



Ordinary Council Meeting

# Agenda

31 July 2024



## *Our Vision*

Where environment, lifestyle and opportunity meet

## *Community Aspirations*



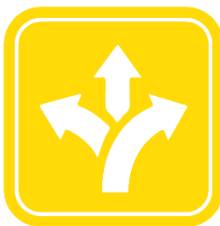
### KEY THEME 1 **Environment**

An environment that is valued, conserved and enjoyed by current and future generations.



### KEY THEME 2 **Lifestyle**

A place that is relaxed, safe and friendly, with services and facilities that support positive lifestyles and wellbeing.



### KEY THEME 3 **Opportunity**

A vibrant City with diverse opportunities and a prosperous economy.



### KEY THEME 4 **Leadership**

A Council that connects with the community and is accountable in its decision making.

**NOTICE OF MEETING**

**TO: THE MAYOR 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 31 July 2024, commencing at 5:30pm.

Your attendance is respectfully requested.

**DISCLAIMER**

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



**TONY NOTTLE**

**CHIEF EXECUTIVE OFFICER**

18 July 2024

## BEHAVIOUR PROTOCOLS

The City of Busselton values are:

- Listening
- Considered Decision Making
- Appreciation
- Respect
- Teamwork

In accordance with these values, the following outlines the behaviour expectations while attending a Council meeting, Committee meeting, Community Access Session, or Public Agenda Presentation:

- Listen respectfully through the meeting or presentation
- Respect the Council process and comply with directions from the Presiding Member
- Use respectful language when addressing Council, staff, and other members of the public
- Behave in a manner that is respectful and non-confrontational
- Do not use offensive language or derogatory language towards others

The City values the diverse input of the community and seeks to ensure that all members of the community can attend a meeting and have their say.

Elected Members, Committee members and Candidates are bound by the City's Code of Conduct and agree to uphold the values of the City of Busselton and principles of good behaviour, maintaining and contributing to a harmonious, safe, and productive environment.

Anyone who does not behave in accordance with the above values and behaviours may be asked by the Presiding Member to leave the gallery.

**CITY OF BUSSELTON**

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## 1. OFFICIAL OPENING

The City of Busselton welcomes Elected Members, staff, guests and members of the public to the Ordinary Council Meeting of 31 July 2024.

The City of Busselton acknowledges the Wadandi and Bibbulmun people as the traditional custodians of this region and pay respects to Elders past and present.

This meeting will be audio recorded for minute taking purposes and will also be live streamed on the City of Busselton YouTube channel.

A prayer will be read out as part of the opening of this meeting.

## 2. ATTENDANCE

<b>PRESIDING MEMBER</b>	<b>MEMBERS</b>
Mayor Phill Cronin	Cr Anne Ryan (Deputy Mayor)
	Cr Val Kaigg
	Cr Jodie Richards
	Cr Mikayla Love
	Cr Richard Beecroft
	Cr Andrew Macnish
	Cr Jarrod Kennedy

<b>OFFICERS</b>
Chief Executive Officer
Director Infrastructure and Environment
Director Community Planning
Director Economic and Business Development
Director Corporate Strategy and Performance
Governance and Risk Coordinator
Governance Officer

<b>APOLOGIES</b>
Cr Kate Cox

<b>LEAVE OF ABSENCE</b>	

<b>APPLICATION FOR LEAVE OF ABSENCE</b>	

**3. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**4. DISCLOSURES OF INTEREST**

**DISCLOSURES OF FINANCIAL INTEREST**

A declaration under section 5.65 of the *Local Government Act 1995* requires that the nature of the interest must be disclosed. An elected member or employee who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter on which the subject of the declaration without the approval of the Council in accordance with the Act.

**DISCLOSURES OF IMPARTIALITY INTEREST**

Elected members and employees are required, in addition to declaring any financial interest, to declare an interest that might cause or perceive to cause a conflict. If the elected member or employee declares that their impartiality will not be affected then they may participate in the decision-making process.



## 5. CONFIRMATION AND RECEIPT OF MINUTES

### 5.1. Ordinary Council Meeting 19 June 2024

#### RECOMMENDATION

That the minutes of the Ordinary Council Meeting 19 June 2024 meeting be confirmed as a true and correct record (as published at 18 July 2024 on the [City of Busselton's website](#), inclusive of any confidential material published on the restricted internal Docs on Tap application).

### 5.2. Special Council Meeting 5 June 2024

#### RECOMMENDATION

That the minutes of the Special Council Meeting 5 June 2024 meeting be confirmed as a true and correct record (as published at 18 July 2024 on the [City of Busselton's website](#), inclusive of any confidential material published on the restricted internal Docs on Tap application).

## 6. PUBLIC QUESTION TIME

Public question time allows members of the public to participate in local government by asking questions of the Council in relation to issues affecting the City.

### 6.1. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

### 6.2. QUESTION TIME FOR PUBLIC

#### Public question time procedures and guidance

- The City will allocate a minimum of 15 minutes and a maximum of 30 minutes per Council meeting for public question time.
- Members of the public should register their intent to ask a question at a Council meeting by completing and submitting the [Public Question Time form](#) before 4pm the day prior to the relevant meeting.
- Members of the public will be invited to ask their question in order of registration.
- Questions will be limited to three per person. Additional questions may be permitted by the Presiding Member where time permits.
- Where a person is not present to ask their submitted question it will be responded to administratively as general correspondence.
- Questions may be taken on notice, to be responded to at a later time by the CEO in accordance with clause 6.7 of the Standing Orders.
- Public question time is for the tabling of questions, not for members of the community to make statements. For context, the Presiding Member may allow a short preamble.
- Questions containing defamatory remarks or offensive language, or that question the competency or personal affairs of Elected Members or employees may be ruled inappropriate by the Presiding Member subject to the Presiding Member taking reasonable steps to assist the member of the public to rephrase the question.
- There will be no debate or discussion on the response provided.

For further information, please see the [Meetings, Information Sessions and Decision Making Processes Policy](#).

## 7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

### 7.1. PETITIONS

#### Extract from *City of Busselton Standing Orders Local Law 2018*

##### 6.9 Petitions

- (1) A petition, in order to be considered by the Council, is to –
  - (a) be addressed to the Mayor;
  - (b) be made by the electors of the district;
  - (c) state the request of each page of the petition;
  - (d) contain the name, address and signature of each elector making the request;
  - (e) contain a summary of the reasons for the request;
  - (f) state the name of the person whom, and an address at which, notice to the petitioners can be given;
  - (g) be respectful and temperate in it's language.
- (2) Despite subclause (1), the Presiding member may allow a petition to be considered in circumstances where the petition complies with the majority if the requirements in subclause (1).
- (3) In response to a petition presented to it, the Council may determine –
  - (a) that the petition be received;
  - (b) that the petition be rejected;
  - (c) that the petition be received and referred to the CEO to prepare a report to Council or a committee; or
  - (d) that the petition be received and referred to the CEO for action.
- (4) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented at that meeting, unless –
  - (a) the matter is the subject of a report included in the agenda; and
  - (b) the Council has considered the issues raised in the petition.

### 7.2. PRESENTATIONS BY PARTIES WITH AN INTEREST

#### Extract from *City of Busselton Standing Orders Local Law 2018*

##### 6.10 Presentations by parties with an interest

- (1) Once an agenda of a meeting of the Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose.
- (2) A person must demonstrate that they are a party with an interest in an item on the agenda by stating their name, the item to which they wish to speak, whether or not they are in agreement with the recommendation in the agenda and they are—
  - (a) the applicant or one duly authorised representative of the applicant;
  - (b) an adjoining neighbour sharing a common length of boundary or directly opposite neighbour of the affected property;

- (c) one person duly representing a community-based organisation where an item on the agenda has broad community impact and is associated with the objectives of the organisation; or
  - (d) such other person as in the opinion of the presiding member has a significant direct interest or is duly representing those that have a significant direct interest in the item.
- (3) A person addressing the Council on an agenda item will be limited to a period of 5 minutes unless the person is granted an extension by the presiding member.
  - (4) Where multiple parties wish to present on an item, the applicant (or their duly authorised representative) is to be given the opportunity to give the final presentation on the item.
  - (5) Members may, through the presiding member, question a person addressing the Council on the item but no debate or general discussion will be permitted.

### 7.3. DEPUTATIONS

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

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

### ADOPTION BY EXCEPTION RESOLUTION EN BLOC

#### Extract from the *City of Busselton Standing Orders Local Law 2018*

##### 5.10 Adoption by exception resolution

- (1) In this clause adoption by exception resolution means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or employee recommendation as the Council resolution.
- (2) The Council may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter—
  - (a) that requires a 75% majority or a special majority;
  - (b) in which an interest has been disclosed;
  - (c) that is a matter on which a member wishes to ask a question;
  - (d) that is a matter on which a member wishes to make a statement; or
  - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.
- (4) A member who wishes to ask a question or make a statement in relation to a matter that would otherwise be within an adoption by exception motion should, as far as practicable, notify the CEO by 3pm on the day before the meeting.
- (5) A member who wishes to move a motion that is different to the recommendation in a matter that would otherwise be within an adoption by exception resolution should, as far as practicable, give notice of the motion that –
  - (a) is in writing;
  - (b) identifies the matter and gives the reason or reasons for the motion; and
  - (c) is given to the CEO by 3pm on the day before the meeting.
- (6) Where a member intends to move a motion referred to in sub-clause (5), the CEO must be given an opportunity to provide advice to the Council prior to consideration of the motion, in accordance with section 5.41 (b) of the Act .

## 10. REPORTS OF COMMITTEE

### 10.1. Placeholder - Finance Committee - 24 July 2024

**Placeholder – Finance Committee – 24 July 2024 – List of Payments Made – May 2024**

***\*Late item (Supplementary Agenda)***

**Placeholder – Finance Committee – 24 July 2024 – Monthly Financial Report – Year to Date  
31 May 2024**

***\*Late item (Supplementary Agenda)***

## 11. COMMUNITY PLANNING REPORTS

### 11.1. Review of LPP 4.3 - Heritage Conservation

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.1 Recognise, respect and support community diversity and cultural heritage. 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices. Key Theme 4: Leadership 4.1 Provide opportunities for the community to engage with Council and contribute to decision making. 4.3 Make decisions that respect our strategic vision for the District.
<b>Directorate:</b>	Community Planning
<b>Reporting Officer:</b>	Senior Planner (Major Development) - Emma Craddock
<b>Authorised By:</b>	Director Community Planning - Gary Barbour
<b>Nature of Decision:</b>	Legislative: adoption of "legislative documents" such as local laws, local planning schemes and local planning policies.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Draft Local Planning Policy No. 4.3 - Heritage Conservation [<b>11.1.1</b> - 11 pages]</li> <li>2. Current Local Planning Policy No. 4.3 - Heritage Conservation [<b>11.1.2</b> - 15 pages]</li> <li>3. Heritage Framework [<b>11.1.3</b> - 1 page]</li> </ol>

### OFFICER RECOMMENDATION

**That the Council, pursuant to clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts for public consultation the revised draft Local Planning Policy 4.3 Heritage Conservation (Attachment 1 refers).**

### EXECUTIVE SUMMARY

The Council is asked to consider adopting, for the purposes of advertising, draft *Local Planning Policy 4.3 Heritage Conservation* (LPP4.3). Draft LPP4.3 has been reviewed to align with the City's review of the Local Heritage Survey (LHS) and Heritage List which form Item 11.2 of this agenda. The inter-relationship of the heritage framework is outlined in Attachment 3.

LPP4.3 provides development guidance for heritage listed properties identified within the City's Heritage List. It supports the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations* (the *Regulations*) which are included within *Local Planning Scheme No. 21 (LPS21)*.

The review of LPP4.3 seeks to align the policy with the Heritage Council's *Guidelines for Preparing a Local Planning Policy for Local Heritage* and to ensure alignment with current legislation and processes and address other minor inconsistencies.

It is recommended that Council supports the revised draft *Local Planning Policy 4.3 Heritage Conservation* for the purposes of public consultation for a period of 21 days.

## STRATEGIC CONTEXT

In accordance with the City's *Strategic Community Plan*, the draft LHS and draft Heritage List is considered in the context of recognising and respecting the City's cultural heritage whilst providing opportunities for the community to engage and contribute to transparent decision making.

## BACKGROUND

The City is currently reviewing its LHS and Heritage List following the gazettal of the *Heritage Act 2018* which requires that local governments prepare and review a LHS to identify places of cultural heritage significance. The City's LHS was last reviewed and adopted by Council at its meeting of 13 August 2014 (C1408/200 refers). Each place on the draft LHS is classified based on the contribution of a place to local cultural heritage, recognising the varying degrees of importance, consistent with the HCWA *Guidelines for Preparing a Local Heritage Survey*.

The draft LHS has five management categories with places identified as having management categories 1 or 2 within the draft LHS recommended for inclusion on the City's draft Heritage List where they are protected under the provisions of a local planning scheme:

	Level of Significance	Description	Expectations
1	Exceptional  (Heritage List and State Heritage Listed places)	Essential to the heritage of the area. Rare or outstanding example.	The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan if one is in place.  Consider for nomination for State Register of Heritage Places if not already included.
2	Considerable  (Heritage List)	Very important to the heritage of the locality. High degree of integrity/ authenticity	Conservation of the place is highly desirable. Any alterations or extensions should minimise impacts on the original site or building and reinforce the significance of the place.
3	Moderate  Local Heritage Survey	Contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance; contributes to the heritage of the locality.	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place and retain original fabric where feasible.



4	Some  Local Heritage Survey	Some significance  Lower degree of integrity/authenticity but contributes to the heritage of the locality.	Retain elements of the place where feasible.  Photographically record prior to major development or demolition.
5	Place of Interest  Heritage Interest Sites	Historic Site  Site relevant to a past event, group or individual which contributes to the understanding of the history of the City of Busselton.	Recognise and interpret the site if possible.

The City's former *Heritage Conservation Policy* was adopted in 2000 with a major review undertaken and adopted by Council at its meeting of 14 October 2009 to align the policy with *State Planning Policy 3.5 Historic Heritage Conservation* and to ensure that development provisions were in place for properties identified as having a management category 1-3 in the City's then Municipal Heritage Inventory (MHI) (C0910/354 refers).

The *Regulations* require that a development application must be submitted for any development proposed for a place included on the local Heritage List or within Heritage Areas. LPP4.3 supplements the provisions within LPS21, providing an additional framework for development of properties on the Heritage List.

#### OFFICER COMMENT

Revised draft LPP4.3 has been prepared to assist and guide the City and landowners in achieving the conservation of significant heritage places. It supports the provisions within LPS21 which guide the identification, conservation and protection of such assets and as such only applies to places on the City's Heritage List (management category 1 and 2).

There is no requirement under the *Regulations* for a development application for works to a place on the City's LHS (category 3-5) that meet all other planning criteria, should a development application be submitted for other planning criteria the properties on the LHS will only be required to have due regard to the heritage matters of clause 67 of the *Regulations*.

The *Regulations* require local governments to have due regard to the built heritage conservation of any place that is of cultural heritage significance. To support the provisions of the *Heritage Act 2018*, the Heritage Council of Western Australia (HCWA) have prepared *Guidelines for Preparing a Local Planning Policy for Local Heritage*. The guidelines include sample text which have been included within the revised draft LPP4.3, providing information on the requirements for submission of a development application and supporting information for works to a heritage protected place.

Additionally, the guidelines utilise a Development Impact Matrix (appendix 1 of Attachment 1 refers) to determine the degree of impact of works on that place. The matrix has been included as an appendix to draft LPP4.3 to support the development provisions.

Several other amendments are proposed to LPP4.3 including:

- The introduction of clear policy objectives.
- Updates to legislative references and removal of outdated requirements.
- Amendments to interpretations (definitions) to align with legislative references and removal of superfluous details.
- Updates to the formatting and layout to provide clear headings and requirements.
- Updates to the management categories in line with the City's draft LHS.
- Removal of development provisions for management categories 3-5.

The main amendments proposed within the revised policy that differ to the current LPP4.3 are outlined below.

### **Removal of adoptions and modifications to the Heritage List and MHI**

The *Regulations* which were adopted in 2015 following the last review of the LPP, provide for a clear procedure in relation to entering a place onto the Heritage List. The HCWA additionally have prepared Guidelines for Establishing a Heritage List. Inclusion of these requirements within a local planning policy would be duplicitous and therefore are not recommended for inclusion.

Additionally, the *Heritage Act 2018* and associated guidelines, provide clear direction to local governments in relation to the preparation of a LHS (formally a Municipal Heritage Inventory). The HCWA Guidelines for Preparing a Local Heritage Survey supplement these requirements. Details on the management categories and the LHS are more appropriately captured within the LHS itself.

### **Removal of Management Categories 3-5**

The draft LHS applies a management category 1-5 for heritage places and recommends that places with a management category 1 or 2 be included within a Heritage List, protected by the provisions within a Local Planning Scheme. LPP4.3 only supports heritage protected places under the local planning scheme. Whilst the current LPP4.3 provides some guidance to those places on the City's current LHS, there is no requirement under the *Regulations* for a development application for works to a category 3-5 that meet all other planning criteria and therefore no legislative requirement for such works to comply with the provisions of the policy.

Any works to a place on the LHS will be required to have due regard to the matters set out in Clause 67 of the *Regulations*, which include heritage related matters. All development provisions in relation to management categories 3-5 have been removed from the draft LPP4.3.

### **Development Principles**

The revised LPP4.3 sets out several development principles which aim to conserve places and provide additional guidance for various development types. Key development principles are summarised as follows:

- Parameters for demolition are provided to protect the cultural heritage significance of a place. Demolition of significant fabric will not be supported where poor maintenance has affected the structural integrity or where redevelopment is identified as a financially more attractive proposition.

- The draft Policy outlines that imitating the design of heritage places is not supported. Instead, new buildings should be designed and constructed in a style that is compatible with but does not mimic traditional building styles.
- Alterations and additions to a heritage place should be compatible with the balance of the building by way of design materials and architectural style and form.
- The original roof line and façade of the heritage-protected place should be retained.
- Original building materials should be conserved, with like-for-like preferred where replacement is required with work based on research undertaken of the place.

The revised draft LPP4.3 is included as Attachment 1 to this report.

### **Statutory Environment**

#### **Legislation**

*Heritage Act 2018.*

*Heritage Regulations 2019.*

*Planning and Development Act 2005.*

*Planning and Development (Local Planning Schemes) Regulations 2015.*

*Local Planning Scheme No. 21.*

#### **State Government Policies**

*State Planning Policy 3.5 Historic Heritage Conservation.*

### **Relevant Plans and Policies**

Not Applicable.

### **Financial Implications**

There are no significant financial implications associated with the officer recommendation.

### **External Stakeholder Consultation**

The consultation requirements for proposed amendments to a local planning policy are stipulated in the *Regulations*. Clause 5 of the *Regulations* require amendments to a policy be advertised for a period of not less than 21 days. The local government may make an amendment to a local planning policy without advertising if, in the opinion of the local government, the amendment is minor.

Item 11.1 of this agenda seeks Council's consent to advertise the draft LHS and draft Heritage List. It is recommended that the City advertise the revised draft LPP concurrently with these given the cohesive way in which these operate. Advertising is proposed in accordance with the *Regulations* for a period of 21 days and will include:

- Letters to all owners and occupiers of places on the draft Local Heritage List.
- Letters to all owners of places on the draft LHS.
- Letters to known local heritage interest groups and persons.
- A notice on the City's 'Your Say' Busselton website.
- A notice within the local community newspaper.
- Notices on the City's social media platforms.
- Notices at the City's administration building and libraries.

### **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City’s risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified

### **Options**

As an alternative to the proposed recommendation the Council could:

1. Advertise the draft revised LPP4.3 with modifications; or
2. Not support the advertising of the draft revised LPP4.3.

### **CONCLUSION**

The revised draft LPP4.3 will support the planning framework for Heritage Protected Places on the City’s Heritage List. It provides clear guidance and direction in line with current legislative requirements.

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

The officer recommendation will be implemented in full, or in stages as per the following table:

<b>Milestone</b>	<b>Completion Date</b>
Consultation of the draft revised <i>Local Planning Policy 4.3 Heritage Conservation</i> .	Within one month of decision.
Adoption of the revised <i>Local Planning Policy 4.3 Heritage Conservation</i> .	Within three months of decision.

## 11.2. Local Heritage Survey and Heritage List - consent to advertise

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.1 Recognise, respect and support community diversity and cultural heritage.
<b>Directorate:</b>	Community Planning
<b>Reporting Officer:</b>	Senior Planner – Major Developments – Emma Craddock Planning Project Officer – Schae Haskett
<b>Authorised By:</b>	Director Community Planning - Gary Barbour
<b>Nature of Decision:</b>	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 Heritage List [<b>11.2.1</b> - 3 pages]</li> <li>2. Attachment 2 Draft Local Heritage Survey Review 2024 [<b>11.2.2</b> - 511 pages]</li> <li>3. Attachment 3 Category 5 Heritage Interest Sites [<b>11.2.3</b> - 2 pages]</li> <li>4. Attachment 4 Nominations Table [<b>11.2.4</b> - 5 pages]</li> <li>5. Attachment 5 - Heritage Framework [<b>11.2.5</b> - 1 page]</li> </ol>

### OFFICER RECOMMENDATION

That the Council, in pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), initiates the public advertising of the draft local heritage survey and draft heritage list for a period of 21 days.

### EXECUTIVE SUMMARY

The *Heritage Act 2018* (the Act) requires that local governments prepare a Local Heritage Survey (LHS). A LHS informs the preparation of a heritage list, for places identified as having cultural heritage significance within the scheme area, as required under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The LHS and Heritage List was last reviewed and adopted by Council at its meeting of 13 August 2014 (C1408/200 refers).

Following a detailed review and analysis, the City has prepared a draft LHS and draft Heritage List. Officers recommend endorsement of these documents for the purposes of public advertising for a period of 21 days.

Following advertising, the LHS and Heritage List will be presented to the Council for final approval.

### STRATEGIC CONTEXT

In accordance with the City’s *Strategic Community Plan*, the draft LHS and draft Heritage List is considered in the context of recognising and respecting the City’s cultural heritage whilst providing opportunities for the community to engage and contribute to transparent decision making.

## BACKGROUND

In 2006 the Council adopted its Municipal Heritage Inventory (MHI) which was required pursuant to the former *Heritage of Western Australia Act 1990* and provides a record of places of heritage significance. A review of the MHI was undertaken in 2013 and adopted in conjunction with the Heritage List by the Council at its meeting of 13 August 2014 (C1408/200 refers). The Heritage List was adopted pursuant to clause 37 of the former *District Town Planning Scheme No. 20* allowing the City to consider heritage values prior to approval of development.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*) came into effect on the 19 October 2015 and requires that local governments establish and maintain a heritage list to identify places of cultural heritage significance and places worthy of built heritage conservation. Additionally, on the 18 September 2018, the *Heritage Act 2018* came into effect with a key requirement of the Act being that each local government must prepare a local heritage survey. The Heritage Council of Western Australia (HCWA) have prepared a suite of supporting documents including the *Guidelines for Preparing a Local Heritage Survey* which recommend a review of a Local Heritage Survey be undertaken every five to eight years. The inter-relationship of the heritage framework is outlined in Attachment 5.

The City has successfully secured a matched funding grant from the Department of Planning, Lands and Heritage (DPLH) to review the current LHS and Heritage List, enabling the City to engage Hocking Heritage Architects to undertake a detailed analysis of the current LHS and a review of new place nominations. A six-week nomination period was completed by the City between 4 March 2024 and 15 April 2024 seeking new place nominations from the public. A total of 22 submissions were received. Of these, ten new nominations are recommended for inclusion on the draft LHS and five of these recommended for inclusion on the draft Heritage List.

## OFFICER COMMENT

### Draft Local Heritage Survey

The draft LHS has been developed to align with the HCWA *Guidelines for Local Heritage Surveys*. The key changes from the current LHS are:

- A review and update of the allocated Management Categories to reflect the current HCWA guidelines where required.
- New photographs for all places.
- Revision of Place Record Form in accordance with the DPLH guidelines.
- Updates to place record forms to reflect the status of demolished places and include in a separate appendix.
- Review of text for grammar and flow and updates where appropriate.
- Update of physical descriptions with reference to the new photographs.
- Inclusion of Aboriginal Sites where applicable (where a place has Aboriginal significance as well as European Heritage significance).
- Category 5 sites will form an Appendix to the draft LHS. These will have a place record and be included within a separate 'Heritage Interest Sites' document.

Hocking Heritage, in conjunction with the City have undertaken an assessment on each existing and proposed place. The assessment process has included site visits to new sites or places where substantial changes have been made since the LHS was last reviewed, a review of existing place records and/or information provided with nominations and desktop analysis.

Place records have been prepared for each place on the draft LHS and include:

- Site information.
- Construction details.
- Historical information.
- Statement of significance.
- Photographs, including archival images.

Each place on the draft LHS is classified based on the contribution of a place to local cultural heritage, recognising the varying degrees of importance, consistent with the HCWA *Guidelines for Preparing a Local Heritage Survey*. An exception to this is the inclusion of management category 5 which has been recommended by Hocking Heritage to identify sites which may no longer have formal structures, but their heritage contributes in some way to the history of Busselton and should be recognised. The five Management Categories are:

	<b>Level of Significance</b>	<b>Description</b>	<b>Expectations</b>
<b>1</b>	Exceptional  (Heritage List and State Heritage Listed places)	Essential to the heritage of the area.  Rare or outstanding example.	The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan if one is in place.  Consider for nomination for State Register of Heritage Places if not already included.
<b>2</b>	Considerable  (Heritage List)	Very important to the heritage of the locality.  High degree of integrity/ authenticity	Conservation of the place is highly desirable. Any alterations or extensions should minimise impacts on the original site or building and reinforce the significance of the place.
<b>3</b>	Moderate  Local Heritage Survey	Contributes to the heritage of the locality.  May have some altered or modified elements, not necessarily detracting from the overall significance; contributes to the heritage of the locality.	Conservation of the place is desirable.  Any alterations or extensions should reinforce the significance of the place and retain original fabric where feasible.

	<b>Level of Significance</b>	<b>Description</b>	<b>Expectations</b>
<b>4</b>	Some  Local Heritage Survey	Some significance  Lower degree of integrity/authenticity but contributes to the heritage of the locality.	Retain elements of the place where feasible.  Photographically record prior to major development or demolition.
<b>5</b>	Place of Interest  Local Heritage Survey - Heritage Interest Sites (Appendix 1)	Historic Site  Site relevant to a past event, group or individual which contributes to the understanding of the history of the City of Busselton.	Recognise and interpret the site if possible.

A substantial number of Category 5 sites have been identified as part of the detailed analysis of the LHS. It is recommended that all Category 5 places be included as an appendix to the LHS (Attachment 3 refers). Place records will be prepared for all Category 5 sites and will form part of a separate “Heritage Interest Sites” document, ensuring that the history of these sites will not be lost in the future.

The draft LHS is included as Attachment 2.

### **Nominations**

The City invited nominations from the community for new places to be included on the LHS over a six-week period from 4 March 2024 to 15 April 2024. The City informed the community of the nomination period through:

- Notification to all owners of properties listed on the current local heritage survey.
- Notification to known local heritage interest groups and persons.
- Notice on the City’s ‘Your Say Busselton’ website.
- Notices within the local community newspaper.
- Notices on the City’s social media platforms.
- Attendance at local community events.

A total of 22 nominations were received and are summarised as:



Type of Nomination	
Requests for places that are already included on the current Local Heritage Survey.	7 requests
Places subject to a Heritage Agreement between the City and a third party.	2 requests (2 new places)
Requests for new places for inclusion.	13 requests (8 new places)
<b>Total</b>	<b>22</b>

A full table of nominations, excluding those the subject of a heritage agreement, is provided as Attachment 4.

Several heritage agreements have been entered into as a condition of subdivision of a heritage property. Under the *Heritage Act 2018*, a heritage agreement primarily may relate to land constituting the whole or any part of a place included in a heritage list or a heritage area. It may also include places of special interest relevant to the cultural heritage a place possesses; the relationship of the place to a registered place; or the nature of, or the potential relationship of a place to a particular environment meriting conservation. Department of Planning, Lands and Heritage have advised that these properties with a heritage agreement must be included on the local Heritage List to ensure their protection.

Following a detailed analysis and assessment of the eight new nominated places, the following ten places, including those the subject of a heritage agreement are recommended for inclusion in the draft LHS by Hocking Heritage:

Place Name	Nomination comments	Comment
Quindalup Townsite Precinct – Reserve 16920 (1059) Caves Road, Quindalup.	Three (3) third party nominations.  Significant to the community and a representation of an important step in the history to the region.	Category 5 recommended.  Recommended to reinstate the former Quindalup Townsite Precinct. The precinct originally included; old Quindalup round mill site, tramway, Yelverton’s homestead, Quindalup house, Quindalup racetrack, first Quindalup school, Quindalup Hall, police station, customs house, and congregational church.
Peppermint Tree – road reserve at 64 Dunn Bay Road, Dunsborough	One (1) third party nomination.  Old significant tree, possibly the oldest in the town centre of Dunsborough.	Category 4 recommended.  Noted for inclusion however will be reviewed at such time a significant tree register is prepared.

Place Name	Nomination comments	Comment
Torpedo Rock plaque – Caves Road, Yallingup	One (1) third party nomination.	Category 3 recommended.  Noted for inclusion and recognised for its cultural heritage significance.
Caves House Plaque – Various lots (18) Yallingup Beach Road, Yallingup	One (1) third party nomination.	Category 1 recommended.  This entry will be incorporated into the existing Caves House Group place record. (PN077 & PN150)
Metricup School Site - Lot 1567 (110) Metricup Road, Metricup.	One (1) third party nomination.	Category 5 recommended.  Noted for inclusion as a historical site and subsequently recognised as a category 5.
Internees Hut – Lot 11 (704) Chapman Hill Road, Kalgup.	City officer nominated.  Subject to requirement for a heritage agreement.	Category 2 recommended.  As per the Western Australian Planning Commission (WAPC) approval for subdivision, the place will be included in the LHS and Heritage List.
Busselton Railway Station – Lot 565 (17) Foreshore Parade, Busselton.	City officer nominated.  Holds rich history to the City of Busselton. Continuously used to promote the City and teach about the history of the area.	Category 2 recommended.  The Busselton Visitor Centre is housed in the historic Busselton Railway Station, an iconic building. Serving the community diligently for over 90 years, this station played a pivotal role as a central transportation and communication hub. Today, as the Visitor Centre, it maintains its commitment to serving the community and should be duly acknowledged for its significant heritage value.

Place Name	Nomination comments	Comment
Rotary Park – Lot 42 Causeway Road, Busselton.	City officer nominated.  Association with past events makes it valued by the community.	Category 3 recommended.  Despite the recent construction of the park and war memorial, its significance lies in the commemorations of past historical events, particularly those related to wartime sacrifices and the service of military personnel.
Country Womens Association – Lot 312 (48) Stanley Place, Busselton.	City officer nominated.  The building holds great significance to the region.	Category 2 recommended.  It serves as an integral part of the region's rich historical narrative, symbolizing enduring traditions and community spirit. Its presence resonates deeply within the local populace, representing a cherished heritage that spans generations.
Thornhill Park – Lot 3 (58) Coley Road, Yallingup.	City officer nominated  Subject to a requirement for a heritage agreement.	Category 2 recommended.  As per the Western Australian Planning Commission (WAPC) approval for subdivision, the place will be included in the LHS and Heritage List.

Regarding the place nomination that is not proposed to be included in the draft LHS, three third party nominations were received seeking the inclusion of the Lower Vasse River. The reasons for the nomination include that the community values its historical significance in relation to its use as a campsite by Indigenous Australians, its hosting of recreational events for Busselton residents, and its importance as a habitat for wildlife.

Hocking Heritage in considering these nominations, identified that the Lower Vasse River's significance primarily lies in its environmental and aesthetic attributes, which, while valued, are better managed through other legislative frameworks or policies. It is recommended that Lower Vasse River is not included on the draft LHS.

### **Changes in Management Categories**

The following table summarises those places which, following a detailed analysis, are proposed to change management categories as part of the draft LHS and those annotated bold are **new** inclusions on the Heritage List:

Place Number	Place Name	Previous Category	Proposed Category	Comment
PN064	Acton Park Hall and First Settlers Memorial – Lot 30 (804) Acton Park Road, Acton Park	4	2	Upgraded due to importance of the building to the history of the region and high degree of integrity.
PN065	Ambergate Hrotall – Lot 4455 (573) Queen Elizabeth Street, Ambergate	4	2	Upgraded due to importance of the building to the heritage of the locality and high degree of integrity.
PN172	Drive-in Cinema – Lot 3 (500) Bussell Highway, Broadwater	3	4	Downgraded as no longer functioning but still retains some elements. Lower degree of integrity/authenticity but contributes to the heritage of the locality.
PN001	Agricultural Bank of Western Australia – Lot 468 (7) Queen Street, Busselton	4	1	Upgraded. State Heritage Listed. Essential to the heritage of the area and a rare or outstanding example.
PN012	Busselton Jetty – Lot 350 (2) Queen Street, Busselton	4	1	Upgraded. State Heritage Listed. Essential to the heritage of the area and a rare or outstanding example.
PN013	Busselton Post Office – Lot 19 (70) Prince Street, Busselton	4	3	Upgraded due to continuity of function and widespread use.
PN157	A.R. Bovell & Son – Lot 13 (42) Queen Street, Busselton	2	4	Downgraded due to major alterations and additions.
PN015	Churchill Park – Lot 410 (78) Adelaide Street, Busselton	4	3	Upgraded as it contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance.
PN022	Esplanade Hotel – Lot 20 (30-38) Marine Terrace, Busselton	1	2	Downgraded due to lack of original fabric.
PN028	Yoonderup – Lot 1 (71) Kent Street, Busselton	1	2	Downgraded due to lack of original fabric.
PN032	Old Busselton Cemetery – Lot 413 Stanley Street, Busselton	4	1	Upgraded as essential to the heritage of the area and a rare or outstanding example.
PN033	Post Box – corner of Queen Street and Adelaide Street, Busselton	4	2	Upgraded as essential to the heritage of the area and a rare or outstanding example.
PN034	Old Butter Factory – Lots 1, 2, 328, 500 & 501 (76) Peel Terrace, Busselton	4	1	Upgraded. State Heritage Listed. Essential to the heritage of the area. Rare or outstanding example.

Place Number	Place Name	Previous Category	Proposed Category	Comment
PN035	Busselton Court House and Police Complex – Lot 364 (4) Queen Street, Busselton	4	1	<b>Upgraded. State Heritage listed. Essential to the heritage of the area. Rare or outstanding example.</b>
PN036	Busselton Fire Station (former) - Lot 425 (68) Queen Street, Busselton	4	2	<b>Upgraded due to importance of the building to the heritage of the locality. High degree of integrity/authenticity.</b>
PN043 PN044	Ship Hotel and Stables – Lot 6 (8) Albert Street, Busselton	1	2	Downgraded due to lack of original fabric.
PN054	Sun Dial at Signal Park - Lot 400 Marine Terrace, Busselton	4	2	<b>Although a small element, upgraded due to long presence in the streetscape at this site.</b>
PN058	Vasse Hotel – Lot 20 (38) Duchess Street, Busselton	3	2	<b>Upgraded as very important to the heritage of the locality. High degree of integrity/authenticity.</b>
PN060	Weld Hall Theatre – Lot 310 (13) Queen Street, Busselton	4	1	<b>Upgraded. State Heritage Listed. Essential to the heritage of the area. Rare or outstanding example.</b>
PN156	Busselton War Memorial – Lot 229 Peel Terrace, Busselton	4	2	<b>Upgraded. Very important to the heritage of the locality. High degree of integrity / authenticity.</b>
PN161	Dr Yates’ House – Lot 45301 (15) Albert Street, Busselton	1	2	Downgraded as not considered worthy of State Heritage Registration.
PN194	Waljin Aboriginal Garden – Lot 73 (22-38) Peel Terrace, Busselton	4	3	Upgraded as contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance.
PN072	Cape Naturaliste Light House and quarters – Various lots, Cape Naturaliste Road, Cape Naturaliste	4	1	<b>Upgraded. State Heritage Listed. Essential to the heritage of the area. Rare or outstanding example.</b>
PN073	Carbanup Hall – Lot 71 (3) Wildwood Road, Carbanup River	4	2	<b>Upgraded due to importance of the building to the history of the region.</b>
PN203	Old Dunsborough Hall – Lot 183 (44) Gifford Road, Dunsborough	4	2	Upgraded as it contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance.

Place Number	Place Name	Previous Category	Proposed Category	Comment
PN080	St George's Anglican Church - Lot 105 (50) Gibney Street, Dunsborough	3	2	Upgraded due to importance to the heritage of the locality. High degree of integrity/authenticity.
PN091	Jindong Hall – Lot 1663 (335) Payne Rd, Jindong	4	2	Upgraded due to importance of the building to the history of the region.
PN196	Locke Swamp Floodgates – Lot 45 (407) Caves Road, Kealy	4	2	Upgraded due to the significance of the place to the history of the region.
PN097	Marybrook Farmhouse – Lot 61 (197) Chain Avenue, Marybrook	2	4	Downgraded as there is a lower degree of integrity/authenticity but contributes to the heritage of the locality.
PN195	Lennox River Channel Weir – Lot 4794 (Reserve 40676) Caves Road, Marybrook	4	2	Upgraded due to the importance to the heritage of the locality. High degree of integrity/authenticity.
PN128	Sugar Loaf Rock - Sugar Loaf Road, Cape Naturaliste	4	3	Upgraded due to importance to the heritage of the locality. High degree of integrity/authenticity.
PN190	Point Picquet and Anse Depuch – Lot 4970, Eagle Bay – Meelup Road, Naturaliste	4	3	Upgraded due to importance to the heritage of the locality. High degree of integrity/authenticity.
PN155	Youth Hostel – 3 <sup>rd</sup> Quindalup School House – Lot 42 (201) Geographe Bay Road, Quindalup	4	3	Upgraded due to importance of the building to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance.
PN109	Newtown Hall (Vasse Hall) - Lot 366 (8) Koorup Road, Vasse	4	2	Upgraded due to importance of to the heritage of the locality. High degree of integrity / authenticity.
PN137	Vasse School (fmr) - Lot 4711 (17) Koorup Road, Vasse	4	1	Upgraded due to inclusion on State Heritage Register. Essential to the heritage of the area. Rare or outstanding example.
PN009	Busselton High School – Lot 5308 (136-156) Busselton Highway, West Busselton	4	3	Upgraded due to importance of the building to the history of the region.
PN056	Sussex Masonic Lodge and Hall – Lot 42 (60) West Street, Busselton	1	2	Downgraded as not considered worthy of State Heritage registration

Place Number	Place Name	Previous Category	Proposed Category	Comment
PN011	Busselton Hospital Nurses Quarters (former) - Lot 500 (18-20) West Street, West Busselton	4	3	Upgraded as contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance.
PN019	Sussex Road Office Board – Lot 61 (47) Bussell Highway, West Busselton	4	2	<b>Upgraded due to importance of the building to the history of the region.</b>
PN142	Wilyabrup Hall – Lot 503 (697) Puzey Road, Wilyabrup	4	2	<b>Upgraded due to importance of the building to the history of the region.</b>
PN096	Ludlow Forestry Mill & Settlement – Lot 303,304,305 Bussell Highway, Wonnerup	4	1	<b>Upgraded. State Heritage Listed. Essential to the heritage of the area. Rare or outstanding example.</b>
PN088	Injidup Springs – Lot 302 Injidup Spring Road, Yallingup	4	3	Upgraded due to importance to the heritage of the locality. High degree of integrity/authenticity.
PN095	Lucy Isaacs Graveyard – Yallingup-Siding	4	2	<b>Upgraded due to significance of this site to history of the region.</b>
PN149	Yallingup Hall – Lot 1178 (2305) Caves Road, Yallingup	4	2	<b>Upgraded due to importance to the heritage of the locality. High degree of integrity/authenticity.</b>
PN130	Residence (fmr) – Lot 10 (2) Canal Rocks Road, Yallingup	3	2	<b>Upgraded due to Heritage Agreement requirements. On current Heritage List.</b>
PN082	Curtis Bay – Curtis Bay, Yallingup	4	3	Upgraded due to importance of the early settlement and heritage of the locality. High degree of integrity/authenticity.
PN105	Mullgarnup Aboriginal Mission – Site – Lot 8 Wonnerup South, Yalyalup	2	4	Downgraded due to the lack of original fabric/buildings but contributes to the heritage of the locality.
PN191	Group 52 Lennox Hall – Lot 884 (3) Yoongarillup Road, Yoongarillup	4	2	<b>Upgraded due to importance of the building to the history of the region.</b>

A total of 54 sites have been recommended as Category 5 in the LHS, which includes several sites that were identified as a Category 4 in the current MHI. However following a detailed review they are more appropriately listed as a Category 5 following a change to the management category criteria. Essentially Category 5 places relate to 'sites' that have some cultural heritage significance and are therefore places of interest that require recognition. A full list of these sites is provided as Appendix to the draft LHS (Attachment 3 refers) and will be included within a separate document called 'Heritage Interest Sites'.

### Places recommended for removal from LHS

The following place is recommended for removal from the draft LHS in accordance with the recommendation of the Council at the time the MHI was considered (C1408/200 refers):

Place Number	Place Name	Previous Category	Comment
PN129	The Clamp's House – Lot 2 (No.9A) Ollis Street, Quindalup	2	Council decision to be removed (C1408/200) - 13 August 2014

### Draft Heritage List

Part 8, section 104 of the *Heritage Act 2018* states that the purposes of a LHS for local governments includes, among others, assistance in preparing a heritage list or list of heritage areas under a local planning scheme.

Whilst a LHS is important in identifying heritage places it can only provide guidance in the assessment of development applications for places on the Heritage List established and maintained within the Local Planning Scheme under the *Regulations*.

The HCWA guidelines for establishing a heritage list additionally recommend that a local planning policy be adopted to support the development provisions of such places. A separate report is included within this agenda for the Council's consent to consult following a review of *Local Planning Policy 4.3 - Heritage Conservation* (item 11.2 refers).

Properties identified as having a management category 1 or 2 within the draft LHS are recommended for inclusion on the Heritage List, with a total of 31 new places proposed for inclusion. Of these, 23 are owned by the City of Busselton or the State Government. Historically, it was considered that all publicly owned buildings should be Category 4 as it was thought that these places would be exempt under public works legislation. However, all changes and works to these buildings still require development approval and referral to the Heritage Council or City's heritage advisor. The proposed changes to the management categories reflect the significance of these places.

The detailed analysis undertaken by Hocking Heritage has identified ten places that are proposed for removal from the Heritage List. Whilst these places are proposed to be either downgraded or removed from the Heritage List they will remain on the LHS. Due to the change in Category matrix, Category 3s are no included on the Heritage List, those considered to be worthy of retention on the Heritage List have been upgraded to Category 1 or 2.

See table below for the full list of places recommended for removal from the Heritage List:

Place Number	Place Name	Previous Category	Proposed Category	Comment
PN172	Drive-In Cinema – Lot 3 (500) Bussell highway, Broadwater	3	4	Downgraded as no longer functioning but still retains some elements. Lower degree of integrity/authenticity but contributes to the heritage of the locality.



Place Number	Place Name	Previous Category	Proposed Category	Comment
PN157	A. R. Bovell & Son – Lot (42) Queen Street, Busselton	2	4	Downgraded due to major alterations and additions that are not considered to be sympathetic/compatible to the traditional building styles of the Heritage Protected Place.
PN049	St Joseph’s Church – Lot 19 (69) Prince Street, Busselton	3	3	Remaining as a category 3 due to the change from its original use and additions/alterations to the building.
PN162	House – Lot 3 (35-39) Kent Street, Busselton	3	5	Building demolished. Reclassified to a category 5 and recognised as a site.
PN173	Bryant Memorial Hall – Lot 19 (47) Kent Street, Busselton	3	3	Remaining as a category 3 due to the volume of remnants from the original fabric that remain.
PN074	Carbunup Shop – Lot 8 (6672) Bussell Highway, Carbunup River	3	3	Remaining as a category 3 due to the major additions and alterations that have been undertaken. The original use and value to the community still remain.
PN087	Harris Residence – Lot 501 (8) Newberry Street, Dunsborough	3	3	Major alterations and additions have been undertaken and are not considered to be sympathetic/compatible to the traditional building styles of the Heritage Protected Place.
PN197	Old Railway Goods Shed – Lot 3120 (308) Payne Road, Kaloorup	3	3	Major alterations and additions have been undertaken and are not considered to be sympathetic/compatible to the traditional building styles of the Heritage Protected Place.
PN097	Marybrook Farmhouse – Lot 61 (197) Chain Avenue, Marybrook	2	4	Downgraded due to major deterioration, it can no longer be restored.
PN182	Rushleigh Homestead – Lot 52 (46) Rushleigh Road, Reinscourt	3	3	Major alterations and additions have been undertaken and are not considered to be sympathetic/compatible to the traditional building styles of the Heritage Protected Place.

### **Heritage Areas**

The review of the LHS has identified that the current Adelaide Street Special Character Area could be considered as a Heritage Area. A Heritage Area is an area designated by the local government where

special planning control is needed to conserve and enhance the cultural heritage significance and character of an area. The *Regulations* require that if a Heritage Area is adopted, a local planning policy must also be adopted.

The Adelaide Street area identified is currently captured as a 'Special Character Area' under schedule 4 of LPS21 with the *Adelaide Street Special Character Area Local Planning Policy* providing additional development provisions. The HCWA's *Guidelines for Heritage Areas* outlines that identifying these areas as 'Special Character Area' suggests that the character may be retained and enhanced through design that responds to the characteristics of an area. A 'Heritage Area' provides additional controls around the retention of current fabric.

The City is currently undertaking a review of its 'Special Character Areas', and it is recommended that the Adelaide Street precinct also be included within this review to determine if the current provisions within LPS21 and the *Adelaide Street Special Character Area Local Planning Policy* are appropriate. Alternately this area may be better protected through the deemed provisions relating to Heritage Areas within the *Regulations* and a new local planning policy.

### **Statutory Environment**

#### **Legislation**

*Heritage Act 2018.*

*Heritage Regulations 2019.*

*Planning and Development Act 2005.*

*Planning and Development (Local Planning Schemes) Regulations 2015.*

*Local Planning Scheme No. 21.*

#### **State Government Policies**

*State Planning Policy 3.5 Historic Heritage Conservation.*

### **Relevant Plans and Policies**

*Local Planning Policy 4.3 Heritage Conservation* provides guidelines for the City and landowners in achieving the conservation of significant heritage places. A review of this LPP has been undertaken concurrently with a review of the LHS to ensure consistency between all documents and legislative requirements. The City's review of this policy and report to Council seeking consent to advertise is included as item 11.1 of this agenda.

### **Financial Implications**

The 2023/24 Community Planning budget accounted for the preparation of a local heritage survey and local heritage list. In addition, the City has received a matched 50:50 funding grant of \$20,000 from the Department of Planning, Lands and Heritage, which is to be used towards meeting the costs of engaging a heritage consultant to prepare the local heritage survey and Heritage List.

### **External Stakeholder Consultation**

The *Regulations* require that a local government must not enter a place in, or remove a place from, the Heritage List or modify the entry of a place in the Heritage List unless the local government has advertised the place to each owner and occupier of the place for a period of 21 days.

There is no legislative requirement to advertise an LHS. Notwithstanding, it is recommended that the City advertise both the draft LHS and draft Heritage List concurrently and with the draft LPP4.3 the

subject of item 11.1 of this agenda, in accordance with the *Regulations*. It is proposed that advertising would be way of:

- Letters to all owners and occupiers of places on the draft Heritage List.
- Letters to all owners of places on the draft Local Heritage Survey.
- Letters to known local heritage interest groups and persons.
- A notice on the City's 'Your Say' Busselton website and *Bay to Bay* newsletter.
- A notice within the local community newspaper.
- Notices on the City's social media platforms.
- Notices at the City's administration building and libraries.

### **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. The key risks are considered to be reputational. No risks of medium or greater have been identified.

### **Options**

As an alternative to the proposed recommendation the Council could:

1. Endorse the draft Local Heritage Survey, with or without modifications and not undertake further public advertising.
2. Endorse the draft Heritage List, with further modifications, and proceed to public advertising.
3. Not endorse the draft Local Heritage Survey and draft Heritage List.

### **CONCLUSION**

The draft Local Heritage Survey will fulfil the City's requirements under the *Heritage Act 2018* and will provide an updated Heritage List identifying places worthy of protection under the *Regulations* and LPS21.

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

The officer recommendation will be implemented in full, or in stages as per the following table:

<b>Milestone</b>	<b>Completion Date</b>
Consultation of the draft Local Heritage Survey and draft Local Heritage List.	Within one month of decision.
Adoption of the Local Heritage Survey and Local Heritage List.	Within three months of decision.

## 12. INFRASTRUCTURE AND ENVIRONMENT REPORTS

### 12.1. RFQ48/24 Supply & Delivery of Two (2) 12 Tonne 6x4 Tandem Axle Tipper Trucks

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
<b>Directorate:</b>	Infrastructure and Environment
<b>Reporting Officer:</b>	Fleet Management Coordinator - Steve Forrester
<b>Authorised By:</b>	Director Infrastructure and Environment - Oliver Darby
<b>Nature of Decision:</b>	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. CONFIDENTIAL REDACTED - RFQ 48/24 - Quotation Evaluation Report [12.1.1 - 10 pages]

#### OFFICER RECOMMENDATION

**That the Council endorses the outcome of the evaluation panel's assessment of RFQ48/24 Supply & Delivery of Two (2) 12T 6x4 Tipper Trucks, and accepts the quotation from Major Motors Pty Ltd ATF Major Motors Unit Trust trading as South West Isuzu (ABN 65 730 475 316), as the most advantageous quotation.**

#### **EXECUTIVE SUMMARY**

The City issued RFQ48/24 Supply & Delivery of Two (2) 12T 6x4 Tipper Trucks. This report recommends that the Council endorse the outcome of the evaluation panel's assessment and accept the quotation from Major Motors Pty Ltd ATF Major Motors Unit Trust trading as South West Isuzu (ABN 65 730 475 316) as the most advantageous quotation.

#### **BACKGROUND**

The City of Busselton invited quotations for the supply and delivery of two (2) 12T 6x4 tipper trucks for the Construction team as per the approved 2023/24 Plant and Equipment Capital Budget.

On April 19 2024, a Request For Quotation (RFQ) was issued on VendorPanel via the WALGA Contract No. NPN04-13 Fleet Trucks (PSP006) to three suppliers – Bunbury Truck Sales & Service Centre, Isuzu Australia Ltd and Volvo Group Australia Pty Ltd. Quotations closed on 3 May 2024. Submissions were received from two suppliers – South West Isuzu and Truck Centre.

**OFFICER COMMENT**

The RFQ closed on 3 May 2024 with a total of two submissions received across the two separable portions:

	<b>Respondent</b>	<b>Location</b>
1.	Major Motors Pty Ltd ATF Major Motors Unit Trust trading as South West Isuzu	PICTON WA 6229
2.	Truck Centre Pty WA Ltd	FORESTFIELD WA 6058

**Assessment process**

In accordance with the City’s procurement practices and procedures, assessments were carried out by an evaluation panel comprising City officers with relevant skills and experience. The assessment process included:

- (a) Assessing submissions received against relevant compliance criteria. The compliance criteria were not point scored. Each submission was assessed on a Yes/No basis as to whether each criterion was satisfactorily met. All tenders were deemed compliant; and
- (b) Assessing submissions received against the Qualitative Criteria weighted as detailed below.

	<b>Criteria</b>	<b>Weighting</b>
(a)	Price	50%
(b)	Relevant Experience	5%
(c)	Local Content	5%
(d)	Demonstrated Understanding	30%
(e)	Warranty and Servicing	10%

**Summary of Assessment Outcomes**

The quotation evaluation resulted in South West Isuzu being ranked first in both the qualitative criteria and price. The evaluation panel recommends that South West Isuzu be endorsed as the preferred supplier.

**Statutory Environment**

Section 3.57 of the *Local Government Act 1995* (the Act) requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and service. Part 4 of the *Local Government (Functions and General) Regulations 1996*:

- Requires tenders to be publicly invited for contracts where the estimated cost of providing the required goods and/or service exceeds \$250,000; and

- Under Regulations 11, 14, 18, 20 and 21A, provides the statutory framework for inviting and assessing tenders and awarding contracts pursuant to this process.

However pursuant to Regulation 11(2)(b) tenders do not have to be invited if the supply of the goods or services is obtained through the WALGA Preferred Supplier Program. In this instance the requirements will be procured through the WALGA Preferred Supplier Program, using the VendorPanel WALGA eQuotes platform as procurement tool.

In terms of Section 5.27 of the City's Purchasing Policy the City can make purchases from WALGA preferred suppliers for purchases over \$250,000 in reliance on the exemption to the requirement for a public tender, provided that three quotes must be sought.

Under the City of Busselton Delegation DA1-07 *"Inviting, Rejecting and Accepting Tenders"* Council delegated to the CEO the power to:

- Determine whether tenders need to be publicly invited in accordance with Division 2 of the Regulations; or
- Determine whether, in accordance with Regulation 11(2)(b), the required goods/services are to be procured via the WALGA Preferred Supplier Program.

The officer recommendation complies with the above-mentioned legislative requirements. The estimated expenditure is in excess of \$500,000 which is above the Chief Executive Officer's delegated authority.

### **Relevant Plans and Policies**

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Purchasing](#)

The City's Purchasing policy was relevant to the Quotation and have been adhered to in the process of requesting and evaluating quotations.

### **Financial Implications**

This purchase is funded by the City of Busselton's fleet capital acquisition budget.

### **External Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter.

### **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with the intention being to identify risks which, following implementation of controls, are identified as medium or greater.

No risks of a medium or greater level have been identified.

### **Options**

As an alternative to the proposed recommendation the Council could:

1. Determine to award the Quotation in full to the alternative Quoter. In the Officers' view, this could result in the Quote being awarded to a Supplier that is not the most advantageous to the City.
2. To not award the RFQ to any supplier. This would mean going back out to market, resulting in significant delays in the replacement of these vehicles.

### **CONCLUSION**

The submission from South West Isuzu is considered most advantageous to the City. It is recommended that South West Isuzu be awarded the contract for the supply and delivery of two 12T 6x4 Tipper Trucks resulting from RFQ48/24.

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

If endorsed by the Council, it is expected the City will enter into a contract with Major Motors Pty Ltd ATF Major Motors Unit Trust trading as South West Isuzu by end August 2024. It is intended that the trucks will be delivered by 1 March 2025

### 13. ECONOMIC AND BUSINESS DEVELOPMENT REPORTS

#### 13.1. Margaret River Busselton Tourism Association Visitor Servicing Agreement

<b>Strategic Theme:</b>	Key Theme 3: Opportunity 3.3 Continue to promote the District as the destination of choice for events and unique tourism experiences.
<b>Directorate:</b>	Economic and Business Development
<b>Reporting Officer:</b>	Economic Development Coordinator - Tracey Whyte
<b>Authorised By:</b>	Director Economic and Business Development - Maxine Palmer
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. TWA Value of Visitor Centres - Research Report - 01052024 [13.1.1 - 82 pages]</li> <li>2. 2023-24 MRBTA Busselton Visitor Centre Report for City of Busselton [13.1.2 - 14 pages]</li> </ol>

#### OFFICER RECOMMENDATION

**That the Council enter into a three-year funding agreement with the Margaret River Busselton Tourism Association (MRBTA) for the provision of visitor servicing commencing in 2024/25 at \$157,094 and increasing by CPI in 2025/26 and 2026/27.**

#### EXECUTIVE SUMMARY

For over a decade, the Margaret River Busselton Tourism Association (MRBTA) has delivered visitor servicing on behalf of the City of Busselton by way of a funding agreement. With the current agreement expiring as of June 2024, MRBTA is seeking a further three-year agreement, under the same terms as the current agreement.

#### STRATEGIC CONTEXT

This report aligns with the strategic outcome of continuing to promote the District as the destination of choice for events and unique tourism experiences.

#### BACKGROUND

MRBTA is funded by the City of Busselton to provide visitor servicing throughout the district.

In mid-2022, following a review of visitor servicing operations, MRBTA presented the City with a proposal whereby they could provide visitor servicing on behalf of the City at a reduced cost.

With an ongoing and noticeable decline in visitor numbers through the Dunsborough Visitor Centre and observing a shift in the way visitors were sourcing information, MRBTA proposed permanent closure of the Dunsborough Visitor Centre.



They suggested an alternative model of a collateral distribution service to Dunsborough and Yallingup businesses (and holiday homes) to 'opt-in' to have visitor information such as maps, guides and other material supplied to share with their visitors. This service supplements visitor servicing out of the Busselton Visitor Centre, Ngilgi Cave and visitor information displays at the Busselton Margaret River Airport.

Following the closure of the Dunsborough Visitor Centre, in September 2022, the Council resolved (C2209/233) to enter into a two-year funding agreement with MRBTA for an annual amount of \$143,600 + CPI and at the end of that agreement, assess the efficacy of the move to the collateral distribution model.

With the two-year agreement expiring as of June 2024, MRBTA have assessed the current operating model as being well received and are now seeking to enter into a further three-year agreement with the City.

### **OFFICER COMMENT**

MRBTA is a widely reputed, award winning local tourism association that has been servicing the City of Busselton and visitors to the region for over a decade.

Busselton Visitor Centre is strategically located on the Busselton Foreshore within the historic Railway House building. It is open 9am-5pm 364 days of the year. In 2023/24 the Busselton Visitor Centre attracted 155,797 visitors and 21,898 messages/calls. In 2023/24, the Centre door counts continued their upward trajectory following reduced door counts due to Covid-related travel restrictions.

In addition to providing visitor services, MRBTA provides several value-add services to the City and tourism industry in their role as a local tourism organisation:

- Direct flights: contribution of \$100k towards marketing the new Jetstar Regular Public Transport (RPT) service to Melbourne and Sydney;
- Cruise ships: cruise ship welcome service (separately funded by the City) and developing experiences for cruise ship passengers;
- Events: advising on the City's events strategy, securing room nights for Ironman, coordinating accommodation for Leavers, and assisting with the attraction of events;
- Brand: evolving the destination brand to create individual brands for Busselton, Dunsborough and Yallingup; and
- Marketing: developing collateral to assist visitors to explore Busselton, Dunsborough and Yallingup via new trail maps, and improving online information.

In 2024, MRBTA submitted a successful nomination for the 7NEWS Top Tourism Town Awards that resulted in Busselton being named WA Top Tourism Town 2024.

In the attached MRBTA 2023/24 Visitor Summary Report, MRBTA has identified that visitors are moving away from the more traditional in-person model of seeking visitor information, to a variety of remote interactions. MRBTA has responded by expanding visitor servicing methods to meet the changing needs of visitors. In 2023/24 there was a total of 1,425,929 remote visitor interactions including webchat, telephone, social media messaging and email delivered from the Busselton Visitor Centre to support the 155,797 in-person interactions.

### **Busselton Visitor Centre**

In 2023/24 the Busselton Visitor Centre employed 14 part-time staff members and one full-time staff member, who all live locally in Busselton and Dunsborough. They have a membership base of 697 member businesses, 346 (49%) of which are in the City of Busselton.

The total cost to MRBTA of operating the Visitor Centre in 2023/24 was \$570,755 Most of this (84%) is attributed to wages for staff to deliver the seven days a week operation.

### **Collateral Distribution**

In 2022, after consultation between MRBTA, the City of Busselton and the local business community, the Dunsborough Visitor Centre was closed. While it was concluded that the Dunsborough Visitor Centre was not providing an efficient visitor service, the Centre had provided a convenient location for businesses to collect visitor collateral such as the regional map and magazine to distribute from their own venues.

To address this gap, the City of Busselton has funded MRBTA to provide a delivery service to businesses in Vasse, Dunsborough, Yallingup and Metricup. The service has been well received, with over 7,000 magazines and 30,000 maps distributed to 100 businesses from the commencement of the service to January 2024.

The cost component of delivering the collateral distribution was \$10,270.

### **BMRA Display**

Supplementary to this service, MRBTA established and maintains an unmanned visitor information display at the Busselton Margaret River Airport. MRBTA has gauged this to be a cost-effective way of providing visitors convenient access to maps and guides upon arrival to Busselton, without overheads of staffing.

MRBTA have maintained and restocked the display at a cost of \$2,573.

### **Ngilgi Cave**

MRBTA operates Ngilgi Cave and as such, already staffs this attraction. In 2023/24 the attraction welcomed 89,649 visitors (over 50,000 more than the Dunsborough Visitor Centre previously serviced).

MRBTA has provided visitor servicing at this location with no additional cost to the City of Busselton.

In March 2022, MRBTA entered into an agreement with the City for a self-supporting loan to leverage substantial external funding to develop the new cultural experience and upgrades at Ngilgi Cave.

The original loan amount was \$1.25 million to be repaid over a ten-year period.

There is a remaining principal amount outstanding of \$998,055, plus interest. The budgeted repayments for 2024/25 totals \$143,549.40 (\$117,100.27 principal, plus \$26,449.13 interest). The ability of MRBTA to continue to service this loan is entirely dependent on them maintaining their income sources.

### **Tourism as an Economic Driver**

Data from REMPLAN indicates that the Accommodation and Food Services sector supports 2,538 jobs in the City of Busselton.

Figures released by Tourism WA in May 2024 indicate that over the previous year, the City of Busselton received 895,000 visitors, who stayed a total of 3.44 million nights in the local government area. Visitors to the City of Busselton spend a total of \$838 million each year, with an average spend per trip of \$936, and an average daily spend of \$244 per visitor. The average length of stay in the City is 3.8 nights.

Officers are recommending a new funding agreement commencing in 2024/5 with a base rate of \$157,094 which is simply a CPI increase on the previous year.

The City of Busselton investment in visitor servicing will provide ongoing economic benefit to the community. Provision of access to quality visitor information helps to extend dispersal, length of stay and spend as evidenced by the attached Tourism WA's May 2024 report: Measuring the Value of Visitor Centres in WA.

An investment of \$157,094 p/a for MRBTA to deliver visitor servicing on behalf of the City represents a cost effective investment towards tourism as a key economic driver for our community.

### **Statutory Environment**

Not applicable

### **Relevant Plans and Policies**

The officer recommendation aligns to the City of Busselton Economic Development Strategy 2022-2027.

### **Financial Implications**

The 2024/25 Budget contains an allocation of \$165,424 for visitor servicing. This is funded through the Busselton Jetty Tourist Park Reserve and budgeted for in the economic development budget.

### **External Stakeholder Consultation**

MRBTA has considered feedback from their members and uptake from the business community for the collateral distribution method to gauge effectiveness and satisfaction with this method.

### **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

## **Options**

As an alternative to the proposed recommendation the Council could:

1. Propose an alternate methodology and funding model for visitor servicing for the district; or
2. Choose not to fund visitor servicing.

## **CONCLUSION**

Officers recommend the continuation of the funding arrangement for MRBTA to provide visitor services on behalf of the City, as it represents the best value service delivery model.

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

The officer recommendation will be implemented in full, or in stages as per the following table:

<b>Milestone</b>	<b>Completion Date</b>
Officers will advise MRBTA of the Council resolution immediately following the Council decision and will accordingly process a funding agreement.	August 2024

## 13.2. Port Geographe Land Swap

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.3 Make decisions that respect our strategic vision for the District.
<b>Directorate:</b>	Economic and Business Development
<b>Reporting Officer:</b>	Manager Economic Development and Property - Trevor Ayers
<b>Authorised By:</b>	Director Economic and Business Development - Maxine Palmer
<b>Nature of Decision:</b>	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. Proposed Land Parcels [ <b>13.2.1</b> - 1 page] 2. CONFIDENTIAL REDACTED - Valuation [ <b>13.2.2</b> - 38 pages] 3. CONFIDENTIAL REDACTED - Agreement for Provision of Community Facilities [ <b>13.2.3</b> - 34 pages]

### OFFICER RECOMMENDATION

That the Council:

- 1. Subject to there being no objections raised through advertising as required under Section 3.58 of the *Local Government Act 1995*:**
  - a. Resolves to enter into an Agreement with Macsea Nominees No.2 Pty Ltd and Port Geographe Village Centre Pty Ltd (the Joint Venture) to realign the boundaries of Lot 585 on Diagram 96606 Certificate of Title Volume 2172 Folio 810 (owned by the City) and Lot 9003 on Deposited Plan 426853 Volume 4050 Folio 379 (owned by the Joint Venture) resulting in the City acquiring freehold land of equivalent size to that being disposed of; and**
  - b. Resolves that the obligation of the Joint Venture to provide land for community purposes contained in an Agreement dated 15 June 2017 (attachment 3) is satisfied by the resultant uplift in value of the freehold land holding of the City as a result of the land swap and rationalisation of boundaries as referenced in resolution 1.**
- 2. Declares, for the purposes of s3.58(4)(c)(ii) of the Local Government Act 1995, that the Herron Todd White valuation dated 24 November 2023 (attachment 2) is a true indication of the value at the time of the proposed disposition.**

### **EXECUTIVE SUMMARY**

This report seeks formal Council approval to enter into the necessary agreement to facilitate the realignment of boundaries and exchange of land owned freehold by the City and the developers of the Port Geographe Village Centre respectively of Lot 585 and Lot 9003 in Port Geographe Village Centre.

The Council is also requested to approve the proposal to regard the uplift in value of the land (as detailed in confidential attachment), that will ultimately be owned freehold by the City as a result of the boundary realignment, in satisfaction of the obligation of the developer to provide land for community purposes contained in an agreement dated 17 June 2017.

## STRATEGIC CONTEXT

Entering into this arrangement maximises the value of the City’s land asset within the Port Geographe development, providing the opportunity for the value of this to be realised in the future to fund future community assets.

## BACKGROUND

### Ownership of Land

City Land: Lot 585 comprises a 5,457 square metre irregular shaped landholding fronting Port Lane and Starboard Road, centrally located within the Port Geographe marina development.

Developer Land: Lot 9003 (formerly Part Lot 9001) comprises two separate irregular shaped vacant parcels of land also centrally located within the Port Geographe marina and totals 4,014 square metres of freehold land.



### Acquisition of car park land by the City

The City Land was formerly part of the Port Geographe subdivision which was originally wholly owned by Port Geographe Development Pty Ltd (Original Developers). In 1991, the Original Developers entered in a Development Deed with the Shire of Busselton as it then was, and the Minister for Transport (Development Deed). The Development Deed and its subsequent three

variations had annexed to it a Land Transfer Deed which referred to various parcels of land being transferred either to the City or the State for various purposes.

As a result of changes to development plans, subdivision approvals and changes of ownership, two distinct portions of Port Geographe were identified. The City Land and the Developer Land falls within the area referred to as 'The Village Centre'. In 1996 when the Development Deed was varied the plan attached to the Transfer Deed was substituted. According to that plan the City Land was to be transferred to the State and vested in the City for recreation and parking.

Tallwood Nominees Pty Ltd (Tallwood) acquired the entire Port Geographe landholding (including the Village Centre land) in 1999 from the Original Developers. Although it is not clear from historic correspondence, it appears that negotiations around the provisions of a new planning agreement at that time required the transfer of carparking land to the City, freehold and unencumbered. The City Land and 4 other lots were transferred by Tallwood to the City in 1999 "for no monetary consideration but as a condition of subdivision".

### **Tallwood Administration and Agreement to provide a Community Purpose Site (CPS Agreement)**

Tallwood went into voluntary administration in August 2011 and into liquidation in August 2012. The Joint Venture secured ownership of the Developer Land as part of the administration process. Part of this process required the Joint Venture to commit to outstanding obligations in the Development Deed in relation to the provision of a Community Purpose Site (CPS) within the Village Centre landholding, freehold and unencumbered.

The Development Deed and previous structure plans of the Village Centre referred to the provision of 200 square metres of 'constructed floor space'. The City protected its interest in this obligation by the lodgement of a caveat over the Joint Venture land. Circa 2017 the Joint Venture approached the City with a request to renegotiate the obligation to provide the CPS in the form of constructed floor space. This was largely due to the undeveloped nature of the landholding and acknowledgement of the fact that the Village Centre would be the subject of a new structure plan and subdivision approval.

The issue of most concern during negotiations with the Joint Venture for a new agreement to provide a CPS related to the uncertainty over the future Village Centre development proposals and the inability to determine the final built form. This formed the basis of the ultimate agreement to include alternative means by which the obligation could be satisfied.

The proposal was an agreement to provide a CPS in one of two forms, either a minimum of 200 square metres of constructed floor space which is strata titled, or, if the City were willing to accept it, a portion of freehold land with a minimum block size of 400 square metres.

In February 2017, the Council therefore resolved (C1702/013) to enter into an agreement with the Joint Venture for the provision of a CPS either in the form of a freehold block or strata titled constructed floor space – the location of which was to be agreed upon by the City. In default of either of those alternatives the City could opt to claim compensation of an amount equivalent to the value of either.

### **OFFICER COMMENT**

City officers have been liaising with representatives of the Joint Venture in relation to a proposal to rationalise boundaries of the City Land and the Developer Land in a manner that benefits both

parties. The Joint Venture have also expressed a desire to satisfy the obligation of the CPS Agreement.

The image below shows the boundaries of the proposed lots. Lot 1 will comprise a 4,014 square metre irregular shaped waterfront lot accessed via Port Lane and Lot 2 will comprise a slightly irregular shaped 5,457 square metre lot featuring water frontage in proximity to the Port Geographe public boat ramps. Lot 1 is the lot that will be transferred to the Developer and Lot 2 will be transferred to the City, both freehold and unencumbered. The new land parcels will result in both party's retaining the same square metrage of land, however in more useable configurations.

The Developers are also looking to amalgamate a portion of road reserve into their new lot (identified below in red), this process will occur independently of the process within this Council item.



The attached valuation identifies that the land value of the City's landholding will increase by \$450,000 with the change in lot boundaries. Prior to the valuations being undertaken, conversations had included the potential inclusion of an additional 400sqm of land to meet the requirements to provide the CPS. To this extent the valuation identified that the addition of 400sqm to the City's land would increase the City's land value by an additional \$130,000. After further negotiations with the Joint Venture, it was agreed that the increase of \$450,000 already being achieved by the City (by realigning the City landholding to include water frontage) more than met the requirement to provide funds in lieu of land as details in the CPS Agreement, with the additional 400sqm not being pursued.

**Statutory Environment**

Section 3.58 of the *Local Government Act 1995* requires the local government to advertise for public comment the proposed disposition of property for a minimum of 14 days and include details of the



parties, the consideration of the disposal and consider any public comment prior to entering into the proposed land swap agreement.

### **Relevant Plans and Policies**

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Commercial Use of City Land and Facilities](#)

### **Financial Implications**

Based on the licensed valuation, the value of the City's landholding will increase in value by \$450,000.

### **External Stakeholder Consultation**

Port Geographe Land Owners Association were consulted about the proposal to satisfy the obligation to provide a CPS before this process was commenced.

### **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

### **Options**

As an alternative to the proposed recommendation the Council could:

1. Not proceed with the land swap – this would result in both parties maintaining landholdings of lower value than the proposed new arrangement.
2. Look to proceed with the land swap without releasing the developer from the obligation for delivering the community purposes land. It is important to note that the Developer is unlikely to agree to proceed in this instance.

### **CONCLUSION**

The boundary realignment and land swap will result in enhanced landholdings for both parties, with most of the increased value accruing to the City. Due to this increased value, removing the ongoing obligation of the Developer to provide a CPS is recommended by Officers.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Undertake boundary realignment and land swap	December 2024

#### **14. CORPORATE STRATEGY AND PERFORMANCE REPORTS**

Nil

## 15. CHIEF EXECUTIVE OFFICER REPORTS

### 15.1. Elected Member Information Bulletin

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Executive Assistant to Council - Katie Banks
<b>Authorised By:</b>	Chief Executive Officer - Tony Nottle
<b>Nature of Decision:</b>	Noting: The item is simply for information purposes and noting.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Council Tender Report June 2024 [<b>15.1.1</b> - 2 pages]</li> <li>2. Current Running SAT Reviews [<b>15.1.2</b> - 2 pages]</li> <li>3. Council Resolution Status Update - July 2024 [<b>15.1.3</b> - 54 pages]</li> <li>4. Civil Litigation Update [<b>15.1.4</b> - 1 page]</li> <li>5. DWER Correspondence to City of Busselton - Expansion of the Community Water Supplies Partners [<b>15.1.5</b> - 2 pages]</li> <li>6. Hon David Templeman MLA correspondence to City of Busselton- Regional Arts Venues Support 2024 to 2027 [<b>15.1.6</b> - 1 page]</li> <li>7. Letter of congratulations from Tourism WA [<b>15.1.7</b> - 1 page]</li> <li>8. Letter from Hon Don Punch MLA regarding proposed offshore wind area [<b>15.1.8</b> - 1 page]</li> <li>9. Letter from Hon Chris Bowen MP regarding proposed offshore wind area [<b>15.1.9</b> - 1 page]</li> <li>10. Letter of thanks from CEO - RACIP Regional Arts Venues Support 2024 2027 [<b>15.1.10</b> - 1 page]</li> </ol>

### OFFICER RECOMMENDATION

That the items from the Councillors Information Bulletin be noted\*:

- Minutes of Committee Meetings
- Minor Donations Program
- Current Active Tenders
- State Administrative Tribunal Reviews Update
- Council Resolution Status Update
- Civil Litigation Update
- Correspondence: Expansion of the Community Water Supplies Partnership (CWSP) Program
- Correspondence: Regional Arts Venues Support – 2024 to 2027
- Correspondence: Tourism Western Australia – Top Tourism Town Award
- Correspondence: Hon Don Punch MLA response to letter from the Mayor regarding the Commonwealth Government's proposed offshore wind area
- Correspondence: Hon Chris Bowen MP response to letter from the Mayor regarding the Commonwealth Government's proposed offshore wind area
- Correspondence: RACIP Regional Arts Venues support 2024-2027
- Ministerial Announcement: Busselton to host the Australian Open Water Championships and Ocean Swim Festival for a third consecutive year

***\*Shall not be in any way read that the Council endorses or supports or agrees with the matter being 'noted'. In addition, this 'noting' form of communication does not excuse any party from any obligation or responsibility in relation to the matter/s being 'noted'. It is simply a recognition that the CEO has authorised the placing of the information (being 'noted') on the public Council agenda (as opposed to other media or not at all).***

## EXECUTIVE SUMMARY

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Elected Member, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

## INFORMATION BULLETIN

### Minutes of Committee Meetings

Minutes of the following Committee Meetings listed in the table below are to be noted as received:

Committee	Meeting Date	Minutes
Airport Advisory Committee	5 June 2024	<a href="#">Minutes</a>

### Minor Donations Program – June 2024

The Minor Donations Program is currently on hold and scheduled for review. Therefore, no applications were approved in June.

### Current Active Tenders

The Tender update is provided at Attachment 1.

### State Administrative Tribunal Reviews Update

The Current State Administrative Tribunal Reviews is at Attachment 2.

### Council Resolution Status Update

The Council Resolution Status update is at Attachment 3.

### Civil Litigation Update

The Civil Litigation Update is at Attachment 4.

**Correspondence: Expansion of the Community Water Supplies Partnership (CWSP) Program**

Correspondence from the Department of Water and Environmental Regulation regarding expansion of the Community Water Supplies Partnership (CWSP) Program is at Attachment 5.

**Correspondence: Regional Arts Venues Support – 2024 to 2027**

Correspondence has been received from Hon David Templeman MLA regarding the RACIP Regional Arts Venues Support - 2024 to 2027 and is provided at Attachment 6.

**Correspondence: Tourism Western Australia – Top Tourism Town Award**

Correspondence has been received from Tourism Western Australia congratulating Busselton on being the 2024 7News Top Tourism Town winner and is provided at Attachment 7.

**Correspondence: Hon Don Punch MLA response to letter from the Mayor regarding the Commonwealth Government's proposed offshore wind area**

Correspondence from Hon Don Punch MLA regarding the Commonwealth Government's proposed offshore wind area is provided at Attachment 8.

**Correspondence: Hon Chris Bowen MP response to letter from the Mayor regarding the Commonwealth Government's proposed offshore wind area**

Correspondence from Hon Chris Bowen MP regarding the Commonwealth Government's proposed offshore wind area is provided at Attachment 9.

**Correspondence: RACIP Regional Arts Venues support 2024-2027**

Correspondence from the CEO, thanking the Minister for Culture and Arts for the notification of the City's successful application for funding through the RACIP Regional Arts Venues Support Program is provided at Attachment 10.

**Ministerial Announcement: Busselton to host the Australian Open Water Championships and Ocean Swim Festival for a third consecutive year**

Below is a link to the ministerial announcement by Hon Rita Saffioti, Minister for Tourism:

[Busselton a shore thing for returning ocean events | Western Australian Government \(www.wa.gov.au\)](https://www.wa.gov.au)

## 16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 16.1 Notice of Motion – Budget Development and Adoption

#### MOTION

**The CEO report to the Council a proposed budget development and adoption schedule that describes the risks associated with early adoption versus the cashflow benefits of the receipt of rate revenue at the earliest possible statutory compliant juncture. This report to be considered by the Council in 2024 (in readiness for implementation for setting the 2025/26 budget).**

#### NOTICE OF MOTION

Cr Andrew Macnish has given notice that at the meeting on 31 July 2024, he will move the above motion.

#### REASONS

- It is understood each week the current year's budget is delayed could cost \$19,000 in lost interest revenue. Each week waiting for budget adoption (and the subsequent printing and sending of rate notices) is therefore valuable.
- The process of budget development is very well known to staff but such a consideration and assessment as proposed will allow elected members to gauge both the risks of the variance in estimation of the quantum of the end of financial year position (a not insignificant input to the annual budget) and the transparency of the (early and mid and to some degree, the latter stages of the) development process.
- This NoM sets a timeframe as importantly, the zipform contractor used to print the rates notices becomes heavily booked in June/July and a select booking will probably be required to be made by the end of January (and this assumption should also be assessed).
- Currently, an estimated 2024/25 adoption process tracks as:
  - Budget Adoption – 31 July 2024
  - Rates Data lodgement – 7 August 2024
  - Rates Issuance – 15 September 2024
  - Due Date – 20 September 2024
- This shows rate revenue cash flowing 11 weeks into the financial year. 11 times \$19,000 is over \$200,000.
- An early adoption will mean estimating the end of financial year position. This 'risk' is mitigated by the Council already resolving to Reserve those unspent funds. Additionally, good accounting practices will enable the best forecasts to be made.
- Now the Council has reset its LTFP and will be reviewing it again early in the calendar year, it is believed the cashflow benefits could very easily outweigh any perceived risk. Accordingly, the report from the CEO would seem justified.

## OFFICER COMMENT

The Council currently adopts its annual budget in the fourth or fifth week of July each year, once it has closed out the prior budget year and established a year end position. Under the *Local Government Act 1995* a Council may adopt its budget anytime between 1 June and 31 August.

As alluded to in the notice of motion there are both risks and benefits of the Council adopting its annual budget at 'the earliest possible statutory compliance juncture', being 1 June or close thereafter. In brief, the main benefit from the City's perspective is the earlier receipt of rating revenue, with cash flow benefits and positive interest earning impacts. An estimate of \$19,000 per week is cited in the notice of motion. It should be noted that this is likely to vary dependent on the number of ratepayers paying in full versus instalment options. Risks arise with respect to finalising the end of year position for the prior year, and the identification of carry-over items and amounts into the next budget. The earlier the budget is adopted the more risk there is that these elements are incorrectly estimated, impacting on the starting position and the calculation of rates for the next year's budget. Previous assessments have determined that the risks generally outweigh the benefits.

If Council resolves on the notice of motion officers will prepare a more detailed report for the Council of the risks versus benefits, and also what impacts an earlier adoption might have on the overall integration of strategic and corporate planning and reporting.



## 17. URGENT BUSINESS

## 18. CONFIDENTIAL MATTERS

### OFFICER RECOMMENDATION

**That the meeting be closed to members of the public to discuss an item which is confidential under section 5.23(2)(c) of the *Local Government Act 1995*.**

### 18.1. Saltwater Project Review

This report contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

## 19. CLOSURE