

Council Agenda

14 December 2016

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 14 DECEMBER 2016

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Meeting Room One, Community Resource Centre, 21 Cammilleri Street, Busselton on Wednesday, 14 December 2016, commencing at 5.30pm.

Your attendance is respectfully requested.

MIKE ARCHER

CHIEF EXECUTIVE OFFICER

2 December 2016

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 14 DECEMBER 2016

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2. ATTENDANCE

Apologies

Approved Leave of Absence

Nil

3. PRAYER

The Prayer will be delivered by Reverend Ted vanSponsen of Busselton Free Reformed.

4. **PUBLIC QUESTION TIME**

Response to Previous Questions Taken on Notice

Public Question Time

5. ANNOUNCEMENTS WITHOUT DISCUSSION

Announcements by the Presiding Member

Announcements by other Members at the invitation of the Presiding Member

6. <u>APPLICATION FOR LEAVE OF ABSENCE</u>

7. PETITIONS AND PRESENTATIONS

8. <u>DISCLOSURE OF INTERESTS</u>

A decleration of Impartiality Interest has been received from:

• Director Planning and Development Services, Paul Needham in relation to agenda item 13.1 - 2016/2017 Community Bids Round 2 Allocations.

In accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration will be read out immediately before Item 13.1 is discussed.

9. CONFIRMATION AND RECEIPT OF MINUTES

Previous Council Meetings

9.1 <u>Minutes of the Council Meeting held 23 November 2016</u>

RECOMMENDATION

That the Minutes of the Council Meeting held 23 November 2016 be confirmed as a true and correct record.

9.2 Minutes of the General Meeting of Electors held 28 November 2016

RECOMMENDATION

That the Minutes of the General Meeting of Electors held 28 November 2016 be confirmed as a true and correct record.

Committee Meetings

9.3 <u>Minutes of the Meelup Regional Park Management Committee Meeting held 31 October</u> 2016

RECOMMENDATION

- 1) That the minutes of the Meelup Regional Park Management Committee meeting held 31 October 2016 be received.
- 2) That the Council notes the outcomes from the Meelup Regional Park Management Committee meeting held 31 October 2016 being:
 - a) The Mountain Bike Network/Facility Development Implementation item is presented for Council consideration at item 10.1 of this agenda.
- 9.4 <u>Minutes of the Policy and Legislation Committee Meeting held 17 November 2016</u>

RECOMMENDATION

- 1) That the minutes of the Policy and Legislation Committee Meeting held 17 November 2016 be received.
- 2) That the Council notes the outcomes from the Policy and Legislation Committee Meeting held 17 November 2016 being:
 - a) The Review of Policy 120 Flag Protocol item is presented for Council consideration at item 10.2 of this agenda.
 - b) The Review of Policy 001 Fees, Allowances and Expenses for Elected Members item is presented for Council consideration at item 10.3 of this agenda.
 - c) The Consolidated Parking Scheme Amendment item is presented for Council consideration at item 10.4 of this agenda.
 - d) The Busselton and Dunsborough Centres Facade Refurbishment Subsidy Program item is presented for Council consideration at item 10.5 of this agenda.

9.5 <u>Minutes of the Capes Region Organisation of Councils (CapeROC) Meeting held 24</u> November 2016

RECOMMENDATION

- 1) That the minutes of the Capes Region Organisation of Councils (CapeROC) Meeting held 24 November 2016 be received.
- 2) That the Council notes the outcomes from the Capes Region Organisation of Councils (CapeROC) Meeting held 24 November 2016 being:
 - a) CapeROC acknowledge the use of the budgeted amount of \$20k for the purpose of the 50th Anniversary Celebration of the Margaret River Wine Association.
 - b) The adoption of 2017 meeting dates.
 - c) That CapeROC gives in principle support for \$20k as requested by the Margaret River-Busselton Tourism Association to be allocated from next year's budget to support the Cabin Fever event.
 - d) CapeROC approved an allocation of \$30k from the 2016/17 budget (\$15k from the City of Busselton and \$15k from the Shire of Augusta Margaret River) as a contribution to the Margaret River Wine Association for the project management and design development of a proposed regional wine industry public art work.

10. REPORTS OF COMMITTEE

10.1 Meelup Regional Park Management Committee - 31/10/2016 - MOUNTAIN BIKE

NETWORK/FACILITY DEVELOPMENT - IMPLEMENTATION

SUBJECT INDEX: Meelup Regional Park: Mountain Bike / Bicycle Planning

STRATEGIC OBJECTIVE: Our natural environment is cared for and enhanced for the enjoyment

of the community and visitors.

BUSINESS UNIT: Environmental Services
ACTIVITY UNIT: Environmental Management

REPORTING OFFICER: Manager, Environmental Services - Greg Simpson

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

VOTING REQUIREMENT: Absolute Majority

ATTACHMENTS: Attachment A Mountain Bike Trail Works Report and Trail Audit

Attachment B Water Corporation Lot 272 and Mountain Bike Trail

Attachment C Proposed Meelup Regional Park Bike Trails (revised)

Attachment D Schedule of Submissions !

This item was considered by the Meelup Regional Park Management Committee at its meeting on 31 October 2016, the recommendations from which have been included in this report.

Note that the report to the Committee foreshadowed an <u>ADDENDUM</u> and <u>AMENDED OFFICER</u> RECOMMENDATION, which have been incorporated into this report.

PRÉCIS

Following an earlier (January 2014) Council decision to support in-principle the development of a mountain bike trail network/facility in Meelup Regional Park and the progression of the more detailed work required by that resolution, the Council is now asked to support the actual commencement of development and subsequent use of that network/facility, in the following specific ways —

- Authorising the CEO to enter into an agreement with Cape Mountain Bikers Incorporated (CMB) that would allow CMB to develop the network/facility, subject to their appointment of an appropriate trail builder and CMB commitment to the ongoing maintenance of the network;
- 2. Foreshadowing consideration of a 'determination', pursuant to the City's *Property Local Law*, to allow the riding of bicycles on trails developed and marked for that purpose, in Meelup Regional Park note that, as per the notice requirements of the Local Law, the CEO will commence the process of advertising the proposed determination so that, when this matter is considered by the Council, the Council can formally consider the determination; and
- 3. Authorising the CEO to enter into an agreement with the Water Corporation to allow for the development and maintenance of portions of the network that will be located on/across a narrow Water Corporation reserve that is effectively within Meelup Regional Park.

Council is also asked to recognise the achievements of the Working Group (formed as a requirement of the earlier Council resolution) and confirm the ongoing need for that Group, with a view that the Group has a continuing role in developing and managing the network/facility. That would, however, continue to be assessed on an ongoing basis, and it is recommended that the CEO be allowed to make that decision as and when necessary – noting that if any members are of a different kind to the CEO, there are a variety of means by which further Council consideration of that matter could occur.

Council is also advised that necessary environmental approvals have now been obtained for the network/facility, and that planning associated with management of the contaminated site that overlaps with and/or is adjacent to the proposed network/facility is now largely complete, ready for on-ground works, utilising funds allocated for the purpose in the 2016/17 budget, to commence in the first half of 2017, and allowing for further development of the network/facility in that area in future.

BACKGROUND

In January 2014, the Council resolved (resolution C1401/013) to support in principle the establishment of a mountain bike trail network/facility within Meelup Regional Park (within the area that the Park Management Plan identifies as 'Management Zone 6', or simply 'Zone 6') with the approach to development and management of the network being generally as follows (as set out in the Council resolution) –

- a) The first stage in developing the network is to consist of the physical formalisation, and realignment and rehabilitation as necessary, of the 'Brown Street Trail' and/or such other part or parts of trails identified in the Meelup Regional Park Mountain Bike Facility Trails Master Plan as the Working Group identified as being appropriate; as well as the development (or physical formalisation or similar as appropriate) of linking trails providing access from outside the park;
- b) That a 'Meelup Mountain Bike Trails Working Group' be formed to develop, subject to the provisions of the Meelup Regional Park Management Plan, the network, with the Working Group to consist of the Meelup Regional Park Environment Officer, a City Officer and a nominee of the Meelup Regional Park Management Committee all representing the City of Busselton, two representatives from Cape Mountain Bikers Incorporated, plus one representative from the Dunsborough and Districts Country Club Inc, and others as the CEO determines to be appropriate;
- c) The Working Group to complete detailed design, implementation plans and costings for the development of the first stage described in b) above, including the ongoing maintenance and management of the network, identify an secure funding, secure necessary environmental approvals, and brief, inform or consult the Committee and Council regarding the outcomes of that work before the commencement of on ground works; and
- d) Once City officers have formed a view that the Working Group has or is likely to be in a position to commence on ground works, the CEO shall commence the process of making a determination, including advertising for community consultation, to allow bicycle riding by the general public on the network once developed.

This report is now being presented to the Council because City officers are now formed a view that commencement of on-ground works is, subject to continued Council support, imminent.

The approvals component of the project has comprised the following -

- a) Confirmation from the Department of Lands (DoL) that the pending establishment and use of Zone 6 for the purpose of a mountain bike facility is consistent with the purpose of the management order for the Park;
- b) Assessment under the EPBC Act to determine if a formal environmental assessment of the proposed action (mountain bike facility) will be required;
- c) Consultation with the Department of Parks and Wildlife (DPaW) relevant to the preparation
 of standards for construction of trails and for site remediation/rehabilitation, vegetation
 protection, dieback management and other relevant matters;
- d) Application to the Department of Environmental Regulation (DER) for a permit to clear vegetation to enable construction of the mountain bike trail network;

- e) Consultation with the Water Corporation on arrangements for proposed mountain bike trails to traverse Lot 272 within Zone 6 and which is vested with the Water Corporation for the purpose of water supply; and
- f) Site investigations and development of an Asbestos Management to guide the future site treatment works and environmental monitoring, acceptable to the DER for securing the appropriate site classification under the *Contaminated Sites Act 2003*, and for the establishment and use of a mountain bike trail facility on the former landfill areas within Zone 6.

During 2015, CMB completed mapping of the mountain bike trail alignment which formed part of the application to the DER for the vegetation clearing permit. In September 2016, CMB commissioned the preparation of a trails works report and trail audit to guide the procurement of a professional trail builder for the construction of the Brown Street trail component of the network/facility. The CMB have also been successful in securing \$100,000 Lotterywest funding for the purpose of constructing portions of the network/facility.

In August 2015, site investigations were also carried out to assess potential contamination within Zone 6, resulting from former waste disposal landfill activities and to identify/recommend an approach to manage potential contamination and allow for the development of a network/facility within the impacted area. These investigations identified the presence of Asbestos Containing Materials (ACM) in Zone 6 as a result of the former waste disposal landfill activities.

In June 2016, an Asbestos Management Plan was prepared for the treatment of the affected area to provide additional protection to the health and safety of the public. In addition to providing an overarching framework for managing risk from asbestos, this plan also provides a proposed approach for the future construction of those mountain bike trails that intersect the former waste disposal area.

STATUTORY ENVIRONMENT

The City of Busselton *Property Local Law 2010*, allows Council to formalize the use of bicycles on land of which the City is the management body under the *Land Administration Act 1997* by way of a Council 'determination'.

The CMB have expressed an interest in being directly involved in the construction and ongoing maintenance of the proposed mountain bike trails in zone 6. Subject to Council supporting the CMB direct involvement in construction and management, access arrangement will need to be determined. The City *Property Local Law 2010*, clause 3.13 indicates a number of activities that would require a permit which includes making and excavation on City property. A management agreement which incorporates a permit with appropriate conditions could be issued to CMB for the purpose of constructing and maintaining mountain bike facility within Zone 6.

Contaminated Sites Act 2003 provides for the identification, recording, management and treatment of contaminated sites.

Health Act 1911 and the relevant guidelines developed thereunder, administered through the Department of Health (WA) provide guidance for the investigation, treatment and management of asbestos-contaminated sites, based on Australian and international best practise tailored to Western Australian conditions.

RELEVANT PLANS AND POLICIES

The Meelup Regional Park Management Plan 2010 has been prepared in accordance with the Land Administration Act 1997 guide the future management of the Meelup Regional Park for conservation and recreation.

The Meelup Regional Park Management Plan 2010 considers bicycle access within the Meelup Regional Park. Under visitor access section 25, this plan states that: 'Formalisation of cycle paths would need to be undertaken with due consideration of the requirements of this management plan.' The Meelup Regional Park Management Committee has developed a Trails Policy for Meelup Regional Park, which details the principles that apply to the planning, development and management of all trails within the Park. The Trails Policy for Meelup Regional Park is included in the Zone 6 Mountain Bike Management Plan.

A Mountain Bike Management Plan has also been developed by the Committee to outline the requirements for the design, construction and operation of the proposed mountain bike trails network in Zone 6 to minimise environmental and social impacts, and to provide a safe and sustainable mountain bike trails network for all skill levels.

In January 2014, Council resolved (resolution C1401/013) to note the Meelup Regional Park Mountain Bike Facility Trails Master Plan and Zone 6 Mountain Bike Management Plan prepared by the Cape Mountain Bikers Incorporated as a guiding and background documents for the development of a mountain bike trail network within Zone 6.

In December 2014, Council resolved (resolution C1412/316) to note the Meelup Regional Park Management Committee recommendation to endorse the Meelup Regional Park Trails Master Plan 2014, as a basis for future trail development within Meelup Regional Park. This Trails Master Plan identified those trails outside of zone 6, with some trails being identified as suitable for mountain bike riding.

FINANCIAL IMPLICATIONS

It is proposed that the development of the mountain bike trails in Zone 6 will be constructed in stages and as funds become available for the trail construction works. Stage 1 of mountain bike trails development will involve upgrade and enhancement of the existing trails in the western sector of zone 6, referred to as Brown Street. These initial works will involve:

- Surface upgrade of the existing Brown Street Trail
- Realignment of some sections of the Brown Street
- Construction of a new descending trail
- Construction of a new climbing trail
- Installation of trail markers

Stage 2 will involve the formalization of the upper gravel pit trails in the eastern sector of Zone 6, with a final Stage 3 being the downhill trails that cross through the former waste disposal area that are intended to be constructed following treatment of the ACM affected area to the satisfaction of the Department of Health and DER.

The trail construction works associated with Stage 1, are to be delivered as a single project and CMB have commissioned a detailed works report and trail audit for the purpose of progressing the development of the mountain bike trails to the quoting, procurement and construction process. The works report and trail audit are included with this report as **Attachment A**.

The Meelup Regional Park Mountain Bike Facility Trails Master Plan included a cost estimate for the construction of the Brown Street mountain bike trails in Zone 6. The cost of constructing Stage 1 which comprises the Brown Street trail was originally estimated at \$60,000.

CMB have been successful in securing \$100,000 Lotterywest funding for the purpose of trail construction and are seeking City approval to proceed to the procurement process and engage the services of a professional trail builder to work with the CMB members and guide the construction of the Brown Street trail. CMB propose to engage a professional trail builder on either a rates based or fixed price contract arrangement to guide the more technical components of the trail with the CMB members constructing the more basic trail components. The indicative rate for this arrangement is \$175/hour for trail design and project setup and \$45/hour for trail construction.

The trails works report commissioned by CMB in September 2016, indicates that the proposed works for Brown Street will involve 716 meters of realigned trail; 191 meters of trail closure; and 2506 meters of new trail sections. The trails works report indicates construction time based on the completion of approximately 100 lineal meters per day for standard trail construction and 50 lineal meters per day for those sections of trail with extensive trail features.

Based on the initial trail construction rates it is estimated that the cost of constructing Brown Street trails will be consistent with the original estimate and could be reduced further with CMB members involved in the physical construction of the trails.

The Meelup Regional Park Mountain Bike Facility Trails Master Plan also provides an indication of annual maintenance costs for the trail network. While a well designed and constructed mountain bike trail facility should require only minimal ongoing maintenance, industry standards and discussions with the Pemberton mountain bike trail operators indicate the annual ongoing maintenance expenditure ranges from 3% - 5% of the total capital spend. Based on the original estimates of \$300,000 included in the Meelup Regional Park Mountain Bike Facility Trails Master Plan for construction of zone 6 mountain bike trails, the ongoing maintenance costs of trails is expected to be in the vicinity of \$9,000 to \$15,000 per annum.

There is also an ongoing management and monitoring component of the trail network which involves regular routine inspections of the trails for reporting trail maintenance and to ensure public safety. The ongoing management and monitoring of the trails is expected to involve approximately 5 hours per month at an estimated cost of \$7,000 to \$10,000 per annum of staff time which, could be reduced further with CMB members involved in the ongoing management of the Zone 6 mountain bike trails.

The development of the trails will also require the formalisation of car parking and access points to the Zone 6 mountain bike trails. The entrance to Meelup Regional Park adjacent to the intersection of Endicott Loop and Cape Naturaliste Road has been identified as a suitable point for access to the mountain bike trails in zone 6.

The implementation of the Asbestos Management Plan to treat the former waste disposal area will require the importation of soils and the construction of a suitable truck access for this purpose. It is proposed that the Endicott Loop road access will be constructed as part of the former waste site treatment process. It is envisaged that works associated with site remediation would be met from the Waste Reserve (and \$100,000 has been allocated in this year's budget). Once quotes are received to undertake the necessary works, it will be known whether that allocation is sufficient, or whether an additional allocation may be required (either as an amendment to this year's budget, or in next year's budget).

Long-term Financial Plan Implications

There are no significant Long Term Financial Implications of the recommendations of this report.

STRATEGIC COMMUNITY OBJECTIVES

This matter is considered relevant to Key Goal Area 5 - Cared for and Enhanced Environment and Community Objective 5.1 - Our natural environment is cared for and enhanced for the enjoyment of the community and visitors.

RISK ASSESSMENT

An assessment of the potential implication of not implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls has been identified, is medium or greater.

Risk	Controls	Consequence	Likelihood	Risk Level					
Public Health/Financial/	Implementation of robust	Moderate	Possible	Medium 13					
Reputational.	agreement in place and								
Implementation of trails	clear understanding with	clear understanding with							
not completed to standard	Cape Mountain Bikers								
and failure to adequately	Incorporated of								
maintain facility.	management and								
	maintenance obligations.								

CONSULTATION

The Meelup Regional Park Mountain Bike Trail Working Group formed in January 2014, met monthly in the initial stages during its first 16 months and as required thereafter, to progress the development of the mountain bike trail network in zone 6.

In July 2016, the proposed development of mountain bike trails network in the zone 6 Meelup regional Park was presented at a meeting of the South West Boojarah Working Party.

Westcycle is the peak body for cycling throughout Western Australia and work with government agencies, corporate partners and the general public to promote and develop cycling in Western Australia as a form of transport, recreation and sport and operate under the Department of Sport and Recreation commissioned. Westcycle have offered to assist the design and development of the trails and there is potential for the contribution of funds to the project for which Westcycle are seeking a stakeholder agreement with the City and CMB

Part of Zone 6 includes Lot 272, which is vested with the Water Corporation for the purpose of water supply. Lot 272 comprises two square parcels of land approximately 1.0 Ha in area, located approximately 600 meters apart for the purpose of water supply tanks and connected by a 5.0 meter wide easement for the future installation of a water supply line connection between the water tanks. Lot 272 runs east/west across zone 6 and which proposed mountain bike trails traverse. A plan of the location of Lot 272 and proposed mountain bike trail alignments is included with this report as **Attachment B**.

The Working Group consider the realignment of the trails to avoid the Water Corporation reserve would significantly reduce the mountain bike experience in Zone 6, which has resulted in discussions with the Water Corporation to establish the terms of an agreement to enable the mountain bike trails to pass through the Water Corporation reserve. The Water Corporation have indicted their support for the proposed mountain bike trail alignment to access Water Corporation land and seek to formalize access arrangements by way of a license agreement. The Water Corporation has advised the cost of the License Agreement will be \$1,350, with an annual fee of \$500 per annum.

In parallel with Committee consideration of this report, a proposed determination to allow mountain biking on the proposed network/facility is being advertised. When this matter is presented to the Council for consideration, it is envisaged that an addendum and amended officer recommendation will be presented setting out the consultation outcomes and making a specific recommendation about the potential determination (rather than just foreshadowing that determination). Given the timeframe associated with advertising of the draft determination, it is likely this report, together with the Committee recommendation and addendum/amended officer recommendation will be formally considered by the Council at its 14 December 2016 ordinary meeting. That timing would also allow for informal discussion of the draft determination, in light of any feedback received from the community, at the Meelup Committee informal meeting scheduled for 28 November 2016, and for any additional informal feedback from the Committee to be incorporated into the addendum. The timeframes would, however, be too tight to allow for formal Committee consideration of the matter prior to the Council's 14 December meeting.

OFFICER COMMENT

As part of the development of the mountain bike trail network within Zone 6, the Working Group have systematically worked through a number of key issues/steps, as follows -

- Identified and surveyed the preferred mountain bike trail alignment.
- Applied for and secured a \$100,000 Lotterywest grant for the construction of trails.
- Received a DER permit to clear vegetation for construction of the mountain bike trails.
- Investigated access arrangements with the Water Corporation to enable the mountain bike trails to access through the Water Corporation managed reserve that traverses Zone 6.
- Engaged a professional trail designer to provide a detailed works report and trail audit to guide the procurement of a professional trail builder for the upgrade and formalization of the existing Brown Street trail.

The trail construction works associated with Stage 1, are to be delivered as a single project and CMB have commissioned a detailed works report and trail audit for the purpose of progressing the development of the mountain bike trails to the quoting, procurement and construction process.

The CMB through the Working Group, have expressed a desire for its members to be actively involved in both the initial construction of trails and the ongoing maintenance and management of the mountain bike trails in Zone 6.

This level of involvement in the mountain bike fraternity is not uncommon and there are Mountain Bike Trail Adoption agreements currently in place between mountain bike groups and the Department of Parks and Wildlife. These agreements establish the arrangements for communication and reporting, health and safety, standards of maintenance, funding and various other matters.

The training of CMB members in trail building and trail maintenance can be incorporated as a requirement of the procurement process should the Council support CMB involvement in the future management of the mountain bike trail network.

There are a number of advantages of having an established key user group involved in the management and maintenance of the trail network over the longer term as well as providing a base for the CMB club to grow and develop mountain biking in the district.

To facilitate CMB involvement in both construction and maintenance of the mountain bike trails, it will be necessary to formalize access arrangements and it is recommended that the mountain bike trail construction phases and the ongoing monitoring and maintenance of the mountain bike trails following construction be formalized with CMB by way of a management agreement.

This report recommends the formalization of arrangements between the City and Cape Mountain Bikers that allows for the initial construction and the longer term ongoing maintenance of the network/facility within Zone 6

The Water Corporation water supply access reserve that currently crosses through Zone 6 also traverses the former waste disposal site and the proposed mountain bike trail network. As ACM has been identified within the former waste disposal area, the treatment measures that need to be undertaken within this area as part of the Asbestos Management Plan may limit the Water Corporations future use of the reserve for the intended purpose, being water supply. Further discussion with the Water Corporation will determine if the water supply easement can be realigned further north of its current location to avoid the former waste landfill area. In the interim and as discussed early in this report, access arrangements with the Water Corporation are proposed to enable the construction and use of those sections of the mountain bike trails in Stage 1 that traverse the Water Corporation land.

The *Property Local Law 2010* allows the Council to formalise the use of bicycles on land of which the City is the management body under the *Land Administration Act 1997* by way of a Council 'determination'. In accordance with Council's resolution in January 2014, and following the approach discussed in this report to formalise access arrangements with CMB to construct the mountain bike trails and for the ongoing management/ maintenance of the mountain bike trails, the process of making a determination has commenced, including the giving of public notice of Councils intent to make a determination, to allow bicycle riding by the general public on the network once developed. It is also proposed that the determination will also incorporate those trails identified in the Meelup Regional Park Trails Master Plan 2014. A plan of the proposed mountain bike trail area in Zone 6 and designated mountain bike trails in other areas of Meelup Regional Park in included with this report at **Attachment C**.

As already noted, an addendum and amended officer recommendation are envisaged to be presented to the Council – that is because advertising had not been completed at the time of presenting this report to the Committee, but is expected to be completed prior to Council consideration of this report.

CONCLUSION

The City, together with the Committee and CMB, has now reached a point where development and management of a mountain bike trails network/facility in Zone 6 of Meelup Regional Park can proceed, and the officer recommendation, subject to submission of an addendum and amended officer recommendation once advertising of the proposed determination, 'paves the way' for that to occur.

ADDENDUM

Since this report was considered by the Meelup Regional Park Management Committee at its meeting on 31 October 2016, the proposed determination to allow the riding of bicycles on trails developed and marked for that purpose in Meelup Regional Park, has been advertised for a period of 21 days, with the advertising period closing on 2 December 2016.

The effect of the proposed determination would allow the riding of a bike on the mountain bike trail area in Zone 6 and designated mountain bike trails in other areas of Meelup Regional Park as indicated on the plan included with this report at **Attachment C**.

The proposed determination does not include the riding of a bike within the contaminated area of the former waste disposal site until treatment of the ACM affected area and former waste disposal area has been completed to the satisfaction of the Department of Health and DER. The development of mountain bike trails within the former waste disposal areas may occur in the future as funds allow.

A schedule of the public submissions received during the advertising period is included with this report as **Attachment D**. At the time of preparing this report 23 submissions on the proposed determination had been received. Should any further submissions be received, Councillors will be provided with an updated schedule of submissions and, if appropriate in the circumstances, an amended officer recommendation.

In summary, 20 submissions were supportive of the proposed determination with three (3) submissions not supportive of the proposed determination. The main concerns expressed related to the use of a mountain bike on road link (Chapman Street) for which Council is not required to make a determination, safety concerns relating to mountain bikes using on road links, which can be managed by installation of safety signage to alert bike riders, lack of consultation with residents and that the access road to the Meelup Regional Park adjacent to the intersection of Endicott Loop and Cape Naturaliste Road be the only entry point to the proposed mountain bike zone. The proposed determination has been advertised as per the City's *Property Local Law 2010* Part 2, and while the current access road adjacent to Endicott Loop and Cape Naturaliste Road is a proposed bike trail access point, the connection to the proposed mountain bike zone via Chapman Street also provides a suitable access point to the proposed mountain bike zone.

The City's *Property Local Law 2010*, section 2 Procedure for making a determination requires Council to consider the submissions and decide whether or not to amend the proposed determination or not to continue with the proposed determination. The officer recommendation is that no changes be made and that the Council adopt the proposed determination as advertised and included with this report at **Attachment C**

OPTIONS

The Council may wish to seek further information before making a decision, or may wish to consider other options for the development and management of the network/facility, such as development and management by the City itself, rather than by CMB.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The aim is to complete implementation of the recommendation (other than actioning the foreshadowed determination, which would not occur until on-ground works are completed, or nearly completed) by no later than 15 February 2017. It is then anticipated that the first phase of construction would be complete by no later than 30 April 2017.

OFFICER RECOMMENDATION

That the Council, with respect to cycling in Meelup Regional Park, most particularly the development of a mountain bike trail network/facility in Management Zone 6 -

- Authorise the CEO to enter into an agreement with Cape Mountain Bikers Incorporated (CMB) that would allow CMB to develop the network/facility, subject to their appointment of an appropriate trail builder and CMB commitment to the ongoing maintenance of the network;
- 2. Foreshadow consideration of a 'determination', pursuant to the City's *Property Local Law*, to allow the riding of bicycles on trails developed and marked for that purpose, in Meelup Regional Park, including on the network/facility referred to in point 1 above, and on key connecting trails, generally as indicated on Attachment C to the agenda report;

- Authorise the CEO to enter into an agreement with the Water Corporation to allow for the development and maintenance of portions of the network/facility that will be located on/across a narrow Water Corporation reserve that is effectively within Meelup Regional Park; and
- 4. Recognise the achievements of the 'Meelup Mountain Bike Trails Working Group' and the constituent members in advancing the project to this point, and confirm the continuing role of the Group in developing and managing the network/facility, until and unless the CEO forms a view that the Group is no longer required.

Note:

Officers proposed a Revised Recommendation for Committee consideration that would amend Attachment C to show current trails suitable for bike riding, realignment of the Zone 6 Mountain Bike Area to include a section of the Brown Street mountain bike trail and the access road to the Water Corporation water tanks has also been amended to a mountain bike on road link.

COMMITTEE RECOMMENDATION AND REVISED OFFICER RECOMMENDATION

That the Council, with respect to cycling in Meelup Regional Park, most particularly the development of a mountain bike trail network/facility in Management Zone 6 –

- Authorise the CEO to enter into an agreement with Cape Mountain Bikers Incorporated (CMB) that would allow CMB to develop the network/facility, subject to their appointment of an appropriate trail builder and CMB commitment to the ongoing maintenance of the network;
- 2. Foreshadow consideration of a 'determination', pursuant to the City's *Property Local Law*, to allow the riding of bicycles on trails developed and marked for that purpose, in Meelup Regional Park, including on the network/facility referred to in point 1 above, and on key connecting trails, generally as indicated in Revised Attachment C to the agenda report;
- Authorise the CEO to enter into an agreement with the Water Corporation to allow for the development and maintenance of portions of the network/facility that will be located on/across a narrow Water Corporation reserve that is effectively within Meelup Regional Park; and
- 4. Recognise the achievements of the 'Meelup Mountain Bike Trails Working Group' and the constituent members in advancing the project to this point, and confirm the continuing role of the Group in developing and managing the network/facility, until and unless the CEO forms a view that the Group is no longer required.

AMENDED OFFICER RECOMMENDATION

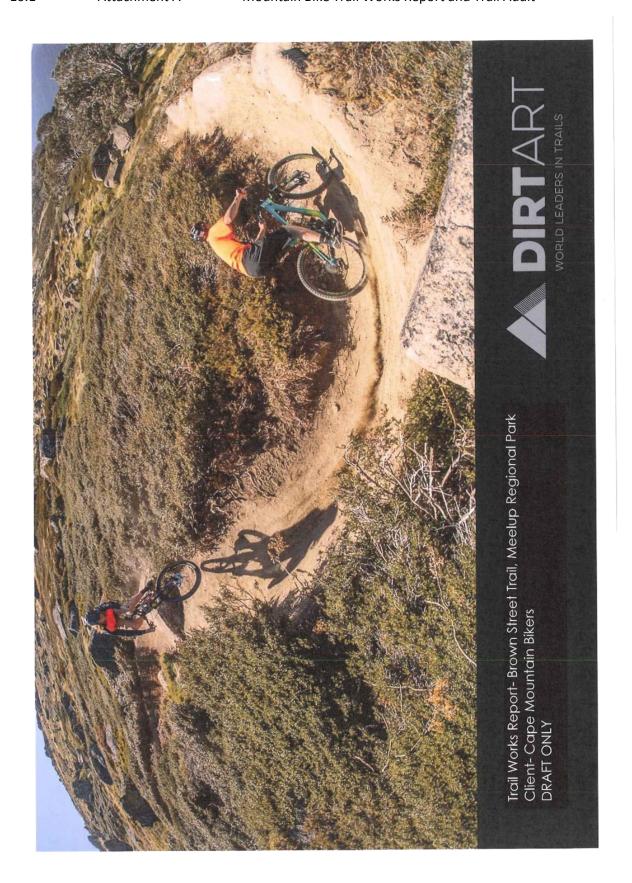
ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council, with respect to cycling in Meelup Regional Park, most particularly the development of a mountain bike trail network/facility in Management Zone 6 –

- Authorise the CEO to enter into an agreement with Cape Mountain Bikers Incorporated (CMB) that would allow CMB to develop the network/facility, subject to their appointment of an appropriate trail builder and CMB commitment to the ongoing maintenance of the network;
- 2. Makes a 'determination', pursuant to the City's Property Local Law, to allow the riding of

bicycles on trails developed and marked for that purpose, in Meelup Regional Park, including on the network/facility referred to in point 1 above, and on key connecting trails, as indicated in Revised Attachment C to the agenda report;

- Authorise the CEO to enter into an agreement with the Water Corporation to allow for the development and maintenance of portions of the network/facility that will be located on/across a narrow Water Corporation reserve that is effectively within Meelup Regional Park; and
- 4. Recognise the achievements of the 'Meelup Mountain Bike Trails Working Group' and the constituent members in advancing the project to this point, and confirm the continuing role of the Group in developing and managing the network/facility, until and unless the CEO forms a view that the Group is no longer required.



Attachment A

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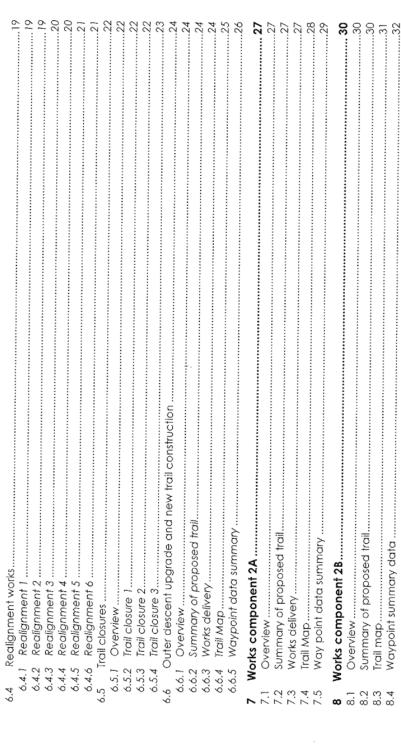




Meelup MTB Park Stage 1 -- Works Report







Meelup MTB Park Stage 1 – Works Report

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Document Overview

Document summary

Document- Trail Audit Report **Client-** Cape Mountain Bikers/City of Busselton **Report prepared by-** Simon French and Luke Chiu (*Dirt Art*)

1.2 Document control

Notes			
	NA	NA	
Date	3rd September 2016	6th September 2016	
Name	Simon French	Simon French	
Version	Draft V1	FINAL	

1.3 Acknowledgements

Dirt Art wishes to acknowledge the assistance and support of the following agencies/groups into the preparation of this report; Cape Mountain Bikers, and the City of Busselton.



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2 Introduction

The purpose of this document is to outline proposed works for the upgrade and enhancement of the Brown Street Mountain Bike Trail in Meelup Regional Park (MRP). This report has been developed based on the accompanying document, Trail Audit Report-Brown Street.

Ø The works proposed in this report have been broken down into four components, works component 1A, 21B, 2A and 2B. summary of each works component is as follows;

- Works Component 1A: Upgrade to the existing Brown Street Trail Works Component 1B: Realignments to the Brown Street Trail
- Works Component 2A: New descending trail next to Brown Street Trail Works Component 2B: New climbing trail next to Brown Street Trail

The proposed works include;

- 716m of realigned trail
 - 191m of trail closures
- 2506m new trail sections

All works components are currently proposed to be delivered as a single project, though the project many potentially be staged as required.

This report is intended to provide a detailed works plan, suitable for progressing the project through any final approvals, quoting and procurement, and construction.



Meelup MTB Park Stage 1 – Works Report

DIRTARTWORLD LEADERS IN TRAILS

The current situation

The MRP mountain bike trails currently offer a diverse yet small network of user-built mountain bike trails, a short distance from the comprehensive audit was conducted of the Brown Street Trail, available as a separate document, Trail Audit Report- Brown Street. town of Dunsborough. The key trail in the network, Brown Street is the focus of the works proposed in this report. A

Brown Street currently offers a safe and sustainable mountain bike experience, though many areas of the trail would benefit from upgrade, realignment and enhancement. Currently the Brown Street Trail offers limited longer descending opportunities, and does not form a complete loop for events. These two issues have been addressed through the proposed modifications to Brown Street and through the proposed addition of two new trails adjacent to Brown Street.

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General construction recommendations

Environmental management

Overview 4.1.1

govern all aspects of proposed works. In most instances the development of an appropriate EMP would be the responsibility of the Dirt Art suggest that prior to construction commencing, a comprehensive environmental management plan (EMP) be developed to contractor selected to deliver the project.

The EMP should cover all aspects of the project, though should place a strong emphasis on management of die back (phytophthora cinnamomi).

4.1.2 Phytophthora Cinnamomi (die back) Management

The management of die back should at all times comply with relevant land manager and legislative regulations and best practice principles. The design for all trail has placed trails in areas already infected or at risk of die back, with all protectable areas avoided. Dirt Art suggest adopting the following general principles during construction;

- All machinery, tools and equipment to be thoroughly washed on entry/exit from the site
 - No transport of machinery and/or vehicles through uninfected areas of the site
- All soil and related materials imported to the site to be approved by land managers
 - Works to be restricted to approved construction corridors only

Contractor engagement

Dirt Art strongly suggest that all proposed works are constructed and/or construction-managed by a professional mountain bike trail company. In considering liability for the works, the contractor should have mountain bike trail design and construction specifically noted on their insurance certificates. The recommended cover limits are; \$20m public liability, \$5m professional indemnity



.3 Contract structure

There are two primary ways that the works contract may be constructed, either a fixed lump sum contract, or a schedule of rates. Both options have potential advantages and disadvantages, which will be summarised in detail below.

4.3.1 Lump sum contract

This is the type of contract typically utilised by government agencies as it provides certainty in final project costs and scope. Key A lump sum contract would essentially provide a fixed and final price for all proposed works, with some potential variation items. advantages and disadvantages are;

4.3.1.1 Disadvantages

- Typically higher costs as contractor will inevitably build a margin into pricing to account for any unexpected or adverse conditions
- Limited contract/scope flexibility

4.3.1.2 Advantages

Surety around project scope and cost

3.2 Schedule of rates

A schedule of rates contract is based around a 'cost-plus' arrangement, where a contractor provides a set of hourly rates and cost items for the project. The contractor will then deliver works as directed, billing out on an hourly rate basis. This contract type is more commonly used by not for profit groups and commercial clients who seek maximum value for money, and are often more flexible with project delivery.



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Key advantages and disadvantages are;

4.3.2.1 Disadvantages

- Uncertainty around project costs and scope
 - Potential for poor contractor performance

4.3.2.2 Advantages

- Typically notably lower project costs
- Flexibility with project scope and delivery

4.4 Seasonal considerations

Dirt Art suggests that the works could feasibly be delivered year round. The most optimal time for works scheduling would be during Spring or Autumn. Final seasonal consideration for the project would rest with relevant land management agencies.

Duration of works 4.5

The total project duration would be dependant on a range of factors, including; involvement of local volunteers, and the level of resourcing from the contractor. As a guide, each contractor team (one excavator operator and two staff) is likely to construct 100 lineal metres of standard trail per day. Trail with extensive trail features may progress at just half this rate (50 lineal metres per day).

Depending on the above factors the project construction is likely to occur over a 1-2 month period.

4.6 Local volunteer involvement

Across Australia and around the world, there are countless examples of positive outcomes where volunteers have added significant value to mountain bike trail construction projects. Volunteer involvement also builds stewardship and provides an outlet for local





WORLD LEADERS IN TRAILS

users to become involved in sanctioned trail building. Volunteer involvement also provides an avenue for the contractor to transfer a range of valuable skills and expertise to the local community. Dirt Art has suggested that local volunteers could feasibility manage the construction of works component 1 and and 2A, a climbing trail to the western side of the Brown Street Trail. During this process Dirt Art suggests that the trail contractor provide volunteer training and ongoing management of the volunteer construction process.

The 2A works component has been chosen as building conditions are the least intensive across all proposed works, and the works allow local users to develop a 'whole trail' experience rather than managing pieces of works throughout the broader project.

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Works component 1A

5.1 Overview

Works component 1A relates solely to the upgrade and enhancement of the Brown Street Trail, on its existing alignment only. Works have been based on the report, Trail Audit Report- Brown Street.

Works proposed include but are not limited to;

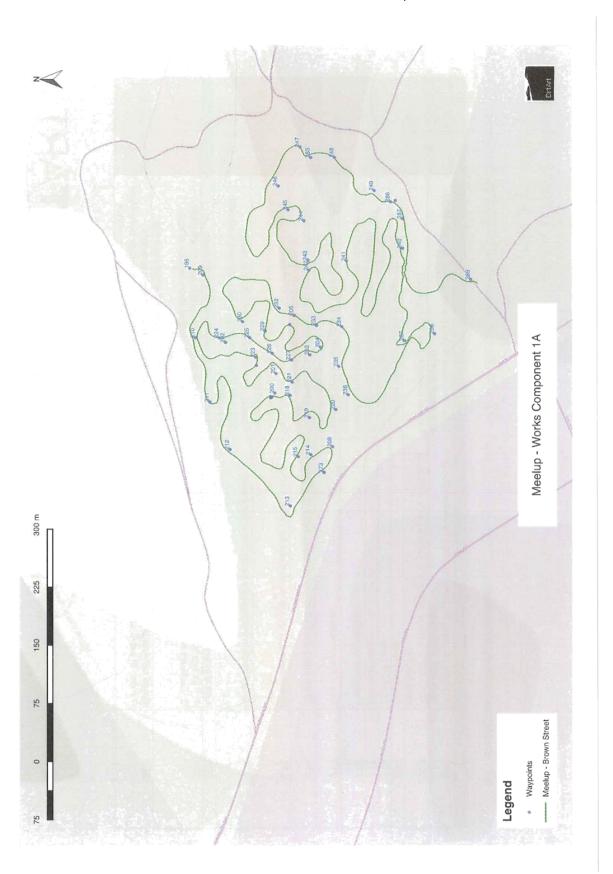
- Trail surface re-profiling Drainage works including the installation of rolling grade dips and grade reversals

 - Rock armouring Installation of and/or remedial works to trail features

Works proposed have been targeted to improve trail sustainability, reduce maintenance, reduce environmental impacts and to improve rider experience.

5.2 Works delivery

Works in this component may be delivered by local volunteers, or by a professional contractor. Contractor-delivered works would allow for greater terrain modification through the use of machinery, which would deliver a higher quality trail product.



	AND STREET	CO CO		- 110		- 111							
Severity													
Suggested works	Install technical rock features including, rock stairs and rough paving	Extend descent- see works report	Re-profile trail to install out slope drainage	Re-profile trail to install out slope drainage	Re-profile trail to install out slope drainage	Install rolling grade reversals and/or complete minor realignment	Replace timber with rock to establish permanent, safe structure	Rock armour trail section (6m approx.). Potential to install small optional rock drop off feature	Rebuild two berms to minimum 600mm in height (1000mm target height). In situ soil and materials are available	Rebuild berm to minimum 600mm in height (1000mm target height). In situ soil and materials are available	Re-profile trail to install out slope drainage	Install rolling grade reversals and/or complete minor realignment. Install short section of rock armouring (6m approx.) Re-profile trail to install out slope drainage	Rebuild berm to minimum 600mm in height (1000mm target height), removing timber from berm structure. In situ soil and materials are available
Issue	Steeper climbing section- potential for installation of a technical, rock climb	Potential to extend descent to create more sustained descending	Low/wet area	Low/wet area	Low/wet area	Fall line trail section	Log roll over feature	Short steep section of trail showing signs of erosions	Small berms (x 2) are inadequate for corner entry speed	Small berm is inadequate for corner entry speed	Low/wet area	Fall line trail section Low/wet area	Small berm is inadequate for corner entry speed. Timber in berm structure
Waypoint	201	203	209	210	211	212	213	216	218	219	220	221	222





Attachment A

Mountain Bike Trail Works Report and Trail Audit

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Severity																											
Suggested works	Re-profile trail to install out slope drainage	Replace timber drop/jump with rock	1. Replace timber drop/jump with rock	Install rolling grade reversals and/or complete minor realignment. Install short section of rock	armouring (6m approx.)	Install 10m (approx.) of rock armouring	Re-profile trail to install out slope drainage. Install 8m (approx.) of rock armouring	Realign trail to the L (east) a minimum of 5m	Install 6m (approx.) of rock armouring	Install 30m (approx.) of lift and tilt style trail	1. Install rolling grade reversals and/or complete	minor realignment. Install short section of rock	armouring (6m approx.)	2. Rebuild berm to minimum 600mm in height	(1000mm target height). Insitu soil and materials are	available	1. Re-profile trails surface adding grade reversals.	Rock armour 15m trail section (approx.)	2. Repair drop off by installing rock drop. Install 6m	(approx.) of rock armouring	Install rolling grade reversals and/or complete minor	realignment. Install short section of rock armouring	(6m approx.)	Rock armouring 10m (approx.) and re-profile low	point.	Install rolling grade reversals and/or complete minor realignment. Install short section of rock armouring	(8m approx.)
lssue/s	Low/wet area	Timber drop/jump	1. Timber drop/jump	2. Fall line trail section		Low/wet area with fragile soils	Low/wet area- large	Very minimal separation between trail and adjacent trail section	Low/wet area with fragile soils	Sandy/friable soils and issues with drainage	1. Moderately steep fall line section	2. Small berm is inadequate for corner entry speed					1. Fall line section with surface damage and friable	soils	2. Small drop off moderately eroded		Moderately steep fall line section			Dip in trail requires rock armouring on entry and exit.	Low has surface damage.	Fall line trail section with trail surface damage	
Waypoint	223	224	225			226	227	228	229	230	231						232				234			235		236	





Severity																											
Suggested works	Re-profile trail to install out slope drainage	Re-profile trail to install out slope drainage	Install rolling grade reversals and/or complete minor realignment. Install short section of rock armouring	(6m approx.)	1. Install rolling grade reversals and/or complete	minor realignment. Install short section of rock	armouning (sm approx.) 2. Rebuild berm to minimum 600mm in height	(1000mm target height). Insitu soil and materials are	available	Install two-line optional rock trail feature offering	moderate and difficult difficulty levels	Replace timber roll over with rock	Install rolling grade reversals and/or complete minor	realignment. Install short section of rock armouring	(6m approx.)	1. Rebuild berm to minimum 600mm in height	(1000mm target height). Insitu soil and materials are	available	2. Install grade reversal with 3m rock armouring	Install rolling grade reversals and/or complete minor	realignment. Install short section of rock armouring	(6m approx.)	1. Install rolling grade reversals and/or complete	minor realignment. Install short section of rock	armouring (6m approx.)	2. Install 30m of lift and tilt trail with 8m (approx.) of	rock armouring
s/anssl	Low/wet area	Low/wet area	Moderately steep fall line section		1. Fall line trail section with trail surface damage	2. Sinail beim Is madequate for corner entry speed				Potential for installation of optional rock technical	feature	Timber roll over feature	Moderately steep fall line section			1. Small berm is inadequate for corner entry speed	2. Drainage measures required at berm entry			Moderately steep fall line section			1. Moderately steep fall line section	2. Low lying wet area with friable soil			
Waypoint	237	238	239		240					241		242	243			244				245			246				





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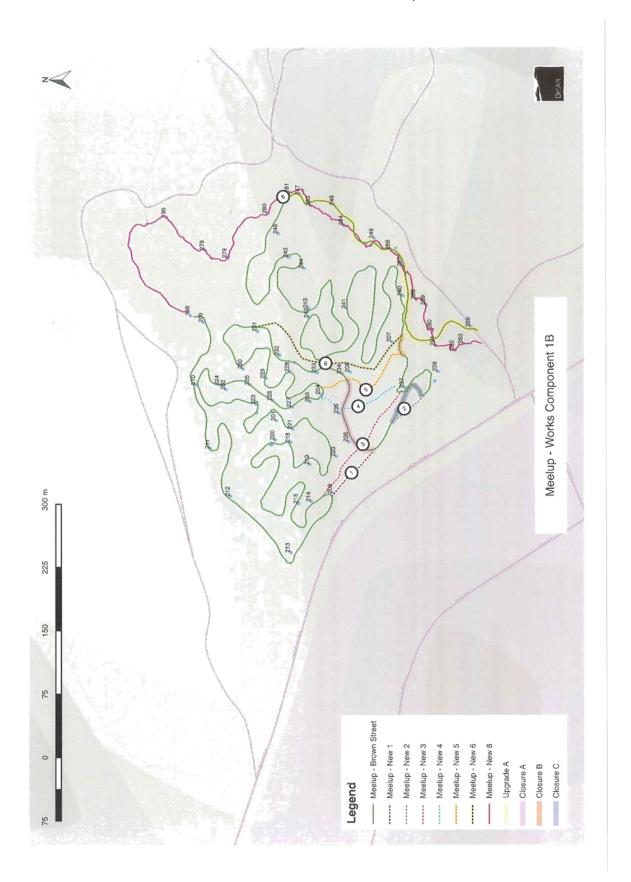
6 Works Component 1B

1 Overview

Works proposed for component 1B focus on realignments to the Brown Street Trail, totalling 191m of trail closures and 716m of new trail developments. The aim of 1B works is to eliminate poorly aligned sections of trail, thus improving sustainability and trail experience quality. Realignments have also been structured to increase the length and availability of descending sections of the trail, in a response to user-demand.

6.2 Works delivery

Dirt Art suggests that 1B works are delivered by a professional contractor, due largely to the high volume of bulk earth works required, and the proposed inclusion of a number of technical trail features.





Realignment works

Realignment 1 6.4.1

ngth	70m
ficulty	Intermediate
ead width (nominal)	1000mm
ail features	Nil notable
Summary	
alignment one features a short, contouring alignment, with no defining features.	features.

Realignment 2 6.4.2

Length	45m
Difficulty	Intermediate
Tread width (nominal)	1000mm
Trail features	Nil notable
Summary	
Realignment two features a short, contouring alignment, with no defining features.	g features.

6.4.3 Realignment 3

Length	155m
Difficulty	Intermediate
Tread width (nominal)	1000mm
Trail features	Nil notable
Summary	日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日

Realignment three features a longer contouring alignment, designed to feature a rolling contour style of trail. The trail section includes no notable trail features.

6.4.4 Realignment 4

Length	104m
Difficulty	Intermediate
Tread width (nominal)	1000mm
Trail features	Nil notable
Summary	· · · · · · · · · · · · · · · · · · ·
Realignment four features a descending section of trail, designed to create a longer, sustained descent in the network. The trail features a number of more technical, rocky sections, and scope for a large scale rock garden.	ate a longer, sustained descent in the network. The trail features a cock garden.





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6.4.5 Realignment 5

Length	124m
Difficulty	Intermediate
Tread width (nominal)	1000mm
Trail features	Nil notable
Summary	
Realignment five creates a climbing link to return riders from the lower point of the descent created with realignment four. The gently climbing section of trail includes some basic rock trail features.	int of the descent created with realignment four. The gently climbing

6.4.6 Realignment 6

Length	218m
Difficulty	Intermediate
Tread width (nominal)	1000mm
Trail features	Nil notable
Summary	
Realignment six features a descending section of trail, designed to create a longer, sustained descent in the network. The trail features a number of more technical, rocky sections.	e a longer, sustained descent in the network. The trail features a







6.5 Trail closures

6.5.1 Overview

A total of 190 metres of trail closures have been proposed. These closures would improve the network flow, whilst removing unsustainable trails from the formalised network.

6.5.2 Trail closure 1

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6.5.3 Trail closure 2

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Summary	
his short section of trail would be closed utilising a mini excavator to	o scour the trail surface, and to drag organic matter across the trail tread.



6.5.4 Trail closure 3

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6.6 Outer descent upgrade and new trail construction

6.6.1 Overview

Brown Street Trail. The works focus on essentially rebuilding the existing descent, while extending the descent to the highest elevation point available. Works will also lengthen the trail to create an upper trail head for the facility, while offering the maximum This component of works involves the upgrade and extension of the main descending trail section to the eastern extremity of the available vertical descent.

A number of trail features on the trail have been proposed, including, jumps, rock features, rollers and berms. These features and the style of trail proposed, aim to create a faster, more challenging trail experience.

6.6.2 Summary of proposed trail

Brown Descent Upgrade	941m	Blue Square	dor 10m (5m either side of mapped line)	1000-1200mm	1500mm width, 2500mm height	1.7 tonne excavator	Capping/surfacing required to final 100m of trail due to land fill site.
Trail Name	Trail length	Proposed difficulty rating	Proposed development corridor	Trail tread width	Vegetation clearance corridor	Construction methodology	Imported materials

6.6.3 Works delivery

Dirt Art suggests that 1B works are delivered by a professional contractor, due largely to the high volume of bulk earth works required, and the proposed inclusion of a number of technical trail features.



Meelup MTB Park Stage 1 – Works Report

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DIRTARI WORLD LEADERS IN TRAILS

6.6.5 Waypoint data summary

point summary of works	78 Install rock roll over feature	79 Lift and tilt raised trail section, with construction of left berm into right berm		81 Large dirt rollers	82 1000mm high rock drop with rock armoured entry and exit sections	83 Step down jump	84 Large rock roll overs x 2	85 Left berm leading into right berm		87 Rock roll over feature		89 Large right hand berm feature	90 Tabletop jump			
waypoint	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293

Works component 2A

Overview

Works proposed for component 2A focus on developing a new descending trail to the east of Brown Street. Responding to user demand, this trail would offer a descent that maximises available elevation, while providing a range of challenging yet safe trail features. The trail is proposed as a black diamond trail, with a range of trail features in keeping with this difficulty grading.

The alignment and detail of proposed trail features can be found over the page.

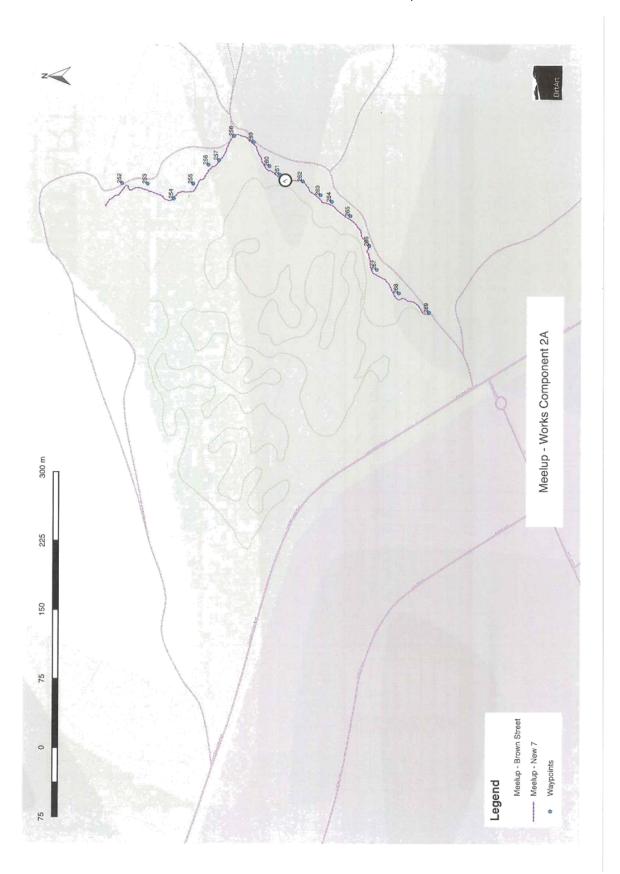
Summary of proposed trail 7.2

Trail Name	Brown Street Outer Descent
Trail length	628m
Proposed difficulty rating	Black Diamond
Proposed development corridor	10m (5m either side of mapped line)
Trail tread width	1000-1200mm
Vegetation clearance corridor	1500mm width, 2500mm height
Construction methodology	1.7 tonne excavator
Imported materials	Capping/surfacing required to final 100m of trail due to land fill site.

7.3 Works delivery

Dirt Art suggests that 1B works are delivered by a professional contractor, due largely to the high volume of bulk earth works required, and the proposed inclusion of a number of technical trail features.









7.5 Way point data summary

Summary of works	Rock garden with rock roll to act as a black diamond 'filter'	50m (approx.) of lift and tilt construction	2 x 500mm high berms with small table top jump between	750mm high left hand berm	1200mm high table top jump	1200mm high step down jump	1200mm high step up jump with landing to hip to the right	1200mm high table top jump	1200mm high table top jump
Waypoint	252	253	254	255	256	257	258	259	260

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DIRTARI WORLD LEADERS IN TRAILS

Works component 2B

3.1 Overview

installation of this trail fulfils a number of strategic objectives, including the facilitation of a range of event course options. Works in this works component focus on the development of an outer climbing trail to the west of the Brown Street Trail.

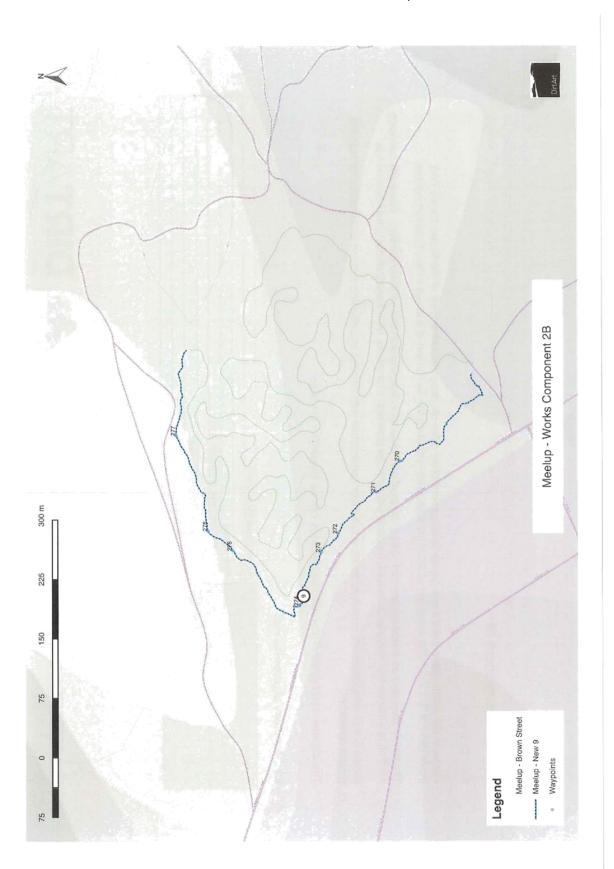
The trail is proposed as a blue square trail, with a range of trail features in keeping with this difficulty grading. Generally speaking the trail has limited trail features proposed, focusing more on the provision of a gentle, free-flowing climbing trail experience.

Works in this component are proposed for local volunteer construction with training and ongoing support and monitoring from the project contractor.

The alignment and detail of proposed trail features can be found over the page.

2 Summary of proposed trail

	Brown Street Outer Climb
Trail length	937m
Proposed difficulty rating	Blue Square
Proposed development corridor	10m (5m either side of mapped line)
Trail tread width	1000mm
Vegetation clearance corridor	1500mm width, 2500mm height
Construction methodology	1.7 tonne excavator
Imported materials	NA



Waypoint summary data

waypoint	SUMMARY OF WORKS
270	Rock garden/rock roll over
271	Rolling grade dips plus 15m rock armouring to avoid drip line of large tree
272	Rock armour approximately 6m
273	Install large rolling grade dips
274	Rock garden/rock roll over
275	Instoned/hermed right hand turn

Attachment A

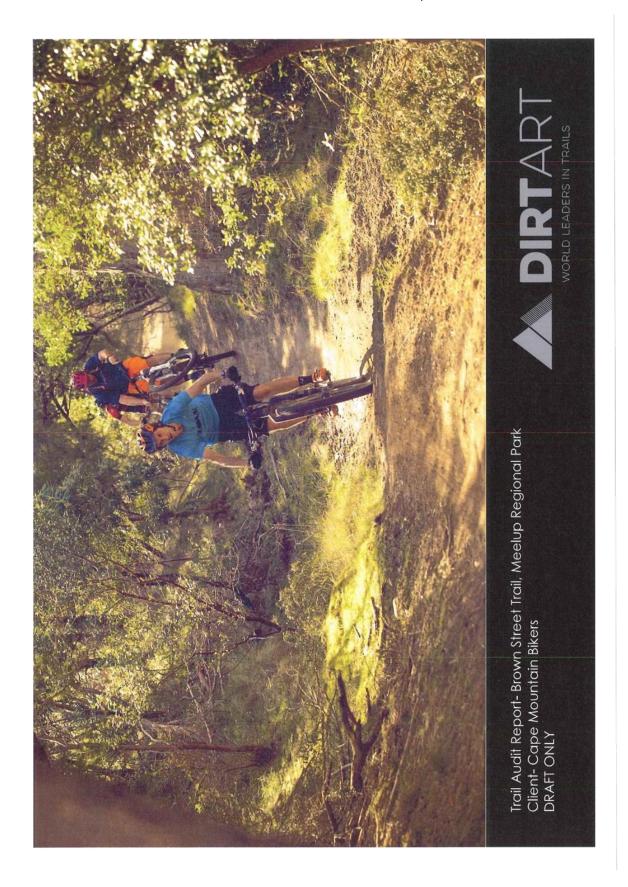
33

Conclusion

improvements in the trails ride quality and sustainability. The focus of all works components has been to consolidate and improve The proposed works provide a clear pathway towards upgrading and enhancing the Brown Street trail, making significant the experience and quality of the existing trail, while broadening the appeal of the trail to a larger market of riders. The proposed realignments and new trail sections have focussed on increasing the availability and duration of descending trails, which will cater for a key demand for this type of riding experience. New trail sections have also provided a significant improvement in the trails capacity to cater for a broad range of event types, including cross country Olympic, stage racing, and gravity enduro event types.

All works have been designed to have the most minimal environmental impact, and in many cases have proposed methodologies that will have a net benefit to the environmental values of the site, such as by capping exposed land fill areas. The works proposed offer a significant opportunity to greatly improve the quality and sustainability of the Brown Street Trail, making the trail a significant regional mountain bike asset





0

1 Document overview

1.1 Summary

Document- Trail Audit Report
Client- Cape Mountain Bikers/City of Busselton
Report prepared by- Simon French and Luke Chiu (Dirt Art)

1.2 Document control

Notes	NA	NA
Date	3rd September 2016	6 th September 2016
Name	Simon French	Simon French
Version	Draft V1	FINAL

1.3 Acknowledgements

Dirt Art wishes to acknowledge the assistance and support of the following agencies/groups into the preparation of this report; Cape Mountain Bikers, and the City of Busselton.





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Executive summary

assessment, and develop a detailed works plan for the Meelup Regional Park (MRP), Western Australia. The MRP site houses an extensive trail network, which has been developed by local volunteers over a number of years. The existing trail network provides formalisation of the existing Brown Street Trail, and to develop detailed plans for a number of new trail links and realignments both years of informal development and use, the CMB have recently attained formal permission to utilise and manage the trail network a fun and engaging range of trail experiences, which is predominantly sustainably designed and constructed. Following many The purpose of this report is to provide a detailed audit and works plan to assist in the upgrade and Dirt Art were engaged by the Cape Mountain Bikers (CMB) and the City of Busselton (COB) to conduct a trail audit and within and adjacent to the Brown Street Trail. for mountain bike use.

The main entry point for the network is located within easy riding distance from the Dunsborough CBD, with evidence of users both riding and driving to the trail The MRP site is located behind the township of Dunsborough, South West Western Australia. network.

composed of lateritic soil, with some clay and sandy/silt areas, and some imported soil associated with landfill capping. Local soils The site consists predominantly of rolling hills, with gradual to moderate gradients (<40%). Areas of the site have seen intensive industrial activity in the past, including gravel extraction and refuse/land fill. The target area for this project has seen extensive surface disturbance, including stock piling of rock and topographical modification. The lower south-eastern corner of the target The site is typically area has evidence of refuse/land fill activity, with shallow and in places non-existent surface capping. have demonstrated reasonable wear characteristics, and have excellent water dispersive properties.

The Trail Audit Report (TAR) process undertaken by Dirt Art has been based around the following strategic objectives;

- Assist the CMB in formalising and enhancing the Brow Street Trail
- Provide a safe and sustainable trail network suitable for both recreation and events
- Provide a framework and recommendations to empower and facilitate the CMB to assist with ongoing management and development of the trail network
- Provide cost-effective, feasible trail concepts and designs, which offer conditions suitable for high-quality trail construction
- Develop a suite of trail experiences that offer a genuine point of difference, and an attraction to visiting trail users
 - Formalise a trail network suitable for a wide variety of events

Irail Audit Report – Meelup Regional Park



In total 3.75 km of trail have been formally audited, which comprises entirely of the Brown Street Trail as it is typically ridden by local users. In total 3.22 km of new trail sections have been proposed, as both realignments and additions to the current Brown Street Trail. These realignments and additions will be detailed in the accompany report, Construction Plan- Stage One Works, Meelup Mountain Bike Park.

regarding future capital expenditure relating to supporting facilities and amenities. The new trails proposed have filled significant The TAR has proposed a number of trail upgrades, realignments and new trails, along with a number of recommendations gaps in the trail network, while also capitalising on areas that offer conditions conducive to developing high quality trail experiences, MRP is a good example of a community-developed and managed trail network, which provides an excellent recreational asset for a broad range of trail users. The existing trail network is generally safe and sustainable, though potential exists for a number of trail improvements. With modest upgrades and a structured formalisation process, the MRP trail network will provide a safe, sustainable and enjoyable network of trails for a broad range of mountain bike riders.





Attachment A

3 Glossary of key terms

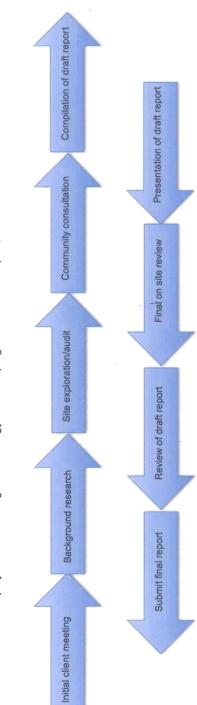
Term	Definition
All-mountain	A term describing rugged or adventurous cross country riding, often with a descending focus
Bench	The cut made into a side slope to provide a trail tread/surface
Berm	A banked corner, designed to make for faster and easier corner
Camber	Trail surface side slope angle. Positive camber refers to an in-sloping trail, negative camber refers to an out-sloping trail
CMB	Cape Mountain Bikers
COB	City of Busselton
Double jump	A jump with a defined gap between take off and landing
Drop off	A section of trail which forces or promotes riders to jump or launch off a flat or gradually inclined/declined ramp, which is often a log or
	rock
Fall line	A term used to describe a trail that is aligned directly down/up the contours of a hill, or on a sustained descent/ascent across the contour of a hill
Flow	A term used loosely to describe the free flowing nature of a trail. Typically flowing trails feature minimal braking and little need for interest negation.
	Brillian Service
Flow trail	A trail with a smooth trail tread and a three-dimensional character, including bermed (banked) corners, roller and jumps. This style of
	trail is typically design to reduce of exclude braking through carefully considered speed prediction.
Grade reversal	A reversing of the gradient/slope of a trail. Grade reversals maintain trail flow while providing a permanent drainage solution.
IMBA	The International Mountain Bicycling Association. The world body responsible for trail advocacy and for providing internationally
	recognised trail difficulty rating systems
MRP	Meelup Regional Park
MTBA	Mountain Bike Australia's peak governing mountain bike body
Rock garden	A typically uneven rock trail surface
Roller	A domed mound used to improve flow and/or drainage. May be used by riders to either increase or decrease speed
Singletrack	Narrow trail, typically offering a tread less than 900mm in width
TAR	Trail audit report
TDRS	The IMBA trail difficulty rating system for mountain biking
Table top jump	A jump with a flat/in-filled space between take-off and landing
Technical trail	A trail that typically features a rougher, more natural trail surface. Technical trails often have a narrow tread and may feature a number
	of technical realures such as rocks, roots and drop-oits





3.1 Project Methodology

Dirt Art has employed the following methodology in developing this trail audit report;







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3.2 Planning and design context

.2.1 Overview

and considerate to the natural environment. Dirt Art has carefully considered the natural environmental values of the Meelup site in The development and/or formalisation of any mountain bike trail or facility must be undertaken with an approach that is sensitive developing this TAR, ensuring minimal disturbance to the natural environment and disruption to other current user groups.

Dirt Art undertakes a comprehensive background analysis during the formation of all trail plans. This background research ensures all relevant past planning and research documents are considered when formulating the final facility plan.

ensure that the resulting trail developments will provide a wide range of sustainable, high-quality and in-demand mountain biking Dirt Art also place a strong emphasis on developing a plan that will target key demographics in both a local and tourist user context. The TAR provided has proposed trails and facilities that will cater for key local demands, and also provide significant points of difference to attract visiting riders. Dirt Art have developed the TAR to capitalise on the key attributes of the site, to experiences.

3.2.2 Natural Environment, native flora and fauna

The Meelup site has seen extensive industrial activity in the past, and as such the site houses a mix of both introduced non-native species and pockets of remnant vegetation, which in same areas remains relatively undisturbed. Where possible, trails have been proposed in areas that will result in minimal environmental disturbance and with minimum required vegetation clearance/disturbance.

Any new trails proposed in this plan feature gentle, sustainable gradients, which minimises issues associated with erosion and sediment dispersion, resulting in a greatly reduced environmental impact.





3.2.3 Target demographics

Where possible, Dirt Art suggest developing mountain bike facilities to cater for the broadest demographic possible. Providing safe and accessible trails for beginner and lesser skilled riders is equally as important as ensuring that more experienced riders are provided with appropriate challenges and avenues for advanced skill development.

Attachment A

Dirt Art suggests that the MRP facility is best targeted to the full range of mountain bike rider abilities, with a focus on intermediate riders. The relatively generic topography and terrain across much of the site will be more conducive to beginner to intermediate riders, though rock forms in areas of the site and topographical modifications due to industrial activity do provide potential for a more advanced riding experience across sections of the trail.

3.3 Other considerations

The following design considerations have also been employed during the formation of this TAR and accompanying trail designs;

- Soil type- The predominant soil type throughout the MRP site is lateritic gravel. The soil has good water dispersive
- trails becoming more challenging further through the network. In the case of the Brown Street Trail, all trail features offer a characteristics though can prove friable/fragile on steeper gradients and in areas with poor trail flow. Safe skill progression- This is achieved through the design of trails that allow riders to 'warm up' on easy trails, with the 'ride around' option for less experienced riders.





4 The Meelup Site

4.1 Location

The MRP site is located approximately 1 km from the CBD of Dunsborough, in South West Western Australia. The MRP trail network is accessed via a network of arterial sealed roads and/or cycleways, a short commute from the Dunsborough CBD. The most predominant user group in the area appear to be mountain bike riders, with limited evidence of walkers using the trails audited in this report.





4.2 Quick facts

Site location	Meelup Regional Park, Dunsborough, Western Australia
Soil type/s	Predominantly lateritic gravel-based soils, with silt, sand and clay sections
Predominant geographical features	hant geographical features Rolling hills (20-40% grades). Some topographical modification due to previous industrial
	activities.
Elevation variation	25m (approx.)
Mean annual rainfall	811mm- Busselton (www.bom.gov.au)
Predominant vegetation types	Native and introduced species
Available amenities	Nil,

4.3 Geology and geomorphology

elevation range. Areas of the site have been extensively modified in the past due to industrial activities such as gravel and soil harvesting and refuse/land fill. The geology of MRP site is dominated by lateritic-based soils, with limited bed rock, yet extensive stock piles of large (up to 1000mm+ diameter) laterite boulders. The project area is a fairly uniform landscape of rolling hills, offering small yet useable

Limited bed-rock forms are available throughout the site, and have generally been utilised to good effect.

General conditions on site are very conducive to high-quality, cost effective trail construction.





5 The current situation

5.1 Overview-Existing Trail Networks

service roads, many of which are valuable to the mountain bike and cyclocross markets. The existing network of trails is generally network has been developed by volunteers, with varying levels of formality/permission. The area also includes a large network of There is a significant network of existing trails in the MRP area, including a number of formal and informal trails. The current trail in a condition that provides for safe, sustainable and enjoyable mountain bike use. The quality of existing trails is varied, though the majority of trails featuring sound alignments and good trail flow, though some trails are poorly aligned and would benefit from realignment/renewal. Generally speaking, little is required to formalise the existing trailsdetailed information regarding required works can be found in the audit summary document attached.

This report has focused on compiling a comprehensive audit of the Brown Street Trail, which is widely considered as the signature trail of the MRP trail network. Brown Street is the longest stand-alone trail in the network, and appear to receive the highest level of use of all mountain bike trails in the park.

A comprehensive overview of rationalisation, upgrade and closure can be found in the accompanying works report document.





5.2 Review of existing trail infrastructure

.2.1 Overview

informal trails along with both singletrack trails and service roads/vehicle tracks. The following inventory is not an exhaustive list of all trails in the area, and has instead focused on perceived high-value trails, and trails that exhibit high levels of use by mountain The following is an overview of key existing trail opportunities currently available in the study areas, including both formal and bike riders.

Please note; the below provides a summary overview of all audited trails. Detailed audit data is available as digital files.

5.2.2 Methodology

All trails have been assessed in their entirety on foot, via 4WD vehicle and via mountain bike. Trail assessment occurred in May 2016, and was undertaken in dry, hot conditions.

All trails have been assessed against the IMBA Trail Solutions Guidelines provided in detail in the publication, IMBA's Guide to Building Sweet Singletrack. Quantitative assessment was performed against the IMBA guidelines using a range of measuring tools, including a Suunto inclinometer and Garmin Monterra GPS unit. Trail dynamics and flow have been assessed anecdotally, against the assessors' extensive experience in designing, managing, assessing and constructing over 2,000km of mountain bike trails in Australia. Trail difficulty grading (TDRS) has been assessed against the IMBA Trail Difficulty Rating System (TDRS) Australian edition (2014). A copy of this system can be found at appendix 1.





5.2.3 Overview of ratings system

Criteria	Overview
Value to network rating	Trails have been assigned a rating out of five to assess the trails value to the MRP trail network. A summary of values can be found below;
	 Very limited value to the current trail network: Closure and rehabilitation is recommended. Limited value to the current trail network: Closure and rehabilitation may be warranted. Moderate value to the current trail network: Trail possesses some value to the current network, potential upgrade is worthy of exploration.
	4. High value to the current trail network: The trail is of significant value to the current network and should be retained and potentially upgraded. 5. Very high value to current trail network: This trail is of the highest importance to the current trail network, providing a high-quality experience and/or a strategically important network
Sustainability rating	Trails have been assigned a rating out of five to assess overall trail sustainability. These ratings are assess to a sustain the trails as they were found at the time of assessment and may not reflect current trail conditions.
	 Very poor levels of sustainability: This trail offers very poor sustainability even in the short term. Trail alignments are poor, as is trail construction technique. Poor levels of sustainability: This trails offers poor sustainability in the short-mid term. Trail
	alignments and/or construction techniques are not conducive to a sustainable trail. 3. Average levels of sustainability: This trail offers sub-optimal levels of sustainability, but will offer reasonable levels of mid-longer term sustainability. Some sections are poorly aligned and/or
	poorly constructed. 4. Good levels of sustainability: This trail offers good levels of long term sustainability. The trail will require minimal input in the long term
	 Excellent levels of sustainability: The trail is aligned and constructed to a best practice standard for the majority of its length. The trail will offer best-case levels of sustainability in the long term





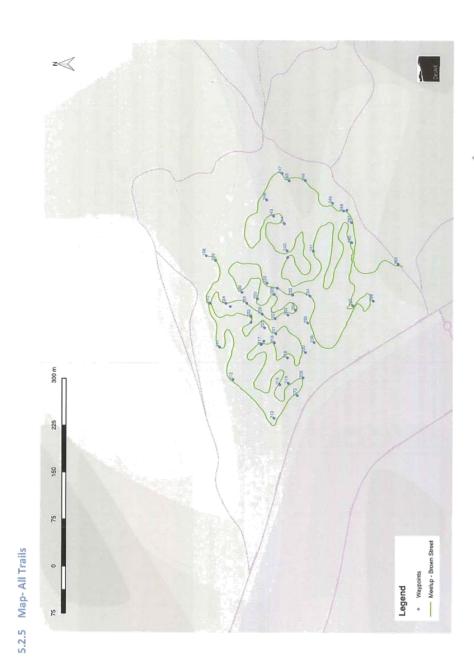
Attachment A

Criteria	Overview
Ride quality rating	Trails have been assigned a rating out of five to assess the trails ride quality. The below ratings assess general trail experience and trail flow. A summary of values can be found below;
	1. Very poor ride quality: Trail flow/dynamics are very poor as is ride quality and experience. This trail offers a generally very low quality riding experience.
	2. Poor ride quality: Trail flow/dynamics are generally poor, as is ride quality and experience. This trail offers a generally low quality riding experience.
	Average ride quality: Trail flow/dynamics are reasonable for the majority of the trail, thus offering an average ride quality. This trail offers some quality riding experiences, but is generally
	not of a particularly high standard.
	4. Good ride quality: I rail flow/dynamics are generally good, thus offering a predominantly quality riding experience. Some areas offer potential for improvement.
	5. Very good ride quality: Trail flow/dynamics are optimised along the entire trail alignment. This
TDRS Grading	Trails have been assessed against the IMBA Australia Trail Difficulty Rating System. A summary of
	this system can be found at appendix one

5.2.4 Issue severity scale

Priority	Overview
Priority one	Issue should be rectified immediately to ensure rider safety. Trail/s should be closed until issue is
	addressed. Failure to address the issue may result in a severe risk to user safety and/or
	sustainability.
Priority two	Issue should be addressed within one month, or prior to an official trail opening. Failure to address
	the issue poses a moderate safety and/or sustainability risk.
Priority three	Issue is noted as a recommendation only, and should be addressed in due course to ensure optimal
	trail quality, rider safety and sustainability. Failure to address the issue will not have significant
	effects on safety or sustainability.





Trail Audit Report – Meelup Regional Park

5.2.6 Audit data- target area trails overview

5.2.6.1 Trail One-Brown Street

Distance (km)	3.75
TDRS grading	Blue Square
Ride quality score	3.5
Sustainability score	3.5
Value to network	5
Trail name	Brown Street
rail Number	1

	undulating trail	
	ely small area, and features numerous	ncements to the trail.
	3.75km trail weaves through a relative	hich is a key focus of proposed enhan
	own Street is the key cross-country mountain bike loop in the target area. 3	ctions. The current trail does not feature sustained climbs and descents, w
1	Bro	sec

Generally speaking the trail features a sustainable alignment and quality construction methodology. The trail does feature some fall line sections, and a number of low/wet areas across traversing sections.

The trail has excellent upgrade potential, and will form a valuable component of the formalised mountain bike trail network in the Meelup Mountain Bike Park.





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Rock armour trail section (6m approx.). Potential to install small optional rock drop off feature Install technical rock features including, rock stairs and realignment Replace timber with rock to establish permanent, safe Rebuild two berms to minimum 600mm in height (1000mm target height). In situ soil and materials are available Re-profile trail to install out slope drainage Re-profile trail to install out slope drainage Re-profile trail to install out slope drainage Install rolling grade reversals and/or complete minor rough paving Extend descent- see works report Small berms (x 2) are inadequate for corner entry speed Steeper climbing section- potential for installation of a technical, rock climb Potential to extend descent to create more sustained descending Short steep section of trail showing signs of erosions Low/wet area Fall line trail section Log roll over feature Low/wet area Low/wet area 209 210 211 212 203 213 201

Severity		THE REAL PROPERTY.																		The state of the s		
Suggested works	Rebuild berm to minimum 600mm in height (1000mm target height). In situ soil and materials are available	Re-profile trail to install out slope drainage	Install rolling grade reversals and/or complete minor realignment. Install short section of rock armouring (6m)	approx.) 2. Re-profile trail to install out slope drainage	Rebuild berm to minimum 600mm in height (1000mm	target height), removing timber from berm structure. In situ soil and materials are available	Re-profile trail to install out slope drainage	Replace timber drop/jump with rock	1. Replace timber drop/jump with rock	2. Install rolling grade reversals and/or complete minor	realignment. Install short section of rock armouring (bm approx.)	Install 10m (approx.) of rock armouring	Re-profile trail to install out slope drainage. Install 8m (approx.) of rock armouring	Realign trail to the L (east) a minimum of 5m	Install 6m (approx.) of rock armouring	Install 30m (approx.) of lift and tilt style trail	1. Install rolling grade reversals and/or complete minor	approx.)	z. Repuild berm to minimum boomin in height (1000min target height). In situ soil and materials are available	1. Re-profile trails surface adding grade reversals. Rock	armour 15m trail section (approx.) 2. Repair drop off by installing rock drop. Install 6m	(approx.) of rock armouring
lssue/s	Small berm is inadequate for corner entry speed	Low/wet area	Fall line trail section Low/wet area		Small berm is inadequate for corner entry speed. Timber in	berm structure	Low/wet area	Timber drop/jump	1. Timber drop/jump	2. Fall line trail section		Low/wet area with fragile soils	Low/wet area- large	Very minimal separation between trail and adjacent trail section	Low/wet area with fragile soils	Sandy/friable soils and issues with drainage	1. Moderately steep fall line section	z. Omali perili is iliadeduate foi comer entry speed		1. Fall line section with surface damage and friable soils	2. Small drop off moderately eroded	
Waypoint	219	220	221		222		223	224	225			226	227	228	229	230	231			232		

Mayorint	0,000		
vaypoun	C/DISCI		seventy
234	Moderately steep fall line section	Install rolling grade reversals and/or complete minor realignment. Install short section of rock armouring (6m approx.)	
235	Dip in trail requires rock armouring on entry and exit. Low has surface damage.	Rock armouring 10m (approx.) and re-profile low point.	
236	Fall line trail section with trail surface damage	Install rolling grade reversals and/or complete minor realignment. Install short section of rock armouring (8m approx.)	
237	Low/wet area	Re-profile trail to install out slope drainage	The second
238	Low/wet area	Re-profile trail to install out slope drainage	
239	Moderately steep fall line section	Install rolling grade reversals and/or complete minor realignment. Install short section of rock armouring (6m approx.)	
240	1. Fall line trail section with trail surface damage	1. Install rolling grade reversals and/or complete minor	
	2. Official Octiff is inadequate for Collies effuy speed	realignment. Install snort section of rock armouring (8m approx.) 2. Rebuild berm to minimum 600mm in height (1000mm target height). Institu soil and materials are available	
241	Potential for installation of optional rock technical feature	Install two-line optional rock trail feature offering moderate and difficult difficulty levels	
242	Timber roll over feature	Replace timber roll over with rock	
243	Moderately steep fall line section	Install rolling grade reversals and/or complete minor realignment. Install short section of rock armouring (6m approx.)	
244	Small berm is inadequate for corner entry speed Drainage measures required at berm entry	1. Rebuild berm to minimum 600mm in height (1000mm target height). Insitu soil and materials are available 2. Install grade reversal with 3m rock armouring	
245	Moderately steep fall line section	Install rolling grade reversals and/or complete minor realignment. Install short section of rock armouring (6m approx.)	
246	Moderately steep fall line section Low lying wet area with friable soil	Install rolling grade reversals and/or complete minor realignment. Install short section of rock armouring (6m approx.) Install 30m of lift and tilt trail with 8m (approx.) of rock armouring	







Severity										
Suggested Works	Install 4m rock armouring Potential to retain feature and stabilise, or replace with	rock	Install rolling grade reversals and/or complete minor	realignment. Install short section of rock armouring (6m	approx.)	Rebuild berm to minimum 600mm in height (1000mm	target height). In situ soil and materials are available	Install rolling grade reversals and/or complete minor	realignment. Install short section of rock armouring (6m	approx.)
Issue/s	Steep up slope with noted erosion at entry and up slope Timber roll down feature- botential to retain noting	longevity concerns	Moderately steep fall line section			Small berms are inadequate for corner entry speed		Moderately steep fall line section		
Waypoint	247		248			249		250		

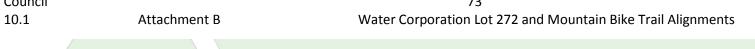
Conclusion

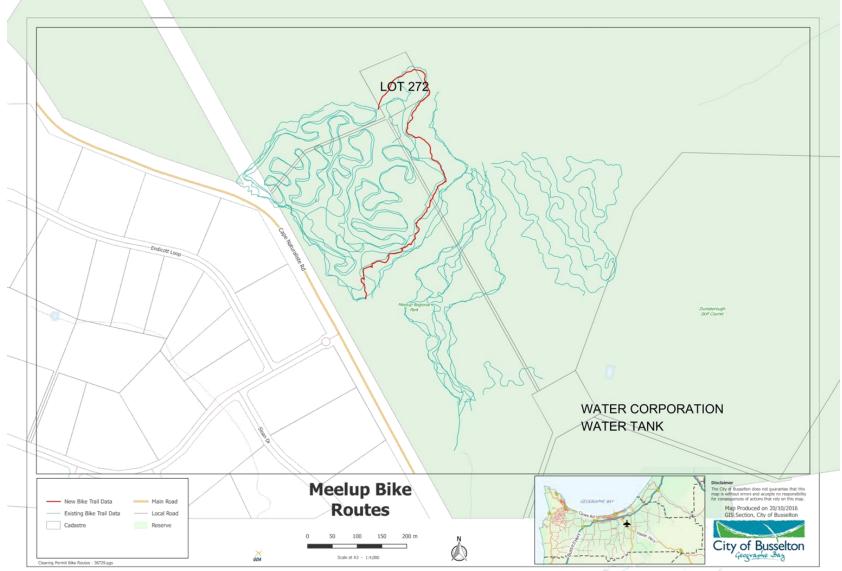
trail currently provides a good quality riding experience through mostly sustainable trail alignments. Significant potential existing to existing Brown Street Trail, as well as proposing a number of realignments to improve the trails functionality. These realignments have been detailed in the separate Works Plan for the project. The Brown Street Trail is a highly popular trail, which has evolved over several years through the efforts of local volunteers. The markedly improve the ride quality and sustainability of the trail, through the completion of generally minor on trail works and realignments. The focus of this auditing process has been to address current issues of ride dynamics and sustainability on the

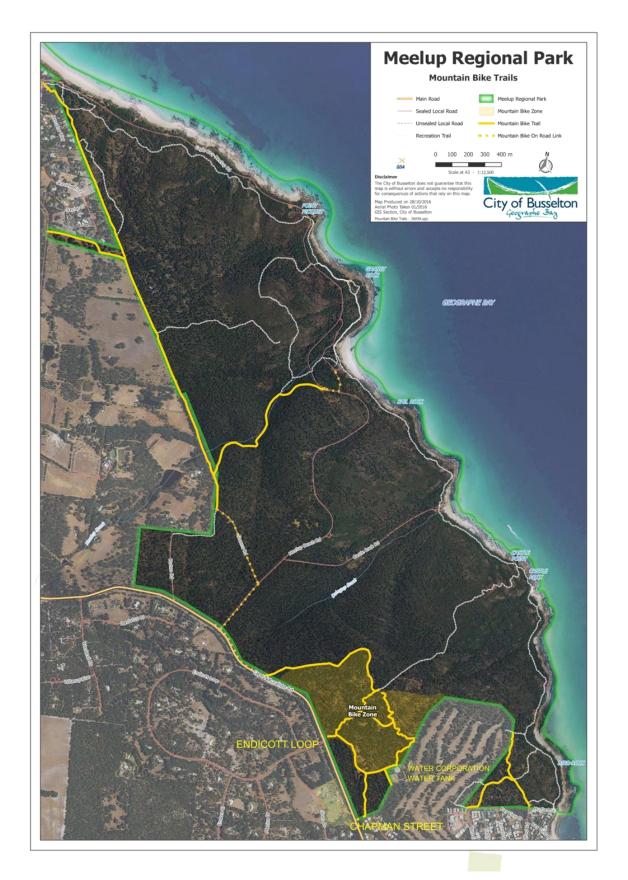
functionality, ride dynamics and sustainability. The net result will be a vastly improved riding experience for a broader market of This document provides a clear pathway to make significant improvements to the Brown Street Trail, improving the trails riders, as well as significant improvements to the trails sustainability.











No.	Submitter	Nature of the submission	Response	Outcome
	Businesses	<u> </u>		
1	Dunsborough Computers Anthony Baker Unit 2, 9 Griffin Drive, Dunsborough WA 6281 abaker@dunsboroughcomputers.com.au	Supports the development of a mountain bike network development within the Park and would like to see this facility expanded even further within the park at a later stage. Noted many reasons including park vistas, use by families, spending money in the region, use by events.	Submission noted	No change
2	Eagle Bay Brewing Co., Dunsborough Adrian d Espeissis edge@eaglebaybrewing.com.au	Supportive of the mountain bike trails in the Park. Notes a number of benefits to the community including enjoying a rapidly growing, healthy and ecofriendly sport, professionally built trails and tourism.	Submission noted	No change
3	Grandma Technology Rhonda Oshanek 23 Endora Close, Dunsborough WA 6281	Refers to the Western Australian Bike Strategy (2015- 2020) developed by West Cycle which recognises the importance of mountain biking to bring people into a community. Notes the success of the Margaret River trails, Dunsborough Districts Country Club support of mountain biking, events and tourism opportunities.	Submission noted	No change
4	Rapid Ascent Pty Ltd John Jacoby-Race Director Unit 2, 1-3 Gilbert Street, Torquay Victoria 3228	Supports the mountain bike network facility development within Meelup Regional Park for the following reasons: The area highlighted is/has already had considerable use by mountain bikers and it is appropriate to "legalise" this area to assist in reducing any further illegal track building activity Our company, Rapid Ascent host and stage the X-Adventure off road triathlon in Dunsborough each year and our post event survey data suggests that this event alone generates \$4.5m in economic impact	Submission noted. Additional trails may be considered in the future subject to their upgrading and suitability for bike riding which may include a loop trail from Meelup Beach back up to Sheens Road.	No change

each year and approx. 9,100 bed nights. Expanding, developing and legalizing MTB trails in MRP will help cement the X-adventure event in Dunsborough for years to come.

-Promoting mountain biking as a viable, sustainable and non-damaging recreational activity is extremely positive for the health and wellbeing of the Busselton community as well as all the visitors that are attracted to the area.

-Dunsborough Country Club have already spent considerable funds and resources on developing track network within their grounds and the adjacent area of MRP will further expand the rideable trails and will likely increase recreational participation and local club membership.

-I would suggest/recommend that additional thought and investigation go into developing a looped track in the Meelup area as the present map suggests two "dead end" tracks being ratified. This is not a good thing for members and it encourages the illegal building of new trails or using existing trails not designed for riding. This does not help anyone and can damage the environment and create tension amongst user groups. A looped track from Meelup Beach back up to Sheens Road would alleviate this

Building on the existing base of MTB trails is a cost effective and efficient use of funds to gain maximum benefit from a relatively small investment.

A larger MTB trail network will help further cement CoB as the events capital of W.A. and will allow larger and more MTB events to be staged in the area.

Attachment D Schedule of Submiss

5	The Cape Effect Coffee Roaster Ben Willis PO Box 235, Dunsborough WA 6281 Groups	I fully support the attached submission and have great hopes this amazing natural resource can be better managed and enjoyed by all people of many ages and pursuits. I constantly travel to Margaret River, Bunbury, Nannup, Dwellingup and many other locations in the world to enjoy mountain biking with my family. Having mountain bike trails locally will not only make a huge amount of mountain bikers happy and proud of there local facilities but greatly assist local business with the large amount of mountain bike tourism that is rapidly growing around the world. Meelup could be a world destination for mountain biking due to its natural beauty and diversity. Please consider this amazing opportunity.	Submission noted	No change
6	Dunsborough Yallingup Chamber of Commerce and Industry Rhonda Oshanek-DYCCI Committee member PO Box 146, Dunsborough WA 6281 admin@dycci.com.au	Refers to the value that mountain biking adds to our region through the influx of visitors, particularly in the autumn and winter months when visitation is reduced. Benefit to members businesses and opportunities for new businesses to establish in the region. Supports the growth of the tourism sector and mountain bike events in the region.	Submission noted	No change
7	Cape Naturaliste College Garry Dagg (History, Geography teacher) Cape Naturaliste College Garry.Dagg@education.wa.edu.au	Supports consolidating the existing trail network within the Park for use by mountain bikers. Believes mountain bike riders and conservationist can coexist. Would like to ensure that the proposed map is the limits of the mountain bike area and the rest of the Park should remain relatively pristine. The Park is a	Extent of proposed mountain bike area and trails is identified in Attachment C	No change

		real treasure for the CoB and believes that allowing,		
		but limiting the proposed mountain bike network will		
		increase its community value.		
	Individuals			
8	Candace Winder	Fully support the use and development of the	Submission noted	No change
	Dunsborough resident Candace.winder@hotmail.com	mountain bike network within the Park		
9	Pete Battye info@realimagephotography.com.au	Support for the proposed mountain bike trails, noting tourism benefits, great location, events, minimal environmental impact, health benefits, use by kids.	Submission noted	No change
10	Sean Brandis 6 Toddy Place, Dunsborough WA 6281	Supports bike trails in an approved MTB zone in the Park noting encouraging physical and social activity for locals and tourists, use for mountain bike events within the City of Busselton and linking trail in the Park to the existing Dunsborough District Country Club trails.	Submission noted	No change
l1	Rex Dubios rexdubois@gmail.com	Supportive- fantastic concept and looking forward to its progression. Noted tourism potential and to consider integrating viewing points into the trail and bench seats to enjoy ocean views.	Submission noted	No change
12	Lachlan Cudmore 14 Amberley Loop, Dunsborough WA 6281	Supports the development of trails in the Park. This is a fantastic step forward for cycling recreation in the region and would like to see more cycle paths, tracks and facilities implemented in the region. Lists the many benefits including good health, tourism, gets bikes off road, use by schools and kids, events and preventing the proliferation of informal tracks.	Submission noted	No change
13	Sonia West soniaanddean@me.com	Supports the proposed MTB trials.	Submission noted	No change
14	Tim Villa tvilla@iinet.net.au	Supports the Determination. Would be good to add Dunsborough to our list of destinations for mountain biking. Currently visit Margaret River and Pemberton	Submission noted	No change

Attachment D

14 December 2016

		a few times a year for mountain bike trips. With an extensive trail network in the area we would stay for a few nights in the area.		
15	Toby Heyring 52 Fern Road, Eagle Bay	In support of the Determination. Notes that mountain biking is a burgeoning sport in Dunsborough and the wider community and the Meelup trails networks needs to be developed as a matter of urgency.	Submission noted	No change
16	Helen Baker 11 Cygnet Cove, Dunsborough WA 6281	Fully supports the development of mountain bike network development in the Park. Lists a number of reasons including wanting to ride on legal trails, aware of dieback issues, spending money in the local region, encourage events, health and mental wellbeing.	Submission noted	No change
17	Andrew Spencer-Wright 1sprights@gmail.com	Fully supports the proposal to develop a mountain bike park in Zone 6 and fire roads within the Park. Lists a number of points from the South West Mountain Bike Master Plan.	Submission noted	No change
18	Joel Sutherland-Smith Joelss84@gmail.com	Supportive of developing mountain bike trail in the Park, listing a number of benefits including close to nature, tourism, entertainment for youth, professional sport, events and fitness.	Submission noted	No change
19	Peter and Maree Jager, John Reilly and Kerry Ferguson peterjager@bigpond.com	Not supportive on a number of points including: 1. Removal of entry point off Cape Naturaliste Road-Water Corporation Access Way at locked gate. Entry to mountain bike zone to be opposite Endicott Loop only as we have frequently suggested in previous submissions and meetings.	The access from Cape Naturaliste Road to the Water Corporation Storage Tank is Chapman Street and is indicated as a road link and does not form part of the proposed determination.	No Change
		Removal of the section along water tank	The proposed bike trail adjacent to Water	No Change

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			compound to water corporation access road (leading to nowhere). Cyclists will disregard the designated trails and still use the section past our homes.		Corporation water tank allows for a future connection of the trails in zone 6 to the Dunsborough District Country Club bike trail network.	
		3.	The use of a section of the maintenance access way which is continually used by the Water Corporation and NBN maintenance teams is a safety issue.	3.	Safety signage will be installed at on road link entry and exit points.	No Change
		4.	No consultation with residents has been undertaken in recent months.	4.	Public notice of proposed determination was advertised as per City of Busselton <i>Property Local Laws 2010</i> .	No Change
		5.	There are no homes in the vicinity of the area opposite Endicott Loop.	5.	Comment noted	No Change
20	Peter and Maree Jager peterjager@bigpond.com		portive on a number of points including: Removal of entry point off Cape Naturaliste Road-Water Corporation Access Way at locked gate. Entry to mountain bike zone to be opposite Endicott Loop only as we have frequently suggested in previous submissions and meetings.	1.	Refer to submission 19 – Response 1.	No Change
		2.	Removal of the section along water tank compound to water corporation access road (leading to nowhere). Cyclists will disregard the designated trails and still use the section	2.	Refer to submission 19 – Response 2.	No Change

		past our homes. 3. It is amazing that a bike trail is planned along a section of the maintenance access way which is continually used by Water Corporation and NBM maintenance teams.	3. Refer to submission 19 – Response 1.	No Change
		No consultation with residents has been undertaken in recent months.	4. Refer to submission 19 – Response 4.	No Change
		There are no homes in the vicinity of the area opposite Endicott Loop.	5. Comment noted	No Change
21	Brett Anderson Anderson@iinet.net.au	Comments include support for the mountain bike facility development in the local area, as currently driving to Margaret River trails. The State Government is fully supportive of the development of mountain biking and the WA Mountain Bike Strategy (2015-2020). There are two local mountain biking clubs with active volunteers demonstrating strong local support. The economic, health, conservation and protection benefits to our region are numerous.	Submission noted	No change
22	Adam Plummer 8 Hakea Way, Dunsborough WA 6281 aplummer@tpg.com.au	Comments include close to town and very accessible to users, supports formalising trails, excellent fit with the golf course, tourism and health benefits.	Submission noted	No change
23	John Reilly 12 Norfork Street, Dunsborough WA 6281	Not supportive on a number of points including: 1. Residents whose properties back onto the Meelup Reserve wish to retain the peace and tranquillity they paid for when they bought properties and built houses there several years ago. In my case 19 years ago.	Refer to submission 19 – Response 1.	No change

Attachment D

2	7. 7
 It should be pointed out that the residents in questions do NOT wish to stop cyclists using the Meelup Reserve. On the contrary. However, what the residents are requesting is that the entry point to Meelup Reserve on Naturaliste Terrace should be opposite Endicoot Loop. There are no residents at this entry point, and there is also car parking available. 	The proposed entry point at Chapman Street provides a suitable access point to the proposed mountain bike trail zone. No change
 The current use of the entry point on Naturaliste Terrace is via a locked gate. The locked gate is there for a reason- NBN and Water Corporation maintenance teams. 	3. Gates provided at the Chapman Street access from Cape Naturaliste Road serve to control access to Meelup Regional Park.
 Removal of entry point off Cape Naturaliste Road-Water Corporation access way at locked gate. 	4. Refer to submission 19 – No change Response 1.
 Entry to Mountain Bike Zone to be opposite Endicoot Loop. This had been frequently suggested in previous submissions and meetings. This action would ensure cyclists have unrestricted access to the Mountain Bike Zone and Residents would have the peace they request. 	5. Access to proposed mountain bike trail zone is proposed adjacent to Endicott Loop.
 Removal of the section along the water tank compound to water corporation access road (a 100m track leading to 	6. Refer to submission 19 – No change Response 2.

Attachment D

nowhere!)		
7. On the map available it shows that a Bike Trail is planned along a section of the maintenance access way which is regularly used by Water Corporation and NBN maintenance teams. This is a safety issue. It strengthens the argument that the entry point to the MB Zone should be opposite Endicoot Loop.	7. Refer to submission 19 – Response 3.	No change
It is noticeable that no consultation with residents has been undertaken concerning this issue in recent months.	8. Refer to submission 19 – Response 4.	No change

10.2 Policy and Legislation Committee - 17/11/2016 - REVIEW OF POLICY 120 - FLAG PROTOCOL

SUBJECT INDEX: Flags

STRATEGIC OBJECTIVE: An organisation that is managed effectively and achieves positive

outcomes for the community.

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

REPORTING OFFICER: Director, Finance and Corporate Services - Cliff Frewing **AUTHORISING OFFICER:** Director, Finance and Corporate Services - Cliff Frewing

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Revised Policy 120 - Flag Protocol showing tracked

changes <u>U</u>

This item was considered by the Policy and Legislation Committee at its meeting on 17 November 2016, the recommendations from which have been included in this report.

PRÉCIS

As part of the Council's ongoing policy review process the Flag Protocol – Policy 120 is presented for review and updating to the current policy format.

BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

The policy was last reviewed by Council in 2012, adopted 13 June 2012.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the Local Government's policies. The Council has proposed to do this on recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

RELEVANT PLANS AND POLICIES

This report proposes updates of Council policy 120 Flag Protocol.

FINANCIAL IMPLICATIONS

Nil

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

Sound policy development and review processes contribute to Governance Systems that deliver a responsible, ethical and accountable decision making in accordance with the City's community objectives as part of the Strategic Plan.

RISK ASSESSMENT

There are no risks associated.

CONSULTATION

During the process of the first stage of the policy review, consideration was given to each policy to determine whether there was a need to invite submissions on any proposed changes to policies. This policy is not considered to require any public consultation.

OFFICER COMMENT

It is proposed to change the Policy in two areas:

- 1. There may be however situations where it may be appropriate on occasion for other flags to be flown for a short period of time (such as to recognise visiting dignitaries etc). The policy has been changed to reflect this.
- 2. On occasions where it is appropriate, an alternative flag may be flown to recognise an occasion, event, visit or the like for a temporary period of time.

The proposal is simply to update the existing policy to recognise the importance of Commonwealth Flag protocols by referring to the relevant Commonwealth publication applicable to flying flags.

CONCLUSION

As part of the regular practice of reviewing City policies, a review was carried out on Policy 120 Flag Protocol. Following this review the City is presenting a revised policy to the Committee for the purpose of including reference to the Department of the Prime Minister and Cabinet Publication: Australian Flags — Part 2 The Protocols for the appropriate use and the flying of the flag, Commonwealth of Australia 2006.

OPTIONS

The Council may determine that a policy is not required for this matter.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised policy would be effective immediately upon adoption of Council.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the revised Council Policy 120 – Flag Protocol as shown in Attachment A be adopted:

1. PURPOSE

This policy is to provide guidance for the flying of flags at the Offices of the City of Busselton.

2. SCOPE

The policy sets out the authority for designated flags or any other flag as appropriate that can be flown at the City of Busselton Administration

Offices. On all occasions, the Australian National Flag is to be flown and is to take precedence on the most prominent flagpole.

3. POLICYCONTENT

The Chief Executive Officer is authorised to fly the Western Australian State flag, Aboriginal and Torres Strait Islander flags, City of Busselton flag, Town of Sugito flag and Japanese flag, together with the Australian flag, in the City of Busselton on occasions as determined.

There may be however situations where it may be appropriate on occasion for other flags to be flown for a short period of time (such as to recognise visiting dignitaries etc).

On occasions where it is appropriate, an alternative flag may be flown to recognise an occasion, event, visit or the like for a temporary period of time.

Regard shall be given to all permanent and interim Commonwealth flag protocols.

4. APPLICATION OF THE POLICY

The policy shall be applied by customer service staff in consultation with Governance Services as necessary.

Policy Background

Policy Reference No. – 120 Owner Unit – Governance Services Originator – Historical Policy approved by – Council Date Approved – 13 June, 2012 Review Frequency – As required

Related Documents – Department of the Prime Minister and Cabinet Publication: Australian Flags – Part 2 – The Protocols for the appropriate use and the flying of the flag, Commonwealth of Australia 2006.

History

CouncilResolution	Date	Information	
C1206/137	137 13 June, 2012 Update to policy format		
		Version 2	
		Version 1	

Revised Policy 120 - Flag Protocol showing tracked changes

Last updated 13 June 2012

120 Flag Protocol V2 Current

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PURPOSE

This policy is to provide guidance for the flying of flags at the Offices of the City of Busselton.

2. SCOPE

The policy sets out the authority for designated flags or any other flag as appropriate that can be flown at the City of Busselton Administration Offices. On all occasions, the Australian National Flag is to be flown or any other flag as appropriate and is to take precedence on the most prominent flagpole.

3. POLICY CONTENT

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On occasions where it is appropriate, an alternative flag may be flown to recognise an occasion, event, visit or the like for a temporary period of time.

Regard shall be given to all permanent and interim Commonwealth flag protocols.

4. APPLICATION OF THE POLICY

The policy shall be applied by customer service staff in consultation with Governance Services as necessary.

Policy Background

Policy Reference No. - 120 Owner Unit – Governance Services Originator – Historical Policy approved by – Council Date Approved – 13 June, 2012 Review Frequency – As required

Related Documents - N/ADepartment of the Prime Minister and Cabinet Publication:

Australian Flags - Part 2 - The Protocols for the appropriate
use and the flying of the flag, Commonwealth of Australia
2006.

History

Council Resolution	Date	Information	
C1206/137	13 June, 2012	Update to policy format	
		Version 2	
		Version 1	

10.3 <u>Policy and Legislation Committee - 17/11/2016 - REVIEW OF POLICY 001 - FEES,</u> ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS

SUBJECT INDEX: Councillors

STRATEGIC OBJECTIVE: An organisation that is managed effectively and achieves positive

outcomes for the community.

BUSINESS UNIT: Finance and Corporate Services **ACTIVITY UNIT:** Council & Councillor Services

REPORTING OFFICER: Director, Finance and Corporate Services - Cliff Frewing **AUTHORISING OFFICER:** Director, Finance and Corporate Services - Cliff Frewing

VOTING REQUIREMENT: Absolute Majority

ATTACHMENTS: Attachment A Revised Policy 001 - Fees, Allowances and Expenses

for Elected Members showing tracked changes.

This item was considered by the Policy and Legislation Committee at its meeting on 17 November 2016, the recommendations from which have been included in this report.

PRÉCIS

It is appropriate to amend Policy 001 – Fees, Allowances and Expenses for Elected Members so that it reflects current practice. In addition at a recent Policy and Legislation Committee the topic of private use of the Mayoral vehicle was raised and this report addresses this topic.

BACKGROUND

As part of the regular review of Council Policies, it is apparent that there is a need to review Council Policy 001 - Fees, Allowances and Expenses for Elected Members in relation to current practice re provision of laptops (as they are now not provided), changes in relation to sources of information that are relied upon in the Policy (as the source of information has changed), and motor vehicle usage by the Mayor (discussed at the Policy and Legislation Committee at its meeting on 29 September 2016 (Item 7.1). In addition, as elected members Allowances are considered and determined by Council during the annual budget process, it is good practice to have the Policy amended to reflect this.

Specifically, the proposed changes to the Policy are detailed as follows:

1. Clause 3.1.1 – provision of laptops

The current practice is not to provide laptops to elected members but instead to provide ipads in lieu. This clause has been amended to reflect this change (and therefore current practice) and to provide increased flexibility in the future should other mobile devices be used either as an alternative or in addition to ipads.

2. Clause 3.1.5 - Reimbursement of travel expenses - Sources of Information

The Policy at clause 3.1.5 makes reference to reimbursement of mileage allowance in accordance with the provisions of the Public Service Act 1992. Reference should now be made to the State Salaries and Allowances Tribunal as it is this body that now determines reimbursement of mileage rates for use of motor vehicles by Local Government elected members. As far as is known, payments have been made in accordance with the State Salaries and Allowances Tribunal so for all practical purposes there is no change – apart from Policy wording. As a matter of interest, the State Salaries and Allowances Tribunal relies on reimbursement rates set under the Local Government Officers Award – presumably to ensure there is no differentiation between rates reimbursed to either elected members or employees.

In addition changes are also proposed to reflect current practice that City vehicles should be used as a preference where training courses are held outside of the district.

3. The following is an extract from Council Policy 001 - Fees, Allowances and Expenses for Elected Members:

3.2.2 - Provision of a City-owned vehicle:

"The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature".

The Policy is considered unnecessarily restrictive in that it does not allow for the periodic private use of the vehicle by the Mayor (or future Mayor). Many other Local Governments have adopted policy provisions that permit the Mayor or President to use the Mayoral vehicle for some form of private usage on a cost reimbursement basis so there is no cost to ratepayers. It is suggested that the Policy be amended to permit private usage and that details of private usage be recorded in a log book that would be used for reimbursement calculations. This allows periodic use of the Mayors vehicle for private purposes rather than prohibition.

4. Annual budget process.

A new clause should be added to the Policy to clarify when any new allowances become effective. The recommendations made by the Salaries and Allowances Tribunal are made prior to the end of the financial year which allows Local Governments to consider the implications during the budget process.

STATUTORY ENVIRONMENT

The proposal to provide the Mayor with a vehicle is allowable under Section 5.98 of the Local Government Act. The proposal to amend the Policy is consistent with Policies of other Local Governments in relation to private usage of the Mayoral Vehicle and consistent with Department of Local Government Circular 9-2011 (Use of Motor Vehicle for Official Purposes). The Salaries and Allowances Tribunal makes annual recommendations in relation to elected members allowances and expenses.

RELEVANT PLANS AND POLICIES

This report recommends that Policy 001 - Fees, Allowances and Expenses for Elected Members be updated to take into consideration the current practice changes in relation to sources of information that are relied upon in the Policy and motor vehicle usage by the Mayor. In addition, as elected members Allowances are considered and determined by Council during the annual budget process, it is good practice to have the Policy amended to reflect this.

FINANCIAL IMPLICATIONS

The Salaries and Allowances Tribunal makes recommendations in relation to Elected Members Fees, Allowances and Expenses are determined by Council during the annual budget process.

Long-term Financial Plan Implications

The Long-term Financial Plan provides for the payments to which elected members are entitled.

STRATEGIC COMMUNITY OBJECTIVES

The Strategic Community Plan includes the community objective of having an effectively managed organisation that achieves positive outcomes for the community. One of the key ways for this to occur is to provide financial recognition of the extensive responsibilities performed by elected members.

RISK ASSESSMENT

Not required for this policy review.

CONSULTATION

The actual levels of fees and allowances are established through the annual budget development process having regard for the determination made by the Salaries and Allowances Tribunal.

OFFICER COMMENT

As part of the regular review of Council Policies it is apparent that there is a need to review Policy 001 - Fees, Allowances and Expenses for Elected members in the following areas to reflect current and appropriate practice.

1. Clause 3.1.1 – provision of laptops

Changing reference in the Policy at clause 3.1.1 from "laptops" to "mobile devices" reflects current practice and provides for future flexibility. There are no additional costs to Council.

2. Clause 3.1.5 - Reimbursement of travel expenses - Sources of Information

Changing reference in the Policy at clause 3.1.5 from the "Public Service Act 1992" to the State Salaries and Administrative Tribunal described as "Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975" reflects current practice.

3. 3.2.2 - Provision of a City-owned vehicle

The current policy with respect to private use of the Mayoral vehicle is considered to be unnecessarily restrictive and it is proposed to modify the relevant clause to permit private use. An amendment to the Policy to allow for greater flexibility is proposed which would permit the vehicle to be used for private purposes by the Mayor for convenience or necessity from time to time. The cost of private mileage would be payable by the Mayor on a reimbursement basis. The reimbursement rate would be that set by the State Salaries and Allowance Tribunal referred to above at clause 3.1.5. It is not envisaged that there would be any significant private usage of the Mayoral Vehicle.

The cost of the private use would be reimbursed by the Mayor to the City on a quarterly basis by reference to details of private use contained in a vehicle log book.

It is suggested that this clause amended with additional new clauses as follows:

"The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis".

Should Council agree with the proposal to amend the Policy, it is also suggested to provide flexibility as to how the value of the private use be reimbursed to the City. The policy would provide for the CEO and Mayor to be authorised to determine the actual process but would involve one two methods.

"The mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City in one of the following ways:

- Calculation of the amount due and the quarterly members allowance payment be reduced accordingly; or
- Calculation of the amount due and an invoice be given to the Mayor for reimbursement.

"The CEO and Mayor shall agree which of the two methods should apply. The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal – which refers to the rate payable contained by reference to the decision of the Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975".

In addition, the following also seems an appropriate clause to be added:

"Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA".

As a reimbursement is made, in terms operational cost there is no difference for the City whichever method of reimbursement is chosen.

4. Annual budget process.

The proposed new additional wording is as follows:

"All allowances in relation to Elected Members are reviewed on an annual basis and become effective following the adoption of the annual budget".

A revised Policy showing marked up is attached showing proposed changes.

CONCLUSION

The policy is presented for updating, noting that the Absolute Majority is required in order to pay an annual allowance and to establish the percentage of the Mayor's allowance to which the Deputy Mayor will be entitled.

OPTIONS

Other changes to the policy can be considered, however, the budget has been developed in accordance with the allowances described, such as clothing and travel reimbursement.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new policy adopted will be effective immediately.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown in Attachment A be adopted:

001	Fees, Allowances and Expenses for Elected Members	V9 Draft
001	rees, Anowariees and Expenses for Elected Members	V J Di ait

1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

2. SCOPE

"Elected member" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

"Schedule" – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

All allowances in relation to elected members are reviewed annually by the City and become effective following adoption of the annual budget.

3. POLICY CONTENT

3.1 <u>Elected members</u>

3.1.1 <u>Provision of equipment</u>

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A standard-issue mobile telephone;
- A standard issue mobile device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.

Any mobile telephone or mobile device purchased in accordance with this policy can be retained by the elected member at the completion of their term of office if they serve a minimum of 24 months as an elected member.

3.1.2 Meeting attendance fees

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.3 Information and Communications Technology allowance

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule. This allowance is to cover an elected member's costs in relation to the following equipment and services:

- Telephone rental charges;
- Any other expenses that relate to information and communications technology, for example telephone call charges and internet service provider fees, and that are a kind of expense prescribed by regulation 32(1) of the Local Government (Administration) Regulations 1996.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.4 Reimbursement of childcare expenses

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

3.1.5 Reimbursement of travel expenses

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the State Salaries and Allowances Tribunal. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the State Salaries and Allowances Tribunal for incurring travel expenses.

- Council meetings ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings annual general and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown;
- Inspection tours of matters arising before the Council;
- Any City-convened meeting requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses (if training course is held outside of the district, a City pool car should be used);
- Officially convened meetings with ratepayers;
- Attendance at community functions with a formal invitation as an elected member;
- Seminars and conferences attended in the capacity of an elected member;
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates set out in the State Salaries and Allowances Tribunal. Nothing in this section prevents an elected member from utilising a City-owned motor vehicle for the types of travel approved under this section and this is encouraged where practical for the elected member's purposes.

Subject to the approval of the Chief Executive Officer, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

3.1.6 Reimbursement of expenses while away from home on sanctioned activities

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Υ	Υ
Taxi fares or other public transport - only where these directly	Υ	Υ
relate to the activity and no other transport is provided		
Daily sustenance per day allowance in accordance with the <i>Public</i>	Υ	N
Service Award 1992 (1)		
Specific conference related dinners/meals	Υ	Υ

(1) Limited authority exists (refer to Mayor for prior approval) to purchase alcohol for networking purposes in a similar manner to the way the Council offers community members an invitation to share a drink after a Council meeting.

3.1.7 Reimbursement of other expenses

3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts to the CEO.

3.1.7.2 Corporate attire reimbursement

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.

3.2 Mayor

3.2.1 Mayoral allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

3.2.2 **Provision of a City-owned vehicle**

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members or officers with the agreement of the Mayor.

The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis.

The Mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City in one of the following ways:

Calculation of the amount due and the quarterly members allowance payment be reduced accordingly; or

Calculation of the amount due and an invoice be given to the Mayor for reimbursement.

The CEO and Mayor shall agree which of the two methods should apply. The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal – which refers to the rate payable contained by reference to the decision of the Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975.

Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA.

3.3 Deputy Mayor

3.3.1 **Deputy Mayor's allowance**

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

The Deputy Mayor shall be permitted to use the City-owned vehicle provided to the Mayor during periods the Mayor is on leave and will have the same entitlements the Mayor has to use the City-owned vehicle for private use under the same conditions as set out in clause 3.2.2.

4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt or other relevant documentation.

Policy Background

Policy Reference No. - 001
Owner Unit – Governance
Originator – Director of Finance and Corporate Services
Policy approved by – Council
Date Approved – 27 August 2008
Review Frequency – As required
Related Documents –

Local Government Act 1995

Local Government Act 1995
Local Government Department Circular 9-2011
Local Government (Administration) Regulations 1996
Local Government Elected Council Members Determinations

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

055/1 - Attendance at Conferences, Training and Seminars;

193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

Last Policy Change

Council Resolution	Date	Information
		Adjustments of the Policy to reflect current practice and to allow the Mayor private use of
		vehicle.
C1608/200	10 August, 2016	Adjustments to state that fees and allowances to be determined in accordance with the relevant Local Government Elected Council Members Determination. Version 8

Note:

The Committee proposed a Recommendation that would add a point to 3.1.5 stating that a City owned motor vehicle should be used where practicable and to remove the text '(refer to Mayor for prior approval) under section 3.1.6.

COMMITTEE RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown below be adopted:

001	Fees, Allowances and Expenses for Elected Members	V9 Draft
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1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

2. SCOPE

"Elected member" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

"Schedule" – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

All allowances in relation to elected members are reviewed annually by the City and become effective following adoption of the annual budget.

3. POLICY CONTENT

3.1 Elected members

3.1.1 Provision of equipment

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A standard-issue mobile telephone;
- A standard issue mobile device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.

Any mobile telephone or mobile device purchased in accordance with this policy can be retained by the elected member at the completion of their term of office if they serve a minimum of 24 months as an elected member.

3.1.2 Meeting attendance fees

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.3 <u>Information and Communications Technology allowance</u>

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology

allowance the amount of which will be included in the Schedule. This allowance is to cover an elected member's costs in relation to the following equipment and services:

- Telephone rental charges;
- Any other expenses that relate to information and communications technology, for example telephone call charges and internet service provider fees, and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.4 Reimbursement of childcare expenses

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

3.1.5 Reimbursement of travel expenses

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the State Salaries and Allowances Tribunal. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the State Salaries and Allowances Tribunal for incurring travel expenses.

- Council meetings ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings annual general and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown;
- Inspection tours of matters arising before the Council;
- Any City-convened meeting requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses
- Officially convened meetings with ratepayers;
- Attendance at community functions with a formal invitation as an elected member;
- Seminars and conferences attended in the capacity of an elected member;
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

When practicable a City-owned motor vehicle should be used in the first instance.

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates set out in the State Salaries and Allowances Tribunal. Nothing in this section prevents an elected member from utilising a City-owned motor vehicle for the types of travel approved under this section and this is encouraged where practical for the elected member's purposes.

Subject to the approval of the Chief Executive Officer, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

3.1.6 Reimbursement of expenses while away from home on sanctioned activities

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Υ	Υ
Taxi fares or other public transport - only where these directly	Υ	Υ
relate to the activity and no other transport is provided		
Daily sustenance per day allowance in accordance with the <i>Public</i>	Υ	N
Service Award 1992 (1)		
Specific conference related dinners/meals	Υ	Υ

⁽¹⁾ Limited authority exists to purchase alcohol for networking purposes in a similar manner to the way the Council offers community members an invitation to share a drink after a Council meeting.

3.1.7 Reimbursement of other expenses

3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts to the CEO.

3.1.7.2 Corporate attire reimbursement

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.

3.2 Mayor

3.2.1 Mayoral allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

3.2.2 **Provision of a City-owned vehicle**

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members or officers with the agreement of the Mayor.

The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis.

The Mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City in one of the following ways:

Calculation of the amount due and the quarterly members allowance payment be reduced accordingly; or

Calculation of the amount due and an invoice be given to the Mayor for reimbursement.

The CEO and Mayor shall agree which of the two methods should apply. The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal – which refers to the rate payable contained by reference to the decision of the Local Government Elected Council members Determination under the Salaries and Allowances Act 1975.

Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA.

3.3 Deputy Mayor

3.3.1 <u>Deputy Mayor's allowance</u>

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

The Deputy Mayor shall be permitted to use the City-owned vehicle provided to the Mayor during periods the Mayor is on leave and will have the same entitlements the Mayor has to use the City-owned vehicle for private use under the same conditions as set out in clause 3.2.2.

4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt or other relevant documentation.

Policy Background

Policy Reference No. - 001
Owner Unit – Governance
Originator – Director of Finance and Corporate Services
Policy approved by – Council
Date Approved – 27 August 2008
Review Frequency – As required
Related Documents –

Local Government Act 1995 Local Government Department Circular 9-2011 Local Government (Administration) Regulations 1996 Local Government Elected Council Members Determinations

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

055/1 - Attendance at Conferences, Training and Seminars;

193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

Last Policy Change

Council Resolution	Date	Information
		Adjustments of the Policy to reflect current practice and to allow the Mayor
		private use of vehicle.
C1608/200	10 August, 2016	Adjustments to state that fees and allowances to be determined in accordance with the relevant Local Government Elected Council Members Determination. Version 8

Revised Policy 001 - Fees, Allowances and Expenses for Elected Members showing tracked changes

Last updated 10 August 2016

001	Fees, Allowances and Expenses for Elected	V9 Draft
	Members	

PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

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2. SCOPE

"Elected member" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

"Schedule" – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

All allowances in relation to elected members are reviewed annually by the City and become effective following adoption of the annual budget.

3. POLICY CONTENT

3.1 Elected members

3.1.1 Provision of equipment

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A standard-issue mobile telephone;
- A standard <u>issue</u> <u>City-owned laptop computer or tablet mobile device</u> that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the <u>laptop</u> <u>computer or tablet.dDevice</u>.

The laptop computer or tablet provided remains at all times the property of the City of Busselton. Any mobile telephone or mobile device purchased in accordance with this policy can be retained by the elected

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member at the completion of their term of office if they serve a minimum of $\frac{12}{24}$ months as an elected member.

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3.1.2 Meeting attendance fees

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a prorata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.3 Information and Communications Technology allowance

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule. This allowance is to cover an elected member's costs in relation to the following equipment and services:

- Telephone rental charges;
- Any other expenses that relate to information and communications technology, for example telephone call charges and internet service provider fees, and that are a kind of expense prescribed by regulation 32(1) of the Local Government (Administration) Regulations 1996.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.4 Reimbursement of childcare expenses

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

Revised Policy 001 - Fees, Allowances and Expenses for Elected Members showing tracked changes

Last updated 10 August 2016

3.1.5 Reimbursement of travel expenses

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996.* The extent to which travel expenses can be reimbursed is in accordance with the *Public Service Award 1992*State Salaries and Allowances Tribunal. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the *Public Service Award 1992*State Salaries and Allowances Tribunal for incurring travel expenses.

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- Council meetings ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a
 deputy member acting in the capacity of a member;
- · Electors' meetings annual general and special;
- · Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown;
- · Inspection tours of matters arising before the Council;
- Any City-convened meeting requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses (if training course is held outside of the district, a City pool car should be used);
- · Officially convened meetings with ratepayers;
- Attendance at community functions with a formal invitation as an elected member;
- · Seminars and conferences attended in the capacity of an elected member;
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates set out in the *Public Service Award 1992-State Salaries and Allowances Tribunal*. Nothing in this section prevents an elected member from utilising a City-owned motor vehicle for the types of travel approved under this section and this is encouraged where practical for the elected member's purposes.

Subject to the approval of the Chief Executive Officer, the elected member is entitled to use the Cityowned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

3.1.6 Reimbursement of expenses while away from home on sanctioned activities

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Attachment A Revised Policy 001 - Fees, Allowances and Expenses for Elected

Members showing tracked changes

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Last updated 10 August 2016

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Υ	Υ
Taxi fares or other public transport - only where these directly	Υ	Y
relate to the activity and no other transport is provided		
Daily sustenance per day allowance in accordance with the <i>Public</i>	Υ	N
Service Award 1992 (1)		
Specific conference related dinners/meals	Υ	Y

⁽¹⁾ Limited authority exists (refer to Mayor for prior approval) to purchase alcohol for networking purposes in a similar manner to the way the Council offers community members an invitation to share a drink after a Council meeting.

3.1.7 Reimbursement of other expenses

3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts to the CEO.

3.1.7.2 Corporate attire reimbursement

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.

3.2 Mayor

3.2.1 Mayoral allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the Local Government Act 1995. In accordance with the relevant Local Government Elected Council Members Determination the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

Provision of a City-owned vehicle

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members or officers with the agreement of the Mayor.

The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis.

Revised Policy 001 - Fees, Allowances and Expenses for Elected Members showing tracked changes

Last updated 10 August 2016

The mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City in one of the following ways:

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<u>Calculation of the amount due and the quarterly members allowance payment be reduced accordingly; or Calculation of the amount due and an invoice be given to the Mayor for reimbursement.</u>

The CEO and Mayor shall agree which of the two methods should apply. The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal – which refers to the rate payable contained by reference to the decision of the Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975.

<u>Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel</u> within the State of WA.

3.3 Deputy Mayor

3.3.1 Deputy Mayor's allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

The Deputy Mayor shall be permitted to use the City-owned vehicle provided to the Mayor during periods the Mayor is on leave and will have the same entitlements the Mayor has to use the City-owned vehicle for private use under the same conditions as set out in clause 3.2.2.

4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt or other relevant documentation.

Policy Background

Policy Reference No. - 001

Owner Unit - Governance

Originator - Manager, Governance Services Director of Finance and Corporate Services

Policy approved by – Council Date Approved – 27 August 2008

Review Frequency – As required

Related Documents –

Local Government Act 1995
Local Government Department Circular 9-2011

Local Government (Administration) Regulations 1996

Local Government Elected Council Members Determinations

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

Revised Policy 001 - Fees, Allowances and Expenses for Elected Members showing tracked changes

Last updated 10 August 2016

055/1 - Attendance at Conferences, Training and Seminars;

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193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

Last Policy Change

Counci	Resolution	Date	Information
			Adjustments of the Policy to reflect current practice and to allow the Mayor private use of vehicle.
C1608/	200	10 August, 2016	Adjustments to state that fees and allowances to be determined in accordance with the relevant <i>Local Government Elected Council Members Determination</i> . Version 8

10.4 Policy and Legislation Committee - 17/11/2016 - CONSOLIDATED PARKING SCHEME AMENDMENT

SUBJECT INDEX: Minor Parking Scheme Amendments

STRATEGIC OBJECTIVE: A City of shared, vibrant and well planned places that provide for

diverse activity and strengthen our social connections.

BUSINESS UNIT: Environmental Services

ACTIVITY UNIT: Ranger and Emergency Services

REPORTING OFFICER: Manager, Environmental Services - Greg Simpson

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

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Busselton Electric Vehicle Recharge Bay !

Attachment B Dunsborough Electric Vehicle Recharge Bay !

This item was considered by the Policy and Legislation Committee at its meeting on 17 November 2016, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to seek Council's endorsement of proposed amendments to the City's Consolidated Parking Scheme, to –

- 1) establish a parking area in the Busselton Foreshore car park, outside the Signal Park public toilet block for the re-charging of electric vehicles; and
- 2) establish a parking area on Dunn Bay Road, Dunsborough outside Lion's Park for the recharging of electric vehicles.

BACKGROUND

The City's Consolidated Vehicle Parking Scheme (the Scheme) is periodically reviewed and amended from time to time, thereby ensuring that the Scheme remains current. The most recent changes to the Scheme were endorsed by Council in July 2016.

The following are proposed as amendments to the Scheme:

1. Designated vehicle parking stall - Busselton Foreshore car park

The City of Busselton in association with the Royal Automobile Club of Western Australia (RACWA) has established an Electric Vehicle Charging Station on the Busselton Foreshore outside the Signal Park public toilet block. The parking stall is for the sole use of electric vehicles whilst charging.

2. Designated vehicle parking stalls -Dunn Bay Road

The City of Busselton in association with the RACWA has established 2 Electric Vehicle Charging Station on Dunn Bay Road, Dunsborough outside Lion's Park. The parking stalls are for the sole use of electric vehicles whilst charging.

STATUTORY ENVIRONMENT

The City designates parking and traffic restrictions under the powers of the Parking Local Law 2011 (the Local Law). The designation of parking stalls, stations and areas occurs under Part 2 of the Local Law, and the Consolidated Vehicle Parking Scheme (a large series of plans identifying the location

and type of parking restrictions in detail) is adopted pursuant to Part 2 as a means to identify these designations. Designations are given practical effect through on-ground signage and line marking, as well as the issue of local public notice as required by the Local Law.

Where the Council makes a determination to establish or amend a parking stall, parking stations and parking areas under Parking Local Law 2011, the CEO must give local public notice of, and erect signs to give effect to, the determination.

RELEVANT PLANS AND POLICIES

Local Planning Policy 8A: Car Parking Provisions outlines the requirements for the provision of vehicle parking facilities associated with development, which includes consideration of special purpose parking dependent on the nature of the development and includes minimum provision of taxi pick-up bays, motorcycle bays and bicycle parking facilities.

FINANCIAL IMPLICATIONS

Resources required for implementation of the local law, that is to mark parking bays and or zones with paint and installing signs on posts, are provided for within the City's overall operational budget and can be achieved without any effect on other operational areas.

Long-term Financial Plan Implications

There are no long-term financial implications associated with this matter.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 2.2 of the Strategic Community Plan 2013, which is; "A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections".

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. The table below describes identified risks where the residual risk, once controls have been identified, is identified as 'medium' or greater.

Risk	Controls	Consequence	Likelihood	Risk Level
Public Health and Reputational Risk — inadequate vehicle parking control affecting pedestrian safety.	parking management.	Minor	Possible	Medium

CONSULTATION

In preparing this report City staff have consulted with the RACWA. There has also been consultation with other local governments and with WALGA.

OFFICER COMMENT

The RACWA has established the Electric Highway which features 12 locations in Perth and throughout the South West with publicly accessible electric vehicle fast-charging DC stations. The RAC Electric Highway® charging stations have been funded by RAC but are owned and maintained by

local governments in the region. The RAC Electric Highway® has increased the 'sustainable mobility' options in WA, increasing the appeal of electric vehicles is also helping to reduce carbon dioxide (CO²) emissions.

The parking stalls are for the sole use of electric vehicles whilst charging, there is no time limitation on the use of the parking stall apart from the fact the vehicle must be recharging while using the parking stall.

Particularly in Dunsborough, there have been issues with the bays being used for general parking and not available for electric vehicle re-charging, thereby undermining the value of the infrastructure. Whilst it is anticipated that there will be a further focus on education as a means to avoid that problem, it is seen as appropriate to provide the fallback and support of enforcement where education alone does not achieve an adequate outcome.

CONCLUSION

It is recommended that the Council adopt the officer recommendation and amend the Consolidated Parking Scheme.

OPTIONS

Council may resolve not to support the Officer recommendation to designate additional parking bays and no parking/no parking areas as proposed or may amend the proposal.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Where the Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the Parking Local Law 2011, the CEO must give local public notice of, and erect signs to give effect to, the determination. Subject to Council endorsement of the officer recommendation local public notice will be advertised and appropriate signage erected prior to 20 December 2016.

OFFICER RECOMMENDATION

That the Council determines pursuant to the City of Busselton Parking Local Law 2011, changes to the Consolidated Parking Scheme to include -

- 1. A parking stall within the Busselton Foreshore outside the Signal Park public toilet block for sole use by electric vehicles whilst re-charging (Attachment A); and
- 2. Two parking stalls on Dunn Bay Road, Dunsborough outside Lion's Park for the re-charging of electric vehicles (Attachment B);
- 3. Gives notice of that determination as required by the City of Busselton Parking Local Law 2011.

Note: The Committee proposed a Recommendation that would include a point 4 requesting a report to Council detailing the usage of the electric vehicle parking bays in Dunsborough.

COMMITTEE RECOMMENDATION

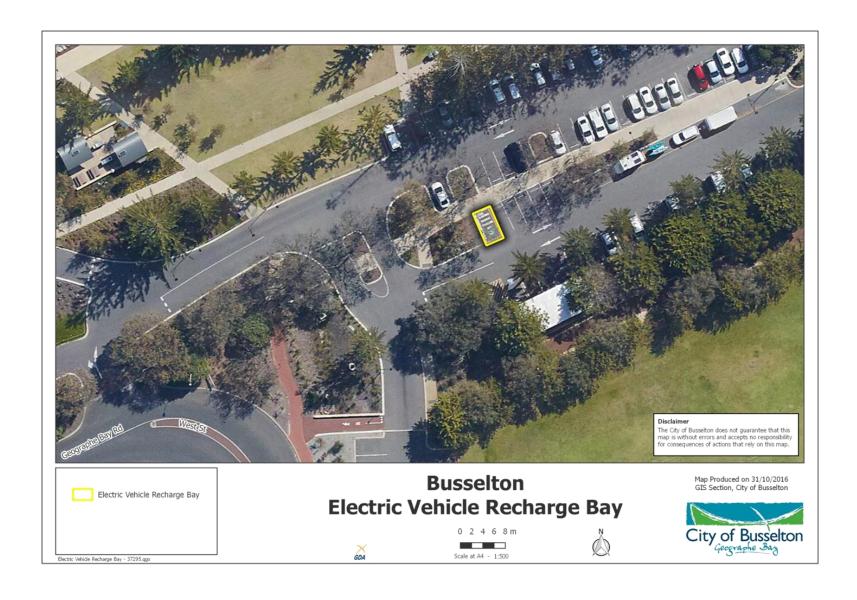
That the Council determines pursuant to the City of Busselton Parking Local Law 2011, changes to the Consolidated Parking Scheme to include -

1. A parking stall within the Busselton Foreshore outside the Signal Park public toilet block for

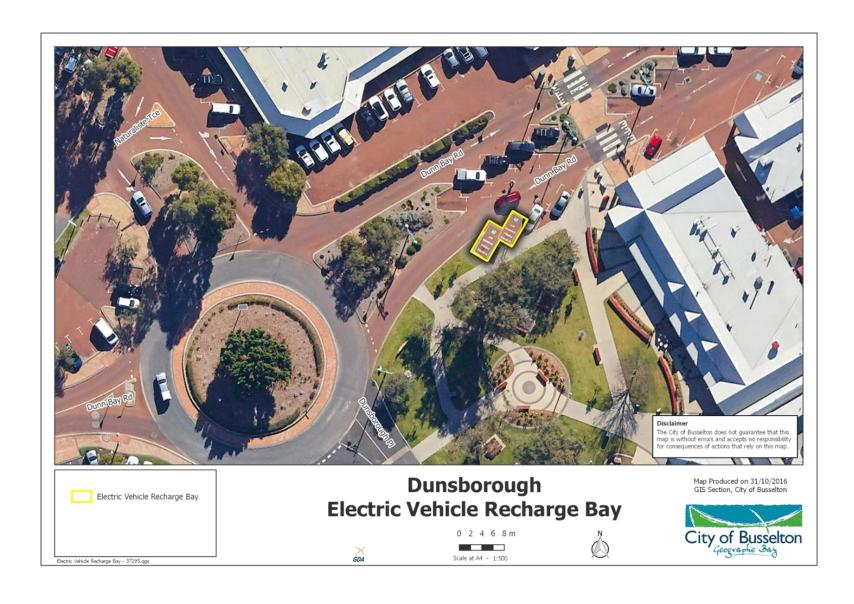
sole use by electric vehicles whilst re-charging (Attachment A); and

- 2. Two parking stalls on Dunn Bay Road, Dunsborough outside Lion's Park for the re-charging of electric vehicles (Attachment B);
- 3. Gives notice of that determination as required by the City of Busselton Parking Local Law 2011.
- 4. That a report be brought to Council in approximately 6 months detailing the statistical usage of the electric vehicle parking bays in Dunsborough and the viability of relocating the electric vehicle parking bays to another location.

114 Busselton Electric Vehicle Recharge Bay



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10.5 <u>Policy and Legislation Committee - 17/11/2016 - BUSSELTON AND DUNSBOROUGH</u> CENTRES FACADE REFURBISHMENT SUBSIDY PROGRAM

SUBJECT INDEX: Busselton and Dunsborough Centres Facade Refurbishment Subsidy

Program

STRATEGIC OBJECTIVE: A City of shared, vibrant and well planned places that provide for

diverse activity and strengthen our social connections.

BUSINESS UNIT: Development Services and Policy **ACTIVITY UNIT:** Development Services and Policy

REPORTING OFFICER: Manager, Development Services and Policy - Anthony Rowe **AUTHORISING OFFICER:** Director, Planning and Development Services - Paul Needham

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Busselton and Dunsborogh Centres Facade

Refurbishment Subsidy - annotated changes !

This item was considered by the Policy and Legislation Committee at its meeting on 17 November 2016, the recommendations from which have been included in this report.

PRÉCIS

The Busselton and Dunsborough Centres Facade Refurbishment Subsidy Program has been in operation since 13 March 2014.

This report has reviewed the operation of the Program over this time and recommends changes to the eligibility criteria to better align outcomes with the Program's Objectives.

Specific changes are recommended to the eligibility criteria in the Program to enable grants to be available for preliminary design work and also for works associated with facilitating Alfresco development.

BACKGROUND

Council's consideration is requested to review the eligibility criteria for businesses applying to receive funding from the Busselton and Dunsborough Centres Facade Refurbishment Subsidy Program.

Council resolved on 13 March 2014 to allocate \$50,000 towards the Program annually. Initially the Program applied only to Prince Street and Queen Street in Busselton. The Council subsequently resolved to include parts of the Dunsborough Town Centre to support the Town Centre Conceptual Plan.

The objectives of the Program for both Busselton and Dunsborough are;

- Beautify the Centres by improving the streetscape, which will in turn provide benefits to the broader community by making places more attractive, including for business and investment;
- Improve the experience of pedestrians to encourage more people to live, work, play and do business in the Centres;
- Reinforce and build upon the Centres as the major retail, social and cultural hub of the City of Busselton and broader region;
- Enhance the physical quality and established character of the Centres' built environments through sensitive and innovative design of buildings and spaces; and
- Supporting building owners and business operators to improve the public impression of their buildings and businesses respectively.

The Program is has involved bi-annual requests for expressions of interest (1st quarter and 3rd quarter). Promotion consists of a letter sent to business owners as well as officers attending each business to generate awareness of the Program. This is to reach both the owner and the operator. The results from the Program, by dates of determination, are summarised as follows:

- 20 November 2014 1 application received and approved in Busselton \$6,620.
- 28 May 2015 3 applications received, 1 approved in Busselton for \$5,173, 2 declined in Dunsborough 1 uncertainty of tenure and the other considered to be general maintenance.
- 19 November 2015 1 application received in Busselton for preliminary feedback only. Application proposed to extend verandah over foot path. Concept supported but a relatively underwhelming design, architectural improvements requested.
- May 2016 no applications
- 21 July 2016 3 applications received, 1 received and declined in Dunsborough as same proposal as previously declined, 2 in Busselton, 1 declined due to the relatively underwhelming design, 1 approved to provide for a façade upgrade improving view of the street and interaction with the streetscape for \$6,208.

STATUTORY ENVIRONMENT

The Program and application for subsidy funding is consistent with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996.

RELEVANT PLANS AND POLICIES

Busselton and Dunsborough Centres Facade Refurbishment Subsidy Program

The Program provides incentives in the form of grants to landowners within the Busselton City and Dunsborough Town Centre to undertake works to improve/upgrade the appearance of their buildings' façade (Attachment A).

Works currently eligible for grant funding are:

- Restoration of exterior finishes;
- Repainting of building façade and windows (does not include works that can be considered as general maintenance);
- Removal of opaque roller shutters/security grilles to be replaced with more appropriate transparent or inset behind shop display roller shutters;
- Works required, as a result of a building permit and compliance with disabled access in accordance with the Building Act 2011 and Building Regulations 2012;
- The modification or creation of windows which will provide interaction with the streetscape;
- Properties adjoining a laneway may apply for upgrade works for the visible portion from the streetscape; however these works are to complement façade works fronting the endorsed project area;
- Under awning lighting (excluding illuminated signage);
- Skinning of existing awning structure and fascia with new material; and
- Repair or replace awning structure
- Ineligible works include
- Infrastructure associated with alfresco areas

Preliminary design work to complete application

The City provides successful applicants grants of up to 50% of the agreed project cost (ex GST) above \$5,000.00, up to a maximum grant of \$20,000.00 per building. Grants are only available to projects with a minimum total value of \$10,000 (ex GST).

Busselton Local Commercial Planning Strategy (LCPS)

The LCPS is a strategic document which provides an analysis of existing commercial centres and provides recommendations for the future of commercial centres in the City of Busselton. The strategy provides a commercial hierarchy which identifies Busselton as a 'Regional' Centre and Dunsborough as a 'District' centre.

FINANCIAL IMPLICATIONS

The current annual budget for the *Subsidy Program* is \$50,000 and offered through two rounds per year. No change is proposed to this arrangement.

STRATEGIC COMMUNITY OBJECTIVES

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

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework, and no risks were identified where the residual risk, once controls are considered, is medium or greater.

CONSULTATION

There is no statutory requirement for public consultation.

OFFICER COMMENT

An outset consideration of the Program was not to seek a homogeneous design outcome. As an example the City has not directed that everything should be of a Victorian architectural vernacular and that consequently only this form would be subject to funding. Instead the City has pursued a variety of form, distinctive buildings and individuality.

Since the Program has been operational, there have been 8 applications and only 3 approved. Arguably, only the last approved in Busselton clearly reflected the intent of the program and has resulted in a successful outcome (i.e. the upgrade of the premises where *Al Forno* have established on Queen Street). In terms of both quality and quantity, the response so far has been somewhat disappointing.

What is missing is encouraging the investment to create the upfront design direction (instead of a provided one) and for each business to follow a process of imagination, design, a business case, and agreement.

In practice there needs to be agreement between the tenant and the landlord for change to occur, and importantly a business case. This is a significant impasse. The owner will often seek to maintain flexibility for prospective tenants and this simply results in neatening/maintenance of the current

arrangement. However community expectations, competition (i.e. the West Street development), and successful examples now emerging in the centres are creating a pressure for change and this is likely to intensify in the next few years.

The arrangements between owners and tenants can vary. Franchises for instance have particular designs that are negotiated with the owner, sometimes provided by the tenant but sometimes by the owner to secure the tenant. Whichever, it relies on agreement between the parties around a business case.

Motivating design to reach agreement between the landowner and the tenant and then the business case is therefore the first step and fundamental to arriving at outcomes that are not "more of the same".

Impediments in the current Program

Notable ineligible works listed in the Program at 4.2.2 include:

- Preliminary design work to complete application.
- Infrastructure associated with alfresco areas.

It is contended that to achieve the objectives of the Program it is these ineligible criteria that should in fact be supported and promoted.

In terms of meeting the Objectives of the Program, including to "Beautify the Centres by improving the streetscape", there are two general development options. One is to improve the face of the building, including any verandahs or awnings, and the other is introducing elements forward of the building face that distract attention from it.

In key areas, the City provides the opportunity to displace an on street carparking space in favour of creating an alfresco area; this provides space in front of the building. In many rejuvenated *high streets* (throughout Australia), alfresco dining has been introduced to provide activation and the canopies over the alfresco seating provide the notable form, displacing the appearance of the verandah or awning.

Most Australian examples of rejuvenated *high streets* have tended to use ubiquitous white awnings, whereas European examples use individualised awnings to distinguish one business from another. The European approach is consistent with the Program objectives for individualism, but again requires a design thought, and should be an integrated approach to the facade treatment.

Any removal of a parking space will be a partnership with the City. Consideration in this partnership would be timing, costings, integrity of pedestrian surfaces and free movement, street drainage and protection from vehicles. The design of the awning, its structure, the tables and chairs, planters, heaters, blinds and items contributing to the ambience of the space would be within the preliminary design. That design would then be the basis of consideration in the partnership and works that may be applied for separately.

Recommended Changes

It is recommended that the Program be amended by the addition of the following points to the eligible criteria described in clause 4.2.1

Preliminary design work consistent with the Program Objectives; and

 Infrastructure associated with alfresco dining areas, including canopies, furniture, bollards and windscreens, as part of an integrated design proposal consistent with the Program Objectives.

Clause 4.2.2, ineligible criteria, is also proposed to be amended to reflect the above.

Resolving the confusion with General Maintenance

General Maintenance is identified as an ineligible item but is confused with the eligible criteria in described clause 4.2.1

"restoration of exterior finishes" and

"Repainting of building façade and windows (does not include works that can be considered as general maintenance)"

The circumstance where simply repainting a building façade or windows would not constitute maintenance is not likely.

This criteria should be removed from the eligible criteria to avoid confusion.

Grant funding

It is recommended that grant funding be available to design works separately to the works. That applicant can apply for the full grant amount on the Preliminary design works and again for the full grant amount on the works.

City approval is to first be obtained to the *scope of works*, to be consistent with the Program Objectives. The City will also agree prior to the commissioning of the work and agreed grant sum. The design work must be prepared by a registered Architect and the grant sum agreed is to be paid pending satisfactory completion of the scope of work to a professional standard.

The current works threshold is a minimum \$10,000, with the City providing 50% up to a maximum of \$20,000. This is considered too high for Preliminary Design work. It is recommend the threshold for Preliminary design work be reduced to a minimum threshold of \$2,000, with the City providing 50% up to a maximum of \$5,000.

The scope of works is expected to be agreed with the City through an iterative process. In order to facilitate and be responsive to these negotiations it is recommended that grants for design work can be applied for at any time, and be determined by the CEO.

Anticipated effect of changes

It is anticipated that the changes somewhat increase the level of the uptake of the Program. The main expected benefit of the change, though, is to improve the quality of the application/outcomes to achieve the Program Objectives. The grant funds for actual works are available on a ranked basis up to a maximum amount of \$20,000, in two rounds. No change to the present allocation is expected.

CONCLUSION

The Busselton and Dunsborough Centres Façade Refurbishment Subsidy Program is not achieving either the quality or quantity of the application/outcomes as intended by the objective to "Beautify the Centres by improving the streetscape", due to a lack of an upfront design direction.

This is not to suggest that pursuit of a variety of form, distinctive buildings and individuality is wrong but the process the Program inadvertently encourages requires a new orientation.

The current Program eligibility requirements are contrary to this approach because they exclude preliminary design work and infrastructure associated with alfresco areas (likely to be a significant contributor to the Program objective).

These items should be removed from the ineligible criteria and instead promoted for favourable consideration, subject to City agreement to the scope of works, before commissioning the design. In addition eligible criteria that can be determined as routine maintenance should be removed.

The intent of these changes is to improve the quality of the application/outcomes to achieve the Program Objectives.

It was expected, at the outset of the Program, that it will take time to build awareness of the Program and it is subject to being available when the business is motivated to use it. It is important therefore that the longevity of the Program be maintained, it is expected that economic pressures in the near term (next few years) will be reason for many businesses to consider it.

OPTIONS

- 1. Make no change to the current Program.
- 2. Make different and/or additional changes to the Program.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council support the officer recommendation, the Façade Subsidy Program will be updated on the City website within 3 weeks.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council resolve:

- 1. To amend the eligibility criteria of the Busselton City Centre Façade Subsidy Program by
 - 1.1 Deleting under 4.2.1 Eligible Works

the words:

- Restoration of exterior finishes;
- Repainting of building façade and windows (does not include works that can be considered as general maintenance);
- 1.2 Inserting under 4.2.1 Eligible Works

the words:

- Preliminary design work consistent with the Program Objectives;
- Infrastructure associated with alfresco areas, including canopies, furniture, bollards and windscreens, as part of an integrated design proposal consistent with the Program Objectives;

Works consistent with a City approved Preliminary Design;

1.3 Deleting under - 4.2.2 Ineligible works

the words:

- Preliminary design work to complete application;
- Infrastructure associated with alfresco areas. Applicants should be aware that alfresco areas may be permitted in existing car parking spaces subject to planning approval (Whilst applications for new alfresco areas will not be considered for grant funding within this program, applicants are encouraged to discuss any future ideas with the City, which may be able to be included within the capital works program or future plans for the streetscape).

1.4 Inserting under - 4.3 Implementation of successful grant applications

the words:

- 1. Applicant should consult with the City prior to determining the scope of work.
- 2. A scope of the work, for commissioning the design work will be submitted to the City including costs. Only design work prepared by a Registered Architect is acceptable.
- 3. Subject to gaining the City's agreement on the scope of work and the agreed grant sum the applicant is to complete the design works.
- 4. Applicant to submit the design work tax invoice to the City of Busselton for agreed grant sum.
- 5. Subject to the scope of works being achieved, and the work prepared to a professional quality, the City will pay the agreed grant sum.

1.5 Inserting under - 6.0 GRANT FUNDING

the words:

Applications for Preliminary Design works and applications for works will be determined as separate grant applications, each to the maximum grant available.

Preliminary Design

The City will provide successful applicants a grant of up to 50% of the agreed scope of works cost (ex GST) up to a maximum grant of \$5,000.00.

Grants are only available to an agreed scope of work with a minimum total value of \$2,000 (ex GST).





Southern Drive, Busselton WA 6280 All Correspondence to: The Chief Executive Officer, Locked Bag 1, Busselton WA 6280 Ph: (08) 9781 0444 – Fax: (08) 9752 4958 Email: city@busselton.wa.gov.au

BUSSELTON & DUNSBOROUGH CENTRES FAÇADE REFURBISHMENT SUBSIDY PROGRAMME



Welcome,

To help simplify the process of applying for the facade subsidy programme, the City has compiled all the necessary documents, forms and created a checklist which itemises the information to be submitted with your application.

Inside the Application Package you will find:

- Busselton & Dunsborough Centres Façade Refurbishment Subsidy Programme;
- How do I design my façade information sheet;
- · Application form; and
- · Application checklist.

Busselton and Dunsborogh Centres Facade Refurbishment Subsidy - annotated changes

BUSSELTON & DUNSBOROUGH CENTRES FAÇADE REFURBISHMENT SUBSIDY PROGRAMME

1.0 PROGRAM OBJECTIVES

The Council has decided to establish the Busselton & Dunsborough Centres Façade Refurbishment Subsidy Programme. The Programme provides incentives in the form of grants to landowners and business operators to upgrade building facades in the Busselton & Dunsborough Centres. The objectives of the Programme are to:

- Beautify the Centres by improving the streetscape, which will in turn provide benefits to the broader community by making places more attractive, including for business and investment;
- Improve the experience of pedestrians to encourage more people to live, work, play and do business in the Centres;
- Reinforce and build upon the Busselton and Dunsborough Centres as the major retail, social and cultural hub of the City of Busselton and broader region;
- Enhance the physical quality and established character of the Centre's built environment through sensitive and innovative design of buildings and spaces; and
- Supporting building owners and business operators to improve the public impression of their buildings and businesses respectively.

Through providing financial assistance the Programme aims to develop stronger partnerships between the City and local businesses, and the Programme will complement the City's investment of resources into developing strategies and undertaking capital works to improve the function and appearance of the Centres.

The following provides a guide for the City, landowners and business operators in relation to: what buildings are eligible for the grant; how to apply; the application process and criteria for assessment; and general conditions that will be applied to successful applications.

2.0 ELIGIBLE BUILDINGS

The Programme applies to properties fronting Queen Street and Prince Street in the Busselton Centre as outlined in the programme area map at **Attachment 1.**

The Programme applies to properties fronting Naturaliste Terrace, Dunn Bay Road, Hannay Lane and Dunsborough Place in the Dunsborough Centre as outlined in the programme area map at **Attachment 2**.

The Programme area will be reviewed over time to reflect the City's priority areas for improvement and may also correspond with capital works improvements on streetscapes within the Centres.

3.0 HOW TO APPLY

Applicants will need to submit a completed application form and supporting documentation for the City to assess. Applicants should ensure that as part of applying for the grant they have submitted:

- The completed application form;
- A plan demonstrating the works to be undertaken, which as a minimum will include an
 elevation plan showing the proposed modifications to the building façade; and
- A cost estimate for the eligible works from an appropriate builder. Cost estimates are to be itemised showing a breakdown of the components of the cost estimate.

Busselton and Dunsborogh Centres Facade Refurbishment Subsidy - annotated changes

4.0 APPLICATION PROCESS

Eligible landowners and business operators will be contacted or notified via public consultation that applications are being sought for the programme. The following outlines the general process of how the Programme will be administered.

4.1 Pre-Approval Process

- Interested landowners and business operators are encouraged to contact the City to arrange a pre application discussion with staff prior to preparing or submitting an application.
- Applicants complete application form and all relevant documents to submit to the City prior to the closing date for applications to be received.
- Applications will be assessed by City staff and prioritised in accordance with the assessment criteria of this programme.
- City staff will prepare a report to the Councils' Policy and Legislative Committee, which will
 then make recommendations to Council with respect to which applications should be
 approved.
- 5. Successful applicants will be notified of the outcome of their application.

4.2 Assessment Criteria

Applications will be prioritised based on the following criteria:

- Compliance with the City's Town Planning Scheme and Building Code of Australia;
- Consistency with the objectives and recommendations of the Busselton City Centre Urban Design Policy;
- The degree to which the applicant is financially contributing to the project;
- The extent to which the project contributes to the visual improvement of the façade, and is visible from the public domain;
- Integration of proposed works with the streetscape, adjoining buildings and degree to which the project contributes to the established character of the street; and
- The degree to which the proposed works promote interaction with the streetscape, including the provision of frontages which are inviting, provide points of interest for pedestrians and allow for an efficient use of space, are functional, attractive and pedestrian friendly.

4.2.1 Eligible Works

Works eligible for grant funding are:

- Restoration of exterior finishes;
- Repainting of building façade and windows (does not include works that can be considered as general maintenance);
- Preliminary design work consistent with the Program Objectives;

- Subsidy annotated changes
- Infrastructure associated with alfresco areas, including canopies, furniture, bollards and windscreens, as part of an integrated design proposal consistent with the Program Objectives;
- Works consistent with a City approved Preliminary Design;
- Removal of opaque roller shutters/security grilles to be replaced with more appropriate transparent or inset behind shop display roller shutters;
- Works required, as a result of a building permit and compliance with disabled access in accordance with the Building Act 2011 and Building Regulations 2012;
- The modification or creation of windows which will provide interaction with the streetscape;
- Properties adjoining a laneway may apply for upgrade works for the visible portion from the streetscape; however these works are to complement façade works fronting the endorsed project area;
- Under awning lighting (excluding illuminated signage);
- Skinning of existing awning structure and fascia with new material; and
- Repair or replace awning structure.

Works shall only include upgrades to the façade of the building (includes awning and posts). Applicants are encouraged to outline any desired works, landscaping etc on public land, and subject to consideration at the annual budget review the works may be included in the City's capital works program.

4.2.2 Ineligible works

Works not eligible for grant funding include:

- Removal of non-compliant signage or any new
- Internal alterations and additions to a building;
- General maintenance;
- Any works required to satisfy conditions of planning consent, building or health which are not a result of this program;
- Works that have already been completed, or have been commenced;
- Works necessary only to accommodate relocation of a new business and/or replace signage/paint;
- Preliminary design work to complete application;
- Upgrades and/or works to laneways which are not visible from the streetscape, are not identified within the programme area and do not form a complimentary function to upgrade of a property fronting a public street;
- Infrastructure associated with alfresco areas. Applicants should be aware that alfresco areas may be permitted in existing car parking spaces subject to planning approval



Attachment A

Busselton and Dunsborogh Centres Facade Refurbishment Subsidy - annotated changes

(Whilst applications for new alfresco areas will not be considered for grant funding within this program, applicants are encouraged to discuss any future ideas with the City, which may be able to be included within the capital works programme or future plans for the streetscape).

4.3 Implementation of successful grant applications

Successful grant applications will need to be implemented in accordance with the following general process:

Preliminary Design

- Applicant is required to consult with the City to clarify the Program Objective and a consistent outcome.
- A 'scope of the work', for commissioning the design work will be submitted to the City including costs. Only design work prepared by an Registered Architect is acceptable.
- Subject to gaining the City's agreement on the scope of work and the agreed grant sum the applicant is to complete the design works.
- Applicant to submit the design work tax invoice to the City of Busselton for agreed grant sum.
- Subject to the scope of works being achieved, and the work prepared to a professional quality, the City will pay the agreed grant sum.

Works

- Applicant is required to source minimum of two quotations from appropriate builders for endorsed works and required to sign agreement prepared by the City. The agreement will finalise the maximum sum to be paid by the City on completion of the agreed works.
- Applicant is to complete works in accordance with signed agreement by the end of the financial year following the year in which the grant is approved (i.e. currently, by the end of the 2014/15 financial year), unless otherwise agreed to by the City in writing.
- Applicant to provide written notification to the City once works have been completed, including receipt for payment of works (payment will only be authorised to persons in the signed agreement).
- City of Busselton inspects works to determine if they are satisfactory to the agreement signed.
- 5. Applicant to prepare tax invoice to the City of Busselton for agreed grant sum.

6.0 GRANT FUNDING

Applications for Preliminary Design works and applications for works will be determined as separate grant applications, each to the maximum grant available.

Preliminary Design

The City will provide successful applicants a grant of up to 50% of the agreed scope of works cost (ex GST) up to a maximum grant of \$5,000.00.

Attachment A

Busselton and Dunsborogh Centres Facade Refurbishment Subsidy - annotated changes

Grants are only available to an agreed scope of work with a minimum total value of \$2,000 (ex GST).

Works

The City will provide successful applicants a grant of up to 50% of the agreed project cost (ex GST) up to a maximum grant of \$20,000.00 per building.

Grants are only available to projects with a minimum total value of \$10,000 (ex GST).

Three worked examples of the maximum grant available for projects are set out below.

Example A: \$60,000.00 total project value. Project value above \$5,000.00 is \$55,000.00, 50% of which is \$27,500.00. Maximum grant is \$20,000.

Example B: \$45,000.00 total project value. Project value above \$5,000.00 is \$40,000.00, 50% of which is \$20,000.00. Maximum grant is \$20,000.00.

Example C: \$15,000.00 total project value. Project value above \$5,000.00 is \$10,000.00, 50% of which is \$5,000.00. Maximum grant is \$5,000.00.

The number of applications that are successful will be dependent on the number and total cost of supported applications. The Programme has a maximum of \$50,000.00 allocated for the first round, with a review of the Programme to occur annually. Funds will be allocated once a year, however should there be sufficient funds after the initial funding round in any given year, a second round of applications may be considered at the City's discretion.

Unsuccessful applicants will be eligible to apply for a contribution towards design work required to prepare their application. Contributions will be available from a pool of \$3,000.00 and will be allocated based on the number of unsuccessful applications received. Contributions for preliminary design work to unsuccessful applicants will only be provided subject to a written request being received and a copy of the invoice for design work being provided.

7.0 GENERAL CONDITIONS

Successful applicants will be required to sign an agreement with the City acknowledging that the grant will only be available subject to complying with general conditions. To provide transparency of the City's expectations prior to landowners or business operators submitting an application, the following outlines general conditions that will be contained within the agreement:

- Applicants will be required to remove any illegal signage as part of façade improvements.
- The applicant is to be responsible for obtaining all necessary planning and building approvals prior to commencement of works.
- The City of Busselton will waive any planning fees required to commence successful works on successful grant applications. Building permit application fees are to be paid by the applicant.
- Works are to be undertaken by licenced contractors.
- Cost estimates and quotations are to be sourced from suitably qualified local (City of Busselton municipal boundary) businesses wherever possible. Cost estimates and quotations are to provide costs for each component being applied for.
- 6. The applicant if successful is to enter into an agreement with the City setting out the agreed schedule of works, timeline and grant sum.

Council 10.5

Attachment A

129 14 December 2016 Busselton and Dunsborogh Centres Facade Refurbishment Subsidy - annotated changes

- Funds will not be reimbursed until after the completion of the project and the City has agreed that all work has been carried our satisfactorily and within the specified time frame.
- 8. Any overrun in costs is not the responsibility of the City and the City will only be liable to reimburse the costs as per the agreement.

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 AMENDMENT 23 TO LOCAL PLANNING SCHEME 21 - INTRODUCING THE RESIDENTIAL ZONE TO UNZONED PORTIONS OF 'PART LOT' 9507 LAYMAN ROAD, GEOGRAPHE - FOR FINAL ADOPTION

SUBJECT INDEX: Local Planning Scheme

STRATEGIC OBJECTIVE: A City of shared, vibrant and well planned places that provide for

diverse activity and strengthen our social connections.

BUSINESS UNIT: Strategic Planning and Development Services

ACTIVITY UNIT: Strategic Planning and Development **REPORTING OFFICER:** Strategic Planner - Nick Edwards

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

VOTING REQUIREMENT: Absolute Majority

ATTACHMENTS: Attachment A Subject Land and Location Context U

Attachment B Existing and Proposed Zoning Diagrams Attachment C Port Geographe Development Plan

Attachment D Draft Subdivision Layout Attachment E Schedule of Submissions U

PRÉCIS

Council is requested to consider adopting for final approval an Amendment to Local Planning Scheme No.21 (LPS21) by introducing a 'Residential' zoning over part of the unzoned portions of Pt Lot 9507 Layman Road, Geographe (Attachment A), adjusting the boundaries of the currently applicable residential density codes ('R20' and 'R30') and modifying the boundaries of two 'Recreation Reserves' to reflect a recent subdivision application over the land (Attachment B).

The proposal is considered to be a straightforward rationalisation of existing zoning, constituting a 'standard' amendment. It will allow the landowner to consider improved alternative design options for the next stage of subdivision and development in the 'Port Geographe Development Plan' (Attachment C).

The Amendment will not 'lock in' an alternative road layout or subdivision design, but will simply enable both the City and the Department of Planning the flexibility to consider options for the next stage of development of the Port Geographe Development Area (an example such as Attachment D).

The Amendment was advertised between 5 October and 16 November 2016 (42 days) and received seven submissions (Attachment E), including four objections from private residents. The concerns raised in the submissions appear to reflect, for the most part, misunderstandings as to the actual nature of the proposal.

City officers recommend that Council adopts the Amendment for final approval before referring it to WAPC for its consideration.

BACKGROUND

Located in the south-western part of the Port Geographe Development Area, Lot 9507 Layman Road contains the undeveloped balance of the Port Geographe Estate. This proposal applies to approximately 5 hectares of land (Pt Lot 9507) at the western area of the estate, near the intersection of Layman Road with Navigation Way. Land to the east and south contains the Vasse Estuary, public reserves and agricultural land with high landscape quality.

The majority of the land the subject of this proposal is identified within "No Zone" under the City of Busselton Local Planning Scheme No. 21 (LPS21), whilst a small sliver of affected land abutting Navigation Way is currently zoned "Residential" with a residential density coding of "R20".

Lot 9507 is included within the 'Port Geographe Development Area', a Special Control Area within which subdivision and development of the land has been guided and coordinated by the endorsed Port Geographe Development Plan (PGDP).

Part 6.9 of LPS21 identifies a number of development requirements specific to this area. Lot 9507 is also identified in Schedule 15 of LPS21 as being within Development Contribution Area No. 1, requiring the payment of a per lot/dwelling contribution towards the provision of community infrastructure. It should also be noted, though, that separate developer contributions arrangements apply to this land, by virtue of the Port Geographe Development Deed.

This Amendment proposal does not involve substantive modifications to any of the above, simply removal of the 'unzoned' (and redundant) road network, so as to provide the new landowner/developer with the flexibility to propose an updated structure plan and subdivision layout that better reflects the requirements of the current market and addresses land use efficiency requirements of the State Government.

STATUTORY ENVIRONMENT

City of Busselton Local Planning Scheme No.21 (LPS21)

The PGDA, which contains the subject land, is recognised within the LPS21 and coordinates the three development guiding documents, the PGDP, the *Port Geographe Landscape Master Plan* and the *Port Geographe Village Centre Precinct Plan*. These documents have previously been approved by the Council and endorsed by the WAPC.

RELEVANT PLANS AND POLICIES

The policies that are relevant to this proposal are the;

- City of Busselton Local Planning Strategy (2013);
- Port Geographe Development Plan (2005).

City of Busselton DRAFT Local Planning Strategy (2013)

The City's Local Planning Strategy (LPS) was adopted by Council on 14 September 2016 and includes the subject land as an ongoing urban development. It is expected to provide a mix of residential, commercial and recreation opportunities principally guided by a modified Structure Plan.

Port Geographe Development Plan (2005)

The endorsed PGDP can be considered as a 'Structure Plan' for this site as it identifies the intended development pattern. The majority of the subject land is identified for 'Residential Development' at an 'R20' development density with 'R30' land to the east, adjacent to the future recreation reserve.

FINANCIAL IMPLICATIONS

There are considered to be no financial implications arising from this proposal.

Long-term Financial Plan Implications

STRATEGIC COMMUNITY OBJECTIVES

The Officer Recommendation is consistent with Community Objective 2.2 of the City's *Strategic Community Plan 2013*, which is – "a City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections".

RISK ASSESSMENT

An assessment of the potential implications of the Officer Recommendation has been undertaken using the City's risk assessment framework. The implementation of the Officer Recommendation will involve amending the existing maps which forms part of the LPS21. No significant risks have been identified.

CONSULTATION

Discussions between the landowner, Department of Planning (DOP) and City Officers have clarified the management and ongoing development of the Port Geographe Estate precinct.

The Amendment was advertised for 42 days during October and November 2016 and seven submissions came from referral agencies and private residents. A Schedule of Submissions is provided as Attachment E.

Objections to the proposal were from private residents and were not specifically concerned with the Amendment outcomes but raised concerns about the broader development impacts within the PGDA. Since the submissions were not specifically concerned with the rezoning of the roads and reserves, it is considered that the majority of issues within the submissions would be more appropriately addressed when any significant changes to the PGDP are proposed.

Should Council resolve to adopt this Amendment for Final Approval, formal documentation will be prepared and submitted to the Western Australian Planning Commission for endorsement in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015.*

OFFICER COMMENT

The proposed rezoning within the subject land will facilitate residential subdivision and modify recreation reserves. The intent and proposed design of this site is consistent with the PGDP without needing to amend the existing conditions. The landowner has indicated that the PGDP (Structure Plan) will be reviewed and modified in relation to the undeveloped balance of Lot 9507 Layman Road, but this will form a separate planning proposal.

The removal of the existing unzoned and redundant road network does not require substantive modifications to any guiding documents, nor will it necessitate any additional technical studies beyond those normally required as part of subdivision consideration.

The proposed residential zones placed over the 'No Zone' road ways are consistent with the surrounding development pattern. The 'R20' and 'R30' densities extend the existing zones on the land and improve the access of bordering lots to the enlarged recreation reserve, resulting in increases residential amenity and passive surveillance of the open space.

The increase of the smaller Recreation Reserve to the north will improve the drainage capacity for the proposed subdivision and provide more open space for public use.

CONCLUSION

The proposed Amendment seeks to rezone a relatively small (5 hectare) area of Lot 9507, to create a more flexible zoning arrangement that will allow both the City and the WAPC to consider immediate improvements to the layout and land use efficiency of the most immediately developable portion of Port Geographe Estate.

The Amendment is an opportunity to resume development within the PGDA which has stalled in recent years. By applying a zone to the road ways in part of Lot 9507, it will allow both the City and WAPC flexibility to consider alternative subdivision designs within the PGDA.

The subject land is identified for development and the effect of increasing the recreation reserves and applying the zones to the road ways is considered to have a minor impact.

The proposed changes will allow the consideration of alternative designs and any further changes including subdivision development, further approval will be required. The proposal complements the established planning framework without proposing any significant departures from its intent.

OPTIONS

Should the Council not support the Officer Recommendation the Council could instead resolve –

- 1. To decline the final approval of the Amendment (and provide a reason for such a decision). It should be noted that under the relevant legislation there is no right of appeal against a Council decision to not approve an amendment.
- 2. To seek further information before making a decision.
- 3. To adopt the Amendment subject to further identified modification(s) as required.

There are no substantive issues or reasonable grounds that would support any of these options.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council's Final Adoption of the Amendment it will be referred to the WAPC for endorsement within one month of the resolution. Documents to be sent include the submissions, Agenda Report, all relevant attachments and the Council Resolution.

OFFICER RECOMMENDATION

That the Council:

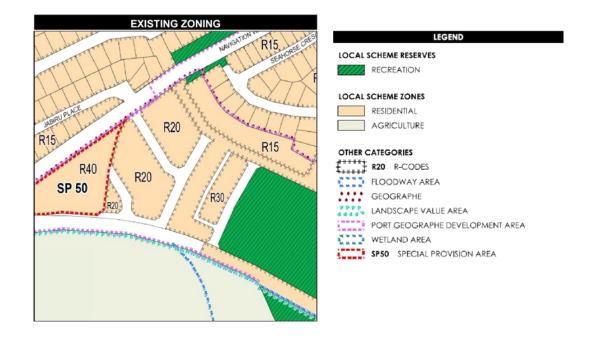
- 1. Pursuant to Part V of the *Planning and Development Act 2005*, adopts Amendment No. 23 to the City of Busselton Local Planning Scheme No. 21 for final approval for the purposes of:
 - a. Introducing the 'Residential' Zone over unzoned portions of subject Pt Lot 9507 Layman Road, Geographe;
 - b. Applying the 'R20' residential density coding to the unzoned areas of the land in line with the advertised Planning Scheme map;
 - c. Applying 'R30' residential density coding to land in line with the advertised Planning Scheme map;

- d. Adjusting the boundary of the proposed 'Recreation' Reserve portion of Part Lot 9507 to align with the land use boundaries identified in the subdivision application for the subject land presented in Attachment B;
- e. Reclassifying a smaller part of Pt Lot 9507 adjacent to Navigation Way from 'Residential' use to a 'Recreation' Reserve; and,
- f. Amending all relevant Planning Scheme maps accordingly
- Advise the Western Australian Planning Commission that the proposed Amendment is considered as a 'Standard' amendment under the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*;
- 3. Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations* 2015, resolves to endorse the Schedule of Submissions at Attachment E prepared in response to the public consultation undertaken in relation to Amendment No. 23.
- 4. Upon preparation of the necessary documentation, refers the adopted Amendment 23 to the Western Australian Planning Commission for consideration according to the *Planning and Development Act 2005*.
- 5. Pursuant to r.56 of the *Planning and Development (Local Planning Schemes) Regulations* 2015, should directions be given that modifications to draft Amendment No. 18 are required, these modifications are to be undertaken accordingly, on behalf of the Council, unless they are considered by Officers likely to significantly affect the purpose and intent of the draft Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.

ATTACHMENT A: LOCALITY PLAN OF LOT 9507 AND THE LAND SUBJECT TO AMENDMENT 23 (SUBJECTLAND)



ATTACHMENT B: PROPOSED ZONE CHANGES



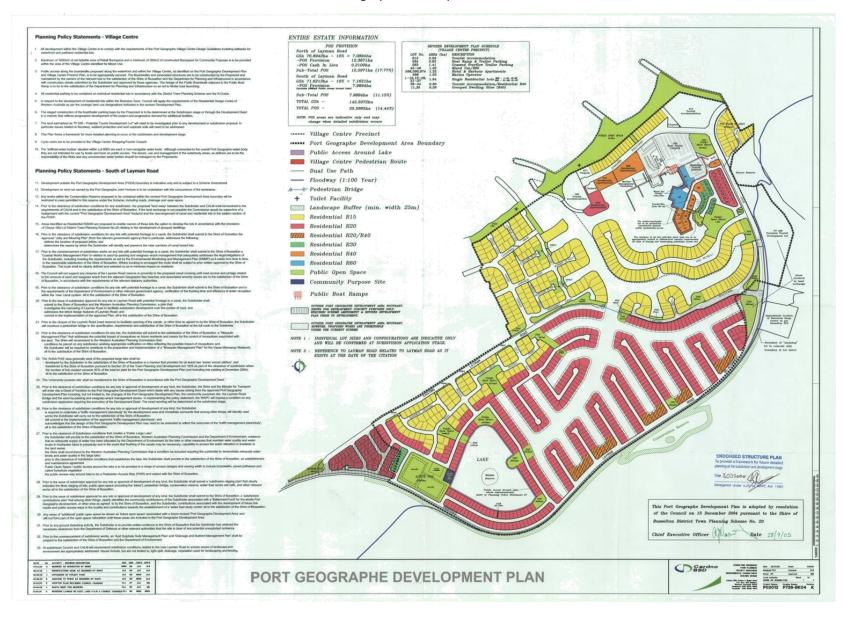
14 December 2016



Attachment C

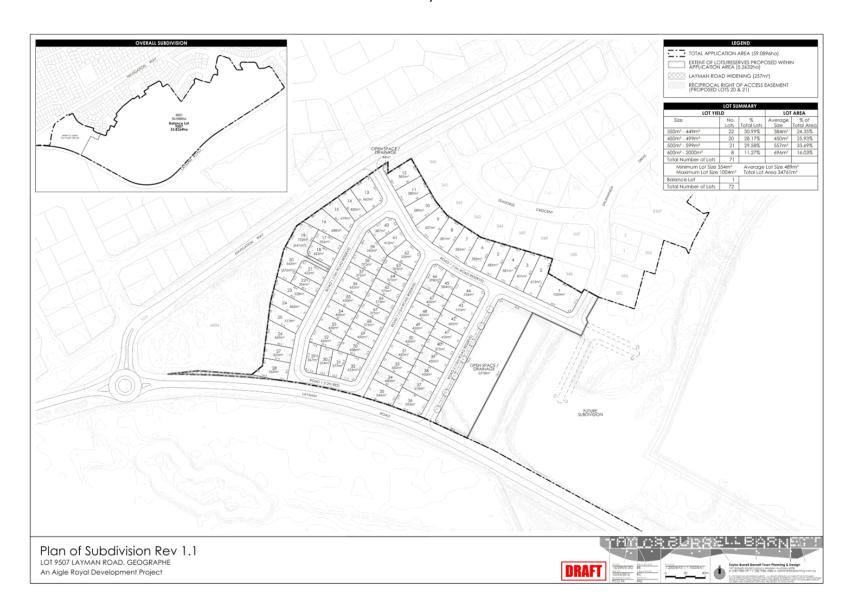
Port Geographe Development Plan

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Draft Subdivision Layout

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Attachment E

ATTACHMENT E

SUMMARY OF SUBMISSIONS

PROPOSAL: AMD21/0023 SCHEME AMENDMENT NO. 23 - REZONING OF LOT9507 LAYMAN ROAD GEOGRAPHE
OFFICER: Nick Edwards
SUBMISSIONS CLOSE: 16th November 2016

No.	Туре	NAME AND ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
1.	External Agency	Main Roads WA Bunbury	No Objection		Noted
2.	External Agency	Dept. Aboriginal Affairs East Perth, 6892	No Objection		Noted
3.	Resident	Geoffrey Martin Geographe, 6280	Objection The subject land is proposed to be rezoned to a density of R40 which is not consistent with the neighbouring properties. The density on this land should be at R20 in visually keeping with surrounding areas.	The proposal is to extend Residential density R20 and R30 to adjacent road ways that are currently unzoned. This will provide flexibility of design within the subdivision area.	Note the residential concern.
4.	Resident	Marcia Johnson Joondalup, 6027	 Objection Increasing the residential density from R15 to R20/30 will have a detrimental impact on the area Entry and exit to Lot 9507 is to be limited to either opposite or west of Jabiru Place when entering Navigation Way. Any Right Of Way for R15 lots backing onto Seahorse Cr are to be a cul-de-sac at Navigation Way Jabiru Place to remain a cul-de-sac Recreation ground is to be smaller to limit any increase in traffic congestion, noise and emissions Density of houses is to be restricted to R15 Infrastructure may not be able to handle the increased density The compaction works are unlikely to be effective as the peat and mud will swell at the next water table rise The imported soil will change the land topography and increase flood risk – ground levels are to stay the same as Navigation Way Noise, dust and vibration are to be kept to a minimum. Restrictions are required to limit their impact such as reduced operational hours. 	 This proposal does not increase the residential density from R15 as the land is already approved for development at R20/30 density. The proposal reduces the entrances to Navigation Way from 3 entrances to 1 entrance, fencing on the northern side of Navigation Way is considered sufficient that the proposed traffic impact is unlikely to be significant. The creation of a cul-de-sac on Seahorse Cr limits connectivity within neighbourhoods. The entrance to Navigation Way is the secondary access point and improves connectivity. No change is identified for Jabiru Place Although discussions have taken place regarding the reduction of the size of the larger recreation reserve, this is a separate matter that has no influence on the current proposal. These concerns are to be addressed at the design stage. The proposed residential density is consistent with the existing development pattern of 'R20'/'R30'. to 10. These points are detailed design concerns to be addressed by a future application. 	That the submission is noted.

SUMMARY OF SUBMISSIONS

PROPOSAL: AMD21/0023 SCHEME AMENDMENT NO. 23 - REZONING OF LOT9507 LAYMAN ROAD GEOGRAPHE
OFFICER: Nick Edwards
SUBMISSIONS CLOSE: 16th November 2016

5.	External	Department of	No Objection		
	Agency	Environment Regulation	There is a high to moderate risk of Acid Sulphate Soils within 3m of the soil surface on lot 9507	An application to subdivide the land is currently approved. Any application for a change in design must account for the soil conditions.	That this submission is noted
6.	Resident	Graeme Johnson Geographe, 6280	 Objection Increasing the residential density to R20/30 will have a detrimental impact on the area A sound proof and impact fence to be installed along boundary of 25 Jabiru Place at developers expense Entry and exit to Lot 9507 is to be limited to Navigation Way either opposite or west of Jabiru Place. Jabiru Place to remain a cul-de-sac Recreation ground is to cater to subdivision residents only Density of houses is to be restricted Infrastructure may not be able to handle the increased density The compaction works are unlikely to be effective as the peat and mud will swell at the next water table rise The imported soil will change the land topography and increase flood risk – ground levels are to stay the same as Navigation Way Noise, dust and vibration are to be kept to a minimum. Restrictions are required to limit their impact such as reduced operational hours. 	 This amendment extends existing zones to currently unzoned areas, further development including design changes are separate and will require further planning approval. This proposal is not related to the proposal being considered. The proposal reduces the entrances to Navigation Way from 3 entrances to 1 entrance, fencing on the northern side of Navigation Way is considered sufficient that the proposed traffic impact is unlikely to be significant. No change is identified for Jabiru Place Limiting the appeal of recreation areas is unlikely to add overall benefit to the amenity value of the local area. - 10 raise detailed design concerns do not apply to this proposal and are better addressed in future planning applications. 	That the submission is noted.

Attachment E

SUMMARY OF SUBMISSIONS

PROPOSAL: AMD21/0023 SCHEME AMENDMENT NO. 23 - REZONING OF LOT9507 LAYMAN ROAD GEOGRAPHE **OFFICER: Nick Edwards** SUBMISSIONS CLOSE: 16th November 2016

LATE SUBMISSION					
No.	Туре	NAME AND	NATURE OF SUBMISSION	STAFF COMMENT	STAFF
		ADDRESS			RECOMMENDATION
7	Resident	John and Sharon	Objection		
		Hughes	Sand from the sandhills used for pre-loading will	These concerns do not address this proposal and can	That the submission is
		36a David Drive	blow into our homes	be more comprehensively addressed at the design and	noted
		Geographe Ph 0409843238	Top dressing is ruined by kids and animals which doesn't stop the sand	development stage of any development.	
			3. Lose privacy as our home is slightly elevated		
			4. More native trees and shrubs to be planted along		
			Navigation Way to help replace lost nesting sites for birds		

11.2 <u>APPLICATION FOR DEVELOPMENT APPROVAL FOR AN EXTRACTIVE INDUSTRY (SAND) AT</u> LOT 1838 KALGUP ROAD AND LOTS 1842 AND 3982 ACTON PARK ROAD, KALGUP

SUBJECT INDEX: Development/Planning Applications

STRATEGIC OBJECTIVE: A City of shared, vibrant and well planned places that provide for

diverse activity and strengthen our social connections.

BUSINESS UNIT: Development Services and Policy

ACTIVITY UNIT: Statutory Planning

REPORTING OFFICER: Planning Officer - Stephanie Izzard

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

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Location Plan

Attachment B Original Development Application Plans Attachment C Amended Development Application Plans I

Attachment D Schedule of Submissions D Attachment E Dust Management Plan Noise Management Plan Proposed Haulage Route D

PRÉCIS

The Council is asked to consider a development (planning) application seeking approval for an Extractive Industry (Sand) across three lots, being Lot 1838 Kalgup Road and Lots 1842 and 3982 Acton Park Road, Kalgup (the sites).

The proposal has been placed before the Council due to the issues raised during consultation on the application and the level of community interest. It is noted that since the application was originally advertised the applicant has made several changes to the proposal including increasing the distance of the proposed extraction areas to a minimum distance of 300m from all existing neighbouring residential dwellings.

It is considered that the proposed development is consistent with the relevant planning framework and it is recommended for approval subject to conditions.

BACKGROUND

The City has received a development application for an Extractive Industry (Sand) across three lots, being Lot 1838 Kalgup Road and Lots 1842 and 3982 Acton Park Road, Kalgup (the sites). A location plan is provided at Attachment A.

The sites are bound by Yoongarillup Road to the north-east of Lot 3982, Acton Park Road to the east of Lots 3982 and 3842, Wells Road to the south of Lot 1842 and agricultural land to the west and north. The site is zoned "Agriculture" under the City of Busselton Local Planning Scheme No. 21 (the Scheme) and is located within Policy Area 3 under LPP 5A - Extractive Industries (LPP5A).

The application was advertised for public comment and was also referred to relevant agencies. Both public and agency referral submissions raised various issues and concerns with the proposal and these concerns were subsequently presented to the applicant for consideration and response prior to the City determining the application.

The initial application was for a total of 540,000m³ of sand to be removed from 45 hectares over 11 years. The applicant originally proposed extractive activities with a minimum separation distance of 180 metres to the closest existing residential dwelling. The original development application plans are provided at Attachment B. Under LPP 5A the extraction of sand and limestone may be located

less than 500m but generally no closer than 300m from a sensitive land use, dependent upon the nature and scale of the operation and the content of a Dust and Noise Management plan.

Subsequent to the original application being advertised the applicant has amended the proposal to increase the setback of the extraction areas to be no closer than 300 metres from any existing residential dwelling. These changes reduced the size of the area to be extracted. The amount of sand proposed to be removed is thereby reduced to 492,000m³ from 41 hectares and the applicant has agreed to a five year timeframe which is the standard timeframe for extractive industry applications as prescribed under LPP5A, with the option to extend this timeframe through another development application after the initial 5 years. The amended development application, including a site plan, are provided at Attachment C.

Further assessment of the proposal against the requirements of the Policy is provided in the Officer Comment section of this report.

STATUTORY ENVIRONMENT

The key statutory environment is set out in the City of Busselton *Local Planning Scheme No. 21* ('the Scheme'), as modified by the *Deemed provisions for local planning schemes* set out in Schedule 2 of the Planning and Development Regulations 2015. The site is zoned "Agriculture" under the Scheme and within this zone "Extractive Industry" is an "A" land use and therefore the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving public notice in accordance with clause 10.4 (clause 64 of Part 8 of the regulations).

RELEVANT PLANS AND POLICIES

The assessment of the proposed extractive industry is guided by a number of policies which relate to the zoning and proposed use of the land. The key policy implications are outlined below.

Local Rural Planning Strategy

Under the Local Rural Planning Strategy the site is located within the 'primary rural' precinct. Within this precinct basic raw material and mineral sand mining is a conditional land use. It is an economic objective of the precinct to retain the majority of area, especially low lying areas, for dairy/grazing. It is noted that the site is currently used for dairy cattle, and it is proposed that the site be returned to pasture upon the completion of the extractive activities.

Agricultural Zone - Objectives and Policies

The objectives and policies of the Agriculture zone relevant to this application are provided below:

Objectives

- (a) To conserve the productive potential of rural land.
- (b) To provide for new forms of agricultural development (including agro-forestry), and changing patterns of existing agricultural development.
- (d) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect the amenity of any existing or proposed nearby development.
- (i) To encourage the development of cluster or communal farming.
- (j) To encourage sustainable farming practices.
- (k) To control the clearing of trees and encourage generally the retention of vegetation and vegetation corridors concomitant with the agricultural use of the land.

Policies

- (a) To permit land included within the zone and shown by close investigation in consultation with the Department of Agriculture and Food not to be prime agricultural land to be utilised for other purposes not incompatible with adjacent uses.
- (f) To implement and adhere to the adopted recommendations and outcomes of the Local Rural Planning Strategy adopted by the local government and endorsed by the Commission.

Within the Agriculture zone "Extractive Industry" is a discretionary land use which requires advertising ("A"). The City is unable to control the location of the resource however it is considered that due to the temporary nature of sand extraction and the fact that the land is to be returned to pasture that the proposal is consistent with the policy and objectives of the zone.

Local Planning Policy 5A: Extractive Industries (LPP5A)

LPP 5A recognises that extractive industries have the potential for incompatibility with other land uses. Under this Policy the sites are located within Policy Area 3. In relation to this area the Policy states:

"Extractive industry proposals will need to comply with the same criteria, requirements and conditions as Policy Area 2. However, as Policy Area 3 is recognised as primarily an agricultural area, it is important to ensure the long-term protection of prime agricultural land. Extractive industry will be expected to be approved within Policy Area 3, where such operations can meet the requirements of these provisions and the Scheme."

LPP 5A requires the advertising of all extractive industry proposals to involve advising to all landowners within a 1.0km of the site. Further assessment against the requirements of this Policy are provided within the Officer Comment section of this report.

FINANCIAL IMPLICATIONS

There are no significant financial implications to the City arising from the staff recommendation in this report.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 5.2 of the Strategic Community Plan 2013, which is; "Growth is managed sustainably and our environment is protected and enhanced as we develop."

RISK ASSESSMENT

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

CONSULTATION

Under Clause 10.4 of the Scheme (Clause 64 of Part 8 of the regulations) the local government is not to grant approval for an "A" land use unless notice is given in accordance with clause 10.4.3. In accordance with clause 10.4.3, as well as the requirements of Local Planning Policy 5A, the application was advertised to all surrounding landowners within a 1km radius of the sites. In addition

a notice was placed in the local newspaper on 29 June 2016 as well as a notice being placed on the City's website. The closing date for submissions was 21 days after the notice was printed in the local newspaper with referral sent to surrounding landowners a week prior to the notice being published.

Seven submissions from neighbouring or nearby residents were received on the proposal. A summary of the concerns raised in these submissions is provided below:

- Concerns regarding proximity of extractive activities to nearby dwellings;
- Concerns regarding proposed time frame (11 years);
- Concerns regarding dust;
- Concerns regarding noise, from both the site and trucks along the haulage route;
- Concerns regarding proposed haulage route, including the haulage route being a school bus route; and
- Concerns regarding water sources.

A schedule of submissions is provided at Attachment D.

Agency comment

Submissions were received from six referral agencies. A summary of these submissions is within Attachment D. A key issue identified was by Department of Water in relation to the proximity of the activities to the water table. Further information regarding this matter is within the officer comment section of this report.

OFFICER COMMENT

The City has assessed the application having regard to the objectives and policies of the "Agriculture" Zone, Local Planning Policy 5A - Extractive Industry and Clause 11.2 - Matters to be Considered of the Scheme (clause 67 of Part 8 of the regulations).

Proximity to nearby dwellings

The original application proposed extractive activities 180 metres away from the nearest existing dwelling. Under LPP 5A "the extraction of sand and limestone may be located less than 500m but generally no closer than 300m from a sensitive land use dependent upon the nature and scale of the operation and the content of a Dust and Noise Management Plan including consideration of the requirement for dust and noise measuring equipment to be installed within the site for the duration of the extraction process." These setback distances are consistent with the Environmental Protection Agency Guidance Statement 3 (2005) – Separation Distances Between Industrial and Sensitive Land Uses and the State Planning Policy 4.1 State Industrial Buffer (1997) which recommends a 300m – 500m minimum setback distance for extractive industries (limestone and sand) dependant on size, type and scale.

The applicant subsequently modified the development to increase the setback of the extractive activities to be no closer than 300m to any neighbouring dwelling. It is considered that the proposed separation distance is adequate to ensure that there is no significant or unacceptable impact upon adjoining dwellings in terms of noise and dust.

Dust management

The applicant submitted a Dust Management Plan with the development application. The Dust Management Plan details measured proposed to prevent dust impact on adjoining properties and includes, but is not limited to the following:

Topsoil stockpiles will be watered and stabilised as required. Stabilisation techniques that
will be considered depending on environmental conditions will included hydro-mulching
and/or seeding with cover crops such as (but not limited to) cereal rye.

- Dust suppression agents (for the purpose of reducing water use) as required.
- The area exposed and the time between extraction and rehabilitation will be minimised as far possible (maximum ~2 hectares open at any one time).
- A dust complaint system and register will be put in place. This will included the erection of a notice at the site gate, providing contact details of the site manager. Any complaints will be recorded in a "complaints register" by the site manager and acted on promptly.

The proposed provisions for the suppression of dust are in keeping with practices undertaken at other sand extraction sites and it is considered that these are adequate to minimise the impact of dust from the extractive activities on nearby residences. Further to this, under LPP5A, and imposed by a condition of approval, a maximum of 2 ha is permitted to be open at any one time with rehabilitation to restore the sites back to pasture to be completed as new areas are extracted. The purpose of this requirement is to ensure that timely rehabilitation is completed which minimises the amount of area exposed and therefore reduces the risk of dust affecting nearby residences. An annual report is required to be submitted by way of condition to ensure that the applicant complies with this requirement.

Due to the volume of material that is to be extracted a works approval from Department of Environment and Regulations will be required to be obtained. As part of this process the environmental acceptability of the proposal's potential to cause emissions and discharges, including dust and noise, against standards and policies will be further reviewed.

The Dust Management Plan is provided at Attachment E.

Noise

The applicant submitted a Noise Management Plan as part of the development application. The Noise Management Plan details measures proposed to prevent noise impacting on adjoining properties and include, but is not limited to the following:

- Topsoil stockpiles will be put in place around the perimeter of the working pit and will act as noise bunds.
- Operating hours to be restricted to 7am 6pm Monday to Friday (excluding public holidays).
- Internal traffic routing will be optimised to reduce vehicle reversing requirements (to minimise noise associated with reversing alarms).
- A noise complaint system will be put in place. This will included the erection of a notice at
 the site gate, providing contact details of the site manager. Any complaints will be recorded
 in a "complaints register" by the site manager and acted on promptly.

The activities on site will be required to comply with the *Environmental Protection (Noise)* Regulations 1997 and it is considered that the provisions of the Noise Management Plan are adequate at ensuring the development complies with the regulations.

Due to the volume of material that is to be extracted a works approval for Department of Environment and Regulations will be required to be obtained. As part of this process the environmental acceptability of the proposal's potential to cause emissions and discharges, including dust and noise, against standards and policies will be further reviewed.

The Noise Management Plan is provided at Attachment F.

Timeframe

The applicant originally proposed the life of the mine to be 11 years. Under LPP 5A the City may approve extractive industries for a maximum of 5 years. The applicant has advised that they agree to a 5 year time frame and will apply for an extension before the expiry of this approval if they have not extracted all of the resource. At this time the City can reassess the application to ensure that the

extractive activities have complied with the imposed conditions and impose any further conditions as deemed necessary.

Haulage Route

Following the concerns raised during the advertising period of the application the applicant amended the haulage route to exclude Kalgup Road. It is therefore proposed that access to the site will be via Bussell Hwy or Sues Road to Vasse Hwy and then onto Acton Park Road. It is proposed to access the extraction area via an existing access way onto Acton Park Road. The standard of the roads along the proposed haulage route are considered to be appropriate.

It is noted that Acton Park Road adjacent to the property is a school bus route. The applicant has agreed that trucks will not enter/exit the property between school drop off and pick up times, which would be enforced via a condition of approval.

An aerial indicating the proposed haulage route is provided at Attachment G.

Water

Following the initial referral response from Department of Water further information was submitted by the applicant and a site visit was conducted with representatives from the City and Department of Water. A satisfactory solution was reached with the applicant to allow them to extract the sand from the portions of the lot with a lower risk of intercepting the water table. Before the remainder of the site is to be extracted further hydrological information, including the maximum seasonal water table levels, are to be provided to the City, to be enforced via a condition of approval. This data will ensure that the extractive activities allow a minimum 500mm separation distance between the maximum seasonal water table and the finished level of the site.

Whilst not currently in LPP5A the City has been looking into ways to better manage the ongoing performance of extractive industries and ensuring that the works comply with the conditions of the approval. The City is also looking at ways in which the cost of this ongoing monitoring will be borne more by the operator and less by the City and community/ratepayers. In doing this, the City has looked into the way in which other Councils with local laws that issue works approval, as well as the Department of Mines and Petroleum, undertake their monitoring of similar activities. It is considered that the best process is to require the operator to submit an annual report outlining the amount of area extracted, the amount of resource removed, the current area of the open pit and demonstrate compliance with all conditions of the approval. The City is currently looking at reviewing LPP5A to require annual reports for all extractive industries, but is already advising applicants/operators of this proposed change in approach.

CONCLUSION

The proposed development is considered to be consistent with the Policy and Objectives of the "Agriculture" zone, as well as the requirements of Local Planning Policy 5A - Extractive Industries, and therefore it is recommended that the application be approved.

OPTIONS

The Council could:

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The proponent will be advised of the Council decision within two weeks of the Council meeting.

OFFICER RECOMMENDATION

That the Council resolve:

- That application DA16/0381 submitted for Extractive Industry (Sand) at Lot 1838 Kalgup Road and Lot 1842 & Lot 3982 Acton Park Road, Kalgup is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- 2. That Development Approval is issued for the proposal referred to in 1. above subject to the following conditions:

General Conditions

- 1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 492,000 cubic metres volume of material has been extracted, whichever is sooner. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval.
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans and Approved Management 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 road signage to be erected along the transport route. The installation of the signs shall completed by the City of Busselton for which fees are payable. Signage shall include signs on both approaches to the pit along Acton Park Road 100m from the access.
 - 3.2 Details validating the water supply available for dust suppression to implement the approved dust management plan.
 - 3.3 Details of the proposed crossover location for the site. The location of the crossover shall be agreed to with the City and shall ensure that adequate sightlines are achieved.
- 4. Extraction from cells B, D, E and F shall not commence until the following plans or details have been submitted to the City and approval has been given from the City in writing:
 - 4.1 Assessment of the maximum seasonal ground water levels and confirmation that the extractive activities will not come within 500mm of the maximum seasonal ground water level.
- 5. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City within 2 months of the date of this development approval:
 - 5.1 A road maintenance bond of \$40,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City

for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at cost to the applicant; such bond may be utilised for road maintenance purposes where necessary as a result of the operation. The bond shall be accompanied by an executed legal agreement with the City at the full cost of the owner.

- 5.2 A dust bond to the value of \$5,000, which shall be held against satisfactory compliance with Condition 7.11 of this approval.
- 5.3 A rehabilitation bond to the value of \$20,000, which shall be held against satisfactory compliance with Condition 7.6 and 7.14 of this approval.
- 5.4 Further to conditions 5.1, 5.2 and 5.3, the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
 - (i) The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs.
 - (ii) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City.

Prior to Occupation/Use of the Development Conditions:

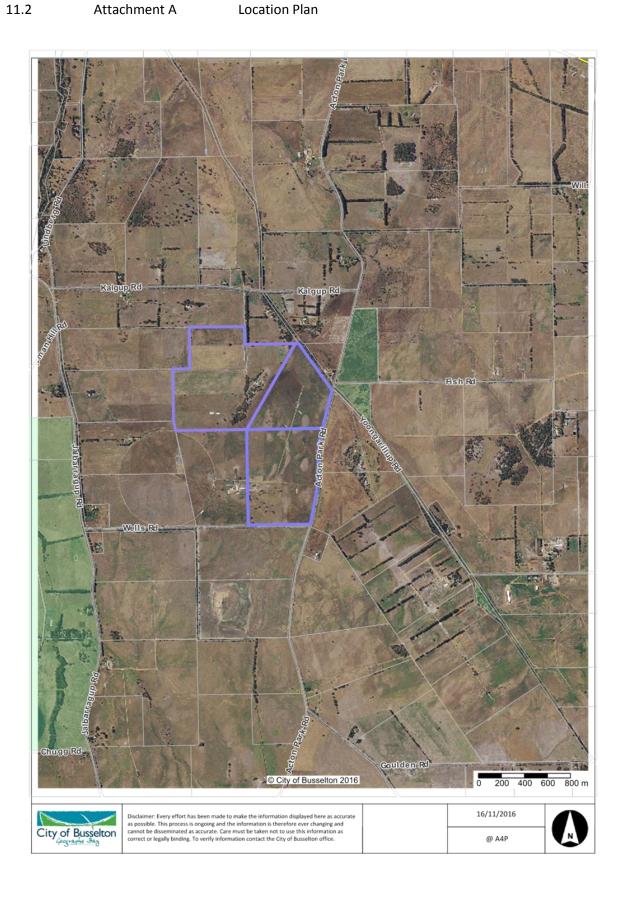
- 6. The development hereby approved shall not be occupied, or used, until all plans, details or been complied with:
 - 6.1 A crossover to be constructed to a sealed and drained standard to the specifications and satisfaction of the City.

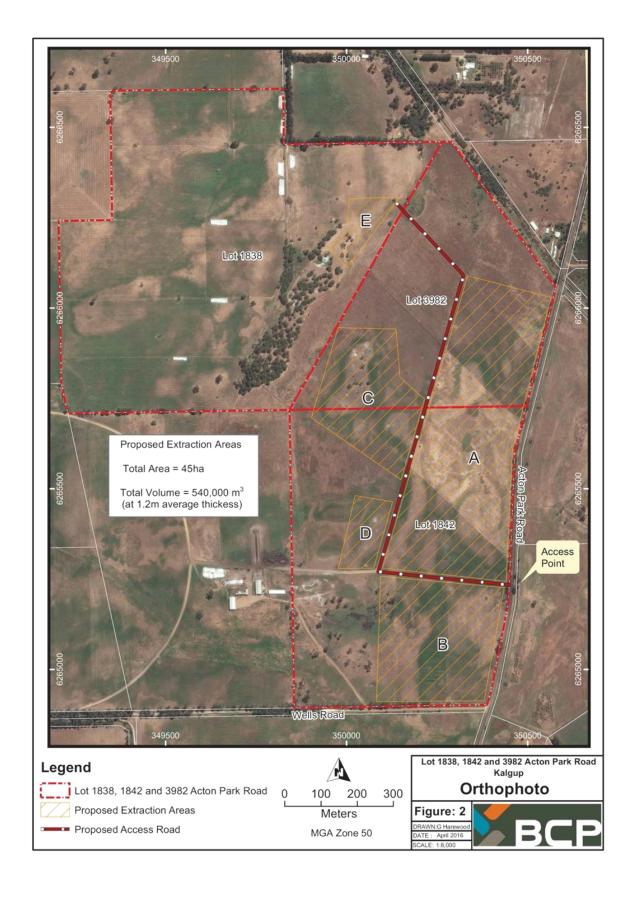
On-Going Conditions:

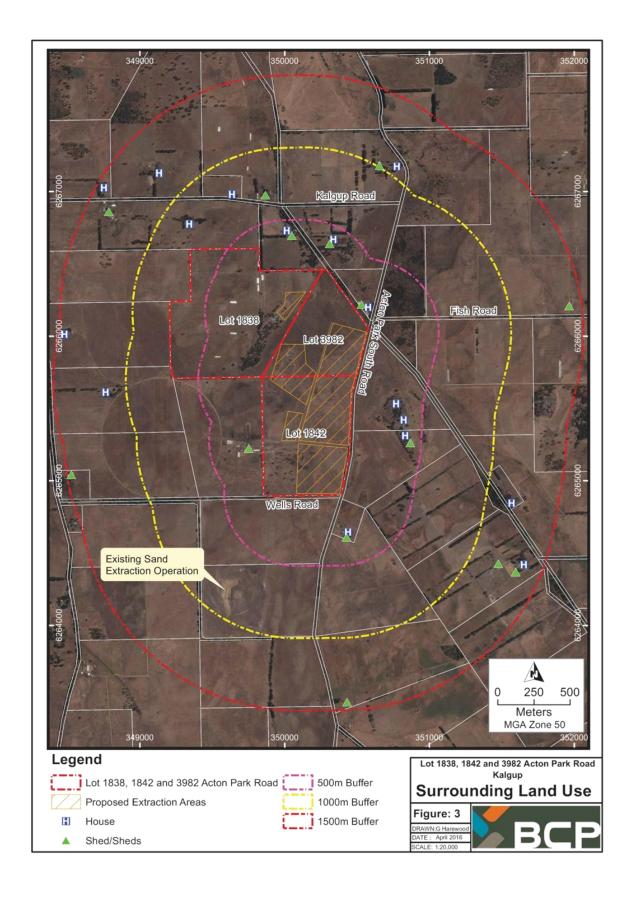
- 7. The works undertaken to satisfy Conditions 1 6 (inclusive) shall be subsequently maintained for the life of the development including, and in addition to, the following conditions:
 - 7.1 The development hereby approved shall be limited to: the extraction of sand from the site; screening of material; associated drainage works; and rehabilitation works. At no time shall any processing, crushing or blasting works be carried out.
 - 7.2 Notwithstanding Condition 7.1 above, working hours within the pit area and transportation of materials shall be restricted to the hours between: 7.00am and 6.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
 - 7.3 The designated haulage route will be northwards along Acton Park Road, Westward onto Vasse Highway then onto to Busselton Bypass and/or northwards along Acton Park Road, eastward onto Vasse Highway then onto Sues Road.
 - 7.4 Trucks are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route, or between other times as agreed in writing between the applicant and the local government.

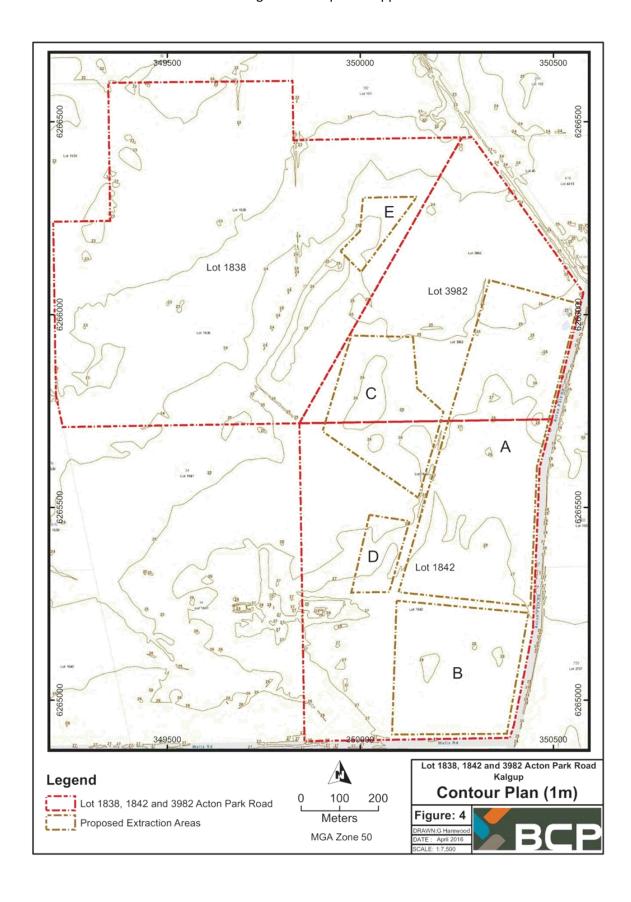
- 7.5 A maximum number of 50 truck movements (i.e. 50 trucks entering and 50 trucks exiting the site) shall be permitted on the operating days and times as permitted per Condition 7.2 and 7.4.
- 7.6 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 2 concurrently with the extraction of the following 2 hectare area.
- 7.7 The lowest level of excavation shall always be a minimum of at least 500mm above the maximum water table level and no dewatering works are to be undertaken. The City is to be notified within 24 hours if the water table is intercepted.
- 7.8 Further to condition 7.7, the final land surface (after rehabilitation for pasture) should be 0.5 metres above the maximum seasonal groundwater.
- 7.9 The following minimum setback from extractive activities shall be achieved at all times;
 - i. 20 metres to all boundaries;
 - ii. 300 metres to all dwellings on neighbouring properties; and
- 7.10 All operations related to the extractive industry shall be carried out in accordance with the approved Dieback Management Plan, including any notes placed thereon in red by the City.
- 7.11 The approved Noise Management Plan shall be implemented and carried out in accordance with the approval details.
- 7.12 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 7.13 The approved Drainage Management Plan shall be implemented and carried out in accordance with the approved details.
- 7.14 The approved Rehabilitation Management Plan shall be implemented and carried out in accordance with the approved details.
- 7.15 The applicant must submit with the City annually within 3 (three) months of the anniversary of this approval a report detailing the following:
 - (a) A survey conducted by a licenced surveyor certifying:
 - (i) The extent/size and location of the area which has been extracted;
 - (ii) The extent/size and location of the area which has been rehabilitated;
 - (iii) The extent/size and location of the area which is currently under operation;
 - (b) Details as to which conditions of this development approval have been complied with and how this has been achieved; and
 - (c) Details as to which conditions of this development approval have not been complied with and the reasons for such non-compliance ("Compliance Report").
- 7.16 The City may request the applicant to provide further information in relation to the Compliance Report or any aspect of the operations under this approval.
- 7.17 Should the applicant fail to submit the Compliance Report in accordance with condition 7.15 or should the applicant fail to provide the City within a reasonable time with further information in accordance with Condition 7.16 then the City, may by notice to the applicant, require from the applicant to immediately cease works under this approval until such time as the required information has been provided.

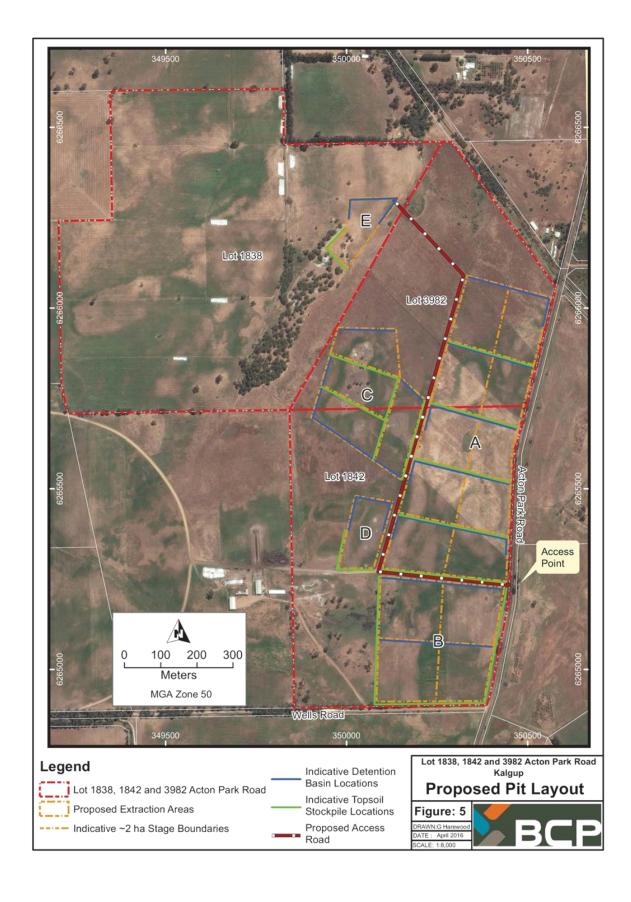
- 7.18 Should, the City consider the applicant's non-compliance as outlined in the Compliance Report to be material or the reasons for such non-compliance be unacceptable, then the City, may by notice to the applicant require from the applicant to immediately cease works under this approval until such time as:
 - (a) the applicant complies with the relevant conditions; or
 - (b) the City has approved a plan of action provided by the applicant setting out the strategy to address the non-compliance(s).

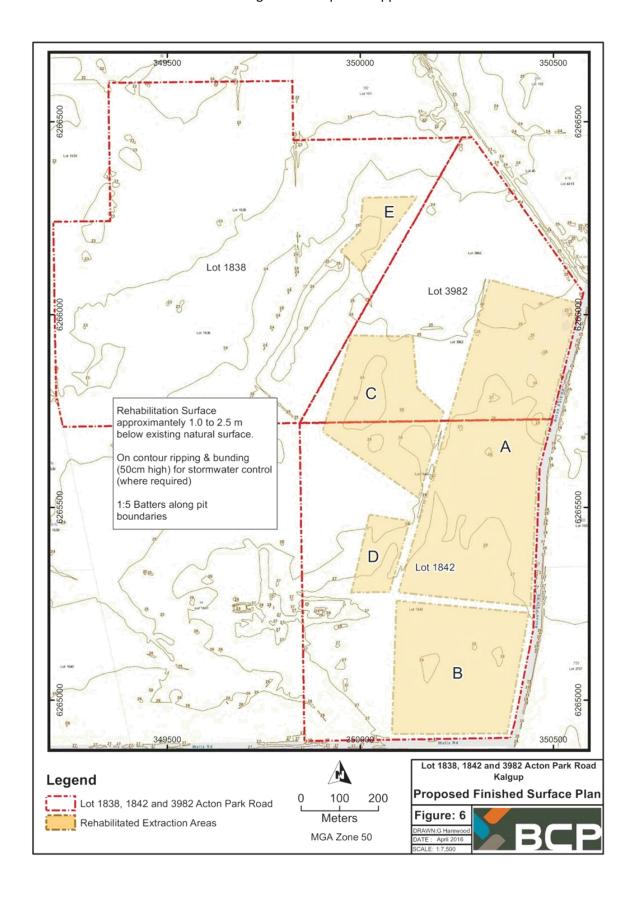




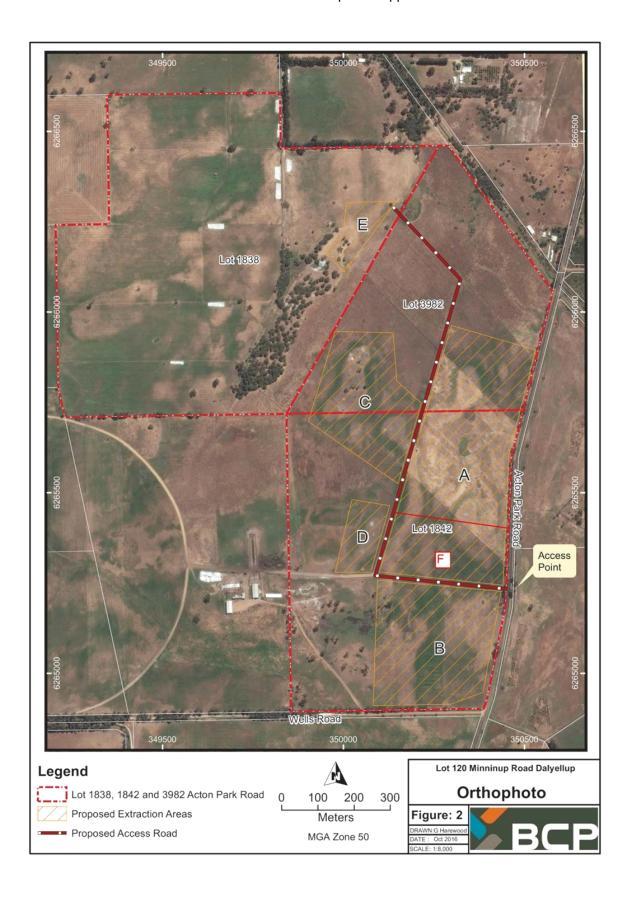


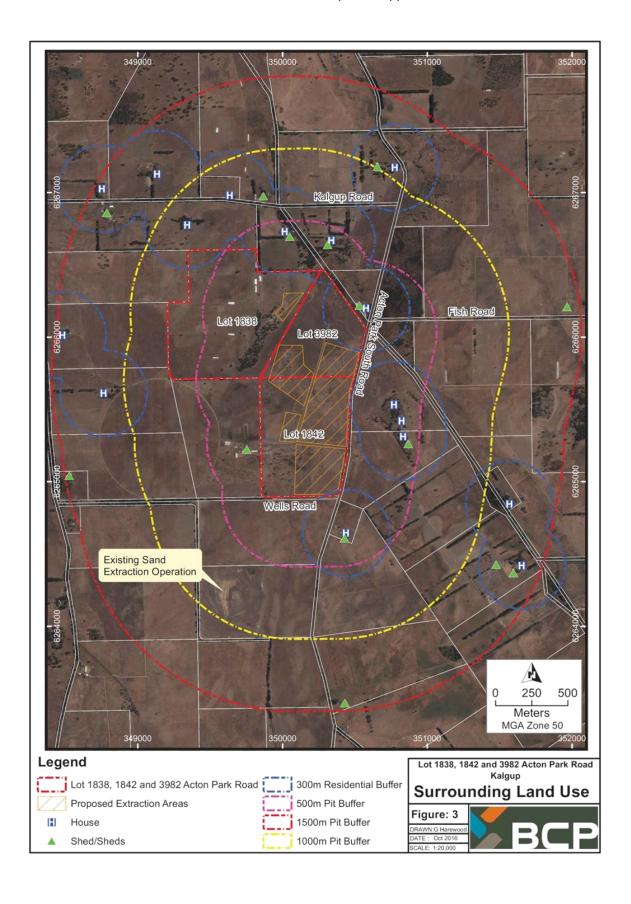


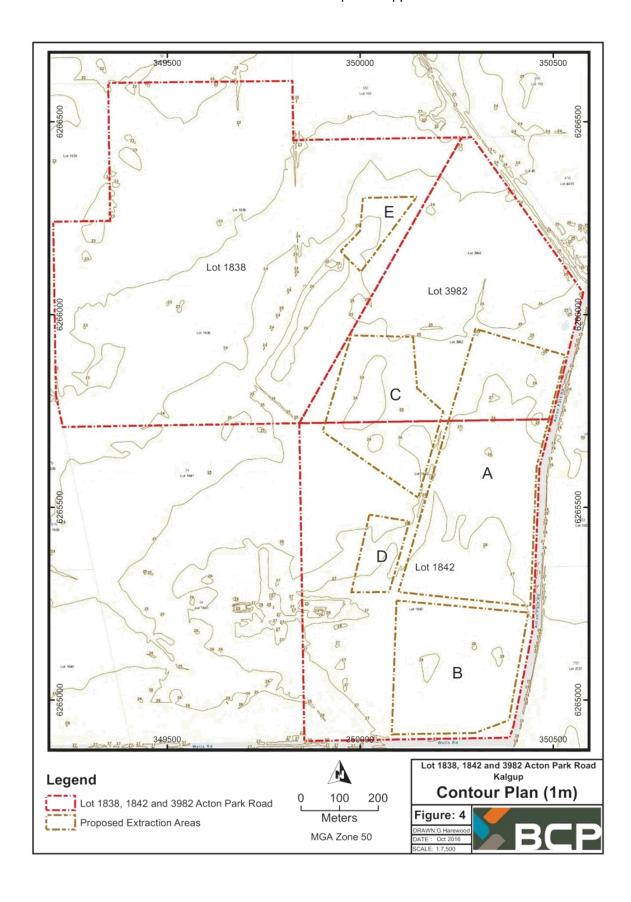


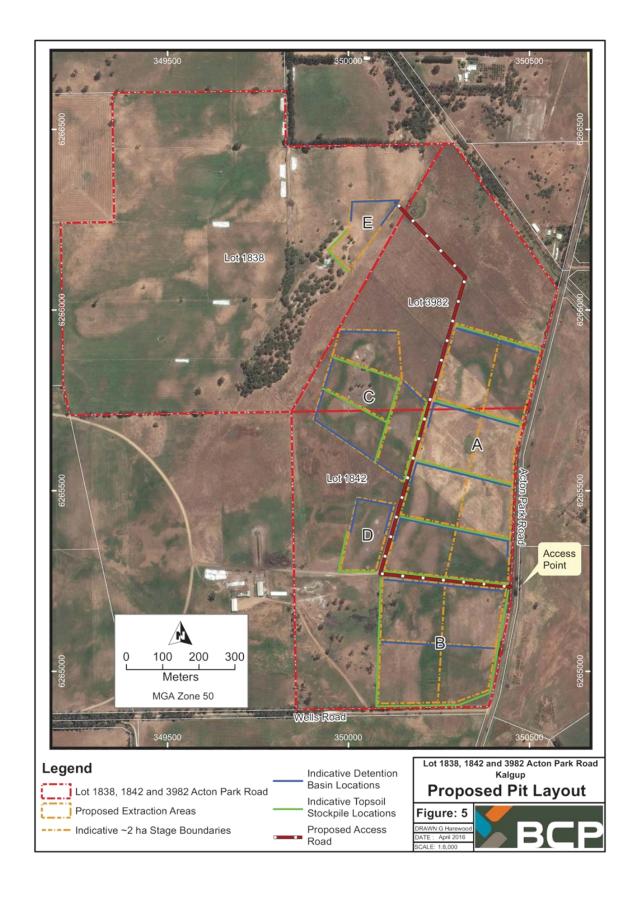


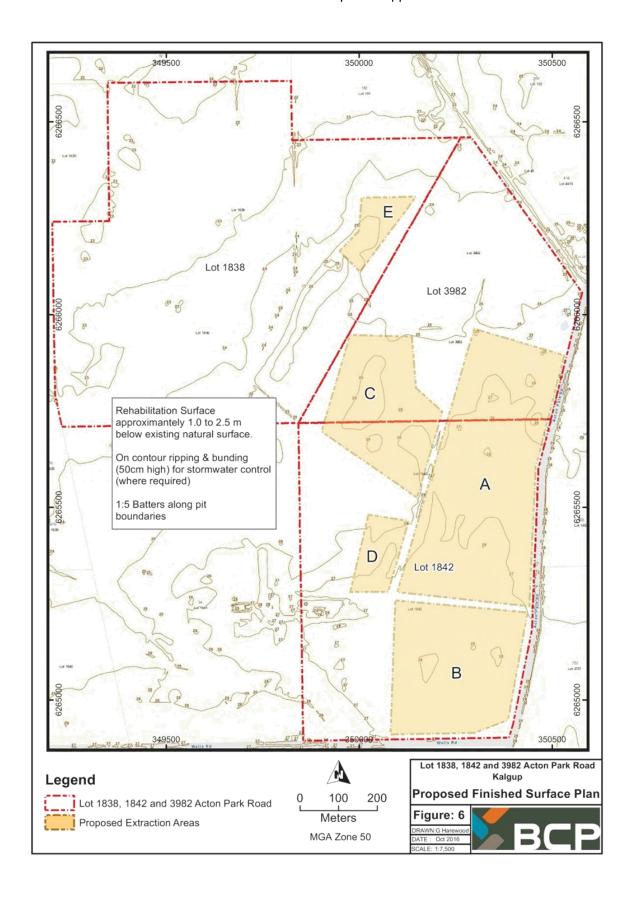
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one time, no area greater than ~ 2 hectares is subject to

active extraction.

14 December 2016

4	Department of Parks and Wildlife	15m buffer between extractive activities and native tree crown drip zone	Noted - to be enforced via condition of approval.
5	Department of Mines and Petroleum	Proposed works are not subject to Mining Act 1978.	Noted.
6	Department of Agriculture and Food	No objection Recommends a weed management plan be submitted.	Noted.
Public S	ubmissions		
7	Terry McGregor 833 Yoongarillup Road Acton Park.	 Objection Concerns regarding proximity of activities (310m) to my house - minimal vegetation buffer to provide noise and visual barrier. Concerns regarding timeframe of 11 years Concerns regarding dust monitoring during operations; Concerns regarding bridge on Kalgup Road Concerns regarding noise from machinery an reversing quackers/beepers 	 Proximity - Refer to officer comments in report. Timeframe - Refer to officer comments in report. Dust Kalgup Route - Haulage route has been modified to exclude Kalgup Road. Noise management plan submitted as part of application - refer to Officer's comment in Council report.
8	R. C. Crosse & S. L. Blanch	 Non-Objection provided activities are appropriately managed. Following concerns identified: Purchased property for quiet rural atmosphere; Concerns regarding noise from machinery operating from 7am till 6pm Monday to Friday; Concerns regarding traffic - request non-air brakes be used. Minimum separation distance to dwelling should be 200m. Concerns regarding sand and dust Concerns regarding sources of water for dams on site 	 Under LPP 5A noise and dust mitigation measures can include limiting hours of mining operations from 7am to 6pm five days a week with no mining on Saturdays, Sundays and Public Holidays. Minimum separation distance of 300metres has been achieved. Dust Management Plan submitted as part of application - refer to Officer's comment in Council report.
9	Paul Cull	Objection Concerns regarding constant noise and dust as well as the operating hours and life of the activities (11 years); Concerns regarding impacts on fauna and flora Concerns regarding additional water required Concerns regarding increase traffic and quality of the road,	 Timeframe - Refer to officer comments in report. Application referred to DPAW and DER who did not identify any concerns regarding flora and fauna. Road bond to be taken by the City and will be used to repair any damaged caused by trucks travelling to/from the site. Haulage route now excludes Kalgup Road.

14 December 2016

	1	T		
10	Michael Craigie	 poor visibility and single lane bridge on Kalgup Road. School buses also use the same roads as the proposed haulage route. Concerns regarding access to the site and request clarification that site will not be accessed from Wells Road. No objection provided the sand trucks do not use Kalgup road. Raised the following con School buses also use the same roads as the proposed haulage route. Concerns regarding trucks using single lane bridge on Kalgup Road. Increase traffic will impact upon safety within the area. No objection provided the sand trucks do not use Kalgup road. 	• A	No trucks are to exit/enter the site during school bus pick up and drop off. Access to the site is to be upgrade in accordance with the City's requirements. No trucks are to exit/enter the site during school bus pick up and drop off. Haulage route now excludes Kalgup Road.
11	Jeff & Karen Crutchlow (2 submissions) 697 Chapman Hill Road Kalgup	 Concerns that residents located on haulage route were not notified. Concerns regarding noise management procedures should noise from the operations become an issue. Objection to the following haulage routes: Bussell Hwy (Busselton By-Pass), Chapman Hill Road, Kalgup Road, Action Park Road Bussell Hwy (Busselton By -Pass), Queen Elizabeth Drive, Ambergate Road, Chapman Hill Road, Kalgup Road, Acton Park Road. Concerns regarding noise from haulage vehicles and frequency of vehicles. Concerns regarding proposed length of approval (11 years) Concerns regarding noise, dust and vibrations for neighbouring property. Concerns regarding enforcement of requirement that trucks are not to operate during school pick up and drop off. Lack of consideration given to properties on haulage routes. Concerns regarding consultation procedure of application Details in advertising documents did not accurately reflect 	NCRrNaTRCCddea	Application was advertised in accordance with the LPP 5A. Noise management plan submitted as part of application - refer to Officer's comment in Council report. Refer to Officer's Comments regarding haulage routes in Council report. Noise from haulage routes is not assessed as part of the application as it is Fimeframe to be 5 years in accordance with LPP 5A. Refer to Officer's Comments regarding dust management plan in Council report. Condition of approval that trucks are not to operate during school drop off and pick up. Advertising documents including site plan of the proposed extractive areas and indicated that activities were to take place on all three lots. Fruck movements per day to be limited via condition of approval.

		 the location of the proposal - Lot 1838 is not located on Kalgup Road. Lots 1398 and 1842 not identified in advertising documents. Concerns regarding number of haulage trips per day; No consideration in submission has been given to noise generated from truck movements along haulage routes. 	
12	Julie and Cliff Avery 310 Acton Park Rd Kalgup	 Concerns regarding safety of dwelling as located on the bend with limited vision each way. Speed signs should be erected due to our driveway location Concerns regarding haulage route and bridge on Kalgup Road. Concerns regarding noise continually going passed our place. Operation times should be amended from between 7am-6pm to 7am-5pm 	 Operating hours to be in accordance with the City's LPP 5A. Kalgup Road - Haulage route has been modified to exclude Kalgup Road. The City is unable to regulate noise along roads however can only ensure that road is of suitable quality and safe to use. Operating hours to be in accordance with the City's LPP 5A.
13	Barbara and John Wilkins	 Concerns regarding lack of consultation prior to the City referring the application. Concerns regarding noise - We purchased our home for peace and quiet. Concerns regarding dust. Concerns regarding water usage and impact on adjoining properties. Concerns regarding vibrations Concerns regarding dieback and spread of tother decisions. Concerns regarding operating times proposed (7am till 6pm) recommended reducing operation hours to 8am till 4.30pm; Concerns regarding drainage. Concerns regarding proposed haulage routes and impact on other road users (including bike riders, horse riders and pedestrians). Recommend trucks use only Acton Park Road, Vasse and Bussell Highways Concerns regarding number of movements per year. 	 The City is unable to perform consultation on an application until it is lodged. Noise management plan submitted as part of application - refer to Officer's comment in Council report. Dust management plan submitted as part of application - refer to Officer's comment in Council report. Operation of machinery not to result in any additional vibration above was is experience from other agricultural activities. Operating hours to be in accordance with the City's LPP 5A. See officer report regarding haulage route. Truck movements to be limited via condition of approval.

DUST MANAGEMENT PLAN

EXTRACTIVE INDUSTRY

LOTS 1838, 1842 & 3982 ACTON PARK ROAD KALGUP

(City of Busselton)

April 2016

On behalf of:

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Prepared by:

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Dust Management Plan - Extractive Industry - Lots 1838, 1842 & 3982 - Acton Park Road - Kalgup - April 2016

1 Introduction

The following dust management plan will be implemented during the life of the project to ensure that any dust created by activities onsite cannot possibly reach levels that could adversely affect the environmental values of health, welfare and amenity of people and land uses in the immediate vicinity.

Potential Impacts: Specific aspects of the proposed operations that can contribute to dust include:

- Earthworks during the normal operations (topsoil removal, resource stripping/excavation);
- · Loading and haulage; and
- Wind erosion of exposed surfaces during adverse weather conditions.

2 Dust Management Plan

Management Actions:

- Topsoil stockpiles will be no greater than 2 metres in height.
- Topsoil stockpiles will be watered and stabilised as required. Stabilisation techniques that will be considered depending on environmental conditions will included hydro-mulching and/or seeding with cover crops such as (but not limited to) cereal rye.
- Material stockpiles, where possible, will be limited to the anticipated cubic volume/vehicle movement for cartage on the following operating day.
- Material Stockpiles will be located within the pit area so as to avoid prominent ridges or prevailing winds, and will include locating stockpiles within the pit area if necessary.
- Material stockpiles will be configured to accommodate easy access for watering/dust minimisation.
- The access road, immediate extraction area and fixed plant (screen) will be utilised if required.
- Dust suppression agents (for the purpose of reducing water use) as required.
- The area exposed and the time between extraction and rehabilitation will be minimised as far possible (maximum ~2 hectares open at any one time).
- Education of employees and contractors to raise awareness of dust management measures will be undertaken as part of site induction practices.
- Management of operations during windy conditions to minimise dust emissions
 will be undertaken. Timing of earthworks (daily and seasonally) will coincide
 with periods of low wind velocity. Operations will cease, at the site mangers
 discretion, during periods of high winds and where other preventative
 measures are having only limited effect.
- · Truck loads will be covered by tarpaulins during transport.
- A dust complaint system will be put in place. This will included the erection of a notice at the site gate, providing contact details of the site manager. Any complaints will be recorded in a "complaints register" by the site manager and acted on promptly.

Dust Management Plan - Extractive Industry - Lots 1838, 1842 & 3982 - Acton Park Road - Kalgup - April 2016

Details to be recorded in the 'complaints register' will include the following:

- Name and contact details of the complainant;
- The date and time of complaint and date and time of when the incident initiating the complaint was first noticed by the complainant;
- o Details of the complaint including actual impacts of the incident;
- Action taken by the site manager and outcomes of the action including any follow up with complainant; and
- If no action was undertaken or deemed necessary, details on how the issue was resolved with the complainant.
- Other factors that will assist in dust management include:
 - Distance between occupied residences and the active pit area.
 - Existing Vegetation: Vegetation along road reserves and on some adjoining properties provides a windbreak to reduce wind velocity and minimise dust mobilisation/transport in the first instance. The existing vegetation also acts as a filter to impede airborne dust leaving the site in this direction.
 - Water, when required, will be sourced from existing dams or bores on the property.
- Management actions will be amended as required to meet objectives. A
 review will also be initiated if there are major changes to the proposal, its
 operations or in response to any future issues raised by:
 - (a) the City of Busselton;
 - (b) the DER; or
 - (c) Members of the public.
- A copy of this management plan will be available in site offices and/or company vehicles for reference at all times.

NOISE MANAGEMENT PLAN

EXTRACTIVE INDUSTRY (SAND)

LOTS 1838, 1842 & 3982 ACTON PARK ROAD KALGUP

(City of Busselton)

April 2016

On behalf of:

BCP Materials Pty Ltd PO Box 1876 BUSSELTON WA 6280 P: (08) 9752 1000



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Noise Management Plan

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Noise Management Plan - Extractive Industry - Lots 1838, 1842 & 3982 - Acton Park Road - Kalgup - April 2016

Introduction

Attachment F

The following noise management plan will be implemented during the life of the project to ensure that site works do not result in the generation/emission of unacceptably high levels of noise that may affect the existing local amenity to residents in the vicinity.

Based on examination of the most recently available air photo (April 2014) there are 16 houses within a 1.5 kilometre (km) radius of the proposed extraction area's boundary. Nine (9) of these houses are within 1 km, and of these, seven (7) are within 500 metres (Figure 3).

Machinery used to carry out sand extraction, loading (a bulldozer and/or front end loader) and transport (trucks) will represent then main source of noise from the site during operation. The use of earthmoving equipment will be restricted to the sand extraction area. Access will be from Acton Park Road with vehicles turning either left or right depending on destination.

Operating times will be restricted to between 7:00am and 6:00pm, Mondays to Fridays only, and exclude Public Holidays. Trucks will not to operate on Monday to Friday between hours specified by the City of Busselton on any given school day on a school bus route. Modifications to operating times (either temporary or permanent) may occur as a result of specific direction from the City. Actual operating times within the prescribed periods will be dependent on product demand.

Due to the small scale of the operation, rural location, limited operating times and screening provided by existing vegetation, noise is not anticipated to cause any issues however additional controls that will or may be put in place are described within the following management plan.

2 Noise Management Plan

Management Actions:

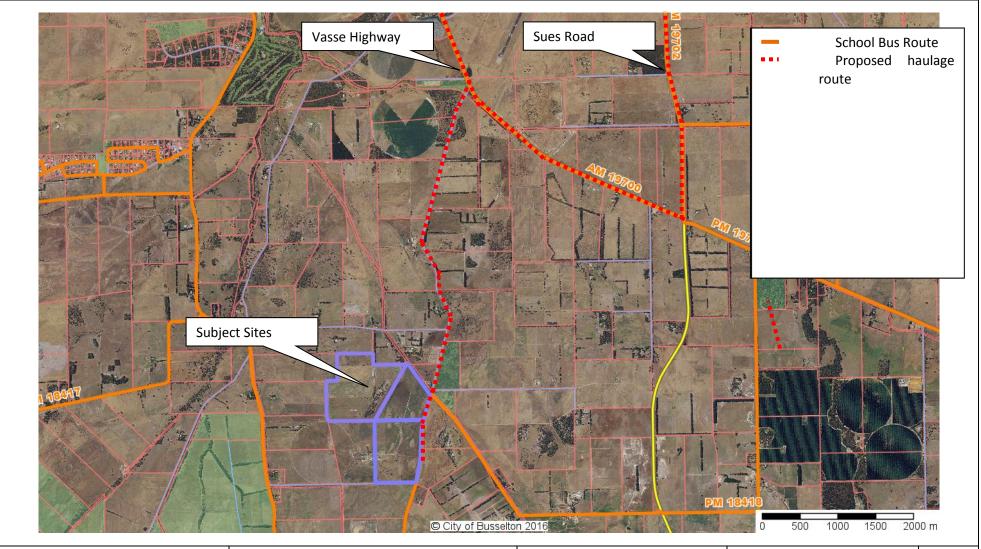
- Topsoil stockpiles will be put in place around the perimeter of the working pit and will act as noise bunds. Distance and existing vegetation will also contribute to minimising excessive noise transmission to nearby residences.
- Restriction of noise generation activities to approved operating times (7.00am to 6.00pm Monday to Friday and exclude public holidays).
- Internal traffic routing will be optimised to reduce vehicle reversing requirements (to minimise noise associated with reversing alarms).
- Regular maintenance of plant and machinery: Identified noisy equipment
 will be removed or its use terminated pending repairs. Equipment
 identified as having excessive exhaust noise will be managed by fitting
 new/modified mufflers to minimise noise as far as practicable. Replacing
 tonal reversing 'beepers' with broad-band reversing 'quackers' (a mixed
 frequency alarm which does not carry as far as the beeper) will be
 considered if currently fitted reversing beepers are identified as a noise
 issue.
- If wind and/or cloud conditions increase noise travel in the direction of the nearest residences the option to cease relevant activities until weather conditions improve will be considered.
- Education of employees and contractors will be incorporated into company and site inductions to raise awareness of noise management measures.
- A noise complaint system will be put in place. This will included the
 erection of a notice at the site gate, providing contact details of the site
 manager. Any complaints will be recorded in a "complaints register" by
 the site manager and acted on promptly.

Details to be recorded in the 'complaints register' will include the following:

- Name and contact details of the complainant;
- The date and time of complaint and date and time of when the incident initiating the complaint was first noticed by the complainant;

Noise Management Plan - Extractive Industry - Lots 1838, 1842 & 3982 - Acton Park Road - Kalgup - April 2016

- o Details of the complaint including actual impacts of the incident;
- Action taken by the site manager and outcomes of the action including any follow up with complainant; and
- If no action was undertaken or deemed necessary, details on how the issue was resolved with the complainant.
- Regular operational checks will be carried out by site personnel as required to confirm operational targets (i.e. no noise complaints) are being met.
- Management actions will be amended as required to meet objectives. A
 review will also be initiated if there are major changes to the proposal, its
 operations or in response to any future issues raised by:
 - (a) the City of Busselton;
 - (b) the DER; or
 - (c) Members of the public.
- A copy of this management plan will be available in site offices and/or company vehicles for reference at all times.





Digital Mapping Solutions does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that DMS shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

Proposed Haulage Route

11/10/2016

1:50000



11.3 <u>DA16/0503 - DEVELOPMENT APPLICATION FOR A MARKET - LOT 400 (NO.24) DUNN BAY</u> ROAD, DUNSBOROUGH

SUBJECT INDEX: Development /Planning Applications

STRATEGIC OBJECTIVE: A City of shared, vibrant and well planned places that provide for

diverse activity and strengthen our social connections.

BUSINESS UNIT: Development Services and Policy

ACTIVITY UNIT: Statutory Planning

REPORTING OFFICER: Senior Development Planner - Andrew Watts

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

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Location Plan

Attachment B Development Plans Attachment C Schedule of Submissions Development Plans Development Plan

PRÉCIS

The Council is asked to consider an application seeking approval for a Market on Lot 400 (No.24) Dunn Bay Road, Dunsborough ("the site"). This follows the City's earlier deferral of consideration at its 24 August 2016 meeting, with a request for the applicant to provide additional information prior to the application being determined. That additional information has now been received.

The planning proposal has been placed before Council due to the volume of public submissions received raising concern with the development and, more particularly, the nature of the issues that require consideration in determining the application. The key matters for consideration are amenity and design.

It is considered that the proposal is consistent with the relevant planning framework and is recommended for approval subject to conditions including a temporary approval timeframe of five years.

BACKGROUND

Lot 400 (No.24) Dunn Bay Road is bound by Dunn Bay Road to the north-west, Seymour Boulevard to the south-west, Chieftain Crescent to the south-east and Lot 200 Dunn Bay Road (Bay Village Resort) to the north-east. A location plan is provided in **Attachment A**.

Under Local Planning Scheme 21 the site is zoned 'Special Purposes – Mixed Use' and is subject to Special Provision 49. Special Provision 49 in respect to commercial uses states that:

"Land-use permissibility shall be the same as for the 'Business' Zone..."

The proposed development takes the form of an open sided roof structure, with market 'stalls' operating out of a series of converted sea containers. The proposal is for twenty five shipping containers to be used as a market with eleven sea containers proposed to be used as 'market stalls' for artists (or similar) and twelve sea containers to be used for food 'kiosk stalls', with car parking, landscaping and open-sided roofed structure over much of the site. The proposed building has a maximum total height of approximately 5.50 metres, which is consistent with the Scheme height limit. Development plans are provided in **Attachment B**.

General hours of operation have been indicated as market stalls Friday and Saturday 4pm-10pm, with potential additional trading on school holidays, public holidays, special events and Sunday mornings. Proposed operating hours for food kiosks are Monday – Sunday 7am–10pm.

Under the Scheme this fits within the use class of 'Market' which is a 'D' use (i.e. discretionary, with or without consultation, depending on whether consultation is considered to be appropriate given the particular circumstances) in the Business Zone. In this case, it was considered that consultation should occur before the application is determined.

The proposal was previously presented to Council at its meeting of 24 August 2016 where it was resolved by Council that decision on this matter be deferred until the applicant has provided additional information as specified by Council including: a noise management plan to demonstrate that acceptable noise levels can be maintained at the boundaries of neighbouring residential properties; and details for buildings facing Dunn Bay Road and Seymour Boulevard and to ensure the development is compatible with its setting, represents a high architectural standard and will provide for activation of Dunn Bay Road and Seymour Boulevard street frontages and bin storage details.

STATUTORY ENVIRONMENT

The key elements of the statutory environment that relate to the proposal are set out in Local Planning Scheme No.21.

The site is zoned 'Special Purpose-Mixed Use'. Special Provision 49 also relates to the site -

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
No. SP49	Lot 202 Dunn Bay Road, Dunsborough	Special Purpose – Mixed Use	 Land-use permissibility shall be the same as for the 'Business' Zone, other than as varied by point 2 below. The Council may approve the use of up to, but no more than, 75% of any future accommodation units developed on-site with no restriction of length of stay. The remainder of the accommodation units shall be subject to length of stay restrictions limiting occupancy to no more than 3 months in any 12 month period. For the purpose of this provision 'accommodation unit' means any tourist accommodation unit, grouped dwelling unit, multiple dwelling unit or other unit used for overnight accommodation or as
			a place of residence.

As Special Provision 49 states that "land permissibility shall be the same as for the 'Business' Zone, the objectives and policies of the 'Business' Zone effectively apply. The objectives of that Zone are as follows -

- (a) To provide for conveniently-located shopping and other service associated commercial activities to service each centre's catchment area, as determined by the relevant planning framework.
- (b) To maintain and reinforce the viability of existing commercial centres, including those supporting adjoining agricultural areas.

Policies of the 'Business' zone relevant to this application are -

(a) To encourage the provision of retail and other business services and associated development to add to the strength and diversity of existing centres.

- (b) As far as is practical and appropriate to allow market forces to influence the location of retail and office uses within existing centres with minimal intervention by the local government.
- (c) To allow residential development only where it is a component of commercial development.
- (d) To utilise and strengthen the existing town centres of Busselton and Dunsborough as the primary retail and commercial centres of the City by active discouragement of any new "out of town" shopping centres other than neighbourhood shopping centres, convenience stores and the like.
- (e) The consolidation of land to assemble larger land parcels suitable for integrated development or redevelopment is encouraged and supported. Fragmentation of land, unless it is part of an overall plan for integrated development or redevelopment, will generally not be supported.

In considering the application, the Council needs to consider the 'Matters to be considered' set out in clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, particularly relevant considerations in relation to this application are the following –

- (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;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (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;

(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;

- (w) the history of the site where the development is to be located;
- (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;
- (zb) any other planning consideration the local government considers appropriate.

RELEVANT PLANS AND POLICIES

Assessment of the parking needs for the development has been made based on the *City's Local Planning Policy 8A: Carparking Provisions*. The applicable parking rate for Business Zoned properties in the Busselton and Dunsborough CBD's is 4 car parking bays per $100m^2$ Net Lettable Area (NLA). The NLA does not include service areas, toilets, areas set aside as public space or general thoroughfare areas that are not for the exclusive use of occupiers of a building. The total NLA has been determined to be approximately $300m^2$, which generates the need for 12 bays. The development plan indicates 11 bays onsite, including 1 disabled bay, resulting in a shortfall of 1 onsite parking bay.

The Car Parking Provisions Policy and Scheme 21 include provisions for the option of a payment of cash-in-lieu of the shortfall of parking bays where considered appropriate by the City

The applicant is seeking that the cash-in-lieu be accepted by Council. The City's current cash-in-lieu payment figure is \$10,278.42 per bay.

The City has recently completed Dunsborough townscape upgrade works which have increased parking capacity along Seymour Boulevard.

FINANCIAL IMPLICATIONS

This application may result in financial implications in respect to the payment of cash-in-lieu of required parking bays.

Long-term financial plan implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objectives 2.2 and 3.1 of the Strategic Community Plan 2013, which are –

- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
- 3.1 A strong, innovative and diversified economy that attracts people to live, work, invest and visit.

RISK ASSESSMENT

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

CONSULTATION

The initial proposal was referred to adjoining landowners of the proposed development site and was also advertised in the local newspaper for a period of 14 days.

A total of 24 submissions have been received from the general public. Issues raised highlight concerns with the proposal for the following reasons -

- Visual appearance of the proposal.
- Detrimental impact of the proposed market on existing businesses.
- Inadequate provision of parking and that the proposal will impact on availability of existing parking in the town centre.
- The proposal is not keeping with the atmosphere and character of Dunsborough
- Concern with impact of the proposal on neighboring residential properties on Chieftain Crescent.
- The potential noise resulting from the proposed development.

Submissions received in support of the proposed development raise the following points -

- The proposed markets will utilise local products and produce.
- Economic opportunities for local producers, suppliers and artisans will be provided.
- The Dunsborough town centre will benefit from further activation.
- Opportunities for varying forms of entertainment will be available.
- The proposed development will be family friendly.

The points raised in the submissions are discussed further below and specific consideration of each of the submissions is given at **Attachment C**.

OFFICER COMMENT

The fundamental questions around land-use and car parking relating to this site and development of a market or similar were addressed and considered when the Council determined an earlier application relating to the site (which was for a conventional structure/building). As that application was approved, there is not seen to be any need to re-assess those considerations in any detail. It is, however, considered clear that a development that consists of a market, including food premises, is fundamentally appropriate on this site.

Through the provision of additional information as requested by Council when consideration of this current application was deferred and through some modifications made to the plans by the applicant, previous concerns regarding the form and layout of the development proposed and noise impacts on neighbouring land have been addressed to an extent such that City officers are now prepared to recommend approval.

The broad concept of a market development, that provides an opportunity for small-scale and startup enterprises to sell from a site in the Dunsborough Town Centre, and provide some additional vibrancy, especially in the evening, is seen as very desirable, however there have been some concerns raised about the sea container form proposed, on the site in question.

In response to the Council deferring consideration of the proposal and requesting additional information be provided by the applicant prior to being prepared to make a determination on the application, the applicant has provided revised plans showing a reconfigured layout which is more enclosed on the Dunn Bay Road and Chieftain Crescent ends, provides for activation of the Dunn Bay Road and much of the Seymour Boulevard interfaces by kiosks trading toward the street and inclusion of extensive alfresco areas adjacent to the streets, provision of indicative details of the external finishes of containers fronting Dunn Bay Road and Seymour Boulevard and a lowering of the height of the dome roof.

The applicant has also provided a noise impact assessment report with recommendations included to indicate how, with the revised plans, the proposed development is able to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*. Ongoing implementation of

the recommendations of the noise impact assessment report forms part of the conditions of the officer's recommendation.

The revised plans show 'sea container concepts' to get an idea of the intended treatment possibilities for how the externally exposed parts of the development proposal would provide for a suitable aesthetic appearance from Dunn Bay Road and Seymour Boulevard. A condition is, though, recommended that, prior to commencement of the development, details are submitted and approved of for the final finished appearance of each of the buildings facing (i.e. those that will trade into areas visible from) Dunn Bay Road and Seymour Boulevard; and of all of the externally visible aspects of the development. This is to ensure that the development is compatible with the amenity of its setting.

Similarly to the above, to ensure that development will provide for activation of Dunn Bay Road and Seymour Boulevard it is recommended that those buildings with openings facing onto Dunn Bay Road or Seymour Boulevard must at all times they are open, trade towards the street.

City officers are of the view that the proposed development is not designed to be a long term development. This view has been formed because the development is of a relatively 'pop-up' nature, consisting of relatively low capital investment structures (sea containers and fabric roof) with ongoing maintenance requirements to maintain suitable amenity and aesthetics. This type of development is expected to have one-third to a half of the lifespan of development using normal construction. For these reasons officers do not believe that it is appropriate to provide a permanent approval and instead recommend a time-limited approval. After considering issues such as likely needs for a return on investment, officers recommend a temporary/time-limited approval of ten years.

CONCLUSION

It is recommended that the Council grant a time limited approval to the development, and subject to a range of detailed conditions.

OPTIONS

The Council could:

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The proponent will be advised of the Council decision within two weeks of the Council meeting.

OFFICER RECOMMENDATION

That the Council resolve:

- 1. That application DA16/0503 submitted for development at Lot 400 (No.24) Dunn Bay Road, Dunsborough 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.
- 2. That a time-limited Development Approval is issued for the proposal referred to in 1. above subject to the following conditions:

General Conditions:

1. All development is to be in accordance with the approved Development Plan (attached),

- including any amendments placed thereon by the City and except as may be modified by the following conditions.
- 2. The development hereby approved is permitted for a period of ten years from the date of this Decision Notice.
- 3. The placement of all sea containers, roof structure and external finish of sea containers with a street front presentation is to be completed in one stage.
- 4. Construction of the development hereby approved shall be completed within two years from the date of the first building permit issued pursuant to this approval.

Prior to Commencement of Any Works Conditions:

- 5. 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:
 - 5.1 A Construction Management Plan.
 - 5.2 Details for the final finished appearance of each of the buildings facing (i.e. those that will trade into areas visible from) Dunn Bay Road and Seymour Boulevard, and of all of the externally visible aspects of the development, to ensure the development is compatible with the amenity of its setting, and in this context that it represents a high architectural standard, the details should include:
 - external cladding of the buildings (sea containers) the materials, colours, textures and projections to be used – verandas may be provided extending over the footpath road verge;
 - activation of Dunn Bay Road and Seymour Boulevard frontages through the use of facing windows, doorways, lighting, and artwork;
 - external signage location and dimensions.
 - 5.3 A Drainage Management Plan setting out details of stormwater and surface water drainage works. The Plan shall include but not be limited to the following:
 - 5.1.1 Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m³ per 40m² of impervious area;
 - 5.1.2 Kerbing or grade changes for paved areas;
 - 5.1.3 installing and maintaining stormwater collection systems, such as bioretention gardens and soak wells to intercept roof and general runoff;
 - 5.1.4 establishing soaks that collect and permit infiltration of stormwater.
 - 5.4 Details of the finished treatment of all hard surfaced areas to be used for the construction of the parking and manoeuvring areas and pedestrian footpaths as shown on the Approved Development Plans;
 - 5.5 Details of the bicycle parking facilities. The details shall include, as a minimum, the location, design and materials to be used in their construction.
 - 5.6 Details of bin storage and collection arrangements, including confirmation that bin storage areas can and will be screened from public view at all times, other than when refuse collection is taking place. The Bin Storage Area is to be not to be less than 10m² in area or 1m² per bin (whichever is greater) with a minimum internal dimension of 3.5m.

- 5.7 Details of bin wash facilities to be provided.
- 5.8 A Landscape Plan providing details of onsite landscaping works.
- 5.9 A plan detailing, footpaths and other hard landscaping elements, to be undertaken on street verges adjacent the site.
- 6. The development hereby approved, or any works required to implement the development, shall not commence until the following contributions have been paid to the City:
 - 6.1 A contribution of \$10,278.42 to the City associated in lieu of a shortfall of one on-site parking bay.

Prior to Occupation/Use of the Development Conditions:

- 7. The development hereby approved shall not be occupied or used until all plans, details of works required by Conditions(s) 1, 3 and 5 have been implemented and the following conditions have been complied with:
 - 7.1 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.
 - 7.2 A minimum number of 11 car parking bays (including 1 disabled bay) shall be provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] shall be designed, constructed, sealed, drained and marked.
 - 7.3 The development being connected to a reticulated water supply.
 - 7.4 The development being connected to reticulated sewerage.

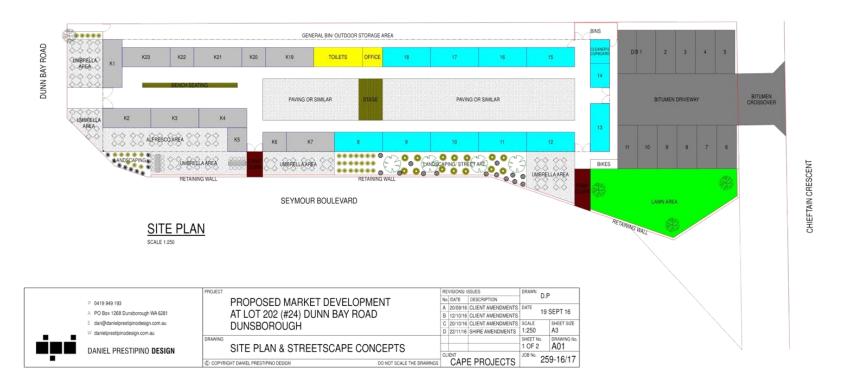
On-going Conditions:

- 8. The works undertaken to satisfy Condition(s) 1, 5.1-5.8 and 7 shall be subsequently maintained for the life of the development and subject to the following condition:
 - 8.1 Recommendations in the approved Noise Impact Assessment shall be implemented in accordance with the approval details.
- 9. Buildings with openings facing onto Dunn Bay Road or Seymour Boulevard must at all times they are open, trade towards the street.
- 10. No more than one vendor is permitted to sell alcohol.
- 11. Permitted opening hours are Monday Sunday 7am -10pm.
- 12. All buildings and structures are to be removed from the site, by the owner or his successor, within 6 months of the expiry of the operation and the condition of the land made good.



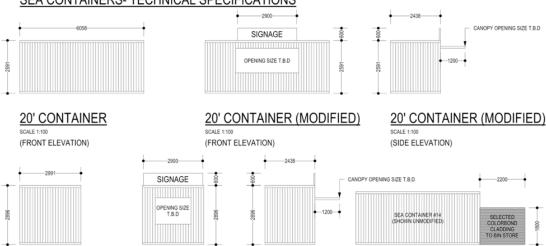
DUNN BAY ROAD STREETSCAPE SCALE 1259 CHIEFTAIN CRESCENT STREETSCAPE SCALE 1259

SEYMOUR BOULEVARD STREETSCAPE SCALE 1:250



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SEA CONTAINERS- TECHNICAL SPECIFICATIONS



10' CONTAINER

(FRONT ELEVATION)

10' CONTAINER (MODIFIED)

(FRONT ELEVATION/ SIDE ELEVATION)

BIN STORAGE AREA

SCALE 1:100 (CHIEFTAIN CRESCENT)

SEA CONTAINERS- DESIGN GUIDELINE EXAMPLES







20' CONTAINER (A)

SIGNAGE OPENING SIZE T.B.D

TIMBER SLATS (HORIZONTAL)

20' CONTAINER (B)

HARDWOOD TIMBER (VERTICAL)



20' CONTAINER (C)

NATURAL STEEL (PAINTED)



20' CONTAINER (D)

PLYWOOD/ SHADOWLINE (RANDOM CUT)

20' CONTAINER (E)

TIMBER SLEEPERS (VERTICAL)

10' CONTAINER (F)

SCALE 1:100

HARDWOOD TIMBER (HORIZONTAL)





MATERIAL LIST

CONTAINER A- NATURAL STEEL PROFILE WITH TIMBER SLATS CEDAR OR SIMILAR (HORIZONTAL PROFILE) CONTAINER B- HARDWOOD TIMBER BLACKBUTTJARRAHSPOTTED GUM OR SIMILAR (VERTICAL PROFILE) CONTAINER C- NATURAL STEEL ROFILE PAINTED WITH CONTRAST COLOUR TONES CONTAINER C- NATURAL STEEL ROFILE PAINTED AREA OF SIMILAR CONTAINER B- NATURAL STEEL ROFILE WITH SHARDWOULD SIMILAR OR SIMILAR (VERTICAL PROFILE) CONTAINER F- HARDWOOD TIMBER BLACKBUTTJARRAHSPOTTED GUM OR SIMILAR (VERTICAL PROFILE) CONTAINER S- NATURAL STEEL PROFILE WITH COMBRONIZ STACALURE WORDER (MICROPILE WITH CONTAINER S- WAITURAL STEEL PROFILE WITH CORDERNOY ZINCALURE WORDER (MICROPILE PROFILE) CONTAINER G- NATURAL STEEL PROFILE WITH CARROWN ZINCALURE WORDER (MICROPILE VINCE) CONTAINER G- NATURAL STEEL PROFILE WITH CORD SIMILAR BY LOCAL STREET ARTISTS

NOTE- ELEVATIONS SHOWN ARE INDICATIVE CONCEPTS ONLY OF EXTERNAL CLADDING PROPOSED TO THE CONTAINERS. REFER TO ATTACHED PHOTOS TO REFERENCE INDICATIVE EXAMPLES OF CONCEPTS SHOWN

10' CONTAINER (G)

COLORBOND (HORIZONTAL)



10' CONTAINER (H)

SCALE 1:100

STREET ARTWORK





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Dunsborough Container Market - Acoustic Assessment

Noise Impact Assessment

Prepared for:	Prepared by:
24 DB Pty Ltd	Imran Khan & Carl Edser Project No. 30490 P-\30490\PROJECT DOCUMENTATION\ACOUSTICS\DESIGN\REPORTS\30490_n_re_002.DOCX
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Revision

REVISION	DATE	COMMENT	APPROVED BY
001	27/10/2016	Draft – For review and comment	IK
002	28/10/2016	Final – Issued for submission	IK
	T		

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Introduction

1. Introduction

Attachment B

Overview 1.1

Wood and Grieve Engineers (WGE) were commissioned by 24 DB Pty Ltd to provide an acoustic assessment of the proposed Dunsborough Container Markets (DCM).

This acoustic report has been prepared for issue to the City of Busselton (CoB) and addresses the following condition;

"Noise Impact Assessment completed by a suitably qualified Acoustic Engineer along with a Noise Management Plan detailing measures to be implemented that demonstrates that noise can be maintained to an acceptable level at the boundary of the residential properties located east of the site and the tourist development located at the site's northern boundary.

The following information regarding the expected hours of operation of the DCM was provided by the client;

- Containers K1 K7 and K19 K23 (food and beverage), towards the northern end of the development will trade from 7 AM - 10 PM, seven days per week;
- Containers K9 K18 (market stalls) will trade from 4 PM 10 PM on Fridays and Saturdays, with extended hours of operation during long weekends, school holidays, peak holiday periods and special events; and
- All trading will cease by 10 PM on all days.

Based on our discussions with the client, it is our understood that the stage area at the centre of the DCM will regularly be used for acoustic music performances and other light entertainment. It has been suggested that music levels will be controlled, however further recommendations on managing these levels have been provided in this report.

1.2 Site Description

The project site is located at Lot 400 (#24) Dunn Bay Rd, Dunsborough. The surrounding premises comprise of commercial, tourist and residential uses. The nearest noise sensitive residential receiver to the project site is the Bay Village Resort and Spa located to the immediate east, at Lot 1 – 56 Dunn Bay Rd, Dunsborough. Residential premises are located also located to the north and south of the proposed site. All locations are indicated in Figure 1.



Acoustic Criteria

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Acoustic Criteria

2.1 Environmental Protection (Noise) Regulation 1997

Environmental noise impacts resulting from the operations of the project are addressed through the Environmental Protection Act 1986, with the prescribed standards detailed in the Environmental Protection (Noise) Regulations 1997 (EPNR). Compliance to relevant noise limits outlined in Part 2 of the EPNR, termed 'assigned noise levels', is compulsory. The assigned noise levels define the maximum noise level permissible at the boundary of the nearest noise sensitive receiver.

The regulations are based on maximum allowable noise level received at the boundary of the nearest noise sensitive receiver/s, termed the 'assigned noise levels'. To calculate the assigned noise levels, the influencing factor (IF) must be determined. The IF considers the amount of industrial and commercial land within a 100 metre radius and a 450 metre radius. The presence of major and secondary roads within the same radii is also considered.

The nearest noise sensitive receiver to the area of development has been identified as being located at Lot 1-56 Dunn Bay Rd, Dunsborough. The Local Planning Scheme 21 (LPS 21) from the City of Busselton was accessed via IntraMaps, and was used to determine the property usage surrounding this location.

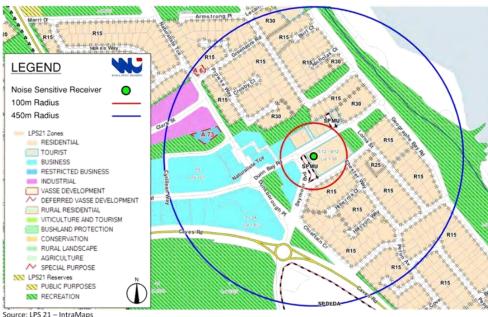
The influencing factor that results from identifying commercial and industrial areas, as well as transport corridors is 2 dB. This figure is based on:

- Commercial areas 20 % within a 100 m radius; 14 % with a 450 m radius; and
- Industrial areas 2 % within a 450 m radius.

Traffic count information obtained from Main Roads Western Australia (MRWA) did not indicate any major roads (more than 15 000 vehicles/day) to fall within 100 m or 450 m, and any secondary roads (6 000 – 15 000 vehicles/day) to fall within 100 m.

The commercial and industrial areas surrounding the nearest noise sensitive receiver have been indicated in Figure 2.

Figure 2: LPS 21 used for determining the influencing factor



Acoustic Criteria

2.1.1 Assigned noise levels

The assigned noise levels applicable at the nearest noise sensitive receivers are provided in Table 1.

Table 1: Assigned noise levels

Type of premises receiving noise	Time of day		Assigned Level (dB)			
Type of premises receiving noise			L _{A1}	L _{Amax}		
	0700 to 1900 hours Monday to Saturday	47	57	67		
Noise sensitive premises: Highly	0900 to 1900 hours Sunday & public holidays	42	52	67		
sensitive areas	1900 to 2200 hours all days	42	52	57		
	2200 hours on any day to 0700 hours Monday to Saturday, and 0900 hours Sunday & public holidays	37	47	57		
Noise sensitive premises: any area other than highly sensitive areas	All Hours	60	75	80		
Commercial premises	All Hours	60	75	80		
Industrial and utility premises	All Hours	65	80	90		

2.1.2 Noise character adjustment

The regulation also requires that the noise character must be "free" of annoying characteristics, namely, tonality, modulation and impulsiveness. If these characteristics cannot be reasonable and practicably removed, a series of adjustments to the measured levels are required, outlined in Table 2.

Table 2: Noise character adjustment

	ment where noise emission i umulative to a maximum of	Adjustment where no	oise emission is music	
Where tonality is present	Where modulation is present	Where impulsiveness is present	Where impulsiveness is not present	Where impulsiveness is present
+ 5 dB	+ 5 dB	+ 10 dB	+ 10 dB	+ 15 dB

The client has indicated that the DCM will cease trading by 10 PM. Therefore, the most stringent criterion is the evening $L_{\rm A10} - 42$ dB on all days of the week.

It shall be noted that the assigned noise levels may attract a 10-15 dB penalty if music is present during the time of measurement.

Noise Emissions Assessment

Noise Emissions Assessment

A noise emissions assessment, using SoundPlan v7.4 noise modelling software, was conducted to predict the propagation of patron noise from the DCM.

The noise model was developed based on the following;

- Architectural layouts provided by Cape Projects (Daniel Prestipino Designs dated 19th September 2016);
- Details of the surrounding areas accessed via Nearmaps.

3.1 Noise Model Inputs

Patron noise levels were based on attended noise measurements taken at Twilight Night Markets held at Forrest Place, Perth on the 14th October 2016. In addition, reference was made to the research paper *'Prediction of Noise from Small to Medium Sized Crowds'* from the Australian Acoustical Society conference during November 2011.

3.1.1 Measurement Methodology

The attended noise measurements were performed using instrumentation equivalent to an integrating sound level meter equipped with one octave and one-third octave band filters, and an omni-directional condenser microphone. This instrumentation meets Type 1 specifications as per ANSI S1.4 and ANSI S1.43.

The sound level meter was calibrated by an authorised NATA (National Association of Testing Authorities) laboratory less than 2 years ago and successfully passed all AS 1259 and AS/NZS 4476 standards and specifications.

The time constant for the RMS detector was set to a fast response (125 ms) for all measurements. The sound level meter was calibrated before and after the measurement session, using a Type 1 acoustic calibrator, also calibrated less than 2 years ago, and in compliance with AS IEC 60942-2004. Equipment details are provided in Table 3.

Table 3: Equipment and calibration details

Model	Serial Number	Calibration Due Date
Brüel & Kjær 2250 - Sound Level Meter	3002096	31/10/2016
Brüel & Kjær 4231 - Calibrator	3005155	07/09/2017

3.1.2 Measured Noise Levels

Attended noise measurements were conducted to ascertain general noise levels associated with moderate sized crowds. At the time of measurement, moderate to raised levels of talking (including laughter and screaming), cooking and mechanical plant at market stalls, as well as music performances (acoustic with small PA system) were noted. A crowd of 500 people were estimated to be in attendance; however patrons were relatively dispersed throughout the market venue.

A summary of the attended noise measurements has been provided in Table 4.

Table 4: Measured noise levels

Measurement	1 dp/s)	Octave Band Spectrum Noise Level (dB)							
ID	L _{Aeq} , dB(A)	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz
001	69	70	68	65	67	65	60	55	48
002	67	69	67	64	66	63	59	53	46

Noise Emissions Assessment

3.2 Noise Modelling Scenario

Noise modelling was conducted to predict noise emissions during the evening period between the hours of 1900 and 2200 on all days. The assigned noise levels during this time period were determined to be the most stringent, as indicated in Section 2.

The assessment considered the following;

- Architectural layouts provided by Cape Projects (Daniel Prestipino Designs dated 19th September 2016);
- Details of the site location and surrounding areas accessed via Nearmaps;
- 250 patrons (50% considered to be talking at a raised volume);
- Low level music from stage and individual containers.

Patrons were randomly distributed throughout the modelled environment, with a slight concentration occurring towards the food stalls. This distribution has been indicated on the noise contour map provided in Appendix 2.

As the dome shelter fabric roof proposed for the project cannot be accurately modelled, this has been excluded from the assessment. It is expected that the fabric will provide circa 3 dB reduction in sound levels.

Predicted Noise Levels

The highest predicted noise levels at each noise sensitive receiver have been provided in Table 5. A noise contour map demonstrating noise propagation patterns from the DCM have been provided in Appendix 2.

Table 5: Highest predicted noise levels

Time period	Receiver	Highest Predicted Level dB(A) at Receiver	Applicable Criteria	Compliance with EPNR
	Bay Village Resort and Spa (Residential)	41 dB (A)	L _{A10} – 42 dB	Yes
Evening (1900 – 2200	Bamboo Spice Restaurant (Commercial)	47 dB (A)	L _{A10} – 60 dB	Yes
all days)	29 Dunn Bay Rd (Residential)	40 dB (A)	L _{A10} – 42 dB	Yes
	41 Chieftain Cres (Residential)	33 dB (A)	L _{A10} – 42 dB	Yes

The noise levels predicted at the boundary of each noise sensitive receiver due patron noise at the DCM are expected to compliant with the assigned noise levels during the evening period (1900 to 2200 on all days).

3.4 Recommendations

The following recommendations have been made to ensure music is not the dominant noise source perceived at the boundary of the noise sensitive receiver (which will result in a penalty being applied to the assigned noise levels);

- PA systems used at the stage must be limited to a maximum of 70 dB(A) at 1 m;
- Any loudspeakers shall be no more than 2.1 m above the ground and must be angled towards the northern end of the markets (towards the food stalls;
- Use of subwoofers or any other low frequency drivers are not recommended.

Noise emissions from any potential mechanical plant, such as kitchen exhaust fans, compressors or any form of airconditioning system, must also comply with the assigned noise levels at the nearest noise sensitive receiver. Typically, these services can attract a 5 dB penalty for tonality, which are then applied to the measured noise levels.

Conclusions

4. Conclusions

This report has discussed the noise impact assessment undertaken for the proposed Dunsborough Container Markets (DCM) to be located at Lot 400 (#24) Dunn Bay Rd, Dunsborough. The assessment was conducted in response to the conditions on the project issued by the Council of the City of Busselton.

The assigned noise levels at the nearest noise sensitive receiver were established in accordance to the method described in the Environmental Protection (Noise) Regulation 1997 (EPNR).

Noise modelling software was used to predict noise emissions from the DCM due to patron noise and, subsequently, determine the noise levels at the nearest noise sensitive receivers. Noise model inputs were based on current research documentation and attended noise measurements undertaken at Twilight Night Markets in Forrest Place, Perth.

Based on the noise modelling assessment, it has been determined that noise emissions from the DCM due to patron noise will be compliant with the assigned noise levels during the operational hours indicated by the client.

Recommendations for managing noise levels due to music performance were provided. When the recommendations of this report are thoroughly followed, noise emissions from the proposed DCM are expected to be within most noise limits determined by the EPNR.

Appendix 1 - Glossary of Acoustic Terms

Appendix 1 - Glossary of Acoustic Terms

TERM	DEFINITION			
Acceptable Noise Level:	The acceptable LAeq noise level from industrial sources, recommended by the EPA (Table 2.1, INP). Note that this noise level refers to all industrial sources at the receiver location, and not only noise due to a specific project under consideration.			
Adverse Weather:	Weather conditions that affect noise (wind and temperature inversions) that occur at a particular site for a significant period of time. The previous conditions are for wind occurring more than 30% of the time in any assessment period in any season and/or for temperature inversions occurring more than 30% of the nights in winter).			
Acoustic Barrier:	Solid walls or partitions, solid fences, earth mounds, earth berms, buildings, etc. used to reduce noise.			
Ambient Noise:	The all-encompassing noise associated within a given environment at a given time, usually composed of sound from all sources near and far.			
Assessment Period:	The period in a day over which assessments are made.			
Assessment Location	The position at which noise measurements are undertaken or estimated.			
Background Noise:	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation, when extraneous noise is removed. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for ninety percent of a sample period. This is represented as the L90 noise level.			
Decibel [dB]:	The units of sound pressure level.			
dB(A):	A-weighted decibels. Noise measured using the A filter.			
Extraneous Noise:	Noise resulting from activities that are not typical of the area. Atypical activities include construction, and traffic generated by holidays period and by special events such as concert or sporting events. Normal daily traffic is not considered to be extraneous.			
Free Field:	An environment in which there are no acoustic reflective surfaces. Free field noise measurements are carried out outdoors at least 3.5m from any acoustic reflecting structures other than the ground			
Frequency:	Frequency is synonymous to pitch. Frequency or pitch can be measured on a scale in units of Hertz (Hz).			
Impulsive Noise:	Noise having a high peak of short duration or a sequence of such peaks. A sequence of impulses in rapid succession is termed repetitive impulsive noise.			
Intermittent Noise:	Level that drops to the background noise level several times during the period of observation.			
LAmax	The maximum A-weighted sound pressure level measured over a period.			
LAmin	The minimum A-weighted sound pressure level measured over a period.			
LA1	The A-weighted sound pressure level that is exceeded for 1% of the time for which			

Appendix 1 - Glossary of Acoustic Terms

	the sound is measured.
LA10	The A-weighted sound pressure level that is exceeded for 10% of the time for which the sound is $$ measured.
LA90	The A-weighted level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L90 noise level expressed in units of dB(A).
LAeq	The A-weighted "equivalent noise level" is the summation of noise events and integrated over a selected period of time.
LAeqT	The constant A-weighted sound which has the same energy as the fluctuating sound of the traffic, averaged over time T.
Reflection:	Sound wave changed in direction of propagation due to a solid object met on its path.
R-w:	The Sound Insulation Rating R-w is a measure of the noise reduction performance of the partition.
SEL:	Sound Exposure Level is the constant sound level which, if maintained for a period of 1 second would have the same acoustic energy as the measured noise event. SEL noise measurements are useful as they can be converted to obtain Leq sound levels over any period of time and can be used for predicting noise at various locations.
Sound Absorption:	The ability of a material to absorb sound energy through its conversion into thermal energy.
Sound Level Meter:	An instrument consisting of a microphone, amplifier and indicating device, having a declared performance and designed to measure sound pressure levels.
Sound Pressure Level:	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.
Sound Power Level:	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power.
Tonal noise:	Containing a prominent frequency and characterised by a definite pitch.

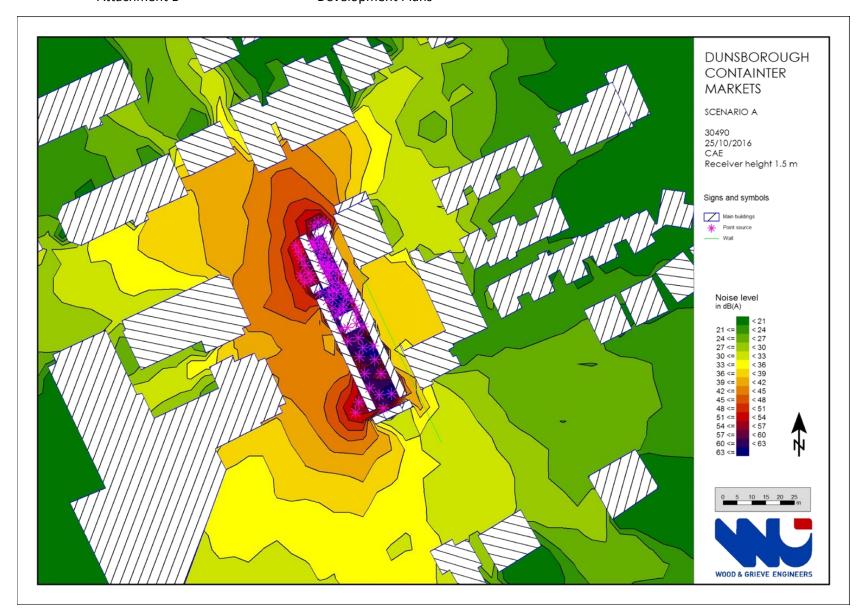
Development Plans

Attachment B

Appendix 2 - Noise Contour Map

Appendix 2 – Noise Contour Map

11.3 Attachment B Development Plans



SUMMARY OF SUBMISSIONS DA16/0503

No.	Name	Content of Submission	Original Plans - Officer's Comment	Revised Plans Officer's Comment
1.	B & I. Stone 41 Chietain Crescent, Dunsborough	 Visual appearance of proposal is undesirable. Potential impacts on residential amenity. Concerns over the height of the proposal. Proposed hours of operation 	 Appearance is out of character with prevailing Dunsborough town centre built form. Close proximity to dwellings noted. Proposal is within the prescribed height limitations. Noted. 	 Revised plans indicate façade treatments, openings in containers to Dunn Bay Rd and Seymour Boulevard and provision of alfresco dining areas to provide for activation of the street. Close proximity to dwellings noted. Proposal is within the prescribed height limitations and building height has been reduced from previous proposal. Noted.
2.	J. Wallington 1/40 Hakea Way, Dunsborough	 Visual appearance of proposal is undesirable. Potential impacts on residential amenity. Concerns over the height of the proposal. 	 Appearance is out of character with prevailing Dunsborough town centre built form. Close proximity to dwellings noted. Proposal is within the prescribed height limitations. 	 Revised plans indicate façade treatments, openings in containers to Dunn Bay Rd and Seymour Boulevard and provision of alfresco dining areas to provide for activation of the street. Close proximity to dwellings noted. Proposal is within the prescribed height limitations and building height has been reduced from previous proposal.
3.	D. Gabbott 43 Chietain Crescent, Dunsborough	 Visual appearance of proposal is undesirable. Potential impacts on residential amenity. Possible loss of amenity from potential noise levels. Visual appearance of waste disposal 	 Appearance is out of character with prevailing Dunsborough town centre built form. Close proximity to dwellings noted. Proposal is within the prescribed height limitations. Waste disposal area noted as being 	 Revised plans indicate façade treatments, openings in containers to Dunn Bay Rd and Seymour Boulevard and provision of alfresco dining areas to provide for activation of the street. Close proximity to dwellings noted.

		area.	opposite existing residential dwellings.	 Proposal is within the prescribed height limitations and building height has been reduced from previous proposal. Revised proposal bin storage back approx. 15m from street and provides screening of bin storage area as opposed to previous ly being immediately adjacent to Chieftain Cres boundary.
1.	K & C Hancock Bay Village Resort & Spa Dunsborough	 Visual appearance of proposal is undesirable. Potential impacts on residential amenity. Possible loss of amenity from potential noise levels. Limited availability of on-site parking. 	 Appearance is out of character with prevailing Dunsborough town centre built form. Close proximity to dwellings noted. Proposal is within the prescribed height limitations. Noted see officer's comments in report. 	 Revised plans indicate façade treatments, openings in containers to Dunn Bay Rd and Seymour Boulevard and provision of alfresco dining areas to provide for activation of the street. Close proximity to dwellings noted. Proposal is within the prescribed height limitations and building height has been reduced from previous proposal. Noted see officer's comments in report.
5.	R. Brown	Limited availability of on-site parking.	Noted see Officer's comments in Report.	Noted see Officer's comments in Report.
6.	J & C & A & M Fletcher Shop 4, 27 Dunn Bay Road, Dunsborough	Visual appearance of proposal is undesirable.	Appearance is out of character with prevailing Dunsborough town centre built form.	 Revised plans indicate façade treatments, openings in containers to Dunn Bay Rd and Seymour Boulevard and provision of alfresco dining areas to provide for activation of the street.
7.	F. Harrison Bunbury	 Visual appearance of proposal is undesirable. Limited availability of on-site parking. Proposed hours of operation 	 Appearance is out of character with prevailing Dunsborough town centre built form. See officer's comments in report. 	 Revised plans indicate façade treatments, openings in containers to Dunn Bay Rd and Seymour Boulevard and provision of alfresco dining areas

8.	P Cross Naturaliste Charters Shop 1, 25 Dunn Bay Road,	Visual appearance of proposal is undesirable.	Appearance is out of character with prevailing Dunsborough town centre built form.	to provide for activation of the street. 2. See officer's comments in report 1. Revised plans indicate façade treatments, openings in containers to Dunn Bay Rd and Seymour Boulevard and provision of alfresco dining areas to provide for activation of the street.
8.	Dunsborough Moldon Nominees Pty Ltd & D'Orazio Family trust 40/12 & 42/12 Dunn Bay Road, Dunsborough	 Visual appearance of proposal is undesirable. Limited availability of on-site parking. 	Appearance is out of character with prevailing Dunsborough town centre built form. See officer's comments in report.	 Revised plans indicate façade treatments, openings in containers to Dunn Bay Rd and Seymour Boulevard and provision of alfresco dining areas to provide for activation of the street. See officer's comments in report
10.	M. Mettam	 Visual appearance of proposal is undesirable. 	Appearance is out of character with prevailing Dunsborough town centre built form.	1. Revised plans indicate façade treatments, openings in containers to Dunn Bay Rd and Seymour Boulevard and provision of alfresco dining areas to provide for activation of the street.
11.	C & D Gunter	 Visual appearance of proposal is undesirable. 	Appearance is out of character with prevailing Dunsborough town centre built form.	Revised plans indicate façade treatments, openings in containers to Dunn Bay Rd and Seymour Boulevard and provision of alfresco dining areas to provide for activation of the street.
12.	Dunsborough and Districts Progress	 Proposal will generate local economy Provide entertainment Activate town centre 	Proposal is to utilise produce from the surrounding region and provide opportunities for local artisans.	Proposal is to utilise produce from the surrounding region and provide opportunities for local artisans.

	Association	4. Family friendly	 Music will require a Noise Impact Assessment for nearby noise sensitive premises. Shipping containers to not have open frontage to Seymour Boulevard. Proposal may provide affordable retail/dining opportunities for nearby residential areas. 	 Noise impact report and associated recommendations in respect to music has been submitted. Revised proposal includes opening in containers to trade toward an activate Dunn Bay Rd and Seymour Blvd. Proposal may provide affordable retail/dining opportunities for nearby residential areas.
13.	K. Keelty 8 Geographe Bay Rd, Dunbsborough	 Proposal will generate local economy Provide entertainment Activate town centre Family friendly 	 Proposal is to utilise produce from the surrounding region and provide opportunities for local artisans. Music will require a Noise Impact Assessment for nearby noise sensitive premises. Shipping containers to not have open frontage to Seymour Boulevard. Proposal may provide affordable retail/dining opportunities for nearby residential areas. 	 Proposal is to utilise produce from the surrounding region and provide opportunities for local artisans. Noise impact report and associated recommendations in respect to music has been submitted. Revised proposal includes opening in containers to trade toward an activate Dunn Bay Rd and Seymour Blvd. Proposal may provide affordable retail/dining opportunities for nearby residential areas.
14.	J. Divine 24 Woods Rd, Osmington	 Proposal will generate local economy Provide entertainment Activate town centre Family friendly 	 Proposal is to utilise produce from the surrounding region and provide opportunities for local artisans. Music will require a Noise Impact Assessment for nearby noise sensitive premises. Shipping containers to not have open frontage to Seymour Boulevard. Proposal may provide affordable retail/dining opportunities for nearby residential areas. 	 Proposal is to utilise produce from the surrounding region and provide opportunities for local artisans. Noise impact report and associated recommendations in respect to music has been submitted. Revised proposal includes opening in containers to trade toward an activate Dunn Bay Rd and Seymour Blvd. Proposal may provide affordable retail/dining opportunities for nearby residential

			frontage to Seymour Boulevard. 4. Proposal may provide affordable retail/dining opportunities for nearby residential areas.	4.	containers to trade toward an activate Dunn Bay Rd and Seymour Blvd. Proposal may provide affordable retail/dining opportunities for nearby residential areas.
19.	S. Paul 10 Riviera Br, Dunsborough	 Proposal will generate local economy Provide entertainment Activate town centre Family friendly Affordable shopping 	 Proposal is to utilise produce from the surrounding region and provide opportunities for local artisans. Music will require a Noise Impact Assessment for nearby noise sensitive premises. Shipping containers to not have open frontage to Seymour Boulevard. Proposal may provide affordable retail/dining opportunities for nearby residential areas. 	1. 2. 3.	Proposal is to utilise produce from the surrounding region and provide opportunities for local artisans. Noise impact report and associated recommendations in respect to music has been submitted. Revised proposal includes opening in containers to trade toward an activate Dunn Bay Rd and Seymour Blvd. Proposal may provide affordable retail/dining opportunities for nearby residential areas.
20.	L & K Kiosses 25 Galley Ramble Dunsborough	 Proposal will generate local economy Provide entertainment Activate town centre Family friendly 	 Proposal is to utilise produce from the surrounding region and provide opportunities for local artisans. Music will require a Noise Impact Assessment for nearby noise sensitive premises. Shipping containers to not have open frontage to Seymour Boulevard. Proposal may provide affordable retail/dining opportunities for nearby residential areas. 	1. 2. 3.	Proposal is to utilise produce from the surrounding region and provide opportunities for local artisans. Noise impact report and associated recommendations in respect to music has been submitted. Revised proposal includes opening in containers to trade toward an activate Dunn Bay Rd and Seymour Blvd. Proposal may provide affordable retail/dining opportunities for nearby residential areas.
21.	R. Haigh	Proposal will generate local economy	Proposal is to utilise produce from the	1.	Proposal is to utilise produce from the

			retail/dining opportunities f residential areas.	aff op nea	oposal may provide ordable retail/dining portunities for arby residential eas.
24.	R. McKenzie 51 Oakmont Cres, Dunsborough	 Proposal will generate local economy Provide entertainment Activate town centre Family friendly 	 Proposal is to utilise product surrounding region and protein opportunities for local artists. Music will require a Noise In Assessment for nearby noist premises. Shipping containers to not infrontage to Seymour Boulest. Proposal may provide afford retail/dining opportunities in residential areas. 	vide sur ans. opi npact 2. No e sensitive has nave open 3. Rev vard. cor dable Du for nearby 4. Pro affi opi near	poposal is to utilise produce from the rrounding region and provide portunities for local artisans. sise impact report and associated commendations in respect to music is been submitted. wised proposal includes opening in intainers to trade toward an activate in Bay Rd and Seymour Blvd. poposal may provide fordable retail/dining portunities for arby residential eas.

12. ENGINEERING AND WORKS SERVICES REPORT

12.1 ASPHALT AND SPRAY SEALING SERVICES - AWARD OF TENDER RFT 23/16

SUBJECT INDEX: RFT23/16 - Asphalt and Spray Sealing Services

STRATEGIC OBJECTIVE: Infrastructure assets are well maintained and responsibly managed to

provide for future generations.

BUSINESS UNIT: Operation and Works Services **ACTIVITY UNIT:** Maintenance and Construction

REPORTING OFFICER: Maintenance and Construction Coordinator - Matthew Twyman

AUTHORISING OFFICER: Director, Engineering and Works Services - Oliver Darby

VOTING REQUIREMENT: Absolute Majority

ATTACHMENTS: Attachment A Confidential Tender Evaluation and Recommendation

Report - RFT23/16 Ashphalt & Spray Sealing Services

Attachment A is confidential under section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with "a contract entered into or which may be entered into, by the local government". Copies have been provided to Councillors, the Chief Executive Officer and Directors only.

PRÉCIS

The Council is requested to consider the tenders received in response to Request for Tender RFT23/16 – Asphalt and Spray Sealing Services. The purpose of this report is to obtain the Council's consent to award Tender – RFT23/16 in accordance with the Tender Evaluation panel recommendation.

BACKGROUND

A suitably qualified contractor is required to provide asphalt and spray sealing services within the City of Busselton:

- Supply, delivery and laying of hot asphalt;
- Supply and delivery of hot asphalt, cold-mix asphalt and bitumen emulsion; and
- Supply, delivery and spraying hot bitumen and supply, delivery and spread sealing aggregate.

Subject to the Principal's right to early termination the term is for a period of three (3) years from the date of award, with two (2) optional one (1) year extensions to be exercised at the Principal's discretion.

Two (2) submissions were received in response to this Request for Tender. Submissions were received from Fulton Hogan Industries Pty Ltd and Malatesta Road Paving & Hot Mix Pty Ltd.

The review process of all submissions for RFT23/16 has been completed by the Tender Evaluation Panel that comprised of the following City Officers:-

Matthew Twyman Maintenance & Construction Coordinator

Lisa McDonald Contracts & Tendering Officer
 George Workman Manager Operations Service.

STATUTORY ENVIRONMENT

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 apply. In particular, Regulation 14 (2a).

"If a local government -

- (a) is required to invite a tender; or
- (b) not being required to invite a tender, decides to invite a tender.

The local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted."

RELEVANT PLANS AND POLICIES

The following Council policies have relevance to the Tender process.

Policy 239 – Purchasing:

The procurement process complies with this policy.

Policy 049/1 –Regional Price Preference:

The Regional Price Preference was applied to this tender.

Policy 031 – Tender Selection Criteria:

The procurement process complies with this policy.

FINANCIAL IMPLICATIONS

Application of appropriate selection criteria to the tender has contributed to ensuring that tenderers are offering the "best value" with respect to the supply of services.

In order to evaluate the pricing component of the tender representative requirement scenarios for asphalt and sealing works were applied to the tendered rates. This shows that there has been a nine (9) percent decrease in the recommended Tenderer's rates for sealing and asphalt services combined, when compared against the City's existing tender submitted for these services in 2013.

In comparison the Consumer Price Index for Perth (all groups) has increased by three and a half (3.5) percent between December 2013 and September 2016.

It should also be noted that the index for Automotive Fuel (Perth), a more representative comparison for the bitumen industry, has decreased by twenty two (22) percent between December 2013 and September 2016.

The costs of services within this tender are provided for in capital works and operational budgets for each financial year. Purchasing under this contract will be in accordance with these adopted budgets.

STRATEGIC COMMUNITY OBJECTIVES

Key Goal Area 2: Well Planned, Vibrant and Active Places.

Community Objective 2.3: Infrastructure assets that are well maintained and responsibly

managed to provide for future generations.

RISK ASSESSMENT

The recommended tenderer has over thirty years experience in the required services, is based within Bunbury and has suitable material supply contingency measures in place to fulfil the requirements of the tender. The risk of poor service is therefore considered low.

The provision of referees and financial profile information further reinforces the City's confidence in the appointment as the Contractor is well-established, has the financial capacity to fulfil the contract and the risk of insolvency is low.

Risk	Controls	Consequence	Likelihood	Risk Level
Poor service	Project quality control	Minor	Unlikely	L5
Insolvency	Financial profile information request	Minor	Unlikely	L5

CONSULTATION

Nil

OFFICER COMMENT

City officers did not exercise the option of renewing the existing tender for Asphalt and Spray Sealing Services and instead went out to Tender. It was considered prudent with the changing market and lower oil prices, to determine if this would extend to reduce costs to the City. As noted in the report this has been proven to be beneficial.

As part of the tender evaluation an initial compliance check was conducted to identify submissions that were non-conforming with the immediate requirements of the RFT. This included compliance with contractual requirements and provision of requested information. All tender submissions were found to be compliant with the specified requirements.

The assessments of the tenders were based on the following Qualitative Criteria as included in the Request for Tender Document:

(a) Relevant Experience 10%(b) Tenderer's Resources 20%

The Tendered price was given the following weighting and has been assessed in conjunction with the Qualitative Criteria:

• Tendered Price 70%

Representative requirement scenarios for asphalt and sealing works were applied to tendered rates and scored using the 'Average Based Scoring Method' recommended by WALGA in the 'Local Government Purchasing and Tender Guide'.

Regional Price preference was not applicable to either tender submission.

The panel members individually assessed the compliance and qualitative criteria and then applied an average to provide a final rating. The scores were then added together to indicate the rankings for the tender. The Confidential report attached provides further detail in relation to the relative merits of each of the individual tenderers. Following this evaluation, Malatesta Road Paving & Hot Mix Pty Ltd is the preferred tenderer for the reasons outlined in the confidential report.

CONCLUSION

This report seeks the Council's endorsement of the officer's recommendation to award all requirements of the Contract to Malatesta Road Paving & Hot Mix Pty Ltd as their submission represents the best value for money option for the City of Busselton and demonstrates the company's ability to complete the contract requirements to the standard required and within the time frames required at a competitive price.

OPTIONS

The Council may consider the following alternate option:

1. The Council choose not to accept the Officers Recommendation and award the Tender to an alternate tenderer. In the view of the Officers this could result in a Tender being awarded to a tenderer that has not presented the "best value" for money offer.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of the tender to the successful tenderer can be announced immediately after the Council has endorsed the officer's recommendation. The successful Tenderer will receive formal written notification within seven (7) days of the decision being handed down. All unsuccessful tenderers will also be notified in this time.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

- 1. Endorses the outcomes of the evaluation panel's assessment in relation to Tender RFT23/16 Asphalt and Spray Sealing Services which has resulted in the tender submitted by Malatesta Road Paving & Hot Mix Pty Ltd being ranked as the best value for money.
- 2. Delegate authority to the CEO to award the contract resulting from RFT23/16 Asphalt and Spray Sealing Services to Malatesta Road Paving & Hot Mix Pty Ltd subject to negotiations, in accordance with the terms and conditions contained within the tender for a period of three (3) years from the date of award, with two (2) optional one (1) year extensions to be exercised at the Principal's discretion.

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

13.1 2016/2017 COMMUNITY BIDS ROUND 2 ALLOCATIONS

SUBJECT INDEX: Donations, Contributions and Subsidies

STRATEGIC OBJECTIVE: A City where the community has access to quality cultural, recreation,

leisure facilities and services.

BUSINESS UNIT: Community Services ACTIVITY UNIT: Community Services

REPORTING OFFICER: Community Development Officer - Naomi Davey

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

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Nil

DISCLOSURE OF INTEREST				
Date	14 December 2016			
Meeting	Council			
Name/Position	Paul Needham, Director, Planning and Development Services			
Item No./Subject	ct 13.1 - 2016/2017 Community Bids Round 2 Allocations			
Type of Interest	pe of Interest Impartiality Interest			
Nature of Interest	I, Paul Needham, Director Planning & Development Services, declare an impartiality interest in Item 13.1. I am a member of the Board, and Treasurer, of South West Counselling Incorporated, which is an applicant for funding pursuant to the Community Bids Programme. The application in question is subject of the report and recommendation. I have had no involvement whatsoever in the assessment of the application.			

PRÉCIS

Each year the City of Busselton provides financial assistance to community groups and not-for-profit organisations through the Community Bids process. This assistance is provided for specific activities or projects proposed to be undertaken by that group or organisations within the forthcoming financial year.

Each year applications are workshopped with Councillors. This report provides a summary of the outcomes from the workshop on 9 November 2016, and seeks formal endorsement regarding the community bid submissions to be funded in the second round of the 2016/17 financial year and a review of other expired community funding agreements.

BACKGROUND

The City of Busselton has historically invited community groups and not-for-profit organisations to apply for funding through the City's annual budget development process. In April 2010 Council resolved to restructure the process under which external organisations applied to the City for financial assistance. This included the following changes to the various funding application schemes:

- Amalgamation of the Community Environment and Minor Sporting, Recreational and Community Grants schemes into a consolidated scheme;
- Development of a two tiered scheme for major and minor projects, with a capping of the overall budget allocations for each tier (resolved by Council);
- Discontinuation of Small Local Project fund of Councillors to be replaced by a Sponsorship and Donations fund (administered by officers).

In August 2010, Councillors considered that a number of established community organisations, who apply for funding each year, warranted ongoing support of Council across a number of financial years. This would therefore provide organisations with secured financial support over a longer planning period and alleviate the necessity to submit an annual application. These activities/events would become part of the future 'multi-year agreement process' and would not form part of the future annual Community Bids process.

In March 2011, the Council resolved to allocate funding to the Community Bids program as follows:

- 1. Council allocate a total of 0.5% of estimated rates to be levied to Major Project Assistance Grants to be determined as part of the Community Bids assessment process advertised in the first quarter of each year.
- 2. Allocate a total of \$50,000 to Minor Project Assistance Grants to be determined twice each year, once as part of the Community Bids process, and once again in September each year.
- 3. Increases the maximum amount of Minor Project Assistance Grants from \$3,000 to \$5,000 for any one project.

In September 2014, City officers prepared and distributed a 'Community Bids Guidelines' to interested parties which contained general guidelines for applications and eligibility. The guidelines reflected direction provided by Council during previous Community Bids rounds.

The guidelines indicate eligibility for Community Bids as follows:

- Not for profit groups and organisations located in the City of Busselton, except circumstances where a proposed project, program or activity will take place in the City or have significant regional benefit;
- Project/ program delivery within the 2016/17 financial year;
- One application per category, per organisation;
- Completion of the application form provided;
- ABN and Incorporation required.

The guidelines also provided the following as considerations for funding:

Supported

- Programs/ projects providing benefit to the broader community;
- One off projects or activities;
- Equipment grants for durable equipment only;
- One-off program related operational expenses.

Not supported

- On-going operational expenses;
- Consumable equipment;
- Retrospective funding/ projects already commenced;
- Projects that are an event (separately funded);
- Training;
- Facility maintenance;
- Programs, projects and services considered the responsibility of other government departments, individuals and private for-profit groups;
- Activities that do not relate to the Key Result Areas in the City's Strategic Community Plan:
- Proposals not complementary to the services and functions of local government.

Applications for the second round of Community Bids funding for the 2016/17 financial year opened in October 2016 and a total of nine (9) applications were received requesting \$30,750.

Applications were assessed by an officer working group, in accordance with the Community Bids guidelines, and recommendations were discussed with Councillors at a workshop held on 31 October 2016. The outcomes of the workshop form the basis of the Officer recommendations in this report.

STATUTORY ENVIRONMENT

N/A

RELEVANT PLANS AND POLICIES

The Community Bids funding program is an opportunity for community based organisations to seek assistance to implement initiatives that benefit the wider community and is an action contained within the Council endorsed Social Plan 2015-2025

FINANCIAL IMPLICATIONS

Based on the current funding model, the total funds available for allocation in the second round allocation of the Community Bids program for 2016/17 is \$28,804 for minor projects. The City's 2016/17 adopted budget includes these funding contributions. Consequently entering into funding agreements with these organisations will not have a financial implication on the City's 2016/17 budget.

Long-term Financial Plan Implications

The ongoing allocation of funds towards the Community Bids Program has been incorporated into the Long-Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

Well Planned, Vibrant and Active Places:

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

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. The table below describes identified risks where the residual risk, once controls have been identified, is identified as 'medium' or greater;

Risk	Controls	Consequence	Likelihood	Risk Level
Applicants do not obtain	Ensure conditions of	Moderate	Rare	Medium
relevant and adequate	funding are clear and			
insurances such as Public	copies of relevant			
Liability exposing the City	insurances are obtained.			
and/or Applicant to				
litigation.				

CONSULTATION

The Community Bids Funding Program was advertised in the Council for the Community page on 14, 21 and 28 September and 5 October 2016. Recognised Community Groups and Sporting Clubs in the City of Busselton were also notified of the Community Bids process via email and a hard copy of the Community Bids funding application form and guidelines were available at the City of Busselton Customer Information Centre.

OFFICER COMMENT

Applications were initially assessed by an officer working group, who considered the following criteria:

- Does the project, program or activity meet the Community Bids criteria?
- Has the applicant outlined why the projects, programs or activities are needed by the community?
- Is there an expectation or risk to the community if the project, program or activity does not proceed?
- Did the organisation or group state the level of cash or in kind contribution they will make to the project, program or activity?
- Has the applicant demonstrated attempts at seeking funding from other sources?
- Has the applicant been successful in previous community bids applications and what was the funded amount?
- Does the project align with the City of Busselton's Strategic Plan?

Officers presented the applications to Councillors at a workshop on 9 November 2016, where the following recommendations were made:

	APPLICANT	PROJECT TITLE	RECOMMENDATION	SPECIFIC CONDITIONS OF FUNDING
1	South West Counselling Inc	Permanent Building Access Ramps	\$3470	
2	Smiths Beach Surf Lifesaving Club	SBSLC Radios	\$2980	
3	Vasse Cricket Club	Newtown Oval Cricket Facilities	\$3885	Funding for cricket nets only, subject to an agreement to relocate the nets to the Vasse Sporting Complex when the complex is available for cricket competition
4	Windsurfing WA auspicing the South West Junior Windsurf School	Safety boat and windsurfing boards	\$4,408	
5	GMAS Swimming Club	Equipment Cage	\$1,425	
6	Busselton Croquet Club	Equipment Upgrade and replacements	\$1,709	Funding for Fridge, microwave, urn and fan only
7	Busselton Water Polo Association	Busselton Water Polo Goals	\$3,909	Funding subject to: equipment being

				available to other users by agreement with the Busselton Water Polo Club
8	Choose Respect Busselton	Purchase of merchandise such as t-shirts and wristbands	Nil	
9	Wests Hockey Club	Match shirts	Nil	
		Total	\$21,786	

CONCLUSION

The Community Bids funding program is constantly evolving and aims to meet community needs with the funds available within priority areas identified in the City of Busselton Strategic Community Plan (2013).

It is recommended that Council adopts the funding allocations as outlined in the Officer recommendation.

OPTIONS

Council may wish to consider differing levels of funding proposed for all or some of the community bid applications. In pursuing this option the Council needs to consider budget availability and the immediacy for some funding items, and the effect this delay could have on organisations being able to finalise their plans and budgets for the 2016/17 year.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

All Community Bid applicants will be individually advised in writing of the outcome of the Council decision within 21 days. Successful applications will be required to sign a grant agreement with the City and meet any specific conditions of funding.

City officers will continue discussions with the various applicants regarding eligibility for other grant funding opportunities.

OFFICER RECOMMENDATION

That the Council:

1. Endorses the provision of funding for Round one of the 2016/17 Community Bids funding program as outlined in the table below, subject to the specific conditions as stated:

	APPLICANT	PROJECT TITLE	RECOMMENDATION	SPECIFIC CONDITIONS OF FUNDING
1	South West	Permanent Building Access	\$3470	
	Counselling Inc	Ramps		
2	Smiths Beach Surf	SBSLC Radios	\$2980	
	Lifesaving Club			
3	Vasse Cricket Club	Newtown Oval Cricket	\$3885	Funding for cricket
		Facilities		nets only, subject to
				an agreement to
				relocate the nets to
				the Vasse Sporting

				Complex when the complex is available for cricket competition
4	Windsurfing WA auspicing the South West Junior Windsurf School	Safety boat and windsurfing boards	\$4,408	
5	GMAS Swimming Club	Equipment Cage	\$1,425	
6	Busselton Croquet Club	Equipment Upgrade and replacements	\$1,709	Funding for Fridge, microwave, urn and fan only
7	Busselton Water Polo Association	Busselton Water Polo Goals	\$3,909	Funding subject to: equipment being available to other users by agreement with the Busselton Water Polo Club
8	Choose Respect Busselton	Purchase of merchandise such as t-shirts and wristbands	Nil	
9	Wests Hockey Club	Match shirts	Nil	
		Total	\$21,786	

2. Endorses the funding allocation of \$7,019 from the Round 2 2016/17 Community Bids towards the Youth and Community Activities Building for youth specific equipment.

13.2 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES

SUBJECT INDEX: Events

STRATEGIC OBJECTIVE: A City where the community has access to quality cultural, recreation,

leisure facilities and services.

BUSINESS UNIT: Commercial Services
ACTIVITY UNIT: Commercial Services

REPORTING OFFICER: Events Coordinator - Peta Tuck

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

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Nil

PRÉCIS

A meeting of the Marketing and Events Reference Group (MERG) was held on Thursday 9 November 2016. This report presents the recommendations from this meeting.

BACKGROUND

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

Further to this, at its meeting of 22 June 2011 (C1106/201), Council resolved to introduce a 3% Differential Rate on the abovementioned properties and as a result, \$180k was included in the 2011/2012 budget towards events and marketing. Following this, Council increased the Differential Rate to 6% in 2012/2013 (totalling \$360k), 7% in 2013/2014 (totalling \$379k), 8% in 2014/2015 (totalling \$488k) and 9% in 2015/16 (totalling \$556k) towards events and marketing.

As part of the 2016/2017 adopted budget, Council increased the Differential Rate to 10% (totalling \$624k) with the funds split 75:25 between events and marketing respectively.

The total endorsed marketing and events budget for 2016/2017 is \$892k; \$736k allocated towards events and \$156k allocated towards marketing. The \$736k budget allocation for events includes \$268k from municipal funds and \$468k from the Differential Rate Budget of \$624k. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

As outlined in the FINANCIAL IMPLICATIONS section of this report, a total of \$40,663 remains in the Differential Rate Events Budget for Round 2 of the 2016/17 Events Sponsorship Programme.

A meeting of the Marketing and Events Reference Group (MERG) was held on Thursday 9 August 2016, with the following key matters presented at the meeting;

- Discuss and make recommendations for the 2016/17 Round 2 Event Sponsorship Program to Council;
- Request from the Margaret River Busselton Tourism Association (MRBTA) to allocate \$10k in the 2017/18 budget towards the hosting of the 2017 WA Tourism Conference to be held within the City of Busselton.

STATUTORY ENVIRONMENT

Nil.

RELEVANT PLANS AND POLICIES

The recommendations are in line with Council policies.

FINANCIAL IMPLICATIONS

At the 21 July 2016 Council meeting, Council resolved to include a 1% increase in the Industrial and Commercial Differential Rate from 9% to 10% in the 2016/17 budget (C1607/157), resulting in an allocation of \$624k for events and marketing, with a split of 75/25 (\$468k/\$156k) respectively. At the end of the 2015/16 financial year an allocation of \$8,488 was unspent and at the Special Council Meeting on 21 July 2016, Council endorsed to include the carryover of funds into the 2016/17 Differential Rates events budget, providing a total of \$476,488.

Further, \$268k was allocated towards events from municipal funding. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

The funding allocated through the 2016/17 municipal budget is as follows;

Table 1

Events - Multi-Year Agreements funded through Municipal funds	2016/17
Busselton Jetty Swim	\$15,600
Ironman WA Busselton	\$187,400
Busselton Ironman 70.3	\$45,000
Geographe Bay Race Week	\$10,000
Festival of Busselton	\$6,000
Carols by the Jetty	\$1,000
Australia Day	\$3,000
TOTAL	\$268,000

Within the 2016/17 Differential Rate Events Budget, \$410,825 has already been allocated to events funded through multi-year agreements and the Events Sponsorship Programme Round 1, leaving a total of \$65,663 for the Events Sponsorship Programme Round 2 and any further funding requests.

At the meeting of 28 September 2016, Council endorsed the allocation of up to \$5k in-kind support to the City to Surf event, \$30k towards the 2017 Busselton Fringe Festival, and \$5k towards the funding of a Leavers Officer to support the City's response to the 2016 Leavers event, all to be funded from the 2016/17 Differential Rate Events Budget (C1609/259).

The Events Coordinator received written advice on 05 October 2016 that the Superboat Racing event would not be taking place in March 2017, and therefore would not require the \$15k funding allocated to the event in the Events Sponsorship Programme 2016/17 Round 1. The event organiser intends on applying again for 2017/18 funding, with a view to hold the event in March 2018.

With this event cancellation and the endorsed allocations, this leaves a total of \$40,663 remaining in the Differential Rate Events Budget for Round 2 of the 2016/17 Events Sponsorship Programme.

This report includes the MERG recommendations as seen in Table 1 below, that a total of \$38k be funded in Round 2, leaving a total of \$2,663 remaining for any further requests.

Further, a total of \$156k is allocated in the Differential Rate Marketing Budget for 2016/17 for marketing and promotion initiatives. If during the 2016/17 financial year these funds are not expended, it is recommended that the \$156k or the balance of any remaining marketing funds are transferred to the Airport Marketing Reserve as part of the City's contribution towards an airline incentive package for the Busselton-Margaret River Airport Development Project.

Long Term Financial Plan

The marketing and events budget, including both the municipal contribution and funds generated through the Differential Rate, are in line with the City's Long Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

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

Well planned vibrant and active places;

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

RISK ASSESSMENT

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

CONSULTATION

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

OFFICER COMMENT

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

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

A proposal was received from MRBTA, who are preparing to place a bid to hold the 2017 WA Tourism Conference in the City of Busselton on 11-13 September 2017. This conference is traditionally held in the metro area each year, but Tourism Western Australia has expressed interest in holding it in a regional area. This conference is expected to generate more than \$500,000 of economic benefit into the region. If successful, the MRBTA will contribute \$10k towards this conference and have approached the City to contribute a further \$10k and provide a letter of support. MERG members were in support of this proposal and recommend the allocation of \$10k be funded from the 2017/18 Differential Rate Events Budget.

Round 2 Event Sponsorship Programme 2016/17

Round 2 of the 2016/17 Event Sponsorship Programme opened on 1 September 2016 and closed on 30 September 2016, with a total of fourteen (14) single year applications received, requesting \$97,254 in funding. There is currently \$40,663 remaining in the 2016/17 Differential Rate Events Budget.

The Events team evaluated all funding applications, applying the Strategic Funding Guidelines of economic impact, strategic alliance to off-peak and cultural events, destination tourism, social benefits and environmental impact. An overall score out of 100 based on the strategic funding guidelines was allocated and funding recommendations based on this.

MERG members discussed each application and recommended the following:

Event	Requested	MERG Recommend
Geographe Bay Race Week – M32 Catamarans	\$5,000	\$0
Margaret River Region Open Studios	\$5,000	\$3,000
King of Concrete 2017	\$16,500	2016/17 - \$13,000
		2017/18 - \$12,500
		2018/19 - \$12,000
Salmon Fest	\$12,000	\$1,500
South West Bush Poets Festival	\$5,000	2016/17 - \$2,000
		2017/18 - \$1,750
		2018/19 - \$1,500
Black Dog Ride – Busselton 1 Dayer	\$2,500	\$0*
Undalup Birak Festival	\$10,994	\$6,000
Emergence Creative Festival	\$12,000	\$3,000
Men's Health and Wellness Day	\$3,000	\$0*
WheelBite 2017	\$3,800	\$2,000
Yallingup Malibu Classic	\$2,000	\$2,000
Yalambi Showjumping Classic	\$10,000	\$2,500
Busselton Horse & Pony Club Winter Jumping	\$5,460	2016/17 - \$3,000
Classic		2017/18 - \$2,750
		2018/19 - \$2,500
Margaret River Marathon	\$4,000	\$0
TOTAL ROUND 1 2016/17	\$97,254	\$38,000

^{*} Officers to recommend application for funding through the Donations, Contributions and Subsidies Fund.

MERG recommendation totals \$38k to be funded in Round 2, leaving a total of \$2,663 remaining for any further requests.

CONCLUSION

The Marketing and Events Reference Group (MERG) has been assigned by Council to make recommendations on the way in which funds raised through the Industrial and Commercial Differential Rate for the purposes of events and marketing are allocated. This report contains the recommendations made at the 9 November 2016 meeting, which if endorsed by Council, will result in the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support Council's vision of being recognised as the 'Events Capital WA.'

OPTIONS

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

OFFICER RECOMMENDATION

That Council;

1. As part of the Events Sponsorship Programme endorses the funding allocation towards the following events to be funded from the Differential Rate Events budget:

Event	Funding
Geographe Bay Race Week – M32 Catamarans	\$0
Margaret River Region Open Studios	\$3,000
King of Concrete 2017	2016/17 - \$13,000
	2017/18 - \$12,500
	2018/19 - \$12,000
Salmon Fest	\$1,500
South West Bush Poets Festival	2016/17 - \$2,000
	2017/18 - \$1,750
	2018/19 - \$1,500
Black Dog Ride – Busselton 1 Dayer	\$0*
Undalup Birak Festival	\$6,000
Emergence Creative Festival	\$3,000
Men's Health and Wellness Day	\$0*
WheelBite 2017	\$2,000
Yallingup Malibu Classic	\$2,000
Yalambi Showjumping Classic	\$2,500
Busselton Horse & Pony Club Winter Jumping Classic	2016/17 - \$3,000
	2017/18 - \$2,750
	2018/19 - \$2,500
Margaret River Marathon	\$0
TOTAL ROUND 1 2016/17	\$38,000

^{*} Officers to recommend application for funding through the Donations, Contributions and Subsidies Fund.

2. Endorses the allocation of \$10k in the draft 2017/18 budget towards the 2017 WA Tourism Conference, to be funded from the 2017/18 Differential Rate Events Budget.

14. FINANCE AND CORPORATE SERVICES REPORT

14.1 AMENDMENT TO DELEGATION (INVITING TENDERS AND CHOICE OF TENDER)

SUBJECT INDEX: Delegation

STRATEGIC OBJECTIVE: An organisation that is managed effectively and achieves positive

outcomes for the community.

BUSINESS UNIT: Corporate Services
ACTIVITY UNIT: Legal Services

REPORTING OFFICER: Contract & Tendering Officer - Lisa McDonald

AUTHORISING OFFICER: Director, Finance and Corporate Services - Cliff Frewing

VOTING REQUIREMENT: Absolute Majority

ATTACHMENTS: Nil

PRÉCIS

Council has delegated to the Chief Executive Office power and authority to exercise certain functions under Regulations 14 and 18 of the *Local Government (Functions and General) Regulations 1996* (**Tender Regulations**). This delegation, in respect of inviting tenders and choice of tender, is recorded in the City's Delegations Register as Delegation 3J (**Delegation 3J**).

An internal review of Delegation 3J indicated that minor amendments to this delegation could improve internal administrative processes and service delivery. This report recommends to Council to amend the Delegation 3J in accordance with the Officer Recommendation section of this report.

BACKGROUND

Pursuant to section 3.57 of the *Local Government Act 1995* (**Act**) a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services. Part 4 Division 2 of the Tender Regulations provides the statutory framework for inviting, assessing and accepting tenders by a local government. Regulation 14 of the Tender Regulations specifies the requirements for publicly inviting tenders and Regulation 18 sets out the requirements for rejecting and accepting tenders.

The majority of the local government functions under these regulations are purely of an administrative nature. Among other matters the Tender Regulations authorise or require from a local government to:

- Give State wide public notice of the invitation to tender [Reg 14(1)];
- Determine in writing the criteria for deciding which tender should be accepted before tenders are publicly invited [Reg 14(2a)];
- Vary the information published in an invitation to tender [Reg 14(5)];
- Reject tenders not submitted at a place, and within the time, specified in the invitation for tender [Reg 18(1)];
- Assess compliant tenders by means of a written evaluation for purposes of determining which of those tenders satisfy the tender selection criteria and is considered to be the most advantageous to the local government [Reg 18(4)];
- Request a tenderer to clarify the information provided in a tender [Reg 18(4a)];
- Decline to accept any tender [Reg 18(5)]; and
- Accept from the other tenders the tender which it thinks it would be most advantageous to the
 local government should the preferred tenderer, within 6 months of acceptance, either fail to
 enter into a contract with the local government or terminate the contract [Reg 18(6) and (7)].

The only provision under Regulations 14 and 18 considered not to be a purely administrative function, is Council's power and ability to select and accept the most advantageous tender and decide to award a contract pursuant to that tender to the preferred tenderer [Reg 18(4)].

Under Delegation 3J Council has delegated to the Chief Executive Officer the following duties and powers under Regulations 14 and 18 of the Tender regulations:

- To exercise the powers and discharge the duties of the local government under Regulation 14 to publicly invite tenders by determining the written criteria for deciding which tender should be accepted; and
- To exercise the powers and discharge the duties of the local government under Regulation 18 relating to choice of tender.

These delegations are subject to the following conditions:

- a) Utilising the standard selection criteria as per Policy 031;
- b) Following the City's operational practice utilising tender evaluation processes and documentation developed by WALGA;
- c) Compliance with the requirements of the City's Purchasing Policy as it relates to tendering; and
- d) Acceptance of a tender is not to exceed a contract value of \$500,000.

Delegation 3J does however not provide the Chief Executive Officer with the power and authority to exercise some of abovementioned functions which are to a large extent relatively straight forward administrative functions with very limited scope for the exercise of discretion. See for instance the functions under Regulations 14(1), 14(5), 18(1), 18(5), 18(6) and (7) above. For purposes of improving the City's tendering processes it is recommended that Council amend Delegation 3J in accordance with the Officer Recommendation section of this report.

STATUTORY ENVIRONMENT

Pursuant to section 5.42(1)(a) of the Act Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43. The Act prescribes that any such delegation requires an absolute majority vote of Council.

Council's powers and duties under Regulations 14 and 18 of the Tender Regulations fall within the scope of functions which can be delegated to the Chief Executive Officer pursuant to section 5.42(1)(a) of the Act.

RELEVANT PLANS AND POLICIES

The proposed delegation of Council's powers and duties under Regulations 14 and 18 of the Tender Regulations is consistent with the City's Purchasing Policy, Tender Selection Criteria Policy and Tender Pre Selection Policy.

FINANCIAL IMPLICATIONS

The proposed amendment to Delegation 3J does not limit Council's function or ability to approve the allocation of resources through the annual budget process in respect of all tenders that may be awarded by the City. Therefore adoption of the Officer Recommendation will not have any direct financial implication for the City.

Long-term Financial Plan Implications

The proposed policy and delegations to the Chief Executive Officer do not have any long term financial implications.

STRATEGIC COMMUNITY OBJECTIVES

The proposed amendment to Delegation 3J aligns with Strategic Community Objective 6.2 which requires the City's governance systems to deliver responsible, ethical and accountable decision making.

RISK ASSESSMENT

Amending Delegation 3J will allow for implementation of a relatively straight forward administrative process with limited scope for the exercise of discretion and is therefore considered low risk with no risks identified as "low" or greater.

CONSULTATION

Not applicable as the proposed delegation relates to internal administrative processes only.

OFFICER COMMENT

Except for the provisions of Regulation 18(4) of the Tender Regulations, which provides Council with the ability to accept the tender considered to be the most advantageous, the functions and duties under Regulations 14 and 18 are to a large extent relatively straight forward administrative functions with very limited scope for the exercise of discretion (as outlined under the BACKGROUND section of this report).

Under Delegation 3J Council has already delegated to the Chief Executive Officer the power to accept tenders where the consideration does not exceed \$500,000. The proposed amendment of Delegation 3J does not seek to change this arrangement, but rather to include under this delegation the power of the Chief Executive Officer to exercise the administrative functions under these regulations, which include inviting, rejecting and evaluating tenders. The proposed amendment to Delegation 3J will prevent staff from having to refer a significant number of relatively straight forward day-to-day administrative functions to Council, which will improve efficiency and optimise use of the City's resources.

The proposed change to Delegation 3J does not affect the special delegations to the Chief Executive Officer in relation to the Administration building project and the Airport Redevelopment Project.

Under normal circumstances, this matter would initially have been referred to the Policy and Legislation Committee for consideration. However due to the fact that there won't be a Policy and Legislation Committee meeting within the next 6 to 8 weeks it was considered appropriate to present this Report directly to Council.

CONCLUSION

Adoption of the Officer Recommendation will streamline City operations and improve efficiency without compromising statutory compliance or Council's existing powers in relation to choice of tenderer.

OPTIONS

Council may resolve not to amend Delegation 3J in accordance with the Officer Recommendation. However for the reasons mentioned in this report this option is not recommended.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The amendment to Delegation 3J will be effectively immediately upon adoption by the Council.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council resolves to amend Delegation 3J by replacing it with the following:

INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject	
3J	3.57	Chief Executive Officer	Inviting Tenders and	
	F and G Regs 14 and 18		Choice of Tender	

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government under Regulations 14 and 18 of the *Local Government (Functions and General) Regulations* 1996 subject to the undermentioned conditions:

Conditions

This delegation is subject to:

- a) Utilising the standard selection criteria as per Policy 031;
- b) Following the City's operational practice utilising tender evaluation processes and documentation developed by WALGA;
- c) Compliance with the requirements of the City's Purchasing Policy as it relates to tendering; and
- d) Acceptance of a tender is not to exceed a contract value of \$500,000.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act* 1995 to delegate to the CEO the discharge of its powers and duties provided for in section 3.57 of the *Local Government Act* 1995 and Regulation 14 and Regulation 18 of the *Local Government (Functions and General) Regulations* 1996 subject to the above conditions.

Local Government Act Section 3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Functions and General Regulation 14. Requirements for publicly inviting tenders

- (2a) If a local government
 - (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender,

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Functions and General Regulation 18. Choice of Tender

- (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.
- (2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
- (3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
- (4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks would be most advantageous to the local government to accept.
- (4a) To assist the local government in deciding which tender would be most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.
- (5) The local government may decline to accept any tender.
- (6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.
- (7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

Verification

Council Resolution C1606/140

Council Resolution C1506/161

Council Resolution C1406/161

Council Resolution C1306/168

Council Resolution C1206/167

Council Resolution C1106/199

Council Resolution C1103/079

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

08 June, 2016

10 June, 2015

10 June, 2014

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2012

9 March, 2011 (implementation).

Related Documents

Tender Register.

Notes of Alterations

08/06/2016 - Increase of value to \$500,000

10/06/2015 - Increase of value to \$350,000

26/06/2013 – Increase of value to \$300,000 and other minor alterations.

14.2 PROPOSED CITY OF BUSSELTON WASTE LOCAL LAW

SUBJECT INDEX: Local Laws

STRATEGIC OBJECTIVE: Governance systems that deliver responsible, ethical and accountable

decision-making.

BUSINESS UNIT: Corporate Services

ACTIVITY UNIT: Legal

REPORTING OFFICER: Legal Services Coordinator - Cobus Botha

AUTHORISING OFFICER: Director, Finance and Corporate Services - Cliff Frewing

VOTING REQUIREMENT: Absolute Majority

ATTACHMENTS: Attachment A Proposed City of Busselton Waste Local Law 2016

PRÉCIS

Council previously resolved to authorise the preparation and advertising of the proposed *City of Busselton Waste Local Law 2016* (Waste Local Law). The purpose of this report is for Council to consider submissions received in relation to the proposed Waste Local Law and to consider whether to make the proposed Waste Local Law pursuant to Section 3.12 of the *Local Government Act 1995* (the Act).

It is recommended that Council resolve to make the proposed Waste Local Law.

BACKGROUND

Council resolved at its meeting on 14 October 2015:

That the Council:

(1) That the Council commences the law-making process, for the City of Busselton Waste Local Law 2015, the purpose and effect of the local law being as follows:

Purpose: The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district.

Effect: The effect of the local law is to control activities and manage influences on waste collection, recycling, reuse and disposal within the district.

- (2) That the Council carry out the law-making procedure under section 3.12(3) of the Local Government Act, by:
 - (i) giving State-wide public notice and local public notice of the proposed local law; and
 - (ii) giving a copy of the proposed local law and public notice to the Minister for Local Government and the Minister for Environment.
- (3) That the CEO, after the close of the public consultation period, submits a report to the Council on any submissions received on the proposed local law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4) of the Act.

Pursuant to abovementioned Council Resolution the proposed Waste Local Law was published for public comment and a copy given to the Minister for Local Government and Communities and the Minister for Environment and Heritage for consideration. No public submissions, other than from the Western Australian Local Government Association (WALGA), have been received and the responses from the Department of Local Government and Communities (DLGC) and the Department of Environmental Regulation (DER) are discussed under the CONSULTATION section of this report.

The advice and comments received from the abovementioned government departments resulted in minor changes being made to the draft local law which was presented to Council at its 14 October 2015 meeting. These changes, which are discussed in more detail under the OFFICER COMMENT section of this report, do not cause the proposed Waste Local Law to be significantly different from what was originally proposed. Therefore, the proposed Waste Local Law is now referred back to Council to consider these minor changes and to resolve whether or not to make the proposed Waste Local Law.

STATUTORY ENVIRONMENT

Section 3.5 of the Act and section 64 of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) provide Council with the heads of power for making a waste local law.

The procedure for making local laws is set out in section 3.12 of the Act and Regulation 3 of the *Local Government (Functions and General) Regulations 1996*. In terms of section 3.12(4) of the Act, Council is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was originally proposed. A decision to make a local law has to be supported by an absolute majority of Council.

If Council resolve to make the proposed Waste Local Law then the process required under section 3.12(5) and (6) of the Act needs to be carried out. Section 3.12(5) requires that the local law be published in the *Government Gazette* and a copy be provided to the Minister for Local Government and the Minister for Environment. Section 3.12(6) requires that after the local law has been published in the *Government Gazette*, the City must give local public notice stating the title of the local law, summarising the purpose and effect of the local law and advising that copies of the local law may be inspected or obtained from the City offices.

Section 64(2) of the WARR Act specifies specific matters which can be dealt with under a local law. The proposed Waste Local Law is consistent with the relevant provisions of the WARR Act.

In accordance with section 3.14 of the Act the local law will come into operation 14 days after publication in the *Government Gazette*

RELEVANT PLANS AND POLICIES

The proposed Waste Local Law is consistent with the City's Refuse Collection Service Policy.

FINANCIAL IMPLICATIONS

Costs associated with the advertising and gazettal of the proposed Waste Local Law will come from the Legal budget. These costs are unlikely to exceed \$2,000 and there are sufficient funds in the legal budget for this purpose. Making and implementing the proposed Waste Local Law should not have any other financial implications for the City.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The proposal aligns with the City of Busselton Strategic Community Plan 2013 as follows:

6.2 Governance systems that deliver responsible, ethical and accountable decision making.

RISK ASSESSMENT

The proposed Waste Local Law does not involve any significant changes from current practices and is therefore considered low risk with no risks identified as "medium" or greater.

CONSULTATION

The proposed Waste Local Law was advertised publicly in both local and state-wide newspapers for a minimum of 6 weeks in accordance with the requirements under section 3.12(3)(a) of the Act. No public submissions have been received, other than from WALGA, to be discussed under OFFICER COMMENT below.

In accordance with section 3.12(3)(b) of the Act a copy of the proposed local law was forwarded for consideration and comment to the Minister for Local Government and Communities and the Minister for Environment and Heritage (who is responsible for the administration of the WARR Act). The DLGC and the DER responded on behalf of their respective Ministers and suggested various minor changes to the proposed Waste Local Law. Most of these changes, which are dealt with in more detail in the OFFICER COMMENT section of this report, have been implemented.

The proposed Waste Local Law intends to replace sections of the City's *Shire of Busselton Health Local Laws 1997* which relate to waste. The proposed Waste Local Law was therefore also given to the Minister for Health for consideration and comment. The Minister advised that consent from the Executive Director, Public Health was not required for the making of the local law, and that any relevant comment would be provided by the DER and the DLGC.

OFFICER COMMENT

Department of Local Government and Communities

The DLGC recommended certain minor drafting changes as well as changing the wording of certain clauses of the proposed Waste Local Law. These changes, which are aimed at avoiding potential ambiguity of certain terms and expressions used in the local law and ensuring consistency with current parliamentary requirements, have subsequently been made to the original version of the proposed Waste Local Law. They include the following:

- Under Part 2 of the original version of the proposed Waste Local Law, the area within the City's district where waste collection is undertaken was defined by reference to the City's Refuse Collection Service Policy. Although the City already has the power, under the WARR Act itself, to decide on this aspect of the application of the Waste Local Law, concerns were raised that, as a policy can be amended by Council at any time, without any form of public notification or parliamentary scrutiny, it could be considered as an inappropriate sub-delegation of legislative power. For this reason the definition of "prescribed area" (which referenced the Refuse Collection Service Policy) was deleted. Subsequent correspondence with the DER also provided input on this issue, as discussed below.
- Subclause 2.2(1) of the original version of the local law, which required from an owner or occupier of residential premises to take reasonable steps to ensure that a sufficient number of general waste receptacles are provided and used for those premises and kept in good condition, was considered to be a duplication of subclause 2.8(c) and has therefore been deleted. This also required renumbering of the subclauses within clause 2.2.
- Current subclause 2.8(c) has been amended to require from an owner or occupier of a premises to take reasonable steps to ensure that each receptacle is kept in good condition and repair.
- For clarification purposes, current clause 2.10 has been amended to distinguish 'damage or destruction of a receptacle' from 'interfering with a receptacle'. It is also stipulated that a person, who is not the owner of a receptacle or the occupier of the premises where a receptacle is kept/used, will commit an offence if he/she interferes with such a receptacle, but waste services

- undertaken by the City or its contractors will not constitute "interference" with a receptacle for purposes of clause 2.10.
- Other minor drafting and formatting changes have been made, for example referencing the current calendar year in the title of the proposed local law ("2016" instead of "2015"), deleting in Schedule 1 paragraph (i) the words "non-frangible metal" and by referencing in Schedule 2 Item 20 the correct clause number (clause 2.11 instead of clause 2.10 which was incorrectly referenced).

Department of Environmental Regulation

Extensive consultation has occurred between the City and DER regarding this local law. Several issues regarding clauses that were contained in the model local law, as well as amendments made to the model by the City, were raised by the DER. This consultation, regarding clauses which were potentially ambiguous or beyond power, resulted in amendments to the local law (or clarification from the City), including the following:

- Following on from comments provided by the DLGC, the City amended the application of Part Two of the local law (regarding local government waste) from the "prescribed area" (being defined by reference to a policy), to a "collection area" (being defined by where the local government choses to undertake waste collection services in accordance with its powers pursuant to the WARR Act). The DER found this second definition circular, and requested its deletion, which was accepted. This change does not impact on the effect of the local law.
- The DER raised issues regarding current clause 2.7(c) which provides for the City, at the City's option, to either provide (and maintain) waste receptacles or require from owners/occupiers to provide and maintain their own receptacles. Currently the City provides (and retains ownership) of the receptacles used for recyclable waste ("yellow bins"), but require from owners/occupiers to provide and maintain at their cost receptacles for general household waste ("green bins"). As most other local governments have a different arrangement (the local government providing and maintaining all residential receptacles) the City had to make minor changes to the wording of this clause of the model local law. These changes have been ultimately accepted by the DER..
- Further amendments were made to current clause 2.9 and sought to distinguish between "authorised" and "unauthorised" interference, tampering and removal of receptacles and prohibit acts considered to be "unauthorised".
- Clause 3.4 (concerning depositing waste) contained in the original version of the local law
 presented to Council (but not in the model), was considered by DER likely to be beyond power.
 The City considered it had sufficient alternate means of addressing issues that would otherwise
 be dealt with by this clause and accordingly deleted the clause.

Consent of the Director General of the DER in relation to the local law has been obtained, as per DER's requirements.

WALGA

WALGA provided comment to the City for consideration based on their experience in preparing the WALGA model local law. The issues related to the "prescribed area" and local government policy (original clause 2.1), and the requirement to provide and maintain waste receptacles (original clause 2.2(1)). Both of these issues were dealt with under DLGC and DER comments.

In terms of Section 3.13 of the Act if, during the procedure for making a proposed local law, Council decides to make a local law that would be significantly different to what it first proposed, the law making process has to be recommenced. It is considered that the abovementioned modifications to the original version of the proposed Waste Local Law will add clarity to the text of the proposed local law, ensure consistency with relevant legislation and avoid any concerns which parliament may have had with the wording of the original version of the proposed local law. These modifications do not change the purpose, intent and effect of the original version of the proposed Waste Local Law.

Therefore the proposed Waste Local Law is not considered to be significantly different from what was first proposed.

CONCLUSION

The proposed Waste Local Law will provide the City with a modern approach to regulation and control of waste and waste services within then City's district. The proposed local law is consistent with the heads of power under the WARR Act and the relevant WALGA model local law which has been developed in collaboration with the WA Waste Authority and the Department of Local Government and Communities. The proposed local law will also replace certain sections of the City's Health Local Law which is considered to be outdated. For these reasons it is recommended that Council adopt the proposed Waste Local Law.

OPTIONS

Council has the following options as alternatives to the OFFICER RECOMMENDATION:

Option 1

Not to proceed with the making of a new waste local law and rely on the provisions under the WARR Act and the City's Health Local Law to regulate waste and waste services within the City's district. This option is not recommended as the WARR Act, which has come into operation since the City's Health Local Law was adopted, severely restricts Council's ability to review and amend outdated waste provisions in the City's Health Local Law.

Option 2

Council could choose to vary the provisions of the proposed new Waste Local Law in any number of ways. This is however the form of local law recommended for the reasons stated in this and the previous report. Any substantive changes could also cause the proposed new local law to be considered significantly different from what was first proposed, which will require recommencement of the law making process.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council resolve to make the proposed Waste Local Law it will need to be gazetted and will come into operation 14 days after publication. The timeframe for completion of the gazettal process is approximately thirty days from the date of the Council resolution.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

- 1. Resolves to make the *City of Busselton Waste Local Law 2016* in accordance with section 3.12(4) of the *Local Government Act 1995*.
- 2. Authorises the Chief Executive Officer to carry out the processes required to make the *City of Busselton Waste Local Law 2016* in accordance with section 3.12(5) and section 3.12(6) of the *Local Government Act 1995*.

CITY OF BUSSELTON

WASTE LOCAL LAW 2016

Waste Avoidance and Resource Recovery Act 2007 Local Government Act 1995

CITY OF BUSSELTON

Waste Local Law 2016

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Waste Avoidance and Resource Recovery Act 2007 Local Government Act 1995

CITY OF BUSSELTON

Waste Local Law 2016

Under the powers conferred on it by the Waste Avoidance and Resource Recovery Act 2007 and the Local Government Act 1995 and under all other enabling powers, the Council of the City of Busselton resolved on 14 December 2016 to make the following local law.

Part 1 - Preliminary

1.1 **Short title**

This is the City of Busselton Waste Local Law 2016.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the Government Gazette.

1.3 **Application**

This local law applies throughout the district.

1.4 Repeal

Clauses 35-43, 45-51 and 52-55 (all inclusive) of the Shire of Busselton Health Local Laws 1997, published in the Government Gazette on 21 September 1998, are repealed.

1.5 Meaning of terms used in this local law

(1) In this local law-

> authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

collectable waste means local government waste that is not-

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

Proposed City of Busselton Waste Local Law 2016

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is-

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

collection, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor in the collection area:

collection day means the day determined by the local government for the collection;

collection time means the time on the collection day determined by the local government for the collection;

commencement date means the date on which this local law commences operation under clause 1.2;

costs of the local government include administrative costs;

Council means the council of the local government;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

LG Act means the Local Government Act 1995;

LG Regulations means the Local Government (Functions and General) Regulations 1996;

local government means the City of Busselton;

local government waste has the same meaning as in the WARR Act:

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as garden waste or food waste:

organic waste receptacle means a receptacle for the deposit and collection of organic waste;

owner has the same meaning as in the LG Act;

public place includes a place to which the public ordinarily have access,

receptacle, means a receptacle—

whether or not by payment of a fee;

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means-

- (a) paper and cardboard;
- (b) plastic containers comprised of -
 - (i) polyethylene terephthalate (PET);
 - (ii) high density polyethylene (HDPE);
 - (iii) polyvinyl chloride (PVC);
 - low density polyethylene (LDPE); (iv)
 - (v) polypropylene (PP);
 - polystyrene (PS); or (vi)
 - (vii) other plastics;
- (c) glass containers;
- (d) steel containers;
- aluminium containers; (e)
- (f) liquid paper board; and
- any other waste determined by the local government to be recycling (g) waste;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street:

WARR Act means the Waste Avoidance and Resource Recovery Act 2007;

WARR Regulations means the Waste Avoidance and Resource Recovery Regulations 2008;

Proposed City of Busselton Waste Local Law 2016

waste has the same meaning as in the WARR Act;

waste container means -

- (a) a receptacle; or
- (b) any other container used for the purposes of depositing or storing waste;

waste facility means a waste facility, as defined in the WARR Act, that is operated by the local government; and

waste service has the same meaning as in the WARR Act.

Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter –

- (a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under paragraph (a);
- (d) after the period referred to in paragraph (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and section 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

Part 2 - Local government waste

2.1 Local government may supply receptacles

(1) The local government may supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.

(2) The owner of premises for which a receptacle has been supplied by the local government must ensure that the fee or charge (if any) imposed by the local government in relation to the receptacle is paid to the local government.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle-
 - (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3)Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle-

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises:
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or
- where the receptacle has any other capacity-more than the weight (c) determined by the local government.

2.5 **Organic waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle-

- anything other than the particular type of organic waste for which that (a) receptacle was provided by the local government for those premises;
- where the receptacle has a capacity of 240 litres more than 70 (b) kilograms of organic waste: or

(c) where the receptacle has any other capacity - more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —
 - (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3)An owner or occupier of premises must comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises must—

- except for a reasonable period before and after collection time, keep (a) each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is
 - (i) within 1 metre of the carriageway;
 - so that it does not unduly obstruct any footpath, cycle way, (ii) right-of-way or carriageway; and
 - (iii) facing squarely to the edge of and opening towards the carriageway,

or in such other position as is approved in writing by the local government or an authorised person;

- (c) take reasonable steps to ensure that an adequate number of receptacles is provided and used for those premises and that each is kept in good condition and repair; and
- in the case of a receptacle that is supplied by the local government, if (d) the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.8 Exemption

(1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).

- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3)An exemption granted under this clause must state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - any conditions imposed by the local government or the authorised (c) person.
- (4) An exemption granted under this clause ceases to apply –
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

2.9 Damaging or removing receptacles

- (1) A person must not—
 - (a) damage or destroy a receptacle;
 - interfere or tamper with, or remove, a receptacle placed for collection (b) pursuant to clauses 2.6 or 2.7(b); or
 - except as permitted by this local law or as authorised by the local (c) government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.
- (2) Clause 2.9(1)(a) and (c) does not apply to the person who owns the receptacle.
- (3)Clause 2.9(1)(b) does not apply to-
 - (a) the person who owns the receptacle; or
 - (b) the owner or occupier of the premises on which the receptacle is kept.
- Clause 2.9(1) does not apply to the local government or a contractor in the (4) course of undertaking waste services for the local government.

2.10 **Verge collections**

(1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person-

- (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
- must otherwise comply with those terms and conditions. (b)
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

Part 3 - General duties

3.1 Duties of an owner or occupier

An owner or occupier of premises must-

- (a) take reasonable steps to ensure that a sufficient number of waste containers are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each waste container is kept in good condition and repair;
- (c) take all reasonable steps to-
 - (i) prevent fly breeding and keep each waste container free of flies, maggots, cockroaches, rodents and other vectors of disease:
 - (ii) prevent the emission of offensive or noxious odours from each waste container; and
 - (iii) ensure that each waste container does not cause a nuisance to an occupier of adjoining premises; and
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each waste container.

3.2 Removal of waste from premises

- (1) A person must not remove any waste from premises unless that person is
 - the owner or occupier of the premises; (a)
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.

- (2) A person must not remove any waste from a waste container without the approval of
 - the local government or an authorised person; or (a)
 - (b) the owner or occupier of the premises at which the waste container is ordinarily kept.

3.3 Waste containers for public use

A person must not, without the approval of the local government or an authorised person-

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a waste container provided for the use of the general public in a public place.

Part 4 - Operation of waste facilities

4.1 **Operation of this Part**

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

- (1) The local government or an authorised person may regulate the use of a waste facility—
 - (a) by means of a sign; or
 - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility must comply with a sign or direction under subclause (1).
- (3)The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person must comply with a direction under subclause (3).

4.4 Fees and charges

Unless subclause (3) applies, a person must, on or before entering a waste (1) facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.

- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3)Subclause (1) does not apply—
 - (a) to a person who disposes of waste in accordance with the terms of-
 - (i) a credit arrangement with the local government; or
 - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
 - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 **Depositing waste**

- (1) A person must not deposit waste at a waste facility other than
 - at a location determined by a sign and in accordance with the sign; (a) and
 - (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

- (1) Unless authorised by the local government, a person must not—
 - (a) remove any waste or any other thing from a waste facility;
 - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
 - (c) light a fire in a waste facility:
 - remove, damage or otherwise interfere with any flora in a waste (d) facility;
 - (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
 - damage, deface or destroy any building, equipment, plant or property (f) within a waste facility.
- (2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility;

Part 5 - Enforcement

5.1 Offences and general penalty

(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.

Proposed City of Busselton Waste Local Law 2016

(2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

5.2 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.1, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
 - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
 - (b) making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.3 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.4 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations;
- (2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations; and
- (3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

Schedule 1 - Meaning of 'non-collectable waste'

non-collectable waste means -

- hot or burning material; (a)
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- any other hazardous material, such as radioactive waste; (c)
- any explosive material, such as flares or ammunition; (d)
- electrical and electronic equipment; (e)
- (f) hospital, medical, veterinary, laboratory or pathological substances:
- construction or demolition waste; (g)
- (h) sewage;
- 'controlled waste' for the purposes of the Environmental Protection (Controlled Waste) (i) Regulations 2004;
- any object that is greater in length, width, or breadth than the corresponding dimension (j) of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- waste that is or is likely to become offensive or a nuisance, or give off an offensive or (k) noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in nonabsorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

Schedule 2 - Prescribed offences

Item No.	Clause No.	Description	Modified Penalty
1	2.1(2)	Failing to pay fee or charge	\$350
2	2.2(1)	Depositing non-collectable waste in a receptacle	\$350
3	2.2(2)	Depositing waste in another receptacle without consent	\$350
4	2.3(1)	Exceeding weight capacity of a general waste receptacle	\$350
5	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350
6	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	\$350
7	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
8	2.5(a)	Depositing unauthorized waste in an organic waste receptacle	\$350
9	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
10	2.6(3)	Failing to comply with a direction concerning placement or removal or a receptacle	\$250
11	2.7(a)	Failing to keep a receptacle in the required location	\$250
12	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$250
13	2.7(c)	Failing to provide a sufficient number of receptacles	\$250
14	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$50
15	2.9(1)(a)	Damaging or destroying a receptacle	\$400
16	2.9(1)(b)	Interfering or tampering with, or removing, a receptacle	\$400
17	2.9(1)(c)	Removing a receptacle from premises	\$400
18	2.9(2)(a) and (b)	Failing to comply with a term or condition of verge waste collection	\$400
19	2.10(2)	Removing waste for commercial purposes	\$350
20	2.10(3)	Disassembling or tamper with waste deposited for collection	\$250
21	3.1(a)	Failing to provide a sufficient number of receptacles	\$250
22	3.1(b)	Failing to keep a waste container clean and in a good condition and repair	\$250
23	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a waste container	\$350
24	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a waste container	\$350
25	3.1(c)(iii)	Allowing a waste container to cause a nuisance	\$350
26	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise waste container	\$300
27	3.2(1)	Unauthorised removal of waste from premises	\$250
28	3.2(2)	Removing waste from a waste container without approval	\$250
29	3.3(a)	Depositing unauthorised waste into waste container provided for use of the general public	\$350

Item No.	Clause No.	Description	Modified Penalty
30	3.3(b)	Removing waste from waste container provided for use of the general public	\$350
31	4.3(2)	Failing to comply with a sign or direction	\$500
32	4.3(4)	Failing to comply with a direction to leave	\$500
33	4.4(1)	Disposing waste without payment of fee or charge	\$500
34	4.5(1)	Depositing waste contrary to sign or direction	\$500
35	4.6(1)(a)	Removing waste or any other thing without authority	\$250
36	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste	\$500
37	4.6(1)(c)	Lighting a fire	\$300
38	4.6(1)(d)	Removing or interfering with any flora	\$300
39	4.6(1)(e)	Interfering with any fauna without approval	\$300
40	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	\$500
41	4.6(2)	Acting in an abusive or threatening manner	\$300

Dated 14 December 2016.

The Common Seal of the City of Busselton was affixed by authority of a resolution of the Council in the presence of:

GRANT DOUGLAS HENLEY, Mayor

MICHAEL STEPHEN LEE ARCHER, Chief Executive Officer

The Director General of the Department of Environment Regulation consents to the making of the City of Busselton Waste Local Law 2016 in accordance with the Waste Avoidance and Resource Recovery Act 2007

14.3 BUSSELTON JETTY LICENCE REVIEW

SUBJECT INDEX: Legal

STRATEGIC OBJECTIVE: Infrastructure assets are well maintained and responsibly managed to

provide for future generations.

BUSINESS UNIT: Corporate Services
ACTIVITY UNIT: Legal Services

REPORTING OFFICER: Legal Services Coordinator - Cobus Botha

AUTHORISING OFFICER: Director, Finance and Corporate Services - Cliff Frewing

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Nil

PRÉCIS

Pursuant to obtaining funding for refurbishment of the Busselton Jetty in 2009, the City of Busselton granted Busselton Jetty Environment and Conservation Association Incorporated (BJECA) a licence to undertake certain tourism focused commercial activities (BJECA Jetty Licence).

As part of its Busselton Foreshore redevelopment project the City granted BJECA a lease of a portion of Railway House to compliment the services provided by BJECA under the BJECA Jetty Licence and in particular to provide storage for the Jetty train. Pursuant to the lease negotiations the City and BJECA considered it appropriate to review the terms and conditions of BJECA Jetty Licence, in particular with the view of aligning the term of the licence with the term of BJECA's lease of Railway House.

This report recommends to Council to amend BJECA's Jetty Licence in accordance with the terms and conditions outlined in this report.

BACKGROUND

BJECA is a Busselton based voluntary incorporated association with, among other things, the following objectives:

- Raising funds to protect and preserve the Busselton Jetty and the environment around it; and
- Being resourceful, financially viable and economically sustainable to ensure it meets its obligation to provide funds for the preservation and maintenance of the Busselton Jetty.

BJECA has for many years been raising funds and actively working towards restoration of the Busselton Jetty. In 2008 the City obtained grant funding of \$24 million from the South West Development Commission (**SWDC**) for purposes of refurbishing the Busselton Jetty (note that all amounts mentioned in this report are exclusive of GST). The grant agreement between the City and SWDC required from the City, among other things, to:

- Enter into a performance based operator agreement with BJECA in respect of "Jetty related activities" for a renewable 5 year term; and
- Establish a "Jetty maintenance account" and contribute to the account a minimum of \$650K per annum from operating revenues associated with Jetty related activities.

In accordance with the grant agreement the City and BJECA entered on 30 October 2009 into the BJECA Jetty Licence in terms of which BJECA was granted the right to conduct certain commercial activities at/on the Busselton Jetty in consideration for payment of an annual licence fee, and also assumed certain maintenance obligations. The licenced activities (Licenced Activities) include collecting entrance fees from persons entering the Busselton Jetty from its land side and operating the Busselton Jetty train (Jetty Train), the Underwater Observatory towards the northern end of the

Busselton Jetty (**UWO**) and the Interpretive Centre. The key terms and conditions of the BJECA Jetty Licence were as follows:

- An initial licence term of 5 years commencing on 18 June 2012 (that is the date of practical completion of the Busselton Jetty refurbishment) with two options for two further terms of 5 years each.
- An initial licence fee of \$650K per annum to be annually reviewed and increased by the greater of CPI increases or 3% (\$712, 348 for the 2015/16 financial year).
- BJECA to annually achieve a range of predetermined key performance indicators which includes
 achieving a 3% annual increase in paying customers to the Busselton Jetty and annually
 increasing in line with CPI average spend per person in retail sales. This reflects the performance
 based nature of the contract.

Separable portion 1 of the Busselton Jetty (that is the section from the Jetty abutment to the UWO) was completed in February 2011 which allowed the City to grant BJECA access to this part of the Busselton Jetty for the purpose of commencing the licenced activities under the BJECA Jetty Licence.

Separable portion 2 (that is the front section of the Busselton Jetty north of the UWO and approximately 150m in extent) was completed in June 2012, which triggered BJECA's payment obligations under the BJECA Jetty Licence. These payment obligations included payment of an "initial sum" (a one-off cash contribution of \$1 million towards the Busselton Jetty restoration costs) and the abovementioned annual licence fee.

The City's Railway House project on the Busselton Foreshore is aimed at providing BJECA and Margaret River/Busselton Tourism Association (MRBTA), who both provide key tourism services within the region, with suitable accommodation to compliment and extend their services. BJECA made a significant cash contribution towards the construction costs of their section of Railway House and consequently sought to secure a 42 year leasehold tenancy of their section of Railway House at a nominal rent.

The Licenced Activities constitute BJECA's main business and is BJECA's main source of revenue. In order to secure this income stream for the duration of BJECA's leasehold over Railway House, and to align the term of the BJECA Jetty Licence with the 42 year lease term, BJECA proposed a review of the BJECA Jetty Licence. At the time the City and BJECA also acknowledged that the fixed 3% licence fee adjustment, as prescribed by the BJECA Jetty Licence, has been (and will for the foreseeable future likely remain) almost double CPI.

Subsequently the City and BJECA agreed to review the BJECA Jetty Licence as a whole to ensure the licence term aligns with BJECA's Railway House lease term and also to provide the parties with a clear and flexible framework to manage the Licenced Activities over the next 42 years. Over the past 2 years both the City and BJECA have been, at officer level, engaged in a detailed, intensive review of the BJECA Jetty Licence. The most significant changes proposed as a result of this review are:

- Extension of the term of the BJECA Jetty Licence to align with BJECA's 42 year lease of their section of Railway House;
- Replacing the existing "fixed licence fee" with a "flexi licence fee" (an amount equal to 25% of BJECA's annual "Gross Revenue");
- Introducing a "minimum licence fee" threshold to ensure the City's financial obligations under the SDWC grant agreement are met;
- Relieving BJECA from certain maintenance obligations in respect of the UWO and Interpretive Centre; and
- Updating the performance review process in relation to BJECA's achievement of the key performance indicators specified in the BJECA Jetty Licence.

A range of other minor changes have also been made to ensure the BJECA Jetty Licence is consistent with current operational processes and requirements and will provide an effective management framework for future operations. The proposed changes to the BJECA Jetty Licence are discussed in more detail under the Officer Comment section of this report. BJECA's board indicated its "in principal" agreement to the proposed changes. Subsequently this report is presented to Council for consideration and endorsement of the proposed changes to the BJECA Jetty Licence.

STATUTORY ENVIRONMENT

The Busselton Jetty is located within Reserve 46715, which is Crown Land in a managed Reserve. Subsequently under Section 18.2 of the *Land Administration Act 1997* (WA) approval of the Minister for Lands is required for entering into the proposed amendment BJECA Jetty Licence.

Pursuant to Section 7 of the *Jetties Act 1926* the Department of Transport granted the City a licence to construct, maintain and use the Busselton Jetty as a private jetty for purposes of recreation, tourism and heritage (**DoT Licence**). In terms of clause 15.6 of the DoT Licence the approval of the CEO of the Department of Transport, Western Australia, is required for the proposed amendment of the BJECA Jetty Licence.

In operating the Jetty Train BJECA must comply with all requirements under the *Rail Safety National Award (WA) Act 2015* to the extent that they apply to BJECA as <u>operator of the train</u>, with the City to comply with requirements applicable to the <u>owner of the railway</u>. Under the proposed amendment BJECA Jetty Licence BJECA will assume full responsibility for all train "operator" requirements/obligations.

The BJECA Jetty Licence is non-exclusive and does not create in or confer to BJECA any tenancy or estate or interest in the Busselton Jetty or the Reserve. Therefore granting of the BJECA Jetty Licence (and subsequent amendment thereof) does not constitute a disposal of local government property as contemplated under Section 3.58 of the *Local Government Act 1995* (WA) (Act) and therefore does not have to comply with the disposal requirements under Sections 3.58 and 3.59 of the Act.

In terms of Section 9.49B of the Act a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government. This report seeks Councils authorisation for the CEO to negotiate and enter into the proposed amendment BJECA Jetty Licence on behalf of Council in accordance with the terms and conditions outlined in this report.

RELEVANT PLANS AND POLICIES

Nil

FINANCIAL IMPLICATIONS

The licence fee paid by BJECA in respect of the 2015/16 financial year was \$712,348, which represents the initial licence fee of \$650K plus an annual 3% adjustment since 2013. In terms of the proposed amendment of the BJECA Jetty Licence, the adjusted fixed licence fee for the 2016/17 financial year will be \$733,718 (this does not include BJECA's offer to pay an additional one-off \$5,000 contribution towards the maintenance cost of the Jetty Train shelter or an additional one off ex gratia contribution of \$44,000 towards maintenance costs). The annual licence fee for the 2017/18 financial year and onwards will be an amount equal to 25% of BJECA's "Gross Revenue".

A comparison over the next five years between the current "fixed licence fee" arrangement and the proposed "flexi licence fee" proposal indicates that, based on a projected annual growth of 3% in BJECA's "Gross Revenue", the City will potentially be better off under the "flexi licence fee" proposal:

Year	Fixed Fee	BJECA Gross Revenue	Flexi Fee
	(including annual 3%	(including 3% projected	(@ 25% of Gross revenue)
	adjustment)	growth)	
2015/16	\$712,348	(actual) \$3,066,167	\$766,541
2016/17	\$733,718	\$3,158,152	\$789,538
2017/18	\$755,729	\$3,252,896	\$813,224
2018/19	\$778,400	\$3,350,482	\$837,620
2019/20	\$801,752	\$3,450,996	\$862,749

Currently funds for structural repair and maintenance of the UWO and Interpretive Centre could be sourced from BJECA's surplus funds should there be insufficient finds in the City's Jetty Maintenance Reserve for that purpose. Under the proposed amended BJECA Jetty Licence the City will have full responsibility for structural repair and maintenance of the UWO and Interpretive Centre. BJECA will be responsible for maintenance and repair of the Jetty Train, all BJECA's fixtures, fittings and improvements as well as maintenance and repair of the non- structural aspects of the UWO and Interpretive Centre. BJECA's obligation to fund structural repair and maintenance of the UWO and Interpretive Centre in event of insufficient funds being available in the Jetty Maintenance Reserve, will be removed.

The potential increase in the annual licence fee under the "flexi licence fee" proposal should offset the City's potential exposure arising from exempting BJECA from contributing towards structural maintenance of the UWO and Interpretive Centre.

Long-term Financial Plan Implications

Providing for a "minimum licence fee" threshold (see Officer Comment for detail) will ensure that the proposed "flexi licence fee" amendment will not result in a significant change from the current "fixed licence fee" arrangement and is therefore considered not to have any adverse impact on the City's long term financial plan.

STRATEGIC COMMUNITY OBJECTIVES

The proposal to enter into a the amendment BJECA Jetty Licence is consistent with the *City of Busselton Strategic Community Plan 2013* (reviewed 2015), and in particular with the Council objectives under Key Goal Areas 2 and 3:

- 2.1 A City where the community has access to quality cultural, recreation and leisure facilities and services;
- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections;
- 2.3 Infrastructure assets that are well maintained and responsibly managed to provide for future generations.
- 3.1 A City recognised for its high quality events and year round tourism offerings.

RISK ASSESSMENT

Other than the extended term and changing the basis for determining the annual licence fee (from the current "fixed licence fee" method to the proposed "flexi licence fee" formula) the proposed changes to the BJECA Jetty Licence do not involve any significant changes from current operations or the terms and conditions originally agreed. The proposed changes to the BJECA Jetty Licence include provision for a minimum licence fee which will be subject to annual CPI adjustment and 5 yearly

reviews. These controls will significantly mitigate the City's risk associated with the "flexi licence fee" proposal. Therefore the proposed changes to the BJECA Jetty Licence are not considered to represent any risks identified as medium or greater.

CONSULTATION

Nil.

OFFICER COMMENT

Both the DoT Jetty Licence and the SWDC Grant agreement allow the City to enter into the BJECA Jetty Licence for purposes of engaging BJECA to undertake the Licenced Activities on the Busselton Jetty. As a result of BJECA's involvement in the Railway House project and also to provide a more flexible framework for managing and regulating the proposed (relatively long) licence period of 42 years, the City and BJECA agreed to review the existing BJECA Jetty Licence.

The key provisions of the proposed amended BJECA Jetty Licence, which have been negotiated and in principle agreed on at officer level, are as follows:

Licence Fee

It is proposed to replace with effect from the 2017/18 financial year the current annual "fixed licence fee" with a "flexi licence fee" based on with 25% of BJECA's annual "Gross Revenue". "Gross Revenue" is defined as all money received by BJECA from whatever source (including income from activities at/on the Busselton Jetty), with the exception grant funding, deductible gift recipient funding and GST. Based on a projected annual growth of 3% of BJECA's business, this "flexi licence fee" proposal could result in a significant increase compared to the licence fee payable in terms of the existing "fixed licence fee" arrangement (an estimated \$50K to \$60K increase). This additional income will to a certain extent reimburse the City for additional maintenance costs – see discussion under Maintenance and Repair of UWO and Interpretive Centre below.

In order to mitigate the City's risk in relation to a drastic decrease in BJECA's "Gross Revenue", the proposed amended BJECA Jetty Licence provides for the following:

- Payment of a minimum licence fee of \$700K per annum which will serve as a "floor price", guaranteeing a specified minimum income disregarding BJECA's "Gross Revenue". This minimum licence fee will annually be adjusted in accordance with CPI increases and also be subject to a 5 yearly review based on the average of the annual licence fees for the 5 years prior to each such review date.
- A reduction of more than 20% of BJECA's "Gross Revenue" in any financial year will be considered an event of default which could result in early termination by the City of the BJECA Jetty Licence, unless the City is satisfied that such a drastic reduction is not related to BJECA's performance under the BJECA Jetty Licence.
- Changes to the key performance indicators and performance review process which will increase
 the City's powers and ability to oversee BJECA's ongoing performance in terms of the BJECA Jetty
 Licence.

The proposed "flexi licence fee" arrangement will also resolve various practical issues which currently impact on BJECA's ability to pay the "fixed licence fee". These issues include:

BJECA's lack of control over determination of the entrance fees payable by persons visiting the
Busselton Jetty. The Busselton Jetty entrance fee, which form an integral part of BJECA's annual
income, is determined by the City as part of it local government functions. The "flexi licence fee"

- proposal will to a certain extent mitigate BJECA's risk in relation to irregular or inadequate entrance fee increases by Council.
- Under the proposed amended BJECA Jetty Licence the City reserves the right to close the
 Busselton Jetty for major events or to exempt under certain circumstances people from paying
 entrance fees (for example cruise ship passengers). The "flexi licence fee" arrangement will
 automatically factor in any resulting adverse impacts on BJECA's income and will significantly
 simplify ongoing management of the licence.

Maintenance and Repair of UWO and Interpretive Centre

The existing BJECA Jetty Licence provides for a hybrid system in relation to the City and BJECA's maintenance obligations in respect of the UWO and Interpretive Centre. In terms of this arrangement funds for external substructure repairs or maintenance of the UWO and Interpretive Centre are sourced from the City's Jetty Maintenance Reserve and, in the event of their being insufficient funding for that purpose, the financial responsibility concerning these repairs or maintenance will transfer to BJECA, subject to BJECA's capacity to pay such maintenance and repair costs.

From a contract management perspective these provisions create ambiguity and result in practical and management issues. Therefore it is proposed that the City assumes sole responsibility for all <u>structural</u> maintenance and repair obligations in relation to the UWO and Interpretive Centre, which will leave BJECA with the following repair and maintenance obligations:

- BJECA will be solely responsible for maintaining and repairing <u>all aspects</u> of the Jetty Train,
 BJECA's fixtures and fittings and any improvements made by BJECA.
- BJECA's maintenance obligations in respect of the UWO and Interpretive Centre will be limited to non-structural internal repair and maintenance thereof.

It is anticipated that the projected licence fee increase under the "flexi licence fee" proposal will, to a certain extent, reimburse the City for additional costs which may potentially be incurred as a consequence these changes.

Damage to or Destruction of the Busselton Jetty

The existing BJECA Jetty Licence states that "if the whole or a significant part of the Busselton Jetty is damaged to such an extent that it becomes unusable, a fair and just proportion of the licence fee payable by BJECA will abate and not be payable for the period during which the Busselton Jetty is unusable." This wording is considered to be ambiguous and open to differing interpretation.

The proposed changes to the BJECA Jetty Licence will replace this clause with a condition which provides for reduction of the minimum licence fee in proportion to the number of days which the Busselton Jetty is "unusable" (with "unusable" being defined as either the Busselton Jetty so damaged that it is substantially unfit for operation of the UWO and/or the Jetty Train, or the Busselton Jetty being closed by the City for maintenance, public safety or security reasons).

Performance Review

The proposed amended BJECA Jetty Licence seeks to acknowledge the strategic importance of the Busselton Jetty as a community facility and iconic tourist attraction. Therefore it requires from BJECA to not only successfully operate the Licenced Activities but also to grow its business and improve community engagement. In order to achieve these goals on an ongoing basis the performance review clauses of the BJECA Jetty Licence have been reviewed and, where necessary, strengthened to provide for a more robust performance review process (which includes the City's ability to early

termination of the licence should BJECA fail to rectify unsatisfactory performance). In addition, BJECA's key performance indicators have been extended to provide for, among other things:

- Development and achievement of an annual business plan that focuses on the sustainability of income from the Busselton Jetty;
- Development and achievement of an annual marketing plan with initiatives to encompass local, regional and state audiences;
- Development and achievement of an annual events program;
- Development and implementation of strategies that aim for an annual 3% increase in paying customers to the Busselton Jetty;
- Development and implementation of strategies that aim for an increase in gross revenue each year in line with CPI; and
- Development and implementation of a volunteer management program and strategies to improve the social connection between the community and the Busselton Jetty.

These changes will extend the City's ability to ensure the Licensed Activities are effectively managed and the Busselton Jetty is well maintained, providing a shared, vibrant and well planned facility for current and future generations.

Minor Changes

The proposed amended BJECA Jetty Licence will incorporate a number of minor changes which will remove ambiguity from the existing agreement, provide more clarity on certain operational issues and will update the agreement to reflect current terminology and legislative changes. For example references to "Shire" will be replaced with "City", reference to Shire of Busselton Bylaw Relating to Use of Public Jetty will be replaced by "City of Busselton Jetties Local Law 2014" and instead of referring to "Commissioner for Fair Trading" the amended licence will refer to the new Associations Incorporation Act 2015 (WA).

The proposed changes to the BJECA Jetty Licence are the result of a detailed review by and intensive negotiations between City and BJECA officers. These changes should improve ongoing management of the Busselton Jetty and also align with the lease granted to BJECA in respect of Railway House.

CONCLUSION

The proposed amendment of the BJECA Jetty Licence will provide the City and BJECA with an updated, flexible and just and equitable framework for developing, managing and maximising the potential of the iconic Busselton Jetty as a significant community asset and tourist attraction.

OPTIONS

Council may resolve to negotiate alternative terms and conditions with BJECA for amending the BJECA Jetty Licence. However for the reasons mentioned in this report the terms and conditions outlined in this report are considered to be necessary and appropriate.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

All documentation relating to the proposed amendment BJECA Jetty Licence have been drafted and broadly agreed at officer level between the City and BJECA and is anticipated to be entered into within 4 to 6 weeks should Council adopt the Officer Recommendation. Entering into the amendment BJECA Jetty Licence is subject to the consent of the Minister for Lands and the approval of CEO of the Department of Transport.

OFFICER RECOMMENDATION

That the Council delegates to the CEO the power to negotiate and authorise the CEO to enter into an amendment Busselton Jetty licence agreement with Busselton Jetty Environment and Conservation Association Inc on the terms and conditions as outlined in this report and subject to the approval of the Minister for Lands and the Chief Executive Officer of the Department of Transport Western Australia.

15. CHIEF EXECUTIVE OFFICER'S REPORT

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX: Councillors' Information

STRATEGIC OBJECTIVE: Governance systems that deliver responsible, ethical and accountable

decision-making.

BUSINESS UNIT: Executive Services
ACTIVITY UNIT: Governance Services
REPORTING OFFICER: Reporting Officers - Various

AUTHORISING OFFICER: Chief Executive Officer - Mike Archer

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Planning Applications Received 1 November - 15

November <u>U</u>

Attachment B Planning Applications Determined 1 November - 15

November !

Attachment C State Administrative Appeals as at 24 November

2016U

Attachment D Meelup Regional Park Management Committee

Informal Meeting Minutes - 31 October 2016 U

PRÉCIS

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

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

INFORMATION BULLETIN

15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 November, 2016 and 15 November 2016. 29 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 November, 2016 and 15 November, 2016. A total of 39 applications (including subdivision referrals) were determined by the City during this period with 39 approved / supported and 0 refused / not supported.

15.1.2 State Administrative Tribunal (SAT) Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 24 November, 2016.

15.1.3 Meelup Regional Park Management Committee

The minutes from the Meelup Regional Park Management Committee 31 October 2016 informal meeting is available to view at Attachment D.

15.1.4 Margaret River Wine Association – Strategic Review 2016

The Margaret River Wine Association has provided their Strategic Review for 2016 and is available to view at the below link:

http://www.busselton.wa.gov.au/Managed FTP/MRWA-Strategic-Plan.pdf

15.1.5 The Combined Churches of Busselton – Letter of Appreciation

Correspondence has been received from the Combined Churches of Busselton as follows:

'On behalf of the Combined Churches of Busselton Welfare Committee I sincerely thank the City for their grant of \$500 towards the costs of putting together Christmas Hampers & Toys for those of our community who would not be able to enjoy Christmas celebrations without our help. I have already contacted Janien Wesley with regard to using at least or 2 banners during the 3 days when the Hampers & Toys are put together. We will also be notifying the papers of the Council's contribution.'

OFFICER RECOMMENDATION

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 State Administrative Tribunal (SAT) Appeals
- 15.1.3 Meelup Regional Park Management Committee
- 15.1.4 Margaret River Wine Association Strategic Review 2016
- 15.1.5 The Combined Churches of Busselton Letter of Appreciation

Attachment A Planning Applications Received 1 November - 15 November

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Applications Received (Deemed Complete) Report

Application Number	Description	Primary Property Address	Primary Property Legal Desc	Date Application Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
Development	Applications							
DA15/0683	Animal Establishment (Cattery)	137 Tutunup Road~RUABON WA 6280	Lot 1998 PLAN 203009	1/11/2016	60000	Jenny-Lyn Gladys Gardiner & John Norman Whibley	Jenny-Lyn Gladys Gardiner	316
DA16/0624	Jetty (Port Geographe Development Area)	39 Spinnaker Boulevard~GEOGRAPHE WA 6280	Lot 79 PLAN 404247	1/11/2016	19000	Ann Marie Ouano Waugh & Anthony John Waugh	Anthony John Waugh	9
DA16/0782	Single House (Swimming Pool and Pool House / Outbuilding Additions in Landscape Value Area)	268 Wyadup Road~YALLINGUP WA 6282	Lot 12 DIAGRAM 99831	9/11/2016	150000	Landmark Holdings WA Pty Ltd	Mark Webster Design	33
DA16/0786	Grouped Dwellings (R-Code Variation - Street Walls)	99-101 Adelaide Street~BUSSELTON WA 6280	Lot 500 PLAN 402986	8/11/2016	9300	Vincent Brian O'Neill & Cheryl Anne Callow	Vincent Brian O'Neill, Cheryl Anne Callow	23
DA16/0793	Single House (R-Code Variation - Reduced Street Setback)	12 Wentworth Loop~DUNSBOROUGH WA 6281	Lot 1075 PLAN 58898	4/11/2016	185000	Christopher Adam Jones, Amanda Jayne Jones, Housing Authority	Christopher Adam Jones, Amanda Jayne Jones	14
DA16/0798	Site Works, Landscaping and Timber Deck	26 Ella Gladstone Drive~EAGLE BAY WA 6281	Lot 611 PLAN 62210	10/11/2016	70000	Prosperity Equity Pty LtdATF JMSEB Trust	LB Planning	12
DA16/0806	Single House (Garage and Over Height Single House with Reduced Setbacks and Reduced Privacy Setbacks)	926B Geographe Bay Road~GEOGRAPHE WA 6280	Lot 2 SSPLN 69874	8/11/2016	170000	Stephen Noel Matthew Hallam & Sharon Melissa Hallam	Stephen Noel Matthew Hallam, Sharon Melissa Hallam	46
DA16/0833	Single House (Port Geographe Development Area)	24 Lanyard Boulevard~GEOGRAPHE WA 6280	Lot 71 PLAN 59251	1/11/2016	320453	Julia Carolyn Poole & Richard Leslie Poole	WA Country Builders Pty Ltd - Busselton	30
DA16/0834	Single House (Reduced Primary Street Setback)	11 Spyglass Cove~DUNSBOROUGH WA 6281	Lot 1130 PLAN 77709	3/11/2016	163585.45	Darcy Laird Carroll	Residential Building WA	25
DA16/0843	Extractive Industry (Gravel)	Gale Road~KALOORUP WA 6280	Lot 2682 PLAN 203057	1/11/2016	1	Franklin Joel Tate & Heather Mary Jephson Tate	B & J Catalano Pty Ltd	0
DA16/0845	Single House, Ancillary Dwelling and Associated Outbuildings (Reduced Setback)	811 Puzey Road~WILYABRUP WA 6280	Lot 2680 PLAN 153645	7/11/2016	1000000	Robert Scott	Robert Scott	26
DA16/0846	Outbuilding and Rainwater Tank (Landscape Value Area)	Cornerstone Way~QUEDJINUP WA 6281	Lot 20 PLAN 74289	1/11/2016	35000	Trent Phillip Walker & Kristy-Lee Spiteri	Sheds Down South	0
DA16/0848	Additional Dwelling (to form two (2) grouped dwellings)	50 Hammond Road~YALLINGUP WA 6282	Lot 25 PLAN 8037	11/11/2016	400000	Kristian Neil Moore	Rebecca June Richards	10
DA16/0851	Holiday Home (Single House) 8 Persons	18 The Dell Retreat~YALLINGUP WA 6282	Lot 5 PLAN 33476	1/11/2016	0	Iliya Hastings & Kirrily Sarah White	Iliya Hastings, Kirrily Sarah White	4
DA16/0853	Enclosure of Storage Area	237 Naturaliste Terrace~DUNSBOROUGH WA 6281	Lot 1 DIAGRAM 29927	1/11/2016	27000	Eloise Kathleen Jennings, Andrew John Hopkins, Jennings Hopkins Discretionary Trust	Eloise Kathleen Jennings, Andrew John Hopkins, Jennings Hopkins Discretionary Trust	4
DA16/0855	Outbuilding (Landscape Value Area)	37 O'Byrne Road~QUINDALUP WA 6281	Lot 203 PLAN 406421	7/11/2016	40000	Phillip Ronald Wilkinson & Tina Gayle Wilkinson	Outdoor World Wangara	14
DA16/0858	Outbuilding (Reduced Setbacks)	51B Lilly Crescent~WEST BUSSELTON WA 6280	Lot 1 STPLN 17689	4/11/2016	8000	John Joseph Clarke	John Joseph Clarke	19
DA16/0859	Floating Jetty (Port Geographe Development Area)	20 Lanyard Boulevard~GEOGRAPHE WA 6280	Lot 69 PLAN 59251	1/11/2016	30000	Michael Lindon Reilly & Michelle Beverly Reilly	West Coast Jetties	14
DA16/0860	Single House (Carport and Patio Additions with Reduced Setbacks)	24 Manson Street~WEST BUSSELTON WA 6280	Lot 47 DIAGRAM 28936	1/11/2016	6400	Peter Charles Rogers & Khwanruethai Rogers	WA External Solutions	18
DA16/0866	Outbuilding (Landscape Value Area)	5 Lochinvar Place~QUINDALUP WA 6281	Lot 211 PLAN 68461	1/11/2016	20000	Erin Margaret Rummer & Louis John Rummer	Busselton Sheds Plus	31

Attachment A Planning Applications Received 1 November - 15 November

Applications Received (Deemed Complete) Report

Application	is keceived (Deeilied Colliplete) kep	OI C						
				Date Application				
Application			Primary Property Legal	Deemed				Clock
Number	Description	Primary Property Address	Desc	Complete	Estimated Cost	Primary Property Owners	Applicant Name	Days
Development	Applications							
DA16/0868	R-Codes (outbuilding with reduced setback)	11 Belpaire Entrance~WEST BUSSELTON WA 6280	Lot 775 PLAN 400546	4/11/2016	8000	John Anthony Copeland	Busselton Sheds Plus	2
DA16/0870	Outbuilding (Gazebo in Landscape Value Area)	22 Wood Court~YALLINGUP WA 6282	Lot 38 PLAN 22829	2/11/2016	4790	Anthony John Robb & Debra Anne Robb	CPR Outdoor Centre	34
DA16/0871	Holiday Home (Single House) 8 people	9 Toby Court~QUINDALUP WA 6281	Lot 26 DIAGRAM 86290	9/11/2016	0	Siobhan Elizabeth Lynch & Shawn Parkinson	Siobhan Elizabeth Lynch	9
DA16/0876	Outbuilding (reduced setbacks)	75 Norfolk Street~DUNSBOROUGH WA 6281	Lot 300 DIAGRAM 91185	11/11/2016	12200	Jacqueline Elizabeth Lymbery	Sheds Down South	20
DA16/0877	Single House (Carport and Patio Addition)	18 Boyle Street~BROADWATER WA 6280	Lot 73 PLAN 25467	7/11/2016	15308	Michael James Smith	CPR Outdoor Centre	31
IDA16/0878	Single House (patio addition with reduced setback)	48 Heritage Drive~VASSE WA 6280	Lot 830 PLAN 52474	11/11/2016	8000	Grantley Douglas Smith & Sherryl Grace Smith	Outdoor World Wangara	20
DA16/0879	Single House (Port Geographe Development Area)	17 Windward Green~GEOGRAPHE WA 6280	Lot 109 PLAN 59251	7/11/2016	270274.55	Sarah Louise Lang	BGC Residential Pty Ltd	30
	Holiday Home (Single House) 10 People - Residential Zone Area 2	14 Marri Drive~DUNSBOROUGH WA 6281	Lot 172 DIAGRAM 87973	9/11/2016	0	Geoffrey Edward Mason, Susan Mason, Trent James Mason	Geoffrey Edward Mason, Susan Mason, Trent James Mason	26
	Single House (Swimming Pool in Landscape Value Area)	77 Marron Rise~YALLINGUP WA 6282	Lot 14 PLAN 33485	9/11/2016	12000	Erin Michelle Webb & Stephen Ross Webb	Erin Michelle Webb, Stephen Ross Webb	22

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Applications Determined Report

Attachment B

				Applic	Application					
Application			Primary Property	Determined	Determined		Clock	Estimated		
Number	Description	Primary Property Address	Legal Desc	Date	Result	Decision	Days	Cost	Primary Property Owners	Applicant Name
Development	Applications	I	1		1				1	
DA15/0007	Extractive Industry (sand) - additional area to existing extraction area	121 Chambers Road~YELVERTON WA 6280	Lot 4079 PLAN 164510	9/11/2016	Approved	Approved	87	1	Albert Charles Credaro, Phyllis Esther Credaro, Robert Charles Credaro, Ruby Louise Credaro	BSO Development Consultants Pty Ltd
DA15/0420	Retrospective Use for Additions to the existing Caravan Park (to include Caravan Sites; Ablutions Buildings; Camp Kitchen & two Bridges)	29 Commonage Road*QUINDALUP WA 6281	Lot 2761 PLAN 26681	4/11/2016	Approved	Approved	450	38000	Herbert Eugen Schaal	Tim Koroveshi
DA15/0456	Extractive Industry (Gravel)	Worgan Road~METRICUP WA 6280	Lot No:4375 & 4112	2/11/2016	Approved	Approved	45	1	Rosemary Alice Worgan & David Victor Worgan	Busselton Civil and Plant Hire
DA15/0683	Animal Establishment (Cattery)	137 Tutunup Road~RUABON WA 6280	Lot 1998 PLAN 203009	1/11/2016	Approved	Approved	316	60000	Jenny-Lyn Gladys Gardiner & John Norman Whibley	Jenny-Lyn Gladys Gardiner
DA16/0466	RELOCATED BUILDING ENVELOPE (OVER-HEIGHT OUTBUILDING)	54 Okapa Rise~DUNSBOROUGH WA 6281	Lot 415 PLAN 49084	3/11/2016	Approved	Approved	134	17400	Paul Bernard Richardson & Caroline Renea Moylan	Busselton Sheds Plus
DA16/0558	SINGLE HOUSE (RELOCATED BUILDING ENVELOPE & OUTBUILDING IN LANDSCAPE VALUE AREA)	Yungarra Drive~QUEDJINUP WA 6281	Lot 7 PLAN 16138	3/11/2016	Approved	Approved	91	568000	Stephen William Saunders & Valda Loryn Saunders	Stephen William Saunders, Valda Loryn Saunders
DA16/0612	Grouped Dwelling (extension in Special Character Area)	7A Elsegood Avenue~YALLINGUP WA 6282	Lot 2 SSPLN 32352	3/11/2016	Approved	Approved	44	95000	Christopher Shaun Davies & Joanne Mary Joy Davies	Mark Webster Design
DA16/0618	Multiple Dwelling (Sixteen Multiple Dwellings)	44 Bell Drive~BROADWATER WA 6280	Lot 200 PLAN 404861	4/11/2016	Approved	Approved	77	3750000	Aegis Aged Care Group Pty LtdAtf NHM Unit Trust	LB Planning
DA16/0624	Jetty (Port Geographe Development Area)	39 Spinnaker Boulevard~GEOGRAPHE WA 6280	Lot 79 PLAN 404247	10/11/2016	Approved	Approved	9	19000	Ann Marie Ouano Waugh & Anthony John Waugh	Anthony John Waugh
DA16/0687	Outbuilding (Oversized)	59 Morava Drive~AMBERGATE WA 6280	Lot 51 PLAN 69015	7/11/2016	Approved	Approved	25	4000	Michael John O'Brien & Carol Vivienne Mosca	Michael John O'Brien
DA16/0693	Outbuilding (R-Codes Variation - Parapet Wall)	18 Davies Way~BROADWATER WA 6280	Lot 41 PLAN 9091	3/11/2016	Approved	Approved	29	20000	Geoffrey Graham Matthews & Anne Elizabeth Matthews	Mick Bray Building
DA16/0707	Grouped Dwelling (Port Geographe Development Area)	2/9 Bernier Retreat~GEOGRAPHE WA 6280	Lot 2 SSPLN 61740	11/11/2016	Approved	Approved	54	5000	Hendrik Ackerman & Martha Maria Ackerman	Mark Webster Design
DA16/0728	Grouped Dwelling (Unit 6)	13 King Street~WEST BUSSELTON WA 6280	Lot 50 PLAN 45285	10/11/2016	Approved	Approved	44	395000	St Andrews Yanchep Pty Ltd	Zuideveld Marchant Hur
DA16/0732	Jetty (Port Geographe Development Area)	18 Burgee Cove~GEOGRAPHE WA 6280	Lot 9 PLAN 57392	2/11/2016	Approved	Approved	40	16500	Keith Desmond Townsend & Nicole Suzanne Townsend	West Coast Jetties
DA16/0733	Jetty (Port Geographe Development Area)	22 Burgee Cove~GEOGRAPHE WA 6280	Lot 7 PLAN 57392	2/11/2016	Approved	Approved	40	16000	Aida Embling & Steven Bradley Embling	West Coast Jetties
DA16/0734	Single House (Carport Addition to Single House)	12 Gunn Street~WEST BUSSELTON WA 6280	Lot 160 PLAN 59475	8/11/2016	Approved	Approved	52	8970	Peter Markovic	CPR Outdoor Centre
DA16/0745	Chalet Development (Two Chalets)	23 Douglas Road~CARBUNUP RIVER WA 6280	Lot 375 PLAN 106352	3/11/2016	Approved	Approved	34	308000	John William Whiteford & Anna Paulette Maria Whiteford	John William Whiteford, Anna Paulette Maria Whiteford
DA16/0749	Jetty (Port Geographe Development Area)	24 Lanyard Boulevard~GEOGRAPHE WA 6280	Lot 71 PLAN 59251	2/11/2016	Approved	Approved	34	18000	Julia Carolyn Poole & Richard Leslie Poole	West Coast Jetties
DA16/0764	Single House (Eagle Bay Special Character Area)	13 Gypsy Street~EAGLE BAY WA 6281	Lot 55 DIAGRAM 59454	10/11/2016	Approved	Approved	37	1350000	Leslie Raymond Gifford	Woodcross Holdings Number 2 Pty Ltd

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Attachment B

Applications Determined Report

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Application Number	Description	Primary Property Address	Primary Property Legal Desc	Applic Determined Date	Application Determined Result	Decision	Clock Days	Estimated Cost	Primary Property Owners	Applicant Name
Development	Applications									
DA16/0765	Signage (Locke Estate Camp Sites 1,2,3,4,7,8,10,12,13,14,16)	Caves Road~SIESTA PARK WA 6280	Lot 5303 PLAN 220583	3/11/2016	Approved	Approved	36	0	City of Busselton	City of Busselton
DA16/0774	Holiday Home (Grouped Dwelling) 6 People	988 Geographe Bay Road~GEOGRAPHE WA 6280	Lot 1 SSPLN 61741	3/11/2016	Approved	Approved	10	0	Firgrove Pty Ltd	Judith Patricia Shearwood
DA16/0779	Holiday Home (Grouped Dwelling) 6 People	3/86 Fairbairn Road~BUSSELTON WA 6280	Lot 5 SSPLN 49304	3/11/2016	Approved	Approved	29	1	Kellie Marie Pickford & Michael David Barrington Pickford	Down South Getaways & Property Management
DA16/0783	Single House (Patio Addition with Reduced Setback)	72 Santons Approach~YALYALUP WA 6280	Lot 13 PLAN 62124	1/11/2016	Approved	Approved	22	7420	Anthea Maree Brough	CPR Outdoor Centre
DA16/0784	Installation of a Satellite Dish	13 Queen Street~BUSSELTON WA 6280	Lot 310 PLAN 135060	7/11/2016	Approved	Approved	10	800	City of Busselton-Crown Grant In Trust	Acting Up! Academy of Performing Arts Inc.
DA16/0795	Patio Extension to Dwelling in Landscape Value Area	18 Junee Place~YALLINGUP SIDING WA 6282	Lot 63 PLAN 20532	3/11/2016	Approved	Approved	23	30000	Karen Louise Sinclair	Karen Louise Sinclair
DA16/0803	Single House (Single House with Reduced Setback and Reduced Street Setback)	14 Wentworth Loop~DUNSBOROUGH WA 6281	Lot 1074 PLAN 58898	10/11/2016	Approved	Approved	20	240685	John Joseph Paolino & Shona Kay Paolino	Dale Alcock Homes South West Pty Ltd
DA16/0805	Holiday Home (Single House) 6 people	57 Hester Street~GEOGRAPHE WA 6280	Lot 109 PLAN 9137	1/11/2016	Approved	Approved	16	0	Odette Suzanne Bridget Haley	Odette Suzanne Bridget Haley
DA16/0807	Carport (with parapet wall)	413 Bussell Highway~BROADWATER WA 6280	Lot 23 PLAN 9290	11/11/2016	Approved	Approved	26	6000	Thomas Van Den Berg	Thomas Van Den Berg
DA16/0811	Gazebo and Verandah (Landscape Value Area)	32 Kangaroo Parade~YALLINGUP WA 6282	Lot 109 PLAN 20503	11/11/2016	Approved	Approved	25	4000	Alan Steven Bean & Jacquelin Anne Bean	Alan Steven Bean, Jacquelin Anne Bean
DA16/0812	Outbuilding (over-height)	38 Ballard Loop~DUNSBOROUGH WA 6281	Lot 15 PLAN 403468	14/11/2016	Approved	Approved	25	18000	Matthew Peter Brewer	Busselton Sheds Plus
DA16/0815	Grouped Dwelling (reduced setbacks)	275 Bussell Highway~WEST BUSSELTON WA 6280	Lot 89 DIAGRAM 49322	14/11/2016	Approved	Approved	17	180000	Rodney Durtanovich & Jennifer Anne Durtanovich	Able Planning & Project Management
DA16/0816	Single House (Patio in Quindalup Special Character Area)	3 Lagoona Place~QUINDALUP WA 6281	Lot 15 PLAN 9069	4/11/2016	Approved	Approved	21	6560	Shirley Mae Barrett-Lennard & Denholm Barrett-Lennard	CPR Outdoor Centre
DA16/0818	Single House (R-Codes - Reduced Setbacks)	15A Boyle Street~BROADWATER WA 6280	Lot 2 SSPLN 64008	10/11/2016	Approved	Approved	23	220399	Clifford George Fraser	Ventura Home Group Pty Ltd
DA16/0821	Locke Estate - Replace Roof Covering on Dormitory 82	172 Caves Road~SIESTA PARK WA 6280	Lot 5303 PLAN 220583	4/11/2016	Approved	Approved	1	10000	Busselton Gospel Chapel inc	Busselton Gospel Chapel inc
DA16/0824	Single House (Patio Addition in a Special Character Area)	8 McDermott Street~QUINDALUP WA 6281	Lot 19 DIAGRAM 66564	4/11/2016	Approved	Approved	10	19200	Bradley James Garside, David Anthony Paull, Lorenzo Mignacca, Alexander Gourdis	Bradley James Garside, David Anthony Paull, Lorenzo Mignacca, Alexander Gourd
DA16/0842	Outbuilding (Special Control Area)	224 Carnarvon Castle Drive~EAGLE BAY WA 6281	Lot 131 PLAN 24546	4/11/2016	Approved	Approved	3	10000	Marnie Louise Nichol & Stuart Timothy Nichol	Busselton Sheds Plus
DA16/0851	Holiday Home (Single House) 8 Persons	18 The Dell Retreat~YALLINGUP WA 6282	Lot 5 PLAN 33476	2/11/2016	Approved	Approved	4	0	Iliya Hastings & Kirrily Sarah White	Iliya Hastings, Kirrily Sarah White
DA16/0861	Outbuilding (Landscape Value Area)	35 Berwick Place~QUINDALUP WA 6281	Lot 216 PLAN 68461	8/11/2016	Approved	Approved	4	35000	Travis Hughan Patterson & Tegan Janine Patterson	Busselton Sheds Plus
WAPC16/003 9	Survey Strata - 5 x Lots including Common Property (180m2 - 269m2)	15 Mackerel Avenue~KEALY WA 6280	Lot 1115 PLAN 408151	3/11/2016	Approve	Approved	40	0	Ventura Home Group Pty Ltd	Harley Dykstra

(Note: All applications (excluding WAPC matters) are managed by the legal services section of Finance and Corporate Services in conjunction with the responsible officer below.)

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As at 24 November 2016

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELT	ON APPEALS						
Caves Caravan Park vs City of Busselton	Lot 5037 No 23 Yallingup Beach Road, Yallingup	March 2016	Appeal against Section 34(4) of the Caravan Parks and Camping Grounds Act 1995 and Section 214(2) notice for illegal structures and camping		Directions hearing to commence proceedings and discuss way forward. Mediation hearing on 29 April 2016. The City prepared a report to Council in line with the Orders from SAT for the reconsideration of S.34 of the Caravan and Camping Grounds Act 1995. Directions hearing 10 August 2016 where the applicant under Section 34(4) was withdrawn; Teptember the City filed a Statement of Issues, Facts and Contentions and Section 24 Bundle and on 3 October the City filed a response to the Issues, Facts and Contentions as submitted by the applicant; Mediation took place on 2 November 2016, where the appeal was stayed in order to give the applicant time to progress with a development application Directions Hearing on 17 February 2017	Directions hearing on 17 February 2017.	
Realview Holdings v City of Busselton	Lot 17 No 80 West Street, West Busselton	August 2016	Appeal against the refusal of a development application for a medical centre and shop.	Jo Wilson / Moshe Philips	Directions Hearing on 30 September 2016 where it was decided that a Compulsory conference will take place on 31 October 2016; The parties could not reach a decision so a Hearing is set to take place on 7 December 2016	• Final hearing on 7 December 2016.	
Safe Haven Health Pty Ltd v City of Busselton	48 Roy Road, Metricup	September 2016	Appeal against the refusal of a development application for private hospital.	Paul Needham / Moshe Philips	Directions Hearing on 11 November 2016 where it was agreed to adjourn until the land tenure issues have been resolved; Directions Hearing set for the 25 November, 2016 deferred at the request of the applicant. New Hearing set for 16 December, 2016.	Directions Hearing on 16 December, 2016.	

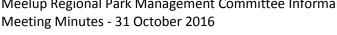
State Administrative Appeals as at 24 November 2016

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APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
JOINT DEVELOPM	MENT ASSESSMENT	PANEL APPEALS					
DCSC vs Southern JDAP	Lot 108 No 57 Dunn Bay Road, Dunsborough	January 2016	Appeal against refusal of Development application for Service Station		Parties circulated documents categorising the land use within 14 days. Land use has been determined by SAT to be a convenience store; Mediation took place on 5 October 2016, where JDAP requested amended plans to be submitted for a revised elevation to Dunn Bay Road and a revised traffic assessment. Decision reconsidered by JDAP on 14 November 2016, where the application was refused. Final hearing to take place on 1 and 2 February, 2017.	Hearing on 1 and 2 February, 2017.	
Caves 1676 Pty Ltd v Western Australian Planning Commission and City of Busselton	Lot 200 No 1676 Caves Road, Dunsborough	April 2016	Appeal against the refusal of a survey-strata subdivision		Mediation Hearing on 27 April 2016 the issue of whether the development approval which has expired had substantially commenced was discussed. The applicant submitted evidence that the works have substantially commenced and the City and SSO is to form a view if they agree. Mediation on 7 June 2016, an agreement on substantial commencement could not be reached; the SSO and Tribunal have suggested that the City submit an intervention application to become a party to the proceedings. Intervention application was submitted by the City. Directions hearing on 29 July 2016 it was decided that by 23 September 2016 parties must file agreed statement of facts; 7 October 2016 the parties exchange written submissions and 21 October 2016 exchange written submission in response to the other parties' submission. Hearing was set for 30 November, 2016 but is deferred at the request of the applicant to a date after 16 February, 2017. At the time of writing, SAT is expected to agree and set a new date.	• Final hearing date to be set for after 16 February, 2017.	

Attachment C

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
Formas v Western Australian Planning Commission	Lot 4082 No 3 Tilly Road, Yallingup	April 2016	Appeal against the refusal of a three lot subdivision	State Solicitors Office / Joanna Wilson	 Mediation on 27 April 2016 to discuss the issue that the existing dwellings on site have existing development approvals and the applicant is arguing that as they have a purple title the subdivision could be approved. The parties could not agree in Mediation and the application has requested the matter goes to a Hearing. Directions Hearing on 2 June to set dates for a Hearing. Directions hearing on 5 August 2016, the applicant requested an extension on the hearing dates in order to organise a Flora Survey and additional bushfire management plans. City's expert witness statement submitted. Expert Witness conferral took place on 19 October 2016, Hearing took place on 31 October 2016 for a duration of three days. The member has three months to reach a decision. 	outcome.	







Meelup Regional Park Management Committee

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Informal Meeting- Notes

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DATE: Tuesday 31 October 2016, 10am

VENUE: **Dunsborough District Country Club, Gifford Road, Dunsborough**

1. ATTENDANCE AND APOLOGIES

Members: Dr Bob Jarvis (Presiding Member), Mr Peter Randerson (Deputy Presiding Member), Councilor Terry Best, Councilor Ross Paine, Mrs Shirley Fisher, Ms Lisa Archer and Mr Albert Haak, Tony Smurthwaite.

Officers: Mr Greg Simpson (Manager Environmental Services) and Ms Kay Lehman (Meelup Environment Officer- EO).

Apologies: Councilor John McCallum, Mr Damien Jones, Mr Bob Ginbey, Ms Arlene Maidment and Mr John Lang.

2. FINANCIAL SUMMARY - Attachment A

Proposed Direction:

1. That the Committee notes the October 2016 Financial Summary (Attachment A).

MEELUP VOLUNTEER UPDATE 3.

- 1. EO and Bob Jarvis presented a summary of the weekly volunteer activities.
- 2. Upcoming volunteer activity- Bird survey walk with Christine Wilder from Bird Life's Capes Bird Group- Sunday 6th November 2016, 8.30am-10.30am at Meelup Beach.

Proposed Direction:

1. Information for the Committee to note.

Meelup Regional Park Management Committee Informal Meeting Minutes - 31 October 2016

4. ACTION SUMMARY PROGRESS UPDATE

The action summary is appended as **Attachment B.** The Action Summary table was discussed with outstanding/ongoing actions to be summarized for the next meeting. Refer to the Action Summary table for details.

5. REPORTS

5.1 Point Piquet carpark upgrade

A preliminary design for the Point Piquet carpark upgrade project was presented at the September Committee meeting and feedback was subsequently given to the engineering staff. The Director of Engineering and Works Services attended the October meeting and discussed the details of the carpark project including minimising vegetation clearing and avoiding clearing any of the Threatened Ecological Community (TEC) Calothamnus graniticus subsp. graniticus shrubland. The EO will be meeting with the Engineering staff on-site to finalise the clearing footprint.

Proposed Direction:

1. Information for the Committee to note.

5.2 Dieback Inspections

During the Dieback inspections, the Water Corporation's water tank on the western firebreak track was noted to be rusting and there are concerns that if the tank leaks, dieback in the water will be spread down the slope into the dieback-free remnant vegetation.

The EO contacted the Water Corporation to check the tank structure. Water Corporation staff have inspected the tank structure and concluded that the tank is not at risk of leaking. The Water Coproation advised, the tank was re-lined in 2011 and has a 10 year life. The tank will be due for an upgrade in 2019, at which time, a larger tank will be installed.

Proposed Direction:

- 1. Information for the Committee to note.
- For the EO to contact the Water Corporation to see if they would contribute to the cost of the limestone sheeting of the access tracks to the tank facility.

5.3 Mountain Bike Working Group update

The Mountain Bike Working Group met on 29 September 2016. The following is a summary of discussions from that meeting:

- A letter has been sent by Cape Mountain Bikers to LotteryWest seeking an extension of time for acquittal of the \$100k grant.
- Sourcing of soil material for trail construction.
- Implementation of the mountain bike Works Report and Trail audit and drafting of a scope of works for procurement of a professional trail builder.
- Preparation of a report to Council recommending formalisation of arrangements

Attachment D Meelup Regional Park Management Committee Informal Meeting Minutes - 31 October 2016

between the City and Cape Mountain Bikers for initial construction and ongoing maintenance of the mountain bike trails within zone 6.

 Process for giving community notice of intent to make a determination to allow riding of bikes in zone 6 and on designated trails within the Meelup Regional Park.

The EO, Presiding Member Bob Jarvis and members of the Cape Mountain Bikers walked the proposed Brown Street mountain bike trail on 18 October 2016.

Proposed Direction:

1. Information for the Committee to note.

5.4 Update on Upcoming Event in the Meelup Regional Park

Upcoming events in the Meelup Regional Park include the following:

Cape to Cape Mountain Bike- 20-23 October 2016

The Cape to Cape Mountain Bike Event took place last weekend. The participants did not access
Meelup Regional Park. The riders entered the road reserve at the southern gate of the Park near
Norfork Street and onto the Water Corporation easement and entered into Dunsborough
District Country Club land.

Meelup Beach Leavers Party- 23 November 2016

The following details included in September meeting minutes.

- Applicant: Royal Life Saving Society of WA Inc.
- The Leavers Day provides a fun activity in a safe environment that is alcohol free.
- The City's event team is expecting about 4,500 leavers on the day. The leavers will be transported to Meelup Beach by South West Coach Lines bus every 30min (10am-4pm).
- There will be four food vendors and entertainment including amplified music, an aqua playground and beach volleyball.
- There will be 16 additional toilets and a water fountain station provided.
- The event will be set up at 8am and run from 10am-1pm. The clean-up of the area will be completed by 3pm.
- A Traffic Management Plan will be provided for the event. Meelup Beach Road will be closed to the public at both end, only designated buses carrying Leavers only will be allowed onto the road.

Gourmet Escape- Castle Bay- 18-20 November 2016

- Members of the Meelup Regional Park Management Committee met with the event organizer, from IMG Culinary, to discuss the planning of the event. The site layout plan including the infrastructure to be located in the carpark and the location of the four tipi tents on the beach was discussed.
- In addition, the EO had a meeting with the organizer with City Event and Environmental Health staff. Concern discussed regarding cutlery remaining on the beach after the last event. The organizer will arrange for the area to be cleaned after each setting and raked as part of the event clean-up.

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X Adventure - 25-26 March 2017

• EO has been in contact with the organizers to plan for the 2017 event. An alternative route for the running leg of the race is currently being discussed. Instead of using the Lookout Loop trail (which is dieback free, contains threatened flora and of high conservation significance), the alternative is to use the Meelup Brook Trail, Sheen Road and the Car Rally trail. There are pockets of dieback free and dieback free-unprotectable along the Car Rally trail, however these sections will be protected with limestone sheeting as part of the implementation of the CoastWest Dieback Management Grant. Both the Meelup Brook Trail and the Car Rally Trail have also been identified as future Bike Trails within the Park.

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The EO will continue to liaise with the City's Event staff and the event proponents on all of the above events. The EO will be providing advice on the Environmental Management Plan (EMP) requirements for each event, checking the final EMPs and will be undertaking daily site inspections at events and post event inspections.

Proposed Direction:

- 1. Information for the Committee to note.
- The Committee agreed to use the X Adventure event alternative route for part of the running section to use the Meelup Brook trail/Sheen Road/Car Rally trail (instead of the Lookout Loop trail).
- 3. EO to check on vendor details regarding water bottles and use of cups that have been a litter problem in the past.

5.5 Salmon Fishing Sign-Baudin Memorial

The installation of the Salmon fishing sign is a component of the Coast West grant *Rehabilitation and Enhancement of the Meelup coastline*. The draft text for the Salmon fishing interpretive sign is detailed in **Attachment C.**

Proposed Direction:

1. Information for the Committee to note.

6. Late Items

6.1 Construction of a Shed at Eagle Bay

The Committee is planning to construct a storage shed next to the Eagle Bay fire station on Fern Road. There was discussion on the size of the shed (6m x6m) and that there may be a need for a cut-off drain at the site. The shed is proposed to have a gable roof with guttering to be piped into the existing water tanks. There also needs to be provision for an electrical conduit for lighting.

Proposed Direction:

1. Information for the Committee to note.

Attachment D

Meelup Regional Park Management Committee Informal Meeting Minutes - 31 October 2016

6.2 Litter contract position

The Committee discussed the proposed litter contract position which the EO is coordinating the Request for Quote from contractors and the ACTIV group.

Proposed Direction:

1. Information for the Committee to note.

6.3 Firebreak Checks

A firebreak maintenance on-site meeting is scheduled for Friday 18 November 2016 with the contractor, EO and Presiding Member.

Proposed Direction:

1. Information for the Committee to note.

6.4 Future Research Projects

There was a discussion on forming a subcommittee to plan for future research projects in the Park. Members of the research subcommittee are Shirley Fisher, Tony Smuthwaite, Lisa Archer and the EO to commence meetings in January 2017. This item will be discussed in more detail at the November Committee meeting.

Proposed Direction:

- 1. Information for the Committee to note.
- A subcommittee (consisting of Shirley Fisher, Tony Smuthwaite, Lisa Archer and the EO) will plan future research projects in the Park. Meetings will commence in January 2017.

7.0 Meeting Closure

The meeting was closed at 12:30pm.

8.0 NEXT MEETING- 27 November 2016, 10am Dunsborough District Country Club, Gifford Road, Dunsborough.

ATTACHMENT B - ACTION TABLE (31 October 2016 Meeting)

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	ATTACHMENT D'ACTION TABLE (ST October 2)			
Subject	Action	Date of Committee	Progress	Completed
Future Research	A subcommittee (consisting of Shirley Fisher, Tony Smuthwaite, Lisa Archer and the EO) will plan future research projects in	Committee	Progress	Completed
Projects	the Park. Meetings will commence in January 2017.	31/11/16		
Upcoming Event in the	The Committee agreed to use the X Adventure event alternative route for part of the running section to use the Meelup Brook trail/Sheen Road/Car Rally trail (instead of the Lookout Loop trail). EO to check on vendor details regarding water bottles and use of cups that have been a litter problem in the past.			
Meelup Regional Park		31/11/16		
Dieback Inspections	EO to contact the Water Corporation to see if they would contribute to the cost of the limestone sheeting of the access tracks to the tank facility.	31/11/16		
Weed Control	EO to inform the weed contractor to include the control of the Tritonia sp. weed recorded at Meelup Beach in the weed control program for the Park.	27/09/2016		Done
Litter Control Officer position	EO to email the Meelup volunteer list to gauge if there is any interest in the litter contract.	27/09/2016	Liaised with Bob Ginbey to send. Sent to the Meelup volunteer list.	Done
Pyp Grass Control Project at Eagle Bay	EO to send a letter to Eagle Bay residents living adjacent to the Pyp grass control area.	27/09/2016	Letters sent	Done
Gourmet Escape Event	EO to arrange with the Gourmet Escape organiser to meet with Committee members on site at Castle Bay.	27/09/2016	Meeting held 4/10/16	Done
Proposed Projects- Castle Rock Improvements	EO to obtain a costing from engineering staff on piping gas from the toilet area under the road to the western BBQ area	27/09/2016	Engineering advised to send scope of works to plumbing contractor as this work is not done in-house. Presiding member agreed to follow-up on a plumbing quote for this work.	
Proposed Projects- Point Piquet carpark upgrade	Design of Point Picquet carpark to take into account the Committees initial comments for realignment of parking bays.	27/09/2016	Arrangements in progress for Engineering staff to attend Committee meeting. Manager Engineering services attended the October Committee meeting.	Done
Eagle Bay-Rocky Point Trail Upgrade	EO to investigate Eagle Bay to Rocky Point trail and Meelup Regional Park boundary alignments to identify the section of trail that is currently traversing through private property.	27/09/2016	Have received GIS mapping details of areas of private land to start to progress this project.	
Alternative Committee meeting date	EO to check on available Committee meeting venues in Dunsborough.	27/09/2016	Committee meetings to be held at the Dunsborough District Country Club.	Done
Governance and Management Arrangements	Governance Services to go over the Meelup governance and management arrangements for when the new Committee member is appointed in a few months.	24/05/2016	Scheduled for November 2016 or January 2017 Committee meeting with the Director of Finance and Corporate Services.	
Limestone sheeting- Point Piquet trail	Limestone sheeting of the section of trail from the Point Piquet carpark to just pass the point where the new trail marker has been installed to be included under trail maintenance in the 2016/17 Work Plan.	23/08/2016	Limestone sheeting will be included in the proposed trail works for the Park at the intersection of the new trail so that the existing trail is clearly marked.	
Environmental Guidelines for Events	To develop Environmental Guidelines, to better outline the requirements for event organizers' to include in their Environmental Management Plan. Guidelines are to include details and standards on dieback hygiene stations, preferred trail routes and other relevant environmental measures.	24/05/2016	A report has been received from the Dieback consultant on management of trail events, in particular the X Adventure and use of the Looout trail. This report will be presented at the November Committee meeting.	
Meelup Beach- Trees	EO to prepare a scope of works for a tree condition audit, landscape and vegetation plan for Meelup Beach and investigate the available of grant funding to undertake the project. 23 August 2016- EO to check the Meelup Master Plan for landscape design works. 27 Sept 2016-Find the information on the Meelup files with the audit of trees previously undertaken. Shirley Fisher has a copy of the files and will give to EO. 27 Sept 2016-To form a subcommittee for the project consisting of Shirley Fisher, Bob Jarvis, Peter Randerson and Tony Smurthwaite. EO to arrange an aerial photo of the site for the meeting. For the subcommittee to meet at Meelup beach on 17th October at 3pm.	24/05/2016	This project has been included in the 2016/17 Work Plan. Meeting held with subcommittee members on 17th October 2016. Quotes are being arranged for a tree audit and advise on landscaping, erosion and access at Meelup Beach. Seedlings to be ordered for next year plantings. Waiting on a second quote.	

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Sign audit	That a sign audit be undertaken to identify the types and location of signage throughout the Park.	19/01/2016	The coastal signage audit in progress- see details in the September	
			2016 Agenda.	
			Ongoing consultation with the Committee.	
Website update	EO to check with City IT staff if they can update the Meelup website and update information on the website on a regular basis.	27/09/2016	Meeting held for Tuesday 25th October with City IT staff, Cr John	
	EO to arrange a meeting with City IT staff with Cr John McCallum, Manager Environmental Services and EO to discuss.		McCallum, Manager Environmental Services and EO to discuss City	
	23/8/16 - For the Committee members to give feedback on the content and improvements for the Meelup website to the EO		staff updating the website.	
	in the next two weeks. 27/9/16- It was decided that it would be best to include a session with the committee members to go		Update of the Meelup website was discussed at the 2016/17 Meelup	
	through the requirements of the new website- if a consultant is used.		Regional Park Management Committee Work Plan meeting with an	
			indicative budget of \$15,000.	
	Ongoing Items			
Training Needs for the	EO to send through any environmental training opportunities to committee members including training offered through local	22/12/2015	Training opportunities will be sent to committee members when	Ongoing
Meelup Regional Park	NRM groups.		available (ongoing). Members to let EO know of any particular training	training as
Committee members	EO to arrange speakers on relevant topics e.g. experts from DPaW.		requirements. EO to arrange speakers (ongoing).	available
			Upcoming training:	
			Dieback GreenCard training for 15 community members-scheduled for	
			April 2017	

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16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. CONFIDENTIAL REPORTS

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

RECOMMENDATION

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

17.1 LAND TRANSACTION: EXTENSION OF BOARD APPROVAL TO PROCEED WTH THE PURCHASE OF LOTS 121 AND 122 KENT STREET AND LOT 309 PRINCE STREET

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

18. QUESTIONS FROM MEMBERS

19. PUBLIC QUESTION TIME

20. <u>NEXT MEETING DATE</u>

Wednesday, 8 February 2017

21. CLOSURE