

# **Council Agenda**

14 August 2019

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

city@busselton.wa.gov.au

#### **CITY OF BUSSELTON**

#### **MEETING NOTICE AND AGENDA – 14 AUGUST 2019**

#### TO: THE MAYOR AND COUNCILLORS

**NOTICE** is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Wednesday, 14 August 2019, commencing at 5.30pm.

Your attendance is respectfully requested.

#### **DISCLAIMER**

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

**PAUL NEEDHAM** 

**A/CHIEF EXECUTIVE OFFICER** 

2 August 2019

## **CITY OF BUSSELTON**

## AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 14 AUGUST 2019

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#### 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

#### 2. <u>ATTENDANCE</u>

**Apologies** 

**Approved Leave of Absence** 

- 3. PRAYER
- 4. <u>APPLICATION FOR LEAVE OF ABSENCE</u>
- 5. <u>DISCLOSURE OF INTERESTS</u>
- 6. <u>ANNOUNCEMENTS WITHOUT DISCUSSION</u>

**Announcements by the Presiding Member** 

#### 7. QUESTION TIME FOR PUBLIC

**Response to Previous Questions Taken on Notice** 

**Public Question Time For Public** 

#### 8. CONFIRMATION AND RECEIPT OF MINUTES

**Previous Council Meetings** 

8.1 Minutes of the Council Meeting held 31 July 2019

#### **RECOMMENDATION**

That the Minutes of the Council Meeting held 31 July 2019 be confirmed as a true and correct record.

#### 8.2 <u>Minutes of the Special Council Meeting held 31 July 2019</u>

#### **RECOMMENDATION**

That the Minutes of the Special Council Meeting held 31 July 2019 be confirmed as a true and correct record.

**Previous Committee Meetings** 

## **Committee Meetings**

8.3 <u>Minutes of the Finance Committee Meeting held 25 July 2019</u>

#### **RECOMMENDATION**

That the Minutes of the Finance Committee Meeting held 13 August 2019 be noted.

9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

**Petitions** 

**Presentations** 

**Deputations** 

- 10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)
- 11. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

#### 12. REPORTS OF COMMITTEE

## 12.1 <u>Finance Committee – 25/07/2019 - INSURANCE FOR THE BUSSELTON JETTY</u>

**SUBJECT INDEX:** Financial Management - Insurance Policies

**STRATEGIC OBJECTIVE:** Assets are well maintained and responsibly managed.

**BUSINESS UNIT:** Finance and Corporate Services

**ACTIVITY UNIT:** Finance and Corporate Services Support

**REPORTING OFFICER:** Director Finance and Corporate Services - Tony Nottle **AUTHORISING OFFICER:** Director Finance and Corporate Services - Tony Nottle

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Nil

This item was considered by the Finance Committee at its meeting on 25 July 2019 9.30am, the recommendations from which have been included in this report.

#### **PRÉCIS**

The Finance Committee is requested to acknowledge this report on a recent quotation for insurance options for the Busselton Jetty. Due to the concern around limited coverage from "actions by the sea" and the actual costs of premiums and excess, City staff have continued with the status quo to "self-insure" the Busselton Jetty.

#### **BACKGROUND**

The City currently has a license agreement with the Department of Transport dated October 2009 for the construction and operation of the Busselton Jetty. Clause 11.2(b)(ii) of the agreement states:

"To the extent that it is commercially practical to do so and to the level of cover that is commercially realistic by reference to the funding and resources available, the Licensee will take out an appropriate insurance policy to the replacement or reinstatement of the Busselton Jetty against the Insured Risks to commence on the Date of Practical Completion of the refurbishment works..."

In June 2012, the City sought consideration by the DoT that the City "self-insure" the Jetty due to the fact that insurance options still did not cover adequately for damage caused by water through action by the sea, tidal wave or high water. Quotations that were received indicated an extremely high excess (up to \$6,000,000). The DoT responded in August 2012 advising that this would be acceptable. They also requested that they continue to be advised on future progress on the insurance situation.

Council considered a report specifically on the insurance of the Busselton Jetty in May 2013 and resolved (C1306/158):

#### That the Council:

- 1. seeks approval for self-insurance of the Jetty from the Department of Transport that includes an annual contribution to the Jetty Maintenance Reserve for that purpose.
- 2. includes in the 2013/14 budget an allocation of \$60,000 to the Jetty Maintenance Reserve with an annual CPI incremental increase for the purposes of self-insuring the jetty.
- 3. adds the Busselton Jetty to the City's insurance scheme and seeks a formal valuation of the structure in the event that the Department of Transport rejects the City's proposal for self-insurance and uses the budget allocation for self-insurance for insurance premiums.

The DoT agreed to the then Shire's requests as per points 1 and 2.

In May 2014, the City sent correspondence to the Department of Transport notifying them that after seeking advice through its insurance broker, the City did not consider that it was commercially practical to take out an insurance policy for the replacement or the reinstatement of the Busselton Jetty.

As such the City has continued to allocate approximately \$60,000 per annum to the Busselton Jetty Insurance Reserve to insure against damage, rather than sign up to a specific policy.

The City has, over a number of years, continued to test the market via Local Government Insurance Services (LGIS), the results of which have shown that it has not been commercially viable to insure the jetty via means other than the status quo. City staff have once again requested LGIS to investigate the private market and consider an insurance policy for the Busselton Jetty.

#### STATUTORY ENVIRONMENT

The City of Busselton has a license for the erection, construction and maintenance for the Busselton Jetty from the DoT under section 7 of the *Jetties Act 1926*. The Jetty is constructed on Reserve 46715 which is Crown land reserved under section 41 of the *Land Administration Act 1997* for the purposes of "Recreation, Tourism and Heritage Protection."

The City of Busselton Jetties Local Law 2014 provides management and control of activities on the jetties as defined within the Local Law.

#### **RELEVANT PLANS AND POLICIES**

The Busselton Jetty is central to the Busselton Foreshore Masterplan.

#### **FINANCIAL IMPLICATIONS**

The most recent advice in relation to the insurance of the Busselton Jetty indicates that LGIS could insure the Jetty under the current Property Scheme under the following conditions, particularly due to the type of asset:

- Assuming the liability of the Jetty is approximately \$60,000,000 (subject to a valuation);
- Included under the City's property schedule (Property Scheme);
- Standard annual aggregate of \$1,000,000 per Jetty for action by the sea;
- Total limit on all assets claimed (including Jetty) for any 1 event would be \$5,000,000;
- Jetty would be fully covered for earthquake, fire, cyclone, lightening etc;
- Annual contribution to add the Busselton Jetty would be \$78,000 plus GST;
- Subject to a minimum deductable excess of \$250,000; and
- On a short term arrangement to be re-assessed next year.

In summary, the most that the City of Busselton could claim for damage to the Jetty from action by the sea would be \$1,000,000 with a deductable excess of \$250,000. The value of the Jetty is estimated at around \$50,000,000, noting an appropriate valuation would need to be obtained to clarify this.

If the Busselton Jetty was damaged due to actions by the sea, it is highly likely that other jetties such as Quindalup, Dolphin Road etc. would also be damaged, along with a large amount of coastal infrastructure. As the maximum amount for any one event is \$5,000,000, it is probable that the City could still be at financial risk.

The current balance as at 1 July 2019 for the Jetty Insurance Reserve is \$365,698.

#### LONG-TERM FINANCIAL PLAN IMPLICATIONS

The current LTFP allows for transfers of the amount of \$60,000 per annum (indexed) to the Busselton Jetty Insurance Reserve annually for the life of the plan. These funds are able to be used for repairs to the Jetty should damage occur.

#### STRATEGIC COMMUNITY OBJECTIVES

This proposal aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.4** – 'Assets are well maintained and responsibly managed'.

#### **RISK ASSESSMENT**

An assessment of the potential implications of implementing the officer recommendation, that is to continue to self-insure the Jetty, has been undertaken using the City's risk assessment framework.

The insurance proposal provided by LGIS is not considered to be an adequate treatment for this risk, as it will not, for the reasons outlined in this report, provide coverage which would adequately safeguard the financial risk to the City of an "action by the sea".

As outlined in the officer comment section of this report there are other risks associated with possible damage to the Jetty, primarily due to fire or damage as a result of impact from a water borne vessel, and the City not being able to adequately cover the costs of such damage. The risk of this is rated as medium (of major consequence but rare in terms of likelihood), and is expected to reduce over time as the City's Jetty reserve balances grow.

#### **CONSULTATION**

Correspondence with LGIS in relation to insurance cover has taken place over a period of time.

#### **OFFICER COMMENT**

The Finance Committee and Council has previously been provided with similar reports in relation to insurance of the Busselton Jetty. Scenarios were considered historically around the areas of risk for possible damage. These risks included usual insurable risks such as fire and damage from water borne vessels.

In a report to Council in June 2013, officers outlined the worst case scenarios of these types of risks. The report stated:

"In relation to fire risk, officers consider that the risk of fire damage is limited to the timber sections at the start of the jetty (Section 1, which is 150m long) and up to the Underwater Observatory (Section 7 which is 100m long). The fire would be unlikely to spread outside of these areas as the rest of the jetty deck is now concrete and the piles are in isolated lateral pairs, effectively removing the fire path along the length of the Jetty. In addition, Fire Management Plans are in place to cover the Jetty in event of a fire. A total loss of the timber sections would attract a replacement value of approximately \$1.8m per 100m. This equates to approximately \$2.7m for the Section 1 and \$1.8m for section 7. The inclusions for fire, debris, professional fees and additional reinstatement costs applied at the same rate as LGIS would lift costs to \$3.5m for Section 1 and \$2.3m for Section 7.

In relation to structural damage, the most likely scenario covered by the insured risk able to cause significant damage or destruction is impact from water borne vessels. The cost of replacement of the concrete deck sections of the jetty are approximately \$1.4m per 100m. The current construction of the Jetty is structurally independent meaning that only those damaged section/s and perhaps those adjacent would require repair. The worst case probable scenario considered during the review was if a large boat impacted the jetty destroying or significantly damaging 150m of the jetty structure. The total replacement of 150m would cost approximately \$2.1m and applying the same debris, professional fee and reinstatement costs as above would result in total costs in the vicinity of \$2.7m. It is considered that the likelihood of such an event occurring is relatively low. The proposed Jetty Local Law limits boating access to the Jetty which assists to reduce the risk."

The above information is still relevant today plus or minus CPI adjustments for construction costs.

Fire has previously been assessed as a tolerable and manageable risk, given the information documented above.

Seeing as "actions by the sea" are only covered up to a value of \$1,000,000 under the proposal from LGIS, and with a deductable excess of \$250,000, City officers are of the opinion that the proposal is not the most advantageous to the City.

The City's LTFP indicates that by 2029 the Jetty Insurance Reserve will reach a balance of \$1,340,000. As this reserve balance grows, so does the City's ability to adequately cover sections of the Jetty should damage be caused by a number of means, including wave action by the sea. While accepting the risks mentioned above, should the Jetty Insurance Reserve need to be accessed, it would also not jeopardise the financial caps put in place on the other jetty infrastructure within the City boundary.

#### **CONCLUSION**

Based on the fact that the option to insure under the LGIS Property Scheme would still provide limited cover for the Busselton Jetty, City officers have continued to maintain the status quo in in regards to self-insuring the Busselton Jetty. The Finance Committee is requested to note this report and that officers will continue to test the market via LGIS to continue to look for a commercially viable insurance solution.

### **OPTIONS**

The Committee could request City staff to investigate further insurance options on a regular basis in preparation for the 2020/2021 financial year.

#### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

This report is to be noted by Council at its next meeting on 14 August 2019.

#### COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council notes this report and information received regarding the potential insurance policy for the Busselton Jetty and continues to "self-insure" the Busselton Jetty as per Council resolution C1306/158.

#### 13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.1 <u>APPLICATION FOR DEVELOPMENT APPROVAL - DA19/0069 - MIXED USE DEVELOPMENT - LOT 400, NO.24 DUNN BAY ROAD, DUNSBOROUGH</u>

**STRATEGIC CONTEXT** Goal: 2. PLACE AND SPACES Vibrant, attractive, affordable

**Objective: 2.1** Planning strategies that foster the development of

healthy neighbourhoods that meet our needs as we grow.

**SUBJECT INDEX** Development Applications **BUSINESS UNIT:** Development Services

**REPORTING OFFICER:** Manager Development Services - Lee Reddell

**AUTHORISING OFFICER:** Director, Planning and Development Services - Paul Needham

NATURE OF DECISION Quasi-Judicial: to determine an application/matter that directly

affects a person's right and interests e.g. development applications, applications for other permits/licences, leases and other decisions

that may be appealable to the State Admin Tribunal.

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A LOCATION PLANS

Attachment B ZONING PLAN The Control of the Control

Attachment C ADVERTISING PLANS. Attachment D REVISED PLANS.

Attachment E R-CODES VOL 2 ASSESSMENT Attachment F SCHEDULE OF SUBMISSIONS

#### **OFFICER RECOMMENDATION**

#### That the Council:

- A. That application DA19/0069 submitted for development of Mixed Use Development (Multiple Dwellings, Holiday Home [Multiple/Grouped Dwelling] Restaurant/Cafes, Shops and Offices) is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- B. That Development Approval is issued for the proposal referred to (A) above subject to the following conditions –

#### **General conditions**

- 1. The development hereby approved shall be substantially commenced within two years from the date of this decision letter.
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans, and except as may be modified by the following conditions.

#### Prior to commencement of any works conditions

- 3. 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
  - 3.1 Details of the ground floor finished floor levels to achieve a minimum height of 20mm above the crest of Seymour Boulevard.

- 3.2 Minimum floor to ceiling height of 3.3m shall be achieved for the ground floor level.
- 3.3 Details of stormwater and surface water drainage. Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m³ per 40m² of impervious area.
- 3.4 Details of the proposed loading bay facilities on Seymour Boulevard.
- 3.5 Details of the proposed bicycle parking facilities. The details shall include, as a minimum, the location, design and materials to be used in their construction.
- 3.6 Details of utility connections. Utilities are to be integrated into the design of the building such that they are accessible for servicing but not visually obtrusive.
- 3.7 A contribution of \$15,130.36 towards Road Network Upgrading in the Dunsborough precinct.
- 3.8 A contribution of \$7,974.40 towards Dual Use Path Network Upgrading in the Dunsborough precinct.
- 3.9 A contribution of \$44,492.00 towards community facilities in the Dunsborough precinct.
- 3.10 A contribution of \$394,037.05 as cash-in-lieu of 37 parking bays not provided on-
- 3.11 Satisfactory arrangements shall be made with the City to provide public art works within the development. This entails compliance with the Percent for Art provisions of the City's *Development Contribution Policy* via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD") for the residential component. Where the value of on- site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required.
- 3.12 A schedule of the final materials, finishes and colours. The schedule shall include details of the type of materials proposed to be used, including their colour and texture.
- 3.13 A Waste Management Plan (WMP). The WMP shall include specifications of the methods, facilities and management measures to be put in place for the storage, collection and disposal/collection of waste and rubbish generated by the development.
- 3.14 A Construction Management Plan (CMP). The CMP shall address the following:
  - a. Access to and from the site;
  - b. Delivery of materials and equipment to the site;
  - c. Storage of materials and equipment on the site;
  - d. Parking arrangements for contractors and subcontractors;
  - e. Management of construction waste; and
  - f. Other matters likely to impact on the surrounding properties.
- 3.15 A Landscape Plan. The plan shall include the following:
  - a. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;

- b. any lawns to be established;
- c. any existing landscape areas to be retained;
- d. those areas to be reticulated or irrigated; and
- e. verge treatments.
- 3.16 A Tree Protection Plan (TPP) for the mature street tree to be retained on Chieftain Crescent as indicated on the approved site plan. The approved TPP shall be implemented before any of the substantive development is commenced and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within the areas so fenced, nothing shall be stored or placed, and the ground levels shall not be altered.

#### Prior to Occupation/Use of the Development Conditions

- 4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition 3 have been implemented; and, the following conditions have been complied with
  - 4.1 A minimum of 15 car parking bays to be made available and signed for the use of the 'Multiple Dwellings' or 'Holiday Home' component of the development with the remaining 9 car parking bays allocated as determined by the owner/s to apartments and tenancies within the development site only.
  - 4.2 Crossovers are to be located and constructed to the City's specifications.
  - 4.3 All vehicle parking, access ways, footpaths and external lighting shall be constructed in accordance with the Australian Standards AS2890 in the form and layout depicted on the approved plans to the satisfaction of the City.
  - 4.4 The surface finish of the boundary wall abutting the adjoining lot is to be finished externally to the same standard as the rest of the development, to the satisfaction of the City.
  - 4.5 Exterior lighting shall be provided under all awnings, in parking areas and all entry points, prior to occupation of the development.

#### **Ongoing conditions**

- 5. The works undertaken to satisfy Conditions 3 and 4 shall be subsequently maintained for the life of the development; and, the following conditions have been complied with
  - 5.1 The following uses are hereby permitted for the development:
    - a. 'Restaurant/Café', 'Shop' or 'Office' at ground floor level;
    - b. Car parking at first floor level;
    - c. 'Shop' or 'Office' at second floor level;
    - d. 'Multiple Dwelling' or 'Holiday Home (Multiple/Grouped Dwelling)' at third and fourth floor levels.

- 5.2 No signage is permitted above the ground floor façade of the building.
- 5.3 No roller doors or screens are permitted to be installed to the frontages of the ground floor commercial tenancies.
- 5.4 Landscaping and reticulation 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.
- 5.5 All glazing to street frontages is to be clear, non-tinted glazing and is not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the City.
- All services and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
- 5.7 Clothes drying shall not occur on open balconies at any time unless behind purpose built screening approved as part of the development.

#### **EXECUTIVE SUMMARY**

The City has received an application for a mixed use development incorporating up to 18 commercial tenancies and 14 apartments at 24 Dunn Bay Road, Dunsborough. Due to the nature of the issues requiring consideration and the level of community interest the application is being presented to Council for determination, rather than being determined by City officers acting under delegated authority.

Having considered the application, including submissions received, City officers consider that the application is consistent with the City of Busselton Local Planning Scheme No. 21 (the 'Scheme') and the broader, relevant planning framework, and it is recommended that the application is approved, subject to appropriate conditions, and in accordance with the revised plans submitted by the applicant with the aim of addressing some of the issues raised through public consultation.

#### **BACKGROUND**

The Council is asked to consider an application for a mixed use development at 24 Dunn Bay Road, Dunsborough. Key information regarding the application is set out below:

#### Landowner

Frandoco Pty Ltd

#### Applicant

Dane Design Australia

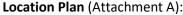
#### Site area

1750m<sup>2</sup>

#### General description of the site

No. 24 Dunn Bay Road has three street frontages being Dunn Bay Road to the north, Seymour Boulevard to the west and Chieftain Crescent to the south. The site is currently vacant and is located towards the eastern end of the Dunsborough town centre. The lot is bound by 'Centre' zoned land to the west, north and east which is developed with a mix of commercial uses including restaurants, shops, art galleries and tourism accommodation as well as a mix of residential development on Dunn Bay Road. To the south, on the opposite side of Chieftain Crescent, is Residential R80 (Additional Use 74) zoned land that is generally characterised by one and two storey dwellings, a number of which are used as registered Holiday Homes.

There are several public open space areas (parks and the foreshore) within easy walking distance of the site. A public car park with 2 hour time restrictions is located across Seymour Boulevard, with an all-day car park located approximately 130m south-west of the site.





Zoning Map (Attachment B):



#### Brief description of proposed development

The proposal can be summarised as follows:

- Five storey mixed use development with two commercial levels, two residential levels and one level of car parking;
- Up to 18 commercial tenancies on the ground and second floors of the building to be used for Restaurant/Café, Shop and Office purposes;
- Full level of car parking and storage at first floor with 24 car bays, including one accessible bay:
- 14 one and two bedroom Multiple Dwellings located on the third and fourth floors which may also be used for Holiday Home purposes;
- Maximum overall building height of approximately 18.5m above natural ground level;
- Main pedestrian entry to the building from Seymour Boulevard;
- Ramped vehicle access to the first floor car park provided from Chieftain Crescent;
- Service court provided at ground level, adjacent to and under the vehicle ramp; and
- A mix of materials including masonry, timber look cladding, render, green walls, large glazed shopfronts and windows, metal balustrades and decorative screening to the car parking.

#### **Revisions to Advertised Plans**

A number of revisions were made to the plans after the public advertising period in response to consultation. A copy of the plans that were advertised are provided at Attachment C, and a copy of the revised plans, which Council are being asked to consider for approval, are provided at Attachment D.

The revisions to the plans principally include:

- Introduction of an awning that projects over the public realm to assist in breaking up the bulk
  of the building and provide improved pedestrian amenity this change will be facilitated by
  the relocation of the bus bay on the eastern side of Seymour Boulevard which has been
  contemplated by the City previously but was not considered necessary at the time;
- Reduction in the depth of the roof profile to reduce perception of scale and mass;
- Canopy projections added to upper level northern and southern balconies to reduce the scale of the leading edge of the balconies and provide additional weather protection to floors below;
- Deletion of the central stair core, reducing the dominant vertical element on Seymour Boulevard;
- Lighter palette of colours and materials for the exterior facades;
- Reduction of one car bay in parking area to accommodate bin storage area;
- Deletion of ground level visitor bays and replacement with a deep soil planting area to enable canopy planting to provide shade for pedestrians and soften the appearance from the adjacent residential development and for people entering the town centre from Seymour Boulevard;
- Introduction of green planting walls to the exterior of the building;
- Use of louvres to screen the vehicle ramp and reduce headlight glare; and
- Minor changes to the servicing areas at ground level.

#### **OFFICER COMMENT**

The main issues considered relevant for detailed discussion in this report are the character and appearance of the development, car parking, traffic and access, the mix of uses and the impact on adjacent residential development. Each of these issues is addressed below.

#### **Height, Character and Appearance**

The proposed development comprises a five storey mixed use building, with a maximum height of approximately 18.5m high above natural ground level. While there are existing three storey residential and tourism developments within the town centre, the proposed building, should it be approved and constructed, would be the tallest development in Dunsborough to date.

While it is acknowledged that a number of objections raised concern with the proposed height of the building, citing concerns that the existing 'seaside village' look and feel of the town centre will be compromised, the Centre zoning anticipates medium density development, with the R-AC3 coding allowing up to 6 storeys or 21m in height as per Volume 2 of the R-Codes. The proposal therefore represents one storey and 2.5m less than the heights specifically supported by the zoning. It is further noted that Clause 4.8.1 of the Scheme contemplates maximum building heights of up to three storeys or 12m, on land more than 150m from the high water mark, except where otherwise provided for in the Scheme.

The design is considered an appropriate response within the Dunsborough town centre given future expectations regarding height that were established through the R-AC3 coding introduced by Scheme Amendment No. 1 in 2017. The proposed building height will not result in unreasonable visual bulk, privacy or shadowing impacts and will not adversely affect the streetscape character or pedestrian experience of the town centre. It is further noted that the Residential R80 / Additional Use 74 zoned lots at the edges of the Centre zone, including the lots on the southern side of Chieftain Crescent directly opposite the site, anticipate a mix of residential and commercial uses of up to four storeys in height and provide a transition between the Centre zone and the adjacent R15 residential lots.

The Dunsborough town centre is not considered to have a clearly defined architectural character, rather it includes a fairly eclectic mix of development including single-storey shopfronts, a big box supermarket and mall, commercial development wrapped with at grade car parking, contemporary mixed use development up to three storeys in height, tourism development and a mix of dwelling types. Arguably the 'character' of the Dunsborough town centre is more closely associated with the activity that occurs at the street level including active shopfronts, formal and informal alfresco dining, street art displays, events such as the markets in Lions Park etc.

In relation to the character and feel of the town centre, the proposal incorporates excellent passive surveillance and a good level of activity at ground level including a mix of tenancies suitable for food and beverage, shop or office purposes and will positively contribute to street level activation. The introduction of an awning which provides for pedestrian amenity, the potential mix of tenancies (some with alfresco space), extensive use of glazing for the commercial tenancies, above ground parking and the inclusion of residential windows and balconies facing the public realm ensure that the development will contribute to the sense of activity and safety on the street.

In relation to the physical appearance of the development, a high level of articulation is achieved with a mix of materials and colours, varied setbacks to shopfronts, walls and balconies, decorative screening to the car parking level and landscaping. The choice of materials, colours and finishes is considered to appropriately reference the broad coastal and landscape character of the area. Further, the building will be softened through the use of a street level awning (facilitated by the relocation of the adjacent bus bay on Seymour Boulevard) which assists in breaking up the bulk of the building, particularly from street level, the inclusion of a deep soil landscaping area in the southwest corner of the site where canopy planting can be achieved and the use of extensive green walls on the facades of the building.

Overall the proposal is considered to appropriately respond to the most important features of the varied town centre character, supports a positive pedestrian experience at ground level, provides a high level of articulation, reflects the future scale and character of the town centre envisaged by the zoning, represents an appropriate level of visual bulk from the public and private realms and contributes to a desired greening of the town centre and can be supported.

#### **Car Parking, Traffic and Access**

Clause 4.2.2 of LPP8A 'Car Parking Provisions' specifies that for development within the Business (now 'Centre') zone, 4 bays per 100m² of net lettable area (NLA) or 2.5 per 100m² of NLA for office uses only above ground floor is required for commercial uses, while residential parking shall be as per the R-Codes. Part 3.9 of the R-Codes specifies the provision of a minimum of 1 bay per one bedroom apartment and 1.25 bays per two+ bedroom apartment as well as 1 visitor bay per 4 dwellings up to 12 dwellings plus 1 visitor bay per 8 dwellings for the 13<sup>th</sup> dwelling and above.

The proposal includes a total commercial NLA at ground level of 728.43m² and at first floor of 633.48m². Using the office calculation for above ground tenancies which is considered appropriate for this development and site, the proposal generates a requirement for 29.1 bays for the ground level and 15.8 bays for the second floor, requiring a total of 45 bays for the commercial component of the development. The proposal also includes 10 x one bedroom apartments and 4 x two bedrooms apartments which generates a requirement of 19 bays (15 residential, 4 visitor) for the residential component of the development.

The applicant has indicated that they investigated the potential to excavate a basement car park on the site but the high water table and additional cost make this option unviable on this site. The proposal incorporates a total 24 car parking bays in the first floor car park which equates to a 40 bay shortfall. It is noted however that the revisions made to the plans after public consultation included the deletion of three visitor bays at the ground level of the development at the request of the City to enable the inclusion of a deep soil planting area for the site. Given the availability of public parking within easy walking distance of the site (including unrestricted parking) and the likelihood that demand for visitor parking associated with the residential component of the development will not significantly conflict with demand for public parking, the benefit of the deep soil landscaping area was considered to be of greater benefit to the development and the town centre generally than onsite visitor parking.

It is therefore considered reasonable to exclude the three deleted bays from the calculated shortfall, reducing it to a total of 37 parking bays.

Clause 4.2.3 of LPP8A indicates that development may provide up to 100% cash in lieu in limited circumstances. While it is acknowledged that there is often a shortage of bays within the town centre during busy periods, much of the time there is a surplus of car parking bays. Planning for peak parking demand is not a desirable urban design response as it often results in poor streetscape outcomes, with parking generally required to be accommodated at ground level, potentially reducing the benefits of active shopfronts and passive surveillance.

Clause 4.25.1 of the Scheme specifies that "the intent of providing for the payment of cash-in-lieu of the provision of parking is to encourage comprehensive, consolidated and co-ordinated development, to enable better and safer management of pedestrian and vehicular traffic and to facilitate the provision of strategically and conveniently-located public parking facilities".

While it is acknowledged that the proposed shortfall is significant, the cash-in-lieu contribution for 37 bays equates to \$394,407 (as per the current rate which is indexed quarterly) which may enable the City to move forward with the purchase of new land and/or make use of existing City owner land to construct additional public car parking within proximity to the Dunsborough town centre sooner than otherwise anticipated.

The benefits of allowing a reduced number of parking bays on the site are that a lower level of traffic will be generated by the development and any future car parking installed by the City resulting from the cash-in-lieu contribution is more likely to be genuinely available to the public, rather than just visitors to this particular site.

The proposed access to the site from Chieftain Crescent is supported on the basis that the Scheme restricts access from Dunn Bay Road, the width of the property makes a ramp from Seymour Boulevard impractical and Chieftain Crescent has lower traffic movements meaning that there is less likelihood of conflict on this street. While it is noted that the ramp will be close to the intersection of Seymour Boulevard and Chieftain Crescent, Chieftain Crescent is able to accommodate an increase in vehicle movements and it is not expected that any significant conflict between the development and the intersection will result.

#### Mix of Uses

In respect of the proposed commercial land uses, it is considered appropriate to allow flexibility at the ground level of the development to use any of the tenancies for 'Restaurant/Café', 'Shop' or 'Office' as per the proposed uses listed in the development application. At the second floor of the development however, given the potential conflict between more noisy commercial uses (such as a Restaurant/Café) and the apartments on the floor above, it is considered appropriate to restrict uses at this level to 'Shop' and 'Office' purposes. A change of use application may be lodged with the City should a future tenant wish to carry out another commercial land use on this level, with potential amenity impacts considered as part of that application process.

It is expected that the mix of uses included in the development will generate an increased demand for other commercial services in the town centre. The provision of additional office space within the town centre for instance will generate extra activity for the nearby cafes, shops, banks, post office and business service providers. The complimentary activity that additional residential and commercial space in the town centre creates for other businesses is encouraged by the planning framework for the Centre zone through plot ratio bonuses provided for development that incorporates a range of uses and should be supported.

It is noted that the applicant has indicated an intention to use the apartments for either residential and/or short stay accommodation ('Holiday Home') purposes dependent on conditions at the time of completion. Given the site's location within the town centre, the likelihood that use for short stay accommodation will not negatively affect the amenity of any adjacent property, and the provision of residential car parking in accordance with the standard specified by the R-Codes, it is considered reasonable to allow the apartments to be utilised for either residential or short-stay purposes. This prevents the need for additional 'change of use' applications to be sought at a later date and provides a greater level of flexibility regarding uses. Holiday Home use would however still require registration under the City's Holiday Homes Local Law.

#### **Impacts on Adjacent Residential Development**

The proposal is not expected to have any unreasonable impacts on adjacent development by virtue of the site's location within the Centre zone, where more substantial development is expected, and the separation provided to the nearest residential properties on the southern side of Chieftain Crescent.

In respect to the relationship with the residential properties on the southern side of Chieftain Crescent, it is noted that a setback in excess of 11m is provided from the Chieftain Crescent boundary to the southern side of the development which assists in reducing the visual bulk impact of the building. The deep soil landscaping area in the south-west corner of the site will allow for canopy planting, and assist in softening development from the adjacent residential area. Further, the proposed use of louvres to the vehicle ramp will reduce headlight glare from vehicles exiting the property.

Traffic movement on Chieftain Crescent will increase as a result of the development however the limited number of parking bays to be provided on site ensures that this is kept to a minimum. The proposed development is considered a sensitive response to the residential abuttals and can be supported in this regard.

#### **Statutory Environment**

The key statutory environment is set out in the Scheme, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), Schedule 2 of which is the 'deemed provisions', which also functionally form part of the Scheme and State Planning Policy 7.3, Residential Design Guidelines, Volume 2 – Apartments. Key aspects of the Scheme, Regulations and Residential Design Codes relevant to consideration of the application are set out below.

#### Zoning

The site is zoned 'Centre'. The objectives of the 'Centre' zone are as follows -

- To provide a genuine centre of community life, socially, culturally and economically.
- To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.
- c. To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses.
- d. To provide for medium to high density residential development.

The proposal is considered to satisfy the objectives of the zone. It is noted that the zoning has recently changed from 'Business' to 'Centre' through the gazettal of Scheme Amendment No. 29 on 7 June 2019. The objectives of the 'Centre' zone have been simplified and are more high level than the previous objectives and policies of the 'Business' zone but are broadly similar in their intent. It is noted that Scheme Amendment 29 also introduced specific development provisions for the Dunsborough town centre, at Part 4.21 of the Scheme.

#### **Special Control Area designation/s**

The site is subject to the 'Drive-Through Facility' Special Control Area. The proposal does not incorporate a drive-through facility and as such, the provisions of the Special Control Area are not relevant to this assessment.

#### Land-use and permissibility

The proposed development includes a mix of land uses which are defined as follows –

"Multiple Dwelling" a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but:

- Does not include a grouped dwelling; and
- Includes any dwellings above the ground floor in a mixed use development.

"Holiday Home (Multiple/Grouped Dwelling)" means a grouped dwelling or multiple dwelling, which may also be used for short stay accommodation for hire or reward for no more than six people (but does not include a bed and breakfast, chalet, guesthouse, rural tourist accommodation or tourist accommodation).

"Office" means premises used for administration, clerical, technical, professional or similar business activities.

"Restaurant/Café" means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988.

**"Shop"** means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.

Multiple Dwelling is identified as a 'D' or discretionary use within the Centre zone.

Holiday Home is identified as an 'A' or advertised use within the Centre zone.

Office, Restaurant/Café and Shop are all 'P' or permitted uses within the Centre zone.

#### Matters to be considered

Clause 67 of the deemed provisions within the Regulations sets out 'matters to be considered' by a local government in considering an application for development approval. The following matters are considered to be relevant to consideration of this application -

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;...
- (g) any local planning policy for the Scheme area;...
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following
  - i. environmental impacts of the development;
  - ii. the character of the locality;
  - iii. social impacts of the development;...
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...
- (s) the adequacy of
  - i. the proposed means of access to and egress from the site; and
  - ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) 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 on traffic flow and safety;
- (u) the availability and adequacy for the development of the following
  - i. public transport services;
  - ii. public utility services;
  - iii. storage, management and collection of waste;
  - iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) access by older people and people with disability;...
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

- (y) any submissions received on the application;...
- (z) any other planning consideration the local government considers appropriate.

The proposal generally complies with the relevant provisions noted above.

#### **Residential Design Codes - Volume 2 Apartments**

State Planning Policy 7.3 'Residential Design Codes - Volume 2 Apartments' applies to apartment and mixed-use developments and focuses on improved design outcomes. SPP7.3 replaces Part 6 of the R-codes which previously addressed design of multiple dwelling development.

The proposal generally satisfies the acceptable outcomes and/or element objectives of the guidelines and copy of the assessment can be found at Attachment E.

#### **Development standards**

Clause 4.21.1 of the Scheme details provisions for development in the Regional Centre and Centre zones. The proposal is considered to generally comply with these provisions -

- (a) No residential uses shall be permitted at ground floor fronting Queen Street and Prince Street, Busselton and Dunn Bay Road and Naturaliste Terrace, Dunsborough;
- (b) A nil front setback is to be provided to the development, unless otherwise designated in an Activity Centre Plan, or the development is providing for an associated alfresco space within the setback;
- (c) Buildings shall be articulated to break up perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage;
- (d) At the ground floor level, developments shall address the street with a primary business entrance and a shop front façade;
- (e) Ground floor commercial uses shall incorporate transparent glazing for 70% of all building frontages to adjacent streets;
- (f) Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;
- (g) A minimum ceiling height of 3.3 metres shall be achieved for the ground floor level, whilst all other floors shall achieve a minimum ceiling height of 2.7 metres;
- (h) Roller doors or screens of solid material on shop fronts will not be permitted, security measures should be located and installed internally behind the glazing line;
- (i) Pedestrian shelter, through the provision of a verandah, awning or the like, shall be provided over the public footpath for the full width of the lot frontage;
- (j) No vehicle accessways or carparking shall be provided between buildings and the street, or be visible from the street, unless required to provide access to car parking or loading areas behind buildings;

- (k) No vehicular access to sites shall be taken from Queen Street, Prince Street or Kent Street (between Queen Street and Brown Street), Busselton or Dunn Bay Road or Naturaliste Terrace, Dunsborough, unless no alternative is available, in which case a single crossover width shall be no greater than 5 metres with a cumulative maximum width of 7 metres;
- (I) Vehicle crossovers and driveways shall be co-located wherever possible with adjoining properties;
- (m) Vehicle access to developments shall be designed in a way which minimises potential pedestrian/vehicular conflict, clearly recognising the primacy of pedestrian amenity;
- (n) Multi-storey car parks shall incorporate interactive street frontages, such as shops or other uses that promote activity and where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors;
- (o) General plant, such as air-conditioning, television antennas, bins, hot water storage tanks, rain water tanks, satellite dishes and the like are to be adequately concealed and screened from the street or public view;
- (p) Where land is zoned 'Regional Centre' or 'Centre', and is designated a residential density coding of R-AC3 the maximum plot ratio shall be 1.5, except for where the following incentives for mixed use development apply:
  - Where residential or short-stay accommodation uses represent more than 25% of the plot ratio area of a proposed mixed use development, the maximum allowable plot ratio area may be 2.0; or
  - ii. Where a development incorporates a Restaurant/Café, Tavern or other similar use that will provide for informal social interaction the maximum allowable plot ratio area for the remainder of the development may be 2.0; and
  - iii. The plot ratio incentives set out in sub-clauses (a) and (b) above may be combined, provided that the total plot ratio area does not exceed 3.0.
- (q) Signage and advertising shall not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally.

Clauses 4.22 & 4.23 of the Scheme address the design of service access and service courts in the Regional Centre, Centre, Local Centre and Service Commercial zones.

The proposal generally complies with the relevant provisions noted above.

Clauses 4.24 & 4.25 of the Scheme address parking and cash in lieu within the Regional Centre, Centre, Local Centre and Service Commercial zones. Clause 4.25.1 states;

"The local government may, in respect of a use or development proposed within the Regional Centre, Centre, Local Centre or Service Commercial zones, require or accept the payment of cash-in-lieu of the provision of parking spaces on the lot of the proposed use or development. The intent of providing for the payment of cash-in-lieu of the provision of parking is to encourage comprehensive, consolidated and co-ordinated development, to enable better and safer management of pedestrian and vehicular traffic and to facilitate the provision of strategically and conveniently-located public parking facilities".

The proposal includes a shortfall in the required parking bays and seeks to make use of the cash-inlieu provisions to address that shortfall. See detailed discussion on parking below in the 'Officer Comment' section of the report.

#### **Relevant Plans and Policies**

Relevant plans and policies must be given due regard in assessing the application, but cannot and do not bind the local government in determining an application for development approval. Plans and policies considered in the assessment of the application are set out below under appropriate subheadings.

#### State Planning Policy 7.0 – Design of the Built Environment

The State's lead design policy that elevates the importance of design quality across the whole built environment. It includes 10 principles for good design and establishes the framework for integrating design review as a part of the evaluation process.

#### **Local Planning Policy 2C – Traffic Assessments**

LPP2C indicates that proposals with over 10 dwellings, more than 250m<sup>2</sup> of shop floor space or more than 500m<sup>2</sup> of office floor space should provide a traffic statement that addresses the potential traffic impacts of the development. A traffic statement was not considered necessary for this development given the limited number of parking bays proposed and the context of the site.

#### Local Planning Policy 6B – Percent for Art

LPP6B identifies development that is required to provide public art as well as methods for determining the contribution and implementation. The policy applies to development with a value greater than \$1,000,000 however excludes residential, extractive industry and agricultural development. Only the commercial component of this development is subject to the public art provisions.

#### Local Planning Policy 6E - Road, Footpath and Cycle Network Upgrade Contribution

LPP6E applies to development or subdivision located within areas identified in the policy and requires a contribution for each additional dwelling or tourism unit developed for the purposes of upgrading the distributor road network in the City as well as upgrading the footpath and cycle network infrastructure. A condition requiring a contribution towards road, footpath and cycle networks is recommended should an approval be issued.

#### Local Planning Policy 6F - Drainage Infill Contribution

LPP6F applies to infill development where the design is unable to achieve management of stormwater on the subject site. The applicant has indicated that they will be able to contain drainage on the site as required and as such, no condition requiring a contribution is applicable.

#### **Local Planning Policy 8A – Car Parking Provisions**

LPP8A provides guidance on the City's requirements for the provision of car parking facilities for new development. The proposal does not satisfy the minimum number of parking bays required by the policy and as such, the cash in lieu provisions of the Scheme are proposed to be utilised. See detailed discussion on parking below in the 'Officer Comment' section of the report.

#### Local Planning Policy 8B – Social Impact Statement

LPP8B provides a framework for the identification of issues arising from development proposals that may impact on the social structure of the City. A social impact statement was provided with the application and was included in the information made available during the public consultation period.

#### Local Planning Policy 8C – Stormwater Management Provisions

LPP8C provides guidance on methods for achieving the safe and effective management of the quantity and quality of stormwater runoff. The applicant has indicated that appropriate on-site stormwater management should be possible however should an approval be issued, a condition requiring stormwater retention on-site or a suitable alternative to the satisfaction of the City is recommended.

#### **Financial Implications**

The recommendation of this report is the determination of an application for development approval.

There are no financial implications relevant to assessment of the application, except as relates to the proposed shortfall in onsite parking which triggers the need for a cash-in-lieu payment should the development go ahead. With a shortfall of 37 bays (see 'Officer Comment' section of report) a payment of approximately \$390,000 will be required. The City will be required to hold these funds in reserve until they can be appropriately expended on activity associated with the provision of new public car parking within Dunsborough.

#### **Stakeholder Consultation**

Clause 64 of the deemed provisions sets out circumstances in which an application for development approval must be advertised, and also sets out the means by which applications may be advertised. Given the scale of the proposed development, it was considered appropriate to advertise the development application.

The purpose of public consultation is to provide an opportunity for issues associated with a proposed development to be identified by those who potentially may be affected. A development application should not be approved or refused based on the number of submissions it receives, rather all applications must be determined on the merits of the particular proposal, including consideration of any relevant planning issues raised through consultation.

The application was open for submissions from 5 April 2019 to 1 May 2019 and was advertised in the following manner –

- 1. Information regarding the application was posted on the City's website;
- 2. A portal was created using the City's YourSay platform for the online lodgement of submissions;
- 3. Letters were sent to the Dunsborough Chamber of Commerce and Dunsborough Progress Association as well as a number of land owners within close proximity to the site;
- 4. Three advertising signs were erected on the site; and
- 5. A notice was placed in a local newspaper on 10 April 2019.

Submissions were received from a total of 129 people. 26 submissions are broadly supportive of the application, with 103 submissions objecting to the proposal. It is noted that it is generally quite rare to receive submissions of support for development applications and that to receive 26 is considered a reasonable indication that there is a level of support for such development in the community, notwithstanding there is also a level of concern.

A schedule of submissions is provided as Attachment F. The schedule identifies who submissions were received from and summarises the submissions. The issues raised have been grouped into common headings within the schedule for clarity given the number of submissions received. The bulk of the submissions can generally be grouped as follows:

#### Support:

- Good design;
- Good mix of uses;
- Will contribute to more activity in the town centre; and
- Will help reduce urban sprawl.

Objections / concerns raised regarding:

- Building height;
- Character;
- Design;
- Parking, Congestion and Safety;
- Need for additional commercial and residential floor space;
- · Amenity (privacy, overshadowing, noise, odour); and
- Insufficient landscaping.

Where issues are raised which are not able to be considered, as they do not relate to the relevant planning framework, the comment provided (note comments have been grouped given the number of submissions received) indicates that, but does not provide further commentary or discussion. That does not necessarily suggest that the issues are not genuine issues of concern to the submitter or more broadly, but they are unfortunately not issues that can or should be addressed in the assessment of the application.

#### **Risk Assessment**

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

#### **Options**

As an alternative to the proposed recommendation the Council could:

- 1. Refuse the proposal, setting out reasons for doing so; or
- 2. Apply additional or different conditions.

If any Councillor is minded to any of the above options officers can assist on the drafting of a suitable alternative motion.

#### CONCLUSION

Subject to the inclusion of relevant conditions, the proposal is considered appropriate to support and it is accordingly recommended for approval.

#### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The applicant and those who made a submission will be advised of the Council decision within two weeks of the Council meeting.

ATTACHMENT A - Location Plan 1

DA19/0069 - 24 Dunn Bay Road, Dunsborough



ATTACHMENT A - Location Plan 2

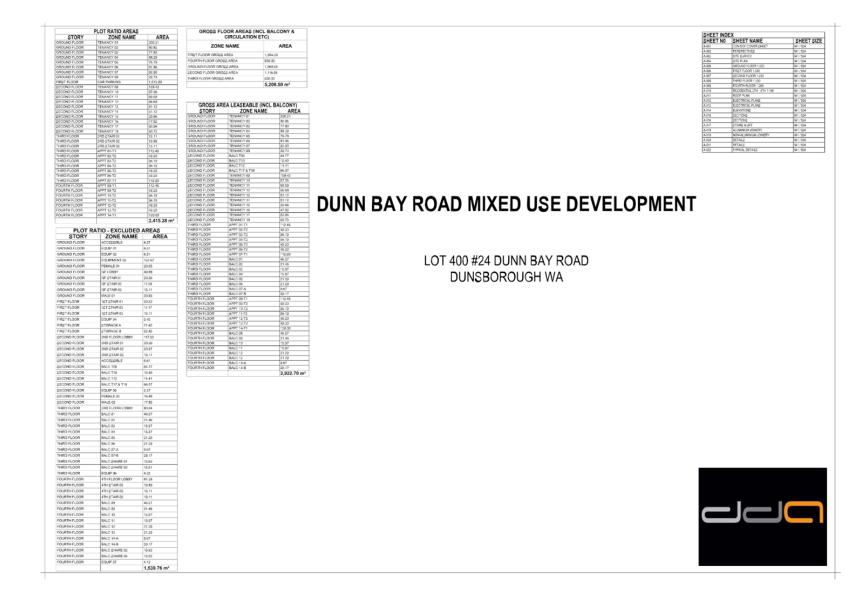
DA19/0069 - 24 Dunn Bay Road, Dunsborough



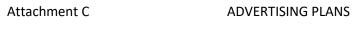
ATTACHMENT B – Zoning Plan

DA19/0069 - 24 Dunn Bay Road, Dunsborough





31 14 August 2019















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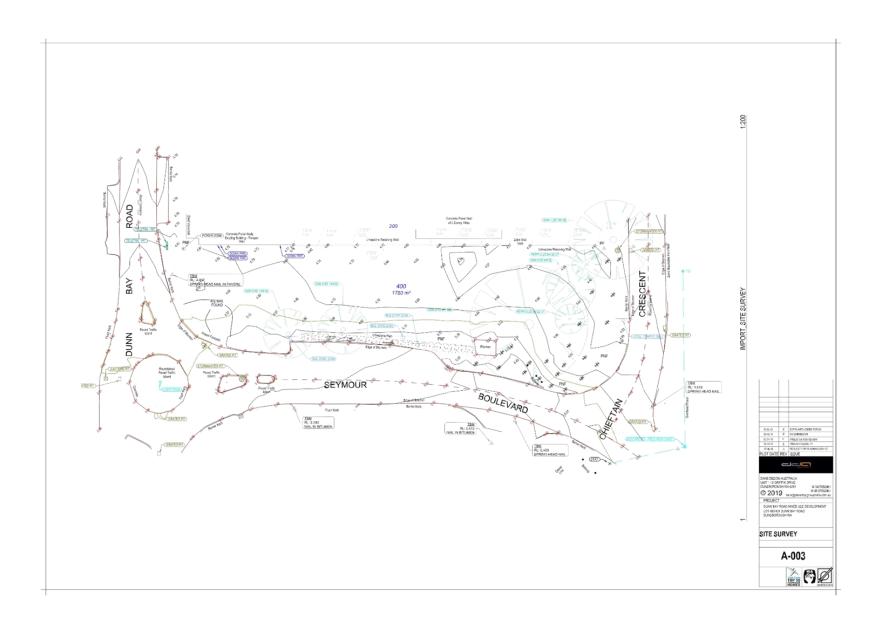
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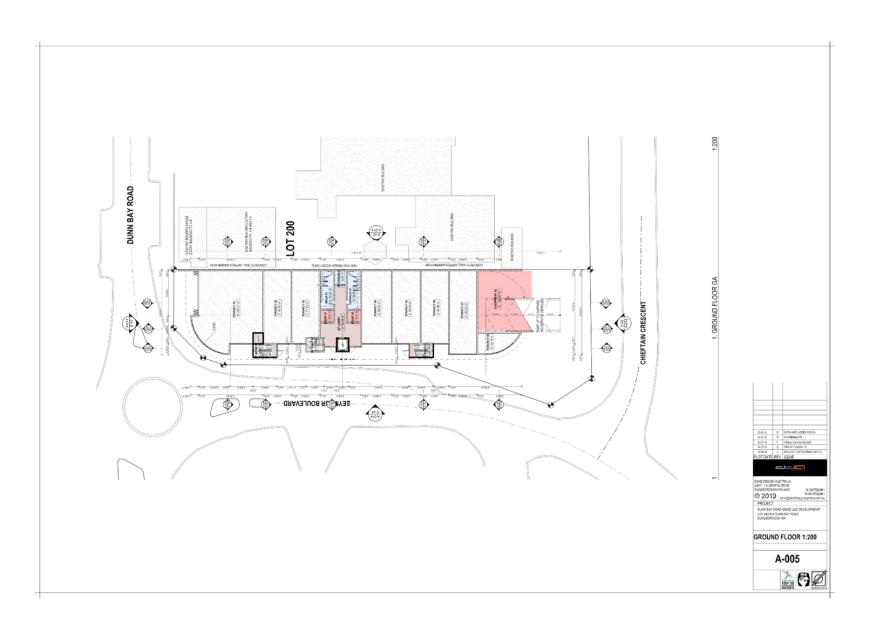
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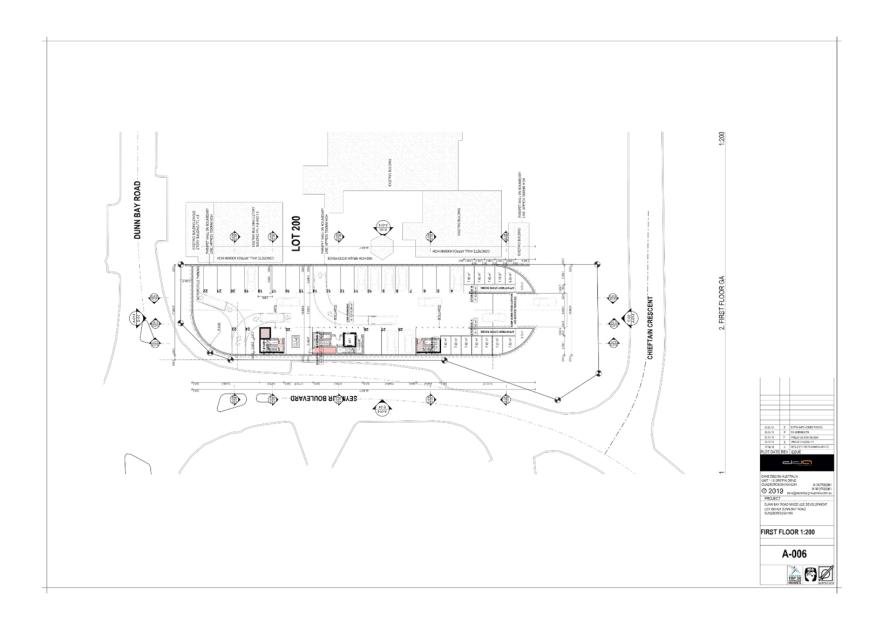
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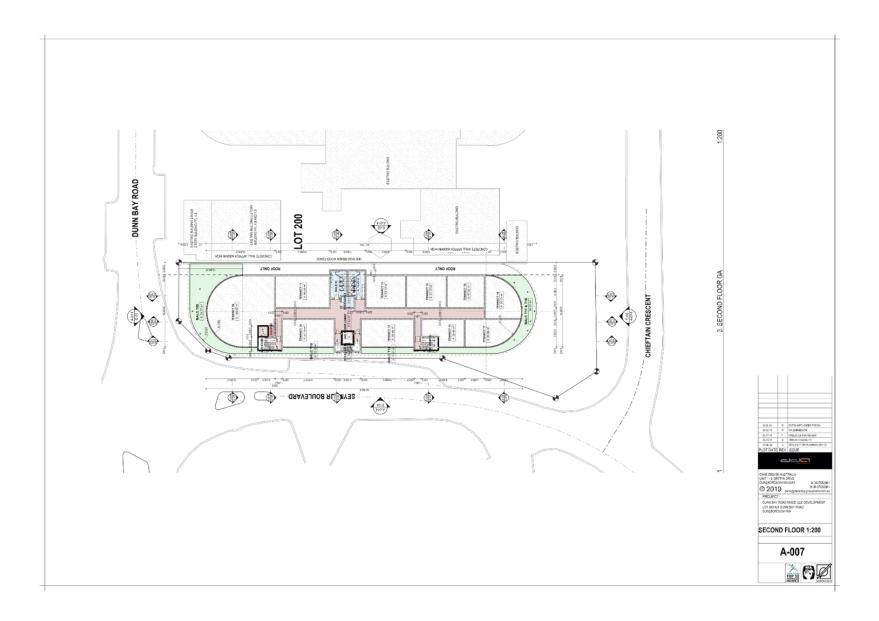


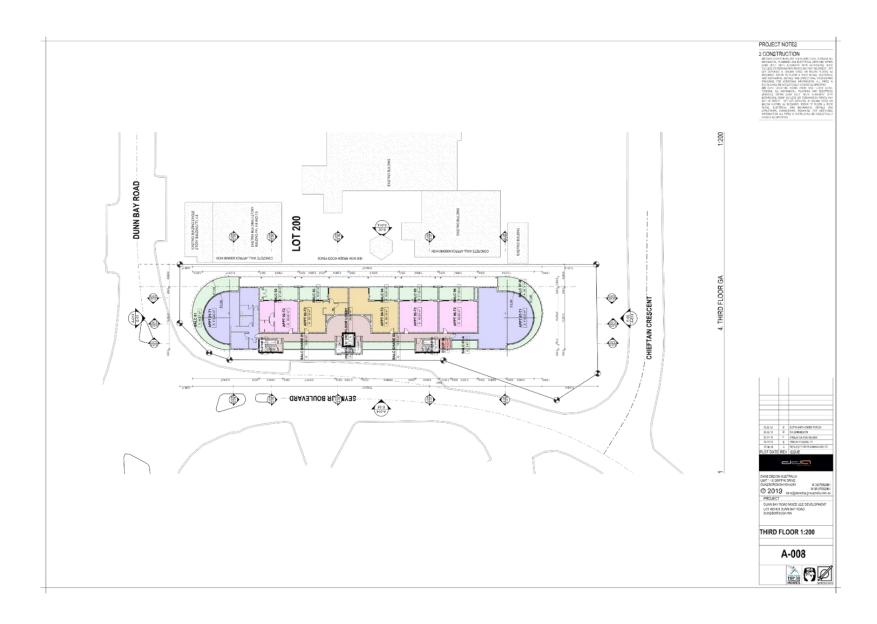


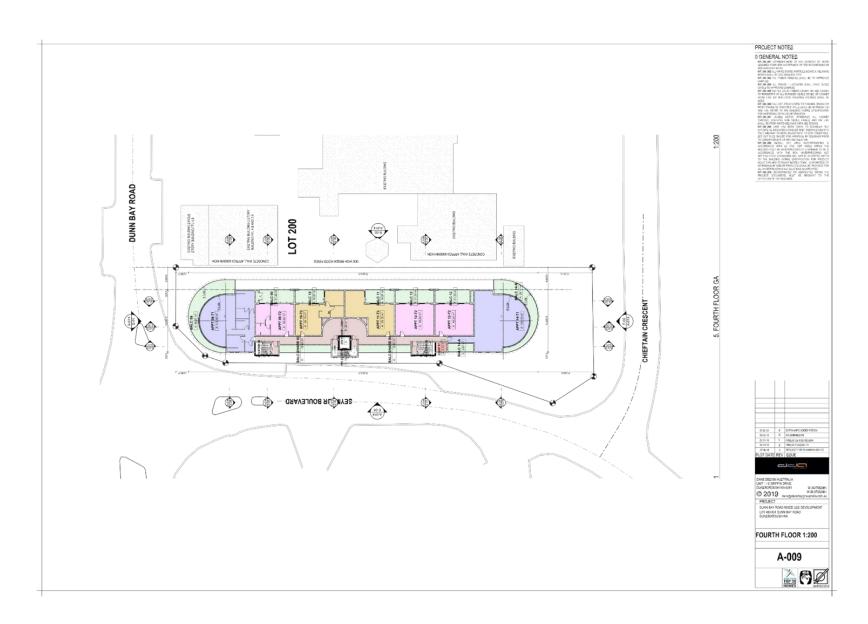




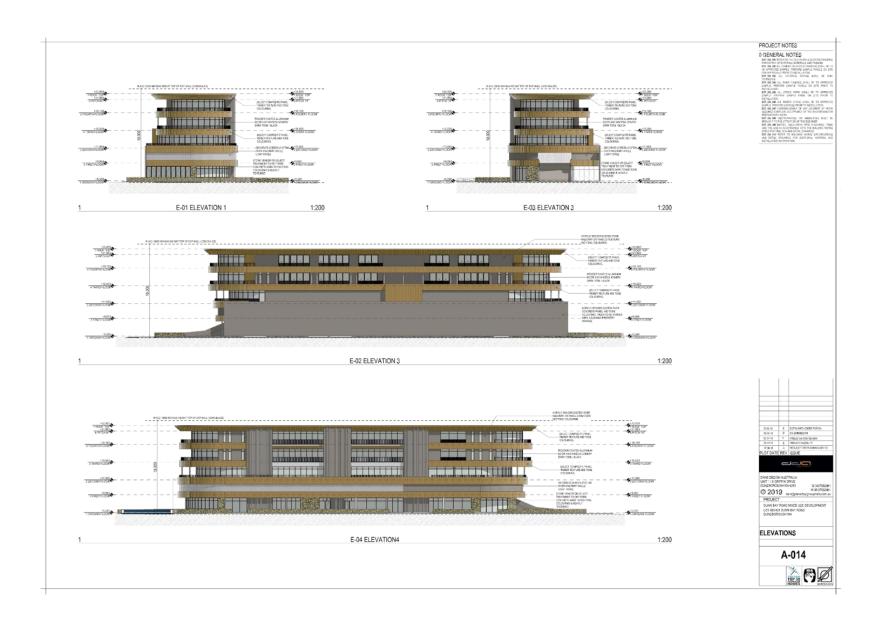




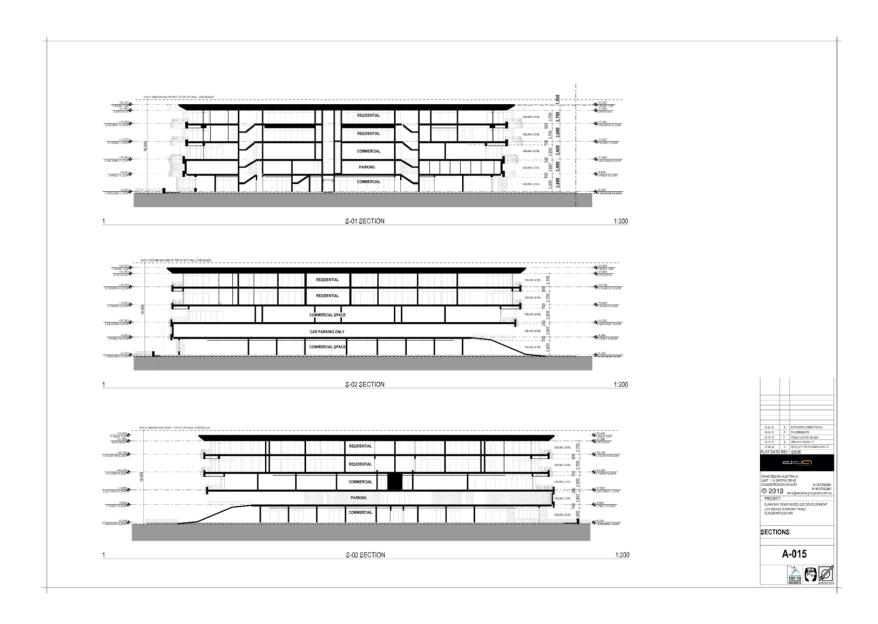




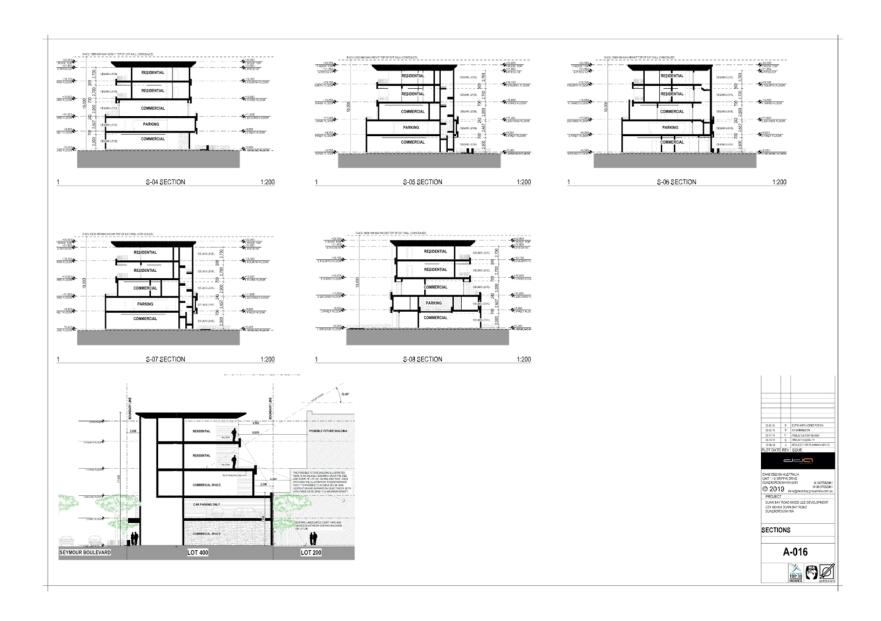




# Attachment C ADVERTISING PLANS





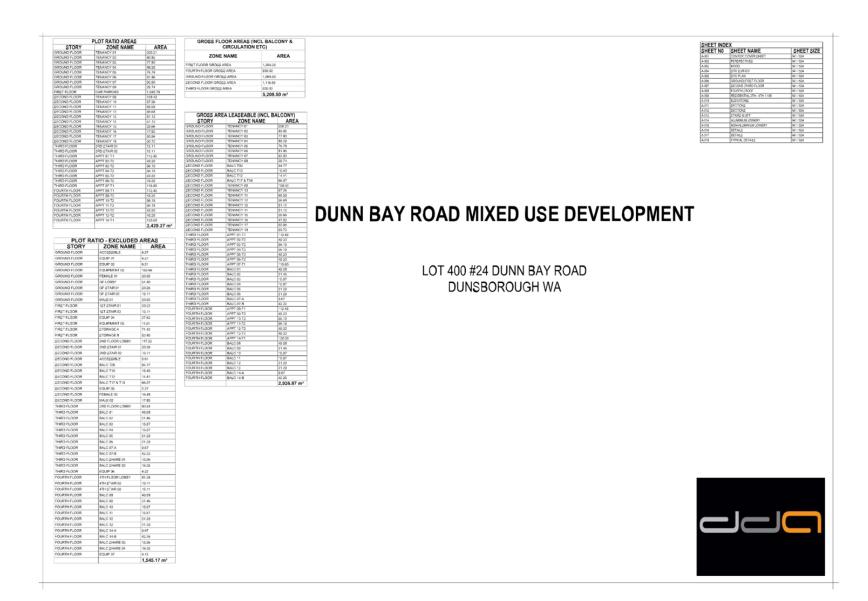


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14 August 2019

Attachment D

**REVISED PLANS** 



43

#### Council 14 August 2019 44





















MODULET FOR PLANANCE ADVICE ISSUE
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PERSPECTIVES

A-002





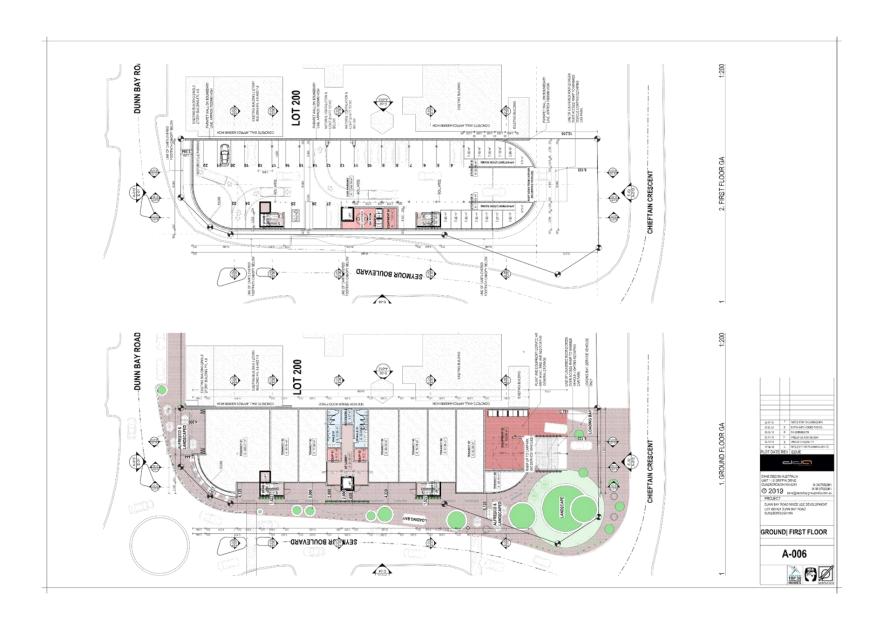


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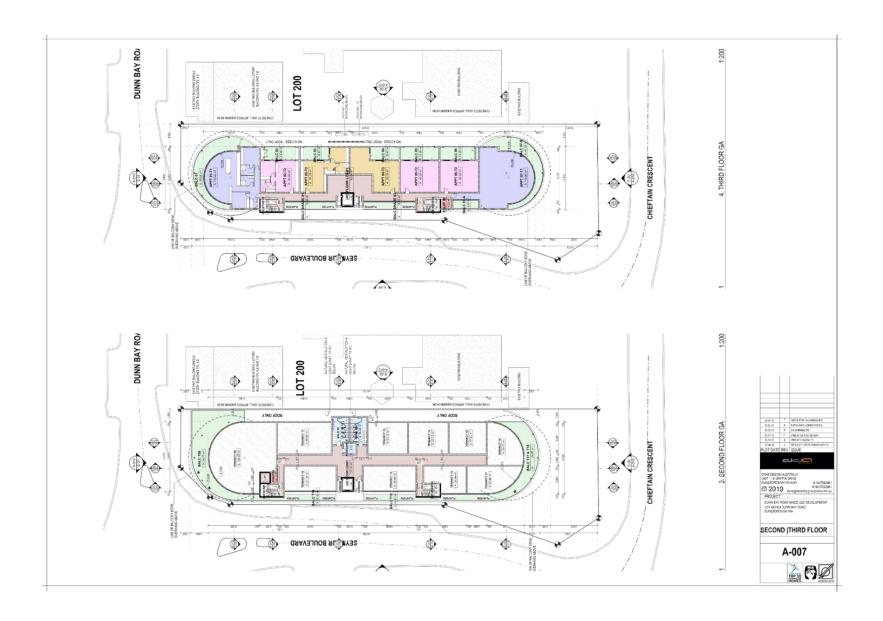
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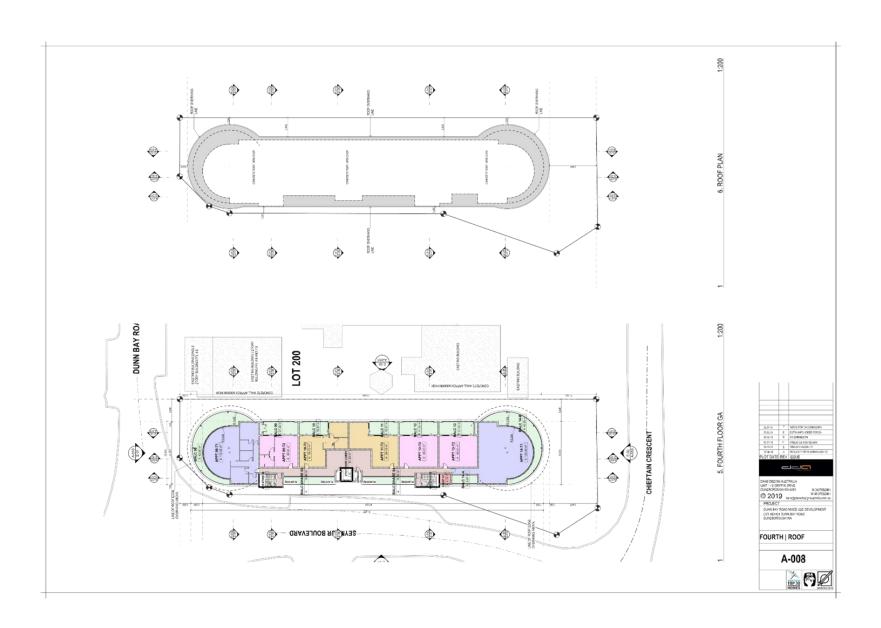




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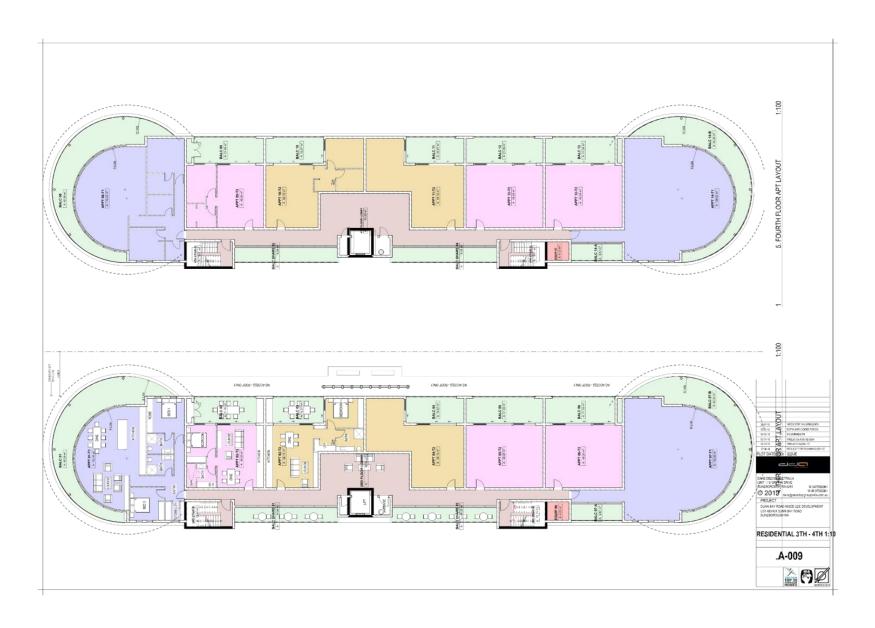


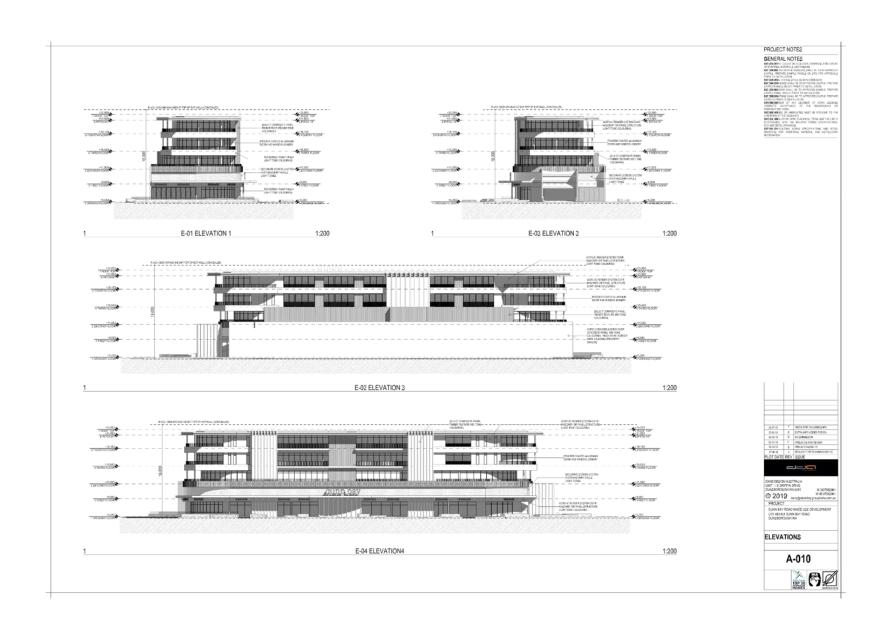
**REVISED PLANS** 

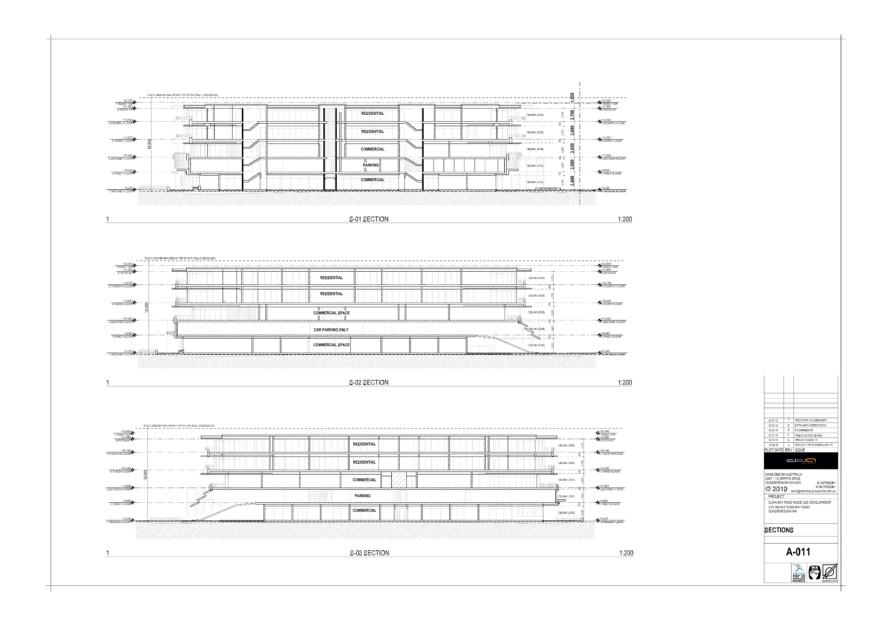


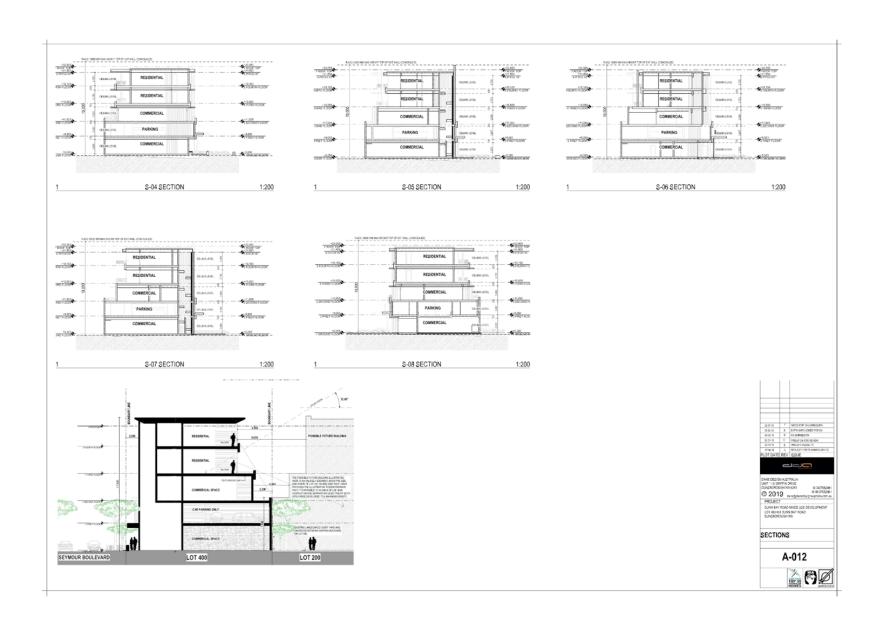
13.1

Attachment D REVISED PLANS









## ATTACHMENT E - R-CODES VOLUME 2 ASSESSMENT DA19/0069 – 24 DUNN BAY ROAD, DUNSBOROUGH

NOTE: In Part 2 only, Acceptable Outcomes are default provisions to assist in satisfying the objectives. In order to achieve the Element Objectives, proposals may require additional or alternative design solutions in response to the site conditions, streetscape and design approach where specified in the local planning framework (clause 1.2).

No.	Provision	Acceptable Outcome / Element Objectives	Officer Comment
2.2	Building Height	Acceptable Outcome 2.2.1 Development complies with the building height limit (storeys) set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the building height limit set out in the applicable local planning instrument.	Table 2.1 indicates the maximum building height for R-AC3 is 6 storeys. The proposal is for 5 storey development. Maximum height of approximately 18.5m above ngl is less than the 21m maximum anticipated by Table 2.2.
		Element Objective 2.2.1 The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.	Satisfactory. Noting that there is currently no character study or activity centre plan guiding development in the Dunsborough CBD, the most appropriate reference for consideration of height is the zoning and relevant R-Code.  The Centre zone attracts an R-AC3 coding which is permitted to develop up to 6 storeys (21m high) as per Tables 2.1 & 2.2. The proposed development is 5 storeys high with an overall maximum height of approximately 18.5m above ngl at its highest point.  It is noted that there are several 3 storey buildings already developed in proximity to the site. This development would be the tallest to be developed in the town centre to date, however it is reflection of future development expectations given the height allowed under the zoning provisions.
		<b>Element Objective 2.2.2</b> The height of <b>buildings</b> within a <b>development</b> responds to changes in topography.	N/A – no significant change in topography in this location.
		<b>Element Objective 2.2.3 Development</b> incorporates articulated roof design and/or roof top <b>communal open space</b> where appropriate.	N/A – concealed roof. Communal open space not considered necessary given size of the development and access to public open space.

PAR	T 2 - PRIMARY CONT	ROLS	
No.	Provision	Acceptable Outcome / Element Objectives	Officer Comment
		Element Objective 2.2.4 The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.	Satisfactory. Will not unreasonably affect the provision of daylight to adjacent development or open space given siting of lot.
2.3	Street Setbacks	Acceptable Outcome 2.3.1 Development complies with the street setback set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the street setback set out in the applicable local planning instrument.	COMPLIES  Table 2.1 indicates a minimum nil setback permitted within R-AC3. As detailed below, the proposal provides a nil setback (in part) to the main Seymour Boulevard frontage and achieves satisfactory setbacks to Dunn Bay Road and Chieftain Crescent.
		Element Objective 2.3.1 The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.	Satisfactory. The Centre zone allows for a nil street setback as does Table 2.1 where there is commercial development at the ground level. The proposal provides a nil setback to the service core green walls to Seymour Boulevard and 829mm to the upper levels, 3.4m-4.9m at ground level to Dunn Bay Road to accommodate an alfresco area and 2.2m to the upper level, and approximately 11m to the balconies on Chieftain Crescent. There is currently no significant planting on private land within the town centre and the landscape character is achieved primarily through street plantings and public open space. The setback to the SW corner of the site allows for a large landscape area that, in concert with the green walls, will soften the development.
		Element Objective 2.3.2 The street setback provides a clear transition between the public and private realm.	Satisfactory. Adequate setbacks provided between the public and the private realms.
		Element Objective 2.3.3 The street setback assists in achieving visual privacy to apartments from the street.	Satisfactory. The awning, setbacks and balcony design limits the potential for visual privacy issues from the street.
		Element Objective 2.3.4 The setback of the development enables passive surveillance and outlook to the street.	Satisfactory. Good passive surveillance achieved from both the commercial and residential levels of the development.
2.4	Side and Rear Setbacks	Acceptable Outcome 2.4.1 Development complies with the side and rear setbacks set out in Table 2.1, except where:	a) Table 2.1 indicates a nil minimum setback permitted for side and rear setbacks in R-AC3.

No.	Provision	Acceptable Outcome / Element Objectives	Officer Comment
		<ul> <li>(a) modified by the local planning framework, in which case development complies with the side and rear setbacks set out in the applicable local planning instrument AND /OR</li> <li>(b) a greater setback is required to address 3.5 Visual privacy.</li> </ul>	b) Will not result in any unreasonable visual privacy impacts.
		Acceptable Outcome 2.4.2 Development is setback from the boundary in order to achieve the Objectives outlined in 2.7 Building separation, 3.3 Tree canopy and deep soil areas, 3.5 Visual privacy and 4.1 Solar and daylight access.	COMPIES  The proposal complies with the objectives for building separation, tree canopy and deep soil area, visual privacy and solar and daylight access. It is noted that the setback of the 5 <sup>th</sup> floor does not achieve a 9m setback from the eastern boundary as specified in Table 2.7 however it does satisfy the element objectives regarding character, proportion, amenity and landscaping.
		<b>Element Objective 2.4.2 Building</b> boundary <b>setbacks</b> are consistent with the existing <b>streetscape</b> pattern or the desired streetscape character.	Satisfactory. As noted below, the adjacent resort development, which is also coded R-AC3, already has 6m walls on, or near, the boundary facing the subject site. Table 2.1 permits up to 3 storeys on the boundary. The proposed 7m high wall on the common boundary is considered reasonable subject to appropriate articulation.
		Element Objective 2.4.3 The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.	Satisfactory. The setback to the Chieftain Crescent frontag allows the retention of a significant tree on the adjacent street verge. While a number of existing trees will need to be removed from the south-west corner of the site, as detailed above in 2.3.1, there is currently no significant planting on private land within the centre and the landscape character is achieved primarily through street plantings in the road reserves.  It is noted that the landscaped area in the SW corner of the
			It is noted that the landscaped area in the SW corner of th site has been introduced as a revision to the advertised plans and results in the loss of visitor parking bays. This was considered a appropriate compromise by officers give the public parking available in the area and the benefit provided to the development and adjacent residential

No.	Provision	Acceptable Outcome / Element Objectives	Officer Comment
			properties and the character of the town centre through the provision of deep soil planting areas on the site. A landscaping plan which addresses what will be planted on site and how the landscaping will integrate with the surrounding streets is recommended as a condition of any approval.
		Element Objective 2.4.4 The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.	Satisfactory. The setbacks provided to the upper levels of the eastern side of the development provide an adequate transition to the 3 storey development on the adjacent resort site. While it is noted that the development to the southern side of the site, along Chieftain Crescent, is more typically one or two-storey residential development, a setback of approximately 11m to the balconies from the Chieftain Crescent lot boundary and the introduction of th landscaping area in the SW corner of the site assists in reducing the impact on the adjacent residential development. It is noted that the southern side of Chiefta Crescent is able to develop to an R80 coding which also allows 2 storey boundary walls and up to 4 storeys overall building height.
2.5	Plot Ratio	Acceptable Outcome 2.5.1 Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the plot ratio set out in the applicable local planning instrument.	COMPLIES Table 2.1 indicates maximum plot ration of 2.0 permitted however 4.21.1(p) of the Scheme allows 3.0 where residential component represents more than 25% of the development and a Restaurant/cafe is proposed at ground level. A total plot ratio of approximately 1.95 is proposed.
		<b>Element Objective 2.5.1</b> The overall bulk and scale of <b>development</b> is appropriate for the existing or planned character of the area.	Satisfactory. Nil setbacks and up to 6 storeys permitted in R-AC3. The proposal provides appropriate setbacks and articulation to address the planned character of the area.
2.6	Building Depth	Acceptable Outcome 2.6.1 Developments that comprise single aspect apartments on each side of a central circulation corridor shall have a maximum building depth of 20m. All other proposals will be assessed on	COMPLIES  Maximum depth of approximately 18m proposed noting that the development only has one row of single aspect apartments as well as shared balconies on the western sid of the apartment access corridor, which allows for

### Attachment E

No.	Provision	Acceptable Outcome / Element Objectives	Officer Comment
		their merits with particular consideration to 4.1 Solar and daylight access and 4.2 Natural ventilation.	additional light and ventilation should highlight windows and/or screen doors to entries be utilised.
		Element Objective 2.6.1 Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.	Satisfactory. Max depth of approximately 18m and only one layer of apartments proposed on the third and fourth floors. Solar access and natural ventilation appropriately catered for.
		Element Objective 2.6.2 Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.	N/A
		Element Objective 2.6.3 Room depths and/or ceiling heights optimise daylight and solar access and natural ventilation.	Satisfactory. Solar access and natural ventilation appropriately catered for.
2.7	Building Separation	Acceptable Outcome 2.7.1 Development complies with the separation requirements set out in Table 2.7	DISCRETION REQUIRED – complies with Element Objectives. It is noted that the upper level of the development does not provide a 9m setback to the adjoining property as required by Table 2.7. It is noted however that Figures 2.7a-2.7c indicate that that separation should be equitably shared between buildings on adjoining lots. Given the presence of existing development on, or close to, the boundary of the adjacent lot and the ability to satisfy the element objectives as noted for O 2.7.1 – O 2.7.4 above, the variation is considered acceptable.
		Element Objective 2.7.1 New development supports the desired future streetscape character with spaces between buildings.	Satisfactory. Development of up to 6 storeys anticipated by the zoning. Adequate setbacks provided. It is noted that should the adjacent site to the east be redeveloped, it is anticipated by this section of the Codes that separation distances be equitably shared between buildings on adjoining lots.
		Element Objective 2.7.2 Building separation is in proportion to building height.	Satisfactory. The development is only 5 storeys high and appropriate setbacks to boundaries have been provided.
		Element Objective 2.7.3 Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.	Satisfactory. Proposal will not adversely/unreasonably affect the privacy, ventilation, solar access or outlook of the development or adjacent development.

PART	PART 2 - PRIMARY CONTROLS			
No.	Provision	Acceptable Outcome / Element Objectives	Officer Comment	
		Element Objective 2.7.4 Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings.	Satisfactory. Suitable private open space and setbacks provided. The applicant has revised the plans to remove the at-grade visitor bays in the SW corner of the site to allow	
			for a deep soil area that will allow canopy trees and significant planting to assist in softening the development.	

No.	Provision	Element Objectives	Officer Comments
3.2	Orientation	<b>3.2.1 Building</b> layouts respond to the <b>streetscape</b> , topography and <b>site</b> attributes while optimising <b>solar</b> and <b>daylight access</b> within the <b>development</b> .	Satisfactory. The development is oriented to the public realm and incorporates direct access from the street. Solar access is optimised within the development.
		<b>3.2.2 Building</b> form and orientation minimises overshadowing of the <b>habitable rooms, open space</b> and <b>solar collectors</b> of neighbouring properties during <b>mid-winter</b> .	Satisfactory. Given the siting and context of the lot, no significant shadowing to adjacent properties will result from the proposal.
3.3	Tree Canopy and Deep Soil Areas	<b>3.3.1 Site</b> planning maximises retention of existing healthy and appropriate trees and protects the viability of <b>adjoining trees</b> .	Satisfactory. The proposed design ensures that the mature eucalypt on the Chieftain Street street verge can be retained. While some trees on the site are proposed to be removed, they are not significant in nature and replacement planting of a canopy trees and other vegetation in the SW corner of the site is possible within the deep soil landscaping area.
		<b>3.3.2</b> Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre- <b>development</b> condition.	Satisfactory. The setback to the Chieftain Crescent frontage of the building is expected to prevent any adverse impact on the large street tree that is to be retained and replacement planting in the SW corner of the site will offset tree canopy reduction related to removal of existing trees on the site.
		3.3.3 Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.	Satisfactory. Deep soil planting area in the SW corner of the site of sufficient size to sustain healthy plant and tree growth.

No.	Provision	Element Objectives	Officer Comments
3.4	Communal Open Space	3.4.1 Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.	Satisfactory No communal open space is proposed on the subject site. It is noted however that the site will include landscaped areas at ground level and is located in proximity to good quality public open space, being less than 100m from Lions Park, 120m from a park that runs between Dunn Bay Road and Chieftain Crescent and less than 300m to the foreshore, all of which are high quality public spaces and mitigate the need to provide communal open space on the subject site.
		<b>3.4.2 Communal open space</b> is safe, <b>universally accessible</b> and provides a high level of <b>amenity</b> for residents.	N/A
		3.4.3 Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.	N/A
3.5	Visual Privacy	<b>3.5.1</b> The orientation and design of <b>buildings</b> , windows and <b>balconies</b> minimises direct overlooking of <b>habitable rooms</b> and private outdoor living areas within the <b>site</b> and of neighbouring properties, while maintaining <b>daylight</b> and <b>solar access</b> , ventilation and the external outlook of habitable rooms.	Satisfactory. Given the orientation of development on the adjacent Bay Village Resort site as well as the vertical and horizontal separation distances achieved, potential overlooking from the proposed development will be minimised. Further good daylight, solar access, ventilation and outlook will be achieved for all habitable rooms and balconies within the development.
3.6	Public Domain Interface	<b>3.6.1</b> The transition between the private and <b>public domain</b> enhances the privacy and safety of residents.	Satisfactory. Subject to appropriate detailing (screens, lighting etc) the proposal is considered to provide good passive surveillance and safe spaces for residents and pedestrians.
		<b>3.6.2 Street</b> facing <b>development</b> and <b>landscape</b> design retains and enhances the <b>amenity</b> and safety of the adjoining <b>public domain</b> , including the provision of shade.	Satisfactory. The proposal provides good passive surveillance and will enhance the safety and amenity of the adjoining public realm. Shade will be provided by the proposed awning and planting in the SW corner of the site. Detail of the planting will be addressed through a landscape plan which is recommended as a condition of any approval.
3.7	Pedestrian Access and Entries	<b>3.7.1</b> Entries and pathways are <b>universally accessible</b> , easy to identify and safe for residents and visitors.	Satisfactory. Detail regarding universal access will be addressed at the detailed design stage however entries and

### Attachment E

No.	Provision	Element Objectives	Officer Comments
			pathways appear to be universally accessible and lift access is provided to both the commercial and residential components of the development. Pedestrian entries will be clearly defined and protected from the weather.
		<b>3.7.2</b> Entries to the <b>development</b> connect to and address the <b>public domain</b> with an attractive <b>street</b> presence.	Satisfactory. Pedestrian entry to the development will be well defined and visible from the street. Vehicle access to the development from Chieftain Crescent has been softened through the use of a green climbing wall adjacent to the ramp. Service areas will be appropriately sited to minimise any impact on the streetscape character.
3.8	Vehicle Access	<b>3.8.1</b> Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.	Satisfactory. Vehicle access is provided from Chieftain Crescent which is the most practical location given the Scheme restricts access to Dunn Bay Road, Seymour Boulevard is the primary frontage of the building and the width of the property would make it difficult to achieve appropriate grades to a ramp from Seymour Boulevard. Further Chieftain Crescent has lower traffic and pedestrian volumes. It is noted that the access point is close to the intersection of Chieftain and Seymour however the City's Engineering and Works Department have indicated that they do not believe it poses a safety concern, especially given all vehicles will be able to exit the site in forward gear and the limited number of on-site bays provided.
		<b>3.8.2</b> Vehicle access points are designed and located to reduce visual impact on the <b>streetscape</b> .	Satisfactory. The visual impact of the vehicle access to the site from Chieftain Crescent is minimised through the placement of a green climbing wall adjacent to the ramp.
3.9	Car and Bicycle Parking	<b>3.9.1</b> Parking and facilities are provided for cyclists and other modes of transport.	Satisfactory. Bicycle racks are noted on the plans but detail of number and location is recommended as a condition of any approval. Resident bicycles can be kept within the first floor store rooms.
		3.9.2 Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.	Satisfactory. The site is categorised as 'Location B' which requires a minimum provision of 1 bay per 1 bedroom dwelling, 1.25 bays per 2+ bedroom dwelling (totalling 15 bays) as well as 4 visitor bays. The proposed development

PART	T 3 - SITING THE DEVELOPMENT		
No.	Provision	Element Objectives	Officer Comments
			provides 24 car parking bays at the first floor car park which exceeds the minimum required for the residential component of the development however no visitor parking is provided. The ground level visitor bays were removed at the request of the City given availability of public parking in the area and desirability of introducing a deep soil planting area.
		3.9.3 Car parking is designed to be safe and accessible.	Satisfactory. Car parking design safe and accessible.
		<b>3.9.4</b> The design and location of car parking minimises negative visual and environmental impacts on <b>amenity</b> and the <b>streetscape</b> .	Satisfactory. The proposed access point has been determined by virtue of the Scheme restricting access from Dunn Bay Road and the width of the site being insufficient to allow a ramp from Seymour Boulevard. Potential impacts related to visual amenity and light pollution (associated with headlight glare) to the neighbouring properties on the southern side of Chieftain Crescent has been mitigated through the proposed use of green walls and louvres above the ramp to reduce views to/from the ramp.

PART	PART 4 - DESIGNING THE BUILDING			
No.	Provision	Element Objectives	Officer Comments	
4.1	Solar and Daylight Access	<b>4.1.1</b> In <b>climate zones</b> 4, 5 and 6: the <b>development</b> is sited and designed to optimise the number of <b>dwellings</b> receiving winter <b>sunlight</b> to <b>private open space</b> and via windows to <b>habitable rooms</b> .	Satisfactory. Dunsborough is located within Climate Zone 5. The design maximises solar access to the balconies and habitable room windows. The two southern most apartments will receive limited direct sunlight in winter but adequate solar access will be achieved given the extensive full height glazing proposed.	
		<b>4.1.2</b> Windows are designed and positioned to optimise <b>daylight</b> access for <b>habitable rooms</b> .	Satisfactory. Large habitable room windows will ensure good daylight access.	
		<b>4.1.3</b> The <b>development</b> incorporates shading and glare control to minimise heat gain and glare:	Satisfactory. Deep balconies provided to achieve adequate shading from spring to autumn.	

No. Provision		Element Objectives	Officer Comments	
		from mid-spring to autumn in climate zones 4, 5 and 6 AND     year-round in climate zones 1 and 3.		
4.2	Natural Ventilation	<b>4.2.1 Development</b> maximises the number of <b>apartments</b> with <b>natural ventilation</b> .	Satisfactory. Ability to achieve natural ventilation subject to use of screen doors, awning windows etc.	
		<b>4.2.2</b> Individual <b>dwellings</b> are designed to optimise <b>natural ventilation</b> of <b>habitable rooms</b> .	Satisfactory. Ability to achieve natural ventilation subject to use of screen doors, awning windows etc.	
		<b>4.2.3 Single aspect apartments</b> are designed to maximise and benefit from <b>natural ventilation</b> .	Satisfactory. Ability to achieve natural ventilation subject to use of screen doors, awning windows etc.	
4.3	Size and Layout of Dwellings	<b>4.3.1</b> The internal size and layout of <b>dwellings</b> is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.	Satisfactory. Minimum size of apartments complies with one bedroom dwellings between 49m2 and 56m2 while two bedroom dwellings between 133m2 and 120m2. Size of master bedroom in Apts 2, 5, 6, 9, 12 & 13 slightly under the suggested 10m2 at approximately 9m2. This minor change is considered acceptable for the smaller one bedroom apartments.	
		<b>4.3.2</b> Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good <b>natural ventilation</b> and <b>daylight</b> access.	Satisfactory. Ceiling heights exceed suggested minimums.	
4.4	Private Open Space and Balconies	<b>4.4.1 Dwellings</b> have good access to appropriately sized <b>private open space</b> that enhances residential <b>amenity</b> .	Satisfactory. Balconies of between 16m² and 50m² provided.	
		<b>4.4.2 Private open space</b> is sited, oriented and designed to enhance liveability for residents.	Satisfactory. All balconies sited in an appropriate location.	
		4.4.3 Private open space and balconies are integrated into the overall architectural form and detail of the building.	Satisfactory. Balconies are integrated into the design.	
4.5	Circulation and Common Spaces	<b>4.5.1</b> Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.	Satisfactory. Majority of the circulation spaces achieve a minimum of 1.5m width. Reduces to approximately 1m when entering the apartments at either end of the development however this satisfies the minimum required by the NCC.	
		<b>4.5.2</b> Circulation and common spaces are attractive, have good <b>amenity</b> and support opportunities for social interaction between residents.	Satisfactory. Circulation spaces will be attractive and support opportunities for residents to interact.	

No.	Provision	Element Objectives	Officer Comments	
4.6	Storage	<b>4.6.1</b> Well-designed, functional and conveniently located <b>storage</b> is provided for each <b>dwelling</b> .	Satisfactory. Appropriate storage provided.	
4.7	Managing the Impact of Noise	<b>4.7.1</b> The siting and layout of <b>development</b> minimises the impact of external noise sources and provides appropriate <b>acoustic privacy</b> to <b>dwellings</b> and on- <b>site open space</b> .	Satisfactory. No major noise sources (such as major road or rail corridors) in proximity. Potential for some food and beverage tenancies at the ground floor of the development but adequate separation provided. Commercial uses at second floor to be conditioned to address noise should an approval be issued.	
		<b>4.7.2</b> Acoustic treatments are used to reduce sound transfer within and between <b>dwellings</b> and to reduce noise transmission from external noise sources.	Satisfactory. Only 2 storeys of dwellings, located at the top of the 5 storey development. No major noise sources (such as major road or rail corridors) in proximity.	
4.8	Dwelling Mix	<b>4.8.1</b> A range of <b>dwelling</b> types, sizes and configurations is provided that caters for diverse household types and changing community demographics.  Satisfactory. The proposal includes one and to apartments with a mix on both floors.		
4.9	Universal Design	<b>4.9.1 Development</b> includes <b>dwellings</b> with <b>universal design</b> features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.	Satisfactory. Plans address most provisions relating to silver Level requirements of the Liveable Housing Design Guidelines. Noted that this is an objective, not a minimum standard and flexibility can be applied. Lift access provided from ground and parking to apartment levels. The middle apartments which are accessed by a wider corridor more likely to be suitable. One universal access bay provided in residents parking area.	
4.10	Façade Design	<b>4.10.1 Building façades</b> incorporate proportions, materials and design elements that respect and reference the character of the local area.	Satisfactory. Façade design incorporates appropriate scale, articulation and materiality in relationship to the public realm. Visual interest achieved through mix of materials, colours, setbacks etc. Condition schedule of materials and finishes to ensure final detail remains suitable through detailed design.	
		<b>4.10.2 Building façades</b> express internal functions and provide visual interest when viewed from the public realm.	Satisfactory. As noted above.	
4.11	<ol> <li>Roof Design</li> <li>4.11.1 Roof forms are well integrated into the building design and respond positively to the street.</li> </ol>		Satisfactory. Roof form is integrated with building design and will not be visible from the street given use of parapet.	

No.	Provision	Element Objectives	Officer Comments	
		<b>4.11.2</b> Where possible, roof spaces are utilised to add <b>open space</b> , <b>amenity</b> , solar energy generation or other benefits to the <b>development</b> .	N/A – not considered necessary for this scale of development and given good access to public open space.	
4.12	Landscape Design	<b>4.12.1 Landscape</b> design enhances <b>streetscape</b> and pedestrian <b>amenity</b> ; improves the visual appeal and comfort of <b>open space</b> areas; and provides an attractive outlook for <b>habitable rooms</b> .	Satisfactory. Ample deep soil area provided to achieve good landscape outcome for residents and pedestrians. A landscape plan is recommended as a condition of any approval to ensure species selection, hard landscaping features etc integrate well the surrounding area	
		<b>4.12.2</b> Plant selection is appropriate to the orientation, exposure and <b>site</b> conditions and is suitable for the adjoining uses.	Satisfactory. To be addressed by a Landscape Plan should an approval be issued.	
		<b>4.12.3 Landscape</b> design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.	Satisfactory. To be addressed by a Landscape Plan should an approval be issued.	
		<b>4.12.4 Landscape</b> design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and <b>sustainability</b> strategies.	Satisfactory. To be addressed by a Landscape Plan should an approval be issued.	
4.13	Adaptive Reuse	<b>4.13.1.</b> New additions to existing <b>buildings</b> are contemporary and complementary and do not detract from the character and scale of the existing building.	N/A – new build.	
		<b>4.13.2</b> Residential <b>dwellings</b> within an adapted <b>building</b> provide good <b>amenity</b> for residents, generally in accordance with the requirements of this policy.	N/A – new build.	
4.14	Mixed Use	<b>4.14.1 Mixed use development</b> enhances the <b>streetscape</b> and activates the <b>street</b> .	Satisfactory. Commercial tenancies proposed at ground level.	
		<b>4.14.2</b> A safe and secure living environment for residents is maintained through the design and management of the impacts of non-residential uses such as noise, light, odour, traffic and waste.	Satisfactory. Adequate separation provided between commercial and residential components of the development. Commercial uses at second floor to be conditioned to address noise should an approval be issued.	
4.15	Energy Efficiency	4.15.1 Reduce energy consumption and greenhouse gas emissions from the development.  Satisfactory. Energy rating addressed by N Construction Code.		
4.16	Water Management and Conservation	<b>4.16.1</b> Minimise <b>potable water</b> consumption throughout the <b>development</b> .	Satisfactory. Excessive use of potable water not expected.	

PART	PART 4 - DESIGNING THE BUILDING				
No.	Provision	Element Objectives	Officer Comments		
		<b>4.16.2 Stormwater</b> runoff from <b>small rainfall events</b> is managed on- <b>site</b> , wherever practical.	Satisfactory. Standard stormwater condition to be applied should an approval be issued.		
		<b>4.16.3</b> Reduce the risk of flooding so that the likely impacts of <b>major rainfall events</b> will be minimal.	Satisfactory. Standard stormwater condition to be applied should an approval be issued.		
4.17	Waste Management	<b>4.17.1</b> Waste <b>storage</b> facilities minimise negative impacts on the <b>streetscape</b> , <b>building</b> entries and the <b>amenity</b> of residents.	Satisfactory. Location of waste storage will minimise views from the street. It is recommended that the standard condition regarding screening to be applied should an approval be issued.		
		<b>4.17.2</b> Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.	Satisfactory. Bin store provided for residents at the car parking level and for commercial tenancies at the ground level. A Waste Management Plan is recommended as a condition should an approval be issued.		
4.18	Utilities	<b>4.18.1</b> The <b>site</b> is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers.	Satisfactory. Appropriate services available.		
		<b>4.18.2</b> All <b>utilities</b> are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.	Satisfactory. To be addressed through a condition should an approval be issued.		
		<b>4.18.3 Utilities</b> , such as distribution boxes, power and water meters are integrated into design of <b>buildings</b> and <b>landscape</b> so that they are not visually obtrusive from the <b>street</b> or <b>open space</b> within the <b>development</b> .	Satisfactory. Standard equipment screening condition is recommended should an approval be issued.		
		4.18.4 Utilities within individual dwellings are of a functional size and layout and located to minimise noise or air quality impacts on habitable rooms and balconies.	Satisfactory. This will be addressed at detailed design and is not expected to be an issue.		

ATTACHMENT F - DA19/0069 - 24 Dunn Bay Road, Dunsborough - Schedule of Submissions

No.	Name of submitter	Support / Objection	Summary of submission
1	A Campbell	Support	Iconic design
			Good mix of uses
			Innovative first floor parking
2	D Keough	Objection	Not in keeping with surrounding character
3	P Crane	Support	Good Design
			Will bring economic benefit to the region
4	T Costello	Support	Will help prevent sprawl
			Will create activation and vibrancy and benefit local business
5	M Reeves	Objection	Parking concerns
			Congestion concerns
6	P Morgs	Objection	Parking concerns
			Congestion concerns
			Not in keeping with surrounding character
			Building height concerns
7	E Feleppa	Objection	Parking concerns
			Congestion concerns
			Not in keeping with surrounding character
			Building height concerns
8	V Feleppa	Objection	Parking concerns
			Congestion concerns
			Not in keeping with surrounding character
			Building height concerns
			No additional commercial space needed
9	K Dean	Objection	Not in keeping with surrounding character
			No additional commercial space needed
10	Name not captured	Objection	Not in keeping with surrounding character
11	D Phipps	Objection	Congestion concerns
			Not in keeping with surrounding character
12	I Foster	Objection	Design concerns

13	K Van de Meeburg	Objection	Not in keeping with surrounding character
14	B Needle	Objection	Not in keeping with surrounding character
15	S Lotze	Objection	Building height concerns
		- 3,11-1	Not in keeping with surrounding character
16	J Morris	Objection	Not in keeping with surrounding character
		,	Design concerns
17	Name not captured	Support	Introduces new things to do in town
18	S Dix	Support	Innovative and progressive
19	G Holroyd	Objection	Not in keeping with surrounding character
		'	Building height concerns
20	E Barsden	Objection	Design concerns
			Not in keeping with surrounding character
			Building height concerns
21	J Rogers	Support	Good design
			<ul> <li>Provides more commercial and residential opportunity for the town</li> </ul>
22	M Kleinman	Objection	Building height concerns
			Design concerns
			Insufficient landscaping
23	T Forrest	Objection	<ul> <li>Not in keeping with surrounding character</li> </ul>
			No additional commercial space needed
24	D Bish	Objection	Design concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Building height concerns
25	H Starr	Objection	Design concerns
			<ul> <li>Additional commercial tenancies not needed</li> </ul>
			Parking concerns
			Suggests putting a pool on the site instead
26	W Starr	Objection	Design concerns
			Not in keeping with surrounding character
27	A Jones	Objection	Design concerns
			Not in keeping with surrounding character

28	A Wright	Support	Dunsborough needs more retail, cafes, bars
			Provides somewhere for young people to go
29	T Flower	Support	Good design
			Good mix of uses
			Parking Is adequate
30	T Evans	Support	Supports height over sprawl
31	A Smith	Support	Good design
32	M Brewer	Objection	Not in keeping with surrounding character
33	C Atkinson	Objection	Design concerns
			Not in keeping with surrounding character
34	L Knight	Objection	Design concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Building height concerns
35	W Boyle	Objection	Design concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			No additional commercial space needed
36	M Bibby	Objection	<ul> <li>Not in keeping with surrounding character</li> </ul>
			Insufficient setbacks
37	J Carrico	Objection	Building height concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Parking concerns
			No additional commercial space needed
38	M Dix	Support	Dunsborough needs progress
39	K Kavanagh	Objection	Design concerns
			Not in keeping with surrounding character
40	E Judge	Objection	<ul> <li>Not in keeping with surrounding character</li> </ul>
			Artist impression misleading
			Building height concerns
			No additional commercial space needed
41	D Read	Objection	Not in keeping with surrounding character
42	D Tyrer	Objection	Not in keeping with surrounding character

			Building height concerns
43	K Davis	Objection	Likes the design but space could be better utilised
			Open-air market preferred
			Need more choices for young family demographic
44	L Bidesi	Objection	Building height concerns
			Not in keeping with surrounding character
			Parking concerns
			Congestion concerns
			<ul> <li>Safety concerns related to bus stops / traffic / intersection</li> </ul>
			Low demand for one-bedroom dwellings
45	J Nichols	Support	Supports more permanent apartments
			Good design
			<ul> <li>Safety concerns related to bus stops / traffic / intersection</li> </ul>
			Low demand for one bedroom dwellings
46	M Richardson	Support	Innovative design
			Progress for the town centre
47	P Richardson	Support	Good design
48	D McManus	Support	Good design
			Clever parking solution
			Will help prevent sprawl
			Prevent car parks being a main feature of town
49	J Leaver	Objection	Building height concerns
			Not in keeping with surrounding character
50	B Stone	Objection	Building height concerns
			Not in keeping with surrounding character
			Parking concerns
			Congestion concerns
			Safety concerns related to bus stops / traffic / intersection
			Insufficient landscaping
			Amenity concerns relating to privacy, noise, odour, light spill
51	D Aungier	Objection	<ul> <li>Not in keeping with surrounding character</li> </ul>

52	P Thomasson	Objection	Design concerns
			Not in keeping with surrounding character
53	S Maciej	Objection	Building height concerns
54	J McManus	Support	Good use of space
			Supports tourism in the region
55	P Collins	Objection	Building height concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Design concerns
56	C Shanhun	Objection	Building height concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Design concerns
57	I Spelman	Objection	Not in keeping with surrounding character
			Design concerns
58	L Dwyer	Objection	Not in keeping with surrounding character
			Design concerns
			No additional commercial space needed
			Parking concerns
			Congestion concerns
			Noise and privacy concerns
59	J Roberts	Objection	<ul> <li>Not in keeping with surrounding character</li> </ul>
			Design concerns
60	A Mellis	Objection	Not in keeping with surrounding character
			Design concerns
61	S Poynton	Objection	<ul> <li>Not in keeping with surrounding character</li> </ul>
			Design concerns
			Building height concerns
			Parking concerns
			Congestion concerns
62	M Edwards	Objection	Development should wait until Activity Centre Plan finished
			Supportive of mixed use development
			<ul> <li>No verandah to public realm, poor pedestrian amenity</li> </ul>

			Not in keeping with surrounding character
63	L&E Perry	Objection	Building height concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Privacy concerns
64	L Sheen	Support	Good design
			<ul> <li>Does not detract from streetscape or block light or views</li> </ul>
			<ul> <li>Mixed use development supports active towncentre</li> </ul>
65	A Pivac	Objection	Building height concerns
			Overshadowing
			Congestion concerns
			No additional commercial space needed
66	S Le Goueff	Objection	Building height concerns
			Not in keeping with surrounding character
67	R Cooke	Objection	Congestion concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			<ul> <li>No additional commercial space needed</li> </ul>
			Open space and seasonal food trucks preferred
68	P Kolb	Objection	Building height concerns
			Not in keeping with surrounding character
			Parking concerns
69	C Hill	Objection	Building height concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Will bring unwanted big business and chain stores to town
70	R Zdravevski	Support	Good design
			<ul> <li>Additional retail, commercial, residential capacity beneficial</li> </ul>
			Parking concerns
71	T Chapman	Objection	Building height concerns
			Not in keeping with surrounding character
72	B Martin	Objection	Building height concerns
			Should be built on holy strip where no impact from structures
73	C Tischhauser	Objection	Design concerns

Attachment F

· Not in keeping with surrounding character

			No additional commercial space needed     Parking concerns
89	J Cross	Objection	Building height concerns     Not in keeping with surrounding character     Parking concerns
90	P Myers	Objection	Not in keeping with surrounding character     No additional commercial space needed     Parking concerns
91	M Meek	Objection	Building height concerns     Not in keeping with surrounding character
92	L Heitman	Objection	Building height concerns     Not in keeping with surrounding character
93	R de Garis	Objection	Building height concerns
94	S Twartz	Objection	<ul> <li>Building height concerns</li> <li>Not in keeping with surrounding character</li> <li>Centre planning required for Dunsborough</li> </ul>
95	R Mayhew	Objection	Design concerns     Design guidelines for Dunsborough required
96	A Franssen-Stewart	Objection	Design concerns     Not in keeping with surrounding character     No additional commercial space needed
97	C Adams	Objection	Overdevelopment of the site Building height concerns Parking concerns Congestion concerns Design concerns Not in keeping with surrounding character Insufficient landscaping
98	M Devereux	Support	Well thought out development
99	J Carmichael	Objection	Building height concerns     Not in keeping with surrounding character

100	J Happ	Objection	Building height concerns
			Parking concerns
			<ul> <li>Impact on adjacent development imposing</li> </ul>
101	J Bryce	Objection	Building height concerns
			Not in keeping with surrounding character
102	J Barlow	Objection	Not in keeping with surrounding character
103	H Beer	Objection	Building height concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Parking concerns
			Congestion concerns
104	M Webster	Objection	Building height concerns
			Not in keeping with surrounding character
105	S Hofferberth	Support	Attractive design
			Useful for the town
106	J Fletcher	Objection	Building height concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Parking concerns
107	N Pratt	Objection	Building height concerns
			Parking concerns
108	D Gardener	Objection	<ul> <li>Insufficient landscaping</li> </ul>
			Building height concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Access concerns
			Insufficient setbacks
			Overshadowing
109	N Smith	Objection	Building height concerns
			<ul> <li>Not in keeping with surrounding character</li> </ul>
			Will increase urban density
110	T Sayers	Objection	Building height concerns
			Not in keeping with surrounding character
111	S Sibbald	Support	Will help prevent sprawl

			<ul> <li>Attractive design</li> <li>Will add to the vibrancy of the town</li> <li>Material selection in keeping with beachy town theme</li> </ul>
112	K Johnson	Objection	Building height concerns
113	A Wall	Objection	Design concerns
			Building height concerns
			Insufficient landscaping
114	M Lancellas	Objection	Design concerns
			Parking concerns
115	A Moore	Objection	<ul> <li>Not in keeping with surrounding character</li> </ul>
			Parking concerns
116	S Winslow	Objection	Building height concerns
			Not in keeping with surrounding character
117	P Kalb	Objection	Building height concerns
			Not in keeping with surrounding character
118	C Saayman	Objection	Parking concerns
			<ul> <li>Insufficient setbacks and room for pedestrians</li> </ul>
			Building height concerns
			No additional commercial space needed
			Too many one bedroom dwellings
119	M Baldock	Support	Attractive design
			Will add to the vibrancy of the town
			Supports reduced car parking
			Will help prevent sprawl
120	H Leppard	Objection	Not in keeping with surrounding character
121	R Dougherty	Objection	<ul> <li>Not in keeping with surrounding character</li> </ul>
			Congestion concerns
			No additional commercial space needed
122	H Turner	Objection	Congestion concerns
			Parking concerns
			<ul> <li>Safety concerns in relation to bus stops / traffic / intersection</li> </ul>

			Building height concerns
			Not in keeping with surrounding character
123	P Watts	Objection	Building height concerns
			Overshadowing
			Parking concerns
			Design concerns
124	B Baker	Support	Good use of the site
			Supports reduced car parking
			Attractive design
			Will add to the vibrancy of the town
125	S Giles	Support	Supports residential development in the town centre
			Attractive design
			Parking concerns
126	M Mettam	Objection	Too many dwellings
			Parking concerns
			Congestion concerns
			Safety concerns in relation to bus stops / traffic / intersection
127	J Wallington	Objection	Design concerns
			Building height concerns
			Not in keeping with surrounding character
			Insufficient landscaping
			Parking concerns
			Amenity concerns
			<ul> <li>Safety concerns in relation to bus stops / traffic / intersection</li> </ul>
			No consultation between developer and adjoining land owners
128	C Smith	Objection	Building height concerns
			Not in keeping with surrounding character
			Parking concerns
129	W Franssen	Objection	<ul> <li>Long term plan required for development of the town</li> </ul>
			Better pedestrian access required
			Insufficient landscaping

#### See Council report and/or Attachment E (R-Codes assessment) for discussion of:

- Building Height
- Design

Attachment F

- Character
- Traffic
- Parking
- Safety concerns related to bus stops / traffic / intersection
- · Amenity concerns related to privacy / overshadowing / odour / light spill)
- Landscaping

#### Commercial / Residential Floor Space

A number of submissions indicated that there was sufficient commercial floor space within the town centre and no more shops / offices / cafes were required to service the town. The City's experience over the last several years would indicate however that there is not sufficient space within the town centre for these types of uses and as a result businesses which would be better placed within the town centre have moved into Enterprise Park which was envisaged as more properly providing for larger light industrial and/or service commercial businesses. Further, whether a particular use is commercially viable (ie: too much or too little floor residential or commercial floor space) is not generally a valid planning consideration. The City is required to assess a development application against the controls of the Local Planning Scheme and other relevant legislation, not market conditions related to the provision of particular uses.

#### Other preferences for the site

A number of submissions suggested other uses that the respondents would prefer to see on the subject site. These items have not been listed above as the City is only able to consider what is actually proposed through a Development Application (DA) and make a decision based on the merits of that particular proposal. What may or may not be a 'better' use for the site is not relevant to the consideration of DA.

#### **Future Planning for Dunsborough**

A number of submissions suggested that it would be appropriate to wait until further planning (ie: via an Activity Centre Plan or ACP) had been undertaken for the town centre prior to considering the proposed development. The City is conscious that detailed planning for the future growth of the town centre is important and to that end, is in the process of preparing an ACP for Dunsborough. The City is subject however to statutory constraints that require DA's to be considered in a timely manner and as such it would not be appropriate to hold the application until the ACP or other such design guidelines / place plans have been completed. The City is required to consider the DA before it on the merits of the proposal, based on the controls that exist at the time of the application/decision.

## 14. <u>ENGINEERING AND WORK SERVICES REPORT</u>

Nil

## 15. COMMUNITY AND COMMERCIAL SERVICES REPORT

## 15.1 <u>COMMUNITY SPORT AND RECREATION FACILITIES FUND - SMALL GRANTS ROUND APPLICATION JULY 2019</u>

**STRATEGIC CONTEXT** Goal: 1. COMMUNITY: Welcoming, friendly, healthy

**Objective: 1.3** A community with access to a range of cultural and art,

social and recreational facilities and experiences.

SUBJECT INDEX CSRFF JULY 2019 - BUSSELTON HOCKEY STADIUM CLUB (INC)

**BUSINESS UNIT:** Community Development

**REPORTING OFFICER:** Club Development Officer - Pam Glossop

**AUTHORISING OFFICER:** Director, Community and Commercial Services - Naomi Searle

**NATURE OF DECISION** Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A Busselton Hockey Stadium Club Inc. Application Form

- Lighting Upgrade U

#### **OFFICER RECOMMENDATION**

That the Council submits the City of Busselton's Application, Busselton Hockey Stadium Club (Inc.) – Lighting Upgrade, to the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund and rates the Application as a priority 'B' project, rank number 1.

#### **EXECUTIVE SUMMARY**

Each year, local government authorities are required to rate and prioritise the Community Sport and Recreation Facilities Fund (CSRFF) submissions received within their municipality. Small grant applications must be submitted by local government authorities to the Department of Local Government, Sport and Cultural Industries (DLGSC) by 30 August 2019. The purpose of this report is to meet the CSRFF criteria, by outlining the submissions received for projects within the City for the current funding round and request that Council rates and ranks the applications prior to forwarding to DLGSC for final consideration.

## **BACKGROUND**

The CSRFF program is administered by DLGSC and provides financial assistance of up to one third of the total capital cost for the development of well-planned facilities for sport and recreation.

In 2019/2020, the total project value for the small grant round is up to \$300,000 (excluding GST).

In order to assist with the evaluation of submissions to ensure projects are viable and appropriate, DLGSC has developed an assessment criteria. Accordingly, each submission is to be assessed against those criteria and local government authorities are required to rate and prioritise local submissions using the following guide:

RATE	DESCRIPTION
Α	Well planned and needed by the municipality
В	Well planned and needed by the applicant
С	Needed by the municipality, more planning required
D	Needed by the applicant, more planning required
E	Idea has merit, more preliminary work needed
F	Not recommended

Applications for the current funding round must be assessed and submitted to the South West Office of DLGSC no later than 30 August 2019.

During September to December 2019, local applications (along with others received throughout the State) will be evaluated and ranked by relevant State Sporting Associations and the CSRFF Assessment Panel, prior to the outcome being announced. Funds for successful applications will become available around February 2020.

One (1) application was received for the July small grants round as follows:

 Busselton Hockey Stadium Club (Inc.) – Upgrade of Lighting (Bovell Park, 28 Vasse Hwy, Bovell)

#### **OFFICER COMMENT**

One (1) application from the Busselton Hockey Stadium Club (Inc.) has been received for consideration in the current round of funding.

The project is to upgrade the field halogen lights which are obsolete and in need of replacing. As current lights do not meet competition standards, the proposed lighting upgrade will allow for increased participation from junior level through to State level games. It will be used predominantly for the South West League competition to be played at night.

The Club fully funded and replaced the synthetic hockey surface in March 2019 at a cost of \$310,091. This has left the Club's reserves depleted. The Club could contribute its part of the funding from its remaining reserves, but would prefer to leave some money in this account and has requested a self-supporting loan of \$80,000 from the City to contribute to the Club's financial contributions.

The Club has recently completed a series of strategic planning workshops coordinated by the City and funded through the Sport and Recreation Regional Every Club Grant. The Club has now a clear vision, objectives and strategies.

In the Club's Strategic Plan, it has clearly identified the following strategy:

Goal: To develop and maintain quality facilities which allow hockey to grow

Strategy: Upgrade of current light to meet state and national level lighting criteria

Outcome: Community Bids application and CSRFF application completed. Asset management

plan completed.

When: March 2020

Priority: High

### **Statutory Environment**

The officer recommendation supports the general function of a local government under the *Local Government Act 1995* to provide for the good government of persons in its district.

#### **Relevant Plans and Policies**

The officer recommendation aligns to the Social Plan 2015-2025. A key goal of this Plan is to "create needed, quality, sustainable recreation and leisure facilities and services for our community".

#### **Financial Implications**

The application received from the Busselton Hockey Stadium Club (Inc.) is for the upgrade of lighting at the Busselton Hockey Stadium at a total cost of \$254,851 (ex GST), one third of which is requested through CSRFF. The Club has been allocated \$59,000 through the City's Community Bids program and has a request to the City for a self-supporting loan of \$80,000 which is to be considered at the Finance Committee meeting on 15 August 2019. The Club would fund the balance of the project through its reserves.

Based on this, the proposed funding contribution is as follows:

Contribution Towards Project	Cost		
City of Busselton – Community Bids	\$59,000		
Busselton Hockey Stadium Club (Inc.)	\$30,901		
Self-Supporting loan	\$80,000		
CSRFF	\$84,950		
Total project cost	\$254,851		

It should be noted that the Busselton Hockey Stadium Club (Inc.) fully funded the cost of a replacement synthetic hockey turf of \$310,091 in February 2019 from its own reserves.

## **Stakeholder Consultation**

Consultation has taken place between officers of the City and staff from the South West Office of DLGSC in regards to the funding submission received. Consultation has also taken place between City officers assessing the application and key contacts from the Busselton Hockey Stadium Club (Inc.).

## **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place.

No such risks have been identified.

#### **Options**

As an alternative to the proposed recommendation the Council could decide not to support the Busselton Hockey Stadium Club (Inc.) application received for the 2019/20 July CSRFF Small Grants funding. If any Councillor is minded to this option officers can assist on the drafting of a suitable alternative motion.

## **CONCLUSION**

The application received for the 2019/20 CSRFF July Small Grants funding round shows sound reasoning and justification. It is recommended that this project be assessed as a 'high' priority and

that it is '(B) Well planned and needed by the applicant' and a number one (1) priority for consideration in this round.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

DLGSC, South West Office staff will be advised in writing of the Council's decision before 30 August 2019 when the full contents of the application are forwarded to their regional office in Bunbury.



Office Use Only TRIM:	
Grant No:	
Project Coordinate	or

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You MUST discuss and Cultural Industrender your project	ries office before co	n officer fro ompleting a	om yo	our i	nearest litting y	Depart our ap	tment o plicatio	f Loca n. Fail	I Govern ure to do	ment, Spor
All applications MU	IST be submitted to	your local date for th							vernmen	t to determi
DLGSC Contact: TR			7		16 July				OUTH W	/EST
Applicant's Details		(marking)								
Organisation Name:	BUSSELTON HO	CKEY STAI	DIUM	CLI	JB [INC	]				
Postal Address:	PO BOX 179					-				
Suburb:	BUSSELTON	State:		Ĭ	WA		Po	ostcod	e:	6280
Street Address:	BOVELL PARK 2	8 VASSE H	WY,	BO	/ELL					
Suburb:	BUSSELTON	State:			WA		Po	ostcode	e:	6280
Name: Position Held:	STADIUM MANAC	SER					Title:	Dr		⁄lrs□ Ms
referred Contact F										
Position Held:	STADIUM MANAC	SER								
Business Phone:	08 9754 2727			Facsimile:						
Mobile Phone:	0417 177 109				Email:			bsnhock@iinet.net.au		
rganisation Busin	ess Details:									
Does your organisation	n have an ABN?	Yes 🗵	]	No		ABN:	52614	336156	3	
ls your organisation re	egistered for GST?	Yes 🗵	]	No		* Note	, in order	to be elig	gible for fun	ding you must
ls your organisation n	ot-for-profit?	Yes 🗵	]	No		attach a copy of the Incorporation Certificate. LG/ exempt			ertificate. LGA's	
ls your organisation in	corporated?	Yes 🗵	]	No		Incorporation #: A822809 *				
Bank details:		Bank: Be	endigo	)		BSB:	BSB: 633106		A/c: 16	5592841
ocal Government	Authority Details:									
LGA:	CITY OF BUSSEL	TON								
Contact:	PAM GLOSSOP						Title:	Dr [	□Mr □N	lrs□ Ms⊠
Position Held:	CLUB DEVELOPM	MENT OFFI	CER							
Business Phone:	9781 1756			Facsimile:						
Mobile Phone: 0400208768		Email:		ail:	Pam.gle		m.glossop@busselton.wa.gov.au			

#### PROJECT DETAILS

Project Title (brief and specific): UPGRADE OF LIGHTING

#### **Project Description:**

To upgrade the existing lighting from halogen to LED to meet standards suitable for our competition. The current lighting has been in place since 1986 and is now obsolete.

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#### How did you establish a need for your project?

The current lighting has been in place since 1986 and it does not have the capacity to meet the lighting standards as indicated below. The current are globes are halogen have lost the lux required to conduct training and games which presents a risk to participants.

The Association upgraded the artificial surface in April 2019. The Association funded this project at a cost of \$310,091.10 from its own reserves and without any external funding support.

The second stage of the turf development is to upgrade the lights

The competitions held at the Busselton Hockey Stadium artificial turf range from Juniors through to Masters [Men & Women]. The senior competition is a regional competition with teams from Capel, Bunbury, Margaret River, and Busselton & Collie. It is from this competition that representative teams are selected for the South West Strikers, which is the pathway for future State and Australian players. Currently Aran Zalewski from Margaret River (which is a member club of the Busselton Hockey Stadium Club) is a member of the Gold medal Australian Men's Team that won the inaugural Pro League International Competition. Aran was also named player of the tournament. Australia is ranked number 1 in the world (men) and number 2 in the world (women) and the provision of quality infrastructure is a key to producing world class athletes.

In summary the following outlines the lux requirements with 500 lux being the standard being applied for in this application:

- Current lights have older style globes that are now not in production therefore cannot be replaced. If any
  more light/globes cease to operate it could see us not meeting the required Hockey Australia standards.
   We would therefore become non-compliant placing our players, stadium status and competition at risk
- Replacing with LED lights would be more energy efficient and therefore more economical and allow replacements of globes in the future
- 250 lux meets training standards and our domestic competition matches within our fixtures, but not adequate for SWHL competition compliance
- 350 lux meets competition standards for our SWHL matches in our fixtures this therefore becomes our minimum standard
- 500 lux meets competition standards for National competitions our preferred standard
- 500 lux meets competition standards for International matches
- We should be able to use the current light poles as they were passed in 2018 as compliant with City of Busselton standards. The conduit has been assessed by the licensed contractors as capable of handling the upgrade

#### What alternatives were considered and why were they rejected (e.g cost, suitability, feasibility)?

Halogen lighting was investigated but not considered suitable as they are more expensive to run and maintain.

Due to the age and condition of the current lighting no other alternatives have been considered.

The Association has no other option than to upgrade the lighting as we will be unable to schedule future night games under the current lights.

Have the full lifecycle costs of the project been considered and can you afford the ongoing costs of managing, maintaining and replacing the facility? Will a specific asset replacement fund be created?

The Association has a proven track record of managing, maintaining & budgeting for asset replacement as is evidenced by the fully funded artificial turf replacement. The Association has a policy to hold a sinking fund for all infrastructures

A specific asset replacement fund will not be established as the current sinking covers the entire infrastructure, including the pavilion, lighting, turf replacement, scoreboard and grandstand.

#### How will your project increase physical activity?

- Having lighting to 500 lux allows for local, regional and state level competition to be played in the evenings till 10pm.
- . This frees up turf time for all other grades of competition allowing more use of the turf
- It allows training every day of the week during the hockey season at early morning/night when lighting is required

# Busselton Hockey Stadium Club Inc. Application Form - Lighting Upgrade

Hockey seas     Off season m     Classic Leag     night games     Attract State/     Introduce oth     Introduce a n     Encourage of     Fixtures play     The associati     the SP attact     The Busselto	r competition fixtures opportunities on commences in Feb and plays till Oct ixed Masters and Summer competitions is currer ue games (A Grade) will be played in regional ce attract an increased audience National level competitions which is a tool for incer games such as walking hockey, AFL9's modifiew programme for Kids with disabilities ther sports – soccer, grid iron, lacrosse ed at evenings/nights – new lighting will attract mon is committed to increasing participation in line and flyer to application (attached) in Hockey Association has recently undertaken and structured approach to increase participation in	reasing ied spo ore pla with the	participal participal prts yers to thing Strateg	isselton and tion is competic prioritie	nd it is proven that tion s as identified in	
Project location:	28 Vasse Hwy, Sir Stuart Bovell Park, Busselto	n				
Land ownership:	Who owns the land on which your facility will be Lease Expiry (if applicable): 2024	e locate	ed? City o	f Busselto	on	
Planning approvals		If no, provide the date it will be applied for:				
Where applicable, ha	s planning permission been granted? (LGA)	Yes	□No	$\boxtimes$		
Aboriginal Heritage Act?			☐ No	$\boxtimes$		
Department of Biodiversity, Conservation and Attractions? (Environmental, Swan River)			□No	$\boxtimes$		
Native Vegetation Cle	earing Permit?	Yes	□No	$\boxtimes$		
Please list any other	Yes	□No				

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List the main sport and recreation activities (maximum of 3) which will benefit from your proposal. Please indicate the approximate % usage of the facility (or part of the facility relating to this proposal).

No If so, who:

Do you share your facility with other groups? Yes  $\hfill\square$ 

Sport/community organisation	% use of the facility	Hours per week
Hockey	90	60 in season [30 off season]
Soccer	5	4
Other eg. Lacrosse, AFL	5	5

Activity/sport membership numbers over the past three years relevant to your project. For example, if a bowls project, golf members not relevant; social membership numbers not applicable.

Note: if membership is not applicable, ie recreation facility or aquatic centre, enter the number of users of the facility.

20	016/17	815	2017/18	750	2018/19	765 players 120 coaches and umpires	
----	--------	-----	---------	-----	---------	---	--

State Sporting Associations are involved in the assessment of applications and may be able to provide valuable information when planning you project, particularly in relation to technical design issues. They should be consulted as part of the application process. A complete list of State Sporting Associations and their contact details are is available on the department's website: <a href="http://www.dsr.wa.gov.au/contact-us/find-a-sport-or-recreation-association">http://www.dsr.wa.gov.au/contact-us/find-a-sport-or-recreation-association</a>

What is the name of the State Sporting Association for your activity/sport?					
Western Australian Hockey Association [Inc]					
Have you discussed your project with your State Sporting Association? Yes ⊠ No □					
Contact Name: Ryan Lenegan Date of contact: 01 July 2019					

#### PROJECT DELIVERY

Please indicate key milestones of your project. The key milestones need to be realistic and demonstrate that the project can be delivered in the timeframe.

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Task	Date
Attainment of Council approvals	NA
Preparation of tender/quotes for the major works contract	FEB 2020
Issuing of tender for major works	MARCH 2020
Signing of major works contract	MARCH 2020
Site works commence	APRIL 2020
Construction of project starts	APRIL 2020
Project 50% complete	APRIL 2020
Project Completed	APRIL 2020
Project hand over and acquittal	JUNE 2020

Are there any operational constraints that would impact on the construction phase of your project? (such as your sporting season, major annual event or inclement weather) – provide details. Projects that are delayed due to undeclared known constraints are not eligible for a deferral.

#### GSI

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

## PRIVACY STATEMENT AND STATEMENT OF DISCLOSURE

The Organisation acknowledges and agrees that this Application and information regarding it is subject to the *Freedom of Information Act 1992* and that the Grantor may publicly disclose information in relation to this Application, including its terms and the details of the Organisation.

Any information provided by you to DLGSC can be accessed by you during standard office hours and updated by writing to DLGSC or calling (08) 9492 9700. All information provided on this form and gathered throughout the assessment process will be stored on a database that will only be accessed by authorised departmental personnel and is subject to privacy restrictions.

DLGSC may wish to provide certain information to the media for promotional purposes. The information will only include the applicant's club name, sport, location, grant purpose and grant amount.

#### APPLICANT'S CERTIFICATION

I certify that the information supplied is to the best of my knowledge, true and correct.

Attachment A

## Busselton Hockey Stadium Club Inc. Application Form - Lighting Upgrade

#### LODGEMENT OF YOUR APPLICATION

- Applications including all attachments are to be received electronically and officially submitted to
   <u>csrff@dlgsc.wa.gov.au</u> for metropolitan applications or your local DLGSC Regional Office email for
   regional applications by the cut off date. A hard copy can also be provided and should be clipped at the
   top left-hand corner, please do not bind.
- It is recommended that you retain your completed application form, including attachments for your own records and future audit purposes.
- All attachments and supporting documentation (see next section) should be clearly named and identified and submitted with the application form.
- Applications must be submitted to your Local Government Authority by the Local Government's
  advertised cut-off date to ensure inclusion at the relevant Council Meeting.

The following documentation must be included with your application. Applicants may wish to supply additional RELEVANT information.

#### Grants up to \$66,666:

$\boxtimes$	Application form.
$\boxtimes$	Incorporation Certificate.
$\boxtimes$	Two written quotes.
$\boxtimes$	If your project involves the upgrade of an existing facility, include <b>photograph/s</b> of this facility.
$\boxtimes$	<b>Locality map, site map and building plans</b> (in relevant constructions projects), including where the proposed facility is located in relation to other sport and recreation infrastructure.
$\boxtimes$	Income and expenditure statements for the current and next financial years. (LGAs exempted).
$\boxtimes$	Written confirmation of financial commitments from other sources including copies of council minutes. (If a club is contributing financially then evidence of their cash at hand must be provided).
	For resurfacing projects, a written guarantee from the supplier of the product that clearly identifies the product's life expectancy.
$\boxtimes$	Itemised project cost for components and identified on the relevant quote for each (including cost escalation).
$\boxtimes$	For floodlighting projects, a <b>lighting plan</b> must be supplied showing lux, configuration and sufficient power supply

### Your application will be considered not eligible if:

- You have not discussed your project with the Department of Local Government, Sport and Cultural Industries and your State Sporting Association.
- You do not meet the eligibility criteria for the grant category to which you are applying.
- You have not included with your application all the relevant required supporting documentation. There is no onus on Department staff to pursue missing documentation.
- Applicants/projects that have received a CSRFF grant in the past and have not satisfactorily acquitted
  that grant. In some cases this may apply to localities where other significant projects have not been
  progressed or have not completed a previous project in accordance with the conditions of the grant
  provided. An assessment will be made in November and if no physical progress has occurred, new
  applications may not be recommended.
- It is not on the correct application form.
- The project for which application is made is specifically excluded from receiving CSRFF support.

#### LODGEMENT OF YOUR APPLICATION

Applications including all attachments are to be received electronically and officially submitted to
 <u>csrff@dlgsc.wa.gov.au</u> for metropolitan applications or your local DLGSC Regional Office email for
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- It is recommended that you retain your completed application form, including attachments for your own records and future audit purposes.
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$\boxtimes$	Income and expenditure statements for the current and next financial years. (LGAs exempted).
$\boxtimes$	Written confirmation of financial commitments from other sources including copies of council minutes. (If a club is contributing financially then evidence of their cash at hand must be provided).
	For resurfacing projects, a written guarantee from the supplier of the product that clearly identifies the product's life expectancy.
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  that grant. In some cases this may apply to localities where other significant projects have not been
  progressed or have not completed a previous project in accordance with the conditions of the grant
  provided. An assessment will be made in November and if no physical progress has occurred, new
  applications may not be recommended.
- · It is not on the correct application form.
- The project for which application is made is specifically excluded from receiving CSRFF support.

#### **DEVELOPMENT BONUS APPLICANTS ONLY**

If you applied for a CSRFF grant for more than one third of the cost of the project, please provide evidence of meeting at least one of the following criteria.

You MUST contact your local DLGSC office to determine eligibility before applying.

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Category		Details
Geographical location	Regional/remote location Growth local government	
Co-location	New Existing	
Sustainability initiative	Water saving Energy reduction Other	
Increased participation	New participants Existing participants – higher level Special interest Other	

#### PROJECT BUDGET

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#### **ESTIMATED EXPENDITURE**

Please itemise the components of your project in the table below, indicating their cost and which quote or part of quote was used to estimate this. Quantity Surveyor costs will be accepted however the responsibility lies with the applicant to ensure the validity of the information. A contingency allowance is considered an acceptable component. PLEASE ITEMISE BY COMPONENT (e.g changerooms, storage, kitchen) rather than materials (electrician, plumber, finishings).

Project Description (detailed breakdown of project to be supplied	\$ Cost ex GST	\$ Cost inc GST	Quote Used (list company name and quote no)
Supply and install new led lights & electrical works	247,428	272,171	Christian & Co 15072019
		,	
	,		
Donated materials (Please provide cost breakdown)			
Volunteer labour (Please provide cost breakdown)	-		
Sub Total	247,428	272,171	
Cost escalation	7,423	8,165	3% allowance in case of increased future costs
a) Total project expenditure	254,851	280,336	

- At least two written quotes are required for each component.
- If your project is a floodlighting installation or upgrades, please ensure that the power supply is sufficient and no upgrade will be required. If upgrade is required and not budgeted for, the grant will immediately be withdrawn. A **lighting plan** must be supplied showing lux and configuration.
- · Projects that do not meet Australian Standards are ineligible for funding.

#### PROJECT FUNDING

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Source of funding	\$Amount ex GST	\$ Amount inc GST		Funding confirmed Y / N	Comments to support claim (please attach relevant support)
Local government	59,000	64,900	LGA cash and in-kind	Y	Community Bids Application – notification at Council meeting 31 July 2019
Applicant cash	30,901	33,991	Organisation's cash		
Volunteer labour			Cannot exceed applicant cash and LGA contribution – max \$50,000		
Donated materials			Cannot exceed applicant cash and LGA contribution		
Other State Government funding					
Federal Government funding					
Other funding – to be listed	80,000	88,000	Loans, sponsorship etc	N	Self-supporting loan from City of Busselton – to be approved a future Council meeting
CSRFF request (No Development Bonus)	84,950	93,445	up to 1/3 project cost	N	<u> </u>
or CSRFF request (Development Bonus)			Up to ½ project cost	N	
b) Total project funding	254,851	280,336	This should equal project expenditure as listed on the previous page		

REQUIRED: If the funding approved is less than funding requested for this project, or the project is more expensive than indicated, where would the extra funds be sourced from? Is this funding confirmed? If the project scope would be reduced, which components would be revisited?

The Association has existing reserves to contribute to the project should less funding be approved. The scope could be reduced from 500 lux to 350 lux but this would be detrimental to utilising the synthetic surface to its full potential.

#### **GST**

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

Busselton Hockey Stadium Club Inc. Application Form - Lighting Upgrade

## PROJECT ASSESSMENT SHEET

This page	e is for the use of the relevant Local Government Authority to be used for both community and LGA
projects.	Please attach copies of council minutes relevant to the project approval.

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Name of Local Gove	rnment Authority: City of Busselton	
Name of Applicant:	Busselton Hockey Stadium Club (inc)	

Note: The applicant's name cannot be changed once the application is lodged at DLGSC.

#### Section A

The CSRFF principles have been considered and the following assessment is provided: (Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification			
Planned approach			
Community input			$\boxtimes$
Management planning			
Access and opportunity			
Design		· 🗆	
Financial viability			
Co-ordination	$\boxtimes$		
Potential to increase Physical activity			
Sustainability			

## Section B

Priority ranking of no of applications received	1 of 1 applications received	
Is this project consistent with the	☐ Local Plan ☐ Regional Plan	
Have all planning and building approvals been given for this project?	⊠ Yes □ No	
If no, what approvals are still outstanding?		

## Project Rating (Please tick the most appropriate box to describe the project)

. 0,000.	tating (1 touce they are incorrupted printed and to account and project)	
Α	Well planned and needed by municipality	
В	Well planned and needed by applicant	$\boxtimes$
С	Needed by municipality, more planning required	
D	Needed by applicant, more planning required	
E	Idea has merit, more planning work needed	
F	Not recommended	

Please complete the questions attached. This assessment is an important part of the CSRFF process and your answers to these questions assist the committee make their recommendations, even if you are the applicant. Please provide a summary of any attachments in your assessment, rather than referring to attachments or external documents such as Council Minutes.

1. Please confirm your contribution to the project, whether it has been formally approved (including financial year for which it is approved) and any conditions on the funding. If no funding has been provided, why not?

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The Busselton Hockey Stadium Club (inc) has applied for a grant through the City's Community Bids Program for \$59,000. This application will be put to Council at its meeting on 31 July 2019 and if successful funds will be available immediately.

The applicant has also applied for a self-supporting loan for \$80,000 as a part of its cash contribution. This will be put to Council for approval at its meeting on 14 August 2019.

The applicant has demonstrated that it has the capacity to financially contribute to this project. In February 2019, the applicant self-funded the synthetic turf replacement as a cost of \$310,091.

- 2. A) If a community group application: Do you believe the project is financially viable, including the applicant's ability to provide upfront contributions, ongoing payments and contributions to an asset replacement fund. Does council commit to underwriting any shortfalls as the ultimate asset owner?
  - B) If a council application: Is Council fully aware of the ongoing cost of operating and maintaining this facility and does your organisation have the capacity to service it into the future? How are the user groups contributing to the ongoing cost of operating the facility?

The applicant has clearly demonstrated its ability to financially plan for the future as is evidenced by its selffunding of the replacement turf. The City of Busselton has confidence that the Hockey Association is capable of meeting its financial obligations. The applicant has a lease over the facility.

The Association fully funded and replaced the synthetic hockey surface in March 2019 at a cost of \$310,091 This has left the Association's reserves depleted. The Association could contribute its part of the funding from its remaining reserves, but would prefer to leave some money in this account and has requested a self-supporting loan of \$80,000 from the City to contribute to the Association's financial contributions.

3. Please provide any additional comments regarding this applications merit against the assessment criteria to support your project rating and ranking.

The applicant has been working with the City of Busselton for the past 12 months in developing the planning of the precinct. They were successful in a Community Bid to erect a new scoreboard in early 2019.

The project is to upgrade the current halogen lights which are obsolete and in need of replacing. The proposed lighting upgrade will allow for increased participation from junior level through to State level games. It will be used predominantly for the South West Leagues Competition to be played at night.

The Association has recently completed a series of strategic planning workshops coordinated by the City and funded through the Sport and Recreation Regional Every Club Grant. The Association has now a clear vision, objectives and strategies.

In the Associations Strategic Plan it has clearly identified the following strategy:

Goal: To develop and maintain quality facilities which allow hockey to grow Strategy: Upgrade of current light to meet state and national level lighting criteria

Outcome: Community Bids application and CSRFF application completed. Asset management plan

completed. When: March 2020 Priority : High

Part lorg

Position Club Development Officer

Date 18 July 2019

Signed

Applications for CSRFF funding must be submitted to your Department of Local Government, Sport and Cultural Industries office by **4pm on 30 August 2019.** Late applications cannot be accepted in any circumstances.

#### **DLGSC OFFICES**

#### PERTH OFFICE

246 Vincent Street Leederville WA 6007 GPO Box 8349 Perth Business Centre WA 6849 Tel: (08) 9492 9700 CSRFF@dlgsc.wa.gov.au

#### **GASCOYNE**

4 Francis Street
PO Box 140
Carnarvon WA 6701
Tel: (08) 9941 0900
Gascoyne@dlgsc.wa.gov.au

## GOLDFIELDS

106 Hannan Street PO Box 1036 Kalgoorlie WA 6430 Tel: (08) 9022 5800 goldfields@dlgsc.wa.gov.au

#### **GREAT SOUTHERN**

22 Collie Street

Albany WA 6330 Tel: (08) 9892 0100 greatsouthern@dlgsc.wa.gov.au

## MID-WEST

Level 1, 268-270 Foreshore Drive PO Box 135 Geraldton WA 6531 Tel: (08) 9956 2100 midwest@dlgsc.wa.gov.au

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## KIMBERLEY - Broome

Unit 2, 23 Coghlan Street PO Box 1476 Broome WA 6725 Telephone (08) 9195 5750 Mobile 0438 916 185 kimberley@dlgsc.wa.gov.au

## KIMBERLEY – Kununurra

Telephone 08 9195 5750 Mobile 0427 357 774 kimberley@dlgsc.wa.gov.au

#### **PEEL**

Suite 94 16 Dolphin Drive PO Box 1445 Mandurah WA 6210 Tel: (08) 9550 3100 peel@dlgsc.wa.gov.au

#### **PILBARA**

Karratha Leisure plex Dampier Hwy, Karratha PO Box 941 Karratha WA 6714 Tel: (08) 9182 2100 pilbara@dlgsc.wa.gov.au

#### SOUTH WEST

80A Blair Street PO Box 2662 Bunbury WA 6230 Tel: (08) 9792 6900 southwest@dlgsc.wa.gov.au

## WHEATBELT - Northam

298 Fitzgerald Street PO Box 55 Northam WA 6401 Tel: (08) 9690 2400 wheatbelt@dlgsc.wa.gov.au

#### WHEATBELT - Narrogin

Government Offices 50 Clayton Road Narrogin WA 6312 Telephone 0429 881 369 wheatbelt@dlgsc.wa.gov.au

#### 16. FINANCE AND CORPORATE SERVICES REPORT

## 16.1 <u>BUSSELTON FORESHORE HOTEL SITE 2 LOT AMENDMENT TO INCLUDE CARPARKING</u>

**STRATEGIC CONTEXT** Goal: 4. ECONOMY Diverse, resilient, prosperous

**Objective: 4.1** An innovative and diversified economy that provides a

variety of business and employment opportunities as well

as consumer choice.

**SUBJECT INDEX** Agreements

**BUSINESS UNIT:** Corporate Services

**REPORTING OFFICER:** Property Management Coordinator - Sharon Woodford-Jones

**AUTHORISING OFFICER:** Director Finance and Corporate Services - Tony Nottle

NATURE OF DECISION Quasi-Judicial: to determine an application/matter that directly

affects a person's right and interests e.g. development applications, applications for other permits/licences, leases and other decisions

that may be appealable to the State Admin Tribunal.

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A Hotel Site and Land to be included in Lot excision for

carparking U

Attachment B Structure Plan U

#### OFFICER RECOMMENDATION

#### That the Council:

- Support the inclusion of the area indicatively shown hatched black on the plan in Annexure A, being part of Lot 503 Reserve 38558 on Deposited Plan 402933, within the lease area of the hotel development proposed by Pacifica Developments Pty Ltd at Hotel Site 2 on the Busselton Foreshore Masterplan.
- 2. Endorses the submission of a formal request by the City of Busselton to the Department of Planning, Lands and Heritage to incorporate within the area to be excised from Reserve 38558 for the creation of new lot 600 for the hotel development mentioned in Resolution 1, both the hotel site and the dedicated parking area as indicatively shown on the plan in Annexure A.

#### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council support for the inclusion of additional land within the area to be excised from the foreshore reserve (carpark) to facilitate the development of Hotel Site 2. The new lot inclusive of the carpark will be the subject of a headlease granted to the City by the State and sublease in favour of the hotel developers. This is preferable to a lease of the hotel site and non-exclusive license of the carpark.

### **BACKGROUND**

The Busselton Foreshore Masterplan (BFMP) adopted by Council on 28<sup>th</sup> March 2012 (C1203/073) identified potential sites for hotel/short stay accommodation. One of these particular sites being site number 2 as shown stippled black on the plan attached marked Attachment A (Hotel Site 2).

Following an expression of interest process to recruit potential hotel developers and/or operators of short stay accommodation, Council resolved on 22<sup>nd</sup> November 2017 (C1711/287) to nominate Pacifica Developments Pty Ltd (Pacifica) as 'preferred proponents'.

Hotel Site 2 currently forms part of Lot 503 on Foreshore Reserve 38558. In line with the current policy of the Department of Planning Lands and Heritage (DPLH), commercial leasing within this reserve requires excision of the area to be leased to create a separate lot. Similar to the creation of a new lot where the proposed family restaurant/microbrewery will be developed, the newly created lot will then be the subject of a headlease granted by the State of WA to the City of Busselton, enabling the City to offer a sublease to the relevant commercial operator.

City Officers are at the point of finalising a headlease for Hotel Site 2 (Headlease) with DPLH (representing the State of WA), and the broad terms of a development agreement and Sublease with Pacifica. Pacifica's proposal includes development of a 110 room four star rated hotel at Hotel Site 2, with a 30 bay carpark for exclusive use by hotel patrons adjacent to the hotel site (Hotel Carpark). During discussions with DPLH in relation to the Headlease, DPLH:

- Acknowledged the need to provide Pacifica with sufficient exclusive carparking for the proposed hotel development;
- Acknowledged the importance of providing Pacifica with security of tenure for the Hotel Carpark;
   and
- Indicated that a proposal for incorporation of the Hotel Carpark into Hotel Site 2 (that is the new Lot 600 to be created for that purpose), would be likely to be favourably considered.

The area identified as most appropriate for the Hotel Carpark is adjacent to Hotel Site 2, located immediately to the south (as shown hatched black on Attachment A). If approved, the State would then be in a position to grant the City a Headlease over an area sufficient to accommodate both the proposed hotel building and the Hotel Carpark, which in turn will enable the City to offer a Sublease of the same area to Pacifica.

In terms of the Busselton Foreshore Masterplan the area immediately to the south of Hotel Site 2 is currently being used (and has been earmarked for future use) as a carpark. The proposed design of the Hotel Carpark provides for:

- 30 carpark bays within this area to be incorporated into the (proposed) new lot 600 as Hotel Carpark; and
- The remaining (approximately 20) carpark bays being available for public car parking.

This report recommends that Council endorses a proposal to DPLH to incorporate the Hotel Carpark into the proposed new Lot 600.

## **OFFICER COMMENT**

Pacifica recently unveiled their design for the hotel development at Hotel Site 2 and signed a Memorandum of Understanding committing to the concept. Within that concept they have identified that in a regional location like Busselton there is a need for dedicated parking bays to serve this type of hotel offering. To service the proposed 110 room facility Pacifica calculated that at a minimum they will require 30 parking bays. It is likely that there will be a similar need when the other Busselton Foreshore hotel/short stay sites are developed.

The key strategic interest of both the State and the City in this matter is striking a balance between:

- Providing adequate support to ensure the hotel development proceeds (including provision of sufficient space for dedicated car parking to support the development); and
- Ensuring sufficient public car parking within the Busselton foreshore precinct is available to serve the public at large and the needs of other businesses within this area.

Since inception of the Busselton Foreshore Masterplan development of one or more hotels within the Busselton Foreshore precinct had been planned for. The provision of the proposed quality accommodation in such a central and desirable location will be a significant asset for tourism in the region and is necessary to build on the potential created by several tens of millions of public investment in the Busselton Foreshore over the last decade. In addition, the proposed hotel development is expected to create a significant number of jobs over both the short and long term, which should have a positive impact on local business and benefit the local community. It will also require Pacifica to invest a significant amount of money in construction and fit out of the hotel building, estimated to be in excess of \$20 million. Pacifica's business modelling for this development indicates that, as a minimum, exclusive use of at least 30 dedicated parking bays (that is the Hotel Carpark) is required for their development to be economically viable.

So far as the overall parking strategy for the Busselton Foreshore area is concerned, there are a number of other factors to consider. The Busselton Foreshore Structure Plan identified two further sites on the Busselton Foreshore for future hotel/short stay accommodation:

- Site 9, where the "old" Busselton Tennis Club facilities are currently located. As the "new" Busselton Tennis Club facilities at Barnard Park are almost complete, it is expected that Site 9 will be vacated and handed back to the City during the next financial year. Indications are that there is currently no demand for a second hotel/short stay accommodation development on the Busselton Foreshore. Therefore the City intends over the short to medium term (next 3 5 years) to use at least a portion of Site 9 for public carparking.
- Site 11, located east of Hotel Site 2, has already been developed (and is currently being used) as
  a public car park. Based on the current economic climate and growth figures, indications are that
  any development of hotel/short stay accommodation at this location is unlikely to occur within
  the next 10 years.

Use of Sites 9 and 11 as public carparking, although not permanently, has significantly increased supply of public carparking within the Busselton Foreshore precinct. In addition there is also the capacity to provide overflow parking at Signal Park or, possibly in future and, if the need arises, portions of Barnard Park.

As part of the Busselton Activity Centre Plan, a high level parking strategy will be developed that considers planning an integrated approach between the foreshore, the Busselton Entertainment, Arts and Cultural Hub on Queen Street (BEACH) and the CBD. It has been identified that there are currently 1774 off-street and 849 on-street parking bays within a 10 minute walk of the proposed BEACH site and the Busselton Foreshore precinct. These numbers exclude the estimated additional 172 bays to be developed at Site 9 once the existing tennis facility has been vacated.

There are a large number of both on and off-street car bays available for public parking across the Busselton Foreshore precinct and adjoining Busselton city centre. In many ways they are overlapping areas for the purpose of parking supply and demand. Most of the time, there is limited overlap of peak demand in the two areas. In addition to these, the City has purchased and land banked approximately 9000m² of land on the south eastern side of the City centre for future parking supply. This parcel of land is within 10 minutes' walk of both the City centre and the Busselton Foreshore and, once sufficient demand has been determined, development of a public carpark on that land will commence. At that stage implementation of parking controls on more centrally located carparking will in all likelihood be considered to facilitate greater short term 'visitor' type parking amenity.

Given the above, City officers are satisfied that providing Pacifica with exclusive use of the proposed 30 dedicated hotel parking bays and incorporating this Hotel Carpark into the lease area for Hotel Site 2 will not adversely impact on amenity or parking requirements on the foreshore.

Pacifica have indicated that they wish to demark the proposed Hotel Carpark and install an automated access gate. Thus, under the proposed Sublease, formal approval of the City to the type of enclosure would be required before anything was to be constructed.

The option of a non-exclusive licence over the carparking area is not recommended for a number of reasons. Among them being the extent of Pacifica's investment into the hotel development, the fact that Pacifica's business modelling requires at least 30 dedicated on-site parking bays. A lease provides a more secure arrangement to assist with attracting investment.

## **Statutory Environment**

There are no statutory issues relating to the Officer recommendation contained within this report. Section 3.58(3) of the Local Government Act 1995 (**LGA**) requires a local government 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 before a date to be specified in the notice, being a date not less than two weeks after the notice is first given.
- b) consider any submissions made to it before the date specified in the notice and, if a 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.

Additionally, Sections 3.59(1) and (4) of the LGA requires that before a Local Government enters into a major land transaction, it is to prepare a business plan and seek public comment by giving state-wide public notice.

Once the terms of the proposed Sublease have been settled (subject at this stage on matters such as finalising the lease area), City officers will present Council with a further report for compliance with Sections 3.58 and 3.59 of the LGA and endorsement of the terms of the Headlease and proposed Sublease.

## **Relevant Plans and Policies**

## **Busselton Foreshore Statement of Intent**

On 8 June 2011 (C1106/180), the former Busselton Shire Council adopted a 'Statement of Intent' for the development of the Busselton Foreshore, recognising a balanced approach is required to ensure sustainable outcomes from public and private investment. The statement concluded "the foreshore will be developed in a manner that respects Busselton's identity and heritage whilst providing economic, social, environmental and cultural benefits to the Shire (sic) and the South West region". This statement was updated and reaffirmed by Council on 25 February 2015 (C1502/037).

## Busselton Foreshore Master Plan (BFMP)

The most recent amendment to the BFMP was adopted by Council (C1602/031) on 24 February 2016 and identified three sites for hotels/short-stay accommodation.

#### Busselton Foreshore Structure Plan (BFSP) - SEE ATTACHMENT B

The change proposed to the area to be excised from Reserve 38558 is not considered to trigger any need to amend the BFSP adopted by Council in April 2016. Under current regulations, Structure Plans must be given due regard, but discretion is available to subsequent lands, subdivision and development approval decision makers.

## **Financial Implications**

There will be no adverse financial implications on the City. If Council are supportive of the officer recommendation, the increase to the leased area will impact positively on the rent proposed to be charged under the proposed Sublease. It is also expected that this may impact on any rates that may apply to the property.

Other than the increase in rent and potential rate income over the proposed term of the Sublease, there are no long term financial plan implications.

## **Stakeholder Consultation**

There has been continuous correspondence and dialogue with planning and land officers within the DPLH since the inception of this proposal.

DPLH have acknowledged and informally indicated that they are supportive of the suggestion to increase the footprint of the proposed hotel lot to include the Hotel Carpark within the proposed lease area for Hotel Site 2. This is provided due consideration has been given to providing appropriate levels of parking within the foreshore.

#### **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place.

The following risks have been identified:

Slightly reduced number of parking bays may impact on the footfall to amenities and business within the Busselton Foreshore.						
Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level			
Reputational	Moderate	Unlikely	Medium			

The provision of adequate spaces within close proximity of the foreshore and safe alternative pedestrian or cycle access is a risk control.

## **Options**

As an alternative to the proposed recommendation the Council could:

- The required carparking in a different location; and/or
- 2. A different form of tenure for the required carparking e.g. a non-exclusive licence to use the subject land for carparking, rather than incorporating it into the lease area. However for the reasons stated above in the Officer Comment these are not recommended.

If any Councillor is minded to any of the above options officers can assist on the drafting of a suitable alternative motion.

#### **CONCLUSION**

Pacifica's business model is based on securing tenure over both the hotel site and an area providing for at least 30 dedicated carparking bays. Incorporating the proposed Hotel Carpark into the lease area (new Lot 600 to be created for the hotel development) should provide Pacifica with sufficient security of tenure without having an adverse impact on existing and future demand for public carparking within the Busselton Foreshore precinct and/or City centre.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Officers will write to the DPLH within 10 working days of the date of the resolution requesting an amendment to the survey of Lot 600 to include the parking bays.

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## Attachment A



Car Park Hotel Site 2 - 68469.qgz

### ATTACHMENT B

#### STRUCTURE PLAN — BUSSELTON FORESHORE



#### PROVISIONS:

- . This Structure Plan shall be read in conjunction with the City of Busselton Local Planning Scheme 21 (the Scheme\*).

  Land use permissibility within the Foreshore Precincts will be in accordance with Table 1.
- Where a use that is listed in the Scheme or Table 1 does not appear against a specific precinct in Table 1 then this land use will generally not be permitted within that precinct.
- Land uses are defined in accordance with the Scheme except as follows:
- 'Exhibition Centre' means a premises used for the display, or display and sale, of materials of an artistic, cultural or historic nature, and includes a museum or art gallery.
- 'Klosk' means a small structure of no more than one storey and up to approximately 90m2 floor area wherein predominantly food and drinks are offered for sale and consumption
- Development shall be generally located as indicated on the Structure Plan and to the satisfaction of the Local Gov-
- Maximum building heights, maximum storeys and maximum building ground floor areas pertaining to each 'Development Location', shall be in accordance with Tables 2 or 3 as applicable.
- Car parking requirements for development within the Short Stay Accommodation Precinct shall be assessed in accordance with the Scheme. On-site car parking is generally not required for development in the other precincts. However, where parking is determined to be required, the amount and location will be to the satisfaction of the Local Government.
- Development design, including all landscaping, servicing, public open space areas, drainage, exterior finish of struc tures and appearance of the overall developments shall be consistent with the objectives for the relevant Fore-shore Precinct as set out in Table 1 and generally in accordance with the guidance provided by the Busselton Fore-
- All subdivision and development is to be connected to reticulated sewer.
- Preparation of an Irrigation and Fertiliser Management Plan is to be developed and implemented for the DGP area to the satisfaction of the Department of Water.

  Prior to the approval of any subdivision and/or development in the Structure Plan, preparation and endorsement o
- a Stormware and Groundwater Management Plan to the satisfaction of the Department of Water.

  10. At the planning application stage, the City will give detailed consideration to any proposed liquor licensed premises in regard to their design, scale, licensed floor area, hours of operation, management and interface with the public realm to minimise the potential for adverse impacts on the public realm, anti-social behaviour and/or land use con-flict. As such, the City will require the proponent to comprehensively address these impacts as part of the planning

Maximum Building Height

from natural (existing) ground level

Maximum Building

Ground Floor Area (m2)

Precinct	Precinct Objective	Use Class	Permissibility
Queen Street	This precinct will reflect a pedestrian friendly space, which provides a point of entry to connect the foreshore with the Busselton City Centre, and points of attraction including the existing Equinox Café and a new Café lease site.	Restaurant	D
		Recreation Area	D
Core Activities	This central activity space connects the Queen Street and Busselton Jetty precincts. It will focus on the provision of	Klosk	D
	high quality amenities including a salt water play park as a focal element and new single storey pavilion style klosks. This precinct will focus on enhancing views of the foreshore and jetty, improving the pedestrian experience, and de- velopment will provide for maximum activation of surrounding spaces.	Recreation Area*	D
Busselton Jetty	This precinct is a key movement corridor to Marine Terrace and an extension of the original railway line along Stanley	Restaurant	D
	Street into the town centre. It contains interpretive and restaurant functions including 'Railway House', an interpretive centre for the Busselton Jetty, the local historic rail network and the south west timber industry. This precinct will	Exhibition Centre	D
	provide a pedestrian focused environment, maximum activation of spaces, and retain views of the foreshore and	Shop	D
	Jetty.	Tavern	D
		Recreation Area*	D
Youth and Community Activi- ties	This precinct is to provide a pedestrian oriented activity space to cater for events and to complement the family ori- ented beach and parkiand. This precinct will include a new community building that will accommodate the Busselton Surf Ule Saving Chain and other youth groups, a starkeyflikh park, adventure playground and occasional blosk, while retaining a sense of open space and views of the foreshore and jetty.	Community Centre	D
		Recreation Area*	D
Short Stay Accommodation	ing to provide active frontage to the east-west spine road, landscaped setting and retain wide view corridors between buildings. The predominant land use in this precinct will be short stay accommodation such as hotels and serviced	Hotel	D
		Tourist Accommoda- tion	D
		Shop	D
	nc ream.	Tayern	D

'D' means that the use is permitted when the local government has exercised its discretion by granting planning approval. Indicates that the use class is permissible throughout the precinct.

Café 1 (opposite Equinox) 7.5m Café 2 (currently the Equinox Cafe) 1 plus loft 7.5m 1000 7.5m Kiosk 1 7.5m Kinsk 2 Kiosk 3 7.5m Klosk 4 10.2m Tavern/Restaurant/Shop Café 4 (currently The Goose) 7.5m 1000 Exhibition Centre (Railway House) Commercial Centre 2 plus loft Community Centre (Youth Facility 10.2m

Table 3: Building Height and Floor Area for Short Stay Accommodation Areas

Table 2: Building Height and Floor Area for Development Locations

Notation Development Location

Notation	Development Location	Storeys	Building Height from Natural Ground Level			Maximum Building Ground Floor Area (m <sup>2</sup> )	
			Top of ex- ternal wall	Top of external wall (concealed roof)	Top of pitched roof		
9	Short Stay Accommodation Area 1	4 plus loft	16m	18m	20m	2,920	
10	Short Stay Accommodation Area 2	4 plus loft	16m	18m	20m	2,265	
11	Short Stay Accommodation Area 3	4 plus loft	16m	18m	20m	2,010	

#### 16.2 CONSOLIDATION OF EXTRAORDINARY AND ORDINARY ELECTION

**STRATEGIC CONTEXT Goal: 6.** LEADERSHIP Visionary, collaborative, accountable

**Objective: 6.1** Governance systems, process and practices are

responsible, ethical and transparent.

SUBJECT INDEX Governance

**BUSINESS UNIT:** Governance Services

**REPORTING OFFICER:** Governance Officer - Melissa Egan

Manager Governance and Corporate Services - Sarah Pierson

**AUTHORISING OFFICER:** Director Finance and Corporate Services - Tony Nottle

**NATURE OF DECISION** Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A Letter from WAEC.

#### **OFFICER RECOMMENDATION**

That the Council endorses the inclusion of the vacant Council position (2 year term) as part of the ordinary election to be held on 19 October 2019.

#### **EXECUTIVE SUMMARY**

Council received written notice from Councillor Robert Bennett advising of his resignation from office of Councillor of the City of Busselton, effective 30 June 2019. Cr Bennett's term is due to expire in 2021, leaving the City with a vacancy from 30 June 2019 until the elections in 2021.

Pursuant to Section 4.16(4) of the *Local Government Act 1995* (the Act), Council may, with approval of the Western Australian Electoral Commissioner include the now vacant office (two-year term) in the ordinary election to be held on 19 October 2019, as opposed to holding an extraordinary election. This report recommends that Council resolve to do this.

#### **BACKGROUND**

Local government ordinary elections are held on the third Saturday in October every two years. Elected members each serve a term of four years. The terms of five elected members will expire at the time of the 2019 Ordinary election.

Cr Bennett has formally resigned from his office of Councillor of the City of Busselton, effective 30 June 2019. Ordinarily, an extraordinary election would be required to fill Cr Bennett's vacancy. Section 4.16(4) of the Act provides however that if a member's office becomes vacant (in this instance, under s. 2.32(b) by resignation) after the third Saturday in January but before the third Sunday in July in an election year, the Council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in the election year as the day for holding the poll for the extraordinary election.

### **OFFICER COMMENT**

Consolidation of the extraordinary election with the ordinary election has been identified in discussions between the Mayor, CEO and Councillors as logistically efficient and cost effective, avoiding the financial burden of another separate election. The reduction in the number of Councillors to eight in the interim is not expected to significantly impact on the functioning of Council.

Officers have on this basis sought and obtained approval from the Western Australian Electoral Commissioner to include the vacancy created by Cr Bennett's resignation in the poll on the ordinary election to be held on 19 October 2019. Approval was granted on 17 July 2019 (Attachment A) and a Council decision is now required to formalise this.

## **Statutory Environment**

Part 4 of the Act provides for the conduct of local government elections. Part 4, Division 6 of the Act provides for the postponement of elections to allow the consolidation of extraordinary and ordinary elections.

Pursuant to section 4.9 of the Act, the Mayor may fix the day to hold an extraordinary election. In circumstances however where Council is seeking to postpone and consolidate an extraordinary with an ordinary election, section 4.16(4) provides that Council, with the approval of the Electoral Commissioner, fix this date.

## **Relevant Plans and Policies**

There are no relevant plans or policies to consider in relation to this matter.

### **Financial Implications**

The City of Busselton has provided in its Long Term Financial Plan for an ordinary election to be held every two years, with funding included in the 2019/2020 budget.

The officer recommendation, which will result in the consolidation of the extraordinary and ordinary elections, will allow for the one election thereby avoiding the financial cost of two separate elections in the year of an ordinary election.

#### **Stakeholder Consultation**

No external consultation, other than notification and approval obtained from the Electoral Commissioner, was undertaken or considered necessary in relation to this matter.

#### **Risk Assessment**

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

## **Options**

As an alternative to the proposed recommendation the Council could decide instead to conduct an extraordinary election for Cr Bennett's vacant office.

#### **CONCLUSION**

The Act provides for the consolidation of an extraordinary and an ordinary election. Approval has been sought from the Western Australian Electoral Commission for the vacancy created by Cr Bennett's resignation to be included in the poll of the 2019 ordinary election. Pursuant to the Act, a formal Council decision is now sought for this.

### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Council endorsement of the officer recommendation will be enacted immediately, with confirmation provided to the Western Australian Electoral Commission.

LGE 282





Mr Paul Needham Acting Chief Executive Officer City of Busselton Locked Bag 1 **BUSSELTON WA 6280** 

Dear Mr Needham

## Request to Leave Vacancy Unfilled

I refer to your letter dated 16 July 2019 in which you advised of the resignation of Councillor Rob Bennett and your subsequent request to seek my agreement that the vacancy remain unfilled until the October 2019 ordinary elections.

I have considered the information provided in your correspondence and advise that approval is given under section 4.16(4) of the Local Government Act 1995 to defer filling the vacancy until the October 2019 ordinary elections.

In addition I can confirm that the additional vacancy has been added to the 2019 elections and that the City of Busselton is now listed as having 5 councillor vacancies for 4 year terms and 1 councillor vacancy for a 2 year term.

Should you require any further information please contact Phil Richards, Manager Election Events on 9214 0443.

Yours sincerely

David Kerslake

**ELECTORAL COMMISSIONER** 

17 July 2019



## 17. CHIEF EXECUTIVE OFFICERS REPORT

## 17.1 COUNCILLORS' INFORMATION BULLETIN

**STRATEGIC CONTEXT Goal: 6.** LEADERSHIP Visionary, collaborative, accountable

**Objective: 6.1** Governance systems, process and practices are

responsible, ethical and transparent.

SUBJECT INDEX Councillors' Information Bulletin

**BUSINESS UNIT:** Governance Services

**REPORTING OFFICER:** Executive Assistant to Council - Katie Banks

**AUTHORISING OFFICER:** Chief Executive Officer - Mike Archer

NATURE OF DECISION Noting: the item does not require a decision of Council and is simply

for information purposes and noting

**VOTING REQUIREMENT:** Simple Majority

## **OFFICER RECOMMENDATION**

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

17.1.1 State Administrative Tribunal Reviews

#### **EXECUTIVE SUMMARY**

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each 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**

#### 17.1.1 State Administrative Tribunal Reviews

Attachment A is a list showing the current status of State Administrative Tribunal Reviews involving the City of Busselton.

## As at 30 July 2019

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED	
CITY OF BUSSELT	ON							
JOINT DEVELOPM	ΛΕΝΤ ASSESSMENT	PANEL						
Realview Holdings v Presiding Member of the SJDAP	86 West Street, Busselton	February 2019	Appeal against refusal of Development application for Markets		<ul> <li>Directions hearing on the 8 March 2019 against the decision of the Southern Joint Development Assessment Panel to refuse the application.</li> <li>Mediation scheduled for 3 April 2019.</li> <li>Further mediation listed for 28 May 2019.</li> <li>Mediation on 28 May 2019 where it was resolved that the applicant is to provide additional information and Pursuant to s 31 of the State Administrative Tribunal Act 2004 the respondent is invited to reconsider its decision on or before 20 August 2019.</li> <li>JDAP reconsideration (via teleconference) has been set for 10am, 20 August 2019. RAR due to be submitted by 8 August 2019.</li> </ul>	Directions hearing on 6 September 2019		
WESTERN AUSTRALIAN PLANNING COMMISSION								

- 18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
- 19. **URGENT BUSINESS**
- 20. <u>CONFIDENTIAL MATTERS</u>
- 21. <u>CLOSURE</u>