

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

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 28 SEPTEMBER 2016

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MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN MEETING ROOM ONE, COMMUNITY RESOURCE CENTRE, 21 CAMMILLERI STREET, BUSSELTON, ON 28 SEPTEMBER 2016 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.30pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Coralie Tarbotton
Cr Ross Paine
Cr John McCallum
Cr Rob Bennett
Cr Paul Carter
Cr Robert Reekie
Cr Gordon Bleechmore

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Danielle Abrahamse, Acting Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Matthew Smith, Director, Finance and Corporate Services
Miss Hayley Barge, Administration Officer, Governance
Ms Leigh Sly, Executive Assistant to the CEO

Apologies

Nil

Approved Leave of Absence

Cr Terry Best

Media:

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

Public:

1

3. PRAYER

The prayer was not delivered.

4. PUBLIC QUESTION TIME

Response to Previous Questions Taken on Notice

Nil

Public Question Time

Nil

5. ANNOUNCEMENTS WITHOUT DISCUSSION

Announcements by the Presiding Member

Nil

Announcements by other Members at the invitation of the Presiding Member

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND PRESENTATIONS

Nil

8. DISCLOSURE OF INTERESTS

Nil

9. CONFIRMATION AND RECEIPT OF MINUTES

Previous Council Meetings

9.1 Minutes of the Council Meeting held 14 September 2016

Council Decision

C1609/247

Moved Councillor J McCallum, seconded Councillor R Reekie

That the Minutes of the Council Meeting held 14 September 2016 be confirmed as a true and correct record.

CARRIED 8/0

Committee Meetings9.2 Minutes of the Finance Committee Meeting held 8 September 2016**Council Decision****C1609/248** Moved Councillor G Bleechmore, seconded Councillor P Carter

- 1) That the minutes of the Finance Committee meeting held 8 September 2016 be received.
- 2) That the Council notes the outcomes from the Finance Committee meeting held 8 September 2016 being:
 - a) The Finance Committee Information Bulletin - July 2016 item is noted.
 - b) The List of Payments Made - July 2016 item is presented for Council consideration at item 10.1 of this agenda.
 - c) The Financial Activity Statements - Period Ending 31 July 2016 item is presented for Council consideration at item 10.2 of this agenda.
 - d) The Roads Renewal Update item is presented for Council consideration at item 10.3 of this agenda.
 - e) The Geographe Leisure Centre Lifeguards Budget Report item is presented for Council consideration at item 10.4 of this agenda.
 - f) The Geographe Leisure Centre Spectator Fee Petition item is presented for Council consideration at item 10.5 of this agenda.

CARRIED 8/09.3 Minutes of the Settlement Art Project Steering Committee Meeting held 8 September 2016**Council Decision****C1609/249** Moved Councillor R Bennett, seconded Councillor G Bleechmore

- 1) That the minutes of the Settlement Art Project Steering Committee meeting held 8 September 2016 be received.
- 2) That the Council notes the outcomes from the Settlement Art Project Steering Committee meeting held 8 September 2016 being:
 - a) The Busselton Settlement Art Project Steering Committee Officers Report item is presented for Council consideration at item 10.6 of this agenda.

CARRIED 8/0

ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION

At this juncture the Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion, that the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc.

Council Decision / Committee Recommendation and Officer Recommendation

C1609/250 Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

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

- 10.1 Finance Committee - 8/09/2016 - LIST OF PAYMENTS MADE - JULY 2016
- 10.2 Finance Committee - 8/09/2016 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 JULY 2016
- 10.3 Finance Committee - 8/09/2016 - ROADS RENEWAL UPDATE
- 10.4 Finance Committee - 8/09/2016 - GEOGRAPHE LEISURE CENTRE LIFEGUARDS BUDGET REPORT
- 10.5 Finance Committee - 8/09/2016 - GEOGRAPHE LEISURE CENTRE SPECTATOR FEE PETITION
- 10.6 Settlement Art Project Steering Committee - 8/09/2016 - BUSSELTON SETTLEMENT ART PROJECT STEERING COMMITTEE OFFICERS REPORT
- 11.1 STRATEGIC LAND REVIEW
- 11.2 PROPOSED AMENDMENT TO 'DUNSBOROUGH LAKES ESTATE DEVELOPER CONTRIBUTIONS PLAN (2015)' AND ASSOCIATED INITIATION OF SCHEME AMENDMENT TO REMOVE PT LOT 9057 FROM DEVELOPER CONTRIBUTION AREA 1 IN LOCAL PLANNING SCHEME 21
- 13.1 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES
- 15.1 COUNCILLORS' INFORMATION BULLETIN

CARRIED 8/0

EN BLOC

10. REPORTS OF COMMITTEE

10.1 Finance Committee - 8/09/2016 - LIST OF PAYMENTS MADE - JULY 2016

| | |
|-----------------------------|---|
| SUBJECT INDEX: | Financial Operations |
| STRATEGIC OBJECTIVE: | An organisation that is managed effectively and achieves positive outcomes for the community. |
| BUSINESS UNIT: | Financial Services |
| ACTIVITY UNIT: | Finance |
| REPORTING OFFICER: | Strategic Financial Plan Accountant - Stuart Wells |
| AUTHORISING OFFICER: | Director, Finance and Corporate Services - Matthew Smith |
| VOTING REQUIREMENT: | Simple Majority |
| ATTACHMENTS: | Attachment A List of Payments Made - July 2016 |

This item was considered by the Finance Committee at its meeting on 8 September 2016, the recommendations from which have been included in this report.

PRÉCIS

This report provides details of payments made from the City's bank accounts for the month of July 2016, for noting by the Council and recording in the Council Minutes.

BACKGROUND

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

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

NA.

FINANCIAL IMPLICATIONS

NA.

Long-term Financial Plan Implications

NA.

STRATEGIC COMMUNITY OBJECTIVES

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

RISK ASSESSMENT

NA.

CONSULTATION

NA.

OFFICER COMMENT

NA.

CONCLUSION

NA.

OPTIONS

NA.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

NA.

Council Decision / Committee Recommendation and Officer Recommendation

C1609/251

Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council notes payment of voucher numbers M113176 – M113256, EF047257 – EF047720, T007265 – T007267, and DD002814 – DD002832; together totaling \$7,866,702.05.

CARRIED 8/0

EN BLOC

10.2 Finance Committee - 8/09/2016 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 JULY 2016

| | |
|-----------------------------|---|
| SUBJECT INDEX: | Budget Planning and Reporting |
| STRATEGIC OBJECTIVE: | An organisation that is managed effectively and achieves positive outcomes for the community. |
| BUSINESS UNIT: | Financial Services |
| ACTIVITY UNIT: | Financial Services |
| REPORTING OFFICER: | Strategic Financial Plan Accountant - Stuart Wells Financial Accountant - Ehab Gowegati |
| AUTHORISING OFFICER: | Director, Finance and Corporate Services - Matthew Smith |
| VOTING REQUIREMENT: | Simple Majority |
| ATTACHMENTS: | Attachment A Financial Activity Statements - July 2016 |

This item was considered by the Finance Committee at its meeting on 8 September 2016, the recommendations from which have been included in this report.

PRÉCIS

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year to date basis for the period ending 31 July 2016.

BACKGROUND

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

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

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 21 July 2016, the Council adopted (C1607/160) the following material variance reporting threshold for the 2016/17 financial year:

That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2016/17 financial year to comprise variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/ Statement of Financial Activity report, however variances due to timing differences and/ or seasonal adjustments are to be reported on a quarterly basis.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

NA

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

STRATEGIC COMMUNITY OBJECTIVES

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

RISK ASSESSMENT

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

CONSULTATION

NA

OFFICER COMMENT

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

- Statement of Financial Activity

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

- Net Current Position

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

- Capital Acquisition Report

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

- Land and Buildings

- Plant and Equipment
- Furniture and Equipment
- Infrastructure

▪ Reserve Movements Report

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

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

COMMENTS ON FINANCIAL ACTIVITY TO 31 JULY 2016

Historically, significant variances are evident in most revenue and expenditure categories during the early part of each financial year. With this in mind, this initial monthly report will not make any specific commentary on individual variances, which are predominantly due to timing differences. However, the report does list, for information purposes, those activities where the 10% reporting threshold has been exceeded (irrespective of timing matters).

Note: In previous years where 'expenditure' has been less than budget, variances have been expressed as a negative number and negative percentage in this report. From July 2016 onwards, expenditure that is less than budget will be expressed as a positive variance and positive percentage.

Operating Activity

▪ Operating Revenue

As at 31 July 2016, there is a variance of 1.3% (\$649K) in total operating revenue, with the following categories exceeding the 10% material variance threshold:

| Description | Variance % | Variance \$000's |
|---|-----------------|------------------|
| Rates | Below threshold | +\$579 |
| Fees and Charges | Below threshold | -\$146 |
| Operating Grants, Subsidies and Contributions | +92% | +\$42 |
| Other Revenue | +64% | +\$14 |
| Interest Earnings | -30% | -\$58 |
| Non-Operating Grants, Subsidies and Contributions | +26% | +\$219 |

▪ Operating Expenditure

As at 31 July 2016, there is a variance of +14% (+\$775K) in total operating expenditure, with the following categories exceeding the 10% material variance threshold:

| Description | Variance % | Variance \$000's |
|-------------------------|------------|------------------|
| Materials and Contracts | +62% | +\$742 |
| Utilities | +38% | +\$75 |
| Other Expenditure | +87% | +\$236 |
| Allocations | -80% | -\$213 |

Capital Activity

- Capital Revenue

As at 31 July 2016, there is a variance of -95% (-\$1,424K) in total capital revenue, with the following categories exceeding the 10% material variance threshold:

| Description | Variance % | Variance \$000's |
|---------------------------------|------------|------------------|
| Transfer from Reserves | -100% | -\$1,500 |
| Transfer from Restricted Assets | +100% | +\$76 |

- Capital Expenditure

As at 31 July 2016, there is a variance of 92.5% (+\$7,841K) in total capital expenditure, with the following categories exceeding the 10% material variance threshold:

| Description | Variance % | Variance \$000's |
|--------------------------------|------------|------------------|
| Land and Buildings | +89% | +\$2,006 |
| Plant and Equipment | +100% | +\$13 |
| Furniture and Equipment | +99% | +\$59 |
| Infrastructure | +95% | +\$5,039 |
| Transfers to Restricted Assets | +46% | +\$48 |
| Transfers to Reserves | +89% | +\$676 |

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

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

CONCLUSION

Significant variances are not unusual in the very early part of each financial year, with this primarily due to budget timing differences, coupled with an increased tendency for higher variances to occur based on 'lesser' year to date budget allocations. In reviewing the financial performance to the end of July, the major variances are all primarily attributable to timing differences.

OPTIONS

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

NA

Council Decision / Committee Recommendation and Officer Recommendation

C1609/252 Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council receives the statutory financial activity statement reports for the period ending 31 July 2016, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

CARRIED 8/0

EN BLOC

10.3 Finance Committee - 8/09/2016 - ROADS RENEWAL UPDATE

| | |
|-----------------------------|--|
| SUBJECT INDEX: | Asset Management |
| STRATEGIC OBJECTIVE: | Infrastructure assets are well maintained and responsibly managed to provide for future generations. |
| BUSINESS UNIT: | Engineering and Facilities Services |
| ACTIVITY UNIT: | Engineering and Facilities Services |
| REPORTING OFFICER: | Asset Coordinator - Daniel Hall |
| AUTHORISING OFFICER: | Director, Engineering and Works Services - Oliver Darby |
| VOTING REQUIREMENT: | Simple Majority |
| ATTACHMENTS: | Attachment A Road Asset Renewal Policy |

This item was considered by the Finance Committee at its meeting on 8 September 2016, the recommendations from which have been included in this report.

PRÉCIS

The Purpose of this report is to provide the Council with a progress update of the Roads Asset Management Plan. This will detail the progress of the elimination of the worst condition roads since the inception of the roads asset management plan in 2013.

The report will also outline additional funding received to date. This additional funding is Roads to Recovery funding received in 2015/16 financial year and anticipated to be received in 2016/17. The report details how this funding benefits the ongoing elimination of worst condition roads; and also allows for a possible split of renewal and new / major upgrade expenditure into the future.

This report recommends that the Council receive the roads renewal update as a means of assessing the current progress of the Roads Asset Management Plan.

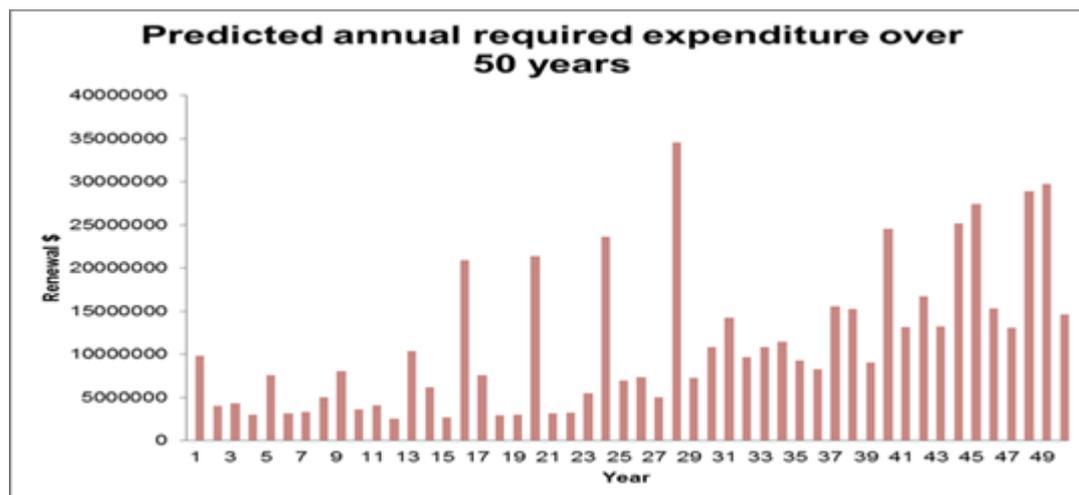
BACKGROUND

The Roads Asset Management Plan was adopted by the Council in June 2013. It was modelled over a period of fifty years and based on maintaining existing levels of service (useful lives) for roads. It presented a fifty year funding gap of \$2.7Million (M) p.a. This was based on predicted expenditure over fifty years measured against historical road renewal expenditure which was \$3.2M in 2013/14.

This amount was subject to a stringent modelling process which included cost reductions identified in the following areas: -

- * Removal of a large portion of widening works for rural single lane seal roads, which was originally costed for all eighty two kilometres of these roads. This was a saving of \$1.6M p.a.
- * Allocation of useful lives greater than minimum industry standards to reflect the actual lives of the seals observed through detailed site inspections. – saving \$1.7M p.a. over the full fifty years of the Asset Management Plan. Spray seals were extended to twenty five years and asphalt seals were extended to thirty five years.

Chart 1 Predicted Annual required Expenditure over 50 Years as Presented in 2013



The first ten years of the asset management plan required a total accrued figure of \$52 M. This equated to an average annual figure of \$5.2M.

Although the modelling showed large spikes in expenditure over time (as demonstrated in Chart 1 above), it was felt that at a practical level the required renewal should be broken into ten year cycles. This allowed the asset management planning to be brought into line with the LTFP and allow the City to plan effectively over a shorter period of time.

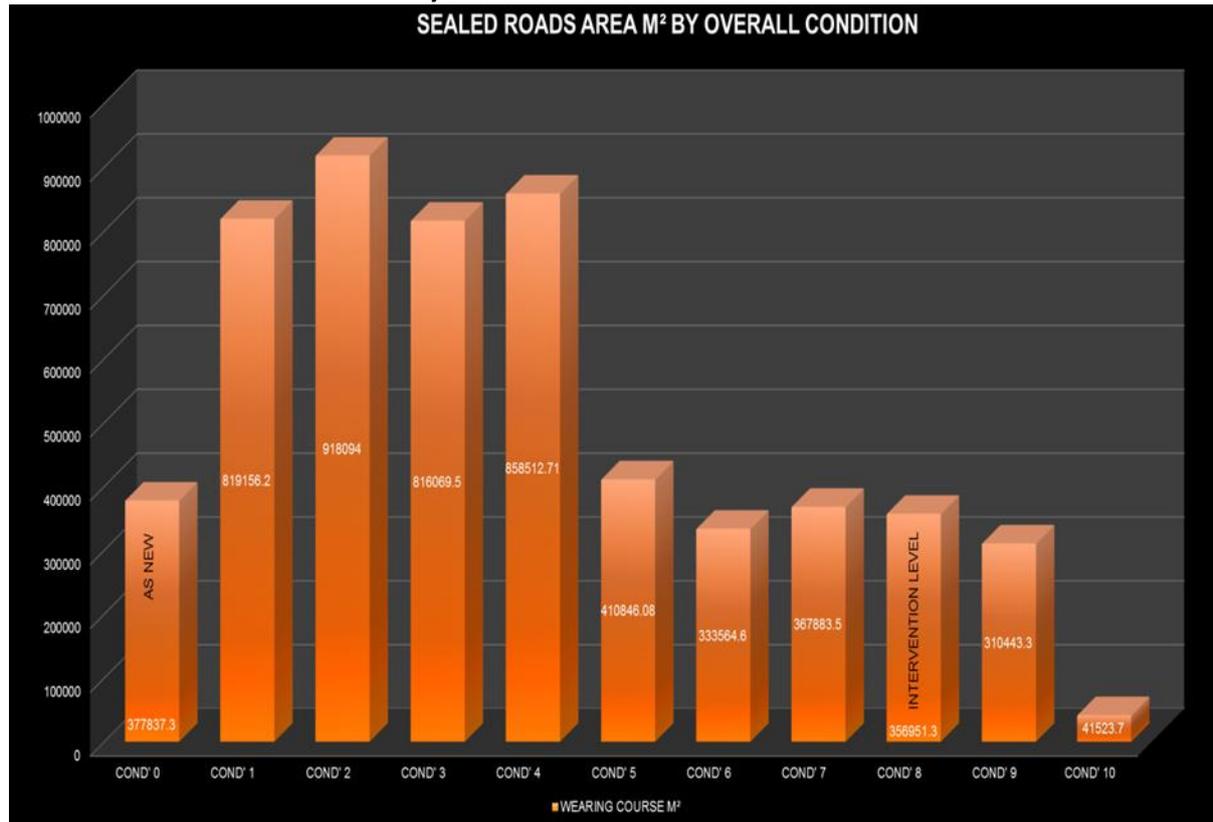
This initial ten years would essentially be used to clear the backlog of worst condition roads and create an improved overall condition for the road network.

Worst condition roads are considered to be those in a condition eight, nine or ten (if one is as new and ten is end of life). The ultimate aim of the roads asset management plan is to maintain the network at a condition seven or less (six, five etc.) so that any renewal works undertaken can be done at less cost than if the road was at condition eight or higher.

The poorer the condition of an asset the more structural issues it is likely to have (i.e. the underlying pavement of a road). The more structural issues that need to be fixed; the higher the cost to fix them. A full road reconstruction can cost in the order of \$45-\$150 / m²; whereas the earlier intervention actions such as asphalt overlays, spray seal, crack sealing etc. cost less than \$18 / m².

The chart below shows the condition profile of the City's road network in 2013. This highlights where the roads sat in terms of condition and the square metres of road in each condition. The condition eight, nine and ten roads is the focus of the renewal program for the first ten years of the asset management plan.

How this has progressed over time is discussed in the officer comment section of this report.

Chart 2: 2013 Sealed Roads Area by Overall Condition

With the modelling completed and the required funding set, staff and the Council set about implementing a funding framework. This would achieve the required renewal expenditure in the first ten years of the plan (2013/14 - 2022/23). This framework included a specific rate increase as well as a priority of allocating road expenditure towards renewal based works.

The specific rate increase consisted of a one per cent rate increase per year over a period of six years (2013/14 – 2018/19). Currently, at the conclusion of year six (2018/19), the rate increase will cease. However the funds generated will remain quarantined and indexed for the express use initially of funding the renewal requirements for roads. The mechanics of the specific rate increase are further outlined within the Road Renewal Funding Policy (PO26) Attachment A.

At the time that the increase was implemented, it was anticipated that over time, funds may be available to assist with major upgrades and new road infrastructure. This would only be undertaken when sufficient progress has been made with the road renewal as outlined within the asset management plan.

Subsequent to the adoption of the Asset Management Plan and the Roads Renewal Policy in 2013; the Council implement a program (August 2015) for the targeted renewal of roads classified as rural single lane country roads in high-use rural areas.

The program instigated a funding split of sixty percent rural (single lane seal roads) and forty percent towards other minimum renewal requirements. These minimal renewal requirements being worst condition urban roads, second coat seals and gravel re-sheets. This program was brought about by the increasing risk posed by the high traffic, higher speed sections of these rural roads.

The program also brought about a slight change in philosophy from a very high weighting on condition when prioritising renewal works. Other factors such as safety, use and strategic linkages were given a higher weighting along with condition.

This was considered as a prudent and appropriate measure based on all the factors considered. However it does create situations where condition seven roads may be renewed before condition eights, nines and tens. These instances may overtime, slow the progress of the reduction in square metres of higher condition roads. However this is significantly offset by the many benefits of renewing these particular rural roads in a targeted manner. Further discussion on this is contained within the Officer Comment section of this report.

In addition to these renewal based strategies, at its 8 June 2016 Ordinary Meeting; the Council adopted a strategic direction with respect to the Busselton Traffic Study. The traffic study assessed and provided recommendations for the progressive major upgrades of the local road network in the Busselton-Vasse urban area. The strategic direction adopted will guide more detailed planning and implementation.

The implementation of these progressive major upgrades of the local road network will require large amounts of funding from various sources over time; some of which will more than likely be required from the Council roads asset expenditure budget. This currently funds the asset management plan works.

All of the above factors noted, play a role in the determination of when a funding split within the existing LTFP can be implemented. Re-direction of renewal expenditure towards new and major upgrade should only be implemented if it does not adversely affect the renewal requirements of the road network.

As the asset management plan progresses, it may become possible to implement a funding split to allow for new and major upgrade expenditure. This could take the form of an annual percentage funding split of available funds to allow for both renewal and new / major upgrade expenditure.

The timing of this funding split would be subject to a determination of when sufficient progress has been made with the renewal of the worst condition roads.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* S5.56 (1) requires the Local Government to develop a “plan for the future” and further detail in relation to this requirement is provided in regulation 19 of the *Local Government (Administration) Regulations*. The Local Government is required to have a corporate business plan linking to long term financial planning that integrates asset management, workforce planning and specific council plans (informing strategies) with a strategic plan.

RELEVANT PLANS AND POLICIES

This report has been compiled with reference to the 2013 Asset Management Plan for Roads. This plan details the overall condition of the road network. Based on this condition information it also outlines funding required to maintain the road network into the future.

The funding outlined by the Asset Management Plan for Roads is backed by the Road Asset Renewal Policy. The intention of the policy being to ensure that all funds generated by the asset renewal rate increase as per the Council’s Long Term financial Plan, plus any surplus of Council’s existing own source renewal funding are transferred to and from the Road Asset Renewal Reserve. This provides a clear understanding of the amount of funds generated and where they are spent and also allow for longer term planning of works to take place.

FINANCIAL IMPLICATIONS

The Road renewal program (including funding) as detailed in the Asset Management Plan is used to inform the LTFP. Table 1 below shows the actual and predicted LTFP figures for road renewal. These are the figures that need to be met in order to achieve the required levels of renewal expenditure.

Table 1 Long Term Financial Plan – Road Renewal

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | Total |
| LTFP Figures (original 13/14 - 15/16 plus updated 16/17 - 22/23) | 3,544,411 | 4,265,139 | 4,439,590 | 6,396,000 | 5,308,800 | 5,791,000 | 5,942,000 | 6,068,800 | 6,201,000 | 6,118,000 | 54,074,740 |

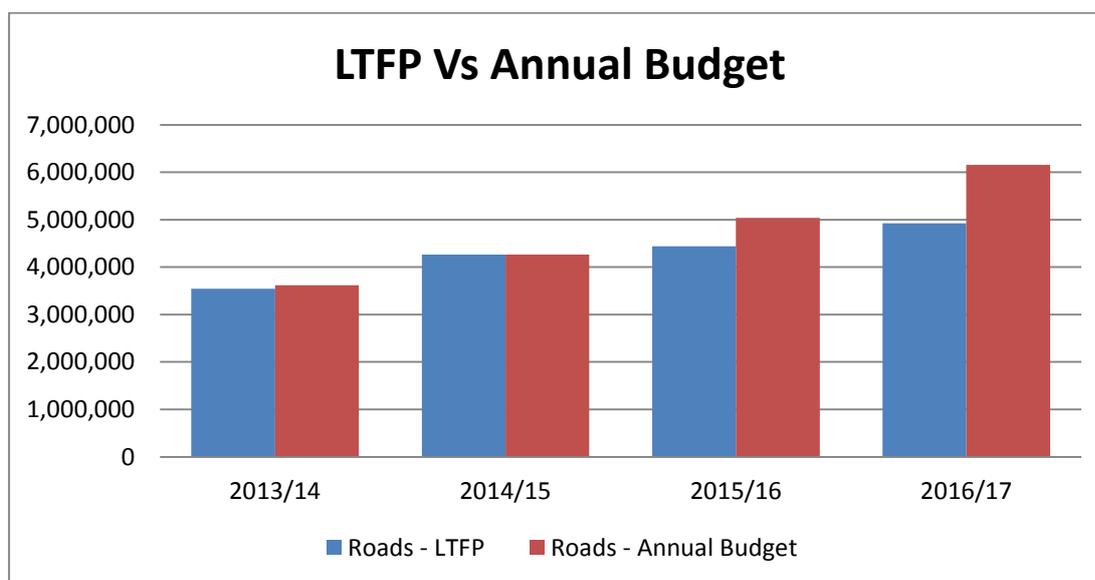
The table shows LTFP figures for the Period 2013/14 – 2022/23. This was the initial timeframe set for the renewal of all condition eight, nine and ten roads. The expenditure figures shown in the table are a combination of figures from the original LTFP (2013/14 – 2015/16) as well as those from the current LTFP (2016/17 – 2022/23).

Once the LTFP figures are set, they form the starting point for budget deliberations for the relevant year. The aim being for the adopted budget to be at least equal to the LTFP figure to ensure that the estimated required renewal levels are being met.

Chart 3 below provides an overview of the progress of the asset plan based on actual budget raised measured against that outlined within the LTFP. The Blue columns in the chart represent the LTFP figures for road renewal and show the planning side of road renewal. The red columns represent the actual budget raised in the relevant years and provide a visual representation of the relationship between LTFP and actual budget raised.

The key with this chart is to ensure that the red column matches (or exceeds) the blue column in any given year. The columns representing 2015/16 and 2016/17 show how the red columns exceed the blue columns in these years (budget raised is higher than predicted LTFP amount).

Chart 3: LTFP measured Against Annual Budget



The additional funding can be attributed to Roads to Recovery funding received for 2015/16 and predicted for 2016/17. This includes supplementary funding brought about by agreement at a

Federal Government level. The agreement will see the fuel excise (the main fuel tax in Australia) increase in February and August in line with the consumer price index (CPI). These additional funds are distributed out through the Roads to Recovery program. This has previously not been the case.

Continued Roads to Recovery increases from 2016/17 onwards have not been considered as part of the modelling undertaken within this report. This is on the basis that although further increases past 2016/17 are theoretically possible, they are not confirmed and therefore it would be difficult to predict any timing and amounts beyond what is known with some certainty. However if this additional funding was to continue past 2016/17, it would create ongoing capacity for new and major upgrade works.

Table 2 provides more detail of the additional roads to recovery funding as outlined within Chart 3.

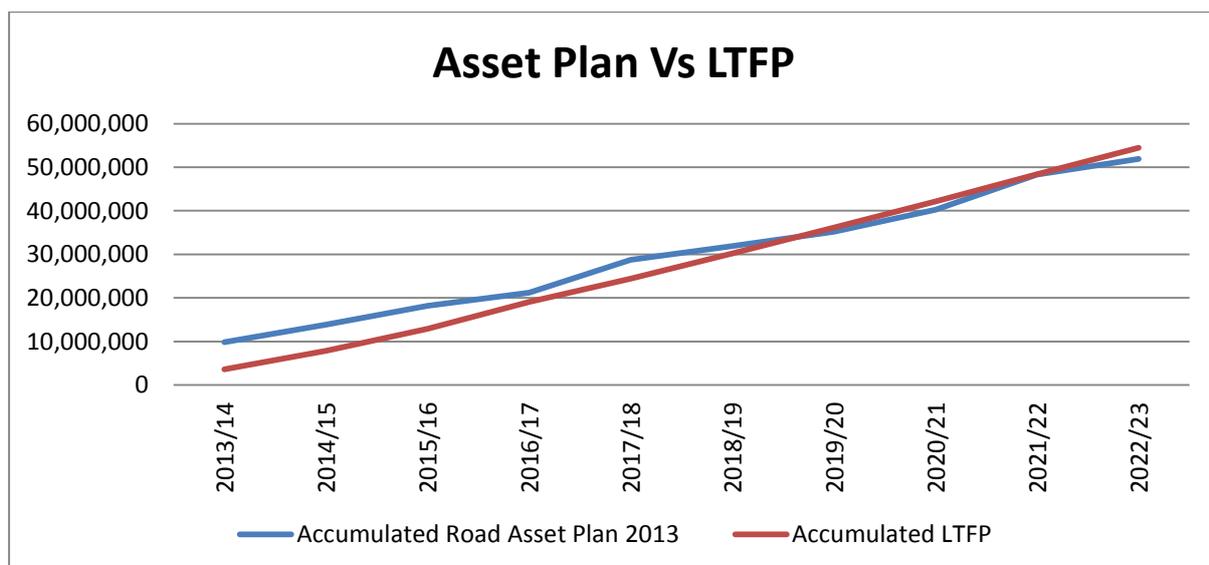
Table 2: Roads to Recovery Funding

| | 2015/16 | 2016/17 | Total |
|----------------------------|------------------|------------------|------------------|
| Original "Planned" Funding | 658,000 | 678,000 | 1,336,000 |
| Actual funding received | 2,036,150 | 1,898,000 | 3,934,150 |
| Total Additional | 1,378,150 | 1,220,000 | 2,598,150 |

The original "planned" funding figures for the Roads to Recovery were included in the original LTFP of 2014/15, and were the basis of the Roads Asset Management Plan.

Chart 4 below shows the effect of this additional funding as the initial ten year plan moves to the latter years. The LTFP expenditure (red line) catches the predicted Asset Plan expenditure (blue line) at the conclusion of year nine (2021/22). This demonstrates that the required renewal amount as set in 2013 (by the Asset Plan) will be surpassed sometime in the tenth year, rather than at the conclusion of the year ten as originally planned.

Chart 4: Asset Plan Measured Against LTFP



Long-term Financial Plan Implications

There are no LTFP implications as a result of the adoption of the recommendations within this report.

STRATEGIC COMMUNITY OBJECTIVES

This matter principally aligns with Key Goal Area 2 – ‘Well Planned, Vibrant and Active Place’ and more specifically Community Objective 2.3 - ‘Infrastructure assets that are well maintained and responsibly managed to provide for future generations’.

RISK ASSESSMENT

An assessment of the potential implications of not implementing the officer recommendation and adopting the asset management plans has been undertaken using the City’s risk assessment framework.

The table below shows identified risks where the residual risk, once controls have been identified, as ‘medium’ or greater;

| <i>Risk</i> | <i>Controls</i> | <i>Consequence</i> | <i>Likelihood</i> | <i>Risk Level</i> |
|---|--|--------------------|-------------------|-------------------|
| Anticipated external funding does not eventuate as planned. | Priority for budgetary allocation given to road renewal. | Major | Rare | M10 |

CONSULTATION

Nil

OFFICER COMMENT

There are a number of factors to consider when assessing the current progress of the roads asset management plan. At a broad level the condition profile charts provide an effective overview of this progress based on condition. However, there are some instances where condition is not the major trigger for renewal works to occur.

Whilst the justification for prioritising renewal of the rural single lane seal roads was based on the condition. It also placed a very high importance on other factors such as traffic volumes, (local and tourist) safety, risk factors of narrow 3.7m wide seals and strategic priorities of anticipated future increases in traffic flows. Some of these roads identified as priority roads within the program may not necessarily be the worst condition roads in terms of pure condition rating; but are obvious priorities based on all the other factors considered.

When assessing the progress of the ten year plan for elimination of all condition eight nine and ten roads. Simply measuring this is only one part of the measure of the overall success (or otherwise) of the asset management plan.

The progress and success can also be measured in terms of improved safety of higher speed linkage roads, improved amenity for tourist and visitor traffic and works to compliment other major projects.

The current progress of the reduction of worst condition roads can be seen by comparing charts 5, 6 and 7 below. The Charts show how the condition profile has changed over time and demonstrates the improving condition of the overall network. The distribution of condition ratings has changed over time as the roads are renewed. In particular, the reduction of the total square meters of roads in the eight, nine and ten condition ratings, and the increase in rating zero (As New).

Chart 5: 2013 Sealed Roads Area by Overall Condition

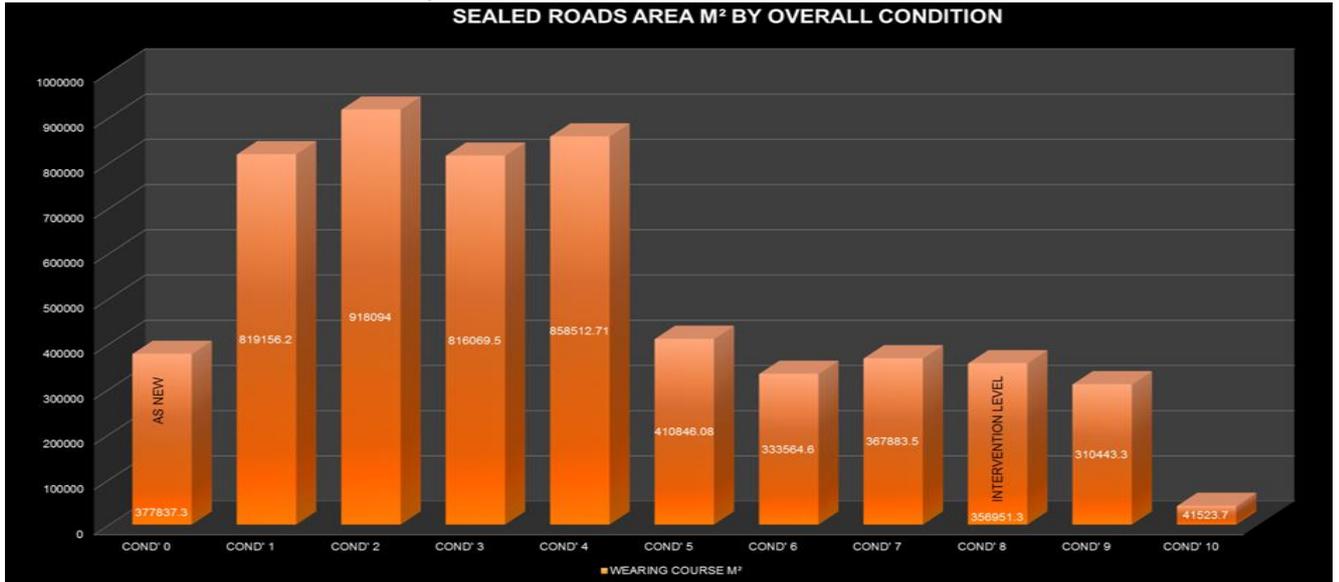


Chart 6 2015 Sealed Roads Area by Overall Condition May 2015

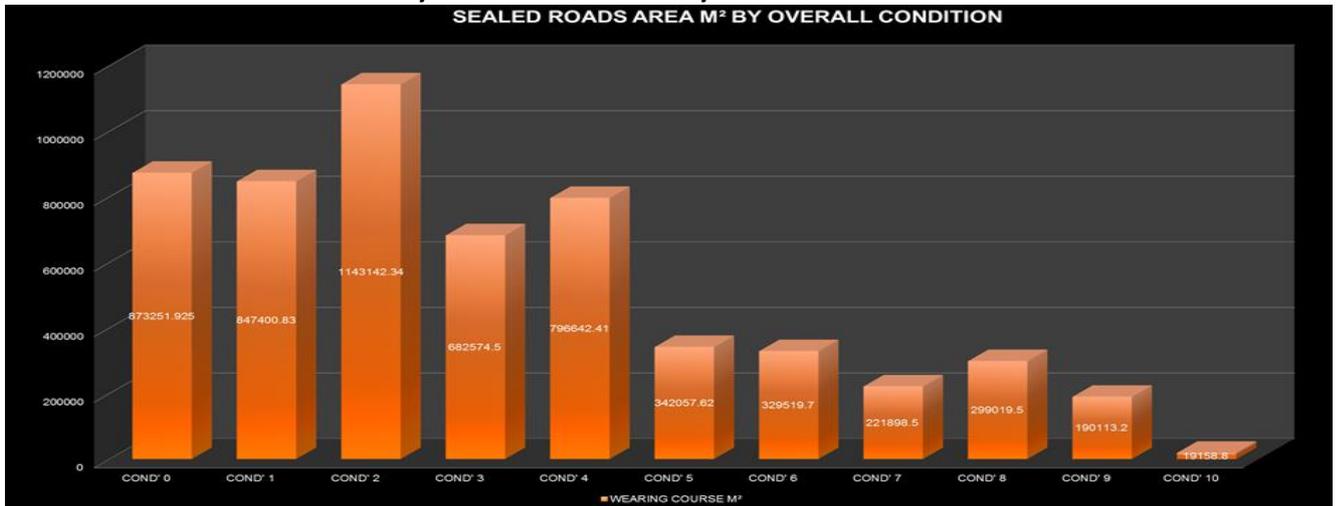


Chart 7 2017 Estimated Sealed Roads Area by Overall Condition June 2017

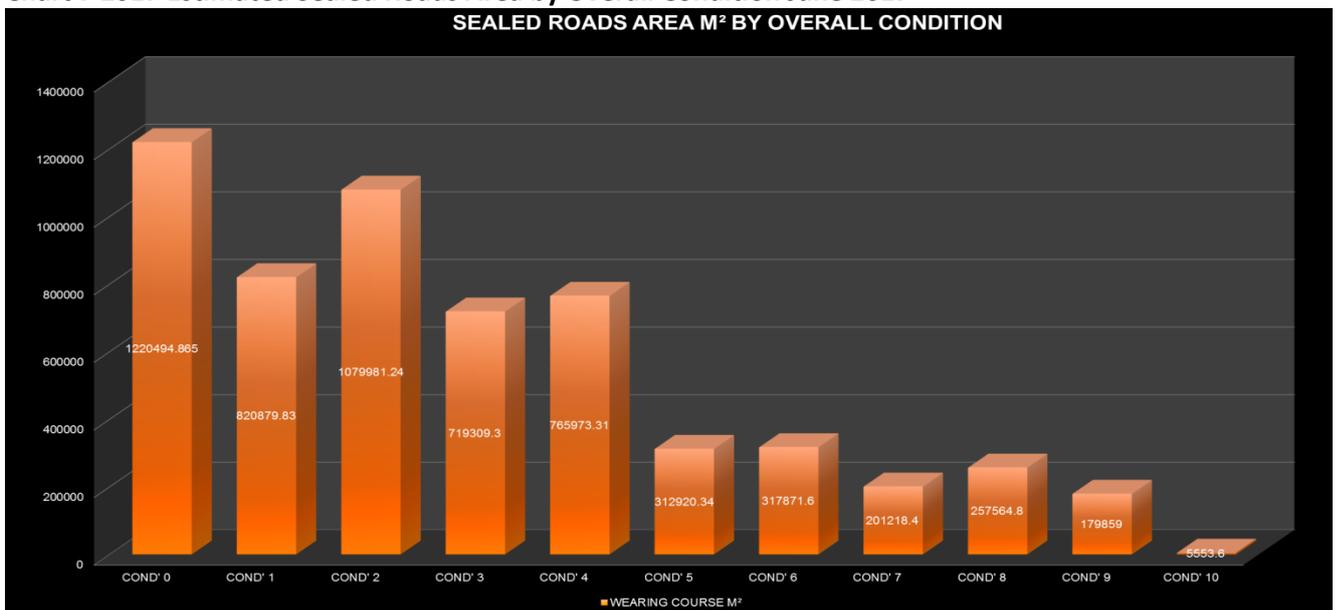


Table 6 below shows the data contained within the charts and also includes estimated figures for the completion of 2016/17. These figures are estimated based on the 2016/17 road renewal program being carried out as per the current budget.

Table 6 Allocated Road Condition Over Time

| | JUNE 2013 M2 of roads | MAY 2015 M2 of roads | JUNE 2016 M2 of roads | JUNE 2016/17 PREDICTED M2 of roads |
|--------------|--------------------------|-------------------------|--------------------------|--|
| CONDITION 0 | 377,837 | 873,251 | 1,220,494 | 1,334,523 |
| CONDITION 7 | 367,883 | 221,898 | 201,218 | 186,017 |
| CONDITION 8 | 356,951 | 299,019 | 257,565 | 229,192 |
| CONDITION 9 | 310,443 | 190,113 | 179,859 | 165,129 |
| CONDITION 10 | 41,524 | 19,159 | 5,554 | 3,285 |

Based on the current rate of completion, the full elimination of all worst condition roads is estimated to be achieved in 2024/25. This is two years later than year ten of the original plan which is 2022/23. This however is still subject to further review and scrutiny of the lower priority of these roads. A review would consider factors such as strategic importance of the roads, current traffic flows and risk posed. A review may highlight other, more minor forms of remediation which would still provide the required levels of service. This may allow these roads to be renewed sooner than 2024/25.

A continued high weighting on factors other than condition will reduce the rate of worst condition roads renewed on an annual basis, and is a slight change in philosophy from the original asset management plan. However this is still prioritising renewal first and foremost and contributing to the continuous improvement of the overall road network.

CONCLUSION

Since 2013, significant progress has been made on the renewal of the City's worst condition urban and rural roads. Planning over a period of ten years and beyond is subject to many variables over time; and the current progress is a testament to the Council's commitment to the ongoing renewal of the road network.

The next challenge for the City will be to strike a balance between renewal, major upgrade and new expenditure. This balance refers to a possible split of funds catering for; the ongoing renewal of worst condition roads, upgrade of unsafe, high traffic rural single lane seal roads and commencement of traffic study implementation.

How this balance will be achieved will be subject to further discussion and review as the asset management plan progresses.

OPTIONS

The Council could choose not to receive the road renewal update.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

There is no specific time line tied to the adoption of this report.

Council Decision / Committee Recommendation and Officer Recommendation

C1609/253

Moved Councillor G Bleachmore, seconded Councillor C Tarbotton

That the Council: Receive the roads renewal update as a means of assessing the current progress of the Roads Asset Management Plan.

CARRIED 8/0

EN BLOC

10.4 Finance Committee - 8/09/2016 - GEOGRAPHE LEISURE CENTRE LIFEGUARDS BUDGET REPORT

| | |
|-----------------------------|---|
| SUBJECT INDEX: | GLC Lifeguards Budget Rport |
| 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: | Recreation Facilities Coordinator - David Goodwin |
| AUTHORISING OFFICER: | Director, Community and Commercial Services - Naomi Searle |
| VOTING REQUIREMENT: | Simple Majority |
| ATTACHMENTS: | Nil |

This item was considered by the Finance Committee at its meeting on 8 September 2016, the recommendations from which have been included in this report.

PRÉCIS

This report is further to recent presentations to Council's Finance and Policy and Legislation Committees to inform Councillors of current operating conditions regarding lifeguarding at the Geographe Leisure Centre (GLC). The risks to Council arising from operating the swimming pools within current budgetary restraints have been assessed as high. Officers have evaluated a number of options to mitigate and lower the current risks and this report presents those options for Council's consideration.

BACKGROUND

Due to budget constraints and the focus on reducing the net operating cost of the centre to Council the GLC has over the past few years been budgeting according to historical pool supervision standards of one (1) lifeguard to one hundred (100) patrons.

The recent presentations informed Council how it is becoming increasingly difficult to achieve significant reductions in the net operating cost for the GLC for a number of reasons including but not limited to increased utilisation which incurs increased cost, increased service by keeping the outdoor pool open all year round and changes to pool supervision operating requirements. The GLC is unlikely to ever fully recover costs and is subsidised heavily by Council in order to keep the facilities and services affordable. A recent benchmarking exercise has found that the subsidy at GLC is significantly lower than that provided by other Councils with similar recreation centres.

Staffing costs are inevitably the main driver dictating expenditure within any leisure centre and one of the contributory factors to the low subsidy per visit at the GLC is that staffing is lower than industry benchmarks. As the GLC has an outdoor pool one would expect staffing costs to be significantly higher than those Centre's that don't have an outdoor pool. This is not the case.

However, the particularly low subsidy per visit does provide opportunity for potential increases in the subsidy in order to adequately address inherent risks and raise the level of customer service and public safety at the facility. Other options are to manage significant reductions in service levels to reduce current risk levels.

STATUTORY ENVIRONMENT

Premises classified as aquatic facilities by the WA Health (Aquatic Facilities) Regulations 2007 are required to comply with the provisions of the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities. GLC is classified as a Class 1 facility.

This code states that management is responsible for ensuring the facility implements adequate measures to supervise all patrons. Lifeguards must be able to provide supervision at all times, and not be allocated duties that could interfere with their ability to respond immediately to an emergency.

RELEVANT PLANS AND POLICIES

Not applicable.

FINANCIAL IMPLICATIONS

The current GLC net operating budget forecast for 2016/17 is \$645,406. (This includes an additional \$96,000 in contractors this year to undertake structural assessments of the pools and feasibility studies to recommend future expansion options for the centre). Benchmarking as presented to Council committees' shows that this is significantly lower than other comparative centres who, in 2015/16 had budgeted net operating positions of between \$872,000 and \$2.3 million respectively. Regional Centre's with the most similar operating environments typically are operating at average net operating positions of approximately \$1.1 million per annum which is more than \$400,000 above the current GLC net operating position.

The table below shows four (4) options to reduce the current high risk of lifeguard operations. Each option shows the impact on revenue, any savings from any service reductions, additional lifeguard costs and the forecast variance to the 2016/17 budgeted net operating position of \$645,406. In considering these options it should be noted each scenario is based on a full financial year of operations and therefore option 2 could not now be implemented in the current year. The Officer comment provides more detail about each option and other options considered but discounted as they do not address the level of risk sufficiently.

| Option | Approx.Variation in income | Approx.Variation in operating expenses (eg chemicals and utilities) | Approx.Variation in lifeguard costs | Approx total variation to net operating position |
|---|----------------------------|--|-------------------------------------|--|
| Option 1 - Council acknowledges the risks identified in the current operations and funds extra human resources at GLC in order to meet minimum requirements of the WA Health Act and the Pool Supervision Guidelines during all opening hours. | \$0 | \$0 | \$168,000 | \$168,000 |
| Option 2- Close the outdoor pool from May to September inclusive and fund extra human resources at GLC in order to meet minimum requirements of the WA Health Act and the Pool Supervision Guidelines during all opening hours between October and April. | -\$96,600 | -\$30,198 | \$98,000 | \$164,402 |
| Option 3- Close the outdoor pool indefinitely | -\$246,000 | -\$71,476 | \$0 | \$174,524 |
| Option 4- Council acknowledges the risks identified in the current operations and funds extra human resources at GLC in order to meet minimum requirements of the WA Health Act and the Pool Supervision Guidelines during periods of high risk. | \$0 | \$0 | \$87,763 | \$87,763 |

Long Term Financial Plan Implications

In order to sufficiently meet Statutory obligations, industry standards, cope with user growth and reduce risks associated with the operation of the GLC, further increases to the GLC resourcing budget will need to be considered by Officers and Council as part of the 2017/18 budget development process and next review of the Long Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

This matter aligns with the City of Busselton Strategic Community Plan 2013 and principally with the following strategic goal:

- Be a responsible, accountable local government and
- To manage the City's resources to provide optimum benefit to the community

RISK ASSESSMENT

The risk of death, drowning or serious injury at the Geographe Leisure Centre swimming pools is rated as high because the consequence is major (death or serious injury) and the likelihood due to lack of supervision is possible.

The following table shows a risk assessment of each option presented for consideration in this report.

| Risk | Rating | Mitigation | Rating after mitigation |
|--|---|---|--|
| Death, drowning or serious injury at Geographe Leisure Centre swimming pools | Consequence: Major Likelihood: Possible Rating: High 18 | <p>Option 1 - Council acknowledges the risks identified in the current operations and funds extra human resources at GLC in order to meet minimum requirements of the WA Health Act and the Pool Supervision Guidelines during all opening hours.</p> <p>Option 2-Close the outdoor pool from May to September inclusive and fund extra human resources at GLC in order to meet minimum requirements of the WA Health Act and the Pool Supervision Guidelines during all opening hours between October and April.</p> <p>Option 3- Close the outdoor pool indefinitely</p> <p>Option 4- Council acknowledges the risks identified in the current operations and funds extra human resources at GLC in order to meet minimum requirements of the Pool Supervision Guidelines during pre-determined periods of high patronage and /or increased risk.</p> | <p>Consequence: Major Likelihood: Rare Rating: Medium 10</p> <p>Consequence: Major Likelihood: Rare Rating: Medium 10</p> <p>Consequence: Major Likelihood: Rare Rating: Medium 10</p> <p>Consequence: Major Likelihood: Rare Rating: Medium 10*</p> |

*Periods of high risk still remain, but are limited. See Officer Comment section for further details.

CONSULTATION

Not applicable.

OFFICER COMMENT

The GLC is classified as a Class 1 facility under the WA Health (Aquatic Facilities) Regulations 2007. There are additional risks associated with Class 1 pools because the public are admitted without any health or swimming ability screening taking place. Where there is an absence of constant supervision risks are heightened due to the potential for patrons to remain unnoticed when in difficulty. There is an inherent risk in water environments that injuries may occur to patrons, no matter what sort of swimming ability, fitness or otherwise, however under resourcing of swimming pools is high risk as the consequence could be death, the last thing any Council would want in its history.

The WA Health Act Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities states management is responsible for ensuring the facility implements adequate measures to supervise all patrons. A lifeguard service providing effective supervision of patrons, can prevent drowning, and is essential in higher-risk facilities such as the GLC. Industry guidelines and best practice (The Pool Supervision Program) develops and expands on the intent of the WA Health Act. Industry best practice is that facilities should have a minimum of one (1) lifeguard facing the water at all times regardless of how many people are in it. The Pool Supervision Program states that when allocating human resources facility operators should consider a range of factors such as: weather, holidays, size, number, and layout of pools, surface reflection, average

attendance, anticipated attendance, swimming capabilities, special needs individuals and groups, the number and distribution of users, recreational activities, either programmed or spontaneous.

Currently in order to maintain operating costs within the 2016/17 budget, whilst also attempting to reduce the risk of drowning and comply as far as possible with the Pool Supervision Program the Centre has been forced to reallocate staff from other roles such as the Pool Operators, Centre Supervisor Aquatics and Fitness and at times the Recreation Facilities Coordinator into lifeguarding roles. This is not an efficient use of senior staff resourcing junior lifeguard roles. However, this is necessary to provide adequate supervision throughout the pools opening hours and in order that some of the necessary ancillary duties can be completed and so that lifeguards can have rostered breaks. In the current operating environment officers are continually compromising ancillary and administrative duties associated with the operating of the pool and other areas of the centre in favor of reducing risk in the pools. The result is a reduction of customer service and other tasks being delayed or not completed at all.

A number of options have been investigated in order to mitigate the risks associated with a drowning death or serious injury at the GLC. Consideration was given to utilising other staff on duty at the Centre such as customer service staff during busy periods in the pools to supplement existing lifeguard staffing however this was found to be unviable and problematic.

The use of available technological solutions has also been investigated as a possible risk mitigation strategy . There would appear to be two systems on the market.

The Sentag wristband system is a personal safety device. It keeps track of guests while swimming or playing in the pool and if a user stays too deep for too long the Sentag Drowning Detection system will immediately alert lifeguards. The system acts as an extra level of safety if lifeguards and regular safety procedures fails. This system is used extensively in Europe with no current installation in Australia

The Poseidon pool surveillance system makes use of overhead and underwater cameras that can send an alert via a computer or LED alert panel to lifeguards if swimmers are in difficulty. This system is in use in the Eastern States of Australia and in Europe. There are currently no installations in Western Australia.

It is clear that from research conducted and advice received that technology is intended to complement lifeguards, not replace them or reduce their responsibilities or vigilance. Technology does not save people from drowning, lifeguards do and under no circumstances should the presence or use of technology result in the reduction or modification of lifeguard staffing or duties as required by regulation or normal practices. The use of technology is not recommended as an option at present for the above reasons.

The following four options are presented for Council's consideration as a strategy to mitigate the risk associated with a drowning or serious injury at the GLC swimming pools.

Option 1 - Council acknowledges the risks identified in the current operations and funds extra human resources at GLC in order to meet minimum requirements of the WA Health Act and the Pool Supervision Guidelines during all opening hours.

This option fully meets requirements and reduces the risk rating from high 18 to medium 10. In addition there is no loss of revenue and no reduction in service. This option provides a minimum of 2 lifeguards on pool deck at all times the GLC pools are open. This option enables a minimum one lifeguard to be stationed on the outdoor pool and on the inside pools.

The effect to the net operating position at the GLC would be an extra cost to Council of up to \$168,000 per annum.

Option 2- Close the outdoor pool from May to September inclusive and fund extra human resources at GLC in order to meet minimum requirements of the WA Health Act and the Pool Supervision Guidelines during all opening hours between October and April.

Council should note that this is not a viable option for the 2016/17 financial year due to the timing of this report however in forthcoming years this option could be considered. This option is likely to result in a loss of revenue of approximately \$94,600. There would likely be a saving in utilities, chemicals etc. of approximately \$30,198 but an extra cost to provide a minimum of 2 lifeguards on pool deck at all times the GLC pools are open of approximately \$98,000.

There may also be an unquantifiable loss of revenue resulting from a loss of membership options to use the outdoor pool during the winter months.

If this option was preferred then it would reduce the risk rating from high 18 to medium 10 with the consequences remaining major and the likelihood reducing to rare.

The effect on the net operating position at GLC would be an extra cost to Council of up to \$164,402 per annum.

Option 3- Close the outdoor pool indefinitely

This option results in a complete loss of annual revenue from the outdoor pool of approximately \$246,000. There would be a saving in utilities, chemicals etc. of approximately \$71,476.

There may also be an unquantifiable loss of revenue resulting from a loss of membership options to use the outdoor pool as well as a loss of customer satisfaction due to significantly more overcrowding of the indoor pools.

If this option was preferred the it would reduce the risk rating from high 18 to medium 10 consequences remaining major and the likelihood reducing to rare.

The effect on the net operating position of the GLC would be an extra cost to Council of up to \$174,524 per annum.

Option 4- Council acknowledges the risks identified in the current operations and funds extra human resources at GLC in order to meet minimum requirements of the WA Health Act and the Pool Supervision Guidelines during pre-determined periods of high patronage and /or increased risk.

This option results in no loss of revenue and fewer but some service reductions. This option provides a minimum of two lifeguards on pool deck at all times the GLC pools are open during predetermined high patronage and/or predetermined high risk conditions and or usage.

This option is based on additional resourcing above current budget at predetermined times only which can be due to weather, holidays, average attendance, anticipated attendance, swimming capabilities, special needs individuals and groups, the number and distribution of users, recreational activities, either programmed or spontaneous.

In considering this option Council should note that there will still be some periods where the pools are not sufficiently supervised and therefore the risk at these times is still high. To reduce the risk further would require closer of the outdoor pool during periods of low usage. It is not considered practical or feasible at this time to close the outdoor pool at short notice and dependant on

fluctuations of demand due to staff rostering requirements, employment conditions and customer satisfaction however a full investigation of outdoor pool usage can be completed with a view to providing a recommendation for the 2017/18 financial year's budget in relation to advertised opening times.

In order that some of the necessary ancillary duties can be completed other GLC officers such as the Pool operators, Centre Supervisor Aquatics and Fitness and at times the Recreation Facilities Coordinator will still require redeployment, albeit on a less regular basis, to reduce risks to a medium level. This option may still result in a reduction of customer service and some ancillary tasks being delayed or not completed throughout the rest of the 2016/17 financial year.

If this option was preferred the it would reduce the risk rating from high 18 to medium 10 with the consequences remaining major and the likelihood reducing to rare during the majority of times the pools are open. During reduced periods of inadequate supervision the risk rating will remain high.

The effect on the net operating position of GLC would be an extra cost to Council of up to \$87,783 per annum.

CONCLUSION

Officers recommend that Council approves an overspend of up to \$87,783 of the GLC's budgeted net operated position for the 2016/17 financial year to increase lifeguard resourcing of the GLC pools during pre-determined periods of high patronage and /or increased risk. This option is recommended in order to provide a short term solution within the acknowledged existing budgetary constraints of Council.

In order to sufficiently meet Statutory obligations, industry standards, cope with the growth forecast and reduce risks associated with the operation of the GLC further increases to the GLC resourcing budget will need to be considered by Officers and Council as part of the 2017/18 budget development process and next review of the Long Term Financial Plan. It is to be noted that through ongoing discussions with the CEO, best endeavors will be made throughout the year to recoup the costs associated with this recommendation throughout the organisation's salaries and wages budget.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be endorsed additional lifeguard resourcing will be implemented in the next pool staffing roster.

Council Decision / Committee Recommendation and Officer Recommendation

C1609/254 Moved Councillor G Blechmore, seconded Councillor C Tarbotton

That the Council:

1. Notes an overspend of up to \$87,783 of the Geographe Leisure Centre's budgeted net operating position for the 2016/17 financial year to increase lifeguard resourcing of the GLC pools during pre-determined periods of high patronage and /or increased risk.

CARRIED 8/0

EN BLOC

10.5 Finance Committee - 8/09/2016 - GEOGRAPHE LEISURE CENTRE SPECTATOR FEE PETITION

| | |
|-----------------------------|---|
| SUBJECT INDEX: | GLC Spectator Fee Petition |
| 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: | Manager, Community Services - Maxine Palmer |
| AUTHORISING OFFICER: | Director, Community and Commercial Services - Naomi Searle |
| VOTING REQUIREMENT: | Simple Majority |
| ATTACHMENTS: | Attachment A Petition - GLC Spectator Fee |

This item was considered by the Finance Committee at its meeting on 8 September 2016, the recommendations from which have been included in this report.

PRÉCIS

This report is in response to a petition received by the Council at its ordinary meeting held on 24 August 2016 requesting the removal of the \$1 spectator fee from the Fees and Charges of the Geographe Leisure Centre (GLC). The Council resolved that the petition be received and referred to the CEO to prepare a report.

This report recommends the \$1 GLC spectator fee is removed from the GLC Fees and Charges Schedule with immediate effect. Further details and the reasons for this recommendation are set out in the 'Officer Comment' section of this report.

BACKGROUND

A petition was received on the 17 August 2016, requesting the removal of the \$1 spectator fee from the Fees and Charges of the Geographe Leisure Centre (GLC). The petition stated the fee is unjust and unfair for the following reasons:

- No reason or explanation for said dollar charged
- Inconsistency of dollar charged
- No dollar/spectator fee to watch basketball
- Other leisure centres in surrounding areas do not charge fee
- Receipt for dollar?
- What service is provided?

The petition was electronic and contained 203 names, a country and/or State of location, date, time and comment. The petition was presented to the Council at the 26 August 2016 meeting. The Council resolved (C1608/210) that the petition be received and referred to the CEO to prepare a report to the Council or a Committee. A copy of the petition is provided, in full, as **Attachment A** to this report. This report is in response to this petition received by the Council.

STATUTORY ENVIRONMENT

Section 6.16(3) of the Act states that a schedule of fees and charges is to be adopted by the Council when adopting the annual budget, however fees and charges may also be imposed during a financial year.

Section 6.16 of the Local Government Act (the "Act") states that a local government may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed.

Section 6.17 of the Act further states that in determining the amount of a fee or charge for goods and services, a local government is to take in to consideration the following factors:

- a) The cost to the local government of providing the service or goods
- b) The importance of the service or goods to the community; and
- c) The price at which the service or goods could be provided by an alternative provider

Pursuant to Section 6.19 of the Act, local public notice must be given should fees and charges be adopted outside of the annual budget adoption process.

RELEVANT PLANS AND POLICIES

Not applicable.

FINANCIAL IMPLICATIONS

In 2015/16, the GLC receipted \$6,289 in spectator fees through its point of sale system. All revenues generated by the GLC help to offset the operating expenses of the centre which last year totaled \$2,745,454.

The 2016/17 budget forecasts revenue of \$7,000 from spectator fees. In considering the Officer recommendation, to immediately remove the spectator fee, the Council should note there will be up to a \$7,000 deficit in GLC revenue this financial year.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

This matter aligns with the City of Busselton Strategic Community Plan 2013 and principally with the following strategic goals:

- A City where the community has access to quality cultural, recreation, leisure facilities and services
- Infrastructure assets are well maintained and responsibility managed to provide for future generations

RISK ASSESSMENT

An assessment of the potential risks of implementing the Officers recommendation was undertaken, and as a result, no risks were rated as 'medium' or above were identified.

CONSULTATION

The removal of the spectator fee will require public notice to be given of the date from which the change will be imposed.

OFFICER COMMENT

The \$1 spectator fee has been in place since the GLC opened nineteen years ago. Over time it increased to a \$1.30 but was reduced back to a \$1 a few years ago.

It is understood the petition is a result of a community member querying the spectator fee when visiting the GLC, in August, to watch their child swim during the Department of Education In Term Swimming Program.

The fee only applies to spectators entering the pool hall to watch another person swim for the Department of Education's (DoE) swimming lessons, general pool usage and school carnivals. The fee does not apply when a parent or carer brings their child to the GLC's Learn to Swim program, GLC private swim lessons, hires the pool hall for a party or for aquatic club member usage.

A spectator fee does not apply to the stadium and this is in line with general practice across the recreation centre industry. Spectator fees are considered in club and user hire fees and any program the GLC may run from the stadium courts. This may generate some confusion regarding why and when a spectator fee should or shouldn't apply.

It is acknowledged the application of the fee has been inconsistent, perhaps contributing some confusion with spectators. This is primarily due to the multiple and varied fee structure of the GLC which has caused some confusion for new or casual staff who may not work on the reception desk on a regular basis. Prior to the installation of the pool entry doors and the separation of the kiosk from the reception desk, the entry foyer allowed anyone to walk through into the pool hall. This was, and to a certain extent still is, a problem when a large group arrives at once because non-paying customers may enter the aquatics hall through the door that opens to allow fee paying customers through. Often the reception has one staff member who cannot leave the desk to follow customers who have not paid for entry.

Other centres and the industry generally have battled with this issue for many years. As a result some other centres have chosen not to have a separate spectator fee for their aquatics areas. Whilst the spectator fee could be clearly defined or clarified it is likely that it will be the subject of further dispute in the future. Whilst never the subject of a petition before, GLC reception staff regularly handle queries about it.

In 2015/16, the GLC receipted \$6,289 in spectator fees through its point of sale system. All revenues generated by the GLC help to offset the operating expenses of the centre which last year totaled \$2,745,454. The largest proportion of this operating cost is to operate the aquatics area. Pools, pool halls, spas and associated change rooms, toilets and shower facilities are expensive operational items due to their heating, water and chemical usage and higher staff resourcing and cleaning costs. The GLC runs on a tight operating budget, and has a user pays principal in an attempt to generate as much revenue as possible to reduce the operating burden on all the community's rate payers.

Officers recommend that Council remove the spectator fee from the GLC Fees and Charges Schedule with immediate effect on the basis that it is not easily clarified and is likely to continue to cause confusion into the future. In considering this recommendation Council should note there will be up to a \$7,000 deficit in GLC revenue this financial year.

Options to recover the revenue by incorporating it into other aquatic fees that attract spectators were considered. These options and why they are not recommended at this point are detailed below:

Option 1 - Recover spectator fee revenue from the Department for Education Swimming Lessons

The GLC has forecast it will receive approximately \$7,000 in spectator fee revenue this financial year. As the issue has primarily been raised by parents watching their children during the Department of Education's (DoE) swim program, the Council could consider adding the spectator fee to the DoE fees. DoE do not pay lane hire for in term school swimming lessons and are charged a reduced rate of \$3.60 per child per visit. (The usual pool entry price for under 16 is \$5 a saving of \$1.40 per child or 28%).

DoE provide their own swim teachers. Each school provides the class teacher and assistant and transport for the students to the pool. Some schools also provide one or two parent helpers. The GLC is informed in advance of their attendance and helpers and teaching staff are not charged the spectator fee.

In 2016/17, the GLC has forecast \$91,500 in revenue from the Department of Education. \$7,000 could be recovered by adding 30 cents per child visit charged to the DOE child entry cost. Private schools may pass this cost on to all parents, whilst public schools will have to find the extra budget. In considering this option it should be noted that only a small number of parents attend to spectate during the school swimming program and therefore, in the case of private schools, all parents will pay extra regardless of if they spectate or not.

A 30 cent rise is an 8% fee increase for the DoE to fund. DoE and each school budget annually in advance to resource their swimming lesson programs. DoE rely on the public notice of the GLC's imposition of Fees and Charges to inform their budget development and would have budgeted according to the current Fees endorsed by Council. Officer's are of the opinion that it would be unfair to expect DoE to somehow find an extra \$7,000 in the current budget year to absorb the increase imposed. In percentage terms this would be an 8% fee rise, over double the usual annual increase applied to Fees and Charges. It is also considered unfair because some schools have already completed their swimming programs and paid the current rate. For this reason Officers do not recommend this as a viable option.

Option 2 – Recover spectator fee revenue from the GLC's own swimming lessons

A spectator fee is already considered in the GLC's own swimming lesson fees. In the 2016/17 budget the GLC has forecast revenue of \$294,500 from its swim programs. The current Learn to Swim fee is \$13.50 and private one on one lessons are \$35 for 30 minutes and \$18 for 15 minutes. The GLC has forecast to provide 24,860 lessons this year. An extra 30 cents per lesson would recover the \$7,000 spectator fee revenue.

This is a smaller fee increase in percentage terms 1% for Learn to Swim, 0.85% for private 30 minute lessons and 1.6% for private 15 minute lessons. However, these parents are already paying full price for their children's swimming lessons (unlike the subsidized DoE fee) and this price already includes a \$1 spectator cost per lesson, therefore Officer's do not recommend this option.

Option 3 - Recover spectator fee revenue from DoE and the GLC's own aquatic program

An alternate option is to spread the recovery of the \$7,000 in spectator fees across the largest user base possible to make it as small as possible. This can be achieved by adding 15 cents to the DoE child entry cost raising it from \$3.60 to \$3.75 (a 4% increase), adding 15 cents to GLC's Learn To Swim program from \$13.50 to \$13.65 (a 1% increase), and raising private lessons from \$35 to \$35.15 for 30 minutes (0.4% increase) and from \$18 to \$18.15 (a 0.8% increase) for 15 minutes. This option has the lowest impact on the paying parent, DoE and schools and provides DoE and schools with sufficient notice to inform their budget preparations. Officers can consider this along with other fee increases when all GLC Fees and Charges are reviewed during the formulation of fees and charges for the 2017/18 budget process.

CONCLUSION

Officers recommend that Council remove the \$1 spectator fee from the GLC Fees and Charges Schedule with immediate effect on the basis that it is not easily clarified and is likely to continue to cause confusion into the future. In considering this recommendation Council should note there will be up to a \$7,000 deficit in GLC revenue this financial year which cannot be recouped due to the

impacts explained on DoE and school budgets in the current financial year. All attempts will be made however to recoup costs where possible.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be endorsed the \$1 spectator fee will be removed with immediate effect.

Council Decision / Committee Recommendation and Officer Recommendation

C1609/255 Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council:

1. Endorses the removal the \$1 spectator fee from the 2016/17 Geographe Leisure Centre Fees and Charges Schedule with immediate effect, noting this may result in lost revenue of \$7k in 2016/17.
2. As part of the 2017/18 budget development process, considers the recovery of spectator fee revenue across the aquatics Fees and Charges.

CARRIED 8/0

EN BLOC

10.6 Settlement Art Project Steering Committee - 8/09/2016 - BUSSELTON SETTLEMENT ART PROJECT STEERING COMMITTEE OFFICERS REPORT

| | |
|-----------------------------|--|
| SUBJECT INDEX: | Busselton Settlement Art Project |
| STRATEGIC OBJECTIVE: | A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections. |
| BUSINESS UNIT: | Community Services |
| ACTIVITY UNIT: | Cultural Services |
| REPORTING OFFICER: | Cultural Development Officer - Jacquie Happ |
| AUTHORISING OFFICER: | Director, Community and Commercial Services - Naomi Searle |
| VOTING REQUIREMENT: | Simple Majority |
| ATTACHMENTS: | Attachment A SAP Officer Report Spanish Settler Sculpture Location |

This item was considered by the Settlement Art Project Steering Committee at its meeting on 8 September 2016, the recommendations from which have been included in this report.

PRÉCIS

The Busselton Settlement Art Project (BSAP) is a public art initiative commemorating the successful establishment of Busselton as one of the first settlements outside Perth. The project involves the commissioning of six (6) life-sized bronze sculptures (one per year) at a total cost of approximately \$770,000 (inc GST).

The purpose of this report is to advise Council of the commissioning and location of the 'Spanish Settler' as the fourth sculpture of the BSAP series.

BACKGROUND

In November 2011 Council awarded Tender 1/11 to Greg James (C1111/342) for the commissioning of BSAP sculptures. In June 2013, a formal committee of Council, Busselton Settlement Art Project Steering Committee (BSAPSC), was established (C1306/139) to provide a vehicle by which the commissioning of the sculptures could be overseen; and to initiate and coordinate fundraising activities.

At a formal meeting of the BSAPSC on 9 January 2014 (BSA1401/010) the Committee recommended that the order of commissioning for the first three sculptures be changed to:

1. Whaler's Wife
2. Timber Worker
3. John Garrett (JG) Bussell

These three sculptures have been completed, installed and officially unveiled. There is now sufficient funds within the City's Municipal funds and the Busselton Settlement Appeal Account (managed and held by the National Trust) to commission the fourth sculpture being the Spanish Settler.

The fourth sculpture to be commissioned in the series was identified by the BSAPSC as the Spanish Settler and endorsed by the Council at its Ordinary meeting of 14 September 2016.

The planned location is adjacent to Lots 43 and 44 Queen Street, Busselton. See Attachment A.

STATUTORY ENVIRONMENT

Under Section 5.8 of the *Local Government Act 1995* (the Act), a local government, by absolute majority, may establish Committees of three or more persons to assist the Council, and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Authority can be delegated to formally constituted Committees of Council in accordance with Sections 5.16 and 5.17 of the Act.

RELEVANT PLANS AND POLICIES

Social Plan 2015-2025

It is a goal of the City's Social Plan (2015-2025) that our culture is celebrated, valued and retained. The installation of the BSAP is in line with this goal.

City of Busselton's Ten Year Financial and Corporate Business Plans

The BSAP has been identified in the City's four year Corporate Business Plan. It has also been included as an allocation of \$85,000 in the City's Long Term Financial Plan for the 2016/2017 Financial Year.

FINANCIAL IMPLICATIONS

The cost of the Spanish Settler Sculpture is \$120,000 (ex GST). The City's financial contribution to the Spanish Settler sculpture is \$87,754. The balance of \$32,246 will be paid from the National Trust Account.

| Spanish Settler Sculpture | Revenue | | Expenses |
|--|------------------|-----------|------------------|
| Municipal Funds 16/17 | \$85,000 | Sculpture | \$120,000 |
| Funds raised from events in City Reserve | \$2,754 | | |
| National Trust | \$32,246 | | |
| Total Amount | \$120,000 | | \$120,000 |

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

This matter aligns with the City of Busselton Strategic Community Plan 2013 and principally with the following strategic goal:

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 risks of implementing the Officers recommendation was undertaken, and as a result, no risks were rated as 'medium' or above were identified.

CONSULTATION

The members of the BSAPSC have been included in the process of discussing and forming the recommendations in this report.

The location of the Spanish Settler sculpture has been discussed with the BSAPSC and other key stakeholders of the Cultural Precinct including ArtGeo, Busselton Woodturners Club, Acting Up and the Busselton Art Society

OFFICER COMMENT

All items within this report were discussed at an informal meeting of the BSAPSC held on 7 July 2016. The commission of the Spanish Settler sculpture is the next step in progressing the BSAP. The other sculptures will be progressed as and when funds become available. The sculpture is proposed to be installed on pavement adjacent to Lots 43 and 44 Queen Street Busselton. The position was identified as complimenting the positions of sculptures already installed.

CONCLUSION

The commissioning of the Spanish Settler sculpture is the next logical stage in the progress of the BSAP and there is adequate funding to proceed in the 2016/17 financial year. The artist, Greg James, is ready to proceed subject to the contract being awarded as per Tender 1/11 (C1111/342).

OPTIONS

The Council may choose to delay the commissioning of the fourth sculpture at this point in time or request the RSAPSC review the location of the sculpture, noting this will delay the project implementation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Spanish Settler sculpture will be commissioned and completed as soon as practicable. The Spanish Settler will be promoted to the community as the fourth sculpture in the series.

Council Decision / Committee Recommendation and Officer Recommendation

C1609/256 Moved Councillor G Bleachmore, seconded Councillor C Tarbotton

That the Council authorizes the commissioning of the fourth sculpture (Spanish Settler) as per TEN01/11 Settlement of Busselton Art Project (C1111/342) with funds set aside in the 2016/17 financial year.

CARRIED 8/0

EN BLOC

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 STRATEGIC LAND REVIEW

| | |
|-----------------------------|--|
| SUBJECT INDEX: | Strategic Land Review |
| STRATEGIC OBJECTIVE: | An organisation that is managed effectively and achieves positive outcomes for the community. |
| BUSINESS UNIT: | Strategic Planning and Development Services |
| ACTIVITY UNIT: | Strategic Planning and Development |
| REPORTING OFFICER: | Senior Strategic Planner - Helen Foulds |
| AUTHORISING OFFICER: | Director, Planning and Development Services - Paul Needham |
| VOTING REQUIREMENT: | Simple Majority |
| ATTACHMENTS: | Attachment A Yallingup Townsite land tenure rationalisation Attachment B Busselton City Centre Attachment C Dunsborough Town Centre Attachment D Wadandi Track Attachment E City Freehold land Attachment F City/DPaW land tenure rationalisation Attachment G Lot 10 Commonage Road, Dunsborough Attachment H Road Reserves Rationalisation Attachment I Unmanaged Reserves Rationalisation Attachment J Unallocated Crown Land Rationalisation Attachment K Reserve 20554 Location Plan Attachment L Reserves 28696 and 32173 Location Plan |

PRÉCIS

As a consequence of a strategic review of the City's current and future land assets and needs, the Council is asked to consider supporting a range of changes to land tenure throughout the District. The aim of the proposed changes is to allow the City to better meet community needs in the short, medium and long terms.

In some cases, the recommendations, if endorsed by the Council, may enable full implementation of proposed changes. In most cases, though, further and more detailed Council consideration will be required before the changes can be fully implemented – and so in those cases the Council is asked to support the broad direction proposed, but not actually make any final decisions.

It should be noted that whilst the report sets out quite a number of specific proposals, the report does not provide a complete description of all potential land tenure changes being considered by the City at the present time. This report and its recommendations, however, provide a starting point for the further considerations that may follow and will ensure consideration of land matters more generally can occur with a sound understanding of the overall strategic context.

This report follows an earlier report, considered by the Council at its 12 February 2014 meeting, which related only to City freehold land. The Council decision made at that time has been both progressively implemented subsequently and considered in the drafting of this report.

The recommendations of this report may be summarized as follows –

- Furthering negotiations with other government agencies in relation to land tenure changes, whereby some land currently managed by the City will in future be managed by another agency, and whereby some land currently managed by other agencies will in future be managed by the City– the majority of these proposals relate to environmentally valuable land currently managed by the City instead being managed by the Department of Parks & Wildlife

(DPaW) in the future, and some less environmentally valuable land currently managed by DPaW instead being managed by the City in the future;

- Advising the Department of Lands (DoL) that the City wishes to seek formal management orders over a number of parcels that are currently either unmanaged reserves or Unallocated Crown Land, but where the City already has effective management responsibilities and/or is responsible for infrastructure on the land;
- Furthering investigations on the potential transfer of City owned land to City (or other agency) managed reserves, or vice versa, or the potential disposal or acquisition of City owned land;
- Progressing the permanent closure of a number of redundant road reserves;
- Seeking the automatic vesting of some reserves created through the subdivision process for some specific purposes; and
- Seeking changes to some reserve purposes.

BACKGROUND

Several years ago, the City identified both a need and an opportunity to undertake a review of the many land assets managed by the City. The broad aim was identifying whether the current land tenure and management arrangements pertaining to those land assets were in the best, long-term interests of the City, and its residents and ratepayers. That resulted in the commencement of a project that has variously been referred to as the 'Strategic Land Audit' or 'Strategic Land Review' (SLR). It is the latter term that is more appropriate and is now being used.

The project has been a very complex one to manage, and its scope and purposes have evolved to some degree over time, as new issues and considerations have emerged. One of the key things that has resulted in the expansion of the project scope has been the emergence of a greater realization that the City's land assets cannot be viewed in isolation from many of the land assets managed by other government agencies and even, in some limited cases, land managed by private entities.

That has arisen because, through the project, it has been found that some land currently managed by the City might be better managed by other bodies or, alternatively, that the strategic objectives of the City and its residents and ratepayers might be better served by the City managing land that is currently managed by another entity. There are many examples of each kind of situation, but an example of the former is a number of redundant road reserves (i.e. City managed land) that are effectively located within the Broadwater Nature Reserve (managed by 'DPaW'), and an example of the latter are some portions of State Forest (managed by DPaW) that may be suitable sites for future use by the City for a range of purposes, but which do not have significant conservation value.

Once that necessary expansion in scope was made, however, the project complexity necessarily grew; especially noting that there are, in fact, in excess of 1,000 reserves in the District, of which around 400 are managed by the City. There are also a significant number of freehold land parcels owned (and therefore managed) by the City and other government agencies, as well as a significant number of land parcels that are currently Unallocated Crown Land ('UCL'), over which various government agencies, including the City, often have some element of management responsibility. Given the number of land parcels involved, one of the most significant challenges has been the management of a very large amount of data and information.

The project has now evolved to a point where its scope and purposes can best be described as follows –

1. *Develop a comprehensive understanding of government land assets (including City land) and the fundamental pattern of management of that land within the whole of the District;*
2. *Identify current and potential/future land requirements for the City and other agencies (note that this involved a review of a wide range of existing documents, but it also included further research and consultation within our own organization, seeking to identify potential/future requirements);*
3. *Identify land that may be secured (by the City or other agencies) to meet those requirements;*
4. *Identify what form of tenure (i.e. reserve tenure of various kinds, or freehold tenure) might be most appropriate for each parcel of land;*
5. *Recognising the complex and dynamic nature of the issues at the detailed (i.e. parcel-specific) level, establish broad principles to guide the City in future in facilitating an overall pattern of land management and tenure that will best serve the strategic interests of the City, its residents and ratepayers; and*
6. *Identify implementable sub-projects that can be practically managed by the City and the other bodies that need to be involved (noting that the scale, scope and complexity of implementation would otherwise be such that it would be unmanageable).*

Before discussing any of the specifics of what is proposed, it is first worthwhile clarifying the different categories of land tenure and management that relate to land in the District; it is necessary to have a basic understanding of those categories to understand much of the content of this report. The key, relevant categories are –

1. **Freehold land**, which is divided into two principal sub-categories –
 - a. **Privately owned freehold land** (which could be either ‘green title’, or in some very limited cases ‘purple title’, or one of various forms of ‘strata title’, but understanding of those distinctions is not necessary for the purposes of this report) – the majority of the land area of the City falls into this category; and
 - b. **Government owned freehold land** (which, again, could be held in a number of different forms of title) – there are relatively few examples of land in this category, but one example is the land where the City’s main, temporary office facilities are currently located, the site colloquially referred to as ‘Donga City’, which is freehold land owned by the City, and is an example of a further sub-category, being **City owned land**; and
2. **Crown land**, which is divided into six principal sub-categories –
 - a. **Unallocated Crown Land** (‘UCL’), which is Crown Land which has neither a designated purpose nor a designated management body, meaning that DoL is the effective land manager on behalf of the State Government - although it should be noted that their capacity to actively manage the land is usually very limited, and some other agencies have some specified management responsibilities in some instances, including the City in relation to some infrastructure that may have been developed on UCL. In comparison with many other non-Metropolitan areas, there is not much UCL in the City, but an example is portion of the bushland area to the south and west of the Carunup River townsite, with the portions closest to the townsite being UCL;
 - b. **Unmanaged Reserve**, which is Crown Land which has a designated purpose (such as ‘Recreation’ or ‘Community Centre’), but no designated management body, and there are two key reasons why a land parcel might be an unmanaged reserve - (1) the land has historically been Crown Land and given a purpose, but no

decision made to designate a management body, or (2) the land has been ceded to the Crown for a specific purpose as part of a subdivision process, but the likely management body has not yet accepted a management order – there are a large number of unmanaged reserves in the City, although they are mostly small parcels and the total area of land involved is not that great - an example of an unmanaged reserve is Reserve 50505, which is a park in Yalyalup (in Provence estate), which the City is managing in a practical sense.

- c. **UCL or Unmanaged Reserve, managed under other legislation**, which is Crown Land without a designated management body under the *Land Administration Act 1997*, but which has an effective, designated management body under other legislation – an example of such land is the portion of the former Boyanup-Busselton Railway reserve, which is located on the north-eastern side of Causeway Road, from opposite the permanent City administration office site, extending east to Molloy Street, which is managed by the Public Transport Authority pursuant to the relevant railway enabling act;
- d. **Conservation Reserve**, which is Crown Land managed by DPaW on behalf of the Conservation Commission of Western Australia, and which can be included in a number of further sub-categories, principally **National Park, Marine Park, Conservation Reserve or State Forest**;
- e. **Other managed reserve**, which is Crown Land managed by other bodies pursuant to a formal management order under the *Land Administration Act 1997*, including the City, which is an important further sub-category, namely **City managed land** – there are many hundreds of such reserves, with examples being Signal Park, which is Reserve 38872, managed by the City for the purpose of ‘Recreation’, or Reserve 26511, which is managed by Busselton Water for the purpose of ‘Water Supply Purposes’, and is the water storage and treatment facility located on Kent Street, adjacent to Churchill Park, just to the east of the Busselton Bowling Club site;
- f. **Road Reserves**, which are Crown Land managed mostly by the City (somewhat different arrangements apply to roads managed by Main Roads WA) for roads, transport, drainage and other infrastructure purposes, and over which a range of other bodies have certain rights, in particular infrastructure agencies responsible for water, sewer, power and telecommunications services; and
- g. **Crown Grants**, usually ‘**Crown Grant in Trust**’, which can only be used by the ‘owner’ in a manner consistent with the purpose of the grant – there are relatively few Crown Grant sites in the City, with an example being Churchill Park, which is a Crown Grant in Trust to the City, for the purpose of ‘Recreation’.

Note that reserved Crown Land will usually be a ‘**C-Class**’ reserve or an ‘**A-Class**’ reserve, with the vast majority of reserves being ‘C-Class’; whilst the classification will sometimes reflect the ‘community value’ of the reserve, that is not always the case. The key difference between ‘C-Class’ and ‘A-Class’ reserves is that changes to the management order of an ‘A-Class’ reserve require Parliamentary consent, whereas changes to the management order of a ‘C-Class’ reserve only require the approval of the Minister for Lands (although in both cases there is a much more complex overall governance framework, requiring consultation with a much broader range of stakeholders). An example of an ‘A-Class’ reserve managed by the City is Meelup Regional Park. An example of a ‘C-Class’ reserve managed by the City is Lou Weston Oval, and the adjoining Geographe Bay Yacht Club and Busselton Fitness Club sites.

It should be noted that this report follows an earlier report, considered by the Council at its 12 February 2014 meeting, which related only to City freehold land. The Council decision made at that

time has been both progressively implemented subsequently and considered in the drafting of this report.

STATUTORY ENVIRONMENT

The key, relevant Statutory Environment is set out in the *Local Government Act 1995*, *Land Administration Act 1997*, *Planning and Development Act 2005*, *Native Title Act 1993* and *Conservation and Land Management Act 1984*.

RELEVANT PLANS AND POLICIES

There is a wide array of plans that have been identified and considered in formulating the recommendations of this report, including –

- *Strategic Community Plan 2013 (Review 2015)*
- *Corporate Business Plan 2015/16-2018-19*
- *Long Term Financial Plan 2013/14-2022/23*
- *Draft Local Planning Strategy*
- *Local Planning Scheme 21*
- *Various planning strategies and structure plans*
- *Busselton Foreshore Master Plan*
- *Active Open Space Strategy*
- *Busselton Traffic Study*
- Structure Plans relating to Vasse, Yalyalup, Ambergate North, Dunsborough Lakes (which provide for ceding of land for recreation and community purposes)

FINANCIAL IMPLICATIONS

As already noted above, in some cases, the recommendations of this report, if endorsed by the Council, may enable full implementation of proposed changes. In other cases, though, again as already noted, further and more detailed Council consideration will be required before the changes can be fully implemented – and so in those cases the Council is only being asked to support the broad direction proposed, but not actually make any final decisions. In those other cases, the financial implications will be outlined and assessed when the Council is asked to make those further and/or final decisions, and so the financial implications of those potential changes are not outlined here (and, because of the complexity and diversity of the proposed changes it would, in any case, not be practicable to do so in a useful manner at this time anyway). The focus here is therefore on the potential financial implications of the proposed changes that, if endorsed by the Council, can be implemented without further referral to the Council.

The aspects of the recommendation that will be able to be fully implemented without further Council consideration are points 4, 5, 6, 7, 10 and 13, which are as follows –

4. *Request management orders over unmanaged reserves, as detailed in Attachment I to the agenda report.*
5. *Delegate to the Department of Lands the automatic vesting of reserves created through Section 152 of the Planning & Development Act 2005, for reserves that have one or more of the following purposes (but no other purpose)-*
 - *Recreation;*

- *Drainage;*
 - *Pedestrian Access Way (PAW); and*
 - *Emergency Service Access.*
6. *Request management orders over all Unallocated Crown Land along the coast, other than where that land adjoins National Park or other Department of Parks and Wildlife managed land.*
7. *Request management orders over other Unallocated Crown Land, as set out in Attachment J in the agenda report.*
10. *Request management orders for parcels associated with the Wadandi Track, as listed in Attachment D in the agenda report.*
13. *Request changes to reserve purposes as follows –*

| <i>Reserve Number</i> | <i>Address</i> | <i>Current Purpose</i> | <i>Proposed Purpose</i> |
|-----------------------|--|------------------------------|--|
| 20554 | <i>Lot 1575 Wildwood Rd, Carburnup River</i> | <i>Quarry Gravel</i> | <i>Recreation</i> |
| 28696 | <i>Lot 4328 Bussell Hwy, North Jindong</i> | <i>Sand</i> | <i>Landscape Protection and Recreation</i> |
| 32173 | <i>Lot 4582 Bussell Hwy, North Jindong</i> | <i>Rubbish Disposal Site</i> | <i>Landscape Protection and Recreation</i> |

There are no financial implications associated with point 13 of the recommendation. The other points outlined above will, however, result in the City obtaining management orders over additional land and, in a legal/statutory sense, the City's responsibilities in relation to that land would increase. In a practical sense, however, the City's responsibilities will not increase in any significant way, as the land identified is either already being practically managed by the City and/or accommodates infrastructure which the City is already responsible for. Having a management order over the land in question will also better enable the City to meet community expectations in relation to the management of the land. For example, some or all of the powers that the City is able to exercise under the *Property Local Law* and *Dog Act* only apply where the land is City managed or City owned land.

It is conceivable that, in the future, changes imposed by the State (such as changes to increase land managers' obligations to manage bush fire risk) may have financial implications for the City. Overall, though, it is considered that the financial implications of the recommendation will be minimal, and are more than outweighed by the benefits arising from the obtaining of management orders over the land in question.

Long-term Financial Plan Implications

The recommendations of this report are consistent with the Long Term Financial Plan, noting the more generic discussion of financial implications above.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report are considered to be consistent with the following community objectives of the City's *Strategic Community Plan 2013* –

- 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;*
- 5.1 *Our natural environment is cared for and enhanced for the enjoyment of the community and visitors;*
- 5.2 *Growth is managed sustainably and our environment is protected and enhanced as we develop; and*
- 6.3 *An organisation that is managed effectively and achieves positive outcomes for the community.*

RISK ASSESSMENT

As already noted above, in some cases, the recommendations of this report, if endorsed by the Council, may enable full implementation of proposed changes. In other cases, though, again as already noted, further and more detailed Council consideration will be required before the changes can be fully implemented – and so in those cases the Council is only being asked to support the broad direction proposed, but not actually make any final decisions. In those other cases, risks will be outlined and assessed when the Council is asked to make those further and/or final decisions, and so risks associated with those potential changes are not outlined here (and, again, because of the complexity and diversity of the proposed changes it would, in any case, not be practicable to do so in a useful manner at this time anyway). The focus here is therefore on the risks associated with the proposed changes that, if endorsed by the Council, can be implemented without further referral to the Council.

An assessment of those risks has been undertaken using the City's risk management framework, and risks are only identified below where the residual risk, once controls are considered, is 'medium' or greater. The only risks that have been identified are the financial risk that has already been described above, or the increased additional public liability risk that may arise should the land not be managed adequately and that resulted in an injury or loss that the City could reasonably be determined in having some responsibility for. Within the broader context of the City's operations, those risks are not considered to be significant.

CONSULTATION

The SLR has required close consultation with DoL, which has helped guide officers on land management issues outside of the City's control.

DoL have confirmed that they will grant *enbloc* management orders for the identified unmanaged reserves giving the City appropriate management over these currently 'unmanaged' reserves. DoL also welcome the proposal of automatic vesting (explained further in this report) of new reserves created through subdivision. This will improve procedures both for the DoL and the City, and enhance the City's working relationship with the DoL, which also plays a pivotal role in existing and future proposed land management changes that will benefit the City.

In undertaking the SLR, officers have also met with DPaW and the Water Corporation to understand how land management may be revised and how land tenure changes or acquisitions may take place.

Internal consultation within the City has enabled officers to identify the nature of purposes that land would be needed for in future; briefly summarised as follows -

- Basic raw materials (sand and gravel);
- Depot sites;
- Waste management;

- Land extensive recreational uses (such as motorsport, firearms related sports, bicycles or large-scale outdoor events);
- Community purpose sites;
- Ovals and other recreational facilities;
- Environmental offset sites;
- Sites for major development; and
- Transport corridors.

Consultation with the public has not been proposed overall, but will be required for some of the proposed changes, and this will occur on a case-by-case basis, as necessary and appropriate.

OFFICER COMMENT

Having identified the appropriate project scope and the issues that need to be considered, City officers have identified twelve potentially implementable sub-projects (which will often themselves be further broken down into sub-projects), identification and discussion of which is a useful framework through which to explain, understand and consider the direction proposed by City officers. The identified sub-projects are as follows (noting that there is some overlap between the identified projects and also note that, to provide a complete picture, some projects/initiatives that have been underway for quite some time, and which have not been seen as being, and have not practically been, part of the Strategic Land Review, are identified below) –

1. Precinct-specific projects –

- a. **Busselton Foreshore** (which is part of the overall Busselton Foreshore Redevelopment project);
- b. **Yallingup townsite** (which reflects a range of long-standing objectives, brought together in consolidated form several years ago, and which is progressing through the relevant State regulatory processes at present);
- c. **Busselton City Centre** (which reflects, in substantial part, recommendations of the *Busselton City Centre Conceptual Plan*, adopted by the Council in early 2014);
- d. **Dunsborough Town Centre** (which, similar to the above, reflects in substantial part recommendations of the *Dunsborough Town Centre Conceptual Plan*, also adopted by the Council in early 2014, but also includes consideration of the Dunsborough Playing Fields/Naturaliste Community Centre Precinct, adjacent to the Town Centre); and
- e. **Wadandi Track** (which reflects ongoing work to complete development of the Wadandi Track, principally along the alignment of the former Busselton-Augusta Railway).

2. Issue/tenure-focused projects –

- a. **City freehold land** (which includes land where disposal or acquisition is contemplated or recommended, as well as land where a change from freehold to reserve tenure or vice versa is proposed, and is an area which has been subject of a previous report to and decision of the Council, in February 2014, the outcomes of which officers have been progressively implementing, although officers are recommending some further and/or changed direction in this report as well);
- b. **City/DPaW land tenure rationalisation** (which relates mostly to City land in and around the Vasse-Wonnerup, New River and Broadwater wetlands managed by the

City, and land on or near the Whicher Scarp managed by DPaW, as well as to some land currently included in the Ngari Capes Marine Park);

- c. **City/other agency land tenure rationalisation** (which at this stage is limited to the proposed acquisition by the City of a parcel of land from the Water Corporation);
- d. **Road reserves rationalisation** (which relates to the identification of redundant road reserves and recommendations for their future management);
- e. **Unmanaged reserves rationalisation** (this includes a large number of parcels that have been ceded to the Crown via subdivision and which are being practically managed by the City, but without a formal management order, as well as land identified as requiring a City management order via a foreshore management plan process, and also involves establishing a limited ability for DoL to 'automatically' grant a management order to the City for some land ceded to the Crown through subdivision in future);
- f. **UCL rationalisation** (this includes only a small number of parcels, which relate predominantly to coastal foreshore reserves and potential Native Title Settlement land holdings); and
- g. **Reserve purpose rationalization**; (which relates to the alteration of the Reserve purpose of a small number of parcels that are currently managed by the City).

Each of the identified sub-projects is described in more detail under relevant sub-headings below.

One particular thing to note in relation to any Crown Land the City may wish, for whatever reason, to relinquish a management order over; that will generally only be able to occur where another body or agency, acceptable to the State Government, is prepared to accept a management order, or the State considers it would be appropriate to sell the land. The State Government will generally not, however, allow City managed land to become either unmanaged reserve or UCL. The City should always consult informally with DoL and any other relevant agencies before formally considering any tenure change in relation to Crown Land.

1a Busselton Foreshore

There are a series of changes to land tenure at the Busselton Foreshore that have been identified as necessary and progressed as part of the Foreshore project. It is not seen as necessary to further outline the proposed changes in this report.

1b Yallingup townsite

On 26 February 2014, the Council resolved to formally support a range of changes to land tenure in and around the Yallingup townsite. A plan illustrating the proposed changes is provided as **Attachment A**. The changes required the support of the Minister for Mines and the Conservation Commission of Western Australia, as well as the resolution of Native Title issues (in relation to some of the proposed changes only), prior to requiring decisions from the Minister for Lands. Both the Minister for Mines' and Conservation Commission's support has now been secured, and the Department of Lands requested, by the City and DPaW, to arrange the preparation of formal survey diagrams. Surveyors have now been appointed by DoL.

1c Busselton City Centre

Key strategic issues and objectives identified in relation to the Busselton City Centre are as follows –

1. Identification/securing of a site for the proposed Performing Arts and Convention Centre;
2. Securing of land to meet long-term public car parking requirements;

3. Providing for the expansion of existing community services buildings (e.g. Public Library, Senior Citizens' Centre);
4. Accommodating strategic road upgrades (as required by the Busselton Traffic Study);
5. Activating and making more effective use of Mitchell Park; and
6. Supporting new major retail development necessary to ensure the City Centre remains the commercial and social heart of our community.

The City currently manages significant land assets in the Busselton City Centre, specifically –

1. The **'Peel Terrace land'** – which is City owned land, and includes the sites of the Busselton Senior Citizens' Centre, Busselton Child Care Centre and current, temporary City Customer Information Centre;
2. The **'Harris Road land'** – which is City owned land, currently occupied by temporary City office facilities (i.e. 'Donga City'), but which was relatively recently purchased utilizing funds from the Car Parking Reserve and from Car Parking Cash-in-Lieu restricted assets, as a strategic car parking development site;
3. **Mitchell Park, the Old Library site, the Old Fire Station** and adjoining public car park/public ablutions site – other than the Old Fire Station, which is City managed land, this is City owned land;
4. **Victoria Square** – which is City owned land;
5. **Reserve 18661** – which is City managed land on the corner of Albert and Stanley Streets, next to the 'Cellarbrations' liquor store, currently used as public car parking;
6. **Reserve 41445** – which is City managed land that accommodates the **Busselton Community Resource Centre, Busselton Public Library**, as well as the large public car parks either side of Kent Street, sometimes colloquially referred to as the **'Coles Car Park'** and **'Nannup Car Park'**;
7. The **Winderlup Court/Winderlup Villas** site – which is City managed land, but subject of co-management arrangements with the Department of Housing and a range of other management constraints;
8. The **'Cultural Precinct'** land – which includes all of the land fronting Queen Street between Adelaide Street and Marine Terrace, other than the DPaW site on the corner of Queen and Adelaide Streets – the land on the eastern side of Queen Street, which includes the ArtGeo gallery, vacant, former Busselton Police Station site and Weld Hall Theatre, is City owned land, and the land on the western side of Queen Street, containing the Old Court House and Old Police Quarters, is City managed land; and
9. **Lower Vasse River foreshore land**, on both sides of the Vasse River, including **Rotary Park** and the **Old Butter Factory** site – some of which is City owned land and some of which is City managed land.

A number of land tenure changes are already in progress in and around the City Centre, as follows –

1. Transfer of the **'Winderlup Court'** site from City managed to City owned land, in exchange for the City's surrender of freehold title (and transfer from City owned to City managed land) of the recently acquired Lot 480, Geographe Bay Road, Quindalup;
2. The City has entered into a conditional contract of sale to sell the **Old Library site** and most of the adjoining public car park/public ablutions site to Australian Unity Investments, the owners of the adjoining Busselton Central Shopping Centre, as part of a planned redevelopment and expansion of that complex, and as a means of activating Mitchell Park in the heart of the City Centre;

3. A land exchange with the Department of Fire and Emergency Services (DFES) that would, in exchange for the transfer to DFES of a parcel of currently City managed land between Vasse and Abbey intended to accommodate a future 'Capes Region' career fire station, see the unused, **southern portion of the Busselton Volunteer Fire and Rescue** site transferred to the City, as City managed land, to be used as public car parking and/or road upgrade works associated with implementation of Busselton Traffic Study recommendations;
4. The City is seeking management of **disused railway reserve** land along the northern side of Causeway Road to allow for implementation of a range of **Busselton Traffic Study** recommendations, including the duplication of Causeway Road and development of the Eastern Link, as well as allowing the consolidation of the Rotary Park precinct;
5. The City has indicated to DoL that it would be supportive of making portions of Reserve 41445 (specifically the '**Coles Car Park**' and '**Nannup Car Park**') available as sites for future major development/redevelopment to allow for further expansion of the economic, employment and social opportunities available in the Busselton City Centre (although it should be noted that the commercial impetus for such development is some years away from being likely to eventuate and, as such, pursuing this opportunity is not a priority for either the City or DoL at present, and this would likely only involve leasehold tenure, require preservation or replacement of parking capacity and involve re-investment of at least some of the returns in community infrastructure); and
6. The expansion of the **Busselton Senior Citizens' Centre** (BSCC) leasehold area at Lot 73 Peel Terrace (the **Peel Terrace land**) to incorporate future building extensions was considered at the Council meeting of 27 July 2016, where the Council resolved to give in-principle support to increase the area of land leased to BSCC to allow for expansion, subject to further planning and design for the whole of Lot 73 Peel Terrace being undertaken.

In addition to the above, the Council has recently identified the former Busselton Police Station site, as well as some portions of the adjoining ArtGeo gallery and Weld Hall Theatre sites, as the preferred location for the planned Busselton **Performing Arts and Convention Centre** (PACC). As that land is City owned land and that form of tenure is, overall and in most respects, the best tenure for such a facility, that decision does not result in any proposed change to land tenure. The current DPaW site on the corner of Adelaide and Queen Streets had, though, previously been the preferred location for the PAC, which would have necessitated a change to the tenure of that land. Whilst at some point in the future the City may wish to secure the DPaW site for another use consistent with the strategic direction for the Cultural Precinct and/or want to see the site redeveloped for some other purpose, as there is no clear direction or impetus at this time, no specific recommendation is made in this report in relation to the DPaW site.

A series of other land tenure changes are, however, now proposed –

1. The transfer of **Mitchell Park** from City owned land to City managed land, provided that an equivalent value parcel could be transferred from City managed (or other Crown Land tenure) and that the park can be identified as an 'A-Class' reserve – that is because there is not seen to be any reasonable future scenario in which disposal or development of this land would be contemplated, so there is no need to hold the land in freehold tenure, and 'A-Class' reserve designation would provide the highest level of protection possible for this land;
2. The transfer of the **Old Fire Station** site from City managed land to City owned land, as that would better ensure that the City and its ratepayers benefit from the investment in improvements to the site and income associated with the commercial use of the site;

3. The transfer of **Victoria Square** from City owned land to City managed land, as with Mitchell Park, though, provided that an equivalent value parcel could be transferred from City managed (or other Crown Land tenure) and the land can be identified as an 'A-Class' reserve – that is because there is not seen to be any reasonable future scenario in which disposal or development of this land would be contemplated, so there is no need to hold the land in freehold tenure, and 'A-Class' reserve designation would provide the highest level of protection possible for this land;
4. Investigate options for the development or sale, in a manner that generates returns for the Busselton community, of **Reserve 18661**, possibly in association with the adjoining Country Womens' Association site (which is a Crown Grant issued to that organization) – there are a number of means by which that may occur, but the site is not a very efficient one for car parking use, parking supply can be added nearby and a building on this site (as well as on the two adjoining sites to the north) would assist in integrating Stanley Place with the core areas of the City Centre; and
5. A number of **road widenings/future connections** associated with the Busselton Traffic Study (BTS), which was considered by the Council at the 12 August 2015 meeting, have been identified and incorporated into the Strategic Land Review such as the need to secure additional land for the widening of West Street and intersection of Strelly Street and Barlee Street.

A plan of the Busselton City Centre indicating locations of the above parcels, is provided at **Attachment B**.

It should be noted that the City is also looking more broadly at the options for the **Peel Terrace land** in the future, which is strategically significant land in the City Centre and, importantly, forms an important part of the 'entry experience' for those travelling into the City Centre from locations to the north, south-east and east, including those travelling from Perth or from the Margaret River-Busselton Regional Airport.

1d Dunsborough Town Centre

Key strategic issues and objectives identified in relation to the Dunsborough Town Centre are as follows –

1. Securing of land to meet long-term public car parking requirements;
2. Providing for the expansion of existing community services (e.g. Naturaliste Community Centre);
3. Providing for the extension of Clark Street through to Cape Naturaliste Road; and
4. Supporting new major retail development necessary to ensure the Town Centre remains the commercial and social heart of the western part of the District.

The City currently manages the following land in the Dunsborough Town Centre –

1. **Lions Park**, which is City managed land;
2. **Seymour Park**, which is City managed land;
3. The **Dunsborough Foreshore**, which is City managed land;
4. The **Dugalup Brook Reserves**, which are City managed land, containing the Brook itself, dual-use paths and a small car park accessed off Prowse Way;
5. **Reserve 39264**, which is City managed land on the north-eastern side of the Caves Road/Seymour Boulevard/Dunsborough Lakes Drive intersection, where a small car park has recently been constructed; and

6. The land containing the **Dunsborough Playing Fields** (other than a small portion of the southern oval) and Dunsborough Community Purposes Site, containing **Community Garden, Men's Shed and Lion's Shed site** is City owned land, with the **Naturaliste Community Centre (NCC)**, a small portion of the southern oval and **Windlemere Reserve** to the west and north being City managed land.

Land tenure changes already in progress in and around the Town Centre all involve the potential acquisition of private land and are as follows (refer to **Attachment C**) –

1. **Lot 9017** at the roundabout of Cape Naturaliste Road and Caves Road, also indicated on the Dunsborough Town Centre Conceptual Plan – the City is currently in preliminary negotiations to acquire this land, which could potentially provide an additional 250-300 long term parking bays for the Dunsborough Town Centre; and
2. The extension of **Clark Street** through to Cape Naturaliste Road was identified on the Dunsborough Town Centre Conceptual Plan, adopted by Council in January 2014, the aim of which is to allow traffic to circulate more effectively and efficiently, whilst also assisting in the expansion of the Town Centre into Clark Street – negotiations have been taking place with the affected landowners and remain ongoing, given the likely timeframe for the road extension being five to ten years into the future.

One further land tenure changes is, however, now proposed –

1. Consolidate the **Dunsborough Playing Fields, Naturaliste Community Centre (NCC) and Windlemere Reserve and Dunsborough Community Garden, Men's Shed and Lion's Shed site** so that the NCC and Playing Fields, as well as land around the NCC that may be needed for expansion, is wholly located on City owned land, rather than partly on City owned land and partly on City managed land, and potentially transfer the **Community Garden, Men's Shed and Lion's Shed site** from City owned land to City managed land.

Whilst it would be desirable to secure some additional public land more centrally within the Dunsborough Town Centre, the high value of the land and the pattern of land ownership is such that it is not considered economic to do so and, as such, it is seen that the further provision of community facilities in the Dunsborough Town Centre will need to be in the NCC/Playing Fields area, with the potential to progressively relocate some of the more extensive uses (notably, some of the oval space) to other locations further from the Town Centre, and with the long-term potential to better integrate the NCC with the existing Town Centre – and that is already supported to some degree in longer-term, strategic planning.

1e Wadandi Track

The Wadandi Track, previously referred to as the Busselton-Augusta Rails to Trails project, is planned to become a continuous, multi-use trail from the Busselton Jetty to Flinders Bay (Augusta), showcasing the Cape-to-Cape region to visitors. A draft land report for the Wadandi Track generally recommends that the relevant local government advises DoL that it is willing to accept care, control and management responsibility of unmanaged reserves and UCL over which the trail alignment crosses. The key issue/objective with the Wadandi Track is clearly securing a form of tenure that will allow for the development and ongoing management/maintenance of the Track.

The City currently manages significant portions of the Wadandi Track alignment, specifically –

1. A large portion of the Wadandi Track is located within **Reserve 48251**, from Vasse to the Anniebrook drain, Hayes Road to Blythe Road and two smaller sections north of Metricup Road and south of Harmans Mill Road to the City boundary;
2. **Reserve 36716** incorporates sections from around Metricup Road to Harmans Mill Road; and

3. A number of parcels between Vasse and the Busselton Jetty.

A series of land tenure changes, identified at **Attachment D**, are proposed for the effective management of the Wadandi Track –

1. Unmanaged **Reserve 36717** between the Anniebrook drain and Hayes Road, and a large section, being unmanaged **Reserve 36715** between Blythe Road and Yelverton Road are identified to be amalgamated into **Reserve 48251**;
2. **UCL** parcels south of Yelverton Road and in the vicinity of Metricup Road are recommended to be brought into Reserve **48251** as City managed land, as well as two parcels on Falkingham Road in West Busselton that are already being effectively managed by the City; and
3. **Lot 5147** is a four hectare parcel of **Crown land** subject to a grazing lease - the City intends to request management responsibility of Lot 5147 at some stage in the future for the continuation of the Wadandi Track over the land (the City has so far not been in a position to assume management responsibility for the land and so the lease over Lot 5147 has been subject to periodic renewal, this parcel is not included within the recommendation).

2a City freehold land

The key issues/objectives with respect to City freehold land (i.e. 'City owned land') are essentially to ensure that land where maximum management flexibility is required is, where possible, held in freehold form. Alternatively, for land where maximum management flexibility is not required, freehold tenure is often not necessary, and so consideration can be given to other, lesser forms of tenure. A number of tenure changes that reflect this general principle are set out in other parts of this report, as well as a number in this section of the report.

Significant land assets are currently held by the City as freehold (and not identified elsewhere in this report), including the following –

1. The **Margaret River-Busselton Regional Airport** site, which is all City owned land;
2. The **Rendezvous Road site**, portion of which is City managed land (i.e. Lot 500, which contains the City's Animal Care Facility and Transfer Station, and which is Reserve 22884) and portion of which is City owned land (i.e. Lots 26 and 27, Rendezvous Road, Vasse), and which forms part of a larger area of land in public ownership, including other City managed land as well as the parcels already mentioned, as well as other reserves managed by the Department of Fire & Emergency Services (i.e. the Busselton SES premises) and the Water Corporation (i.e. the Busselton Waste Water Treatment Facility and Depot);
3. Three adjoining vacant land parcels that constitute the City's **Ambergate land**, currently leased for grazing until July 2017, which have a combined area of approximately 136 hectares;
4. **Bovell Park**, which has an area of approximately 20 hectares, plus the recently acquired and adjacent **Lot 40**, a four hectare site to be incorporated into future expansion of sporting facilities at Bovell Park;
5. Lot 97 **Kookaburra Way**, Vasse – just under 10 hectares currently leased to the Dunbarton Race Track Incorporated, until November 2018;
6. **Dunsborough Waste Facility**, also known as the Vidler Road tip site, which is an approximately 38 hectare parcel;

7. **Lot 11, Vasse Highway**, which is adjacent to the Busselton Cemetery, which is largely vegetated and does not have any significant development potential, but low-intensity use associated with the cemetery is being considered;
8. Several **car parks at Port Geographe**; and
9. Several parcels, with high conservation values, adjoining the **New River** wetlands (which are largely managed by DPaW).

A number of land tenure changes are already in progress relating to City freehold land, as follows –

1. Proposed securing of freehold tenure over **Lot 500, Rendezvous Road** – the City is awaiting further advice from DoL regarding this proposed acquisition that would become a significant capital investment for the City on freehold land and assist in accommodating a range of activities, including the potential relocation of the DPaW Depot; and
2. Acquisition of several parcels adjoining the **Margaret River-Busselton Regional Airport** to facilitate airport expansion.

As noted earlier in this report, there are a number of other smaller-scale changes already in progress, as set out in a report considered by the Council in February 2014.

A series of further changes are, however, now proposed –

1. The potential transfer of **car parks at Port Geographe** from City owned land to City managed land, provided that equivalent value parcel(s) could be transferred from City managed to City owned categories – note that no change is proposed in relation to the land which contains the Port Geographe Boat Ramp and associated car parks, which is also currently City owned land (it should be noted that the City has a lease to NBN Co. over portion of one of these car parks, and the City would want to retain freehold tenure over that portion of the land);
2. The potential transfer of several parcels adjoining the **New River** wetlands from City owned to City managed, or potentially to DPaW managed, again provided that equivalent value parcel(s) could be transferred from City managed to City owned categories, or from DPaW managed to some form of City tenure, and also retaining sufficient land adjacent to West Street to allow for the planned West Street Duplication;
3. The potential transfer of **Lot 11, Vasse Highway** from City owned to City managed, again provided that equivalent value parcel(s) could be transferred from City managed to City owned categories;
4. The potential sale of the **Ambergate land**, and the re-investing of the returns in land that better meets the strategic needs of the community into the future – note that the development potential of this land is highly constrained by its relatively isolated location, low-lying and therefore inundation prone nature and very significant costs of fill associated with any development, and the fact that the land is no longer identified at a strategic level for future urban development;
5. The potential acquisition of **Lot 100**, Sues Road/Bussell Highway/Wonnerup South Road, which is currently owned by and subject of mineral sands mining activity by Cristal Mining, but which is very well-located with respect to the regional transport network, is partly within the noise footprint of the Margaret River-Busselton Regional Airport, is relatively unconstrained environmentally and has an area of just over 460 hectares – there have been preliminary, informal discussions with Cristal around the potential acquisition of this land post-mining, principally with a view that it could accommodate a range of land extensive recreational uses, including those associated with motorsport, firearms, bicycles or large-scale outdoor events; and

6. A potential development site at **Lot 4596**, which is City managed land (public open space) on the corner of Hester Street and Webb Street, Geographe which has been found to be surplus to the City's needs, however a specific report on this site is anticipated in the future – any return from sale or development of this land would need to be applied to development or purchase of public open space in the vicinity.

Maps showing each of these sites are provided as **Attachment E**.

It is also considered that the City may wish to consider opportunities in future to acquire other land within the vicinity of the Margaret River-Busselton Regional Airport to better provide for potential development opportunities related to the Airport. The City may also wish to consider acquisition of freehold title to the Kookaburra Caravan Park and the commercial development sites at the Busselton and Dunsborough Foreshores at some stage in the future. No specific recommendations, however, are made at this stage in those regards.

2b City/DPaW land tenure rationalisation

DPaW is the manager of a large majority of the Crown Land in the District, with the City being responsible for managing a large majority of the rest, with most of the rest actually being UCL with at least some environmental value. As such, most of the Crown Land in the District is of interest to the City or DPaW. Key issues and objectives with relation to City/DPaW land tenure rationalisation are the consolidation, where possible and practical, of high conservation value land in DPaW tenure, with the potential transfer of lower conservation value land which could potentially accommodate community/City use to City tenure. In terms of potential community/City uses that might be accommodated on land currently managed by DPaW, there are a number of key potential uses, being land-extensive recreational uses, waste management and basic raw materials.

A number of land parcels have been identified by officers as more appropriately going to DPaW for management. These include areas of good quality vegetated land adjoining other reserves being managed by DPaW and areas of wetland, such as the Broadwater Wetlands, in and around the New River and large portions of the Vasse-Wonnerup Wetlands. It is proposed that these sites identified as going to DPaW for management form part of wider negotiations with DPaW as part of the SLR process. A map is provided at **Attachment F** identifying the key locations subject of the proposed land tenure rationalisation between the City and DPaW.

Noting that there are some duplications with other categories mentioned elsewhere in this report, sites that are recommended to be **transferred to DPaW managed reserves** include (64 sites in total) -

1. City managed land to DPaW management (15), including one partial lot;
2. City owned land to DPaW management (2) – this refers to land parcels in the New River wetlands mentioned under section 2a, relating to City freehold land tenure changes proposed, located near South Street and adjacent to West Street;
3. Redundant road reserves (7) or portions thereof, also discussed in section 2e, relating to 'Road reserves rationalisation'; and
4. UCL (23) and Unmanaged Land (17) to DPaW management, being parcels that, for reasons of their location and/or environmental values are recommended to be managed by DPaW.

A number of sites have been identified that could potentially be used for land extensive recreational uses (such as motorsports, firearms, bicycles or large-scale outdoor events) and/or basic raw material/waste management sites. Sites the City would seek to **bring into City management** from DPaW include -

1. A portion of State Forest 33, Yoganup, known as the **Ridge Road site** where the City holds interest as a site for land extensive recreational uses and also as a potential gravel source, the City would seek to excise a portion from the State Forest for these purposes;
2. The **Slee Road site** has been identified as having potential for waste management and recreation, particularly those land extensive recreational uses mentioned previously; and
3. A portion of State Forest 32, Boallia, identified as the **Jacka Road site**, has been identified as an easily accessible gravel source, although extraction may require upgrade to some unsealed roads, and is also a possible site for land extensive recreational uses.

The majority of the parcels identified above have been the result of discussions held with officers from DPaW, although additional parcels have been included into this list as the process and mapping have been further refined.

As part of this report, officers are seeking the Council's approval to enter into negotiations with DPaW to reach a land management solution on the abovementioned matters.

Another matter that has been revealed through the SLR project is the presence of UCL identified along the full length of the coast around the District. This has occurred through data refinement by DoL that has transferred into the City's mapping system. The Ngari Capes Marine Park, which also extends for the full length of the coast of the District, also extends to the high water mark. Both these matters have implications for administrative duties of the City (as mentioned in other sections of this report) particularly in managing land under the City's *Property Local Law* and the *Dog Act 1976*. The current arrangements also require the City to seek a lease or licence from DPaW for any activities in this area, such as to enable the placement of the Old Dunsborough beach enclosure or to grant recreational leases (for example, the inflatable water park near the Busselton Jetty).

This report recommends the City seek a Management Order over all UCL along the coast other than where it adjoins National Park, and to write to DoL and DPaW to seek the excision of land from the Ngari Capes Marine Park between the high water mark and the low water mark. Further, to expand this area to exclude the area adjacent to the Busselton Jetty and adjacent to the Old Dunsborough boat ramp to recognise these key, water-based recreational areas.

2c City/other agency land tenure rationalisation

This section refers to identified changes to land tenure associated with agencies other than DPaW, where they do not fall into one of the previous categories. The objectives and issues here are fundamentally the same as with the City/DPaW land tenure rationalization – although obviously related to the core business of the particular agency in question, not the conservation focused role of DPaW. There is, in fact, only one such change that has been identified and which is not already set out elsewhere in the report, and that is the proposed acquisition of portion of Lot 10, Commonage Road, Dunsborough, which is owned by the Water Corporation and is the former Dunsborough Waste Water Treatment Plant site (which has been decommissioned and confirmed as remediated and decontaminated through the contaminated sites legislation processes).

The portion that the City is seeking to acquire is adjacent to the future Dunsborough Lakes Primary School and adjoining 'shared-use oval' site that the Dunsborough Lakes developers will be ceding to the Department of Education and City respectively in the next year or so. If this additional land is acquired, it could accommodate a large, integrated recreation precinct, accommodating up to three, 'senior' size ovals, and meet active recreation needs for the Dunsborough community for the medium-long term. Negotiations with the Water Corporation are well-advanced, and further due diligence is now progressing with a view to the Council giving the proposed acquisition formal consideration in the next few months. A plan identifying the land in question is included as **Attachment G**.

2d Road reserves rationalisation

An aim of the SLR has been to identify road reserves that have become redundant and may better serve the needs of the City in alternative tenure. Sections of road reserve where the road has not been constructed are still subject to the *Road Traffic Act 1974* and also service agencies, for instance, have the ability to put in place infrastructure without the consent of the local government or other authority. An intent of the SLR section has therefore been to align the purposes of the land with the intended management, most commonly associated with an adjacent Reserve. An example of land that is affected in this way is the Old Dunsborough foreshore, where the established play equipment adjacent to the boat ramp is located in an area of the Bay View Crescent road reserve that is not constructed and will likely not be constructed in the future given the proximity to the high water mark.

In addition to the road reserves rationalisation, a separate analysis will be undertaken of all **foreshore reserve management plans** to ensure all recommendations relating to land tenure are identified.

Through the SLR, 27 undeveloped road reserves have been identified as potentially redundant, through the SLR process it was determined that these road reserves should be managed as follows –

1. **Road Reserves to remain Road Reserves (10)** – for various reasons it has been determined that certain road reserves should remain available, usually because closing the road will result in a land locked parcel and no further action will take place on these reserves;
2. **Road Reserves to City Managed, or City Managed in part (10)** – redundant reserves that are identified to be closed and amalgamated into adjacent reserves, usually located along the coast, such as portions of Bay View Crescent in Dunsborough and Geographe Bay Road in Broadwater and Abbey; in some instances portions of the road reserves are in use and so it is necessary to retain some sections of the road reserve, such as Sheens Road in Meelup Regional Park, where the unused portion is recommended to be amalgamated into the Park; and
3. **Road Reserve to DPaW Managed, or DPaW Managed in part (7)** – these sections are located in areas of wetland in the Vasse/Abbey/Broadwater and Busselton areas, and as mentioned above, some sections of road reserve are in use and so only a portion is recommended to be closed.

Officers are seeking Council's approval to commence the process for closing the specific sections of redundant road reserves, as identified at **Attachment H**.

2e Unmanaged reserves rationalisation

The majority of unmanaged reserves are the result of subdivisions under Section 152 of the *Planning and Development Act 2005* (or in the past under Section 20A of the *Town Planning Act 1928*). When the Western Australia Planning Commission approves subdivision of land, a portion of the land is often vested in the Crown for the purpose of conservation or protection of the environment or a road, waterway, pedestrian access-way, right-of-way, foreshore or recreation reserve. Unmanaged reserves that were not the result of subdivision (Section 152 or Section 20A) were also assessed by officers who determined what Government agency they should be managed by and for what purpose.

Land that remains in unmanaged reserves impacts negatively on the administration of local government duties to the extent that powers under the *Property Local Law* and the *Dog Act 1976* are limited.

The SLR has identified 253 unmanaged Reserves within the City of Busselton, of which 155 are identified to be managed by the City (see list of land parcels at **Attachment I**). The 155 unmanaged reserves to be managed by the City are to be managed for the following purposes -

- Recreation;
- Pedestrian Access Way;
- Identified projects, such as gravel/sand and sites for land extensive recreational uses;
- Drainage;
- Emergency Services Access;
- Foreshore Protection; and
- Landscape Protection.

It is the officer view that the 155 unmanaged reserves identified should be dealt with *enbloc*, wherein DoL would be asked to provide the City with a Management Order for all 155 at once. The City is already practically managing these unmanaged reserves; an example of this is the land along Southern Drive that runs alongside the river. The City does not have a Management Order over this land, yet we are maintaining this area on a regular basis.

Note that the waterways at Port Geographe are mostly unmanaged reserves, and there is no proposal for the City to obtain a management order over those waterways.

Land that should automatically be vested

In order to avoid again having a large number of unmanaged reserves within the City, in the future, it is considered that the City should be automatically receiving a Management Order for Section 152 Reserves where it is obvious that the City will be the effective land manager. This matter has been discussed with DoL officers, who agree with this approach, which is already in place in many other local government areas..

It is therefore proposed the city seek the automatic vesting of reserves created through Section 152 of the *Planning & Development Act 2005*, for reserves that have the following purposes -

- Recreation/Public Recreation;
- Drainage;
- Public Access Way (PAW); and
- Emergency Service Access.

DoL will continue to send through the more complex requests to accept Management Orders (MOs) on the following reserve types (amongst others) -

- Community Purposes;
- landscape Protection; and
- Foreshore Protection.

Purposes such as 'Landscape Protection' and 'Foreshore Protection' largely become the responsibility of the City. However, in some instances DPaW may be the more appropriate agency; therefore these should not be automatically vested with the City.

2f UCL rationalisation

Given that UCL is Crown Land which has neither a designated purpose nor a designated management body, DoL is the effective land manager on behalf of the State Government. It should be noted that the capacity of DoL to actively manage UCL is usually very limited, and some other agencies have some specified management responsibilities in some instances, including the City in relation to some infrastructure that may have been developed on UCL. Implications for the City with regard to UCL are very similar to unmanaged reserves, in terms of providing limitations on the City in controlling certain activities on the land, which has the greatest impact with respect to coastal UCL parcels.

The SLR proposes to deal with a number of UCL parcels in four ways –

1. UCL to City managed reserve (19) – excluding the fire parcels identified for inclusion with the Wadandi Track at section 1e above;
2. UCL to DPaW managed (22) – recommend DPaW becomes the management body as these parcels mostly constitute wetlands, where they are adjacent to reserves that are already managed by DPaW;
3. UCL to City/DPaW managed (1) – Smiths Beach, where a portion of the beach is proposed to be managed by the City, and other sections adjacent to National Park be managed by DPaW; and
4. UCL to Noongar Land Estate – 2 parcels identified, both in Carburnup River, with a further 6 potential parcels that have been identified by the SLR as more appropriately going to either City managed or DPaW managed.

A list of the UCL parcels for which a recommendation is provided is at **Attachment J**.

2g Reserve purpose rationalisation

This section refers to identified changes to Reserve purposes that have arisen where the City currently manages the reserve and this is not proposed to change. The intent of this process is to better align the Reserve purpose with the current and more appropriate use of the land.

Several reserve purpose changes are proposed –

1. City managed **Reserve 20554** (refer to **Attachment K**), containing a bus turnaround, from 'Gravel' to 'Recreation' in Carburnup, where the Reserve is no longer required for gravel extraction, the last extraction being more than 20 years ago; and
2. **Reserves 28696 and 32173** (refer to **Attachment L**), located near the intersection of Bussell Highway and Yelverton Road, North Jindong, these Reserves were identified as a vegetation clearing offset site as a condition of approval of widening a section of Bussell Highway (by Main Roads WA); it is proposed that the purpose of the Reserves be modified from 'Sand' and 'Rubbish Disposal Site', respectively, to 'Landscape Protection and Recreation'.

CONCLUSION

The SLR has enabled the City to consider the community's land requirements now and into the future for a range of purposes, namely -

- Basic raw materials (sand and gravel);
- Depot sites;
- Waste management;
- Land extensive recreational uses (such as motorsport, firearms related sports, bicycles or large-scale outdoor events);

- Community purpose sites;
- Ovals and other recreational facilities;
- Environmental offset site;
- Sites for major development; and
- Transport corridors.

Overall, the direction set out in the report and recommended will allow for more effective land management within the District, to the benefit of the City, residents and ratepayers.

OPTIONS

Given the scope and complexity of this report, a large number of options could be considered at each item. As such, a specific range of options has not been provided in this instance.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Advice regarding the various changes to land tenure being proposed will be sent to DoL within one month of the Council making a resolution consistent with the officer recommendation. The timing of further progress will then depend to a significant extent on the complexity of the particular proposal and the capacity of DoL to prioritise the work.

Council Decision and Officer Recommendation

C1609/257

Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council, with respect to the Strategic Land Review and the management of City and Crown Land within the District, resolve to -

1. Generally endorse the strategic direction set out in the agenda report;
2. Write to the Department of Lands advising them and seeking their advice regarding City managed land parcels where the City is seeking to obtain freehold tenure, as set out in the agenda report;
3. Write to the Department of Lands advising them and seeking their advice regarding City owned land parcels where the City may agree to relinquish freehold title, provided that an equivalent land parcel can be transferred from City managed to freehold tenure, as per point 2 above and as set out in the agenda report;
4. Request management orders over unmanaged reserves, as detailed in Attachment I to the agenda report;
5. Delegate to the Department of Lands the automatic vesting of reserves created through Section 152 of the *Planning & Development Act 2005*, for reserves that have one or more of the following purposes (but no other purpose) -
 - Recreation;
 - Drainage;
 - Pedestrian Access Way (PAW); and
 - Emergency Service Access;
6. Request management orders over all Unallocated Crown Land along the coast, other than where that land adjoins National Park or other Department of Parks and Wildlife managed land;

7. Request management orders over other Unallocated Crown Land, as set out in Attachment J in the agenda report;
8. Write to the Department of Parks and Wildlife, requesting consideration of changes to the boundaries of the Ngari Capes Marine Park, generally as follows –
 - Other than where the Marine Park adjoins National Park or other Department of Parks and Wildlife managed land, excise the land between the high water mark and low water mark from the Marine Park, and seek a City management order over the land excised from the Park; and
 - Excise additional land from the Marine Park in the vicinity of the Busselton Jetty and Busselton Foreshore, and in the vicinity of the Old Dunsborough Boat Ramp and area utilised for the Old Dunsborough Beach Enclosure, and seek a City management order over the land excised from the Park;
9. Write to the Department of Lands and Department of Parks and Wildlife seeking consideration and support for a rationalization of land currently managed by the City and Department respectively, generally as set out in Attachment F in the agenda report;
10. Request management orders for parcels associated with the Wadandi Track, as listed in Attachment D in the agenda report;
11. Pursuant to section 58 of the *Land Administration Act 1997*, commence the road closure process for the redundant road reserves listed in Attachment H in the agenda report;
12. Identify that Lot 4596 (Reserve 31975), corner Hester and Webb Streets, Geographe is ‘unwanted’ as public open space, and that processes to dispose of the Reserve are undertaken, including seeking the Minister for Lands’ in-principle agreement and community consultation, following which a further report will be presented to the Council for its further consideration; and
13. Request changes to reserve purposes as follows –

| Reserve Number | Address | Current Purpose | Proposed Purpose |
|----------------|---|--------------------------|--|
| 20554 | Lot 1575 Wildwood Rd, Carbunup River | Quarry Gravel | Recreation |
| 28696 | Lot 4328 Bussell Hwy, North Jindong | Sand | Landscape Protection and Recreation |
| 32173 | Lot 4582 Bussell Hwy, North Jindong | Rubbish Disposal Site | Landscape Protection and Recreation |

CARRIED 8/0

EN BLOC

11.2 PROPOSED AMENDMENT TO 'DUNSBOROUGH LAKES ESTATE DEVELOPER CONTRIBUTIONS PLAN (2015)' AND ASSOCIATED INITIATION OF SCHEME AMENDMENT TO REMOVE PT LOT 9057 FROM DEVELOPER CONTRIBUTION AREA 1 IN LOCAL PLANNING SCHEME 21

| | |
|-----------------------------|--|
| SUBJECT INDEX: | Local Planning Policy (Developer Contributions) |
| STRATEGIC OBJECTIVE: | A City where the community has access to quality cultural, recreation, leisure facilities and services. |
| BUSINESS UNIT: | Strategic Planning and Development Services |
| ACTIVITY UNIT: | Strategic Planning and Development |
| REPORTING OFFICER: | Manager, Strategic Planning and Development - Matthew Riordan |
| AUTHORISING OFFICER: | Director, Planning and Development Services - Paul Needham |
| VOTING REQUIREMENT: | Simple Majority |
| ATTACHMENTS: | Attachment A Draft Amended Dunsborough Lakes Estate Developer Contribution Plan (DCP) - Figure 1 (Areas) |
| | Attachment B Dunsborough Lakes Estate 'DGP' - Figure 2 (Revision P) |
| | Attachment C Draft Amended Dunsborough Lakes Estate DCP (Text) 28 September 2016 |

PRÉCIS

The Dunsborough Lakes Estate Developer Contributions Plan ('the DCP') was formally adopted by the City on 11 February 2015. The DCP relates to former Lot 9033 Commonage Road (now Lot 9058), which is in the ownership of land developer Urban Quarter (formerly Wallis Property).

The DCP allocates all future monetary developer contributions towards 'local' community infrastructure; namely, the construction of a 'shared use' sporting oval, car parking and associated facilities on land to be ceded to the City by Urban Quarter beforehand (together with the adjoining Dunsborough Lakes Primary School site).

It is proposed to now amend the DCP to incorporate four residual parcels of residential land in the Dunsborough Lakes Estate development area. These four parcels are the sole remaining appropriate areas of residential land within the District that are not currently subject to developer contributions responsibilities and requirements under either a 'precinct plan' (e.g. Developer Contribution Area 1 ('DCA1') Dunsborough and Quindalup) or a 'development-specific plan' (e.g. developer contribution plans applying to urban growth areas such as Vasse, Port Geographe, Yalyalup etc.). Their continued exclusion from a formally endorsed developer contribution plan area is not consistent with the remainder of the City and represents an ongoing situation that is both anachronistic and anomalous.

In an attempt to remedy this, the four residual parcels were initially proposed to be included in DCA1 (Dunsborough and Quindalup) through the Omnibus Amendment 1 process. During public advertising of draft Omnibus Amendment 1, however, an objection to this proposal was submitted by Urban Quarter on the basis that such an approach would unreasonably impose additional monetary developer contributions beyond those requirements previously negotiated and agreed between Urban Quarter and the City in the formulation of the original DCP.

The proposed inclusion of the subject four parcels of land in DCA1 was recommended to be withdrawn from the Omnibus Amendment 1 process and proposed instead to be incorporated into the existing DCP through an appropriate amendment to that plan.

The amended DCP will serve to rationalise the Dunsborough Lakes Estate development area and bring it into alignment and conformity with the remainder of the City in terms of developer contribution requirements and responsibilities for all relevant developable residential land.

The amended DCP area will be expanded to include the additional four parcels of land, although the total monetary contribution required to be paid by Urban Quarter under that amended DCP (estimated at \$1.275 million) will remain unchanged.

At its Meeting on 10 August 2016, the Council resolved to defer consideration of this matter until the Ordinary Meeting of 28 September 2016. This was done at the behest of the representative landowner, Urban Quarter, so that the issues being considered could first be reported to the Board of Directors associated with that company.

Subsequent to this deferment, an anomaly has been recognised in DCA1 as it relates to Pt Lot 9057 St Michael's Parkway (formerly Pt Lot 9054 and, prior to that, Pt Lot 9035), a residential development area in the Dunsborough Lakes Estate with an estimated lot yield potential after subdivision approval of 62 lots. Due to its shape and location Pt Lot 9057 is commonly referred to as 'The Island'.

'The Island' was included in DCA1 through Amendment 125 (gazetted August 2013) of District Planning Scheme 20. However, this was anomalous with the intentions and requirements of Special Provision Area 42 of the Scheme (which conditionally excludes that and other specific properties from a developer contribution plan). It is recommended that this obvious anomaly be corrected as part of the DCP Amendment proposal now before the Council and that 'The Island' be removed from DCA1 (through a 'complex' Scheme Amendment process) and subsequently incorporated into the DCP for Lot 9058.

Note:

Since the original Agenda report was prepared for the 10 August 2016 Meeting, registration of Lot 9033 as Lot 9058 (through 'balance of title' cadastral adjustments) has been recorded. This cadastral update is now reflected in this Report and the proposed amended DCP, where former Lot 9033 Commonage Road is now referred to throughout as Lot 9058 Commonage Road. These lot numbers correspond to the identical parcel of land.

BACKGROUND

The DCP currently applies to (former) Lot 9033 Commonage Road, Dunsborough (now registered as Lot 9058 through cadastral changes in 'balance of title' arrangements since the DCP was originally endorsed in February 2015). All reference to former Lot 9033 has hereafter been updated where required to refer instead to Lot 9058 (which is, in fact, the identical land parcel).

The purpose of the DCP for Lot 9058 is to allocate development contributions (beyond those standard provisions established through WAPC policy on the subdivision of land) for the development of nearby (ultimately) 'district-level' open space, and associated community facilities and infrastructure neighbouring the site of the future Dunsborough Lakes Primary School.

The DCP currently allocates all future monetary developer contributions towards 'local' community infrastructure; namely, the construction of a 'shared use' sporting oval, car parking and associated facilities on land to be ceded to the City by Urban Quarter beforehand (together with the adjoining Dunsborough Lakes Primary School site to be ceded to the DET). This is not recommended to change in the amended DCP.

Lot 9058 has an area of 32.9 hectares and a likely potential residential lot yield following approved and staged subdivision of around 255 allotments. The developer contributions in the DCP have been assessed at a cash equivalent of \$5,000 per lot. This assessment will be adjusted in accordance with the Local Government Cost Index for W.A. ('LGCI') commencing 1 January 2015. On that basis it is estimated that there will be a total monetary developer contribution to be paid by Urban Quarter, under the requirements of the DCP, of approximately \$1.275 million.

In draft Omnibus Amendment 1 the City had proposed including four residual parcels of land at Dunsborough Lakes into the 'Dunsborough and Quindalup' (which includes Eagle Bay and Yallingup) precinct of 'Developer Contribution Area 1' (DCA 1). This proposal sought to rationalise developer contribution arrangements for these parcels, which are the only remaining residential development areas in the District not currently included in a developer contributions scheme.

The four residual parcels of land have previously been in different ownerships and had development intentions that have altered over time. Their location is shown numbered 1-4 at **Attachment A** (Amended DCP Area), together with that of Lot 9058 (numbered 5) and now also 'The Island' (Pt Lot 9057 St Michael's Parkway, which is numbered 6 and discussed further below).

Three of the four residual parcels have previously been approved for subdivision, with newly created lots having been released and developed as may be seen at Attachment A. These three parcels would not be liable for the payment of what would be, in effect, 'retrospective' developer contributions as such contributions must be formally allocated and discharged prior to the release of titles (and therefore the requirements would need to be in place prior to subdivision approvals being in place).

The fourth land parcel, number 4 at Attachment A and also being Pt Lot 9057 (formerly Pt Lot 9054) is wholly owned by Urban Quarter and has yet to be approved for subdivision. This means that Pt Lot 9057 would normally be subject to a requirement for payment of developer contributions, but only provided it was formally included in an endorsed Developer Contributions Plan before any new lots were created through such an approval.

The inclusion of the four residual parcels of land into DCA 1, as was originally proposed in draft Omnibus Amendment 1, would therefore, in effect, have necessitated the allocated payment of developer contributions for Pt Lot 9057 (parcel number 4) only. This would have equated to a circa \$3,049 contribution for each new lot created through approved subdivision of that particular parcel; that being the sum (subject to variations in the LGCI) presently allocated under the endorsed DCA1 precinct contributions plan.

During the public advertising of draft Omnibus Amendment 1, Urban Quarter lodged a formal submission objecting to the inclusion of the residual four parcels of land into DCA 1; in particular to Pt Lot 9057 (parcel number 4), which would be the only area likely to be liable for payment of future developer contributions.

In order to discuss the context and rationales behind the position expressed in the Urban Quarter submission, the City coordinated a meeting between senior executive officers (including the CEO) and representatives of the developer on 7 April 2016.

As a result of this meeting, the stated position and understanding of Urban Quarter on the matter of the DCP and all remaining developer contribution obligations in the Dunsborough Lakes Estate were acknowledged, and accepted by City officers as being considered and reasonable. It was therefore agreed between the parties that it would be recommended to the Council that:

- i) the proposed inclusion of the four residual parcels of land (1 – 4) at the Dunsborough Lakes Estate into DCA1 should not, after all, be implemented and that the proposal be withdrawn from the draft Omnibus Amendment 1 as part of the final determination of the Council;
- and
- ii) a separate review and amendment of the DCP be undertaken by the City to formally incorporate the subject four residual parcels of land, but *with no change to the total overall monetary contribution sought or required* (estimated to be \$1.275 million).

The recommendation to withdraw the proposal from draft Omnibus Amendment 1 and to instead incorporate the four residual parcels of land into the Dunsborough Lakes Estate DCP through advertised amendment of that Plan was endorsed by the Council in its formal resolution of 11 May 2016. The reasons for deleting the proposal were duly recorded in the 'Schedule of Modifications' accompanying the resolution of Council in respect to draft Omnibus Amendment 1, which was forwarded to the Western Australian Planning Commission together with that documentation on 24 June 2016, requesting Ministerial approval.

Subsequent to the requested deferment of the original report to the Council on 10 August 2016 by Urban Quarter, an anomaly has been recognised in DCA1 as it relates to Pt Lot 9057 St Michael's Parkway (formerly Pt Lot 9054 and, prior to that, Pt Lot 9035), a development area in the Dunsborough Lakes Estate known as 'The Island', which has the potential for 62 residential lots to be created through any future subdivision approval. 'The Island' is also owned by representative landowner, Urban Quarter, and is shown as parcel number 6 at Attachment A.

'The Island' was included in DCA1 through Amendment 125 of previous District Planning Scheme 20. Its inclusion on the Scheme Map through that Amendment is anomalous with the stated intentions and requirements of Special Provision Area 42 (in particular, Special Provision 16) of LPS21, which expressly excludes that land from the requirements of a developer contribution plan *unless* certain criteria are first met in relation to the endorsed structure plan for Dunsborough Lakes *as at 14 July 2010*. This anomaly requires correction and it is recommended that this correction take place as part of the DCP amendment proposal now before the Council.

The matter is fully addressed in the **Officer Comment** section.

STATUTORY ENVIRONMENT

The key elements of the statutory environment with respect to the DCP are set out in the relevant objectives, policies and provisions of the *City of Busselton Local Planning Scheme No. 21* and the *Dunsborough Lakes Development Guide Plan* (Structure Plan). Each is discussed below under appropriate sub-headings.

Local Planning Scheme 21

The City of Busselton Local Planning Scheme No. 21 (LPS21) describes the relevant statutory considerations for the preparation of the DCP. The zoning of the land originally subject to the DCP (Lot 9058) is 'Special Purpose' (Dunsborough Lakes Development Area) as, too, are the subject four residual parcels of land (1 – 4) concerned. That area of land known as 'The Island' and identified as parcel 6 at Attachment A (now Pt Lot 9057 St Michael's Parkway but previously referred to as Pt Lot 9054, and earlier, Pt Lot 9035 Dunsborough Lakes Drive) is also zoned 'Special Purpose'. All parcels are identified as being in 'Special Provision Area 42' under LPS21.

Provision 16 of Special Provision Area 42 stipulates that –

"Prior to the subdivision or development of the land, the proponent is to prepare a developer contributions and staging plan to the satisfaction of the City for the area south of Dunsborough Lakes Drive and east of the school site to ensure the proponent's appropriate and timely contribution toward service infrastructure, distributor roads and community facilities (including examining the need for change-rooms and other infrastructure in association with the district open space area) on a progressive and staged basis. With respect to the remainder of the estate, the plan shall only address contributions required as a result of tourist development proposals and any net increase in development potential beyond that depicted on the endorsed DGP, as at 14 July 2010. An appeal right will exist in relation to the determination of the plan pursuant to clause 11.10 of the Scheme."

This stipulation has been incorporated into the Dunsborough Lakes Development Guide Plan (Structure Plan) as 'Condition 22' (please refer below).

This stipulation is inconsistent with 'The Island' being incorporated into DCA1 on the Scheme Map through Amendment 125 to District Planning Scheme 20.

The DCP itself may be reviewed and amended, if and as required, in accordance with clause 7.7 of LPS21. This amendment process will necessarily require public advertising, consideration of any formal submissions received, and final approval by the Council.

In accordance with clause 7.7.11 of LPS21, however, it will not be necessary or applicable to seek final endorsement of the amended DCP from the WAPC.

Dunsborough Lakes Development Guide Plan ('Structure Plan')

The endorsed Development Guide Plan for Dunsborough Lakes (now required to be considered and referred to as a 'Structure Plan' in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*) identifies (then) Lot 9033 (now Lot 9058) for residential, public open space and primary school purposes. A copy of the current iteration (Revision P) of the 'DGP' is shown at **Attachment B**.

Condition 22 of the endorsed Structure Plan as at 14 July 2010 (and subsequent iterations), which contains the same wording as Provision 16 of Special Provision Area 42 described above, required the preparation of the DCP prior to the subdivision and development of (then) Lot 9033 (now Lot 9058).

In order to consolidate and validate the requirements and responsibilities of the proposed amended DCP, it will also be necessary to take the following associated actions:

1. amend LPS21 to remove obsolete textual references made within Special Provisions Area 42 (e.g. Special Provision 16);
2. amend LPS21 to modify DCA1 on the Scheme Map by removing Pt Lot 9057 St Michael's Parkway (known as 'The Island' and depicted as 'parcel 6' at Attachment A) and accommodating its subsequent inclusion instead into the amended DCP for Lot 9058; and
3. modify the current iteration of the endorsed Dunsborough Lakes 'Structure Plan' to remove what will become redundant Condition 22.

The City intends to amend the Scheme in relation to 1. (above), as well as numerous other matters, through the process of Omnibus Amendment 2, which is currently only in the early stages of preparation. This intention will be foreshadowed in the recommended resolution of the Council, such that its eventual inclusion in proposed Omnibus Amendment 2 will thus be considered a 'seriously entertained' proposition. In the interim, the City recommends the initiation of a separate and stand-alone amendment to LPS21 in relation to 2 (above). This would constitute a 'complex' Scheme Amendment, as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*. Ministerial approval to that 'complex' amendment would then be required before Pt Lot 9057 ('The Island') could be effectively incorporated into the amended DCP for Lot 9058 for the consideration of the Council for adoption for Final Approval.

It is recommended that the representative landowner, Urban Quarter, undertake the preparation and submission of the necessary 'complex' Scheme amendment documentation needed to remedy the anomaly concerning Pt Lot 9057 ('The Island'). This remedy will enable the finalisation of the amended DCP for Lot 9058 and thereby assist rationalise all developer contribution requirements as they apply to this landowner representative at the Dunsborough Lakes Estate. Payment of relevant scheduled and associated fees for the advertising and statutory processing of the 'complex' Scheme Amendment will be the responsibility of Urban Quarter.

The necessary modification of the Dunsborough Lakes 'Structure Plan' (to remove Condition 22) will be prepared and submitted for separate approval (along with payment of standard scheduled fees) in due course by Urban Quarter.

RELEVANT PLANS AND POLICIES

The key policy consideration in relation to the DCP is the WAPC *State Planning Policy 3.6: Development Contribution Policy for Infrastructure (SPP3.6)*.

SPP 3.6 sets out the principles and considerations that apply to developer contributions for providing infrastructure in new and redeveloping urban areas; as well as the form, content and procedure for preparing a DCP (or an amendment thereto).

FINANCIAL IMPLICATIONS

The planning framework requires land developers to contribute towards community infrastructure, but does not require them to make financial contributions towards community assets beyond those initial monetary requirements as the City remains responsible for the management and maintenance of infrastructure items thereafter.

In accordance with agreement reached by senior executive officers of the City and Urban Quarter representatives at a meeting on 7 April 2016, and subject to the endorsement of the Council, the inclusion of the four subject parcels of 'residual land' (1 – 4 at Attachment A) currently outside the DCA1 at the Dunsborough Lakes Estate into an amended DCP area will not facilitate or require any additional monetary developer contributions to be paid to the City. Monetary contributions assessed at \$5,000 per lot in the current DCP shall continue to be payable, in the amended DCP, only in relation to the subdivision and release for title of new lots created on Lot 9058, estimated to total \$1.275 million.

For reasons already explained in respect to the submission on draft Omnibus Amendment 1 lodged by landowner/developer Urban Quarter, and subsequent agreement reached at a meeting with Urban Quarter representatives and senior executive officers from the City, it is recommended to the Council that no additional monetary contribution shall not be sought or required under the amended DCP.

Due to Pt Lot 9057 St Michael's Parkway (previously known as Pt Lot 9054 and, prior to that, Pt Lot 9035) being included in DCA1 through Scheme Amendment 125, any future subdivision of that property would currently necessitate payment of a monetary developer contribution to the City of approximately \$3,049 per newly created lot (a potential impost on the landowner of \$189,038 for 62 lots).

However, for reasons detailed in the **Officer Comment** section, this reflects a situation that is anomalous with the intentions and specific requirements of Special Provision Area 42 of LPS21 concerning the same land parcel. It is instead recommended that Pt Lot 9057 ('The Island') be removed from DCA1 on the Scheme Map and incorporated into the amended DCP for Lot 9058. This action would require the resolution of the Council to initiate a separate and stand-alone 'complex' Scheme Amendment to modify DCA1 on the Scheme Map.

Consistent with understandings and agreements reached in regard to directly related matters concerning the 'residual land' at Dunsborough Lakes Estate (previously parcels 1-4 as shown at Attachment A, but now recommended to include parcels 1-4 *and* parcel 6), it is recommended that no additional monetary contribution be sought or required by the City under the amended DCP for Lot 9058 beyond the estimated total of \$1.275 million previously agreed in relation to the subdivision and development of approximately 255 allotments *on Lot 9058 only*.

Long-term Financial Plan Implications

The DCP will assist with the funding of new recreational infrastructure required for the growing Dunsborough community.

STRATEGIC COMMUNITY OBJECTIVES

The Officer Recommendation is consistent with community objective 2.1 of the City's Strategic Community Plan 2013, which is: *'A City where the community has access to quality cultural, recreation, leisure facilities and services.'*

RISK ASSESSMENT

Officers have undertaken an assessment of the potential implications of carrying out the Officer Recommendations using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The medium risks associated with DCPs concern shortfalls in funds or the disposal of land prior to subdivision or development. The draft DCP amendment has been designed to mitigate those risks to an appropriate level.

Implementing the Officer Recommendation will involve advising the relevant landowner(s) concerned of the Council resolution and advertising the draft amendment to the DCP for public consultation. There are no significant risks identified.

CONSULTATION

Clause 7.7.4 of LPS21 requires a draft DCP to be advertised for a minimum period of 28 days. The amended DCP has been drafted in liaison and general agreement with the relevant landowner/developer representative concerned (Urban Quarter) to ensure that the principles and objectives of the amended DCP are clearly understood and supported.

OFFICER COMMENT

A copy of the proposed amendment to the DCP (including 'track changes') is provided for the consideration of the Council at **Attachment C**.

It is noted that, unlike Developer Contribution Plans elsewhere in the City (where portions of allocated payments are channelled to different and various 'district-level' community facilities, or to identified facilities elsewhere in the balance of a particular developer contributions area or precinct), the DCP for Lot 9058 allocates ALL contributions towards 'local' community infrastructure; namely the construction of a 'shared use' sporting oval, car parking and associated facilities on land to be ceded, together with the adjoining Dunsborough Primary School site, by the subject landowner/developer. This monetary allocation (and application) remaining unchanged in the amended DCP will continue to provide Urban Quarter with a direct return on investments made through its contributions requirements.

The predominant purpose of the amended DCP for Lot 9058 is to rationalise and incorporate the only developable/developed residential land in the District remaining outside a formal Developer Contributions Plan area (these being the identified four residual parcels within the Dunsborough Lakes Estate shown at Attachment A) within a formal developer contributions plan area. It is also recommended to now incorporate Pt Lot 9057 ('The Island') which is 'residual' parcel 6 shown at Attachment A (currently anomalously included in DCA1) into the amended DCP.

Agreement reached at executive officer level with representatives of Urban Quarter, at a meeting convened on 7 April 2016 in respect to parcels 1 - 4, allowed that no variation to the total monetary contributions allocated to be paid under the current DCP for 'Lot 9033' (estimated at approximately

\$1.275 million) would be sought or required in the amended DCP for (now) Lot 9058. In other words, all monetary developer contributions allocated in the Dunsborough Lakes Estate development area will effectively continue to be met under the requirements of the amended DCP as they apply to the release of new lots created by the subdivision of *Lot 9058 only*. It is recommended by Officers that the inclusion of Pt Lot 9057 (parcel 6) in the amended DCP would not alter that financial arrangement.

Pt Lot 9057 ('The Island')

Pt lot 9057 (formerly known as Pt Lot 9054 and, prior to that, Lot 9035 Dunsborough Lakes Drive) was included in DCA1 on the Scheme Map via a possible mapping error or oversight during the preparation and gazettal (20 August 2013) of Amendment 125 ('A Report on Development Contribution Plan No 1 – Community Facilities') to District Town Planning Scheme No 20. Given that the same land is identified in Special Provision Area 42 of LPS 21 in relation to developer contributions at Dunsborough Lakes **as at 14 July 2010** (thereby pre-dating Amendment 125 by over three years), it is evident that the inclusion of Pt Lot 9057 in DCA1 is anomalous and should now be corrected.

The 'Particulars of Land' identified in Special Provision Area 42 (SPA 42) includes reference to 'Lot 9035 Dunsborough Lakes Drive', which directly corresponds to land which is now registered as Pt Lot 9057 ('The Island').

SPA 42 states [viz Special Provision 16] that the DCP for the Dunsborough Lakes Development Area shall apply only to that area '*south of Dunsborough Lakes Drive and east of the [Dunsborough Lakes Primary] school site*' (i.e. former Lot 9033) with the '*remainder of the Estate*' being subject to that DCP only in respect to '*tourist development proposals*' and '*any net increase in development potential beyond that depicted in the endorsed DGP, as at 14 July 2010*'.

Pt Lot 9057 is clearly within the identified '*remainder of the Estate*' referenced in Special Provision 16 of SPA 42. That particular property should not, however, be subject to the Dunsborough Lakes Estate DCP for Lot 9058 in terms of monetary contributions as it does not currently concern tourist development or propose any net increase in development potential to that which was earlier endorsed over that property (then Lot 9035) in the iteration of the Dunsborough Lakes DGP (Structure Plan) dated 14 July 2010.

Pt Lot 9057 (parcel 6) should therefore be properly considered a 'residual parcel' of land at the Dunsborough Lakes Estate, similar to those other four parcels of land (1 – 4) depicted at Attachment A and, as such, be effectively removed from DCA1 for inclusion instead into the amended DCP for Lot 9058 (and, similarly, not be subject to specific monetary contributions for any future subdivision outside current Lot 9058 itself).

It is recommended that the presently anomalous situation be corrected as part of the current proposal before the Council. This would necessarily require:

1. an Amendment to LPS 21 to remove obsolete references in Special Provision Area 42 (viz: Special Provision 16] and any other related textual redundancies (this is proposed to be effected as part of the mooted Omnibus Amendment 2 process yet to be formally initiated);
2. a 'complex' Amendment to LPS 21 to modify DCA1 on the Scheme Map so as to remove Pt Lot 9057 (this to be effected as a separate and stand-alone Amendment recommended to be initiated as part of this current determination by the Council); and
3. (subject to 2. first occurring and Ministerial approval being granted) the incorporation of Pt Lot 9057 into the amended DCP for the Dunsborough Lakes Estate but, as with residual

parcels 1-4, 'The Island' not being itself subject to any monetary contributions in respect to the subdivision of any newly created lots on that particular property in the future.

It should be noted in respect to all of the above, however, that any payment and discharge of monetary obligations under the amended DCP would necessarily only apply for the 10-year 'period of operation' of that DCP; although it is anticipated that this operational period will expire before that time anyway, with the likely staged completion of subdivision and/or development of Lot 9058.

It should be further noted that the position of the current Council in approving the amended DCP as recommended would not necessarily bind or preclude *future* elected Councils and/or City officers from reviewing and revising those developer contribution allocations applying to the Dunsborough Lakes Estate development area under that DCP, and even potentially recommending or adopting alternative informed positions. In a similar vein, of course, WAPC SPP 3.6 '*Development Contributions for Infrastructure*' also requires endorsed Developer Contribution Plans to be reviewed on a regular basis.

CONCLUSION

1. Officers recommend that the proposed amendment to the Dunsborough Lakes Estate DCP provided at Attachment C be adopted by the Council for advertising purposes, pursuant to clause 7.7.4 of LPS21. Subject to consideration and assessment of any formal submissions received during that consultation period, and the process described at 2. (following) being first finalised, the draft amendment to the DCP shall then be reported back to the Council with a recommendation for Final Approval.
2. Officers further recommend that Pt Lot 9057 (being that potential residential development area known as 'The Island') be removed from DCA1 on the Scheme Map as it is anomalous with LPS 21. This would require a 'complex' Scheme Amendment process, Ministerial approval for which would first be required in order to then allow the recommended subsequent incorporation of Pt Lot 9057 into the amended DCP for the Dunsborough Lakes Estate. No requirement for payment of additional monetary contributions shall be made under that DCP beyond those contributions already allocated in respect to the future subdivision of *Lot 9058 only*.
3. Officers finally recommend that obsolete references in Special Provision Area 42 (and any other related redundancies) should be removed from LPS21 as part of the proposed Omnibus Amendment 2 process now in the early stages of preparation ahead of future initiation by the Council.

OPTIONS

Should the Council not wish to support the Officer Recommendation, it could consider the following alternative options:

- Option 1: Resolve not to adopt the proposed amendment to the DCP for advertising, identifying the reasons for that determination and any subsequent actions required;
- Option 2: Resolve to adopt the proposed amendment to the DCP for advertising, subject to certain modification(s) to be identified;
- Option 3: Resolve not to initiate a 'complex' amendment to LPS 21 for public consultation in respect to modifying DCA1 on the Scheme Map to remove reference to Pt Lot 9057, identifying the reasons for that determination and any subsequent actions required;
- Option 4: Resolve to initiate a 'complex' amendment to LPS 21 for public consultation in respect to modifying DCA1 on the Scheme Map to remove reference to Pt Lot 9057,

but then require the subsequent incorporation of Pt Lot 9057 into the amended DCP being subject to certain modified and identified requirements.

An assessment of these Options did not reveal any substantive issues or reasonable grounds that would support either.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the Officer Recommendation will involve providing advice of the Council resolution to the subject landowner(s) and coordinating:

1. the advertising of the proposed amendment to the DCP for a minimum period of 28 days, which will occur within one month of the resolution made by the Council and then be contingent upon the requirement outlined in 2. (below) being first finalised;
2. the initiation of a 'complex' Scheme Amendment to modify the gazetted Scheme Map by removing subject Pt Lot 9057 from DCA1 (which is anomalous with the intentions and requirements of Special Provision Area 42 of LPS21) and the removal of obsolete references and other redundancies in Special Provision Area 42 of LPS 21 as part of Omnibus Amendment 2 (which is to be prepared and submitted to the Council seeking approval to initiate for advertising purposes at an appropriate time).

Council Decision and Officer Recommendation

C1609/258

Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council:

1. Pursuant to Clause 7.7 of Local Planning Scheme No 21, adopts the draft amendment to the Dunsborough Lakes Estate Developer Contributions Plan (DCP), dated 28 September 2016 and provided at Attachment C, for public advertising for a period of 28 days. This draft amendment will incorporate reference to the inclusion of Pt Lot 9057 St. Michael's Parkway, Dunsborough Lakes subject to its prior removal from Developer Contribution Area 1 (DCA1).
2. Pursuant to Regulation 37 of the Planning and Development (Local Planning Schemes) Regulations 2015, initiate the preparation of a 'complex' Amendment to Local Planning Scheme 21 to modify DCA1 on the Scheme Map by removing Pt Lot 9057 St Michael's Parkway, Dunsborough Lakes. This is considered necessary because its inclusion in DCA1 is anomalous with the intentions and requirements of Special Provision Area 42 of the Scheme in relation to the identical property.
3. Subject to the completion of public advertising of the draft amendment to the DCP and (pursuant to Part 5 Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015) receipt of Ministerial approval to the 'complex' Scheme Amendment referred to at 2. (above), require the draft amendment to be returned to the Council for formal consideration for the adoption of the DCP for Final Approval.
4. Foreshadow the removal of obsolete references and requirements in regard to Special Provision Area 42 of the Scheme (in particular Special Provision 16, and those other related and relevant redundancies) as part of proposed Omnibus Amendment 2 to LPS21, which proposed Amendment is currently in the early stages of preparation ahead of eventual formal presentation to the Council seeking initiation for public advertising.

CARRIED 8/0

EN BLOC

12. ENGINEERING AND WORKS SERVICES REPORT

Nil

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

13.1 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES

| | |
|-----------------------------|---|
| SUBJECT INDEX: | Events |
| STRATEGIC OBJECTIVE: | A City where the community has access to quality cultural, recreation, leisure facilities and services. |
| BUSINESS UNIT: | Commercial Services |
| ACTIVITY UNIT: | 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 August 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 (totaling \$360k), 7% in 2013/2014 (totaling \$379k), 8% in 2014/2015 (totaling \$488k) and 9% in 2015/16 (totaling \$556k) towards events and marketing.

As part of the 2016/2017 adopted budget, Council increased the Differential Rate to 10% (totaling \$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. \$156k has been allocated specifically for marketing from the Differential Rate Budget. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

Funds already committed in 2016/17 through Multi Year Agreements funded by the Differential Rate events budget totals \$410,825, leaving \$65,663 to be allocated towards Round 2 of the 2016/17 Event Sponsorship Programme and any further funding requests.

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;

- The request of up to \$5k in-kind support towards the City to Surf event.

- The allocation of \$30k towards the 2017 Busselton Fringe Festival.
- The advertising of Round 2 of the 2016/17 Event Sponsorship Programme in September 2016 with a total value of \$30,663 available for event sponsorship.

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.

This report includes the Marketing and Events Reference Group (MERG) recommendation to allocate \$30k towards the 2017 Busselton Fringe Festival and \$5k in-kind support towards the City to Surf event from the 2016/17 Differential Rates Events Budget.

Since the MERG meeting, correspondence was received from WA Police regarding the Leavers Officer that is employed each year by the City of Busselton through grant funding of \$5000 from WA Police. WA Police have informed the City that due to budgetary constraints, they are unable to fund the Leavers Officer in 2016 and potentially into the future.

This role has been integral in previous years in managing the City's response to the Leavers Strategy, providing administrative support to the South West Leavers Planning Group; liaising directly with students, parents, schools and community; and organising the overall City workforce to prepare, manage and clean up after the Leavers Week. It is a short term contract, incorporating 1 or 2 days a week for 2-3 months leading up to Leavers Week, an evening presence at the Leavers Zone throughout Leavers Week, and then 1-2 days afterwards to compile reporting and debrief.

Council have been briefed on this situation and were of the opinion that the Leavers Officer is a valuable role and should be maintained. The Officer recommendation is that the Leavers Officer be funded in 2016 through the 2016/17 Differential Rates Events Budget. The City will be contacting WA Police to request that in future years, they consider an agreement to fund the Leavers Officer on a year about basis with the City.

If these recommendations are endorsed this would leave a total of \$25,663 from the Differential Rate Events Budget for Round 2 of the Events Sponsorship Programme.

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 Implications

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;

- 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.

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 August 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.

Council Decision and Officer Recommendation

C1609/259 Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That Council;

1. Endorses the allocation of up to \$5k in-kind support to the City to Surf event to be funded from the 2016/17 Differential Rate Events Budget.
2. Endorses the allocation of \$30k towards the 2017 Busselton Fringe Festival to be funded from the 2016/17 Differential Rates Events Budget.
3. Endorses the allocation of \$5k towards the funding of a Leavers Officer to support the City's Leavers response in 2016 to be funded from the 2016/17 Differential Rates Events Budget.

CARRIED 8/0

EN BLOC

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 16 August - 31 August |
| | Attachment B Planning Applications Determined 16 August - 31 August |
| | Attachment C South West Zone Minutes - 26 August 2016 |
| | Attachment D State Council Meeting Summary Minutes - 9 September 2016 |
| | Attachment E Meelup Regional Park Management Committee Informal Meeting Minutes - 28 June 2016 |
| | Attachment F Meelup Regional Park Management Committee Informal Meeting Minutes - 26 July 2016 |
| | Attachment G Meelup Regional Park Management Committee Informal Meeting Minutes - 23 August 2016 |
| | Attachment H Busselton Population Medical Research Institute - Letter of Appreciation |
| | Attachment I Garage Sale Trail - Letter of Acknowledgement |
| | Attachment J CWA - Letter of Appreciation |

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 16 August, 2016 and 31 August, 2016. 56 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 16 August, 2016 and 31 August, 2016. A total of 52 applications (including subdivision referrals) were determined by the City during this period with 51 approved / supported and 1 refused.

15.1.2 Current Active Tenders

2016 TENDERS

RFT05/16 BUSSELTON FORESHORE REDEVELOPMENT: DESIGN, SUPPLY & INSTALLATION OF UTILITY SERVICES

The City of Busselton invited tenders for the construction of the Busselton Foreshore Utilities. This includes the design, supply and installation of sewer, potable water, reticulated water, gas & telecommunications infrastructure for the next stage of the Busselton Foreshore development. The tender closed 6 July 2016 and four tender submissions were received. The valuation has been completed and Council resolved to endorse Leeuwin Civil Pty Ltd as the preferred tenderer and to delegate authority to the CEO to award the contract resulting from RFT05/16, subject to negotiations over the final contract price. The CEO negotiated a discounted contract price (\$40,000 less than Leeuwin Civil Pty Ltd's tendered price) and awarded the contract accordingly.

RFT06/16 BUSSELTON FORESHORE PARADE WEST: PROVISION OF CONSTRUCTION SERVICES

The City of Busselton invited tenders for the construction of Foreshore Parade West on the Busselton Foreshore. The tender closed 30 June 2016 and six (6) tender submissions were received. The value of the contract did not exceed the CEO's delegated authority. The evaluation has been completed and the contract resulting from RFT06/16 was awarded by the CEO under delegation to Leeuwin Civil Pty Ltd. The date for practical completion is 30 November 2016. This is a design and construct contract, with date of practical completion approximately 3 months after the final design of the works has been approved by the City.

RFT10/16 SUPPLY AND INSTALLATION OF OFFICE WORKSTATIONS TO THE CITY OF BUSSELTON ADMINISTRATION AND CIVIC BUILDING

Following an Expressions of Interest (EOI 02/16) process for making a preliminary selection among prospective tenderers, the City of Busselton invited tenders for the Supply and Installation of Office Workstations to the City of Busselton Administration and Civic Building. Nine (9) respondents were considered to be capable of satisfactorily supplying the goods/services and were subsequently shortlisted as acceptable tenderers:

| Company | Location |
|---|-----------------|
| CabiCo Pty Ltd | Bunbury |
| Design Farm | Perth |
| Innerspace Commercial Interiors Pty Ltd | Perth |
| UCI | West Perth |
| Haworth | Perth |
| Zenith Interiors (WA) Pty Ltd | Perth |
| Burgtec | Balcatta |
| Castledex | Osborne Park |
| Schiavello (WA) Pty | Perth |

On 20 June 2016, under delegated authority, the CEO proceeded to invite the shortlisted tenderers to formally submit tenders. The tender closing date was 12 July 2016 and 7 tenders were received. The CEO has a specific delegation in relation to award of this tender, subject to it not exceeding the approved budget for these goods/services (refer Council Resolution C1605/111). The evaluation has been completed and the contract resulting from RFT06/16 was awarded by the CEO under delegation to Innerspace Commercial Interiors PTY Ltd.

RFT11/16 AIRSIDE D & C CONTRACTOR

Following an Expressions of Interest (EOI 01/16) process for making a preliminary selection among prospective tenderers, the City of Busselton invited tenders for the Airside D & C Contractor (Design and Construction of Airside Infrastructure at Busselton Margaret River Regional Airport). Ten (10) respondents were considered to be capable of satisfactorily supplying the goods/services and were subsequently shortlisted as acceptable tenderers;

| Company | Location |
|-----------------------------------|-----------------|
| Downer EDI Works Pty Ltd | Perth |
| Densford Civil Pty Ltd | Perth |
| CPD Contractors Pty Ltd | Perth |
| Ertech Pty Ltd | Perth |
| Fulton Hogan Construction Pty Ltd | South Australia |
| Georgiou Group Pty Ltd | Perth |
| BCG Contracting Pty Ltd | Perth |
| BMD Constructions Pty Ltd | Perth |
| WBHO Infrastructure Pty Ltd | Perth |
| NRW Pty Ltd | Perth |

On 16 June 2016, under delegated authority, the CEO proceeded to invite the shortlisted tenderers to formally submit tenders. NRW Pty Ltd, Fulton Hogan Construction Pty Ltd and Densford Civil Pty Ltd have since advised that, for commercial reasons, they will not be submitting a tender. A tender briefing and site inspection was held at the Airport on 27 June 2016 which was attended by the remaining eight tenderers. The tender closed 4 August 2016. The value of the contract is expected to exceed the CEO's delegated authority under Delegation Ref 3L (refer to Council Resolution C1606/140). It is anticipated the evaluation will be completed and a recommendation report presented to the Council in October 2016.

RFT12/16 SUPPLY AND INSTALLATION OF LOOSE FURNITURE ITEMS FOR THE CITY OF BUSSELTON ADMINISTRATION AND CIVIC BUILDING

The City of Busselton invited tenders for the Supply and Installation of Loose Furniture for the new City of Busselton Administration and Civic Building. The tender closed on 15 July 2016 and 11 tenders were received (which included alternative tenders from two tenderers). The evaluation has been completed and a recommendation to Council to award the contract resulting from this tender in part to Burgtec Australasia Pty Ltd, Castledex Pty Ltd, Design Farm (Australia) Pty Ltd, Haworth Australia, Innerspace Commercial Interiors Pty Ltd and UCI, was included under the agenda for the 14 September 2016 Council meeting.

RFT13/16 BUSSELTON MARGARET RIVER REGIONAL AIRPORT: AVIATION ENGAGEMENT CONSULTANT

The City of Busselton invited tenders for the Busselton Margaret River Regional Airport: Aviation Engagement Consultant. The objective of this tender was to appoint a specialist Airline Consultant to work with the Busselton Margaret River Regional Airport (BMRRRA) Airline Engagement Working Group (AEWG) to develop an approach to attracting and securing an airline(s) in time for the completion of the BMRRRA Development Project, and to assist in the mitigation of identified risk within this area. The tender closed 28 July 2016. The CEO has a specific delegation in relation to award of this tender (refer to Council Resolution C1606/140). The evaluation has been completed and the contract resulting from RFT06/16 was awarded by the CEO under delegation to Three Consulting Pty Ltd.

RFT14/16 BUSSELTON FORESHORE DEVELOPMENT: JETTY WAY PEDESTRAIN LINK EXPOSED AGGREGATE CONCRETE

The City of Busselton invited tenders for the construction of Jetty Way Pedestrian Link Exposed Aggregate Concrete on the Busselton Foreshore. Jetty Way pedestrian link walkway (incorporating the Jetty train tracks between the Jetty and Railway House) will be located between Foreshore Parade and the Busselton Jetty abutment. The tender closed 2 August 2016 and three tenders were received. The valuation has been completed and a recommendation to Council to endorse Leeuwin Civil Pty Ltd as the preferred tenderer and to delegate authority to the CEO to award the contract resulting from RFT14/16, subject to negotiations over the final contract price, was included under the agenda for the 14 September 2016 Council meeting.

RFT15/16 STREET & DRAIN CLEANING SERVICES

The City of Busselton invited tenders for the provision of Street and Drain Cleaning Services. The successful Contractor will be required to provide the required services to the City for a period of three years, with the option of two one year extensions, to be exercised at the discretion of the City. The tender closed 25 July 2016 and five tenders were received. The evaluation has been completed and the contract resulting from this tender was awarded by Council to B & B Street Sweeping Pty Ltd.

RFT16/16 LANDSIDE INFRASTRUCTURE DESIGN – BUSSELTON MARGARET RIVER REGIONAL AIRPORT

The City of Busselton invited tenders for the design and construct of landside infrastructure at Busselton Margaret River Regional Airport. The tender was advertised on 13 August 2016, with a closing date of 8 September 2016. Ten tenders were received. It is anticipated the evaluation will be completed and a recommendation report presented to Council in November 2016.

RFT17/16 CONSTRUCTION OF MILNE STREET PAVILLION

The City of Busselton invited tenders for the construction of Milne Street Pavillion at the Barnard Park playing fields on the Busselton Foreshore. The tender was advertised on 13 August 2016, with a closing date of 13 September 2016. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to Council in November 2016.

RFT 18/16 SUPPLY OF CLEANING CHEMICALS & PAPER CONSUMABLES

The City of Busselton invited tenders for the supply of general cleaning chemicals and paper consumables for all the City of Busselton owned and managed facilities. The tender was advertised on 3 September 2016, with a closing date of 27 September 2016. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO October 2016.

15.1.3 WALGA South West Zone

The minutes from the WALGA South West Zone meeting on the 26 August 2016 are included in Attachment C.

15.1.4 State Council Meeting

A summary of minutes from the State Council meeting on the 9 September 2016 are included in Attachment D.

15.1.5 Meelup Regional Park Management Committee

The minutes from the Meelup Regional Park Management Committee informal meetings are included as attachments follows:

- 28 June 2016 Attachment E
- 26 July 2016 Attachment F
- 23 August 2016 Attachment G

15.1.6 Busselton Population Medical Research Institute – Letter of Appreciation

Correspondence has been received from the Busselton Population Medical Research Institute and is available to view in Attachment H.

15.1.7 Garage Sale Trail – Letter of Acknowledgement

Correspondence has been received from the Garage Sale Trail and is available to view in Attachment I.

15.1.8 Country Women’s Association – Letter of Appreciation

Correspondence has been received from the Dunsborough Country Women’s Association and is available to view in Attachment J.

Council Decision and Officer Recommendation

C1609/260 Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 Current Active Tenders
- 15.1.3 WALGA South West Zone
- 15.1.4 State Council Meeting
- 15.1.5 Meelup Regional Park Management Committee
- 15.1.6 Busselton Population Medical Research Institute – Letter of Appreciation
- 15.1.7 Garage Sale Trail – Letter of Acknowledgement
- 15.1.8 Country Women’s Association – Letter of Appreciation

CARRIED 8/0

EN BLOC

ITEMS CONSIDERED BY SEPARATE RESOLUTION

At this juncture, in accordance with Clause 5.6 (3)(a) & (b) of the Standing Orders, those items requiring an Absolute Majority or in which Councillors had declared Financial, Proximity or Impartiality Interests were considered.

11.3 CITY OF BUSSELTON LOCAL EMERGENCY MANAGEMENT COMMITTEE - TERMS OF REFERENCE

| | |
|-----------------------------|---|
| SUBJECT INDEX: | Emergency Management |
| STRATEGIC OBJECTIVE: | An organisation that is managed effectively and achieves positive outcomes for the community. |
| 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: | Absolute Majority |
| ATTACHMENTS: | Nil |

This matter was considered by the Local Emergency Management Committee at its meeting on the 6 September 2016, the recommendations from which have been included in this report.

PRÉCIS

This report recommends that the Council adopt Terms of Reference to give guidance to the Local Emergency Management Committee (LEMC) in its role and function amongst other matters to ensure local emergency management arrangements are in place for the district.

BACKGROUND

The City of Busselton Local Emergency Management Committee has been operating following the proclamation of the Emergency Management Act 2005. Since inception the Committee has more or less conducted its proceedings around a relatively informal governance framework. This report now seeks to formalise these arrangements to better define the role, function and membership structure of the Committee.

STATUTORY ENVIRONMENT

The Emergency Management Act 2005 provides:

Section 3 - Local emergency management committees

A local government is to establish one or more local emergency management committees for the local government's district; and

Section 39. - Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;*
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

RELEVANT PLANS AND POLICIES

The State Emergency Management Policy provides a strategic framework for emergency management in Western Australia., This Policy describes the guiding principles and objectives for the prompt and coordinated organisation of emergency management for public authorities, industry, commerce and the community in order to support the emergency management preparedness and is relevant to this matter.

This policy provides direction to local governments on their responsibilities in relation to emergency management.

State EM Preparedness Procedures part 7- Local Emergency Management Committee, recently released by the SEMC provides more detailed direction and advice to local governments and is relevant to this matter as follows:

LEMC Membership Roles and Responsibilities

In addition to the normal roles assigned to office bearers of a committee, the following roles are specific to the needs of a LEMC.

The Chair will ensure the appointment of an Executive Officer and ensure that the Council is kept fully informed of EM discussion and significant outcomes from LEMC meetings.

The Deputy Chair should deputise for the Chair as required and chair any subcommittees or working groups.

The Executive Officer should:

- *coordinate the development and submission of committee documents in accordance with legislative and policy requirements including an Annual Report; Annual Business Plan and maintenance of LEMAs;*
- *provide advice to the Chair and LEMC as required;*
- *facilitate communication between the LEMC and Executive Officer of the relevant District Emergency Management Committee (DEMC).*

LEMC Meeting Business

Agenda items to be considered, in line with the annual reporting requirements, should include:

- *confirmation of LEMA contact details and key stakeholders;*
- *committee membership and resources;*
- *status of LEMA including local recovery plans;*
- *exercises that test the LEMA;*
- *subcommittees or working groups;*
- *projects undertaken; and*
- *key achievements.*

Additional considerations should include:

- *local training needs or opportunities;*
- *funding opportunities, (for example, the Natural Disaster Resilience Program (NDRP) and All West Australian Reducing Emergencies (AWARE);*
- *incident Support Group activations/or incidents;*
- *emergency risk management processes – including any treatment strategies;*
- *post-incident reports and post-exercise reports; and*

- *finalising the annual report and arranging for it to be forwarded to the relevant DEMC for annual report compilation.*

FINANCIAL IMPLICATIONS

There are no additional financial implications associated with this recommendation. The costs associated with the operation of the LEMC are contained within the existing annual budget allocation for the operation of the City of Busselton LEMC.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report reflects Community Objective 6.3 of the City's *Strategic Community Plan 2013* – 'An organisation that is managed effectively and achieves positive outcomes for the community'.

RISK ASSESSMENT

An assessment of the potential implications 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. No such risks were identified.

CONSULTATION

Nil.

OFFICER COMMENT

The intention of adopting Terms of Reference and Operational Guidelines is to ensure the administrative process of the LEMC are in place to ensure the functions and responsibility of LEMC are consistent with state emergency management policy.

The proposed Terms of Reference are intended to provide an all-inclusive document covering the role and relationship of the LEMC to the Council through the following sections:

1. Title of Committee
2. Head of Power – the legislative authority under which the LEMC is established and is bound.
3. Purpose– as described in the Emergency Management Act 2005
4. Objectives - as described in the Emergency Management Act 2005 and SEMC Policies
5. Committee Structure
 - 5.1 Committee Membership
 - 5.2 Advisory Staff
 - 5.3 Term of membership of Committee
 - 5.4 Proxies – where a Committee member is unable to attend a meeting
6. Executive Officer – as LEMC support and defining the role
7. Resignation – of a member of the Committee

8. Visitors – permitted to attend and role
9. Meeting Format
 - 9.1 Quorum
 - 9.2 Frequency of Meetings
 - 9.3 Order of Meetings
 - 9.4 Recording of Minutes
 - 9.5 Decision Making
10. Responsibilities
 - 10.1 Chairperson
 - 10.2 Committee Members
11. Evaluation of Committee Effectiveness
12. Standing Orders

CONCLUSION

The proposed Terms of Reference for the Committee are considered appropriate to establish the role of the LEMC, its relationship to the Council of the City of Busselton and to provide a structure for the operations of the LEMC in meeting its obligations under the Emergency Management Act 2005.

The Terms of Reference do provide a biennial opportunity for the LEMC to review its effectiveness including Terms of Reference and membership.

OPTIONS

There are a range of options the Council may determine for the LEMC terms of reference as an alternative to those included in this report however, the officer recommendation is consistent with the terms of reference format established for other committees of the Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The recommendations will be implemented through advising LEMC members within one month.

Council Decision / Committee Recommendation and Officer Recommendation

C1609/261

Moved Councillor J McCallum, seconded Councillor P Carter

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council adopts the Local Emergency Management Committee - Terms of Reference and Operational Guidelines for the City of Busselton LEMC, as follows:

1. TITLE OF COMMITTEE

The Committee shall be known as the City of Busselton Local Emergency Management Committee.

2. HEAD OF POWER

The Committee is established pursuant to Section 39 of the Emergency Management Act 2005.

3. PURPOSE

The purpose of the Committee is to provide the network of skills, knowledge, and advice to assist the City of Busselton in ensuring that local emergency management arrangements are established for the district.

4. OBJECTIVES

The objectives (Emergency Management Act (2005) s.39) of the Local Emergency Management Committee (LEMC) are to:

- Develop for adoption by the City of Busselton an Annual Business Plan consistent with the objectives of the State Emergency Management Committee.
- Advise and assist the City of Busselton in ensuring that local emergency management arrangements are established for its district.
- Liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements.
- Carry out other emergency management activities as directed by the State Emergency Management Committee.
- Prepare and submit to the district emergency management committee an annual report on activities undertaken by the LEMC during the financial year (EM Act s.40).

5. COMMITTEE STRUCTURE AND MEMBERSHIP

5.1 Committee Membership

The LEMC membership shall include representatives from agencies, organisations and community groups that are relevant to and representative of the community and relevant to identified risks present within the district.

Members of the LEMC will be appointed by the Council of the City of Busselton as part of the Local Government election cycle and in accordance with the Emergency Management Act 2005.

The voting membership of the Committee shall be as determined by resolution of the Council from time to time.

5.2 Advisory Staff

In addition to the above voting members, the CEO may appoint representative(s) as are considered necessary to assist the Committee in their duties. The CEO representative(s) are to attend in an advisory capacity and may not vote on any matter before the Committee.

5.3 Term of Membership

Membership of the Committee shall, unless determined otherwise, be for a term of approximately 2 years ceasing on the day of the next ordinary election of the Council.

5.4 Proxy Members

If a Committee member is unable to attend a meeting, a proxy may be nominated by the member to attend the LEMC meeting and to act on their behalf.

6. EXECUTIVE OFFICER

The Committee shall be supported by an Executive Officer. The Executive Officer shall be appointed by the Chief Executive Officer of the City.

The Executive Officer for the LEMC shall:

- Arrange meeting times and venue
- Record meeting minutes
- Ensure minutes are distributed within one week of the last meeting
- Redistribute minutes with proposed changes, as necessary
- Prepare agenda items for any matters requiring consideration by the Committee
- Report on status of recommendations and ongoing action items
- Distribution of reports
- Develop Annual Business Plan
- Prepare Annual Report

7. RESIGNATION

Committee members who wish to resign must do so in writing to the Executive Officer.

8. VISITORS

Persons may be invited to attend the meetings at the request of Committee members. Visitors may provide advice or assistance during meetings upon the request of the Chairperson. Visitors have no voting rights and may be requested to leave the meeting at any time by the Chairperson.

9. MEETING FORMAT

9.1 Quorum

The minimum number of voting Committee members or proxies required to be present prior to a meeting taking place is 40%.

9.2 Frequency of Meetings

Committee meetings will be held at three monthly intervals. If any Committee meeting is cancelled or rescheduled, the details as to why the meeting did not take place or was changed will be noted in the minutes of the next meeting.

Any Committee member may request that the Executive Officer call an extraordinary meeting in order to discuss an issue requiring urgent attention.

9.3 Order of Meetings

Discussion at the regular Committee meetings shall be controlled through an agenda. Any individual wishing a specific item to be included in the agenda shall advise the Executive Officer at least 10 working days before the meeting to enable the matter to be fully reported upon.

Matters of urgency; which for reasons of late occurrence, or urgency may require immediate consideration by the Committee may be discussed under Matters of Urgency.

The Order of Business for the agenda for the meeting shall be:

1. Opening of Meeting
2. Confirmation of Minutes of Previous Meeting

3. Business Arising from the minutes of the previous meeting
4. Matters as listed in the Agenda
5. Matters of Urgency

At the conclusion of the order of Business, the Committee shall also give consideration to matters relevant to emergency management, similar to the following matters; reports on which will be tabled by the Executive Officer:

- Confirmation of local emergency management arrangements contact details
- Exercises that test the LEMA
- Review of any post-incident reports and post exercise reports generated since last meeting
- Progress of emergency risk management process
- Progress of treatment strategies arising from emergency risk management process
- Progress of development or review of local emergency management arrangements

9.4 Recording of Minutes

- 9.4.1 Accurate and concise minutes shall be recorded at each meeting and all agreed actions shall include the responsible person's name and an action date.

Draft minutes shall be distributed to each Committee member within one week of the last meeting. Proposed minute amendments shall be forwarded to the Executive Officer within one week of receiving the minutes. If there are no discrepancies, it is to be noted that "the minutes are accepted as a true and accurate record" at the next meeting. If there are discrepancies they should be resolved prior to the commencement of the next meeting.

- 9.4.2 As the Committee does not have delegated authority (pursuant to the Local Government Act 1995), Minutes of the meeting of the LEMC shall be submitted direct to the next available meeting of the Council for consideration and adoption as appropriate of recommendations of the Committee.

9.5 Decision Making

The Committee shall, wherever possible, reach any decision by consensus. Where this is not possible, the Chairperson shall call for a vote, a minimum of 60% of members present shall be required to carry any motion. Reasons for dissent shall be recorded in the minutes.

10. RESPONSIBILITIES

10.1 Chairperson

- Direct and guide discussion at meetings
- Ensure all agenda items are discussed with appropriate actions noted
- Ensure all Committee members have an opportunity to contribute
- Ensure the meeting adheres to the terms of reference

10.2 Committee Members

- Attend meetings

- Actively participate in meetings
- Make presentations as requested by the Committee
- Assist in maintaining the local emergency management arrangements by submitting plans relevant to their agency for consideration by the LEMC

11. EVALUATION OF COMMITTEE'S EFFECTIVENESS

At the meeting of the LEMC prior to the ordinary biennial Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

- Are the LEMC's purpose and objectives being met?
- Should the purpose and objectives be amended?
- Is the LEMC making decisions and completing action items?
- Are the LEMC members regularly attending meetings?
- Review the Terms of Reference, including membership.

12. STANDING ORDERS

In the event that there are circumstances regarding meeting procedure or protocol; the Chairperson shall have regard for the City of Busselton Standing Orders Local Law 2010 and the Local Government Act 1995.

**CARRIED 8/0
BY ABSOLUTE MAJORITY**

14. FINANCE AND CORPORATE SERVICES REPORT

14.1 BJECA LEASE OF RAILWAY HOUSE

| | |
|-----------------------------|--|
| SUBJECT INDEX: | Leasing |
| STRATEGIC OBJECTIVE: | Infrastructure assets are well maintained and responsibly managed to provide for future generations. |
| BUSINESS UNIT: | Corporate Services |
| ACTIVITY UNIT: | Corporate Services |
| REPORTING OFFICER: | Legal Services Coordinator - Cobus Botha |
| AUTHORISING OFFICER: | Director, Finance and Corporate Services - Matthew Smith |
| VOTING REQUIREMENT: | Absolute Majority |
| ATTACHMENTS: | Attachment A BJECA Lease Area |

PRÉCIS

The City of Busselton granted Busselton Jetty Environment and Conservation Association Incorporated (**BJECA**) the right to undertake certain tourism focused commercial activities at and on the Busselton Jetty (**Jetty Licence**), which includes operating the Busselton Jetty Train (**Jetty Train**). As part of its Busselton Foreshore Redevelopment Project, the City and BJECA identified the need for suitable accommodation for BJECA on the Busselton foreshore to complement its services under the Jetty Licence and in particular to provide storage for the Jetty Train.

BJECA and the City entered into a Memorandum of Understanding on 6th March 2015 (**MOU**) in relation to BJECA's contribution towards the construction costs and proposed lease of a premises known as 'Railway House', located within Reserve 38558 on the Busselton Foreshore. The MOU also links BJECA's proposed Railway House lease to a review of the Jetty Licence and the surrender of an existing facility currently housing the Jetty Train (**Existing Train Shed**).

This report is seeking Council's endorsement of the terms and conditions of BJECA's proposed lease of Railway House. The outcome of the Jetty Licence review, which will propose a number of changes to the Jetty Licence, will be presented to Council under a separate report.

BACKGROUND

The Busselton Jetty Environment and Conservation Association Incorporated (**BJECA**) is a Busselton based voluntary incorporated association with, among other things, the following objects:

To protect, preserve, promote, repair, restore and generally maintain the Busselton Jetty and to provide facilities on the jetty that compliment and are compatible with its environmental, historical, recreational and scientific importance.

In terms of the Jetty Licence, entered into between the City and BJECA on 30 October 2009, the City granted BJECA the right to conduct certain commercial activities at/on the Busselton Jetty, which include operating the Jetty Train, Underwater Observatory and Interpretive Centre and collecting entrance fees from persons visiting the Busselton Jetty. For many years BJECA has been raising funds for and made a significant contribution towards the restoration and ongoing maintenance of the Busselton Jetty.

Both BJECA and the Margaret River/Busselton Tourism Association (**MRBTA**) provide key tourism services to the community and hundreds of thousands of tourists visiting the Busselton foreshore precinct every year. As part of its Busselton Foreshore Redevelopment Project, the City, BJECA and MRBTA identified the need for suitable accommodation for BJECA and MRBTA on the Busselton foreshore to complement and extend the services currently provided by them. As part of developing

the Busselton Foreshore Master Plan, vacant land at the corner of Foreshore Parade and Jetty Way (due south of the Goose Beach Bar and Kitchen) was identified as most suitable for construction of a shared facility. Negotiations between the parties resulted in the City entering into two separate memoranda of understanding with BJECA and MRBTA to provide, among other things, for construction of such a shared facility (**Railway House**) and the lease arrangements for BJECA and MRBTA's proposed tenancies thereof.

Railway House has been designed to accommodate the needs of BJECA and MRBTA. It's design and construction involved the relocation of the old existing railway building from Rotary Park to the Railway House premises for purposes of accommodating a tourist information centre with conjoined additional facilities (including a display and interpretive centre and a secure housing for the Ballarat Engine) and to provide BJECA with suitable office and administration space and facilities to store and maintain the Jetty Train. This report is concerned with BJECA's role in the Railway House project only. MRBTA's tenancy arrangements of Railway House were the subject of a separate report to Council.

To facilitate the progression of the Railway House project the City sought a commitment from BJECA and MRBTA. Following concept refinements and receipt of in principle support from BJECA's executive committee, Council resolved on 25th June 2014 (C1406/162):

That the Council:

1. *Endorses the City preparing and entering into a Memorandum of Understanding with the Busselton Jetty Environment and Conservation Association (BJECA) outlining an agreement to proceed with the construction of Railway House on the Busselton Foreshore, subject to the outcomes of BJECA's general meeting in July.*
2. *.....; and*
3. *Subject to the MOUs above, endorses the drafting of the necessary leases and licences and proposed changes to any existing agreements to facilitate this proposal.*

BJECA and the City entered into the MOU on 6th March 2015 (MOU) which provides, among other things, for:

- BJECA making a significant contribution towards the construction costs of their section Railway House (approximately \$800,000);
- The City granting BJECA a 42 year lease of a section of Railway House at a nominal rent; and
- BJECA to surrender its occupation of the Existing Train Shed upon completion of Railway House.

Having secured both BJECA and MRBTA's commitment towards the Railway House project, the City invited tenders and Council resolved on 25 November 2015 to award the contract for design and construction of Railway House to a local contractor. Construction of the building progressed in accordance with the timeframes specified in the contract and the building is expected to be available for occupation by no later than 1 December 2016.

The Railway House premises is located within Reserve 38558 (the Busselton foreshore reserve) and is vested in the City under a Management Order which currently grants power to lease for periods up to 21 years, subject to the consent of the Minister for Lands. However on 27th January 2016, as part of the land rationalisation process linked to the overall Busselton Foreshore Master Plan, Council resolved (C1601/010) as follows:

That the Council

1. *.....; and*

2. *Request the Minister for Lands to revoke the existing Management Order for Reserve 38558 and replace it with a new Management Order granting the City of Busselton the power to lease (or sublease or licence) the whole or any portion of the Reserve for the designated purpose for a term not exceeding 42 years.*

The Department of Lands has since indicated that “Delegated Approval” to the extension of the allowable period to lease is in process of being issued. This will give the City sufficient power and authority to grant BJECA a lease of their section of Railway House for the proposed term of 42 years.

Council now have to consider and approve the proposed terms and conditions of BJECA’s lease of railway House. Further details of the proposed lease terms and conditions are outlined in the OFFICER COMMENT section of this report.

STATUTORY ENVIRONMENT

Granting BJECA a lease of Railway House will constitute a disposal of local government property as contemplated under section 3.58 of the *Local Government Act 1995 (Act)*. In terms of section 3.58 of the Act, unless an exemption applies, a local government can only dispose of property to the highest bidder at public auction, by way of public tender or by following the public consultation process as provided for under sections 3.58(3) & (4) of the Act.

Section 3.58 (5) of the Act, read with Regulation 30(2) of the *Local Government (Functions and General) Regulations 1996* stipulates that a disposition of land is an exempt disposition for purposes of section 3.58 if the land is disposed of to a body, whether incorporated or not, the objects of which are charitable, benevolent, cultural, educational, recreational or similar nature and the members of which are not entitled to receive any pecuniary profit from the body’s transactions. The proposed lease of BJECA’s Railway House premises is, for purposes of Section 3.58, an exempted “disposal” as BJECA’s constitution complies with abovementioned requirements under Regulation 30(2).

Under Section 18(2) of the *Land Administration Act 1997 (WA)* approval of the Minister for Lands is required for a lease on a Crown Reserve.

The lease of Railway House will ultimately be lodged with Landgate in accordance with the *Transfer of Land Act 1893 (WA) (TLA)* once the survey of the boundaries of the leased premises has been undertaken.

In operating the Jetty Train at and from Railway House BJECA must comply with all requirements under the *Rail Safety National Law (WA) Act 2015* to the extent that they apply to the operator of a train.

RELEVANT PLANS AND POLICIES

The Busselton Foreshore Master Plan (**BFMP**) is a strategic document that provides detailed guidance for the planning and development of the Busselton Foreshore. The original BFMP was adopted by Council on 28th March 2012 and further revisions were adopted on 9th December 2015. The construction and use of Railway House in the manner described in this report is consistent with the BFMP and unchanged by the subsequent revision of the same.

FINANCIAL IMPLICATIONS

BJECA made a significant contribution (approximately \$800,000) towards the construction costs of their section of Railway House, on the basis that the premises will be made available to BJECA for the same rent payable by other community groups (currently \$205 per year).

The City will not have any maintenance or cleaning obligations in respect of BJECA's section of Railway House. The lease provides that BJECA will be responsible to maintain their section of Railway House (including structural repair and maintenance) and that BJECA must establish and maintain a trust account as a contingency fund for the purpose of making capital improvements to the premises and complying with their maintenance obligations. Services to BJECA's section of Railway House will be separately metered and be payable by BJECA.

The City remains responsible to maintain the structure of the rest of Railway House comprising of the common areas and the section occupied by the MRBTA. THE City will insure the Railway House building and BJECA will be required to reimburse the City the cost of effecting and maintain building insurance in respect of BJECA's premises.

Long-term Financial Plan Implications

The Railway House project and BJECA's lease are consistent with the City's long term financial plan and will therefore have no implications on the plan.

STRATEGIC COMMUNITY OBJECTIVES

The proposal to enter into a lease with BJECA for the occupation of Railway House is consistent with the City of Busselton Strategic Community Plan 2013 (reviewed 2015), and in particular with Council Objectives/Key Goal Area 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

There are no identified risks of a medium or greater level associated with the officer recommendation. The recommendations serve to mitigate the risks associated with there not being appropriate documentation in place.

CONSULTATION

Railway House has been included in the Busselton Foreshore Master Plan since the concept of foreshore development was considered by the working group over 6 years ago. The Master Plan has been the subject of extensive community consultation and widely advertised. BJECA has been involved in discussions concerning Railway House from the outset.

The Department of Lands has also been part of the planning and development of the Busselton Foreshore Master Plan and have been forthcoming in making suggestions about the most appropriate way of dealing with the land tenure issues and Management Order conditions affecting the Busselton Foreshore Reserve upon which Railway House will be constructed.

OFFICER COMMENT

The concept of a Railway House building on the Busselton foreshore originated during negotiations between the City and BJECA, circa 2011, when concept plans were drawn up for a building to accommodate a train tunnel and storage and administration space for BJECA. Since then the MRBTA also indicated a desire to remain on the foreshore after a successful trial on a temporary foreshore location. Subsequently the concept and final design of Railway House has evolved into a multifunctional facility suitably customised for use by the City, BJECA and the MRBTA with a number of objectives, notably to provide BJECA with suitable administration and train storage facilities, to establish a visitor centre in a prominent location and to create a focal point to celebrate the heritage of the Busselton Jetty and other historical aspects of the district.

The concept drawings attached as Annexure A show the Railway House building with specific reference to BJECA's premises. The BJECA premises is approximately 384m² in extent and will comprise of a tunnel to be used for storing and servicing/maintaining the Jetty Train and office and administration space.

The key provisions of the lease, which, save for a few minor issues, have been negotiated with and approved by BJECA, are as follows:

Term and Rent

The proposed term is for an initial period of 21 years followed by three further 7 year options exercisable by BJECA. The lease will commence upon practical completion of the construction of Railway House.

As mentioned before the rent will be the same as the City's community lease rate of \$205 per annum and subject to CPI review each year.

Maintenance

BJECA must at their cost and risk maintain, repair and clean their Railway House premises and will be required to establish and maintain a trust fund for these purposes, as outlined under the FINACIAL IMPLICATIONS section of this report.

Use of Common Areas and Kitchen and Toilet

Part of the Railway House building comprises of common areas which include an interpretive centre, foyer, disabled access ramp, kitchen and internal ablution facility. The City will fit out the common areas and the MRBTA will be responsible for day-to-day supervision, management and cleaning of these areas. BJECA will be allowed to use the internal toilet and kitchen as a shared facility (with other tenants) for day-to-day staff purposes and will be required to contribute towards the cleaning and maintenance costs of these facilities – Attachment A shows the location of these facilities. BJECA's contribution towards the cleaning and maintenance costs of these facilities will be subject to annual review.

The common areas of Railway House will be available as a hire venue to the City, BJECA the MRBTA and the general public through an advanced booking arrangement. The use to which this area is put must first be approved by the City.

Use of the Eastern Wall

The City reserved the right to use free of charge the exterior of the eastern wall of the Railway House building (facing the Goose Beach Bar and Kitchen) for non – commercial notices or displays.

Major Rebuild Required

The City will be responsible to rebuild or re-instate the BJECA's premises if the Railway House building is damaged to such an extent that it becomes unfit for occupation by BJECA. The City will however be insured against these type of risks.

Assignment

The City agreed not to unreasonably withhold its consent should BJECA wishes to assign or sublet their Railway House premises.

General

In order to allow BJECA's lease to be registered with Landgate, the leased will be surveyed once the Railway House building has been substantially completed. The survey plan will represent the demised premises and be the definitive plan retrospectively included in the lease.

The other terms and conditions of the proposed lease are consistent with the general terms and conditions of the City's other community leases.

BJECA is in process of vacating the old Busselton Jetty Train shed as was arranged under the MOU. This structure is due to be removed by the City during October 2016 to make room for further development of the Busselton foreshore in accordance with the Busselton Foreshore Master Plan.

CONCLUSION

The concept of a Railway House has been a feature of the Busselton Foreshore Master Plan since its inception. By providing BJECA with modern, tailor-made facilities in a prominent foreshore location will enable the City and BJECA to join forces to provide a first class service to the community and visitors at the redeveloped Busselton foreshore. The proposed lease of BJECA's premises at Railway House will formalise this arrangement and provide BJECA with security of tenure.

OPTIONS

Council may resolve to negotiate alternative lease terms with BJECA.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

All documentation relating to BJECA's lease of Railway House has been drafted and broadly agreed between the City and BJECA. It is anticipated that lease and an amended Jetty Licence (which is currently under review) will be entered into within six to eight weeks following finalisation of the change to the Management Order for Reserve 38558 allowing the City to lease for the longer term of 42 years.

Council Decision and Officer Recommendation

C1609/262

Moved Councillor P Carter, seconded Councillor J McCallum

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

Delegates to the CEO the power to negotiate and authorises the CEO to enter into a lease, subject to the Minister for Lands approval, with the Busselton Jetty Environment and Conservation Association Inc for a portion of Lot 3001 on Deposited Plan 43542 Reserve 38558, the approximate extent of which is shown on the plan at Attachment A (and which will be surveyed by a suitably qualified surveyor to delineate the final area of the Reserve) subject to the following:

1. The term of the lease to be 21 years commencing on the date on which construction of the premises to be leased is substantially complete.
2. The lease containing options exercisable by the Lessee to extend the term by a further 7 years followed by two further 7 year terms making a total option period of 21 years (subject to the Minister for Lands agreeing to amend the Management Order in the terms outlined in resolution 1 above).
3. The rent to commence at \$205 per annum.
4. The rent to be increased each year at CPI.
5. The Lessee being entitled to non-exclusive and non-commercial use of sections of the common areas being the kitchen and internal toilets subject to the Lessee contributing towards the cleaning and maintenance costs of these areas.
6. Detailed provisions in relation to the obligations of the Lessee for maintenance, repair and cleaning.
7. Such other terms and conditions as may be required to be negotiated to suit the needs and intentions of the parties.

CARRIED 8/0
BY ABSOLUTE MAJORITY

11.4 CITY OF BUSSELTON LOCAL EMERGENCY MANAGEMENT COMMITTEE - MEMBERSHIP

| | |
|-----------------------------|---|
| SUBJECT INDEX: | Emergency Management |
| STRATEGIC OBJECTIVE: | An organisation that is managed effectively and achieves positive outcomes for the community. |
| BUSINESS UNIT: | Environmental Services |
| ACTIVITY UNIT: | Environmental Services |
| REPORTING OFFICER: | Manager, Environmental Services - Greg Simpson |
| AUTHORISING OFFICER: | Director, Planning and Development Services - Paul Needham |
| VOTING REQUIREMENT: | Absolute Majority |
| ATTACHMENTS: | Nil |

This matter was considered by the Local Emergency Management Committee at its meeting on the 6 September 2016 , the recommendations from which have been included in this report.

PRÉCIS

This report recommends that Council establish the membership of the City of Busselton LEMC so that its membership is sufficient for meeting the objectives of the LEMC as contained within the Emergency Management Act 2005.

BACKGROUND

In December 2005, the Emergency Management Act 2005 (the Act) was proclaimed by the State Government.

Responsibility for the development of Local Emergency Management Arrangements was given to local governments as:

- Local governments are the closest level of government to their communities and have access to specialised knowledge about the local environment and demographic features of their communities.
- Local governments also have specific responsibilities for pursuing emergency risk management as a corporate objective and as good business practice.

The Act provides for the establishment of Local Emergency Management Committees (LEMC). The LEMC, in addition to its prescribed role, is a forum for relevant agencies and organisations, which, because of their local knowledge, can assist with the assessment of local emergency risk.

At the meeting of the LEMC held on 17 June 2014, some discussion was held with regard to the need to formalise the membership of the Committee.

At the meeting of the City of Busselton LEMC held on 2 September 2014, the Committee considered that membership of the City of Busselton LEMC should comprise:

- One representative from each emergency Hazard Management Agency, combat agency and support agency within the district and the following organisations.
- Busselton Water
- Department for Child Protection & Family Support
- Department of Parks and Wildlife
- Department for Planning & Infrastructure
- City of Busselton Chief Bush Fire Control Officer
- DFES
- St John Ambulance
- WA Country Health Services-SW
- Water Corporation

- Surf Life Saving WA
- Main Roads Department
- Western Power/Synergy
- Busselton Airport
- Margaret River Busselton Tourism Association
- Telstra
- Volunteer Marine Rescue Services
- Atco gas

STATUTORY ENVIRONMENT

The Emergency Management Act 2005 provides that:

38. *Local emergency management committees*

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of—*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

RELEVANT PLANS AND POLICIES

State EM Preparedness Procedures - 7. Local Emergency Management Committee recently released by the SEMC provides direction and advice to local governments and is relevant to this matter as follows:

LEMC Membership

Noting the requirements of the EM Act, the following provides guidance on the composition of LEMCs:

- *the Chair should be an elected member of council;*
- *the Local Emergency Coordinator should be appointed as Deputy Chair;*
- *an Executive Officer, who should be an officer of the relevant local government, and should be appointed to coordinate the business of the committee and/or provide administrative support;*
- *the Local Recovery Coordinator, being the person nominated in the Local Recovery Plan (section 41(4) of the EM Act), should be appointed a member of the committee;*
- *consideration should be given to appointing local government officers engaged in key roles and functions affecting EM (for example, community services, engineering services, corporate services or planning);*
- *membership should include representatives from Emergency Management Agencies (EMAs) in the local government district (for example, the Department of Fire and Emergency Services); welfare support agencies or non-government organisations (for example, the Department for Child Protection and Family Support, the Red Cross or Salvation Army), industry representatives (especially the owners or operators of hazardous facilities located within the local government district); consideration should be given to appointment of persons able to represent or advise on*

the interests of Culturally and Linguistically Diverse (CaLD) community members or community members with special needs; and

- *LEMCs should, where possible include representatives of local Aboriginal community organisations to provide advice and guidance to the LEMC and to promote appropriate engagement with the local Aboriginal communities. Where the local government identifies the need for representation from a sector for which there is no local representative, an appropriate alternative representative may be identified from existing community members. For example, specific arrangements may be made in which a local general practitioner attends the LEMC meetings as a representative of the medical services in the district, if the Director of Nursing from the nearest hospital cannot attend.*

FINANCIAL IMPLICATIONS

There are no additional financial implications associated with this recommendation. The costs associated with the operation of the LEMC are contained within the existing annual budget allocation for the operation of the City of Busselton LEMC.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report reflects Community Objective 6.3 of the City's *Strategic Community Plan 2013* – 'An organisation that is managed effectively and achieves positive outcomes for the community.'

RISK ASSESSMENT

An assessment of the potential implications 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. No such risks were identified.

CONSULTATION

Nil

OFFICER COMMENT

The Emergency Management Act 2005 intends that LEMCs are emergency planning committees and although they will often include members from operational agencies (Controlling Agencies, HMAs, combat agencies or, support organisations), their role is not operational nor one of response.

The role of the LEMC is to advise and assist the local government to ensure that Local Emergency Management Arrangements are established, reviewed and tested in accordance with the Act.

Section 38(4) of the Act provides, in relation to the membership of a LEMC.

(4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC. State EM Preparedness Procedures part 7. Local Emergency Management Committee referred to in Relevant Plans and Policies earlier in this item.

The membership proposed under the Officer Recommendation seeks to strike a balance between those agencies considered in 2014 and the guidance provided in State EM Preparedness Procedures - 7. Local Emergency Management Committee especially having regard for agencies which may, or may not have a physical presence within the City.

- City of Busselton Delegate (Chairperson)
- City of Busselton Council Delegate
- Busselton Water
- Department for Child Protection & Family Support
- Department of Parks and Wildlife
- Department for Planning & Infrastructure
- City of Busselton Chief Bush Fire Control Officer
- DFES (Representing Fire & Rescue Services and SES)
- St John Ambulance
- WA Country Health Services-SW
- Water Corporation
- Surf Life Saving WA
- Main Roads Department
- Western Power/Synergy
- Busselton Airport
- Margaret River Busselton Tourism Association
- Telstra
- Volunteer Marine Rescue Services
- Atco Gas

The above membership comprises 19 members and represents 19 various agencies including the City, HMA's and the provider of essential services.

While there may be other agencies/industry groups/target audiences that could be included, the Council also needs to be cognisant of the workings of very large Committees with need to keep all members engaged in the workings of the Committee.

Council members will note that other than the Tourist Association representative, there are no other industry representatives. While tourism is a significant industry within this region, so too are the traditional rural industries of viticulture, dairy production and cattle grazing. The Council may see merit in this sector being represented by the Department of Agriculture and Food which is the Hazard Management Agency for any incident involving the presence of — (i) an animal or plant pest; or (ii) an animal or plant disease.

Council will also note that there are no welfare linked organisations. These organisations are linked to the City's LEMC through the Welfare Subcommittee which is run as a separate entity by Department of Child Protection and Family Support.

CONCLUSION

Representation on the City of Busselton LEMC has been by way of voluntary participation rather than by appointment. As such, participation by some agencies has possibly not been as consistent as otherwise desired.

It is considered that this review of membership and appointment of Committee members will increase the importance of participation in local emergency management for the benefit of both the community and the agencies involved.

OPTIONS

The Council could consider alternative members for inclusion on the Committee.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The recommendations will be implemented through advising LEMC members within one month.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council endorses the following organisations and individuals as Local Emergency Management Committee members -

- Councillor _____ (Chairperson)
- Councillor _____ (deputy chairperson)
- One representative from each emergency Hazard Management Agency, combat agency and support agency within the district comprising the following organisations
 - Busselton Water
 - Department for Child Protection & Family Support
 - Department of Parks and Wildlife
 - Department for Planning & Infrastructure
 - City of Busselton Chief Bush Fire Control Officer
 - DFES (Representing Fire & Rescue Services and SES)
 - St John Ambulance
 - WA Country Health Services-SW
 - Water Corporation
 - Surf Life Saving WA
 - Main Roads Department
 - Western Power/Synergy
 - Busselton Airport
 - Margaret River Busselton Tourism Association
 - Telstra
 - Volunteer Marine Rescue Services
 - Atco Gas
 - Department of Agriculture and Food

Note: Officers proposed an Alternative Recommendation for Council consideration that would confirm Councillor appointments to the LEMC Committee.

Council Decision and Alternative Officer Recommendation

C1609/263

Moved Councillor C Tarbotton, seconded Councillor J McCallum

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council endorses the following organisations and individuals as Local Emergency Management Committee members -

- Councillor Grant Henley (Chairperson)
- Councillor Robert Reekie (Deputy Chairperson)
- Councillor Terry Best (Deputy Member)
- One representative from each emergency Hazard Management Agency, combat agency and support agency within the district comprising the following organisations
 - Busselton Water
 - Department for Child Protection & Family Support
 - Department of Parks and Wildlife
 - Department for Planning & Infrastructure
 - City of Busselton Chief Bush Fire Control Officer
 - DFES (Representing Fire & Rescue Services and SES)
 - St John Ambulance
 - WA Country Health Services-SW
 - Water Corporation
 - Surf Life Saving WA
 - Main Roads Department
 - Western Power/Synergy
 - Busselton Airport
 - Margaret River Busselton Tourism Association
 - Telstra
 - Volunteer Marine Rescue Services
 - Atco Gas
 - Department of Agriculture and Food

CARRIED 8/0

BY ABSOLUTE MAJORITY

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. CONFIDENTIAL REPORTS**17.1 DETERIORATION OF A HERITAGE PLACE (PHOEBE ABBEY'S HOUSE) - CONSIDERATION OF OPTIONS**

| | |
|-----------------------------|--|
| SUBJECT INDEX: | Development Planning Compliance |
| 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 Photos of Phoebe Abbey's House Attachment C MHI Listing |

On Wednesday, 21 September 2016 the CEO and Councillors discussed item 17.1 - Deterioration of a Heritage Place (Phoebe Abbey's House) - Consideration of Options with a view to making it 'Non-Confidential'. As a result of these discussions it was agreed to make the item 'Non-Confidential' and was released to the public at 8.30am on Thursday 22 September 2016.

PRÉCIS

Following the receipt of enquiries from members of the public, City Officers have been investigating the options and level of necessity for action in relation to the ongoing deterioration of Phoebe Abbey's House, a place included on the Local Government Heritage List and located at Lot 151 (No.42) Seymour Street, West Busselton. This report is being presented to the Council as a result of those enquiries, and more specifically, because of an informal request from Councillors that a report be presented that would allow the Council to formally consider the matter.

Given the already highly deteriorated condition of the place, the recommended option is to require the landowner to maintain the site in a safe state and take no further action against the landowner. There are, however, a range of other options that the Council may wish to consider.

At its meeting of 10 August 2016 Council resolved that decision on this matter be deferred until the meeting of 28 September 2016. That was to allow for further discussion on the implications of conservation orders before the Council formally considered the recommendations of the report.

To aid in consideration of the item a site visit was arranged and was attended by the majority of Councillors, Planning staff and the property owner.

The officer recommendation remains unchanged and is again presented for Council consideration.

BACKGROUND

Lot 151 (No.42) Seymour Street, West Busselton is a property of approximately 5,600m² zoned Residential – R30 under Local Planning Scheme No.21. Lot 151 contains Phoebe Abbey's House which is included in the Municipal Heritage Inventory (MHI) and on the Heritage List under the Scheme, and designated as Management Category 1.

A location plan is included at Attachment A.

Category 1 places are the most important places in the City with the highest cultural heritage values and generally have built features that are part of their significance. Some of these places have been assessed by the Heritage Council and have been included on the State Heritage Register. These places are afforded statutory protection under the Heritage of Western Australia Act 1990. Other places in Category 1 should or have also been assessed by the Heritage Council for possible inclusion in the Register.

Phoebe Abbey's House was nominated for assessment for entry on the State Heritage Register in 2005, during the development of the City's first Municipal Heritage Inventory. The State Heritage Council's Register Committee determined that the place is unlikely to cross the threshold for entry in to the State Register and therefore does not warrant full assessment. This determination of the Committee does not however mean that the place is not of local heritage significance – and it clearly is of some local heritage significance.

In 2009 a development approval and a strata subdivision approval were issued for the development of the land, with 19 grouped dwellings being approved, provision for the retention of Phoebe Abbey's House, including conditions requiring preparation of a Heritage Impact Statement and Conservation Management Plan. These approvals included development incentives to the developer to encourage the conservation of the heritage building. The development and subdivision were never undertaken and the approvals subsequently lapsed.

A building notice was issued to the then property owner in 2010 advising that the buildings was in a dangerous state and requiring works to be undertaken to make the building safe.

The property changed ownership in March 2015, and in April 2015 the new owner met with City staff to discuss development options for the site and options in respect to the restoration, retention or demolition of Phoebe Abbey's House, as by that time the building was already in a significantly deteriorated condition. Advice was given regarding a general presumption against demolition of properties on the MHI that are Management Category 1.

Over the past 12 months, officers have received multiple enquiries from members of the public regarding the continuing deterioration of Phoebe Abbey's House. This has prompted staff to once again issue a building order (April 2016) requiring the owner to shore up, fence and secure the building. The enquiries have also resulted in a request by Council for staff to present options in respect to the conservation of the heritage building, which is the purpose of this report.

Recent photos of Phoebe Abbey's House are included at Attachment B. A copy of the MHI listing of the place is included as Attachment C.

At its meeting of 10 August 2016 Council resolved that decision on this application be deferred until the meeting of 28 September 2016. That was to allow for further discussion on the implications of conservation orders before the Council formally considered the recommendations of the report.

To aid in consideration of the item a site visit was arranged and was attended by the majority of Councillors, Planning staff and the property owner.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Scheme) Regulations 2015

Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* set out deemed provision for Local Planning Schemes with Part 3 to this Schedule set out provisions in relation to Heritage Protection. It should be noted that Part 3 replaces previous provision in Scheme

No.21 relating to Heritage Protection, which did not include the ability to issue a Heritage Conservation Notice. The current provisions are as follows -

8. Heritage list

- (1) *The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.*
- (2) *The heritage list —*
 - (a) *must set out a description of each place and the reason for its entry in the heritage list; and*
 - (b) *must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and*
 - (c) *may be published on the website of the local government.*

13. Heritage conservation notice

- (1) *In this clause —*

heritage conservation notice means a notice given under subclause (2);

heritage place means a place that is on the heritage list or located in a heritage area;

properly maintained, in relation to a heritage place, means maintained in a way that ensures that there is no actual or imminent loss or deterioration of —

 - (a) *the structural integrity of the heritage place; or*
 - (b) *an element of the heritage place that is integral to —*
 - (i) *the reason set out in the heritage list for the entry of the place in the heritage list;*
 - (ii) *the heritage significance of the area in which it is located, as set out in a statement in the local planning policy for the area adopted in accordance with clause 9(2).*
- (2) *If the local government forms the view that a heritage place is not being properly maintained the local government may give to a person who is the owner or occupier of the heritage place a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given.*
- (3) *If a person fails to comply with a heritage conservation notice, the local government may enter the heritage place and carry out the repairs specified in the notice.*
- (4) *The expenses incurred by the local government in carrying out repairs under subclause (3) may be recovered as a debt due from the person to whom the notice was given in a court of competent jurisdiction.*
- (5) *The local government may —*
 - (a) *vary a heritage conservation notice to extend the time for carrying out the specified repairs; or*
 - (b) *revoke a heritage conservation notice.*

- (6) *A person who is given a heritage conservation notice may apply to the State Administrative Tribunal for a review, in accordance with Part 14 of the Act, of a decision —*
- (a) *to give the notice; or*
 - (b) *to require repairs specified in the notice to be carried out; or*
 - (c) *to require repairs specified in the notice to be carried out by the time specified in the notice.*

RELEVANT PLANS AND POLICIES

State Planning Policy 3.5 - Historic Heritage Conservation

This policy sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage.

The objectives of this policy are:

- To conserve places and areas of historic heritage significance.
- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.
- To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.

Local Planning Policy 9A – Busselton Heritage Conservation Provisions

1.1 Purpose of the Provisions

- Builds on the heritage conservation objectives of TPS20.
- Applies the development control principles contained in the State Planning Policy 3.5 "Historic Heritage Conservation" (2007).
- Provides development and design guidance for development of places on the Heritage List and within Heritage Areas established pursuant to TPS20.
- Details procedures for making applications for approval of heritage-related development.

2.0 Objectives

The objectives of these provisions are:

- To confirm the City of Busselton's commitment to the conservation of heritage assets under its ownership and control.
- To conserve and protect places and areas of cultural heritage significance within the City of Busselton.
- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that cultural heritage significance is given due weight in local planning decision-making.

- To provide improved certainty to landowners and the community about the planning processes for heritage identification and protection within the City of Busselton.

3.0 Application of these provisions

These provisions apply to all places entered in the Heritage List pursuant to TPS20.

FINANCIAL IMPLICATIONS

There are no financial implications to the City arising from this proposal or staff recommendation in this report. Should the Council wish to pursue other options, though, there may be financial implications.

Long-term financial plan implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 2.2 of the Strategic Community Plan 2013, which is:

- 2.2 *A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.*

RISK ASSESSMENT

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

CONSULTATION

In considering this matter officers has sought advice from Heritage Advisors, Hocking Heritage Studio regarding that options available to the City. Whilst officers have had discussions about the site with the owner in the past, there has not been consultation with the owner as part of the preparation of this report.

OFFICER COMMENT

In determining a course of action in respect to the current deteriorated state of Phoebe Abbey's House, key issues for consideration are:

1. Heritage significance
2. Likelihood of restoration
3. Encouraging development
4. Public open space/acquisition
5. Heritage Conservation Notice options

Heritage significance

Phoebe Abbey's House is a Management Category 1 place under the MHI and is included in the Heritage List under the Scheme. Category 1 is for the most important places in the City with the

highest cultural heritage values, which would generally also be included on the State Heritage Register. The place was nominated for assessment for inclusion on the State Heritage Register in 2005, however the Register Committee determined that it does not meet the threshold to warrant assessment and therefore should not be included on the State Register. The fact that a place is not included on the State Register does not mean that a place is not of local heritage importance.

The level of cultural heritage significance is assessed against the criteria of aesthetic value, historic value, scientific value, social value, rarity and representativeness. Exactly how significant Phoebe Abbey's House should be considered from a local heritage perspective could require further research to be undertaken with assessment against the criteria. It is reasonably clear, however, that the place has important social value and rarity.

Likelihood of restoration

The potential for successful conservation of Phoebe Abbey's House will be impacted by the ownership of the place and the level of desire and financial capacity the owner has for the building to be conserved.

It would appear that both the current and previous owners of the property have not had a significant interest to see Phoebe Abbey's House conserved, with both of the last two owners being served with notices to make the building safe and not undertaking any development to date to either the heritage building or the overall lot, also suggesting that development has not been seen as financially viable.

The level of deterioration would require significant financial investment in order to bring the building up to a state that would maintain the building such that it does not further deteriorate. Further significant investment would be required to bring the place up to a standard that would make it suitable for actual use in the future. It is considered unlikely that a private landowner would voluntarily invest in the restoration of the place. The location of the place also limits the options for adaptive re-use, as there is very little potential, if any, for any kind of commercial re-use.

Encouraging development

Previous development approval from 2009 provided incentives in the form of density bonus and setback reductions for a development that would also see the conservation of Phoebe Abbey's House. Similar incentives may be considered appropriate should a new development be proposed by current or future owners of the property.

Public open space/acquisition

There has been a recent identification by staff that the residential area surrounding Lot 151 and Phoebe Abbey's House has a significant shortage of Public Open Space (POS). The site is largely vacant and represents potentially the last opportunity for the City to acquire land for POS in the area. If the heritage building was to be brought into public ownership, it could be incorporated into an area of POS which may increase the visual prominence, use and public value of Phoebe Abbey's House. The City currently has available approximately \$122,000 in funds received from development in the area paid as cash-in-lieu of public open space. It is unclear how much of the land this amount of money could purchase. Further contribution toward POS may be required should the owner of the land wish to develop the property.

It is not, however, clear that approval would be obtained to acquire the portion of the property on which Phoebe Abbey's house sits using cash-in-lieu for public open space, as it would not be best portion of the site for that portion, and retention of the building would, in any case, be inconsistent with use as POS. Further, it is not clear what use the City would make of the building itself. Whilst no detailed costings or estimates have been developed, it is clear that restoration of the building to allow for adaptive re-use would cost several hundred thousand dollars.

Heritage Conservation Notice options

In respect to the options for preservation of a deteriorated heritage listed buildings, there are generally five management approaches available, described below. It should be noted that a decision to issue a Notice would be appealable in the State Administrative Tribunal, but as these are recently introduced powers, there is no precedent or case law that would

Coming alive again

Sometimes there is a desire or a need that brings a place back to life. Places that have been abandoned because of economic or social circumstances might be re-established again. A new compatible use or activity might be proposed to bring a place to life again.

This approach could be appropriate if there is sufficient evidence to reinstate lost elements of the place, when a new compatible use is proposed to support conservation and interpretation, when adaptive reuse will not impact on the significance of the place, when the return of a past use or activity would help retain or recover the heritage values of the place, where there is a strong and enduring association between the place and a community or cultural group that could be reinstated, and when maintenance as a ruin is not acceptable to the owners or the community.

It is not considered that the 'coming alive again' approach is appropriate in this instance.

Returning it to its former state

When a ruin is very significant or set up for the public to visit, it is likely that at least part restoration or reconstruction will be required. This approach involves returning the place to an earlier state through deliberate works involving restoration, reconstruction or both.

This approach might be appropriate when it will help to reveal the heritage values of the place, to ensure the structural integrity of the place, where the place has recently been ruined and there is strong community support for returning it to its former condition, where there is sufficient information or knowledge to enable accurate reinstatement of missing elements.

It is not considered that the 'returning to its former state' approach is appropriate in this instance either as at this stage there is insufficient information or knowledge to reinstate missing elements, the building has been in ruins for a lengthy period of time and such an approach will also come at a greater expense than can be justified.

Simply maintain

Simply maintain means preservation—'maintaining the fabric of a place in its existing state and retarding deterioration' This is the best approach where the existing fabric or its condition is vital to understanding the significance of the place or where not enough is known about the previous state of the place to enable restoration or reconstruction. Maintenance involves regular protective care of the place and its setting.

This approach is based on doing what is necessary, both in terms of management and physical intervention to prevent further deterioration. All places and their components change over time at varying rates and in the longer-term, deterioration may be inevitable.

This approach might be appropriate where the place's heritage significance would be better revealed by its restoration/ reconstruction but the required resources are not available, where there is insufficient information about its previous state and a decision cannot be made as to what to reconstruct, where the aesthetic value of the ruin is a major consideration, where the physical fabric of the place and its location are suited to long term preservation, where the occupational health and

safety issues related to the place's ruinous state can be effectively managed and where it has been a ruin for a long time and is accepted as such by the community.

Should it be considered that a Heritage Conservation Notice is warranted to be issued to the owner of Lot 151 Seymour Street in respect to the conservation of Phoebe Abbey's House, this is probably the level of management approach considered to be appropriately justifiable given the long period of time that house has been in a state of dilapidation.

Should a Heritage Conservation Notice be issued for Phoebe Abbey's House to be 'simply maintained' the City's Heritage Advisor has made the following comments:

The house is in fairly poor condition but retains all external walls, the roof structure with poor condition cladding, openings with few or no treatments, dilapidated verandah, internal floor boards and the fire place. The place appears to have been built in stages with each demonstrating a slight variation in detail. It is recommended that roof repairs and verandah repairs are undertaken as both will provide protection from the elements. Window and door openings should be secured with high quality steel grilles. Depending on the type of framed grille used, these can add additional support to the openings in lieu of doors, windows and frames. Some remediation of the external wall fabric is likely ie. repointing and/or crack stitching.

If the Council were minded to take this course of action, it would be recommended that an archival record be prepared in its current condition and a condition assessment, similar to a conservation management strategy outlining the essential works to maintain the place as a ruin.

Letting nature take its course

Not all abandoned and ruined places will have sufficient heritage significance to warrant their protection. At times it may be sufficient just to let these ruins slowly fade away, by doing little or nothing to care for them.

This approach might be appropriate when the severely deteriorated condition of the fabric means that nothing can be done, when the heritage values are slight and there are other better examples, when the heritage values of the ruin are adversely impacting on other heritage values that are of greater importance, where this management action does not cause a risk to the public and to adjoining property or to other heritage values.

It is strongly arguable that the building is so severely deteriorated that there is nothing that can be done and therefore the appropriate action may well be to let nature take its course and allow the building to continue to slowly deteriorate.

Should this be the chosen option it would be recommended that an archival record be prepared as soon as possible of the building in its current condition.

When removal is inevitable

Documenting a place is an important step when it is known that a place or part of it is nearing the end of its life or has to be removed to reduce serious risks.

While removal should ideally be reserved for less significant and more deteriorated places, the removal of a place may be required to allow for a continuing use or for an economically significant development. In these circumstances, loss of a heritage ruin may be preferred over other alternatives.

This approach may be appropriate when the complete loss of the place is inevitable because letting nature take its course presents too many hazards, when the place is creating an unacceptable risk to public safety or an environmental hazard, where pressure for alternative use of the site is deemed to outweigh the heritage significance of the place.

At this point the option to remove/demolish Phoebe Abbey's House is not considered necessary. The state of the building is not such that it is not considered possible to make the building safe and or presents too many other hazards. Currently there is no development proposal for the site for consideration so now pressure for alternative use of the land exists. Should Council wish to obtain any or all of the land for POS or should the owner of the land submit an application to develop the land this can be given further consideration at that time.

CONCLUSION

Phoebe Abbey's House has been determined by the State Heritage Register Committee as not meeting the threshold requirements to warrant assessment for inclusion on the State Register of Heritage Places.

The City has issued a building order requiring works to be undertaken to the dangerous state of the building.

Site inspection by staff in conjunction with City's Heritage Advisor revealed that the building is in an advanced state of deterioration such that it is unlikely to be viable for the property owner or the City to restore the building to a useable state, and even works to stabilize the building to abate further deterioration is likely to have significant financial costs and require ongoing maintenance.

The property owner purchased the property with the building in a similar state of dilapidation, and whilst it is the desire of the City to see the significant heritage within the City conserved, it is not the desire of the City to place unreasonable levels of constraint on property owners wishing to undertake appropriate development.

It is recommended that the City not issue a Conservation Order or take other pro-active action to require the restoration of the place, but continue to ensure the place is kept in a safe condition. It is, however, seen as appropriate that a detailed archival record of the place be obtained as soon as possible, before the place further deteriorates, and that the City write to the owner seeking permission to access the site for that purpose.

OPTIONS

Council could resolve as follows:

- 1) Resolve to issue a Heritage Conservation Notice with specifications on the repair works to be carried out and the timeframe in which the works are to be completed; or
- 2) Seek to acquire the heritage place with a view to directly facilitating the preservation of the place.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The City would write to the owner seeking permission to complete an archival record within 2 weeks of a Council decision consistent with the Officer Recommendation.

OFFICER RECOMMENDATION

That the Council resolve with respect to the heritage place (Phoebe Abbey's House), as follows -

1. To write to the owner advising that they have a responsibility to ensure that the place is maintained in a safe condition at all times; and
2. To request the permission of the owner to access the site to obtain a detailed archival record of the place in its current condition.

Note: Councillor Henley proposed an Alternative Motion for Council consideration that would include the addition of point three.

Council Decision and Alternative Motion

C1609/264 Moved Mayor G Henley, seconded Councillor J McCallum

That the Council resolve with respect to the heritage place (Phoebe Abbey's House), as follows -

1. To write to the owner advising that they have a responsibility to ensure that the place is maintained in a safe condition at all times; and
2. To request the permission of the owner to access the site to obtain a detailed archival record of the place in its current condition.
3. Continue to work pro-actively with the owner and potentially interested community members/organisations to identify ways of ensuring the place's long-term preservation, potentially including through –
 - a) supporting use of development incentives available in the town planning scheme designed to encourage the preservation and adaptive re-use of heritage places;
 - b) identifying potential sources of funding; and
 - c) the formation of an informal working group including City officers, community representatives and the owner to assist.

CARRIED 8/0

18. QUESTIONS FROM MEMBERS**Councillor Bleechmore**

In relation to item 17.1 Deterioration of a Heritage Place (Phoebe Abbey's House) - Consideration of Options what is the likelihood of the owner being permitted to demolish the structure.

Response, Director, Planning and Development Services

City approval would be required this would be done through an assessment process by the Council, as Council have supported the item presented. Support of demolition would not be recommended.

19. PUBLIC QUESTION TIME

Nil

20. NEXT MEETING DATE

Wednesday, 12 October 2016

21. CLOSURE

The meeting closed at 5.36pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 110 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 12 OCTOBER 2016.

DATE: _____

PRESIDING MEMBER: _____