recommend change; see Recommendation h) below.</i></p>

Recommendation: The following recommendations are made in order of listing above;

e) **Magistrates retiring room** currently the main entrance to the gallery - this is an unattractive entry which is approached via a driveway and bollards and provides the visitor with no direction upon entering the building. Recommend relocate the main entrance to the more aesthetically pleasing "Entry Porch" directly off Queen Street and opposite the Artgeo Gallery. Customer service and sales desk relocated just inside the Courtroom. This would create an entry statement showing the historical grandeur of the architecture and provide the visitor with the visual impact of the law and order system of the late 1800's. There will be little or no expense to implement this.

f) **Post Office** - office for hire - this space used to house the original coffee shop and is recommended to reinstate that use at least temporarily. The satellite café (i.e. food prepared off site) would have small alfresco on the verandah, small kitchen, tables and chairs in the old Post Office area and couches in part of the Magistrates retiring room. This area would be leased out for 2 - 3 years initially at an all inclusive rent of \$150.00 per week contributing to the funds required to employ the casual gallery assistants.

g) **Police Quarters** - north side to lease as café. – See 3.4 below.

h) (ii) **Store room** for Shire collection, BAS collection and Sugito collection - quotes received for the establishment of this store room to the industry standards required to store these collections safely along with other gallery paraphernalia has proven to be extremely expensive, in excess of \$60,000 and therefore requires further investigation and review during the 09/10 FY and budget provision in 2010/2011 FY.

h) (iv) **Community Meeting space / office** - as some 7 sqm of the previously allocated storage space for the Artgeo Gallery was required by the Busselton Woodturners Group occupying the southern area at the rear of the gallery, a portion of the meeting room may need to be allocated to storage. This would be investigated in the 09/10 FY.

3.3 Agricultural Building

Objective: *Expansion of the complex to include the Agricultural building - operational by mid 08.*

Comment: These objectives have been achieved with the exception of the provision of storage space see h) (ii) & (iv) above. Additionally it is essential that sufficient good quality storage space is available to enable the gallery to function at the level expected by curators of exhibitions and artists and also to enable the proper storage and conservation of the Shire art collection and the Sugito collection. BAS collection is now stored in the expanded BAS leased area.

3.4 Police Quarters as Dual Occupancy - Café / BAS

Objective: *Conduct Expression of Interest (EOI) for the use of Police Quarters as Café or similar by April 07 for opening by March 08.*

Comment: The timeline for this proved to be unrealistic as it was not appropriate to advertise a lease area until we were confident that the space would be vacated on time and this factor was beyond our control due to availability of trades etc. The building conversion has now been completed and a draft lease provided to the BAS for the southern cottage.

Recommendation: This commercial letting would still be the preferred option in the medium to long term for the northern cottage; providing much needed revenue to support the activities and growth of the ACC. However the prevailing economic conditions are not conducive to the establishment of a large café / restaurant at the present time and it is considered wise to postpone the commercial leasing of the northern cottage for approximately 2 - 3 years. It is hoped that this postponement would then see a more invigorated economy, perhaps coinciding with a streetscape upgrade to the Cultural Precinct and any proposed development of the foreshore, and that this would be reassessed in due course.

The importance of the Cultural Precinct in linking the foreshore and the CBD has been well documented in various strategic plans. Future suggested plans have included using paving or other finishes to create a special section of road that links the different buildings together and supports opportunities for al fresco dining experiences to take advantage of the available tourism and cultural activities. The strategic postponement of the larger café/restaurant, whilst providing a more viable operation through the old Post Office area, would fulfil both short and long term objectives of the Courthouse Arts Complex Management Plan.

The northern cottage space should be leased in the interim, preferably to an arts or cultural group, via an Expression of Interest (EOI). A valuation of the space for commercial use indicated a return of approximately \$200per week. However this return must be considered in balance with the following in mind;

a) criteria established by the community during the 'Old Courthouse Complex Visioning and Planning' consultation and subsequent report of August 2006, recommended; *"Criteria for selecting community tenants should be based on achieving diversity of artforms, demonstrated ability to uphold the venues objectives, to work collaboratively with other tenants and users"* and,

b) the income from this area is an integral part of the success of the Recollections Tours (hiring of casual Gallery Attendants) but it is unlikely to be an affordable

rent for a purely community 'not for profit' group. It would be recommended that the advertised rent be reduced to \$100.00 per week conditional upon the prospective tenant meeting the above criteria. Two unsolicited EOI's have been received for the space to date and will be considered at the closing of the EOI submission period.

3.5 Stable Studio Space

Objective: *Stable and Fodder room occupied on short term agreements to facilitate a varied array of visual and performing arts.*

Comment: This has been achieved.

3.6 Heritage Interpretive Centre

Objective: *The completion of the Interpretive Plan by December 07 to enable progress of implementation.*

Comment: The Heritage Interpretive Plan was completed and implementation has commenced with the development and production of the Recollections audio tours due to be launched during summer 2009.

Recommendation: To continue the implementation of the Heritage Plan by applying for a Lotterywest grant for the 10/11 FY. Additionally the tours must be supported by the appointment of casual gallery assistants, trained in the operation and promotion of the tours. Failure to adequately staff the venue will result in closures which will impact upon the reputation of the venue and the Shire. The managers have already received enquiries from commercial tour operators regarding the inclusion of the venue for regular visits and this would obviously be put at risk should the venue be unexpectedly closed due to inadequate staffing.

In addition to the above items from the previously endorsed Business Plan part d) of the Council Resolution read;

(d) That an amount of \$10,000 annually be set aside from the Shire of Busselton Budget for an acquisition based Art award in order for the Shire of Busselton to build its Art Collection."

While this has been undeniably beneficial to the success of the annual art competition it is customary to also provide smaller secondary or encouragement awards and obtaining commercial sponsorship for this has proven both, time consuming and difficult. It is therefore recommended that the \$10,000 be split as follows; first (Acquisitive Prize) \$7,000, 2nd \$2,000 and third prize \$1,000 or any other configuration of the total amount, as recommended by the exhibition judges and considered appropriate by the Shire, thus eliminating the need for commercial sponsorship.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The EOI will be advertised within two weeks of the Council's decision and a report with recommendations for tenancy will be brought back to the Council by 25 November 2009.

Appointment of the casual Gallery Attendants would be driven by the letting of the Courthouse Café and the northern Police Cottage.

OFFICER RECOMMENDATION

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

That the CEO advertises for Expressions of Interest for:

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

17. CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

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

NoM NO: 09/10: 6

Councillor David Binks has given notice of his intention to move the following motion at the Council Meeting on 9 September 2009:

MOTION

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

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

REASONS:

Currently, community participation in matters related to Local Government is heavily skewed towards the older demographics in the Shire of Busselton. As a Council we need to explore opportunities to engage the Shire's youth and help them to understand that they have a valuable role to play in the business, health and balance of our community.

The purpose of this motion is to provide students with:

- * Motivation and opportunity to experience Community Access Sessions;
- * Practical introduction to the Council Agenda; and

- * Demonstration of how Shire business is conducted at Council level.

This introduction to the Council may result in a student then expressing a further interest in a Youth Advisory Council or investigating a career in Local Government.

They will also begin to understand that:

- * They have a vital role to play in our community;
- * A young voice is no less significant than an older voice; and
- * By gaining a simple understanding Council process, they can easily express their views.

STAFF COMMENT

1. Lifestyle Development Directorate:

Engagement of youth is seen as an important component of the development of the planning strategy for the future of the Shire and as part of the Scheme Review project contact has been made with Cornerstone Christian College, Mackillop Catholic College, Georgiana Molloy Anglican School and Busselton High School in April 2009. This was to identify opportunities for their student involvement or input to the project vision, issues and ideas. The first three schools showed an interest and were given an introduction to the Project. Cornerstone and Mackillop indicated they would work on a project to outline ideas for future growth in Busselton and feed into Scheme Review project. Georgianna Molloy allocated their two prefects to look into their involvement.

The Community Reference Group appointed by Council on 8 July 2009, also has youth included in its representation. Its role is to provide input into the preparation of the Local Settlement Planning Strategy (LSPS) and consolidated Local Planning Strategy (LPS). The reference group is also likely to be used to considers input from the schools process.

From the perspective of the work on the various planning strategies and other issues within the Lifestyle Directorate, including fire awareness, student participation in briefing sessions is considered to be a very positive move.

2. Community and Organisational Development Directorate:

The Shire of Busselton is currently exploring methods to attract greater participation by young people in Council processes, community consultation and engagement. The strategies proposed in this NoM would complement the suite of strategies currently being considered. Some young people will be intrigued and excited by the idea of being invited to join the Council for a meeting but many will be daunted and nervous about the idea. It is therefore suggested that two young people be invited to each meeting so that they have each other for support.

18.2 YOUTH ADVISORY COUNCIL

NoM NO: 09/10: 7

Councillor Rob Underdown has given notice of his intention to move the following motion at the Council Meeting on 9 September 2009:

MOTION

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

REASONS

The youth voice in Busselton is very sparse and it is currently very difficult to consult with young people or retrieve feedback. I believe this is an extremely important measure as part of running community consultation. Southern Rip currently works as the youth voice and provides a report to council on projects and events the group is running. However, this can be limited and does not provide vital information back to council on our youth.

Our youth are a vital component of our community. They are our future and we need to start providing them an opportunity to have a voice into the development of the Shire. A Youth Advisory Council will provide the opportunity for young people to express their concerns or opinions on any issues to the Council.

STAFF COMMENT (Community and Organisational Directorate)

Many Local Governments have a Youth Advisory Council (YAC) and their modus operandi varies between each. One common feature of each YAC is the requirement for a staff member to act as the coordinator and this can have significant resource implications for the Local Government.

Whilst it could be suggested that Southern Rip currently act as the YAC for the Shire of Busselton on various levels, the concept of the Shire of Busselton reviewing the structure and activities of other YACs, carries merit and is worth exploring.

The information gathered could then be used to better inform a discussion about how the Council could maximise their existing relationship with Southern Rip to achieve desired outcomes or help propose a new structure for a formal Shire of Busselton YAC, along with identifying adequate resourcing needs.

For some time now, Shire staff have recognised that the segment of the population made up by young people is under represented in terms their involvement with the Shire. There would be benefits to both the Shire and to the young people in the Shire of Busselton should the Shire resource a youth development position to focus on improving the relationship between young people and the Shire, increase engagement and consultation with this segment of the population and design services and facilities that meet the requirements and needs of this unique population. This would be further explored when the structural, budgetary and resourcing options were fully researched.

18.3 LETTER TO TROY BUSWELL

NoM NO: 09/10: 8

Councillor Rob Underdown has given notice of his intention to move the following motion at the Council Meeting on 9 September 2009:

MOTION

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

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

REASON:

I find it very disappointing that our local member who grew up as part of this community has not taken an interest in the closure of the dedicated midwifery section. The closure of the midwifery section will have a direct impact on a growing section of our community and further jeopardise the high level of care offered by these specialists at the Busselton Hospital. Our community can not accept the loss of this service and lose a number of our current midwives to other hospitals who will be offering a dedicated service. The impact will be felt across the greater section of the community and as such, the local member should represent his constituents on all issues affecting them, not just those he may chose to pick.

STAFF COMMENT

Nil provided.

18.4 LETTER TO HEALTH MINISTER

NoM NO: 09/10: 9

Councillor Rob Underdown has given notice of his intention to move the following motion at the Council Meeting on 9 September 2009:

MOTION

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

REASONS:

The removal of the dedicated midwifery section at the Busselton Hospital has disappointed a large section of our community, including the midwives, current, recent and future mum's and partners. The service provided to our community will be compromised as midwives will be expected to care for general ward patients as well as maternity ward. There is also the issue of general ward nurses being required to offer assistance to maternity ward patients where they have no training or experience. There is a strong possibility that current midwives at the Busselton Hospital will seek employment elsewhere where they can practise their speciality, further jeopardising the current high level of care offered to patients and their newborns.

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STAFF COMMENT

Nil provided.

19. **CONFIDENTIAL REPORTS**

19.1 **KPIS FOR 2009/10 PERFORMANCE PERIOD**

This report was not ready at the time of Agenda preparation and will therefore need to be circulated under separate cover to Councillors and the CEO prior to the Council Meeting on 9 September 2009.

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

21. **QUESTIONS FROM MEMBERS WITHOUT NOTICE**

22. **NEXT MEETING**

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

23. **CLOSURE**

