

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

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 23 JULY 2014

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 23 JULY 2014 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member open the meeting at 5.35pm.

2. ATTENDANCE

Presiding Member:

Cr Ian Stubbs Mayor

Members:

Cr Grant Henley
Cr John McCallum (From 5.36pm)
Cr Tom Tuffin
Cr Gordon Bleechmore
Cr Rob Bennett
Cr Coralie Tarbotton
Cr Jenny Green
Cr Terry Best

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Paul Needham, Director, Planning and Development Services
Mrs Naomi Searle, Director, Community and Commercial Services
Ms Sarah Pierson, A/Director, Finance and Corporate Services
Mr George Workman, Manager, Operations Services
Miss Lynley Rich, Manager, Governance Services
Mrs Katie Banks, Administration Officer, Governance

Apologies

Nil

Approved Leave of Absence

Nil

Media:

"Busselton-Dunsborough Times"
"Busselton-Dunsborough Mail"

Public:

1

Note: 5.36pm At this time Councillor J McCallum entered the meeting.

3. PRAYER

The prayer was delivered by Pastor Clark Riggins from Busselton Seventh Day Adventist.

4. PUBLIC QUESTION TIME**Response to Previous Questions Taken on Notice**

Nil

Public Question Time

Nil

5. ANNOUNCEMENTS WITHOUT DISCUSSION**Announcements by the Presiding Member**

Nil

Announcements by other Members at the invitation of the Presiding Member

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

C1407/174 Moved Councillor J McCallum, seconded Councillor G Henley:
That leave of absence be granted to Councillor Ian Stubbs for the 8 October 2014 Council meeting.

CARRIED 9/0

7. PETITIONS AND PRESENTATIONS

Nil

8. DISCLOSURE OF INTERESTS

Nil

9. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings****9.1 Minutes of the Council held on 9 July 2014****COUNCIL DECISION**

C1407/175 Moved Councillor J Green, seconded Councillor C Tarbotton

That the Minutes of the Council Meeting held 9 July 2014 be confirmed as a true and correct record, subject to a correction on page 31 relating to Item 10.1 – Local Government Property Local Law Determination – Horse Exercise Areas.

Councillor C Tarbotton should be listed as voting against the Alternative Officer Recommendation, not Councillor G Bleechmore who was on leave of absence.

CARRIED 9/0

Committee Meetings

9.2 Minutes of a meeting of the Finance Committee held on 3 July 2014

COUNCIL DECISION

C1407/176 Moved Councillor G Bleechmore, seconded Councillor J McCallum

- 1) That the minutes of a meeting of the Finance Committee held on 3 July 2014 be received.
- 2) That the Council notes the outcomes of the Finance Committee meeting held on 3 July 2014 being:
 - a) The Committee noted the Information Bulletin – May 2014.
 - b) The Financial Activity Statements – May 2014 Item is presented for Council consideration at Item 10.1 of this agenda.
 - c) The List of Payments Made – May 2014 Item is presented for Council consideration at Item 10.2 of this agenda.

CARRIED 9/0

ADOPTION BY EXCEPTION RESOLUTION

At this juncture the Committee Recommendations for Items 10.1 and 10.2 and Officer Recommendations for Items 12.1, 13.1, 13.2, 14.1 and 15.2 were considered in accordance with Clause 5.6 (2) of the Standing Orders via an Adoption by Exception resolution of Council.

En Bloc Motion**COUNCIL DECISION**

C1407/177 Moved Councillor G Bleechmore, seconded Councillor G Henley

That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:

- 10.1 Finance Committee - 3/07/2014 - FINANCIAL ACTIVITY STATEMENTS – PERIOD ENDING 31 MAY 2014
- 10.2 Finance Committee - 3/07/2014 - LIST OF PAYMENTS MADE – MAY 2014
- 12.1 HOOKLIFT TRUCK UTILISATION
- 13.1 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES
- 13.2 PUBLIC CONSULTATION ON THE PROPOSED DEVELOPMENT OF A RESTAURANT / MICROBREWERY / FUNCTION CENTRE / CELLAR DOOR FACILITY AT THE BUSSELTON FORESHORE
- 14.1 BUSSELTON COMMUNITY GARDEN INCORPORATED AND FAWNA INCORPORATED APPLICATION TO LEASE/LICENCE
- 15.2 COUNCILLORS' INFORMATION BULLETIN

CARRIED 9/0
EN BLOC

10.1 Finance Committee - 3/07/2014 - FINANCIAL ACTIVITY STATEMENTS – PERIOD ENDING 31 MAY 2014

SUBJECT INDEX:	Budget Planning and Reporting
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Finance and Information Technology
ACTIVITY UNIT:	Finance
REPORTING OFFICER:	A/Director, Finance and Corporate Services - Darren Whitby
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Financial Activity Statements - May 2014

This item was considered by the Finance Committee at its meeting on 3 July 2014, the recommendations from which have been included in this report.

PRÉCIS

Pursuant to Section 6.4 of the Local Government Act ('the Act') and Regulation 34(4) of the Local Government (Financial Management) Regulations ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the City's financial performance in relation to its adopted/ amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year to date basis for the period ending 31 May 2014.

BACKGROUND

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis; and are to include the following:

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

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 22 July 2013, the Council adopted (C1307/185) the following material variance reporting threshold for the 2013/14 financial year:

That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2013/14 financial year to comprise variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/ Statement of Financial Activity report, however variances due to timing differences and/ or seasonal adjustments are to be reported on a quarterly basis.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

NA.

FINANCIAL IMPLICATIONS

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

STRATEGIC COMMUNITY OBJECTIVES

This matter principally aligns with Key Goal Area 6 – ‘Open and Collaborative Leadership’ and more specifically Community Objective 6.3 - ‘An organisation that is managed effectively and achieves positive outcomes for the community’. The achievement of the above is underpinned by the Council strategy to ‘ensure the long term financial sustainability of Council through effective financial management’.

RISK ASSESSMENT

Risk assessments have been previously completed in relation to a number of ‘higher level’ financial matters, including timely and accurate financial reporting to enable the Council to make fully informed financial decisions. The completion of the monthly Financial Activity Statement report is a treatment/ control that assists in addressing this risk.

CONSULTATION

NA.

OFFICER COMMENT

In order to fulfil statutory reporting requirements, and to provide the Council with a synopsis of the City’s overall financial performance on a year to date basis, the following financial reports are attached hereto:

- Statement of Financial Activity

This report provides details of the City’s operating revenues and expenditures on a year to date basis, by nature and type (i.e. description). The report has been further extrapolated to include details of non-cash adjustments and capital revenues and expenditures, to identify the City’s net current position; which reconciles with that reflected in the associated Net Current Position report.

- Net Current Position

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

- Capital Acquisition Report

This report provides year to date budget performance (by line item) in respect of the following capital expenditure activities:

- Land and Buildings
- Plant and Equipment

- Furniture and Equipment
- Infrastructure

- Reserve Movements Report

This report provides summary details of transfers to and from reserve funds, and also associated interest earnings on reserve funds, on a year to date basis.

- Reserve Transfers to Municipal Fund

This report provides specific detail in respect of expenditures being funded from reserves.

Additional reports and/ or charts are also provided to further supplement the information comprised within the statutory financial reports.

COMMENTS ON FINANCIAL ACTIVITY TO 31 MAY 2014

Operating Activity

- Operating Revenue

As at 31 May 2014, there is a variance of -0.8% in total operating revenue, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Operating Grants, Subsidies and Contributions	+27%	+\$955
Other Revenue	+51%	+\$206
Non-Operating Grants, Subsidies and Contributions	-28%	-\$2,962
Profit on Asset Disposal	-71%	-\$39

A summary of the above variances is provided as follows:

Operating Grants, Subsidies and Contributions (YTD Variance: +\$955K)

The current variance is primarily attributable to:

- The reimbursement of approximately \$825K in relation to storm damage clean-up costs (January 2013 - \$107K and September 2013 - \$718K). However, this revenue is significantly offset by the additional costs associated with the September 2013 clean-up.
- The earlier than projected receipt of a range of sundry grants and reimbursements (on a net basis).

Other Revenue (YTD variance: +\$206K)

The current variance is primarily attributable to:

- Recyclables revenue is presently \$50K above year to date budget estimates, with this principally due to the transfer of longstanding Trust funds held for recycling purposes.
- Collective fines and penalties revenue is presently \$34K above year to date budget estimates, albeit the variance is impacted by current budget timing differences (i.e. bushfire fines revenue is currently \$45K, however the annual revenue budget of \$70K is fully allocated to June 2014).
- Unbudgeted Long Service Leave contributions from other local government authorities totalling \$41K have been received, although this revenue is offset through employee costs.
- Registration fees totalling \$31K, relating to the Local Government CEO Conference. The adopted budget did not include an allocation for this revenue item.

Non-Operating Grants, Subsidies and Contributions (YTD Variance: -\$2,962K)

The current variance is primarily attributable to:

- The unbudgeted recognition of Bushfire Service donated assets totalling \$1.3M
- The receipt of additional developer contribution funds of approximately \$1.5M (above YTD budget estimates), albeit these funds are transferred to Restricted Assets upon receipt.
- A collective year to date budget variance of approximately -\$4.9M in respect of government grant funding, relating to projects such as the Busselton Regional Airport (-\$0.9M) and the Busselton Foreshore project (-\$3.0M).
- The non-receipt of a (budgeted) contribution of \$1.0M from the Busselton Jetty Environment and Conservation Association Inc. in respect of the Railway House Project (albeit this project has been deferred in 2013/14)

In numerous instances, grant funding has not been successful, and as such, the associated capital expenditures will not be incurred.

Profit on Asset Disposal (YTD Variance: -\$39K)

This (accounting) variance is directly related to the year to date performance in the 'Plant and Equipment' capital expenditure classification.

- Operating Expenditure

As at 31 May 2014, there is a variance of -1.3% in total operating expenditure, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Other Expenditure	-17%	-\$498
Allocations	+12%	+\$174
Interest Expenses	-48%	-\$169
Loss on Asset Disposals	-30%	-\$52

A summary of the above variances is provided as follows:

Other Expenditure (YTD Variance: - \$498K)

The current variance is primarily attributable to:

- Donations, contributions and sponsorships expenditure is presently \$240K below YTD budget estimates.
- Regional Development Strategies expenditure is presently \$71K below YTD budget estimates
- Collective advertising expenditure is presently \$42K below YTD budget estimates
- Marketing and promotions expenditure is presently \$36K below YTD budget estimates
- Overall valuation expenditure is presently \$35K below YTD budget estimates
- Community consultation related expenditure is presently \$30K below YTD budget estimates

Allocations (YTD Variance: +\$174K)

The current (accounting) variance is primarily due to timing differences. Whilst the majority of individual allocations are administration based (and clear each month), this activity also includes plant and overhead related allocations. Due to the nature of these line items, the activity reflects as a net offset against operating expenditure, in recognition of those expenses that are of a capital nature (and need to be recognised accordingly). The present variance is reflective of the increased level of capital works activities being undertaken prior to winter.

Interest Expenses (YTD Variance: -\$169K)

The current variance is primarily due to the delay in the drawdown of budgeted new loan facilities, with the variance further impacted by only a portion of two budgeted loans being drawn this financial year. In terms of the Annual Budget Review, it was projected that budget savings of approximately \$173K would be achieved in this activity by financial year end, excluding reserve funded loan repayments. With all 'expected' borrowings now drawn, this estimate has been revised upwards by approximately \$10K to \$183K.

Loss on Asset Disposals (YTD Variance: - \$52K)

As with the 'Profit on Asset Disposal' operating revenue category, this (accounting) variance is directly related to the year to date performance in the 'Plant and Equipment' capital expenditure classification.

Capital Activity

- Capital Revenue

As at 31 May 2014, there is a variance of -16% in total capital revenue, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Proceeds from the Sale of Assets	-48%	-\$367
Proceeds from New Loans	-49%	-\$3,650
Transfers from Restricted Assets	-47%	-\$1,889
Transfers from Reserves	+340%	+\$3,770

A summary of the above variances is provided as follows:

Proceeds from the Sale of Assets (YTD Variance: -\$367K)

This variance is directly impacted by the current performance in the 'Plant and Equipment' capital expenditure classification. With total plant and equipment acquisitions approximately \$1.7M (or 44%) below year to date budget estimates, the revenue associated with budgeted plant disposals/ trade-in's is also well below year to date projections.

Proceeds from New Loans (YTD Variance: -\$3,650K)

In terms of the amended budget, the following loan facilities were budgeted to have been drawn by 31 May 2014:

Description	2013/14 Budget (\$M)
Land Acquisition for Parking	\$2.2
Geographe Leisure Centre (GLC) Extensions	\$1.2
Busselton Foreshore	\$4.0
- Active Playing Fields (\$1.1M)	
- Tennis/ Croquet Club Infrastructure (\$2.1M)	
- Brown Street Extension (\$0.8M)	
TOTAL	\$7.4

However, as at the end of May, only \$3.75M in borrowings had been drawn, comprising:

- \$1.1M for 'Land Acquisition for Parking' (pertaining to Busselton land only)
- \$1.2M for the GLC Extensions
- \$1.1M for the Barnard Park Active Playing Fields (Busselton Foreshore)

- \$0.35M for the Busselton Regional Airport Jet Refuelling Facility (budgeted to be drawn in June)

The residual borrowing allocations for the 'Land Acquisition for Parking' (\$1.1M) and 'Busselton Foreshore' (\$2.9M) projects will not be required to be drawn in 2013/14.

Transfers from Restricted Assets (YTD Variance: - \$1,889K)

This budget comprises a range of matters including the transfer of:

- cash in lieu of parking (land acquisitions)
- unspent loan funds (geothermal project)
- unspent grant funding (for a range of projects)
- contributions to works as identified in the adopted budget

Whilst actual performance remains below year to date budget projections at this juncture, this is primarily due to timing matters in relation to grant funded capital projects. Notwithstanding this, transfers are now being made as and when associated projects are completed, with over \$1.45M transferred during May.

Transfers from Reserves (YTD Variance: +\$3,770K)

This variance is primarily attributable to the earlier than projected transfer of funds (to recoup associated expenditures incurred), to assist in funding the City's operational cash-flow requirements. Details of the specific transfers made are included in the attachments to this report.

- Capital Expenditure

As at 31 May 2014, there is a variance of -27% in total capital expenditure, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Land and Buildings	-48%	-\$5,292
Plant and Equipment	-44%	-\$1,730
Infrastructure	-50%	-\$11,878
Total Loan Repayments – Principal	-25%	-\$204
Transfers to Restricted Assets	+1,693%	+\$6,022
Transfers to Reserves	+15%	+812

The attachments to this report include detailed listings of the following capital expenditure (project) items, to assist in reviewing specific variances:

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

In respect of the other classifications, an overview of the year to date financial performance is provided as follows:

Total Loan Repayments – Principal (YTD Variance: - \$204K)

This variance mirrors the 'Interest Expenses' operating expenditure variance, albeit this activity refers to principal repayments. In terms of the Annual Budget Review, it was projected that budget savings of approximately \$138K would be achieved in this activity by financial year end, excluding reserve funded loan repayments. With all 'expected' borrowings now drawn, this estimate has been revised upwards by approximately \$13K to \$151K.

Transfers to Restricted Assets (YTD Variance: +\$6,022K)

The annual budget in any year is based on a conservative estimate of contribution funds that may be received, plus an estimated transfer of Aged Housing funds. The current favourable variance is primarily due to:

- The receipt of contribution monies of approximately \$1.8M (initially brought to account via the non-operating grants, subsidies and contributions operating revenue category)
- Bond and deposit receipts of approximately \$1.9M (for which no annual budget allocation is made)
- The quarantining of borrowings drawn in May 2014 of \$2.65M, pending end of financial year reconciliations

It is important to note that performance in this activity does not directly impact on the City's overall annual closing position, as funds received are quarantined.

Transfers to Reserves (YTD Variance: +\$812K)

This variance is primarily due to the earlier than projected transfer of the Busselton Jetty Environment and Conservation Association Inc. (BJECA) licence fee for 2013/14 (\$669K) to the Jetty Maintenance Reserve, along with additional interest earnings on reserve funds of approximately \$83K.

As with 'Transfers to Restricted Assets', performance in this activity does not directly impact on the City's overall annual closing position, as transfers and interest earnings are quarantined.

BUDGET VARIATIONS AND OTHER 'KNOWN'S'

Councillors were recently informed that consequent to the Engineering and Works Services Directorate's review and compilation of 'donated assets' for the 2013/14 financial year, that this figure is estimated to be in the order of \$15M. Whilst not directly impacting on the cash position, the 'Non-operating Grants, Subsidies and Contributions' budget for 2013/14 (through which donated assets pass) will be exceeded by an equivalent amount.

In addition to the above, preliminary estimates are that the fair valuation of Land and Buildings will result in a collective increment of in excess of \$40M as at 30 June 2014. Whilst also not impacting on the cash position, this will nonetheless represent a material transaction in the Council's 2013/14 Financial Report.

CONCLUSION

In terms of the Annual Budget Review, completed as at 28 February 2014, a surplus closing position of approximately \$330K was projected as at 30 June 2014 (excluding re-list items). The Net Current Position as at 31 May 2014 (\$3.3M) is some \$0.75M less than the 31 May 2013 position, in which a closing surplus position of \$1.7M was achieved at financial year end. Whilst acknowledging this variance, the closing position for 2013/14 will continue to be impacted by a range of factors, including those funds that are required to be quarantined as at 30 June (e.g. net transfer of funds to the Waste and Airport Reserves etc.); which will reduce the closing Net Current Position. Staff will continue to closely monitor the City's cash position leading up to financial year end.

OPTIONS

The Council may determine not to receive the statutory financial activity statement reports.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

NA.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C1407/178 Moved Councillor G Bleechmore, seconded Councillor G Henley

That the Council receives the statutory financial activity statement reports for the period ending 31 May 2014, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

CARRIED 9/0

EN BLOC

10.2 Finance Committee - 3/07/2014 - LIST OF PAYMENTS MADE – MAY 2014

SUBJECT INDEX:	Financial Operations
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Finance and Information Technology
ACTIVITY UNIT:	Finance
REPORTING OFFICER:	A/Director, Finance and Corporate Services - Darren Whitby
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Payment Listing - May 2014

This item was considered by the Finance Committee at its meeting on 3 July 2014, the recommendations from which have been included in this report.

PRÉCIS

This report provides details of payments made from the City's bank accounts for the month of May 2014, for noting by the Council and recording in the Council Minutes.

BACKGROUND

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

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

NA.

FINANCIAL IMPLICATIONS

NA.

STRATEGIC COMMUNITY OBJECTIVES

This matter principally aligns with Key Goal Area 6 – 'Open and Collaborative Leadership' and more specifically Community Objective 6.3 - 'An organisation that is managed effectively and achieves positive outcomes for the community'.

RISK ASSESSMENT

NA.

CONSULTATION

NA.

OFFICER COMMENT

NA.

CONCLUSION

NA.

OPTIONS

NA.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

NA.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C1407/179 Moved Councillor G Bleechmore, seconded Councillor G Henley

That the Council notes the payment of voucher numbers M108669 – M108909, EF034228 – EF034757, T007080 – T007086, and DD002185 – DD002205, together totalling \$5,928,476.46.

CARRIED 9/0

EN BLOC

12.1 HOOKLIFT TRUCK UTILISATION

SUBJECT INDEX:	Waste Management
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Operations Services
ACTIVITY UNIT:	Waste Management
REPORTING OFFICER:	Waste Coordinator - Vitor Martins
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Confidential Hooklift Truck Utilisation Report Adjusted

Note: After the Council agenda had been published, typographical errors were identified throughout this report. The corrections are highlighted throughout the report. It should be noted however, that the corrections did not affect the Officer Recommendation which has remained the same. The confidential attachment has also been updated.

PRÉCIS

The Council voted in November 2012 to approve the purchase of a hook lift truck and ten 30-cubic-metre hook lift bins. The purpose of the plant was primarily to transfer waste from the Busselton Transfer Station to the Dunsborough Waste Facility on a weekly basis, and also to perform a variety of other waste-hauling functions. When approving the purchase of the truck and bins, the Council resolved that a financial report be presented after the plant had been in operation for 12 months to inform the Council about its utilisation. This report serves that purpose, and demonstrates that the truck and bins will pay for themselves **after 6.1 years.**

BACKGROUND

The closure of the Busselton Waste Facility as a burial site on June 30, 2012 and its conversion to a transfer station resulted in the need for all domestic waste deposited at Busselton from July 1, 2012 onwards to be transferred for burial to Dunsborough Waste Facility. A contractor was initially engaged to perform this service using a hook lift truck and a series of eight 30-cubic-metre hook lift bins, at a cost of \$300 per bin per transfer each week. This service was costing the City nearly \$10,000 per month in contractor fees.

City staff investigated and found that the purchase of a City owned hook lift truck and bins would be the best option in managing the City's resources to provide optimum benefit to the community. In addition to transferring waste from Busselton Transfer Station, a City-owned hook lift truck could also be used to perform other functions. These include the internal transfer of waste at Dunsborough Waste Facility (from the domestic tipping area to the tip face), the transportation of sand for cover material, and the transport of glass to Perth for recycling.

The City took delivery of the hook lift truck and ten 30-cubic-metre bins in the first week of May 2013. Subsequently, it was found that the large bins were not ideal for transporting sand internally at the Dunsborough Waste Facility. A smaller 15-cubic-metre bin was bought in late 2013 and has proved to be ideal for this purpose.

This report outlines the savings and costs associated with the hook lift truck for its first 12 months of operation. It shows that the City has paid \$349,207.00 for the truck and 11 bins. In the first year the gross savings amount to \$185,800.00, while the gross costs (including depreciation, staff overheads, and loss of interest earnings, among other factors) totaled **\$128,771.14**. This has resulted in a net saving to the City of **\$57,028.86**. Given the continuation of this trend, the truck and bins will be totally paid off after **6.1** years. Including the loss of interest earnings (money not in the bank) due to

the purchase of the truck and bins the truck and bins will be totally paid off after 6 years (possibly up to 9 years) and an end-of-life value of \$70,000, while the bins are expected to last around 10 years each and an end-of-life nil value, apart from scrap metal.

STATUTORY ENVIRONMENT

The provision of waste collection services by Local Government is regulated by the Health Act 1911 and the Waste Avoidance and Resource Recovery Act 2007 (WARR Act).

RELEVANT PLANS AND POLICIES

The City does not have a specific policy relating to the transfer of waste.

FINANCIAL IMPLICATIONS

The City has paid \$349,207.00 to buy the hook lift truck, 10 x 30-cubic-metre bins and 1 x 15-cubic-metre bin. The attached spreadsheet shows that the net saving for the first year of operation of the truck was calculated to be \$79,174.24 or \$66,050.00 including the loss of interest earnings. This indicates that the truck and bins will pay for themselves after 4.4 to 5 years of operation.

STRATEGIC COMMUNITY OBJECTIVES

The City's 2013 Strategic Community Plan identifies one of its key goal areas as "Cared For and Enhanced Environment", under which it supports the development and implementation of a strategy for the responsible provision of waste management services.

RISK ASSESSMENT

Due to the fact that the City has already bought the truck and bins, this report is not associated with bringing further risk to the City, but is simply a summary of the financial outcomes involving the first year of operation of the plant.

CONSULTATION

Nil.

OFFICER COMMENT

Since the City took possession of the hook lift truck this piece of equipment has been extensively utilised and is among the most valuable pieces of plant in the City's fleet. The truck and 30-cubic-metre bins have proven to be well suited to the task of transferring waste from Busselton to Dunsborough. This type of utilisation alone is sufficient to support the viability of the purchasing decision.

The hook lift truck is highly regarded by the waste staff, and the financial analysis demonstrates that it has been a sound acquisition by the City.

It should be noted that the costs associated with the hooklift truck in this report have included a staff overhead, which is 75% in the case of waste. The overhead rate is different for each section in the Engineering & Works Services Directorate, and includes employee costs such as superannuation, workers compensation insurance and long service leave, and indirect costs such as administrative staff time.

The costs associated with the hooklift truck also include the loss of interest earnings associated with the capital purchase of the truck and bins, which is estimated at \$13,124.24 per year.

Although the report estimates that the hooklift truck will last for 6 years before requiring replacement, its actual lifetime may be significantly longer, as the City's rubbish trucks are replaced after 6 years (8000 hours) and experience greater hours and greater wear and tear than the hooklift truck.

In addition to the utilisation for the waste transfers between Busselton Waste Facility and Dunsborough Waste Facility, the truck and the bins are also utilised to transfer waste internally at the Dunsborough site, to transfer glass for recycling in Perth and to cart sand used as cover material at Dunsborough. These types of utilisation further reinforce the viability of the purchasing decision, as each also contributes a net gain to the City, as compared to the use of contractors to that end.

CONCLUSION

The City has made a sound investment in buying its own hook lift truck and bins, rather than relying on a contractor to provide this service.

OPTIONS

Not applicable.

TIMELINE FOR IMPLEMENTATION OF RECOMMENDATION

No further action is required to be taken.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1407/180 Moved Councillor G Bleechmore, seconded Councillor G Henley

That the Council notes the outcomes of this report on the purchase of the hook lift truck and bins.

CARRIED 9/0
EN BLOC

13.1 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES

SUBJECT INDEX:	Events
STRATEGIC OBJECTIVE:	A City where the community has access to quality cultural, recreation, leisure facilities and services.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Events
REPORTING OFFICER:	Events Coordinator - Shane Walsh
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Minutes of MERG 26 June 2014 Meeting Attachment B Round 1 Event Sponsorship Summary Attachment C MERG Terms of Reference

PRÉCIS

A meeting of the Marketing and Events Reference Group (MERG) was held on Thursday 26 June 2014. This report presents recommendations from this meeting.

BACKGROUND

The Council, at its meeting of 13 April 2011 (C1104/114), resolved to endorse the implementation of a differential rating system whereby properties rated within the Industrial and Commercial zones across the City would directly contribute toward the City's continued support of tourism, marketing and event activities. This resolution also endorsed the establishment of a 'Key Stakeholders Reference Group' (now known as the 'Marketing and Events Reference Group') to make recommendations to Council with respect to the marketing and events budget allocations.

Further to this Council, at its meeting of 22 June 2011 (C1106/201), resolved to introduce a 3% Differential Rate on the abovementioned properties and as a result, \$180k was included in the 2011/2012 budget towards events and marketing. Through the 2012/2013 budget, Council increased the Differential Rate to 6% resulting in the allocation of \$270k for the purpose of Events and \$90k for the purpose of Marketing, and in 2013/14 Council increased the Differential Rate to 7%, allocating \$253k towards events and \$126k towards marketing.

As part of the 2014/2015 budget process, Council provided 'in-principle' support to increase the Differential Rate to 8%, allocating \$366k towards events and \$122k towards marketing.

A MERG meeting was held on Thursday 26 June 2014, and the outcomes of that meeting were as following:

The key focus areas in the ongoing implementation of the City of Events Strategy include:

- Development of assessment guidelines for the Events Sponsorship program
- Quantifying and recording of financial and in-kind support for events
- Streamlining the event application process.

Key matters discussed included:

- Identifying and quantifying the City's contribution to all events – incorporating cash and in-kind support
- Inclusion of a 'buy-local' clause as part of the event sponsorship guidelines
- Recommendation to renew Ironman WA Busselton contract– 5 year multi-year agreement
- Continuation of negotiations to secure 2015 Wings for Life event
- Recommendation of \$49k in round 1 event sponsorship program applications

- Engagement of an experienced grants consultant to prepare and submit funding applications for specific events, to be funded from event budget
- Recommendation to allocate \$25k towards the 2015 Fringe Festival of Arts event
- Recommendation to allocate \$43,750 (offset by \$10k in funding) towards the 2015 Jazz by the Bay event
- Recommendation to allocate \$45k towards the Busselton Jetty 150th Celebrations event
- Recommendation to allocate \$10k towards the 2015 Telstra Triathlon Series Busselton event
- Recommendation to include the Australian Junior Surf Titles event in December 2014 in the 2014 surf calendar for Yallingup in line with the Surf Events and Competition Policy.
- Recommendation to support the 2014 Gourmet Escape event being held at Castle Rock
- Recommendation of a revised MERG Terms of Reference.

STATUTORY ENVIRONMENT

Nil

RELEVANT PLANS AND POLICIES

The recommendations are in line with Council policies.

FINANCIAL IMPLICATIONS

As part of the 2014/2015 budget process, Council provided 'in-principle' support to increase the Differential Rate to 8%, allocating \$366k towards events and \$122k towards marketing. Due to previous Council resolution to support various events within the 2014/15 financial year, should Council endorse the Officer recommendations contained within this report, \$19.5k will remain in the events budget and \$22k in the marketing budget for the 2014/15 financial year.

In addition to employing Events staff and the funding of marketing and events through the Differential Rate, the City funds the following events through multi-year funding arrangements, as per the 2014/15 proposed budget:

Events - Multi-Year Agreements funded through Municipal funds	14/15 Proposed
Busselton Jetty Swim	\$15,600
Ironman WA Busselton	\$169,4000
Busselton Ironman 70.3	\$45,000
Geographe Bay Race Week	\$10,000
Cinefest Oz	\$50,000
Festival of Busselton	\$6,000
Carols by the Jetty	\$1,000
Australia Day	\$3,000
TOTAL	\$300,000

STRATEGIC COMMUNITY OBJECTIVES

This matter aligns with the City of Busselton's endorsed Strategic Community Plan 2013, and principally with the following Strategic Goal:

Well planned vibrant and active places;

- A City where the community has access to quality cultural, recreation, and leisure facilities and services.

RISK ASSESSMENT

The recommendations contained within this report are considered low risk and as such a formal risk assessment is not provided.

CONSULTATION

Consultation has been undertaken with members of the Marketing and Events Reference Group, consisting of representatives from the Busselton Chamber of Commerce and Industry, Dunsborough Yallingup Chamber of Commerce and Industry, Geographe Bay Tourism Association and the Busselton Jetty Environment and Conservation Association, and the City of Busselton.

OFFICER COMMENT

The Marketing and Events Reference Group has been established with representatives from the City of Busselton, local Chambers of Commerce, the Geographe Bay Tourism Association and the Busselton Jetty Environment and Conservation Association. A Terms of Reference guides the operations of the Group and an Events Sponsorship Programme has been developed.

Supporting the development and attraction of new events throughout the year, the Events Sponsorship Programme promotes the City of Busselton as an attractive host and event tourism destination for a range of events. The City, through the programme has attracted exciting new events to boost the local economy through event tourism.

In 2013/2014, the City increased its number of major events from 61 to 83. This is an increase of 22 events or 36% in the 12 month period. This follows an increase of 47% in the previous financial year. Based on bookings as at 27 June 2014 the number of events for 2014/2015 could exceed 90.

Planned new events for 2014/2015 include the Geographe Bay Tasar World Championships, Aussie Nash Hash Busselton 2015, Rally by the Bay, Australian Junior Surf Championships, City of Busselton Triathlon as part of the Telstra Triathlon Series, South West Mud Fest, Wise Winery Half Marathon and the 150th Year Jetty Celebrations.

Further, the development of free annual community events that value-adds to existing events will benefit not only the local community, but will also add to the experience of tourists to the region, further cementing the City of Busselton as the 'Events Capital of Regional WA.'

The Officer recommendations presented in this report, as put forward by MERG, are in line with the Groups terms of reference and objectives to support and promote events in the City of Busselton.

The specific outcomes and recommendations of the Marketing and Events Reference Group (MERG) are as follows:

Ironman WA

As per Council resolution C1212/349, City Officers have continued negotiation with Ironman Asia Pacific for a new five year contract to secure the Ironman WA Busselton event. Officers have been advised that the funding proposal presented has been accepted, and as a result MERG recommends that Council enter into a new 5 year contract based on the following: \$175k cash support in 2015, increasing by \$5k per year to \$195k in 2019, plus \$18k in-kind support per annum not indexed. The increase in sponsorship funds beyond the 2014 event will be funded through the Differential Rate Events budget.

Event Sponsorship Programme Round One

City Officers undertook a review of the Event Sponsorship Programme and developed draft guidelines to establish funding criteria to guide MERG with assessing applications and making subsequent recommendations to Council.

Applications were received for Round One of the Events Application Programme. A total of 15 applications were received totalling \$156k. Recommendations for the sponsorship of individual events will promote Busselton as a cultural and iconic sporting event destination. Seven events are recommended to be funded on an annual basis, and three on a multi-year (three year) basis. All events are to be funded from the Differential Rate Events budget:

Annual Event Funding (2014/15)	Request	MERG Recommendation
Rally by the Seaside	\$ 10,000	\$ 2,500
Busselton Festival of Triathlon	\$ 8,500	\$ 6,750 ^{^~}
Sunsmart Ironman Western Australia	\$ 17,500	\$ 6,250 ^{^~}
Geographe Bay Tasar World Championship	\$ 30,000	\$14,700
Wise Winery Half Marathon	\$ 5,000	\$ 2,500
Australia Day Ceremony (Dunsborough)	\$ 1,000	\$ 1,000
Aussie Nash Hash Busselton	\$ 20,000	\$ 3,300
Multi-Year Event Funding (2014/15-2016/17)		
Busselton Spring Running Festival	\$ 15,000	\$ 7,000
City of Busselton Half (former Jets Half Marathon)	\$ 5,000	\$ 2,000
Dunsborough Song Fest	\$ 3,000	\$ 3,000
TOTAL	\$156,000	\$49,000

All events are to be funded on the condition that ten (10) high resolution images be provided electronically, without copyright, (in formats as agreed) to the City of Busselton for its own promotional purposes.

** Funded on the condition that two (2) minutes of high quality, edited video footage be provided electronically, without copyright, (in formats as agreed) to the City of Busselton for its own promotional purposes;*

^ That the organiser officially recognises each individual volunteer and City of Busselton has an appropriate size logo on the event volunteer T Shirt.

~ subject to formally recognising the volunteer and City of Busselton contributions.

2014/15 City of Busselton Events

For the past few years the City has organised two main events; Fringe Festival of Arts Busselton/Culture on Queen, and Jazz by the Bay. Based on post event evaluations, and recognising the significance of 2015 being the 150th year of the Busselton Jetty, it was recommended by MERG that the following City-organised events be funded through the Differential Rate Events budget:

Event	MERG Recommendation
150 th Year Jetty Celebrations	\$45,000
Fringe Festival of Arts Busselton(Culture on Queen)	\$25,000
Jazz by the Bay (offset by \$10k Eventscorp Funding)	\$45,375
TOTAL	\$115,375

National Triathlon Series

City Officers have been working for a period of time in securing an Olympic triathlon event. The Telstra Triathlon Series is a premier triathlon series run throughout the state, each event held in different areas. Staff have managed to attract the 2015 event to Busselton, previously held in Mandurah. The event involves 1,200 elite senior athletes and over 150 elite national junior athletes competing in an Olympic Distance Triathlon on a course around Port Geographe Marina, proposed for February 2015. A recommendation was made by MERG that \$10k be allocated towards the event, to be funded from the Differential Rate Events budget.

Australian Boardriders Battle 2014

The Australian Boardriders Battle 2014, a national junior surf title event, is scheduled to be held in Yallingup in December 2014. The City's Surfing Events and Competition Policy guides the number of surfing events that can be held in Yallingup and is designed to achieve consistency and co-ordination for the staging of surfing events utilising land managed by the City of Busselton. The Policy also seeks to ensure equitable use of the surf locations by recreational surfers, and assists in minimising damage to, and promoting the recovery of coastal systems within the City managed coastal reserves.

Under the Policy, there is a total of 13 approved surfing events within the 2014 calendar year, including:

Club Events - Yallingup Boardriders - 4, Indian Ocean Longboard Club – 4;

International, major or large event, as arranged by Surfing Western Australia – 2 (Australian Junior Surf Titles in December 2014 and the Taj Small Fries in January 2014);

Traditional and Philanthropic events – 2 (annual Yallingup Malibu Classic in November and ECU Surf Challenge in October 2014);

Large or minor from a ballot system – 1 only. This has been allocated to Surfing WA for a state body board event in October 2014.

Last year, the Yallingup Boardriders won the inaugural state leg of the Australian Boardriders Battle. From there they went on to represent the state at the National Final, coming 5th in an event which boasted over \$100k in prize money for grassroots boardriding clubs. This massive event series is set to travel the country once again in 2014 with a major national marketing and promotion campaign of the event, clubs and event locations.

Given Yallingup won the state leg and placed so highly at the National final, Surfing WA have requested to Surfing Australia that the club host the 2014 event in Yallingup on either 23 or 24 November 2014. This is a unique opportunity for the City to promote the region to the state's best surfers.

In order to secure this event, Council at its Ordinary Meeting on 14 May 2014 resolved (C1405/125) to enter into a sponsorship agreement for the 2014 Australian Junior Surfing Titles to be held at Yallingup for \$25k cash. However this event is now outside the parameters of the City's Surfing Events and Competition Policy as it will exceed the number of allowable annual surfing events held at Yallingup. The Policy does allow for any application for an event that is in addition to the number of events allowed in the Policy to be referred to the Council for consideration.

Given that this event is classed as a major event due to the significant number of competitors, and staged by the State surfing body, Surfing WA, it is recommended by MERG that the city exercises its right under the Policy to include the event in the 2014 Yallingup Surf Calendar.

Gourmet Escape 2014

After the success of the 2013 Gourmet Escape Beach BBQ function held at Castle Bay Beach, and due to the fact that Smiths Beach is no longer wide enough to be able to host the event, event promoters Brand Events have requested that the Beach BBQ function be held at the same location in 2014. This event will showcase the Dunsborough region, and more specifically Meelup Regional Park, and will also compliment other Gourmet Escape functions held at nearby venues including Wise Winery and Eagle Bay Brewery.

It is recommended by MERG that Council supports the Gourmet Escape Beach BBQ function at Castle Bay Beach and that City staff and the Dunsborough-Yallingup Chamber of Commerce and Industry consult with the Meelup Regional Park Management Committee in relation to environmental conditions. It should be noted that as per the City's 2014/15 Schedule of Fees and Charges, that the event fee of \$2.50/attendee will apply.

MERG Terms of Reference

Officers undertook a review of the MERG Terms of Reference and made some minor adjustments to reflect the changing way in which the Group operates. The changes comprised of amending the 'Shire of Busselton' to the 'City of Busselton', and including the Deputy Mayor and Coordinator, Environmental Health as voting members of the Group. The revised Terms (Attachment C) are recommended for Council endorsement.

2014/15 Marketing Program

In 2013/14 the Council endorsed an allocation of \$100k towards a 'Recharge' tourism marketing campaign managed by the GBTA. MERG was presented with a general evaluation of the program, and recommended that the success of the program be capitalised upon and that it be continued with \$50k to be allocated towards a spring marketing campaign and \$50k towards a summer marketing campaign. This will leave \$22k within the marketing budget for marketing activities throughout the year.

Black Dog 'Around Australia Ride' 2014

The Black Dog Ride Busselton Branch are hosting a national reception for 160 Black Dog Riders who will make their way around Australia, some 32,000km. Black Dog Ride is a national fundraising body that promotes awareness and raises funds for people suffering from depression. The Council was approached to host the reception, to be held at the Goose on 14 August 2014. Council supported the allocation of \$1,500 towards the event and that this be funded from the Differential Rate Events budget. Council also advised the event organisers also seek sponsorship from the Busselton and District Chamber of Commerce and Industry.

CONCLUSION

The Marketing and Events Reference Group (MERG) has been assigned by Council to make recommendations on the way in which funds raised through the Industrial and Commercial Differential Rate for the purposes of events and marketing are allocated. This report contains the recommendations made at the July 2014 meeting, which if endorsed by Council, will result in a number of events high quality events being held within the region, supported by a successful tourism marketing campaign managed by the GBTA. All recommendations support Council's vision of being recognised as 'The Events Capital of Regional WA.'

Options

Council may choose to disagree with the recommendations made by the Marketing and Events Reference Group and resolve not to endorse part or all of the recommendations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council's decision, the outcomes will be communicated to all members of the Marketing and Events Reference Group for their information and to successful and unsuccessful event organisers.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1407/181 Moved Councillor G Bleechmore, seconded Councillor G Henley

That Council;

1.
 - a. Authorises the Chief Executive Officer to enter into a new five (5) year event sponsorship agreement for the Ironman WA Busselton event to be held in 2015 to 2019 inclusive, with an annual cash sponsorship contribution of \$175k in 2015, increasing by \$5k per annum to \$195k in 2019, plus \$18k in-kind support per annum not indexed
 - b. Funds the excess sponsorship contribution of the current base (\$169.4k cash and \$18k in-kind) from the Differential Rate Events budget
2. Endorses the funding allocation toward the following events to the total value of \$49k through the City's Events Sponsorship Programme Round One, to be funded through the Differential Rate Events budget:

Annual Event (2014/15)	Funding
Rally by the Seaside	\$ 2,500
Busselton Festival of Triathlon	\$ 6,750 ^{^~}
Sunsmart Ironman Western Australia	\$ 6,250 ^{^~}
Geographe Bay Tasar World Championship	\$14,700
Wise Winery Half Marathon	\$ 2,500
Australia Day Ceremony (Dunsborough)	\$ 1,000
Aussie Nash Hash Busselton	\$ 3,300
Multi-Year Event (2014/15-2016/17)	
Busselton Spring Running Festival	\$ 7,000
City of Busselton Half (former Jets Half Marathon)	\$ 2,000
Dunsborough Song Fest	\$ 3,000
TOTAL	\$49,000

All events are to be funded on the condition that ten (10) high resolution images be provided electronically, without copyright, (in formats as agreed) to the City of Busselton for its own promotional purposes.

** Funded on the condition that two (2) minutes of high quality, edited video footage be provided electronically, without copyright, (in formats as agreed) to the City of Busselton for its own promotional purposes;*

^ That the organiser officially recognises each individual volunteer and City of Busselton has an appropriate size logo on the event volunteer T Shirt.

~ subject to formally recognising the volunteer and City of Busselton contributions.

3. Endorses the funding allocation towards the following City events to the total value of \$115,375, to be funded from the Differential Rate Events budget:

Event	Funding
150 th Year Jetty Celebrations	\$45,000
Fringe Festival of Arts Busselton(Culture on Queen)	\$25,000
Jazz by the Bay (offset by \$10k Events Corp funding)	\$45,375

4. Endorses the funding allocation of \$10k towards the 2015 City of Busselton Triathlon event as part of the State Telstra Triathlon Series, to be funded through the Differential Rate Events budget
5. Endorses the inclusion of The Australian Boardriders Battle at Yallingup in November 2014 into the Surfing Calendar at Yallingup for 2014/2015, as per the Surf Events and Competition Policy
6. Supports, as part of the the 2014 Gourmet Escape event, a Beach BBQ function to be held at Castle Bay Beach and that City staff and the Dunsborough-Yallingup Chamber of Commerce and Industry consults with the Meelup Regional Park Management Committee in relation to environmental conditions
7. Endorses the revised terms of Reference for the Marketing and Events Reference Group
8. Endorses the continuation of the Recharge Marketing Campaign by allocating \$50k towards a spring marketing program and \$50k towards a summer marketing program, to be funded from the Differential Rate Marketing budget
9. Endorses the allocation of \$1,500 towards the Black Dog Around Australia Ride 2014, and that this be funded from the Differential Rate Events budget

CARRIED 9/0
EN BLOC

13.2 PUBLIC CONSULTATION ON THE PROPOSED DEVELOPMENT OF A RESTAURANT / MICROBREWERY / FUNCTION CENTRE / CELLAR DOOR FACILITY AT THE BUSSELTON FORESHORE

SUBJECT INDEX:	Busselton Foreshore Master Plan
STRATEGIC OBJECTIVE:	A strong, innovative and diversified economy that attracts people to live, work, invest and visit.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Commercial Services
REPORTING OFFICER:	Economic and Business Development Coordinator - Jon Berry
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Submission Pro Forma Attachment B Schedule of Submissions Attachment C Restaurant/Microbrewery/Function Centre/Cellar Door Proposal

PRÉCIS

This report provides an overview of public submissions received as a result of an Expression of Interest process, on a proposal to establish a commercial restaurant/microbrewery/function centre/cellar door facility as a component of the Busselton Foreshore Master Plan (BFMP).

Preliminary submissions from the community were sought by the City of Busselton in early 2014, when a revised Busselton Foreshore Development Guide Plan (BFDGP) was advertised. The revised BFDGP had included a 2,100sqm covered area building footprint plus alfresco for the restaurant/microbrewery/function centre/cellar door facility. In response to the public feedback received, the City requested the proponent to reduce the size of the proposed covered area footprint down to 1,700sqm plus alfresco and prepare artistic impressions and conceptual floor plans of the proposed two level building to provide the public with a clearer understanding of scope, scale and form of the proposal.

This report recommends Council acknowledges receipt of the public submissions and the issues summarised within this Agenda report and endorse the restaurant/microbrewery/function centre/cellar door concept. It also recommends Council proceed with negotiations with the proponent to facilitate a proposal that is compliant with the BFDGP adopted by Council and subject to endorsement by the Western Australian Planning Commission (WAPC).

BACKGROUND

Following a publicly advertised Expressions of Interest process in 2013, the City of Busselton identified a 'preferred proponent' to further investigate the concept of establishing a new tourist-orientated hospitality enterprise, as a component of the Busselton foreshore redevelopment.

In response to feedback from previous consultation on the concept of a new two level restaurant/microbrewery/cellar door and function centre, the concept proposal was reduced in size from 2,100sqm covered ground areas (plus alfresco) to 1700sqm covered ground areas (plus alfresco).

Public comment was sought on a new, smaller concept having the following features:

- Building footprint: Built form (1350sqm) plus covered alfresco (350sqm) = 1700sqm plus 400sqm uncovered alfresco
- Services: Restaurant, boutique microbrewery, function centre, cellar door/regional food and wine, viewing decks, water/landscape features in the alfresco area

- Height: Two storeys (max of 10.2m) with no habitable loft proposed
- Land tenure: Leasehold for a negotiated term.

Public submissions on the above concept were invited during the period 29 May 2014 to 18 June 2014. The consultation process was advertised in the local newspaper, on the City's website and communicated in a variety of other media as described in the section below 'Consultation'. A total of 140 submissions were received. As part of the submission process, respondents were asked to comment on specific issues such as parking, environmental impact, location and scale as well as a specific 'yes/no' response as to their general support for the concept shown, which included artists impressions and floor plans for each building level.

STATUTORY ENVIRONMENT

Prior to the concept being progressed further, it will need to comply with the Busselton Foreshore Development Guide Plan (DGP) adopted by Council and endorsed by the WA Planning Commission.

Additionally, in accordance with s3.58 of the Local Government Act 1995, before agreeing to dispose of the property, the local government is required to:

- (a) give local public notice of the proposed disposition by:
- describing the property concerned;
 - giving details of the proposed disposition (including names of the parties concerned; the consideration to be received by the local government and the market value of the disposition)
 - inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given
- (b) consider any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Furthermore, the location of the proposed restaurant/microbrewery/function centre and cellar door is on Crown land, requiring compliance with the Land Administration Act 1997 and approval of lease terms and conditions by the Minister for Lands.

A future liquor licensing application would also need to be approved by the Department of Racing, Gaming and Liquor in accordance with Liquor Control Act 1988.

RELEVANT PLANS AND POLICIES

Busselton Foreshore Master Plan (BFMP)

The BFMP is a strategic document that provides detailed guidance for the planning and development of the Busselton Foreshore extending between King Street and Ford Road. The proposal for a restaurant/microbrewery/cellar door and function centre is consistent with the land uses identified in the BFMP. The proposed location for the facility is within the Busselton Jetty Precinct, wherein the objective is *'to function as a magnet to enliven the central part of the Busselton Foreshore; and enhance the views of the foreshore and jetty, improving the pedestrian experience and development to provide for maximum activation of surrounding spaces'*. Council reviewed the BFMP at its 09 July 2014 meeting.

Draft Development Guide Plan (DGP)

The DGP incorporates statutory controls relating to land use, building heights and floor areas that reflect the BFMP. The DGP is not proposed to incorporate controls relating to more detailed design elements, relying on the BFMP and subsequent documents providing guidance on these matters. Council reviewed the BFMP at its 09 July 2014 meeting.

City of Busselton Community Engagement and Consultation Policy

To achieve the aims of its Strategic Community Plan (2013) Council has placed high priority on the need to engage with the community and encourage community participation in decision-making processes.

In recognising this need, Council acknowledges the value of instigating a coordinated approach to stakeholder engagement with a key focus on consultation. Council has committed to engaging broadly and proactively with the community and utilises an Engagement and Consultation Policy which includes the implementation of a framework to assist with planning initiatives, putting them into practice and reporting on outcomes.

Activities undertaken in accordance with the Engagement and Consultation Policy are outlined in the section 'Consultation' below.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising as a result of the Officer recommendations contained within this report.

Should Council resolve to enter a ground lease of the proposed location in the future, any lease revenue would be required to be directed to the Jetty Maintenance Reserve. This will result in a reduced reliance on municipal revenue to fund the Council's commitment to jetty maintenance.

STRATEGIC COMMUNITY OBJECTIVES

Key Goal Area 2:

Well-planned vibrant and active places: An attractive city offering great places and facilities promoting an enjoyable and enriched lifestyle.

- 2.1 A City where the community has access to quality cultural, recreation, leisure facilities and Services
- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections

Key Goal Area 3:

Robust local economy: A strong local economy that sustains existing and attracts new business, industry and employment opportunities.

- 3.1 A strong innovative and diversified economy that attracts people to live, work, invest and visit
- 3.2 A City recognised for its high quality events and year round tourist offerings
- 3.3 A community where local business is supported

RISK ASSESSMENT

Should Council adopt the Officer recommendation, the following risks have been identified:

Risk	Controls	Consequence	Likelihood	Risk Rating
Perception that the high number of submissions not supporting the concept have been disregarded by the Council	<p>Ensure that the concerns raised within the submissions are dealt with in a meaningful way and communicated to the respondents and the broader community.</p> <p>The City is proactive in advising the media and wider community on mitigation strategies for the major concerns raised and produces a communications plan</p>	Minor	Likely	Medium (M12)

CONSULTATION

Public submissions on a proposed restaurant/microbrewery/function centre/cellar door hospitality offering were invited during the period 29 May 2014 to 18 June 2014, using the following communication methods:

- City of Busselton website (artists impressions, concept description, online survey and a downloadable form (as shown in Attachment A);
- Radio interview on ABC encouraging comment;
- Liaison and meetings with stakeholders including;
 - Busselton Foreshore Reference Group - (BJECA, BADRA, GBTA, SWDC, BCCI, community representatives),
 - Busselton Chamber of Commerce and Industry,
 - Geographe Bay Tourism Association,
 - Member for Vasse,
 - Chief Executive Officer - South West Development Commission; and,
 - Regional Manager - Department of Lands.
- Personal correspondence to previous submission respondents inviting further comment;
- Advertising information pack for public display available at the two libraries and the City of Busselton Administration reception;
- The building footprint was marked out on-site with pegs and tape within the proposed containment zone;
- Two signs encouraging public comment incorporating artist's impressions of the proposal were erected at the site; and,
- Advertisements in print media using Council for the Community page.

OFFICER COMMENT

As a result of the invitation to make a submission on the proposal, a total of 140 responses were received. As part of the submission process respondents were asked to comment on specific issues as well as answer either 'yes or no' to their support for the proposal as shown in Attachment C. A summary of the public submission responses received follows:

- I support the proposal **Support 33 - Do not support 107**
- Comments relating to "**Location**" - *Respondents 117*
- Comments relating to "**Scale**" (too big / too small) - *Respondents 102*
- Comments relating to "**Parking**" - *Respondents 99*
- Comments relating to "**Environmental Impact**" - *Respondents 82*
- Comments relating to "**Visual Impact**" - *Respondents 91*
- Additional comments - *Respondents 109*

There were three dominant themes in the submissions provided by those respondents that do not support the proposal. The main concerns relate to, as highlighted in the submissions;

1. An additional licensed premise within the foreshore redevelopment area is perceived not to be family-friendly and will attract anti-social behavior
2. Lack of parking within the Jetty foreshore precinct
3. The size of the development, which related more to any development at this location, rather than the actual footprint of the proposal.

The table below shows a representation of some of the comments received relating to each of issues. The full list of submissions and feedback received can be viewed at Attachment B.

ISSUE	OFFICER'S COMMENTS
<p>The proposed location attracted comment from 117 of the 140 responses which was the highest of any of the suggested issues. For those against the proposal 44 identified that any development on the foreshore should be family friendly and that a microbrewery, function centre or licensed premises would not be welcome.</p> <p>Examples of comments included:</p> <ul style="list-style-type: none"> ➤ <i>"I am worried about the proposed development situated so close to the playground area; it would be more suitable to a rural location."</i> ➤ <i>"A microbrewery should be located away from the foreshore area and away from the children's playground."</i> ➤ <i>"An inappropriate place for a brewery."</i> ➤ <i>"Proposed site is totally unsuitable. This site is supposed to be a family area with the emphasis on children. A liquor outlet with all its related problems would be most unsuitable."</i> ➤ <i>"Busselton has one of the best locations in the world; this would be a great location to have a place to socialise with friends and Family."</i> ➤ <i>"A foreshore development such as this one is just what this city needs. What better place than the proposed site of the nautical lady to take advantage of and showcase our beautiful beaches!"</i> 	<p>Whilst there are a limited number of licensed premises within this vicinity, the consumption of alcohol within the public Foreshore area is permissible, albeit not managed through a liquor license. The location of an additional licensed premise will provide an alternate venue for members of the public to consume alcohol in a safe and orderly environment, managed by a licensee through the Liquor Licensing Act.</p> <p>As a high level planning document, the foreshore master plan was prepared without specific consideration of the business viability of small holdings on the Foreshore. The Expression of Interest process identified four lease areas, however failed to attract significant interest on each site due to the lack of confidence that a small scale business would be economically sustainable.</p> <p>The new concept amalgamates a number of sites originally proposed, however will be able to be used for multiple purposes and provide the catalyst in showing confidence to invest in Busselton's future growth and potential.</p> <p>With the increasing population and continuing efforts to attract visitation to the City, the current facilities on the foreshore area are often at capacity in the peak season. When special functions or events are held at the current facilities there are limited alternative food and beverage outlets near the City's prime attraction. A proposal such as this would address this issue.</p> <p>Similar types of establishments in the South West and further abroad have proved to be very family friendly and offer a safe, affordable product to locals and visitors alike. Examples include the many micro-breweries located</p>

ISSUE	OFFICER'S COMMENTS
<p>Comments in relation to the ecological impact also generally relate to the location and size of the structure, impact on the view, size of the building, infrastructure and appropriateness of a licensed venue in the jetty precinct environment.</p>	<p>throughout the Busselton district, which attract a high number of families specifically because of the atmosphere of the offering.</p>
<p>The concern that parking in the vicinity would be inadequate was identified equally as a percentage of the 99 respondents by both for and against groups.</p> <p>However supporters of the proposal were more willing to accept that parking near a popular attraction will never be adequate and that a "short walk to a venue would be acceptable".</p> <ul style="list-style-type: none"> ➤ <i>"There will never be "enough" parking - because we as a population are becoming lazy. More parking is always encouraged, but I think us locals will cope anyway."</i> ➤ <i>"Parking is already a problem around that area and another facility will only add to the problem."</i> 	<p>The design principles contained within the BFMP include avoidance of a 'sea' of car parking within the central, 'core' section of the redevelopment. Rather, it encourages visitors to park to the east or west and walk into the central area. People are also encouraged to use alternative methods of transportation.</p> <p>A number of additional car parking bays will be made available on the spine road leading to the facility, with approximately 1,043 car parking bays planned throughout the Busselton foreshore master plan area, including at the rear of the proposed short-stay accommodation sites. There are also parking options within the CBD area.</p>
<p>The scale of the building received 102 comments of the total submissions with 68 of these relating to either the overall size of the building, that is the footprint too big or that a two storey building in the foreshore area was not desirable.</p> <ul style="list-style-type: none"> ➤ <i>"I believe that the proposed 2-storey development would have a negative impact on this beautiful, not built up section of beachfront. It is this that sets Busselton apart from other more commercial towns in the south west and makes it a very family oriented town. Busselton is currently a quintessential country town."</i> ➤ <i>"As you walk the jetty, the beach and Norfolk Pines are Busselton, any intrusion will spoil it."</i> <p>The other comments related to impacts on the view, either from the foreshore back towards the CBD or from the CBD to the foreshore. There was also a number that made the comment that this type of building would not suit Busselton and was more suited to Mandurah, Fremantle or the Gold Coast. Only a small number specifically</p>	<p>The revised proposal advertised in May/June 2014 included a covered area of 1700m² \ including verandas (1350m² of building; 350m² of covered alfresco); and 400m² of uncovered alfresco.</p> <p>The preliminary proposal advertised in January 2014 was for a 2,100m² development including building, verandas and covered alfresco and 400sqm of uncovered alfresco.</p> <p>As part of the Expression of Interest process, three sites were identified for commercial opportunities, two within the area of the proposal currently being considered. Following a review of the submissions received through the Expression of Interest process, the Council resolved to discontinue redevelopment of the existing Nautical Lady site (Site 2) and focus on a single development at Site 1 (behind the Nautical Lady building) and selected a single preferred proponent to further develop concept plans and artists impressions. The area that was proposed to be taken up by two built forms has been consolidated to one specific building, capitalising on broader open public space. Council also resolved to discontinue seeking commercial interest in a development site at Site 3 (adjacent</p>

ISSUE	OFFICER'S COMMENTS
<p>mentioned the square metres of the building.</p> <p>From the positive side it was recognised by some respondents that to be commercially viable the business would need to reach a critical mass to be economically sustainable.</p> <p>➤ <i>“The scale of the development will have a fairly high capital investment so a careful business plan is essential. If the Facility is well appointed it should attract a variety of functions to the quality situation.</i></p> <p><i>The brewery area of the Proposal seems rather small, but no doubt it could market craft beer from the Hinterland as well.”</i></p> <p>➤ <i>“The venue needs to be sufficiently large to cater for the increasing popularity of Busselton as a major function venue; otherwise it wouldn't be worth doing!”</i></p>	<p>the Equinox Café) at this point in time.</p>

Submissions supporting the proposal were received from membership based organisations, including the Geographe Bay Tourism Association Inc (GBTA) and the Busselton Chamber of Commerce and Industry Inc. Conversely, the Busselton and Districts Residents' Association Inc and Busselton Jetty Environment and Conservation Association Inc (BJECA) (also member-based organisations), did not support the concept as was shown. These organisational submissions are only counted as single responses (although they are industry and/or community based member organisations) and are not afforded a weighting in the analysis. It should also be noted that there is a concept plan for a 'Railway House' building adjacent to the proposal, which will house GBTA and BJECA, which may have had an impact on the responses received. A number of responses against the proposal appear to be engineered by interest groups, evidenced by multiple responses from discrete geographic areas with remarkably similar comments. Responses from large, membership based organisations and other anecdotal evidence suggests there is wider support than suggested by the public submissions received.

Issue 1: An additional licensed premise within the foreshore redevelopment area is perceived not to be family-friendly and will attract anti-social behaviour.

This sentiment concentrated on the anti-social aspects that are apparent with some licensed premises without considering the number of successful family oriented venues of this nature which operate throughout the South West. For example, restaurants incorporating microbreweries, galleries and children's playgrounds offer a contemporary family friendly experience generally in an attractive environment. Some local examples include: Cheeky Monkey Brewery and Cidery, Duckstein Brewery, Eagle Bay Brewery, Bootleg Brewery and Occy's in Dunsborough. All of these venues and similar facilities within the region have a strong appeal and cater to families, couples, individuals and groups and offer a safe, affordable product to locals and visitors. There are no other similar hospitality service offerings in Busselton, with the closest venues being in Bunbury to the north or the Eagle Bay/Yallingup area to the south, approximately 80km apart. The proposed offering is also consistent with the food/wine/indulgence experience brand that is used to promote visitation to the region.

The Busselton Foreshore Master Plan identifies the proposed location as ideal for this type of facility, where the recreational uses and playgrounds are within easy accessibility and enable a range of activities to be undertaken on the foreshore by families.

Responsible service of alcohol legislation and licensing laws place the onus on the operators and staff at the venue to ensure that patrons behave in an acceptable manner and if they fail in this obligation there are legal implications for the business. In addition, the Council has the ability to place controls on the type of liquor license permitted and service offering permitted by including conditional provisions within the ground lease agreement.

A contemporary development within the location proposed may also improve passive surveillance by activating the area overlooking the foreshore, with the potential to reduce crime.

With the increasing population and visitation to the City the current hospitality facilities at this location are often at capacity in the peak season. When special functions or events are held at the current facilities, there is no alternative food and beverage outlet near the City's prime attraction. The proposal may also provide an additional venue for tourists that may be accommodated in the future at the short-stay accommodation sites identified on the Busselton Foreshore Master Plan and indeed, facilitate further private investment into these sites and public investment into the broader foreshore public areas.

Issue 2: Lack of parking within the Jetty foreshore precinct.

In the proposed modified Busselton Foreshore Master Plan, existing car parking has been rationalised and substantially increased. There are approximately 1,043 car parking bays planned throughout the Busselton Foreshore area extending between Gale Street and Georgette Street. However, there is a greater reliance on street and shared parking areas against the existing arrangements which have parking within the core foreshore area. Car parking will also be provided informally during events, where parking is directed to ovals and grassed areas away from activity.

Issue 3: Size of the proposed development

As outlined in the Development Guide Plan, the site proposed for the restaurant/microbrewery/function centre originally had a notional area of 450m². The Nautical Lady tower café site had a total building area of 350m² and the eastern-most kiosk site (near the equinox café) had an area of 90m². The intention of the revised DGP is to combine all the above sites into a single development platform of 1,700sqm covered area building for the purpose of a single restaurant/microbrewery/function centre/cellar door. The City also proposes to restore prime foreshore land near the base of the Busselton Jetty back into public open space via the demolition of the existing Nautical Lady Lighthouse Tower and existing refreshments kiosk.

CONCLUSION

The Busselton foreshore developments of recent years and the reopening of the Jetty in 2011 has seen the Busselton foreshore emerge as one of the premier seaside locations in Western Australia. The Jetty is one of the iconic experiences for visitors coming to the South West and is featured extensively in promotional material for the region. During the peak summer period the capacity of venues in the Foreshore precinct is at capacity and with a growing population on average of 4% per annum, it is an opportune time to increase the hospitality offering available in the area whilst maintaining the economic viability of similar businesses in the area due to population and visitor growth.

The proposed site is underutilised, degraded and detracts from the overall ambience of what has been achieved with the foreshore works. Since The Goose café was opened in 2004, there have been

no additional food and beverage offerings of this nature in the Foreshore vicinity. This is an ideal time to refresh the product offering of the Busselton foreshore experience especially as a willing proponent with the capital to invest has been identified.

OPTIONS

The Council may choose to review the size of the proposal and scale it back to a smaller footprint or single storey. It is the view of the proponent that if the size of the restaurant/microbrewery/function centre / cellar door facility is reduced it will not be financially viable and consequently they would be unlikely to proceed.

The Council may choose to restrict the purpose of the facility to just a restaurant / function centre and not a microbrewery or object to any licence to serve alcohol from the premises, this will however have ramifications on the proposal received.

TIMELINE FOR IMPLEMENTATION OF RECOMMENDATION

If the Officer recommendations are accepted, then the City would commence drafting a heads of agreement (development agreement) with the proponent including proposed conditions of a future ground lease including term, consideration and design issues. It is anticipated this would be considered by Council in August/September 2014 and be validated subject to endorsement of the BFDGP by the WAPC and approval by the Minister for Lands

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1407/182 Moved Councillor G Bleechmore, seconded Councillor G Henley:

That the Council:

1. Acknowledges public submissions received on the concept of a restaurant/microbrewery/function centre/cellar door venue within the Busselton Foreshore Precinct;
2. Supports the concept of a restaurant/microbrewery/ function centre/cellar door venue being established within the Busselton Foreshore Precinct on the designated site (as shown in Attachment C) that:
 - a) is compliant with the adopted Busselton Foreshore Development Guide Plan (BFDGP);
 - b) facilitates increased vibrancy of the foreshore area;
 - c) provides a revenue stream to support future maintenance of the Busselton jetty; and,
 - d) facilitates passive surveillance over the core area of the foreshore redevelopment
3. Authorises the CEO to commence drafting terms for a pre-lease Development Agreement with the preferred proponent, to be further considered by Council and validated upon the BFDGP being endorsed by the WA Planning Commission; and,
4. Authorises the CEO to commence negotiations with the Department of Lands on mutually acceptable terms and conditions for a future lease of the designated site (as shown in Attachment C), for the purposes of establishing a new restaurant/microbrewery/ function centre and cellar door venue.

CARRIED 9/0
EN BLOC

14.1 BUSSELTON COMMUNITY GARDEN INCORPORATED AND FAWNA INCORPORATED APPLICATION TO LEASE/LICENCE

SUBJECT INDEX:	Agreements / Contracts
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Property and Compliance Services
REPORTING OFFICER:	Property Coordinator - Ann Sanford
AUTHORISING OFFICER:	Manager, Corporate Services - Sarah Pierson
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Lease and Licence Plan Busselton Community Gardens Attachment B Lease and Licence Plan FAWNA Inc

PRÉCIS

The City of Busselton leases land on Reserve 21295, Lot 300 Strelly Street Busselton to the Busselton Community Garden Incorporated (“the BCG”). The BCG wish to expand their gardens into adjoining land, Lot 22 Roe Terrace.

FAWNA Incorporated (“FAWNA”) have been looking for suitable premises on which to construct a storage shed to house their Wildlife Emergency Response Trailer and BCG have agreed that this would be an appropriate co share of the area.

The purpose of this report is to inform the Council of the outcome of consultation with both the BCG and FAWNA and present a recommendation that would meet the requirements of both parties.

BACKGROUND

In 2008, the City entered into a lease agreement with the BCG for Lot 300 Strelley Street, Busselton which is crown land vested with the City for the purpose of “Recreation and Community Gardens”.

BCG have developed their leased premises with a café, garden beds, under cover car parking and shade covers. Due to the demand for additional garden beds BCG submitted a development application in March 2013 seeking to expand their operation onto adjoining land.

The adjoining land, Lot 22, Roe Terrace, Busselton (“the Land”) as indicated in Attachment 1, is crown land vested with the City for the purpose of “Recreation”. At the time of the application the conditions contained in the management order for the Land did not permit the City to enter into any lease or licence agreement. To enable the City to progress this application, the Department of Lands agreed to amend the management order.

The City received a request from FAWNA seeking a suitable site to construct a shed on which to house their Wildlife Emergency Response Trailer. A number of land parcels were investigated, however given the location and the potential co-share opportunity with the BCG, Lot 22 was their preferred site.

In January 2014, the City received a development application submission from FAWNA to construct a shed on a portion of the Land. The area concerned is identified on Attachment 2. The proposed shed site is approximately 108m² with an additional 3m curtilage around the shed.

In April this year, the City was granted the power to lease or licence the Land, for any term not exceeding 21 years. Prior to any construction or works commencing on the Land, both parties must enter into formal agreements with the City.

The development application received from BCG includes the provision of an informal parking area. This will accommodate overspill from the current car parking area within the community gardens on busier days. The surface of the car park will be made structurally sound and therefore provide an appropriate surface over which FAWNA can access the portion of the Land they wish to lease. To facilitate this joint access it is proposed that BCG and FAWNA be granted a licence over this area – shown hatched black on both plans – the terms of which will coincide with the duration of their respective leases.

STATUTORY ENVIRONMENT

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirement of section 3.58 of the Local Government Act. However 3.58 (5) (d) provides exemptions to this process under Regulation 30 (2) (b) (i) (ii) of the Local Government (Functions & General) Regulations.

This section states “disposal of land to incorporated bodies with objects of benevolent, cultural, educational or similar nature and the members of which are not enlisted to receive any pecuniary profit from the body’s transactions, are exempt from the advertising and tender requirements of section 3.58 of the Local Government Act”. The constitution of both BCG and FAWNA are such that this exemption applies.

Lot 22 Roe Terrace, Busselton on Deposited Plan 82131 Volume LR3147 Folio 436, Reserve 24540, is vested with the City for the designated purpose of “Recreation”. Subject to the consent of the Minister for Lands, the City now has the power to lease or licence for a term not exceeding 21 years.

RELEVANT PLANS AND POLICIES

Nil

FINANCIAL IMPLICATIONS

The rent charged to Community and Sporting groups for City land and/or building is currently \$200 per annum (inclusive of GST) in accordance with the Council adopted 2014/2015 Schedule of Fees and Charges.

If council adopt the officer recommendation, the lessees in each case would be responsible for management and maintenance of the leased premises at their own cost.

STRATEGIC COMMUNITY OBJECTIVES

The request for the Lease and the Licence is consistent with the following City of Busselton Strategic Priorities:

Key Goal Area 2

- Well planned, vibrant and active places
- Provide a range of quality leisure, cultural, recreation and sporting facilities and services;
- Responsible management of public infrastructure assets.

Council Strategy

- Ensure our recreational facilities meet the needs of our growing community
- Maintain community assets at an appropriate standard, consulting with the community about expectations and costs of maintenance.

RISK ASSESSMENT

An assessment of the potential implications has been undertaken using the City's risk assessment framework. In circumstances such as this, it is not considered that there is any risk to the City in entering into lease and licence agreements with either party.

CONSULTATION

The Department of Lands were consulted regarding the proposed future use of the Land by BCG and FAWNA. As a result, they have amended the management order enabling the City to enter into the proposed leases and licences with FAWNA and BCG.

City staff have discussed with the BCG the potential for shared use of the Land with other community groups. BCG have confirmed their willingness to support FAWNA in their need for a storage facility and understand that this will mean that FAWNA will require a right of access over the informal carparking area being created by BCG.

The committee of FAWNA have been provided with a draft of the City's standard community and sporting group lease agreement. The terms and conditions associated with the lease were discussed at a recent meeting with members of the group who indicated they are in general agreement and would like to enter into a lease for a portion of the Land for a term of 5 years with a further 5 year option.

OFFICER COMMENT

FAWNA

FAWNA is a local community group formed with the aim and objective of providing a means of mutual support for people involved in caring for wildlife in need of aid and assistance. They became incorporated in 2005. They assist in the provision of care, shelter and rehabilitation of wildlife and release them into a suitable natural environment. They educate and increase awareness of the issues which threaten the environment for the benefit of indigenous fauna.

Following a successful funding bid FAWNA were able to purchase a purpose built caravan suitable to take to any emergency involving wildlife. The group is now seeking a suitable secure and accessible storage facility for this 'Wildlife Emergency Response Trailer'. They are also in need of storage space for their rescue and care equipment which ideally should be located in a central location that is easily assessable to all their members. The proposed location of the shed will not only suit their current needs but the proposed leased footprint will provide for further growth.

It is recommended that the term of the lease be consistent with the term that has been offered to other sporting and community groups in recent times. Therefore it is proposed to enter into a 5 year lease with a further 5 year option.

Busselton Community Gardens

BCG had initially requested a lease of the whole of the Land but were subsequently willing to accept the reduced area proposed to accommodate FAWNA's needs.

As the FAWNA shed is to be located at the northern end of the Land, a right of access through the informal car park is required. To ensure this access is clearly defined, the proposal is to enter into a lease for the portion of Land where the gardens and water tank are being constructed and a licence for the portion of Land where the informal car park is being constructed. A licence will also be provided to FAWNA for this portion.

Since its inception, the gardens have become a significant and popular community facility. The development application received from the BCG highlights their need for further expansion. The key aspects of the proposal included additional garden areas designed to fit within the spaces of native trees and informal overflow parking. An additional water tank is to be installed to supplement their existing rain water supply.

The term of the lease will be consistent with the term of BCG's current lease of the adjoining land. The proposed new lease will expire on the 31 December 2019, the same date as the end date of BCG's lease of the adjoining land. The licence over the informal car parking area will be for a similar duration. The potential then exists for both the BCG lease agreements to be renewed in 2020.

As there is no major infrastructure proposed on the Land and it is anticipated that their leases and licence would be renewed at the end of the term they will not find the relatively short term of the new arrangement inhibiting in any way.

CONCLUSION

The introduction of another community group at this location in Roe Terrace will help in creating more of a community hub in the area. Both FAWNA and the BCG are well established and supported organisations who provide significant community benefit. It is therefore recommended that Council enter into the proposed leases and licences on the terms and conditions detailed in the Officer Recommendation.

OPTIONS

1. Council can resolve not to enter into a lease agreement with the BCG
2. Council can resolve to enter into a different term of lease with the BCG, for any term not exceeding 21 years.
3. Council can resolve not to enter into a lease agreement with FAWNA
4. Council can resolve to enter into a different term of lease with FAWNA, for any term not exceeding 21 years.

TIMELINE FOR IMPLEMENTATION OF RECOMMENDATION

The lease/licence agreements would be forwarded to the Minister for Lands seeking in-principle approval prior to both parties executing the documents. It is anticipated that the lease agreements would be executed by all parties no later than 1 January 2015.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1407/183 Moved Councillor G Bleachmore, seconded Councillor G Henley

That the Council:

1. Authorises the CEO to enter into a lease and licence agreement with FAWNA Incorporated for the occupation of a portion of Reserve 24540 Lot 22, Deposited Plan 82131, LR3147 Folio 436, Roe Terrace, Busselton, as indicated in Attachment 2 on the following terms;
 - a) The lease agreement is to be consistent with the City's standard community and sporting groups lease agreement;
 - b) The term of the lease commencing 1 September 2014 and expiring on the 31 August 2019 with a further 5 year option expiring 31 August 2024; and
 - c) The annual rent to be \$200.00 inclusive of GST with annual CPI rent reviews; and
 - d) All costs associated with the preparation of the lease to be met by the Lessee.

2. Authorises the CEO to enter into a lease and licence agreement with the Busselton Community Garden Incorporated for the occupation of a portion of Reserve 24540 Lot 22, Deposited Plan 82131, LR3147 Folio 436, Roe Terrace, Busselton, as indicated in Attachment 1 on the following terms;
 - a) The lease and licence agreement is to be consistent with the City's standard community and sporting groups lease agreement;
 - b) The term of the lease and licence commencing 1 September 2014 and expiring on the 31 December 2019; and
 - c) The annual rent to be \$200.00 inclusive of GST with annual CPI rent reviews; and
 - d) All costs associated with the preparation of the lease and licence to be met by the Lessee.

CARRIED 9/0
EN BLOC

15.2 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Executive Services
ACTIVITY UNIT:	Executive Services
REPORTING OFFICER:	Reporting Officers - Various .
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received Attachment B Planning Applications Determined Attachment C Current Status of SAT Appeals with the City of Busselton Attachment D Dog Statistics April to June 2014

PRÉCIS

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 Councillor, 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

15.2.1 South West Academy of Sport (SWAS) – Royalties for Regions Funding Announcement 2nd July 2014

On Wednesday 2 July 2014, SWAS officially announced a three year \$750,000 funding deal through Royalties for Regions.

SWAS has assisted the region's aspiring athletes to reach their potential through various programs offered by the Academy. A key success of SWAS has been the importance placed on community ownership of the program. This ownership has come in the forms of the involvement both in coaching, service provision and Board capacities as well as the financial input of local businesses.

The funding announcement is a great result for SWAS.

15.2.2 Planning & Development Services Statistics

Planning Applications

Attachment PDS1 is a report detailing all Planning Applications received by the City between 15 and 30 June, 2014. Thirty one formal applications were received during this period.

Attachment PDS2 is a report detailing all Planning Applications determined by the City between 15 and 30 June, 2014. A total of twenty two applications (including subdivision referrals) were determined by the City during this period with twenty one approved / supported and one application refused.

15.2.3 State Administrative Tribunal (SAT) Appeals

Attachment PDS3 is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 30 June, 2014.

15.2.4 Dog Management and Control

Attachment PDS4 is a summary of Ranger and Emergency Services staff actions relating to the management and control of dogs in the community for the term 1 April to 30 June 2014.

During the term 77 dogs were impounded of which 54 dogs (70%) were reunited with their owner. A further 15 dogs were successfully rehomed through the community volunteer animal rescue groups Saving Animals from Euthanasia (SAFE) and K9 Rescue Group South West. There are currently three (3) dogs in the pound waiting rehoming. Also during this term, five (5) unclaimed dogs that could not be rehomed were euthanized.

During this term there were two prosecutions instigated for dog attacks.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1407/184 Moved Councillor G Bleachmore, seconded Councillor G Henley

That the items from the Councillors' Information Bulletin be noted:

- 15.2.1 South West Academy of Sport (SWAS) – Royalties for Regions Funding Announcement 2nd July 2014
- 15.2.2 Planning & Development Services Statistics
- 15.2.3 State Administrative Tribunal (SAT) Appeals
- 15.2.4 Dog Management and Control

CARRIED 9/0
EN BLOC

10. REPORTS OF COMMITTEE**10.1 Finance Committee - 3/07/2014 - FINANCIAL ACTIVITY STATEMENTS – PERIOD ENDING 31 MAY 2014**

This Item was considered earlier in the meeting as part of the En Bloc Resolution of Council. ([C1407/178, page 13](#))

10.2 Finance Committee - 3/07/2014 - LIST OF PAYMENTS MADE – MAY 2014

This Item was considered earlier in the meeting as part of the En Bloc Resolution of Council. ([C1407/179, page 15](#))

11. PLANNING AND DEVELOPMENT SERVICES REPORT**11.1 APPLICATION FOR PLANNING CONSENT FOR A CHILD CARE CENTRE, LOT 33 (39) CAREY STREET, BUSSELTON**

SUBJECT INDEX:	Development/ Planning Applications
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Development Services
ACTIVITY UNIT:	Development Services
REPORTING OFFICER:	Senior Development Planner - Pete Malavisi
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan Attachment B Site Plan Attachment C Floor Plan Attachment D Elevations Plan Attachment E Schedule of Submissions Attachment F Petition Opposing Child Care Centre at 39 Carey St

PRÉCIS

The City has received an application for the approval of a Child Care Centre at Lot 33 (Hse 39) Carey St, Busselton (See Attachment A for Location Plan and Attachments B, C & D for the Site, Floor and Elevation Plans).

The proposed development has been assessed against the Scheme and Local Planning Policy 7A – Child Care Premises/Centres and is considered to be consistent with the relevant planning controls.

Approval is recommended subject to conditions.

BACKGROUND

The application (DA14/0197) for a Child Care Centre at Lot 33 (Hse 39) Carey St, Busselton was received on 12 May 2014.

The application proposes the construction of a Child Care Centre with a maximum capacity of 43 children and up to 7 staff members

The land is zoned 'Residential' in the City of Busselton Town Planning Scheme No.20 and coded at a density of R30.

The application was publicly advertised and referred to adjoining landowners for comment for a period of 21 days. The closing date for submissions was 25 June 2014.

Six submissions were received by the close of advertising (See Attachment E – Schedule of Submissions). A petition also received, and that has been considered as part of the amendment undertaken. That petition is provided at Attachment F. It is recommended the petition be received by the Council, but given the substantive issues are addressed in this in this report, no further report is considered necessary.

The applicant has provided revised plans relative to what was originally lodged and initially referred for comment. These have been recirculated to those making submissions

The proposal has been referred for Council determination because there has been significant public interest in relation to the proposed land use.

STATUTORY ENVIRONMENT

The key, relevant, statutory environment is set out in our town planning scheme. There are a number of elements of the scheme that bear particular consideration.

The site is zoned 'Residential' in the scheme, and there are a range of land-use permissible in that zone, in addition to residential dwellings. That includes medical consulting rooms, home businesses and child care centres. A child care centre is identified as an 'SA' use in the Residential zone, which means it is a use approval of which is at the reasonable discretion of the City, following compulsory consultation processes.

In determining applications for planning approval in any zone, the City must consider the objectives and policies of the relevant zone, which in the case of the Residential zone include the following –

Objectives...

- (i) To ensure, as a primary consideration, that the amenity and character of residential areas is maintained...*

Policies...

- (d) To provide for other uses (including medium density in-fill development), only where they –*
 - (i) are compatible with the residential environment and afford services to residents at a local level; and*
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for detached housing....*

In determining all applications for planning approval, the City must also consider the 'matters to be considered' set out at clause 13 of the scheme, some of the most relevant in this context are as follows –

- ...(d) the social effect and the economic effect of that development in the locality;*
- (e) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of that development...*
- ...(h) the relationship of that development to development on adjoining land or on other land in the locality;*
 - (i) whether the proposed means of entrance to and exit from that development and the land to which that application relates are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles within that development or on that land;*

- (j) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic on that road system...*

It should also be noted that, should the application be refused, or granted subject to conditions considered unreasonable by the proponent, the proponent has a capacity to lodge an application for review with the SAT.

RELEVANT PLANS AND POLICIES

The City has adopted local planning policy provisions relating to child care centres, which are set out in *Local Planning Policy Part 7A – Childcare Premises Provisions*. The objectives of the policy include the following:

- *Provide for the establishment of Child Care Premises in an orderly and proper manner;*
- *Ensure that the Child Care Premises are located in circumstances where the use is compatible with surrounding uses and does not have an unreasonable impact on the amenity of the locality in which they are to be located;*

The proposal has been assessed against the relevant policy, and is considered to be consistent with the policy.

FINANCIAL IMPLICATIONS

The recommendation on this report is a planning determination. It does not impose any direct financial implications upon the City.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report reflects Community Objective 2.2 of the City's *Strategic Community Plan 2013* – 'A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.'

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified in Council reports where the residual risk, once controls are identified, is 'medium' or greater. No such risks have been identified.

CONSULTATION

Six submissions were received objecting to the proposal. A further submission opposing the proposal has been received since completion of the initial consultation.

The planning concerns are summarised as:

- Inappropriate and poor location;
- noise affecting amenity;
- increased traffic;
- pedestrian safety; and
- *poor consultation**.

**Several submissions raised concerns that the proposal had not been adequately advertised. As an 'SA' use the proposal was advertised in the local paper and sent to all adjoining land owners. The*

proposal was advertised for 3 weeks in accordance with Scheme requirements. The applicant took it upon themselves to consult locally but this is not a planning requirement.

OFFICER COMMENT

The fact that the application has received objections is not in itself determinative; it is not a justification alone to refuse an application. Representations either in support or objection are used to inform the *planning* matters, but notwithstanding it is an obligation upon the deciding authority to make an objective decision of comparing material elements of the proposal against our town planning scheme.

Regard however has been given to the *planning* matters contained in the representations and in framing the following assessment against the relevant matters in Clause 13 of Scheme 20.

(d) the social effect and the economic effect of that development in the locality;

The Revised Plans have been circulated to those making submissions, but opposition remains to the use of the land as a Child Care Centre in the first instance.

The Policies for the Residential Zone provide for *other uses* that afford services to residents at a local level where they are unlikely to adversely affect residential amenity. Further, if it was intended that Child Care Centres were not to establish in the Residential Zone then such a use would be listed as *Prohibited (table 2)*. Instead there are certain land uses that are not permitted as of right, as in they are not the primary use intended for the zone, but where planning consideration can be given recognising they are *other uses* best located in Residential Zones in terms of convenience and a number of other factors. Medical consulting rooms are similarly facilitated in the Residential Zone. The appropriateness of location within a Residential Zone is both social (serves a local population, mixes a local population and fosters connectedness) and an economic one (convenience, site availability, walkability, reduced travel) for the benefit of the community.

The location of this proposed Child Care Centre is relatively central, close to services and is well distributed, there are no other Child Care Centres in the area to serve the population of the area. The location is well positioned in terms of its catchment as it is convenient to route to the CBD and the City's employment centres.

(e) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of that development;

The proposed building is of residential character in terms of its appearance (bulk and scale, roof height and roof pitch and setbacks) and sits consistently with the form of residential buildings in the locality when viewed from Carey Street. The building does not present as an institutional type building. The building itself other than for the car park is unremarkable in the context of its locality, and should the Child Care Centre not continue, the building is purposefully designed to revert to a single dwelling. The carpark, set to one side, could also be developed, as a vacant block, for a single dwelling.

The building presents no elements of structure that may cause over shadow or be of an imposing bulk to any of the adjacent properties, to either the sides or rear.

The building will however be distinguished from other dwellings in the street by the presence of the carpark and signage.

The applicant has agreed to provide a landscaped front verge (nature verge in accordance with the City's requirements). Apart from improving the appearance, particularly of the carpark, it will

discourage the ability to park on the verge, promoting use of the carpark to ensure that amenity and safety is maintained.

(h) the relationship of that development to development on adjoining land or on other land in the locality;

A primary concern has been the potential to adversely impact upon the amenity through noise associated, with children and the coming and going of vehicles in the car park.

The applicant has applied for weekday operation with a start time of 6.30am and close by 7pm. There will be no outside play at 6:30am and the majority of the children arrive after 7:30am.

The applicant in responding to neighbour concerns has advised that outdoor play is limited by climatic conditions and regulations affecting outdoor exposure. The applicant has also revised the application to locate the primary play area toward the Carey Street frontage to reduce noise to the immediate neighbours. The car park has also been redesigned to concentrate vehicle movements and the noise from opening and closing car doors away from the side boundaries.

Councillors should note that most child care centres (and of course nearly all 'family day care' centres) are located in residential areas, including-

- The other Busselton Early Education Centre on Hadfield Avenue, West Busselton
- Geographe Child Care Centre on Avocet Boulevard, Geographe; and
- Bluebird Child Care Centre on Clydebank Avenue, West Busselton

(i) whether the proposed means of entrance to and exit from that development and the land to which that application relates are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles within that development or on that land;

Based on the proposed number of children and staff, the City parking policy recommends up to 15 car parking bays for this Child Care Centre. The applicant operates 2 Child Care Centres within the City and has been doing so for over 10 years, they have put forward that they can manage the centre quite comfortably with 10 bays.

The nature of car parking requirements for Child Care Centres is a relatively quick stop and drop off scenario; this is spread over several hours. It is therefore unusual to have a bank of parents wanting to either drop off or pick up their children.

Whilst the numbers proposed are less than policy requirements (10 instead of 15) it is supported both in terms of practical operation and to minimise the extent of the carpark, to improve appearance in the street and minimise disturbance to the adjacent property.

(j) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic on that road system;

The Child Care Centre will bring with it additional traffic to the locality, but it is not beyond the capacity of Carey Street, and other than at prime drop off and pick up times little traffic would be generated. With a maximum number of 43 children and 7 staff there would be around 100 traffic movements per day. That is more, but not substantially more, than what would be expected with a six unit residential development on the site (i.e. 48-60 per day). Some concern was raised about confluence of activity at the Child Care centre and City events, traffic along Carey Street and potential hazard during these times. The Child Care Centre, because it is closed over the weekend and in the evening, is not expected to be operating coincident with major events.

The road has a nominal width of 6 metres which is the standard width. The road has a flush kerb and approximately another 500 mm of seal outside of the flush kerbing, which makes it wider than the standard required for this location. The road complies with Access Street requirement C and D - 1000-3000 vehicles per day as per (Liveable Neighbourhoods). Traffic counts collected in 1995 had 220 vehicles per day but this dropped to 118 vehicles per day in 2008, after 'Stop' signs at the intersections preferenced east west movements across Carey Street. Whilst the Child Care Centre may significantly increase the daily number of vehicle movements from the last count of 118 to 218, this is still a very low number of vehicle movements and well within the capability of Carey Street. Concern was also raised about the safety and convenience of pedestrians that use Carey St. It is acknowledged that there is no dual use path in this section of Carey Street. This section of street is grouped 2nd on the City's priority list - subject to resolution of drainage issues now being investigated and scheduled, to be determined, for fixing. Subject to the resolution of drainage issues, the dual use path, whilst not guaranteed, is anticipated in the 2015-2016 financial year.

CONCLUSION

The proposed Child Care Centre has been assessed against the Scheme. Notwithstanding that number of submissions were lodged against the proposal, the assessment finds on balance the social benefit outweighs the limited impact upon the local amenity, primarily because the presentation of the building is compatible with residential forms in the street, the hours of operation being week days provide adequate opportunity for peace consistent with a residential amenity, and the capacity of the infrastructure is also adequate. The proposal is deemed to satisfy the requirements in the Scheme and is recommended to be approved subject to conditions.

OPTIONS

That the Council refuse planning consent to application DA14/0197 for a Child Care Centre at Lot 33 (Hse 39) Carey St Busselton if it is not satisfied that the proposed development is consistent with District Town Planning Scheme No. 20, the orderly and proper planning of that locality and the preservation of the amenities of that locality.

TIMELINE FOR IMPLEMENTATION OF RECOMMENDATION

The proponent will be advised of the Council decision within two weeks of the Council making a resolution.

OFFICER RECOMMENDATION

That the Council resolve:

1. That the Application for a Child Care Centre – Lot 33 (Hse 39) Carey St Busselton is considered by the Council to be generally consistent with District Town Planning Scheme No. 20 and the orderly and proper planning of that locality and the preservation of the amenities of that locality.
2. That Planning Consent be granted for the proposal referred in 1. above, subject to the following conditions:

General Conditions:

1. *The development hereby approved shall be substantially commenced within two years of the date of this decision notice.*
2. *The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed*

thereon in red by the City, and except as may be modified by the following conditions.

3. *The operating hours are restricted to 6.30am to 7.00pm Monday to Friday.*

Prior to Commencement of Any Works Conditions:

4. *The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:*
 - a. *A Landscape Management Plan which includes the verge shall be submitted to and approved by the City.*
 - b. *A Drainage Management Plan.*
 - c. *Details of all boundary fencing.*

Prior to Occupation/Use of the Development Conditions:

5. *The development hereby approved shall not be occupied or used until all plans, details of works required by Conditions(s) 2 and 4 have been implemented and the following conditions have been complied with:*
 - a. *A minimum number of 10 car parking bays (including 1 disabled bay) is provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover] shall be designed, constructed, sealed, drained and marked.*
 - b. *Bicycle parking facilities are provided on site. Bicycle Parking facilities shall be located designed and constructed materials in accordance with the requirements of Local Planning Policy 8A - Car Parking Provisions.*
 - c. *Landscaping shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.*

On-Going Conditions:

6. *The works undertaken to satisfy Condition(s) 2, 3, 4 and 5 shall be subsequently maintained for the life of the development.*
3. That the petition submitted be received.

Note: At this time Councillor Bennett put forward an Alternative Motion for Council to consider adopting the Officer Recommendation with an additional approval requirement for the proponent to submit a Noise Management Plan to the City.

MOTION

Moved Councillor R Bennett, seconded Councillor Grant Henley:

That the Officer Recommendation be adopted, subject to an additional condition of approval being added to the Prior to Commencement of Works conditions requiring the submission of a Noise Management Plan to the satisfaction of the City of Busselton being approved in writing.

AMENDMENT

Moved Councillor McCallum, seconded Councillor Bennett

That the proponent also be required to submit a traffic management plan for the centre.

LOST 3/6	
FOR	AGAINST
Cr McCallum	Cr Stubbs
Cr Bennett	Cr Henley
Cr Tuffin	Cr Bleechmore
	Cr Tarbotton
	Cr Green
	Cr Best

Note: Because the Amendment was lost, debate returned to the Motion put forward by Councillor Bennett.

MOTION

Moved Councillor R Bennett, seconded Councillor Grant Henley:

That the Officer Recommendation be adopted, subject to an additional condition of approval being added to the Prior to Commencement of Works conditions requiring the submission of a Noise Management Plan to the satisfaction of the City of Busselton being approved in writing.

LOST 4/5	
FOR	AGAINST
Cr Bennett	Cr Stubbs
Cr Henley	Cr Bleechmore
Cr McCallum	Cr Tarbotton
Cr Tuffin	Cr Green
	Cr Best

Note: Because the Motion was lost, debate returned to the Officer Recommendation.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1407/185 Moved Councillor C Tarbotton, seconded Councillor T Best

That the Council resolve:

1. That the Application for a Child Care Centre – Lot 33 (Hse 39) Carey St Busselton is considered by the Council to be generally consistent with District Town Planning Scheme No. 20 and the orderly and proper planning of that locality and the preservation of the amenities of that locality.
2. That Planning Consent be granted for the proposal referred in 1. above, subject to the following conditions:

General Conditions:

1. *The development hereby approved shall be substantially commenced within two years of the date of this decision notice.*
2. *The development hereby approved shall be undertaken in accordance with the signed*

and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City, and except as may be modified by the following conditions.

3. *The operating hours are restricted to 6.30am to 7.00pm Monday to Friday.*

Prior to Commencement of Any Works Conditions:

4. *The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:*
 - a. *A Landscape Management Plan which includes the verge shall be submitted to and approved by the City.*
 - b. *A Drainage Management Plan.*
 - c. *Details of all boundary fencing.*

Prior to Occupation/Use of the Development Conditions:

5. *The development hereby approved shall not be occupied or used until all plans, details of works required by Conditions(s) 2 and 4 have been implemented and the following conditions have been complied with:*
 - a. *A minimum number of 10 car parking bays (including 1 disabled bay) is provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover] shall be designed, constructed, sealed, drained and marked.*
 - b. *Bicycle parking facilities are provided on site. Bicycle Parking facilities shall be located designed and constructed materials in accordance with the requirements of Local Planning Policy 8A - Car Parking Provisions.*
 - c. *Landscaping shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.*

On-Going Conditions:

6. *The works undertaken to satisfy Condition(s) 2, 3, 4 and 5 shall be subsequently maintained for the life of the development.*
3. That the petition submitted be received.

CARRIED 9/0

11. ENGINEERING AND WORK SERVICES REPORT12.1 HOOKLIFT TRUCK UTILISATION

This Item was considered earlier in the meeting as part of the En Bloc Resolution of Council.
([C1407/180, page 18](#))

12. COMMUNITY AND COMMERCIAL SERVICES REPORT13.1 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES

This Item was considered earlier in the meeting as part of the En Bloc Resolution of Council.
([C1407/181, page 25](#))

13.2 PUBLIC CONSULTATION ON THE PROPOSED DEVELOPMENT OF A RESTAURANT /
MICROBREWERY / FUNCTION CENTRE / CELLAR DOOR FACILITY AT THE BUSSELTON
FORESHORE

This Item was considered earlier in the meeting as part of the En Bloc Resolution of Council.
([C1407/182, page 35](#))

14. FINANCE AND CORPORATE SERVICES REPORT14.1 BUSSELTON COMMUNITY GARDEN INCORPORATED AND FAWNA INCORPORATED
APPLICATION TO LEASE/LICENCE

This Item was considered earlier in the meeting as part of the En Bloc Resolution of Council.
([C1407/183, page 39](#))

15. CHIEF EXECUTIVE OFFICER'S REPORT

15.1 PLANS FOR THE CONSTRUCTION OF A CITY CIVIC AND ADMINISTRATION FACILITY AND CONSIDERATION OF INCLUSION OF A MULTI-FUNCTIONAL CIVIC CENTRE

SUBJECT INDEX:	Administration Centre Building Review
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Governance Services; Major Projects
ACTIVITY UNIT:	Major Projects - Admin Building
REPORTING OFFICER:	Chief Executive Officer - Mike Archer
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Concept plan including MCC
	Attachment B Concept plan without MCC
	Attachment C Results of submissions
	Attachment D Schedule of submissions
	Attachment E Complementary facilities in the vicinity of Lot 450 Queen Street
	Attachment F Style of a proscenium theatre

PRÉCIS

This report is presented to Council for a determination on the plans for the construction of a City Civic and Administration Facility and consideration of whether to include a Multi-functional Civic Centre (MCC) in the construction project. As a result of a recent community consultation process undertaken and some further investigation of requirements for performance and convention spaces, it is recommended that the City Administration Facility includes only a function / community and civic use space, and the Council reconfirms its intention to pursue the construction of a dedicated Performing Arts Centre (PAC) in the Cultural Precinct in Queen Street.

It is recommended that the MCC component is not included due to concerns with parking, site coverage and congestion, that the MCC does not entirely meet the community's expectations as a PAC, potential duplication of facilities, the proposed location (ie not being in the Cultural Precinct) and the potential for the achievement of a PAC at a reduced cost than that previously anticipated. Further, to support this proposal, the Council could identify the PAC in the Cultural Precinct as another local priority project, incorporate the PAC and its future anticipated operating costs in the Long-term Financial Plan (LTFP) and note that this would advance the City's Corporate Business Plan action "Progress the business case for the design and development of a performing arts space / convention centre".

BACKGROUND

A Council decision on 27 March 2013 set the framework within which the Civic and Administration Building project would progress. The community was advised that the Council had committed to move to the next stage of the project to deliver new, modern and expanded administration and Council facilities for the City of Busselton.

The Council later appointed an architect for this purpose (C1307/200) on the 24 July 2013 and delegated authority to the CEO to finalise negotiations and enter into a contract. The architects have been working on the concept designs since that time as the project has evolved over a series of briefings with the Councillors.

A status update on the elements of the decision of the 27 March 2013 will demonstrate that:

1. The architect has been appointed and a separate building tender would be conducted upon design finalisation. In progress.
- 2a. Panel architectural design brief. Completed.
- 2b. Architectural concepts presented to Councillors. Completed.
- 2c. Proposals to be shortlisted. Completed.
- 2d. While it was set out as part of that Council decision that the short-listed concepts be presented for community consultation, the Council resolved that a preferred architect be appointed with the community consultation to occur during the next phase. Completed.
- 2e. As above. Completed.
- 2f. Architectural contract. Completed.
- 2g. The Administration Building Working Group consisting of Councillors nominated by the Council in October 2013 and various staff as required has been involved as required, with all Councillors also being involved through briefing sessions. In progress.
- 2h. The project has not yet reached detailed design stage, with the concepts still being refined. To date approximately \$300,000 has been spent on design work. The detailed design will commence after determination of the potential inclusion of the MCC. In progress.
3. Allocation of funds for panel submission of concepts. Completed.
4. The project has been proceeding in accordance with the timing instruction, however, it is now intended that construction will be delayed until 2015/16. In progress.
5. It is noted that the financial model has been refined throughout the process of Council developing its long-term financial plan and budget, however, the project is recognised in the long-term financial plan, corporate plan and draft 2014/15 budget. In progress.

Since that time, at its meeting on 12 March, 2014, the Council resolved:

That the Council:

1. *Commits to a civic administration project and indicates its intention to include a multi-functional civic centre/performing arts space as a component of the design and building process of that project.*
2. *As soon as possible the Council, invites – over a period of 28 days -, public comment in relation to the concept plans shown to Council on 5th March, and also in relation to the funding model that relates to this project. The council will be fully informed of the results of this consultation when making any final decisions.*

The advertising as required by this Council resolution concluded on 5 May 2014. Prior to this, the City held an open day on 12 April 2014 and made the concept plans and an information paper developed for this purpose widely available through the website and City facilities. A survey was made widely available and the survey and information paper were also sent to 1000 ratepayers and residents randomly selected from the City's database. Councillors have also been sent previously (3 July 2014) under separate cover a summary of the submission outcomes.

STATUTORY ENVIRONMENT

Sections 6.20 and 6.21 of the *Local Government Act 1995* and Regulations 20 and 21 of the *Local Government (Financial Management) Regulations 1996* refer to a Local Government's power to borrow. The financial model for either a Civic and Administration building, or a Civic and Administration building including a multi-functional civic centre and performing arts space, would include borrowings and therefore these sections of the Act and associated Regulations would apply.

RELEVANT PLANS AND POLICIES

Both the Civic and Administration Building and a Performing Arts Space are recognised in the City's four-year Corporate Business Plan for 2014/15 to 2017/18. The recommendations in this report are consistent with the corporate actions in that plan.

City Administration Centre Redevelopment

Design and construct a redeveloped City Civic and Administration Centre on the current site that meets the needs of a growing community.

Performing Arts / Convention Centre

Progress the business case for the design and development of a performing arts space / convention centre.

Further investigation of the establishment of a Performing Arts / Convention Centre is also specifically referenced in the Strategic Community Plan 2013 as a Council strategy to meet the community's objectives under achieving an attractive City offering great places and facilities promoting an enjoyable and enriched lifestyle.

FINANCIAL IMPLICATIONS

Provision has been made in the City's Long-term Financial Plan (LTFP) for the Civic and Administration Building in accordance with the financial model that was advertised with the proposal. Therefore, if the MCC is included, it would also be formally included in the LTFP. It is noted that the LTFP is currently under review. There is some capacity in the plan for the Council to consider other priority projects that it may wish to pursue. On that basis, if the MCC did not proceed, there would be an opportunity to include a PAC in future years of the LTFP.

When the Civic and Administration and MCC proposals were advertised, the following rating scenario was described. "If the project proceeds in accordance with the financial model presented, three rate increases of 1.25% would be required (2014/15, 2015/16 and 2016/17) for the capital infrastructure of the new facility followed by 0.5% in 2017/18 to provide for funding to operate the Multi-functional Civic Centre with Performing Arts Space. This is in addition to rate increases already identified in the Long-term Financial Plan predicted at 3% to cover CPI based on a 10 year average and 1% for the Road Asset Renewal Program. Therefore, if the Civic and Administration Facility and MCC proceeds, the rate increases will be 5.25% in 2014/15, 2015/16 and 2016/17 and 4.5% in 2017/18."

The table below was provided to demonstrate the typical impact that this would have on general rates, using an example base rate. The first section demonstrated the total rating increase including the portion for the Civic and Administration and MCC facilities. The second section identified that portion only attributable to the project.

Financial Year	Project Year	Full % rate increase	Example Base rate	Portion of rate increase to cover project	Amount attributable to project per year
2013/14			\$1570		
2014/15	Year 1	5.25%	\$1652	1.25%	\$20
2015/16	Year 2	5.25%	\$1739	1.25%	\$41
2016/17	Year 3	5.25%	\$1830	1.25%	\$63
2017/18	Year 4	4.5%	\$1913	0.5%	\$72
TOTAL			\$343		\$196

The following statements reflect the information provided in the table above.

- The average ratepayer currently pays \$1570 in rates.
- Rates would increase by a total of \$343 to an average of \$1913 over the next four financial years to cover CPI, the road asset renewal program and the Civic and Administration and Multi-functional Civic Centre project. This would be \$82 in 2014/15, followed by \$87 in 2015/16, then \$91 in 2016/17 and \$83 in 2017/18.

- The Civic and Administration and MCC project actually contributes to \$196 of that increase over the period of the four years. This consists of \$20 in 2014/15, another \$21 to total \$41 in 2015/16, another \$22 to total \$63 in 2016/17 and then another \$9 to total \$72 in 2017/18.

It is noted that further refinement of the funding model has occurred through the budget development process for 2014/15, but this does not materially affect any predicated rate increases. There are three potential proposals discussed as part of this report, being a Civic and Administration Facility with an MCC at \$28 million, a Civic and Administration Facility with a civic and community use function space at \$23 million and a standalone Performing Arts Centre valued at around \$15 million.

STRATEGIC COMMUNITY OBJECTIVES

The Civic and Administration Building and the MCC and/or PAC support the following community objectives in the City's Strategic Community Plan.

- An organisation that is managed effectively and achieves positive outcomes for the community; and
- A City where the community has access to quality cultural, recreation, leisure facilities and services.

RISK ASSESSMENT

The risks associated with the Civic and Administration Building aspects of this proposal have been assessed throughout the life of the project, with controls to mitigate these risks having been built into the project and contract management practices. Therefore, the risks to be assessed at this stage of the project are those associated with the aspects of the proposal that relate to the provision to the community facilities that satisfy the requirement for a performing arts facility.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Under-utilisation of the performance facility MCC or PAC	Location; Complementary facilities in vicinity; Accessibility; Full functionality.	Major	Possible	High
Inability to secure Lot 450 for PAC	Continue negotiations with DPaW.	Major	Possible	High
Increased construction costs of PAC beyond estimation	Undertake PAC business case; prepare detailed designs and QS; undertake tender process.	Major	Unlikely	High
Significant operational deficit of PAC	Undertake PAC business case.	Moderate	Unlikely	Medium
Potential lack of support for a future PAC if an MCC is built	Prioritise spend on arts requirements.	Moderate	Possible	Medium

CONSULTATION

An information paper entitled "Consideration of Civic and Administration Building and Multi-functional Civic Centre Plans" was released to the community in April 2014 along with the concept plans that had been developed. A survey that had been developed in conjunction with the

Councillors was also included. The community was asked to answer some specific questions and to provide comments in relation to the plans.

The format of the survey is included below and the results from that consultative process are included in full as an attachment to this report.

<p>1. Civic Administration Building: Do you think Council should proceed with the redevelopment of its current administration facilities? <i>(tick box)</i></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Preference</p> <p>Comments:</p>
<p>2. Multi-functional Civic Centre with Performing Arts Space: Do you think Council should proceed to develop a Multi-Functional Civic Centre with Performing Arts Space in conjunction with the redevelopment of the Civic Administration Building? <i>(tick box)</i></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Preference</p> <p>Comments:</p>
<p>3. How strongly do you agree or disagree with the following statements <i>(tick box)</i></p> <p>a) The City of Busselton needs to provide new and upgraded administration facilities for the growing community.</p> <p><input type="checkbox"/> Strongly Agree <input type="checkbox"/> Agree <input type="checkbox"/> Neither <input type="checkbox"/> Disagree <input type="checkbox"/> Strongly Disagree</p> <p>b) The City of Busselton needs a Multi-functional Civic facility that can be used by the community for a wide range of uses including performances, events, conferences, exhibitions and productions.</p> <p><input type="checkbox"/> Strongly Agree <input type="checkbox"/> Agree <input type="checkbox"/> Neither <input type="checkbox"/> Disagree <input type="checkbox"/> Strongly Disagree</p> <p>c) I accept that my rates would be increased as indicated if the project proceeded.</p> <p><input type="checkbox"/> Strongly Agree <input type="checkbox"/> Agree <input type="checkbox"/> Neither <input type="checkbox"/> Disagree <input type="checkbox"/> Strongly Disagree</p> <p>Tell us what you think. What do you like about the proposal and what don't you like?</p>

Given that the consultation undertaken was about two separate but complementary aspects to a proposal, it is considered relevant to identify where someone answered yes to both questions 1 and 2, which indicated support or opposition for the Civic and Administration Building and separately the MCC, or a combination of yes and no preference to both questions which demonstrates a fair level of satisfaction. This consists of 46% of respondents who were not opposed to either aspect. From the remaining respondents, of those that did not support the MCC inclusion, 46 respondents actively supported or did not oppose the Civic and Administration Building. Of those who did not support the Civic and Administration Building, only 13 actively supported or did not oppose the MCC.

Question 3 was designed to provide further information as to the level of support for the particular aspects of the proposal. There are several observations worth considering as a result of the analysis of the basic numerical data that is presented as an attachment to this report alongside the more detailed list of submissions.

As can be seen from the basic numerical snapshot that has been provided, 272 people responded to the City's request for submissions. This is not a significant number in terms of the population of the City of Busselton. It is however, a good response in terms of the number of respondents who historically respond to City initiatives. Further to this, it must be noted that the redevelopment or replacement of administrative facilities are notoriously contentious issues in the local government industry. The fact that more people did not respond to oppose this aspect of the project and only 37% of those who responded opposed this aspect of the project, it is considered fair to make the

assessment that there is a level of acceptance in the community that there needs to be something done something about the Council's current Civic and Administration Centre.

With regard to the Civic and Administration facility, just under 56% of respondents supported the redevelopment of facilities at the current location (another 20 respondents had no preference). This totalled 63% who did not oppose the project. The same percentage of respondents strongly agreed or agreed to the need for new and upgraded administration facilities for a growing community.

On the other hand, 45% of respondents supported the inclusion of the MCC (another 16 respondents had no preference). This totalled 51% who did not oppose the project, which increased to nearly 54% who strongly agreed or agreed that the City needed an MCC-style facility. Early on in the analysis it was felt that this increase was potentially due to there being a number of respondents who supported such a facility but had concerns about the proposed co-location.

In this regard, it can be demonstrated from the more detailed schedule of submissions that of those who stated that they did not support the inclusion of an MCC in the Civic and Administration Building proposal (133) there were at least 40 of those respondents who alluded to a preference for a standalone performance facility, many of which identified the cultural precinct location.

It can be concluded that there are strong themes emerging from the consultation outcomes, that the community generally accepts the need for a redeveloped Civic and Administration facility, and has a desire for performance facilities to be adequately and properly planned for in another location, with the Cultural Precinct the strong contender. Several of those respondents who supported the MCC also made comments alluding to this preference and longer-term target.

As the final aspect to the specific consultation outcomes 46.5% of respondents strongly agreed or agreed that they accepted the rate increases put forward to assist with funding the proposal. Another 43% disagreed or strongly disagreed with this aspect, with the remaining 10.5% not having a position on this matter.

The schedule of submissions identifies the following issues that need to be addressed:

- Preference for a Performing Arts Centre in the Cultural Precinct;
- The cost of the project and the associated rate increases;
- Lack of parking on the current site, congestion and extensive site coverage limiting expansion possibilities on the Southern Drive site; and
- Other more important projects and priorities, with the Busselton Foreshore and road and traffic concerns the main two.

In addition to the 272 responses in the submission format, the City also received five letters of submission with regard to this proposal. These people, who for various reasons did not want to be confined to responding to the City's survey, chose to pen their own letters and these have been made available for Councillors to review.

1. Proposed that Ford Road needed to be completed;
2. Identified that the proposal should be deferred and looked at again in a few years due to concerns with rate increases;
3. Proposed that the Southern Drive site be used only for the purposes of an entertainment centre and the Civic and Administration facilities be moved to site of the City depot and the depot relocated accordingly;
4. Proposed that an entertainment centre be located on the "soon to be vacant outdoor cinema land"; and
5. Stated a rebuilding program is needed for the Civic and Administration building but did not want to see the proposed plan accepted.

OFFICER COMMENT

The purpose of this report is to consider the submissions made in response to the Council's advertised intention to commit to a civic administration project and to indicate its intention to include a multi-functional civic centre/performing arts space as a component of the design and building process of that project. The schedule of submissions attached includes highlighted sections where common themes are raised throughout the additional comments provided. These were:

- Preference for a Performing Arts Centre and / or an alternative location (47 mentions);
- Concerns about the total cost of the project and / or the rate increases proposed (56 mentions);
- Concerns about traffic and parking at the Southern Drive site and / or congestion and site coverage with a lack of expansion space (36 mentions);
- Suggestions that there were important priorities for Council funding (41 mentions).

Issues Analysis

An alternative location and desire for a Performing Arts Centre

It was always identified during the advertising process that the MCC facility would not be a fully dedicated performing arts centre. The information paper included the following quote: "The MCC is not intended to be a dedicated performing arts centre as contemplated for the site currently occupied by the Department of Parks and Wildlife in Queen Street. It is intended to provide a space that facilitates performance and other uses for around 300 people as an interim measure until the growth and development of the City of Busselton is such that a dedicated facility may be required in the future. Should this occur the MCC would have a continuing role as a community civic centre."

Significant work had already been undertaken towards the feasibility of a Performing Arts Centre, with the Pegasus report that was completed in 2008 and the joint *Capes Regional Arts and Cultural Facilities Needs Assessment* in 2012. At that time, a dedicated Performing Arts Centre was costed at upwards of \$23 million plus. During the advertising of the proposed MCC, one of the City's panel architects not involved in the Administration Building process, who was appointed during the tender process due to their specialist knowledge of PACs, approached the City and offered some assistance and advice which has given City officers confidence that a dedicated Performing Arts Centre at a minimum of 400 seats could be achieved in the vicinity of \$15 million on the Queen Street site.

In addition to this, the City had been undertaking further research as to the key elements that need to be considered to ensure the successful operation of a facility of this type, either in the form of an MCC or a PAC. The risk assessment included in this report highlights those matters that are considered critical to ensuring full utilisation of any performance facility, and therefore financial viability. These are listed as location, complementary facilities in the vicinity, accessibility and full functionality. These matters are highlighted in some of the research material that has been utilised.

There was a strong theme throughout the consultation results of a preference for the Queen Street location and this was perhaps summed up best by the submission made by the Busselton Repertory Club who would be one of the major community key stakeholders in any new facility: "*Busselton Repertory Club's first preference has always been to have a PAC/MCC built to complete the cultural precinct, Queen Street, Busselton.*"

Reference is made to a report entitled "*Oh You Beautiful Stage*" – *Australian Design and Technical Benchmarks for Performing Arts Centres – Edition 3 – Produced by the Victorian Association of Performing Arts Centres*. This is described as a unique guide combining general advice with specific, detailed information about successful theatre design and project processes, put together by passionate theatre design practitioners and operators. It is intended to help the owners, initiators

and designers of theatres to make their renovation, upgrade or new build projects as successful as possible.

This report identifies that PACs can be a single theatre or can involve numerous spaces for community use ranging from meeting, functions, rehearsal, theatres, recitals and studios, and their attendant support facilities. The report describes modern performing arts facilities in Australia as suffering from civic pride syndrome. "As they were built by public bodies rather than theatre entrepreneurs they were often treated as Civic monuments rather than places of (sometimes risqué) entertainment, as was the case with the old theatres that we all love. As a result, these performing arts centres were often:

- located on civic sites instead of the high street;
- built to look like Council office buildings;
- combined with Council facilities like offices, health clinics, surrounded by car parks often miles from where people – and public transport – are found."

The report alludes to limited success of some of these venues for these reasons. In accordance with these factors, the Council's previously endorsed location for a performance facility, being Lot 450 Queen Street in the Cultural Precinct is considered a more appropriate location for reasons of the complementary facilities in the vicinity and the capacity to build a more fully functional performance facility at that site. A large part of this is the 2,435m² available on Lot 450 Queen Street as opposed to the approximate 800m² to 1,000m² at the current site of the Civic and Administration facility available for the MCC space.

In this regard, the functionality sought from a performance facility and recommended by the theatre architect who has undertaken some preliminary costings for the City, is along the lines of a Proscenium Theatre (refer Attachment F). Proscenium theatres are for the presentation of drama, dance or musical productions usually involving scene changes or varying stage "dressing", masking and so on. These venues are suitable for drama, opera, musical productions and dance, which are typical of the performance needs for regional communities.

They comprise two adjoining spaces, the audience occupying one, looking through the proscenium opening to performers on the stage. Additional space is required on the stage outside the visible acting area for change of scenery, masking equipment and off-stage cast crew. The conventional, and preferred arrangement, has sufficient height over the stage to raise (that is, 'fly') out of sight those items not required for a particular scene. This is the full flying option within the benchmark. Some productions use free-standing sets or other means of set change which can be reasonably accommodated without full flying height, provided there is sufficient off-stage area as either wider wing space or rear stage. The Benchmarks include this variation on the proscenium format. The ideal theatre caters for both approaches. The attached impression of a proscenium theatre includes retractable seating and therefore also provides the flexibility to be a multi-functional space in a flat floor format.

It is noted that the performance facilities proposed for the MCC were not to this standard and given space constraints on the Civic and Administration facility site provided limited staging and back of house facilities in the current proposal, due to the restrictive nature of not being able to encroach on the river foreshore environment. In addition to this, the 800m² to 1,000m² site if not utilised for an MCC provides flexibility for consideration for further expansion of any Civic and Administration facilities should the need arise in future beyond the current planning horizon.

Concerns about total cost and rate increases

There were a number of respondents to the survey who raised concerns with the cost of the proposed project and/or the associated rate increases. However, as noted previously in the

consultation section, it is evident that the number of respondents who strongly agreed or agreed to the acceptance of the rate increases was higher than those that strongly disagreed or disagreed.

While noting that there are concerns with the cost, it is also highlighted that there currently exists favourable borrowing conditions with a very low fixed interest rate and a highly competitive building environment, as was detailed in the information paper that was provided to the community. It is considered that those factors combine to ensure the proposal that has been put forward can deliver best value for money for the City, while also addressing the future growth.

The actual concept plans for the proposal have been advanced in such a way as to be mindful of the financial impost on the City's ratepayers, while also attempting to address the undeniable continued growth of this community. In this regard, the funding model takes into account inter-generational equity and ensures that future ratepayers will also be contributing to the costs of the facilities. As identified in the information paper, due to the continued growth of Busselton and its community, the City's workforce plan demonstrates modest growth in City staff numbers over the next 10-20 years. The administration facility redevelopment has been on the cards for a number of years, both to provide adequate and professional facilities for existing staff and also to provide for the projected growth.

The City of Busselton is set to become the most populous local government area in the South West. By just 2021 the City's population is forecast to be approaching 40,000 and the City will be delivering a range of facilities and services to 30% more residents and ratepayers, and then extending to a projected population of 55,000 by 2026. Against this background, the City has developed a Strategic Community Plan and Long-term Financial Plan as a guide for the next 10 years. The redevelopment of the City's administration facilities was provided for in the Long-term Financial Plan. As part of the proposal to consider the administration facility and a Multi-functional Civic Centre with Performing Arts Space, the Long-term Financial Plan was recast in draft. The plan demonstrates the City's capacity to fund the repayments associated with the administration building and MCC proposal. Further to this, additional draft recastings of the LTFP have also demonstrated the City's capacity to fund a PAC in the vicinity of \$15 million from 2017/18 onwards. Careful consideration has been given to not extending the proposed rate increases to levels previously experienced and to seek a balance between continued development of the community's assets to ensure social and economic wellbeing, and a considered approach to the rating capacity. At any time the LTFP has been recast, no rate increase exceeding 5.25% has been utilised. Within this considered target limit, the capacity to advance projects over the next 10 years has also been planned around achieving a sustainable debt servicing ratio within local government accounting limitations.

Traffic, parking and site congestion restricting future development potential at Southern Drive

There were a number of submissions that highlighted concerns relating to the traffic on Causeway Road, parking and site congestion in response to the proposal to include an MCC on the Southern Drive site. It is noted that the parking issue was to be partially addressed by the provision of additional parking facilities at Rotary Park, however, the concerns about the capacity of the site, even with this inclusion, are considered warranted. It has always been the case that the City would have to pursue parking solutions as part of the proposal.

Should the MCC not be included in the project, the demand on parking facilities would reduce and more space would be available for future expansion requirements beyond the current planning horizon. However, if the MCC were to be included, further parking solutions would be developed and the City would have various options in this regard, although they are currently subject to commercial confidentiality requirements. If the MCC is included, the future expansion requirements beyond the current planning horizon would be addressed with consideration of an additional floor on the proposed two-storey section of the administration building.

While something that would need to be actively managed to ensure adequate provision of parking, and the capacity for an MCC and Civic and Administration facility to co-exist, it is not considered to be a fatal flaw for the project.

Suggestions of more important priorities

A number of the submissions focused on there being more important priorities for the City. While a few different ideas were put forward, the strongest contenders in this regard were the continued development of the Busselton Foreshore and road network and traffic concerns. In this regard, the City's 2014/15 budget development process proceeded to a draft budget proposal with an intention of facilitating additional immediate funding for the continued development of the Busselton Foreshore, with a corresponding delay for the Civic and Administration Building (inclusive or not of an MCC) until 2015/16.

The draft budget (which is subject to final approval on 30 June 2014) development proceeded in accordance with the following directions:

- Delay the commencement of construction of the Civic and Administration facility and (if approved as part of the project) the Multi-functional Civic Centre and performing arts space until the 2015/16 financial year;
- Fund an additional \$5 million worth of foreshore works (taking the City's contribution up to \$10 million of a \$15 million project cost) in two to three years for the next stage Foreshore East (Youth and Community Activities Precinct).

In addition to that, the City is already actively addressing the requirement for road upgrades and access issues by pursuing the Road Asset Renewal program captured in years one through six of the LTFP and the long-term recommendations of the Busselton Traffic Study.

As a local government organisation that delivers a very wide-ranging scope of community facilities and services to a growing community, it is understood that there will always be competing priorities. It is for this reason that the City's Strategic Community Plan, Long-term Financial Plan and Corporate Business Plan have set out a strategic approach to achieve the various outcomes. Civic and Administration facilities must be considered as part of this process to ensure future capacity to continue to deliver the broad range of facilities and services, along with a range of other new and upgraded facilities that enhance the economic and social well-being of the District.

In this regard, the Civic and Administration Facility has been recognised as an organisational priority project, which will not always be on the top of the list for the community, but is required to be considered nonetheless. Having said this, the level of recognition through the survey of the need for something to be done, especially while the favourable borrowing and building conditions exist, was quite evident.

The Civic and Administration Building

In order for the Council to be given the opportunity to consider the concept plans for the Civic and Administration Facility either including an MCC or without an MCC, two sets of concept plans have been attached to this report. Attachment A is the proposal advertised by the Council to include an MCC at a probable cost estimate of \$28 million. The second concept at Attachment B removes the MCC and incorporates a redesign of the ground floor lower foyer area. This plan has a probable cost estimate of \$23 million and includes a hireable Civic and Community function area that will still deliver a future income stream. The plan allows for the inclusion of an MCC in the future if it was ever required, such that the redesign does not encroach into any space that was identified for an MCC.

The revised concept design that has been presented, which does not include an MCC, incorporates a redesign of the lower foyer area as a Civic and Community function space. In this regard, this returns community space that was previously provided for at the old Civic Centre and still provides for many of the uses that were previously identified for the MCC, but at a reduced cost. This includes receptions, presentations, exhibitions, ceremonies, seminars and meetings, but not the performance space, with the intention of not duplicating facilities for uses that would otherwise belong in a dedicated Performing Arts Centre.

The current main administration building was constructed in the early 1970s and, along with the previous Civic Centre, transportable office and converted house on the opposite side of Southern Drive, currently houses up to 170 employees with a relatively small area for elected members and public access. Having contemplated the need for redeveloped facilities some time ago, the City has not significantly developed the existing building since the most recent addition was made in 1997. This newest section is identified to remain as part of the redevelopment plans. The majority of the current building presents many challenges, having been built before computers and modern technology were contemplated.

The concept plans identify the replacement of the facilities that were built in the 1970s and the former Civic Centre with a combination of a new two-storey office accommodation section, which could be extended to three-storey in the longer-term, new three-storey office accommodation section with extended facilities for meetings and elected members. The new Civic Administration Building facilities as contemplated are designed to allow for sufficient meeting room, reception and storage space, currently critically short in the existing facilities, and for up to approximately 210 employees within a 10-20 year growth horizon.

Given the passage of time since the current building was constructed, some ad-hoc additions and upgrades over the years, and the growth of the municipality and therefore the number of employees in that time, there are a range of matters that will be addressed in the newly constructed and refurbished areas. This includes important Occupational Safety and Health and Access and Inclusion requirements. In addition, the new sections will be built an additional half metre above current floor levels to protect against future flood events and provide an option as an evacuation point in such an event.

A Multi-functional Civic Centre co-located with the administration building or the Queen Street site in the Cultural Precinct

Locating a future PAC within the Cultural Precinct brings with it many advantages over that of the proposed MCC location within the City Administration building site. While the latter brings with it an opportunity to create a significant gateway/entry statement into the City, the location somewhat compromises future opportunities to expand the MCC to include additional seat space, back of house and fly tower to cater for larger and/or high-end touring performances. This would limit the type of bookings and performances the MCC would attract and as such may result in an under-utilised asset; a significant risk identified in the Pegasus 2008 report.

Despite this site having the ability to activate the City entrance in hours that would otherwise remain relatively inactive, there is a perception that this location would create some separation from the CBD, and is some distance to amenities that are expected of patrons when attending performances and conferences, including but not limited to; restaurants, cafes and bars, accommodation (future Foreshore short-stay accommodation), parking, convenience outlets, etc. Upon comparing the operations of performance centres similar to that of the proposed MCC, it is anticipated that the net operational cost would be in the order of approximately \$250-300k per annum. While the Southern Drive site may lend itself to staffing cost efficiencies due to the potential synergies/co-location of the City's Administration and performance box-office staff, the potential savings are not considered significant, and is envisaged that this would be outweighed by the increased performance, conference and event bookings derived from the Cultural Precinct site.

The net operational burden of a PAC is therefore not considered significantly higher than that of the proposed MCC. Although with lower associated capital costs as a result of the economies of scale that can be achieved constructing the MCC as part of the Civic and Administration building, as a potential interim performing arts space solution, there is a significant risk that the investment of approximately \$5-6m would be a sunk cost if a future PAC is realised. The community could also run the risk that constructing an MCC on the Civic and Administration site could defer indefinitely a PAC being built as critics could argue that a facility has already been provided for the arts at a cost of millions and therefore there are other more important priorities for quite some time to come. The recommendations of this report attempt to secure Council support for a PAC and elevate its priority without investing in an MCC. With an MCC in place, the case for the Bunbury Regional Entertainment Centre being an alternative facility 40 minutes away is strengthened.

Home to key cultural organisations and facilities including the ArtGeo Cultural Complex, Courthouse Gallery, Artists in Residents program, Weld Theatre, and the Acting Up performance group, the Busselton Cultural Precinct is becoming increasingly recognised as a significant cultural venue within the South West. Identified as a key facility desired by the community, the development of a PAC located within this site would further enhance the precinct, and the City being recognised as one of the premier cultural destinations in regional Western Australia. Located within the Busselton CBD and adjacent to the Busselton Foreshore, the site is in close proximity to restaurants, cafes and bars, future high quality short-stay accommodation, and shopping amenities; conveniences expected by patrons, organisations and performances who would utilise the facility. The City has also invested approximately \$2 million recently in the streetscape in the Cultural Precinct to promote exhibition and performance areas that would complement a PAC.

The site also brings with it increased car-parking options compared to that of the Administration building site. Locating the PAC within this site would assist in activating the CBD and Foreshore areas on a year-round basis, providing some much needed stimulus to the region's tourism industry within non-peak periods. Whilst the Cultural Precinct site has a higher estimated construction cost compared to that of the Administration building site, the land size (at more than twice that available on the Civic and Administration site) and ability to draw upon and adapt to adjoining cultural spaces including the Courthouse Gallery and courtyard maximises the viability of the facility.

Recognising the City's vision to be 'The Events Capital of Regional WA', significant work and investment has been undertaken by the City, State Government and regional community to attract and develop existing events within the Busselton District. Capitalising on this and further enhancing the Busselton Foreshore redevelopment, the Foreshore has a dedicated events space that connects with the Cultural Precinct and CBD. A facility such as a dedicated PAC within the Cultural Precinct will value-add to the events space by creating an alternate venue that can attract a range of events and entertainment, reinforcing the City as 'The Events Capital of Regional WA'.

The City of Busselton has for a long time lacked a quality centrally located indoor conference facility, and as such has been unable to capitalise on the lucrative conference market. The proximity to accommodation, amenities, restaurants, culture, recreation, entertainment and transport are all key factors when considering a conference location. The Cultural Precinct site ticks all these boxes, with the ongoing foreshore redevelopment, including the attraction of commercial developments, short-stay accommodation and recreational opportunities adding value to the City as a conference destination.

The Cultural Precinct site does however have a current limitation, in that the development of the PAC on Lot 450 is dependent upon acquiring the land from the Department of Parks and Wildlife. Previously endorsed by Council as the preferred location for a PAC, the City has been undertaking ongoing negotiations with the Department to secure the land for this purpose. It was expected that this would occur through a Government-endorsed study of office space requirements, although this has not eventuated. Through recent correspondence with the Department, it is anticipated that the

prospect of the City securing this parcel of land within the short to medium term is possibly achievable, particularly if an exchange of land for the DPaW to relocate to another site can be achieved. The City should continue with these discussions. The site has minor limitations, in terms of access for delivery vehicles, however this can be overcome through the building design. The facility would also need to be designed so that it is sympathetic to the surrounds within the Precinct as there is a risk if not designed appropriately, that the building may impose on the existing Cultural landscape. However, there is also an opportunity to construct a landmark iconic building that ties the foreshore to the CBD.

Upon evaluation of the two sites for a future MCC/PAC, it is evident that the Cultural Precinct site brings with it significant advantages over that of the City Administration building site. As a hub for cultural activities, location within the CBD and Foreshore area, proximity to car parking and amenities, and flexibility to construct a purpose-built facility on a larger site and add-on as demand dictates, the advantages of the Cultural Precinct is obvious. This is also evidently the preferred outcome through the results of the survey that was undertaken by the City. As a newly proclaimed City with a pending upgrade to the Busselton Regional Airport to cater for interstate and future international air services, recent and ongoing investments into the Busselton Cultural Precinct, and Busselton and Dunsborough Foreshore redevelopments, and external multi-million dollar investment opportunities currently being realised, the Council now has the opportunity to capitalise on existing infrastructure by re-investing into the Cultural Precinct site, value-adding to the City's competitive advantages and further enhancing the City of Busselton.

CONCLUSION

It is considered that the City's Corporate Business Plan actions to design and construct a redeveloped City Civic and Administration Centre on the current site that meets the needs of a growing community and to progress the business case for the design and development of a performing arts space / convention centre are best achieved by keeping them as standalone purpose built facilities. The Civic and Administration facility should be located at 2 Southern Drive Busselton and a performing arts space / convention centre should be located in the Cultural Precinct in Queen Street, preferably on Lot 450.

Should the Council resolve in accordance with the Officer Recommendation, it is considered appropriate that the existing Administration Building Working Group would continue to work towards the finalisation of planning for this facility, with the formation of a Performing Arts Centre Working Group to be considered by Council in due course to ensure the achievement of the PAC related targets identified in the recommendation.

OPTIONS

The Council has the option of proceeding with the Civic and Administration Building and including the Multi-functional Civic Centre in that project (in accordance with the plan that was advertised to the community) and either considering that this meets the requirement for a Performing Arts Space, or intending to also pursue a PAC in the Cultural Precinct.

The Council has the option of proceeding with the Civic and Administration Building not including the Multi-functional Civic Centre at this time, but identifying an intention to complete this as an addition to the Civic and Administration Building at a later time.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

It is intended that the construction of a Civic and Administration Building would commence in 2015/16. All actions relating to those recommended for a Performing Arts Centre would occur as identified in the recommendation and be ongoing.

OFFICER RECOMMENDATION

That the Council:

1. does not include a Multi-functional Civic Centre in the construction of the Civic and Administration Building at 2 Southern Drive, Busselton;
2. endorses the concept plans of a Civic and Administration Building identified as Attachment B including a function room/community and civic use space in the lower foyer to be constructed in the 2015/16 financial year;
3. reconfirms its commitment to Lot 450 Queen Street, Busselton in the Cultural Precinct being its preferred site for a Performing Arts Centre based on a Proscenium Theatre design concept and continues land negotiations with the Department of Parks and Wildlife to secure the site;
4. endorses the concept of the proposed Performing Arts Centre located in the Cultural Precinct and it being elevated as a City of Busselton local priority project;
5. requires the Corporate Business Plan action for the development of a business case for the design and development of a performing arts space / convention centre to be for a Performing Arts Centre in the Cultural Precinct;
6. includes indicative funding for a Performing Arts Centre in the Long-Term Financial Plan from 2017/18 financial year onwards with design costs, construction over two years and operational costs, and that grant funding be actively sought for this project;
7. earmarks the proposed Performing Arts Centre project as a beneficiary of the proceeds of the sale of land surplus to the City's requirements in accordance with the Strategic Land Audit in recognition of its District-wide benefits.

Note: At this time Councillor Tuffin put forward an Alternative Motion for Council to proceed with the Civic and Administration building, including the Multi-functional Civic Centre.

MOTION

Moved Councillor T Tuffin, seconded Councillor R Bennett

That the Council:

1. Proceeds with the Civic and Administration building and concurrently includes the Multi-functional Civic Centre in that project in accordance with the plan that was advertised to the Community (Attachment A), while noting that this does not exclude the possibility of pursuing a dedicated Performing Arts Centre in the cultural precinct sometime in the future.

ABSOLUTE MAJORITY REQUIRED FOR RECOMMENDATION 2

2. Forms a Multi-functional Civic Centre Advisory Committee consisting of the Mayor or his/her representative and at least three other Councillors on the following terms:
 - a) the committee to have the power to invite members of the public to provide input if it deems that this would be helpful;
 - b) the function of this committee would be to liaise with the architect and Council to give him/her the advice of the Council on all aspects of the project. This advice would include such matters as the format of the Centre, the size and equipping of a commercial kitchen (if

any) the decor of the foyer and all other details associated with the project including the selection of any artwork and the design of the landscaped garden.

LOST 3/6	
FOR	AGAINST
Cr Tuffin	Cr Stubbs
Cr Bennett	Cr Henley
Cr Best	Cr McCallum
	Cr Bleechmore
	Cr Tarbotton
	Cr Green

Note: Because the Motion put forward by Councillor Tuffin was lost, debate returned to the Officer Recommendation.

MOTION / OFFICER RECOMMENDATION

Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council:

1. does not include a Multi-functional Civic Centre in the construction of the Civic and Administration Building at 2 Southern Drive, Busselton;
2. endorses the concept plans of a Civic and Administration Building identified as Attachment B including a function room/community and civic use space in the lower foyer to be constructed in the 2015/16 financial year;
3. reconfirms its commitment to Lot 450 Queen Street, Busselton in the Cultural Precinct being its preferred site for a Performing Arts Centre based on a Proscenium Theatre design concept and continues land negotiations with the Department of Parks and Wildlife to secure the site;
4. endorses the concept of the proposed Performing Arts Centre located in the Cultural Precinct and it being elevated as a City of Busselton local priority project;
5. requires the Corporate Business Plan action for the development of a business case for the design and development of a performing arts space / convention centre to be for a Performing Arts Centre in the Cultural Precinct;
6. includes indicative funding for a Performing Arts Centre in the Long-Term Financial Plan from 2017/18 financial year onwards with design costs, construction over two years and operational costs, and that grant funding be actively sought for this project;
7. earmarks the proposed Performing Arts Centre project as a beneficiary of the proceeds of the sale of land surplus to the City's requirements in accordance with the Strategic Land Audit in recognition of its District-wide benefits.

AMENDMENT

Moved Councillor R Bennett, seconded Councillor T Tuffin

That the Motion be amended by deleting part 2 and inserting instead “puts the new administration building on hold until we look at options to provide ratepayers with a community centre”.

LOST 2/7	
FOR	AGAINST
Cr Bennett	Cr Stubbs
Cr Tuffin	Cr Henley
	Cr McCallum
	Cr Bleechmore
	Cr Tarbotton
	Cr Green
	Cr Best

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1407/186 Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council:

1. does not include a Multi-functional Civic Centre in the construction of the Civic and Administration Building at 2 Southern Drive, Busselton;
2. endorses the concept plans of a Civic and Administration Building identified as Attachment B including a function room/community and civic use space in the lower foyer to be constructed in the 2015/16 financial year;

CARRIED 8/1	
FOR	AGAINST
Cr Stubbs	Cr T Tuffin
Cr Henley	
Cr McCallum	
Cr Bleechmore	
Cr Bennett	
Cr Tarbotton	
Cr Green	
Cr Best	

C1407/187 Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

3. reconfirms its commitment to Lot 450 Queen Street, Busselton in the Cultural Precinct being its preferred site for a Performing Arts Centre based on a Proscenium Theatre design concept and continues land negotiations with the Department of Parks and Wildlife to secure the site;
4. endorses the concept of the proposed Performing Arts Centre located in the Cultural Precinct and it being elevated as a City of Busselton local priority project;
5. requires the Corporate Business Plan action for the development of a business case for the design and development of a performing arts space / convention centre to be for a Performing Arts Centre in the Cultural Precinct;
6. includes indicative funding for a Performing Arts Centre in the Long-Term Financial Plan from 2017/18 financial year onwards with design costs, construction over two years and operational costs, and that grant funding be actively sought for this project;

7. earmarks the proposed Performing Arts Centre project as a beneficiary of the proceeds of the sale of land surplus to the City's requirements in accordance with the Strategic Land Audit in recognition of its District-wide benefits.

CARRIED 9/0

15.2 COUNCILLORS' INFORMATION BULLETIN

This Item was considered earlier in the meeting as part of the En Bloc Resolution of Council. [\(C1407/184, page 42\)](#)

16. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

17. CONFIDENTIAL REPORTS

The reports listed below are of a confidential nature, in accordance with section 5.23(2) of the Local Government Act 1995. These reports have been provided to Councillors, the Chief Executive Officer and Directors only.

RECOMMENDATION

That the meeting is closed to members of the public to discuss the following items which are confidential for the reasons as shown.

17.1 REQUEST FOR TRANSFER - RESERVE 44384 FORD ROAD BUSSELTON

This report contains information of a confidential nature in accordance with Section 5.23(2)(e)(iii) of the Local Government Act 1995, as it contains information relating to a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government

17.1 REQUEST FOR TRANSFER - RESERVE 44384 FORD ROAD BUSSELTON

SUBJECT INDEX:	Development/ Planning Applications
STRATEGIC OBJECTIVE:	Growth is managed sustainably and our environment is protected and enhanced as we develop.
BUSINESS UNIT:	Planning and Development Services
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Policy Planner - Statutory Planning - Carly Rundle
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Confidential Council Report 10 July 2013 Attachment B Confidential Email from JR Clark Acknowledging Costs

This item is confidential in accordance with section 5.23(2) (e)(iii) of the Local Government Act 1995, as it contains information relating to a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1407/188 Moved Councillor G Bleachmore, seconded Councillor J McCallum

That the Council resolve:

1. To dispose of Reserve 44384 to Mr Clark at 5% of the unimproved value of the land, with all costs of disposal and transfer to freehold being met by Mr Clark.
2. That the valuation of Reserve 44384 accepted by the Minister of Land's for the disposal of Reserve 44384 into the City's ownership is considered a true indication of the unimproved value at the time of proposed disposition to Mr Clark.

3. To seek the Minister of Land's approval to dispose of Reserve 44384.
4. That the transfer to Mr Clark in fee simple will be conditional upon:
 - a) Mr Clark providing an upfront payment of \$15,000 for the City to use to meet any costs associated with the disposal of Reserve 44384 and transfer in fee simple to Mr Clark, any unspent funds will be returned to Mr Clark;
 - b) Mr Clark entering into a legal agreement with the City providing for:
 - i) Amalgamation of Reserve 44384 with the northern portion of Lot 9500;
 - ii) Ceding at no cost to the City, 10 metre wide strip along the southern boundary of Lot 9500;
 - iii) Engaging by Mr Clarke of a suitably qualified agent to manage the subdivision process;
 - iv) Transfer of Reserve 44384 into the sole ownership of Mr Clark;
 - v) Indemnifying the City for costs that may be borne by the City; and
 - vi) Acknowledging that the legal agreement and transfer of Reserve 44384 into Mr Clark's ownership is subject to public consultation and resolution of Council to support the method of disposal under Section 3.58 of the Local Government Act 1995.
4. To undertake community consultation of no less than 14 days inviting submissions regarding the intent of the City to dispose of Reserve 44384 to Mr Clark at the value of 5% of the unimproved value.
5. To include the Rezoning of Reserve 44384 from 'Recreation Reserve' to 'Residential R20' in the next omnibus amendment to the new Local Planning Scheme No. 21.

CARRIED 9/0

18. QUESTIONS FROM MEMBERS

Councillor Tuffin asked if progress had been made with the letters intended to be sent to the Minister for Training and Workforce Development, the Minister for Regional Development and the Member for Vasse, stating Council's strong support for the early development of a Busselton campus of the South West Institute of Technology and to request they work in partnership with universities when locating and designing the SWIT building, in accordance with the Council decision made at the 28 May 2014 Council meeting.

Response, Manager, Governance Services:

The Manager, Governance Services confirmed that the letters had been sent.

19. PUBLIC QUESTION TIME

Nil

20. NEXT MEETING DATE

Wednesday, 13 August 2014

21. CLOSURE

The meeting closed at 7.25pm

THESE MINUTES CONSISTING OF PAGES 1 TO 72 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 13 AUGUST 2014.

DATE: _____ PRESIDING MEMBER:
