

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 14 SEPTEMBER 2016

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN MEETING ROOM ONE, COMMUNITY RESOURCE CENTRE, 21 CAMMILLERI STREET, BUSSELTON, ON 14 SEPTEMBER 2016 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.33pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

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

Officers:

Mr Oliver Darby, Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mr Martyn Glover, Executive Director
Ms Sarah Pierson, Manager Corporate Services
Mr Jeremy O'Neill, Community Development Coordinator
Miss Hayley Barge, Administration Officer, Governance

Apologies

Mr Mike Archer, Chief Executive Officer
Mr Matthew Smith, Director, Finance and Corporate Services
Mrs Naomi Searle, Director, Community and Commercial Services

Approved Leave of Absence

Nil

Media:

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

Public:

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3. PRAYER

The prayer was delivered by Pastor Lee Sykes of Cornerstone Church.

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**

The Mayor acknowledged the success of the recent Mayoral Prayer Breakfast run by the City and the substantial amount of funds raised in excess of \$5000 for the Busselton Street Chaplains Support Group Inc.

Announcements by other Members at the invitation of the Presiding Member

Nil

6. APPLICATION FOR LEAVE OF ABSENCE**Council Decision****C1609/226**

Moved Councillor J McCallum, seconded Councillor C Tarbotton

That Leave of Absence be granted to Councillor Terry Best for the period 9 November 2016 Council Meeting.

CARRIED 9/0**7. PETITIONS AND PRESENTATIONS**

Mr Paul Kotsoglo of Planning Solutions addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.1. Mr Kotsoglo was generally in agreement with the Officer Recommendation.

8. DISCLOSURE OF INTERESTS

The Mayor noted that a declaration of impartiality interest had been received from:

- Principal Strategic Planner, Louise Korovesi, in relation to agenda Item 11.1 - Draft Local Planning Strategy - Consideration Following Advertising
- Cr Rob Bennett in relation to Agenda Item 12.1 - Proposal to Rename Parts of Bussell Highway and Vasse-Yallingup Siding Road in Vasse.

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 12.1 was discussed.

9. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings**9.1 Minutes of the Council Meeting held 24 August 2016**Council Decision****C1609/227**

Moved Councillor G Bleechmore, seconded Councillor T Best

That the Minutes of the Council Meeting held 24 August 2016 be confirmed as a true and correct record.

CARRIED 9/0**Committee Meetings**9.2 Minutes of the Policy and Legislation Committee Meeting held 18 August 2016**Council Decision****C1609/228**

Moved Councillor J McCallum, seconded Councillor C Tarbotton

- 1) That the minutes of the Policy and Legislation Committee Meeting held 18 August 2016 be received.
- 2) That the Council notes the outcomes from the Policy and Legislation Committee Meeting held 18 August 2016 being:
 - a) The Revised Events Policy for the City of Busselton item is presented for Council consideration at item 10.1 of this agenda.
 - b) The Revised Asset Management Policy item is presented for Council consideration at item 10.2 of this agenda.
 - c) The Review of Building Insurance Policy item is presented for Council consideration at item 10.3 of this agenda.
 - d) The general discussion item on Geographe Leisure Centre Benchmarks is noted.

CARRIED 9/09.3 Minutes of the Capes Region Organisation of Councils (CapeROC) Meeting held 19 August 2016**Council Decision****C1609/229**

Moved Councillor T Best, seconded Councillor J McCallum

- 1) That the minutes of the Capes Region Organisation of Councils (CapeROC) Meeting held on 19 August 2016 be received.
- 2) That the Council notes the outcomes from the Capes Region Organisation of Councils (CapeROC) Meeting held 19 August 2016 being:
 - a) Officers provided updates in relation to Tourism Directional Signage, the Regional Waste Facility, Shire of Augusta Margaret River & City of

Busselton's Economic Development Strategies and were supportive of the Calendar of Events \$18,500 costing option presented.

- b) CapeROC endorsed the allocation of \$3,000 for stage 1 of the Margaret River Wine Industry entry statement project.
- c) Officers provided updates in relation to the Busselton Margaret River Regional Airport, Busselton Foreshore and Administration Building Projects, and Waste Management.

CARRIED 9/0

9.4 Minutes of the Airport Advisory Committee Meeting held 24 August 2016

Council Decision

C1609/230

Moved Councillor G Bleechmore, seconded Councillor P Carter

- 1) That the minutes of the Airport Advisory Committee Meeting held 24 August 2016 be received.
- 2) That the Council notes the outcomes from the Airport Advisory Committee Meeting held 24 August 2016 being:
 - a) The Airport Update item is presented for Council consideration at item 10.4 of this agenda.

CARRIED 9/0

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

C1609/231 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 Policy and Legislation Committee - 18/08/2016 - REVISED EVENTS POLICY FOR THE CITY OF BUSSELTON
- 10.2 Policy and Legislation Committee - 18/08/2016 - REVISED ASSET MANAGEMENT POLICY
- 10.3 Policy and Legislation Committee - 18/08/2016 - REVIEW OF BUILDING INSURANCE POLICY
- 11.1 DRAFT LOCAL PLANNING STRATEGY - CONSIDERATION FOLLOWING ADVERTISING
- 13.1 CSRFF ANNUAL AND FORWARD PLANNING GRANT APPLICATIONS
- 14.2 BUSSELTON SWIMMING ENCLOSURE LEASE OF NGARI MARINE PARK
- 15.3 COUNCILLORS' INFORMATION BULLETIN

CARRIED 9/0

EN BLOC

10. REPORTS OF COMMITTEE

10.1 Policy and Legislation Committee - 18/08/2016 - REVISED EVENTS POLICY FOR THE CITY OF BUSSELTON

SUBJECT INDEX:	Events Policy
STRATEGIC OBJECTIVE:	A City recognised for its high quality events and year round tourist offerings.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Events
REPORTING OFFICER:	Events Coordinator - Peta Tuck
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Current Event Policy with changes tracked

This item was considered by the Policy and Legislation Committee at its meeting on 18 August 2016, the recommendations from which have been included in this report.

PRÉCIS

The City of Busselton's Events Policy has been reviewed and updated as part of the ongoing organisational review of policies. The revised policy incorporates Events Policy, Surfing Events and Competitions Policy, and the Meelup Regional Park Specific Event Conditions into one consolidated Policy. This report presents the revised Events Policy for Council's consideration prior to being made available to event organisers with information on the event application and approval processes for events held within the City of Busselton, and guidelines for the sponsorship of events through the City of Busselton.

BACKGROUND

The existing Events Policy was adopted by Council on 12 April 2006 (C0604/105) to manage the application and approval process for all types of events.

The original policy came about following an increase in the statutory approvals required for events, often involving various directorates within the City which caused a level of confusion for applicants, as well as exposing the City to risk if an approval of an event was not assessed. Hence, it became apparent that a comprehensive event application package was required to inform applicants of the various approvals required for events and assist the City in meeting its legislative responsibilities.

The preparation of the events application package was a collaborate effort between Local Government Insurance Services and representatives from the then Shires of Busselton, Capel, Dardanup, Donnybrook - Balingup, Harvey and Manjimup. This working group developed the Event Application Package to form a comprehensive document that could be used throughout the six Councils, providing the event industry with a consistent framework for event applications within the South West region. The Event Application Package was then trialled by the various Shires for seven months. During and following the successful trial periods individual Shires implemented the event application package and their specific Event Policies.

Since 2006, the City of Busselton has seen a significant increase in the number and types of events held within the City. The City has a dedicated events team and through the implementation of a differential rate has developed a successful and substantial event sponsorship programme and made funds available for marketing initiatives. Given the increased number of events held within the City since the implementation of the existing Events Policy, it has been necessary to assess the policy to ensure that the information contained was current and relevant to the current regulatory

requirements as well as the City's objectives for events and utilisation of public open spaces and community facilities.

The Events Policy has been updated to include the objectives and goals from the Events Strategy prepared in April 2012, improvements implemented in the event application process and fees and bonds involved in event approvals.

The policy has been revised to include the Surfing Events and Competition Policy (SECP) and the Meelup Regional Park Special Event Conditions to ensure that there is a consistent approach in the way the City assesses and approves event applications as well as ensuring that even organisers meet all City and State legislative requirements.

The existing SECP (policy number 021) was adopted by Council on 22 September 2010 (C1009/319) to manage and administer the number and types of competitive surfing events utilising City of Busselton managed reserves. The intention is to rescind the SECP and incorporate the objectives and requirements associated with running surfing events within the City of Busselton's coastal reserves into the one Events Policy.

Further, City Officers have been working with the Meelup Regional Park Management Committee since 2010 to establish a set of conditions that could be applied to events held within Meelup Regional Park to ensure that the environmental values of the Park continue to be protected. Consideration was given to creating a separate policy to deal with events held within the Park, however Officers believe that it is more efficient to have all event conditions included in the one policy. The Meelup Regional Park Special Event Conditions has been prepared in conjunction with the City's Meelup Environmental Management Officer and the Meelup Regional Management Park Committee ensuring that the environmental sensitivity of the Park as an A Class Reserve has been considered. These conditions will guide event organisers with planning and implementing events to be held within the Park, as well as promoting greater interaction with the City's Meelup Environmental Management Officer resulting in better outcomes for events and the Park.

STATUTORY ENVIRONMENT

The following legislation allows Council to approve or assess the following items as outlined in the Event Application Package;

Legislation	Item
Health Act 1911 and Regulations	<ul style="list-style-type: none"> • Temporary structures • Public Buildings (event location) • Temporary food stalls • Toilets • First Aid • Crowd Control • Risk Management Plans • Water supply
Food Act 2008	<ul style="list-style-type: none"> • Temporary Food Stalls
Environmental Protection Act 1986 and Regulations	<ul style="list-style-type: none"> • Noise
Caravan Parks and Camping Grounds Act 1995 and Regulations	<ul style="list-style-type: none"> • Temporary onsite camping associated with an event
Liquor Licensing Act 1988 and Regulations	<ul style="list-style-type: none"> • Authorising the service of alcohol associated with an event on Council reserve
Local Government Act 1960 and related legislation	<ul style="list-style-type: none"> • Trading in Public Places • Banner signs or similar types of

	advertising devices <ul style="list-style-type: none"> • Car parking • Hire City owned land and facilities • Rubbish • Set fees and charges relating to events
Road Traffic Act 1974 and Regulations	<ul style="list-style-type: none"> • Temporary road closures • Traffic Management Plans
Explosives and Dangerous Goods Act 1961	<ul style="list-style-type: none"> • Fireworks display

RELEVANT PLANS AND POLICIES

The following policies and plans are relevant to this report;

- Surfing Events and Competitions Policy – Reference No. 021
- Events Policy – Reference No. 231

FINANCIAL IMPLICATIONS

There are no budgetary considerations required as a result of this report. Fees and charges associated with the event application and legislative approvals are included in the annual Adopted Schedule of Fees and Charges.

Long-term Financial Plan Implications

There are no implications for the Long Term Financial Plan as a result of this report.

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

The City's Events Team have reviewed the information within the Events Policy in consultation with all relevant City departments and made changes to ensure that current legislations and procedures are contained within the document. Consultation with the City's Environmental Team has resulted in the Policy being updated to include reference to relevant Environmental Management Plans when planning events held in City of Busselton reserves.

Extensive consultation has taken place with the Meelup Regional Park Management Committee regarding the Specific Event Conditions relating to events held in the Meelup Regional Park. Through this consultation a set of conditions that apply to a variety of event types has been developed that will form part of the event application that event organisers must adhere to in the planning and

implementation of their events. The Specific Event Conditions also include a maximum number of trails and site based events that can be held in the Park each year, these limits have been included to ensure that the Park's environmental areas are not threatened through high or frequent usage of the Park. The Meelup Regional Park Specific Event Conditions were presented to the Meelup Regional Park Management Committee at its meeting on 26 July 2016 and will be presented to the Council on 10 August 2016.

OFFICER COMMENT

Since the endorsement of the current Events Policy in April 2006, the City of Busselton has been increasingly recognised as a desirable location for the staging of a variety of events in the areas of sport, culture and lifestyle. There are currently in excess of 130 events staged within the City of Busselton's boundaries each year.

The specific objectives of this policy are to;

- a. Promote and encourage events that enhance a wide variety of opportunities to residents and visitors to the City of Busselton;
- b. Ensure that the health and safety of persons attending events in the City of Busselton is considered in all planning;
- c. Provide an efficient and timely approval process and response in accordance with the City of Busselton's Customer Service Charter;
- d. Ensure compliance with regulatory requirements and standards;
- e. Incorporate controls to minimise any adverse impacts of events and protect the amenity of residents in adjoining and nearby properties;
- f. Ensure that the environmental, heritage and cultural impacts of events are assessed and appropriate measures are put in place to minimise any adverse impacts;
- g. Promote and encourage events that enhance a wide variety of opportunities to residents and visitors to the City of Busselton; and
- h. Provide information on the Event Sponsorship program available to event organisers;

The policy provides event organisers with information on the event application processes including detailing the Event Criteria which require approval, the event application procedure and the information that will be considered by the City of Busselton in the assessment and approval process of event applications.

The policy also applies to events held at private premises, when the activities being held there are outside of the current approval of use for that property.

The policy has been updated to include several areas within the City that may require specific event conditions, to ensure the amenity of the location and the mitigation of any potential adverse impacts. These areas are as follows:

- Meelup Regional Park
- Busselton Jetty
- Yallingup Main Break and Smiths Beach
- Busselton and Dunsborough Foreshores
- Cultural Precinct on Queen Street
- City of Busselton reserves that have an existing Environmental Management Plan.

The inclusion of the Meelup Regional Park Specific Event Conditions, which have been developed through considerable consultation with the Meelup Environmental Management Officer and the Meelup Regional Park Management Committee to ensure that events are consistent with the Management Plan; protect the natural environment and enhance visitor satisfaction providing event organisers with a comprehensive guide for before, during and after the event process.

The Surfing Events and Competitions Policy has been incorporated into the Events Policy to manage the use of Yallingup Main Break and Smiths Beach for events. The objective of these specific conditions is to achieve consistency for the staging of surf events; to ensure equitable use of surf locations for recreational and competition surfers; and to minimise damage to and promote recovery of coastal systems.

Incorporating the Meelup Regional Park Specific Event Conditions and the Surfing Events and Competitions Policy into the Events Policy allows Officers to administer the policy in one comprehensive package.

The Policy details information on the fees and charges (as per the Schedule of Fees and Charges) that are applicable to events held within the City of Busselton; further it details that some events may be required to pay a refundable bond if using City of Busselton facilities. The amount charged for these bonds varies according to the facility used, or the activities being undertaken and are listed in the Schedule of Fees and Charges.

The Policy also covers Event Sponsorship with grant funding available to event organisers through the City's Event Sponsorship Programme. This programme is overseen by the Marketing and Events Reference Group, which makes recommendations to Council regarding the level of sponsorship.

With the huge growth in the number and variety of events held within the City, this updated Policy ensures that event organisers receive the most up to date guidelines on staging an event in the City of Busselton, whilst reflecting the values and priority areas of the Council and community.

CONCLUSION

Council is provided with an updated Events Policy which combines the revised 'Events Policy', the 'Surfing Events and Competition Policy' and the 'Meelup Regional Park Special Event Conditions'. This Policy is presented to Council for adoption.

OPTIONS

Council may choose not to accept the Officers recommendation or to make amendments to the Events Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The policy will be effective immediately following Council's endorsement.

Council Decision / Committee Recommendation and Officer Recommendation

C1609/232

Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council:

1. Revokes the Surfing Events and Competition Policy – Reference No. 021.
2. Endorses the updated Events Policy:



EVENTS POLICY

POLICY FOR THE ASSESSMENT OF EVENTS IN THE CITY OF BUSSELTON

PURPOSE

The purpose of this Policy is to provide event organisers with information on the event application and approval process for events to be held in the City of Busselton, and guidelines for the sponsorship of events through the City of Busselton.

The specific objectives of this policy are to;

- a. Promote and encourage events that enhance a wide variety of opportunities to residents and visitors to the City of Busselton;
- b. Ensure that the health and safety of persons attending events in the City of Busselton is considered in all Planning;
- c. Provide an efficient and timely approval process and response in accordance with the City of Busselton's Customer Service Charter;
- d. Ensure compliance with regulatory requirements and standards;
- e. Incorporate controls to minimise any adverse impacts of events and protect the amenity of residents in adjoining and nearby properties;
- f. Ensure that the environmental, heritage and cultural impacts of events are assessed and appropriate measures are put in place to minimise any adverse impacts; and
- g. Provide information on the Event Sponsorship program available to event organisers.

The City of Busselton will assess event applications for the conduct of events in accordance with legislative requirements under this policy.

SCOPE

This policy applies to all events held within the boundaries of the City of Busselton.

DEFINITIONS

For the purpose of this policy the following definitions apply:-

Event: An occurrence proposed to be held within the City of Busselton on private or public land, either indoor or outdoor by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation or community purposes. This includes but is not limited to;

- a. Concerts and music festivals
- b. Motorsport events, motor vehicle rallies and displays;
- c. Sporting events;
- d. Cultural and community events;
- e. Shows and fairs;
- f. Exhibitions, wine and food festivals;
- g. Surfing events.

Event Application Form for major events, minor events and markets are required to be completed for any proposed event. Event application forms request details of size, nature, date, time, purpose, activities and facilities in relation to the event.

Event Applicant means the person, company or organisation, excluding the City of Busselton managed events, who is responsible for organising an event and who makes application to the City of Busselton for approval to stage an event.

Public Place means any street, way or place including but not limited to community reserves, facilities, halls or public open space.

City of Busselton Facility or Reserve means any property owned or managed (via Management Order) by the City of Busselton and includes buildings, recreation centres, community centres, halls and reserves (passive and active).

Passive Reserve Area means a designated reserve area within the City utilised for recreational or community purposes only ie. Mitchell Park, Rotary Park, Lions Park, Signal Park, Busselton Jetty, and City foreshore areas or beaches for water based sports and entertainment events.

Active Reserve Area means a designated reserve area within the City that is utilised by sporting bodies, community groups etc for the purpose of conducting sporting fixtures, carnivals etc. ie. Sir Stewart Bovell Oval, Lou Weston Oval, Churchill Park Oval, Barnard Park and Dunsborough Playing Fields.

BACKGROUND

Events Development in the ‘Events Capital WA’

As a significant contributor to the local economy, as well as enhancing the vibrancy of the community, the attraction and development of events is a key focus of the City of Busselton. Branded “**Events Capital WA**”, the City’s role in events is to engage and assist event organisers to support a diverse calendar of events, while maintaining the safety and amenity of the community.

EVENT APPLICATION PROCESS

If a public gathering requires one (1) or more approvals from the following list of criteria, then it is deemed to be an event and the event organiser is required to submit an Event Application and to obtain the relevant approvals from the City:

Event Criteria which requires approval

- Preparation or sale of food to the public;
- Erection of tents and marquees larger than 25m², stages and other structures for public use;
- Number of patrons attending the event, requiring the issuing of a Certificate of Approval (formally an Accommodation Certificate) in accordance with the Health Act and associated Regulations;
- Potential noise including music, use of amplified equipment, extraordinary vehicle noise;
- Use of or installation of electrical equipment including generators, cabling, extension cords, switches, fuses;
- Trading in a public place - selling, hiring of goods, wares or merchandise in a public place;
- Risk management plan; for events identified as having possible associated risks;
- Changes or interruptions to traffic flow (ie traffic management plans);
- Proposed signage for the event to be erected;
- Sale or consumption of alcohol;
- Additional parking requirements;
- Additional toilet facilities;
- Crowd control or security measures;
- First aid requirements;
- Amusement structures ;
- Water safety plans for water based events;
- Fire management plans; and
- Appropriate level of public liability insurance coverage.

Where formal event approval is not required

If the application is a request for the hire of passive or active reserve area or equipment (see definition of passive and active reserve) located within the City of Busselton, formal event approval is not required. However, completion of a Facility Hire Form is required for each occasion.

Event application procedure

1. All events, new and annual, must submit an event application at least eight (8) weeks prior to the proposed date of the event; twelve (12) weeks for events to be held in the Meelup Regional Park;
2. Applicants are required to submit a completed Event Application Package to the City of Busselton, consisting of the following:
 - a. Event Application Form;
 - b. Event Checklist (to be read in conjunction with the 'Event Information for Applicants');
 - c. Event Site Plan; and
 - d. Complete all relevant Forms included in the Event Application Package and obtain any other approvals as required.
3. All sections of the Event Application Form and Event Checklist must be completed in order for the application to be eligible for assessment;
4. The applicant must submit a Risk Management Plan that complies with the requirements of AS4360 if the event participation deemed to require a Risk Management Plan, as directed by the City of Busselton;
5. The applicant must provide a Certificate of Currency indicating a minimum of \$10 million Public Liability Insurance coverage that is valid for the period covering the event date;
6. The applicant must be familiar with the relevant Reserve / Park Environment Management Plan if using City of Busselton reserves and prepare an Event Environmental Management Plan as directed;
7. The City of Busselton may request any additional information to be supplied by applicants in order to ensure comprehensive assessment of the application.

Assessment of event applications

The following information will be considered by the City of Busselton in the assessment and approval process of event applications:

1. The nature, size and suitability of the event in relation to the venue requested and the likely impact of the event on the facility;
2. The amenity of the event (including the presence of alcohol);
3. The ability of the facility to accommodate the event at the proposed time of year (taking into consideration weather and the condition of the land, if on a community reserve or public open space);
4. The likely impact on residents as a result of the location of the event (including noise, dust, excessive light, traffic congestion or other adverse effects perceptible outside the venue);
5. The period of time for which the event will operate and the proposed times of operation;
6. Conflict or potential conflict with other events or community use in that location or a surrounding location;

7. The benefits to the City of Busselton community;
8. Reputation of the operator;
9. Risk to natural, heritage and cultural values of the event area or surrounding area; and
10. Any other factors that may be considered necessary in relation to a particular event.

Fees for Event Approval

1. All events will attract an application fee in accordance with the City of Busselton's Adopted Schedule of Fees and Charges;
2. The applicant will be advised of any additional fees and charges upon event approval. These must be paid at least seven (7) days prior to the event;
3. Concerts will attract separate fees in accordance with the 'Staging of Concerts' in the City of Busselton's Adopted Schedule of Fees and Charges;
4. Refund of fees will only be considered in the event of a cancellation notice being received at least seven (7) days prior to the event date and may attract an administration fee.

Bonds for Events

1. Bonds will be requested for events using City of Busselton facilities, the amount requested will vary depending on the facility used, in accordance with the City of Busselton's Adopted Schedule of Fees and Charges;
2. The Bond money will be refunded in full following the successful completion of the conditions of approval outlined in the City's acknowledgement letter;
3. Failure to comply with any of the conditions specified in Councils acknowledgement letter may result in all or part of the bond money not being refunded to the applicant;
4. Failure to pay the bond money less than seven (7) days prior to the event may result in the event approval being withdrawn.

THIS POLICY DOES NOT COVER:

1. Events to be held at:
 - a. Educational premises including primary, secondary and tertiary centers; and
 - b. Religious centers including churches and worship centers.
2. An event approval is not required providing there is no variation from the following existing approvals:
 - a. Conditions associated with a Planning Consent under the City of Busselton Town Planning Scheme.
 - b. Approvals as required in accordance with the Health Act 1911 and associated Regulations. However if the event proposed exceeds any established accommodation numbers or differs in nature to any approvals already in place then an event approval is required and the requirements of this Policy apply.

EVENT VENUES

Within the City of Busselton there are a number of venues where events are held, ranging from coastal/beach sites, nature reserves and parks, urban and business districts, community halls, sporting grounds, City facilities including the Busselton Cultural Precinct, and private properties and estates.

In addition to the standard event conditions, the following venues require specific conditions to ensure any potential impacts to the location's amenities are minimised or mitigated:

Meelup Regional Park

Meelup Regional Park ('the Park') is an A-class reserve vested in the City of Busselton for the purpose of conservation and recreation. The Meelup Regional Park Management Committee has been established by the City of Busselton Council to assist in ensuring that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations.

Required by the Land Administration Act 1997, the Meelup Regional Park Management Plan's vision for the Park is "manage the Park for conservation and environmental enhancement and allow recreation and other uses of the Park to occur to the extent that they do not impair the conservation values of the Park."

Cognisant of this, the following objectives provide guidance in managing events in the Park;

1. Natural systems should be able to sustain the recreation that is occurring or proposed
2. The intensity, frequency, type, duration, timing and distribution of recreational activities may need to be controlled to maintain the amenity of the park and the enjoyment of visitors
3. Recreation planning will seek to foster appreciation of the Park's natural values.

In addition to the general event conditions, specific **Meelup Regional Park Event Conditions** (see Appendix 1) are required to be met to ensure that events are consistent with the Meelup Regional Park Management Plan.

Event organisers utilising Meelup Regional Park must complete the Event Application form and comply with the Meelup Regional Park Specific Event Conditions and any additional conditions that may arise depending on the type of the event to be held. Event organisers will be requested to consult directly with the City of Busselton's Meelup Environment Officer. Approval to proceed with the event will not be given until this consultation process has taken place.

A fee per participant or event may be charged and the event organiser may be required to provide a bond in accordance with the City of Busselton's Adopted Schedule of Fees and Charges.

Events held in Meelup Regional Park are categorised in the following areas:

1. Trail Based Events

Trail Based Events generally involve participants walking, running or cycling on designated trails or roads within the Park on a specified day. Trail-based events are subject to the Specific Event Conditions for Meelup Park.

2. Site Based Events

Site Based Events generally involve use of a beach and/or adjacent picnic and car park area. They range from relatively small social gatherings to larger scale events. Site-based events, other than wedding ceremonies, school excursions, functions or informal gatherings are subject to the Specific Event Conditions for Meelup Regional Park.

3. Road Based Events

Whilst road reserves within the Park are technically not part of the Park, an integrated approach to management of events utilizing or within these road reserves is essential if the Park's values are to be protected and enjoyment of the Park by the broader community is not to be adversely impacted.

Due to the environmental significance of the Meelup Regional Park, the frequency of events is restricted as follows:

1. Trail Based Events

- Maximum of four (4) trail based events per calendar year;
- No two events occurring within the same month.

2. Site Based Events

- Maximum of four (4) site based events per calendar year;
- No two (2) events occurring within the same month at the same site.

Wedding ceremonies, school excursions, functions or informal gatherings held in the Park require a booking, completion of a Facility Hire form and payment of a fee (if it applies) through the City of Busselton. Such activities are generally permitted subject to City of Busselton terms and conditions, including non-exclusive use of the location, parking only in designated areas, no damage to coastal or natural environments, no amplified music, no unauthorized consumption of alcohol, and removal of all litter. They will generally only be permitted at Meelup Beach, Castle Bay and Bunker Bay.

Busselton Jetty

The Busselton Jetty (Jetty) is vested by the State to the City of Busselton under a Management Order.

For any event to be held or utilising the Busselton Jetty, event organisers are required to complete a specific Jetty event application form which includes applying for a permit to use the Jetty. The Jetty event application form is applicable for water based sporting events, cultural events, functions and community fireworks.

Yallingup Main Break and Smiths Beach

In addition to the general event conditions, specific conditions are required for surfing events and/or competitions held at Yallingup and Smiths Beach within a 12 month period to achieve consistency and co-ordination for the staging of surfing events at these locations, and to ensure equitable use of the surf locations by recreational and competition surfers. It also assists to minimise damage, and promote the recovery of coastal systems within the City of Busselton's coastal reserves.

The **Yallingup and Smith Beach Surf Competition Categories** specific event conditions (see Appendix 2) applies to organisations wishing to conduct surfing events and/or competitions at international, national, state or club level and applies to all forms of surf craft including, but not limited to surfboards, wave skis, body boards, wind surfers and kite surfers.

Busselton and Dunsborough Foreshores

The Busselton and Dunsborough Foreshores have undergone a significant redevelopment to improve recreational facilities and to add vibrancy and activity to these areas.

Events can be conducted in these foreshore areas under the same conditions as all public space events. However, as they are high usage areas for local residents and visitors, the City may require additional measures to be implemented to ensure equitable access for all users.

Cultural Precinct on Queen Street

The Cultural Precinct is located on Queen St between Marine Terrace and Adelaide Street and consists of the Weld Theatre, Art Geo Complex with the ArtGeo Gallery and Courthouse Gallery, and artist studios around the courtyard.

The Cultural Precinct is the preferred location for a future Performing Arts and Convention Centre that will also serve as a venue for meetings, conferences and conventions, further growing the

business tourism market. As an entry point to the foreshore, the Cultural Precinct is central to the promotion of a blended commercial and recreational/cultural experience

All Other Areas

All events held in the City of Busselton boundaries require the completion of appropriate event application forms and granting of relevant approvals from within the City and also from external Government agencies including but not limited to; Department of Health, Department of Transport, Department of Racing Gaming and Liquor, and Main Roads WA.

EVENT SPONSORSHIP

Recognising the significance that events play in delivering economic and social benefits to the community, and building on the City as the 'Events Capital WA', the City has an Events Sponsorship Programme that is funded through the following sources:

1. Municipal Funds

The Council allocates a fixed amount annually towards funding events, these funds are historically allocated to well established, annually recurring events.

2. Industrial/Commercial Differential Rate

Industrial and Commercial rated properties across the City directly contribute toward the City's continued support of tourism, marketing and event activities through a Differential Rate. An established Marketing and Events Reference Group makes recommendations to Council with respect to the allocation of funds generated through the Differential Rate specifically towards the funding of events and marketing initiatives.

Event sponsorship can be provided as cash or in-kind contributions and once approved by Council, event organisers are required to enter into a sponsorship agreement with the City under one of the following terms:

1. Single Year Events

Events that are held once and not over a consecutive period

2. Multi-Year Events

Events that are held on an annual basis over a period of years.

Event sponsorship requests are assessed through the Event Sponsorship Programme against the following criteria:

- Economic impact – the direct and indirect dollars that an event generates to the City of Busselton community;
- Strategic alliance – events that are held within the off-peak shoulder season, and events that are of a cultural nature;
- Media/promotion – the direct and indirect value of marketing and promotional activities;
- Environmental impact – the level of impact on the environment and associated resources; and
- Social benefits – the associated value to the community.

Post Event Evaluation Reports

Events sponsored by the City are subject to a funding agreement and a post event evaluation report, within three (3) months of the date of the event outlining the following:

1. General performance and activities of the event;
2. Measure against Key Performance Indicators as per the funding agreement;
3. Economic impact ;
4. Benefit to the local community;
5. Benefit to local businesses; and
6. Media coverage of the event.

Post event evaluation reports will be used to determine if future funding will be approved for event organisers.

POLICY REVIEW

The Events Policy will be reviewed every two years.

HISTORY

	Date	Information
		Version 2 Update to the Events Policy including the incorporation of the Surfing Events Policy and the inclusion of specific requirements for Meelup Regional Park and other locations
C0604/105	12 April, 2006	Version 1 Note: This policy incorporates concerts and therefore the concerts policy (073/2) was revoked as part of the adoption of the Events policy.

Appendix 1 - Meelup Regional Park Specific Event Conditions

These specific event conditions apply to events proposed for specific sites, trails or roads within Meelup Regional Park (the 'Park'). The conditions outlined below are based on the provisions of the Meelup Regional Park Management Plan (the 'Management Plan'), and all events in the Park must comply with the Management Plan.

Pre-event information from event organisers

The event organisers are to:

1. Apply to the City for the proposed event at least 12 weeks prior to the event, to allow for consideration and assessment by the City after consultation with the Meelup Regional Park Committee. (Committee).
2. Contact the City of Busselton's Meelup Environmental Management Officer for guidance on the specific management measures required, and arrange to meet onsite to inspect the event areas.
3. Be familiar and comply with the Management Plan and other guiding documents.

4. Provide an aerial photograph with either: a) the GPS alignments for trail-based and road based events, or b) the boundary within which the event will be held for site-based events.
5. Submit a detailed Event Management Plan addressing:
 - a. Date, duration and event location(s);
 - b. Participant/competitor numbers and management;
 - c. Spectator numbers and management, including proposed locations for spectators;
 - d. Numbers and management of officials, marshals, volunteers and support vehicles;
 - e. Details of road closures and/or traffic management measures, including locations and duration;
 - f. If exclusive use of a site, trail or road within the Park is required, detail how it will be managed;
 - g. Evidence of the event organiser's track record, business and environmental ethics
 - h. Details and outcomes of consultation with other stakeholders, for example, government agencies, local government, community groups etc.
6. Submit a detailed Environment Management Plan addressing:
 - a. Plans for prevention and mitigation of environmental impacts which are relevant to the event such as preventing damage to vegetation, impact on fauna and coastal beach environments;
 - b. Dieback and weed management measures
 - c. Compatibility of the event with the wider community, Park neighbours and other Park users and how conflict is to be minimised;
 - d. Rubbish management
 - e. Noise/disturbance to residents, if applicable;
 - f. Promotion of the event, including websites, print and other media.
7. Notify the Meelup Environmental Management Officer of any proposed alterations to the requested alignment/venue immediately.
8. Consult with Department of Parks and Wildlife (DPaW) and/or Department of Environment Regulation(DER) regarding activities proposed in the vicinity of declared rare flora, threatened ecological communities, threatened fauna and/or priority ecological communities.
9. Include interpretative material, to be agreed between the City and event organiser, which provides information on the Park's environmental, cultural and recreational values, as part of the event information pack and/or on the event website.
10. As bike riding is prohibited in the Park, ensure that any bike section of the route contained within the Park will not be advertised, published in any publication or circulated in any material or electronic form so as to not promote its use for bike riding.

Further specific conditions may also be required, and this will be assessed on a case by case basis once the event management plan has been submitted.

During the Event

The event organisers are to ensure that all participants, marshals, race officials and any support crew are briefed on:

1. Where possible provide an opportunity for the Meelup Environmental Management Officer to address the event participants or provide environmental information on the Park to officials.
2. The natural values of the Park and environmental issues identified in the EMP.
3. That all flora is protected and it is illegal to pick wildflowers or damage vegetation.
4. The principles of Leave No Trace, which must be adhered to at all times while in the Park.
5. That all persons are to remain on designated trails and use authorised access points at all times except in an emergency.
6. For trail-based events, the current prohibited status of riding bicycles in the Park, and the one-off nature of the event allowing bicycles on designated trails in the Park.

7. That areas of the Park are regularly baited with 1080 dried meat baits for feral animal control and that these baits are toxic and should not be handled or ingested.
8. No person is to interfere with existing signage in the Park.
9. Ensure that all promotional material and media information associated with the event directs spectators to areas designated as spectator locations approved by the City prior to the event.
10. Ensure that all competitors, officials, marshals and any other support crew remain on designated tracks and authorized access points at all times except in an emergency.
11. Provide course markers, bunting and/or marshals to ensure competitors do not veer off the course alignment.
12. Ensure that any signage is: a) corflute and at least A3 in size, b) erected in a manner that makes it difficult to remove, and c) replaced if it is removed before or during the event.

Post-event information/actions

The event organisers are to:

1. Remove all evidence of the presence of the event within 24 hours of the conclusion of the event, including all signage, litter, markings, flagging tape, bunting, traffic management infrastructure and other materials that have been placed for the event.
2. Submit an event report within three months after the event detailing any event issues including environmental impacts and proposed improvements. You will receive feedback from the City of Busselton on the event including any event management improvements.

Appendix 2 - Yallingup and Smith Beach Surf Competition Categories

Event Categories

It is imperative that City of Busselton manages the number and types of surfing competitions and events utilising City of Busselton managed land at Yallingup and Smiths Beach. The prescribed number and types of events is as follows:

1. International and National Events (100 + competitors and large spectator component)

Only **one** (1) International or National event organised in conjunction with Surfing WA, will be approved by the City of Busselton in any one year. Confirmation shall be provided at least 6 months prior to the event date, in order to assess the proposal and exclude other potential events.

2. Major Events (Up to 100 competitors)

Only **two** (2) major events, organised in conjunction with Surfing WA, comprising of a period of up to four days in duration will be approved by the City of Busselton in any one year.

3. Large Events (50-70 competitors) Ballot System

Only **two** (2) large events comprising of a period of up to four days in duration will be approved by the City of Busselton in any one year. A 'Surfing Competition Ballot Application Form' will be submitted to City of Busselton by December 1st for the following calendar year.

Surfing WA and the City of Busselton will jointly assess the application(s) and successful applicants will notified and ask to submit a City of Busselton event application package for the event.

4. Minor Events (0 – 50 competitors) Ballot System

Only **one** (1) minor event in any one year comprising of a period of up to four days in duration will be approved by the City of Busselton in any one year. A 'Surfing Competition Ballot Application Form' will be submitted to City of Busselton by December 1st for the following calendar year. Surfing WA and the City of Busselton will jointly assess the application(s) and successful applicants will notified and ask to submit a City of Busselton event application package for the event.

5. Club Events

Local board riding clubs, such the Indian Ocean Longboard Club and the Yallingup Boardriders, are permitted to conduct their annual round of club events at sites previously nominated with the City of Busselton.

Clubs will be required to complete annually, prior to nominating their seasonal calendar of events, a 'Surfing Club Beach usage application form' for sites controlled by the City of Busselton. Dates for competition, particularly at the 'Yallingup Mainbreak' surf break, need to be included in the 'Surfing Club Beach usage application form.'

6. Traditional Contests and Philanthropic Events

Traditional and Philanthropic contests and events outside this Policy will be continued to be supported for the period that the contests continue to run successfully and with minimum impact of the surfing community.

Surfing Event and/or Competition Locations

Whilst there are many surfing locations across the western and northern boundaries of the City, many of these foreshore reserves are either not managed by the City of Busselton or have inadequate facilities to successfully conduct a surfing competition. Below is a table of the nominated sites:

Table 1. Nominated competition sites at City of Busselton Managed Foreshore reserves

INTERNATIONAL SITES	ADDITIONAL INFRASTRUCTURE REQUIRED
Yallingup Mainbreak	Additional Infrastructure to be provided as directed by the City of Busselton
MAJOR EVENT SITES (70 – 100 COMPETITORS)	ADDITIONAL INFRASTRUCTURE REQUIRED
Yallingup / Smiths Beach	Rubbish Bins, Taping off dunes / sensitive areas Environmental Control
LARGE EVENT SITES (50-70 COMPETITORS)	ADDITIONAL INFRASTRUCTURE REQUIRED
Yallingup / Smiths Beach	Rubbish Bins, Taping off dunes / sensitive areas Environmental Control
MINOR EVENT SITES (0-50 COMPETITORS)	ADDITIONAL INFRASTRUCTURE REQUIRED
Smiths Beach	Rubbish Bins and Toilets

All sites, at City of Busselton managed foreshore reserves, other than those nominated are to be excluded from competitions. No events are to be held on Public Holiday weekends.

Number of Annual Events and/or Competitions

By prescribing a set number of events at the Yallingup and Smiths Beach surf breaks, this policy will allow for a fair and equitable surfing environment for club, competition and recreational surfers alike.

The prescribed number of competitions / events, as per event categories 1 to 5 listed above, from January the 1st to December the 31st of each calendar year will be 13 competitions / events inclusive.

This figure is based on the average of one competition / event per every four weeks at this venue. The prescribed breakdown of these competitions / events includes:

CATEGORY	ORGANISATION	NUMBER
CLUB	Yallingup Boardriders	4
CLUB	Indian Ocean Longboard Club	4
INTERNATIONAL, MAJOR or LARGE	Surfing Western Australia	2
TRADITIONAL and PHILANTHROPIC	Yallingup Malibu Classic Taj Small Fries	2
LARGE or MINOR	Ballot system	1

* any application for an event that is in addition to the number of events allowed in the policy will referred to the Council for consideration

Approval Procedures

Please refer to the City of Busselton's Event Policy. The City of Busselton Event Policy outlines in detail the Event Application processes required at the City of Busselton in order to comply with legislative requirements.

CARRIED 9/0

EN BLOC

10.2 Policy and Legislation Committee - 18/08/2016 - REVISED ASSET MANAGEMENT POLICY

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

This item was considered by the Policy and Legislation Committee at its meeting on 18 August 2016, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to present for adoption an updated City of Busselton Asset Management Policy. The policy provides an overview of the Council's commitment to the long-term sustainability of its infrastructure assets. This is through the recognition of the need to undertake asset management planning to ensure that adequate levels of maintenance and renewal are undertaken, whilst also ensuring that demand for new and upgraded infrastructure assets is being catered for.

BACKGROUND

The asset management policy was first adopted by the Council on 8 October 2008 (C0810/303). Whilst this policy adequately captured the City's asset management philosophies at the time, it is required to be updated in order to better reflect the present day requirements.

The original policy (as shown in attachment A) defined asset management for the City of Busselton and provided some guidance on issues such as donated assets and asset management plans.

The City's asset management maturity and expectations of asset management are now much more defined than they were in 2008. The updated policy aims to capture this through the provision of more specific information capturing the present day requirements and providing guidance on future areas for improvement.

To this end, a major review of the policy has been undertaken to ensure adherence to present day requirements and capture of areas for improvement.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

The data from Asset Management Plans is incorporated into the Long-term Financial Plan and in this way informs the Corporate Business Plan and Annual Budget.

This policy also has some linkage with other asset management related policies of the Council, namely Road Renewal Funding Policy, Footpaths and Cycleways Funding Policy, Asbestos Management Policy and Building Insurance Policy.

FINANCIAL IMPLICATIONS

There are no direct financial implications with the adoption of this policy. However, the policy does provide guidance on the assessment of lifecycle costs for infrastructure assets, prioritisation of renewal works and fair value – all of which have some financial aspects.

They are defined as follows within the policy:

Lifecycle Costs

The total cost of an asset throughout its life, including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs will be considered prior to construction / implementation of an asset.

Prioritisation of Renewal Works

Consideration for budgetary priority will be given to existing assets for their operation, maintenance and renewal where required before the provision of new assets. This is to ensure that expenditure on new and upgraded assets is not at the detriment of required renewal expenditure on existing assets. This approach will assist in the long-term sustainability of the City's infrastructure assets.

Where appropriate, separate policies should be developed outlining minimum levels of renewal to be applied to individual asset sub class i.e. (roads, buildings, paths and cycleways).

Fair Value According to AASB

Australian Accounting Standards Board AASB13 – Defines Fair Value as “the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date”.

Three valuation techniques recommended by AASB13:

- **Market approach:** A valuation technique that uses prices and other relevant information generated by market transactions involving identical or comparable (i.e. similar) assets, liabilities or a group of assets and liabilities, such as a business.
- **Cost approach:** A valuation technique that reflects the amount that would be required currently to replace the service capacity of an asset (often referred to as current replacement cost).
- **Income approach:** Valuation techniques that convert future amounts (e.g. cash flows or income and expenses) to a single current (i.e. discounted) amount.

Fair Value at the City of Busselton

Infrastructure assets are “specialised” in nature (i.e. roads, drainage, footpaths, carparks etc.), therefore market evidence is not always available to guide fair value measurement. AASB116 recognises the specialised nature of some assets and provides for an income or current replacement cost approach to be used to determine fair value. The City will predominately use the current replacement cost approach to value all infrastructure assets. AASB13 defines replacement cost as “a

valuation technique that reflects the amount that would be required currently to replace the service capacity of an asset (often referred to as current replacement cost)".

The City will use two methods under the current replacement cost approach for calculating fair value depending on the data that is available / able to be sourced for that particular asset.

The City will determine Fair Value by an assessment of the current replacement cost of the asset, measured against its existing condition to determine the percentage of its life consumed and in turn; the life remaining. This technique reflects the amount that would be required currently to replace the service capacity of an asset.

Where detailed condition data is either unable to be obtained within the required timeframes, unreliable or incomplete; an assessment will be made based on construction date, useful life and replacement cost. This differs from the condition based method as it uses an assumed remaining life based on how old the asset is, rather than a detailed inspection of its current condition.

For each infrastructure asset sub class, a determination will be made to use either condition **or** age as the determining factors, not a mix of both within the one infrastructure class. This will be done to avoid any inconsistencies when comparing values within a particular class.

Long-term Financial Plan Implications

Under the guidance of the philosophies set by the policy, asset management plans are required to be formulated. These plans are to outline relevant information about each asset class such as location, size, value, condition and timing and cost of replacements/renewals of existing infrastructure. The outcomes of the adopted asset management plans then inform the Long-term Financial Plan.

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 has been undertaken using the City’s risk assessment framework. There were no risks identified that required either a formal assessment or noting within this report.

CONSULTATION

Not required.

OFFICER COMMENT

Since 2008 when the original policy was adopted, there has been significant growth in the City’s asset management knowledge base. This increase in knowledge has led to an increase in asset management output and associated expectations of continued improvement of asset management.

This developing asset management ‘maturity’ provides the City with ever-improving asset management data and processes. It also provides a clearer sense of what still needs to be done to ensure that asset management continues to improve. The updated policy aims to capture this current asset management maturity as well as outlining some areas for improvement.

The current maturity is captured through the inclusion of sections relating to continuous improvement of asset management, improvement planning, integrated planning framework compliance, prioritisation of renewal works, core and advanced asset management planning and fair value. All of these aspects are recognised requirements which are embedded in the current day to day functions of asset management and where necessary are backed by separate policies.

The areas for improvement within the policy are sections relating to donated assets, as-constructed data, life-cycle costs, and asset management information systems. Whilst these areas are still providing effective outputs to a point, they represent the areas with the greatest need for improvement.

Planning for improvements will be enabled by the implementation of an Asset Management Improvement Plan. The purpose of this document is to provide a summary of which activities have been undertaken up until the present day and those which are required into the future. This summary will be provided at an asset type level (Roads, Buildings etc.) in order to provide detail on each area's progress and current status.

The Policy can be reviewed at any time, should these priorities for improvement change over time.

CONCLUSION

The updated policy reflects the present day asset management requirements for the City of Busselton and also provides guidance on how to further improve asset management at the City of Busselton.

Adoption of the policy will reaffirm the Council's commitment to the long-term sustainability of its infrastructure assets. It will also provide recognition of the need to undertake asset management planning to ensure that adequate levels of maintenance and renewal are undertaken allowing the Council to better plan for new and upgraded infrastructure.

OPTIONS

The Council could resolve to not adopt the updated asset management policy, however in doing so, may not be recognising the current asset management requirements for the City of Busselton.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Asset Management Policy would be effective immediately upon adoption of the officer's recommendation.

Council Decision / Committee Recommendation and Officer Recommendation

C1609/233

Moved Councillor G Bleachmore, seconded Councillor C Tarbotton

That the Council adopts the following updated Asset Management Policy:

002	Asset Management	V2 Draft
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1. PURPOSE

The intention of this policy is to outline the City of Busselton's commitment to continuous improvement of asset management through a structured, well-planned and integrated approach. This will ensure that the City's infrastructure assets are well maintained for their current purpose and are able to adapt to the changing expectations of future generations.

2. STATEMENT

Scope

The Policy applies to existing infrastructure assets as well as assets that are to be purchased or donated to the City. It covers infrastructure assets, including but not limited to roads, bridges, footpaths and cycleways, stormwater drains, parks and open spaces, buildings, facilities and leisure centres that are *owned and directly managed* by the City of Busselton.

The definition of an infrastructure asset applicable to this policy is as follows:

“Stationary systems forming a network and serving whole communities, where the system as a whole is intended to be maintained indefinitely, at a particular level of service potential by the continuing replacement and refurbishment of its components. The network may include normally recognised ordinary assets as components.” (International Infrastructure Management Manual – 2011)

This includes constructed or improved physical assets. Hence, in the example of a reserve area under Management Order with the City of Busselton, the reserve is not included in the asset register, however the physical components such as footpaths, furniture, roads, seawalls, jettys, boatramps, drains and any buildings would be included as assets.

3. POLICY CONTENT

The Council is committed to the long-term sustainability of its infrastructure assets, and recognises the need to undertake asset management planning to ensure that adequate levels of maintenance and renewal are undertaken; whilst also ensuring that demand for new and upgraded infrastructure assets is being catered for.

This will be done by the Council adopting the following asset management principles:

Continuous Improvement of Asset Management

Through the commitment to continuous improvement of asset management, the City will ensure that asset management plans are reviewed and updated at least every three years. This regular review will ensure that the plans are an accurate reflection of the current status and required funding for the various assets at any given time.

Development, review and update of the asset management plans will be done in a cyclic manner to ensure that some form of asset management development, update and review is being undertaken in any given year.

Improvement Planning

Effective Asset Management Planning will be enabled by the implementation of an Asset Management Improvement Plan. The purpose of this document is to provide a summary of which activities have been undertaken up until the present day and those which are required into the future. This summary will be provided at an asset type level (Roads, Buildings etc.) in order to provide detail on each areas progress and current status.

The Improvement Plan should give a task breakdown for each asset type and a basic timeline to assist with future planning of the City’s asset management tasks. The improvement plan should cover activities ranging from initial data collection up to asset management plan adoption and review.

Integrated Planning Framework Compliance

The Council utilises a suite of corporate planning documents in order to comply with the State Government's Integrated Planning Framework. These documents are: a Strategic Community Plan and a Corporate Business Plan, supported and informed by key resourcing and informing plans, namely Asset Management Plans, a Long-term Financial Plan and a Workforce Plan. Falling out of such planning each year will be the local government's Annual Budget. This framework is commonly referred to as Integrated Planning.

Under the guidance of the framework, asset management plans are required to be formulated outlining relevant information about each asset class such as location, size, value, condition and timing and cost of replacements/renewals of existing infrastructure.

Donated Assets

When considering the provision or receipt of a new asset, the following practices are taken into account:

A business case (considering elements such as (but not limited to) condition, age, asset type, location) has been completed to ensure that any new asset will deliver direct and tangible benefits to the community and stakeholders.

- (A) This includes assets that are proposed to be transferred to the City of Busselton (e.g. where the City of Busselton is obliged to accept assets or applies under a Management Order) or where assets are donated (e.g. the City of Busselton is not legally obliged to take ownership). This could show some assets should not be accepted by the City.
 - (ii) That the "life-cycle" costs and cost effectiveness of the asset have been considered over the life of the asset;
 - (iii) Any financial implications to the City of Busselton have been taken into account and can be incorporated into the City's corporate and financial plans. This should include operational costs as well as maintenance, renewal or replacement of the asset.

As-constructed Data

The City recognises the importance that provision of detailed as-constructed data plays in the effective lifecycle management of an infrastructure asset. As-constructed data will be required from all contractors / consultants before final close out of construction projects.

Detailed as-constructed data will also be provided for infrastructure asset construction undertaken by the Council's internal construction teams.

Lifecycle Costs

The total cost of an asset throughout its life, including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs will be considered prior to construction / implementation of an asset.

Prioritisation of Renewal Works

Consideration for budgetary priority will be given to existing assets for their operation, maintenance and renewal where required before the provision of new assets. This is to ensure that expenditure on

new and upgraded assets is not at the detriment of required renewal expenditure on existing assets. This approach will assist in the long term sustainability of the City's infrastructure assets.

Where appropriate, separate policies should be developed outlining minimum levels of renewal to be applied to individual asset sub class i.e. (roads, buildings, paths and cycle ways).

Core and Advanced Asset Management Plans

Initial asset management plans will be prepared in the context of core asset management working towards advanced asset management planning. The initial plans will be undertaken to meet minimum organisational and legislative requirements for financial planning and reporting. This is referred to as the "core" approach and provides basic technical management outputs such as statements on current levels of service, forward replacement programmes and associated cash flow projections based on historical performance.

Advanced asset management involves engaging with the community to discuss and agree on alternative levels of service, applying analysis to individual assets and implementation of improvements identified in core planning.

The City of Busselton will progress towards advanced asset management through ongoing review and update of asset management data and practices – continuous improvement.

Fair Value According to AASB

Australian Accounting Standards Board AASB13 – Defines Fair Value as "the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date".

Three Valuation Techniques recommended by AASB13:

- Market approach: A valuation technique that uses prices and other relevant information generated by market transactions involving identical or comparable (i.e. similar) assets, liabilities or a group of assets and liabilities, such as a business.
- Cost approach: A valuation technique that reflects the amount that would be required currently to replace the service capacity of an asset (often referred to as current replacement cost).
- Income approach: Valuation techniques that convert future amounts (e.g. cash flows or income and expenses) to a single current (i.e. discounted) amount.

Fair Value at the City of Busselton

Infrastructure assets are "specialised" in nature (i.e. roads, drainage, footpaths, carparks etc.), therefore market evidence is not always available to guide fair value measurement. AASB 116 recognises the specialised nature of some assets and, provides for an income or current replacement cost approach to be used to determine fair value. The City will predominately use the current replacement cost approach, to value all infrastructure assets. AASB13 defines replacement cost as "a valuation technique that reflects the amount that would be required currently to replace the service capacity of an asset (often referred to as current replacement cost)".

The City will use two methods under the current replacement cost approach for calculating fair value depending on the data that is available / able to be sourced for that particular asset.

The City will determine Fair Value by an assessment of the current replacement cost of the asset, measured against its existing condition to determine to percentage of its life consumed and in turn, the life remaining. This technique reflects the amount that would be required currently to replace the service capacity of an asset.

Where detailed condition data is either unable to be obtained within the required timeframes, unreliable or incomplete, an assessment will be made based on construction date, useful life and replacement cost. This differs from the condition based method as it uses an assumed remaining life based on how old the asset is, rather than a detailed inspection of its current condition.

For each infrastructure asset sub class, a determination will be made to use either condition **or** age as the determining factors, not a mix of both within the one infrastructure class. This will be done to avoid any inconsistencies when comparing values within a particular class.

Asset Management Information systems

The City will ensure that appropriate Asset Management Information Systems (AMIS) are in place to effectively manage asset management data. This will entail a combination of processes, data, software and hardware; which are used to provide the essential outputs for effective asset management.

Review of Policy

This policy will be reviewed as required to ensure the Policy properly reflects the current asset management requirements of the City.

Definitions

Renewal Work is defined as works to replace existing assets or facilities with assets or facilities of equivalent capacity or performance capability.

New works are assets acquired for a new (never before provided) service to the community.

Upgrade works result in a higher (improved) level of service than previously offered. As distinct from new assets, the service currently exists.

Asset – an item that has potential value to an organisation (International Infrastructure Management Manual – 2011).

Asset Management Plan (AM Plan) Long-Term plans (usually 10-20 years or more for infrastructure assets) that outline the asset activities and programmes for each service area and resources applied to provide a defined level of service in the most cost effective way (International Infrastructure Management Manual – 2011).

Lifecycle Cost – The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs.

Advanced Asset Management – Asset Management which employs predictive modelling, risk management and optimised decision-making techniques to establish lifecycle treatment options and related long-term cash flow predictions (International Infrastructure Management Manual – 2011).

Core Asset Management (Also called basic AM) – Asset Management which relies primarily on the use of an asset register, maintenance management systems, top down condition assessments, simple

risk assessment and defined levels of service, in order to establish a long term cash flow prediction (International Infrastructure Management Manual – 2011).

Levels of Service – Defines standards for the construction, maintenance and operation of types of assets (i.e. roads, footpaths).

4. APPLICATION OF THE POLICY

Policy Background

Policy Reference No. - 002

Owner Unit – Engineering and Facilities Services

Originator – Asset Management Coordinator

Policy approved by – Council

Date Approved – 8 October, 2008

Review Frequency – as required

Related Documents – Roads Asset Renewal Policy, Footpaths and Cycleways Renewal Policy, Building Insurance Policy, Asbestos Management Policy.

Background/History –

Council Resolution	Date	Information
		Version 2 The City's asset management maturity and expectations of asset management are now much more defined. The updated policy aims to capture this through the provision of more specific information regarding the present day requirements and providing guidance on future areas for improvement.
C0810/303	8 October, 2008	Date of implementation Version 1

**CARRIED 9/0
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10.3 Policy and Legislation Committee - 18/08/2016 - REVIEW OF BUILDING INSURANCE POLICY

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

This item was considered by the Policy and Legislation Committee at its meeting on 18 August 2016, the recommendations from which have been included in this report.

PRÉCIS

The Building Insurance Policy is presented for review and update as part of the ongoing policy review process. The policy has been reviewed and assessed as requiring only minor changes as outlined in this report. While no substantial changes are recommended, the operation of the policy has been examined in detail to ensure no other changes are required.

BACKGROUND

In 2011, the Council resolved (C1103/091) to adopt an approach of taking out different levels of insurance for City owned building assets based on a Service Level Hierarchy (SLH). The SLH defines an appropriate hierarchy, subject to the building's use, condition and service needs.

Further to this, a policy to adopt a philosophy and approach in relation to insurance of City owned buildings and improvements was presented to the Council on 24 July, 2013. The Council resolved (C1307/192) to adopt the Building Insurance Policy. The purpose was to outline the rationale for allocating different levels of insurance for City owned buildings and/or improvements. It also formalised the requirement for Lessees of City owned or managed buildings to reimburse the City for the cost of insurance.

The adopted policy is to be reviewed every three years to coincide with the review of the Asset Management Plan and the revaluation of City buildings.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

This report proposes the minor update of the Building Insurance Policy of the Council.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the review of this policy.

Long-term Financial Plan Implications

Not applicable.

STRATEGIC COMMUNITY OBJECTIVES

Consideration of this matter is consistent with Key Goal 2 – Well planned, vibrant and active places, Community Objective 2.3 - Infrastructure assets are well maintained and responsibly managed to provide for future generations – of the City of Busselton Strategic Community Plan 2013.

RISK ASSESSMENT

An assessment of the potential implications has been undertaken using the City's risk assessment framework.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
A financial implication if a higher level of SLH is to be applied to a building and the change to the level of insurance has not been implemented resulting in underinsurance.	Regular reviews of SLH to identify changes to the building condition and/or the community needs.	Moderate	Possible	Medium
Damage occurs to a number of buildings valued at under \$50,000 which are not insured.	Insurance needs for these buildings to be covered through the existing building reserves fund when and if required.	Minor	Rare	Low

CONSULTATION

Not required.

OFFICER COMMENT

This report presents the Building Insurance Policy. The policy has provided consistent guidance to the City in allocating an insurance level appropriate to each building. This guidance is based on the SLH, current condition and planned future use.

The Building Insurance Policy has been reviewed and assessed as requiring only a minor change. Where referred to in the report, the words 'reinstatement /reinstatement' should be replaced with the words 'replacement/reinstatement'. These changes are shown as track changes on Attachment A.

CONCLUSION

While no substantial changes are recommended, the operation of the policy has been examined in detail to ensure no other changes are required. It is the considered view of officers that the policy included in this report has been operating efficiently and effectively since it was adopted by the Policy and Legislation Committee and the Council.

OPTIONS

The Council could choose not to adopt the updated Building Insurance Policy in favor of an alternative building insurance policy. This would require further investigation and presentation of an alternative policy to the Policy and Legislation Committee.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Building Insurance Policy would be effective immediately upon adoption of the officer's recommendation.

Council Decision / Committee Recommendation and Officer Recommendation

C1609/234 Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council adopts the following updated Building Insurance Policy:

029	Building Insurance Policy	V2 Draft
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1. PURPOSE

The purpose of this policy is to outline the rationale for allocating different levels of insurance for City owned buildings and/or improvements and to formalise the requirement for Lessees of City buildings to reimburse the City of Busselton for the cost of insurance.

2. SCOPE

This policy applies to all City owned buildings and / or improvements located in the City of Busselton that are covered by the City insurance policy. It also applies to all community and sporting groups and commercial lease holders of City owned buildings.

3. POLICY CONTENT

The Council has determined that a strategic approach is required with regards to levels of building insurance to ensure that the best value for money is obtained for each and every building covered. When determining the appropriate level of insurance to be applied to a particular building, certain information pertaining to this building needs to be obtained so that an informed decision can be made. This will also ensure that all buildings are assessed on an individual basis as well as within the context of the entire asset portfolio.

Buildings, where practicable, should be assessed on the basis of their Service Level Hierarchy (SLH) explained in more detail below, current overall condition which is based on an asset management assessment and whether there is an alternative should the building be no longer in operation.

Service Level Hierarchy

A Service Level Hierarchy (SLH) for buildings has been developed as part of the Building Asset Management Plan adopted by Council in December 2010 and has been used as the basis for determining insurance levels for buildings. The SLH defines an appropriate hierarchy for all City owned and managed buildings, which includes leased buildings and further defined below.

The buildings are to be assessed under the following three criteria;

Importance to the community

A rating based on perceptions of community expectations of services provided the scores are allocated between:

- 1 Very important
- 2 Important
- 3 Fair importance
- 4 Low importance
- 5 Not important

Criticality to the operations of Council

How critical a building is to the day to day operations of the City the scores are allocated as follows:

- 1 Very critical
- 2 Critical
- 3 Fair criticality
- 4 Low criticality
- 5 Not critical

Usage Factor

An assessment of the usage level of each building including workforce and public use, the scores are allocated between:

- 1 High usage
- 2 Moderate usage
- 3 Low usage
- 4 Some degree of usage
- 5 Little or no use

Each Criteria is given an equal weighting and points are allocated according to the score i.e. score 1 = 1 point, 2 = 2 points, 3 = 3 points, 4 = 4 points and 5 = 5 points. Points are allocated up to a maximum of fifteen across the three criteria. The scores can then be broken down into five (5) service level hierarchies for buildings as a guide for determining the Service Level Hierarchy.

Additional to this, leased buildings (both community and commercial) can be allocated into a hierarchy six (a, b or c) dependant on the City's level of obligation towards these buildings.

This will assist further in the allocation of insurance levels.

Service Level Hierarchy One (1)

A building that scores between a 1 and 3 is identified as core service, high usage and high public profile asset to be in very good condition operationally and aesthetically. A building that falls into this category would be insured for replacement/reinstatement value.

Service Level Hierarchy Two (2)

A building that scores between a 4 and 5 is identified as core service, moderate usage and /or moderate public profile asset to be in good / very good condition operationally and aesthetically. A building that falls into this category would be insured for replacement/reinstatement value.

Service Level Hierarchy Three (3)

A building that scores between a 6 and 7 is identified as core service, low usage and/or public profile asset to be in serviceable / good condition operationally and aesthetically. A building that falls into this category would generally be insured for replacement/reinstatement value and in some instances indemnity value.

Service Level Hierarchy Four (4)

A building that scores between an 8 and 10 is of non-core service, some degree of usage and / or profile, condition only needs to meet minimal operational and statutory requirements. A building

that falls into this category would generally be insured for replacement /reinstatement value and in some instances indemnity value.

Service Level Hierarchy Five (5)

A building that scores 11 plus is of non-core service, little or no usage and / or profile, it is unoccupied or surplus to requirements. A building that falls into this category would generally be insured for demolition value.

Service Level Hierarchy Six (a)

Commercial and community leased buildings for which the City is responsible to maintain and renew either directly or through coordination of funding programs. Due to the lease obligations a building that falls into this category would be insured for replacement /reinstatement value.

Service Level Hierarchy Six (b)

Commercial and community leased buildings for which the City is responsible for the structural integrity only (tenant or lessee responsible for day to day maintenance and minor renewal). Due to the lease obligations a building that falls into this category would be insured for replacement /reinstatement value.

Service Level Hierarchy Six (c)

Commercial and community leased buildings for which the City has no obligation with respect to the ongoing maintenance and renewal of the building i.e. not required to have a yearly budget allocation for these buildings. Due to the lease obligations a building that falls into this category would be insured for replacement /reinstatement value.

Insurance Levels

Each building, once assessed as per the requirements of this policy will be allocated an insurance level appropriate to its SLH, current condition and planned future use.

These insurance levels are as follows;

Replacement / Reinstatement: cost for full replacement of a building to current day standards including provisions for contingencies such as architects and engineers fees, removal of debris, extra cost of reinstatement, extinguishment costs and miscellaneous structures and equipment.

Indemnity Only: The “market value” of the building only. In the event of a total loss then that amount would be the maximum amount payable, there will be no consideration of replacing or rebuilding the asset in the processing of the claim.

This cover would be valid when it is deemed that a certain building would not be rebuilt in its current form and/or location, therefore doesn't require full replacement / reinstatement insurance cover.

Demolition Only: This value can be set by the Council, nominating a value to a certain building based on previous quotations, actual costs or an estimation of the probable costs to demolish it after a significant damage event.

No Insurance: Council may elect in some instances not to insure a building where other insurance cover already exists or the situation dictates that insurance cover is not necessary. This option would not be utilised in many instances.

Buildings Valued at under \$50,000 (excluding leased buildings): With the exception of Leased Buildings, the City will not insure buildings valued at under \$50,000, unless the CEO considers it necessary due to special circumstances to take out a separate policy of insurance in respect to a particular building. The City believes the City's existing Building Reserve sufficiently provides for the insurance needs of such buildings.

Valuation of Assets

To ensure that all building values are consistent with current replacement costs and / or market values, the City will undertake a revaluation carried out by a Certified Practising Valuer every three (3) years. This value will then form the basis of each building's insurance cover and will be indexed each financial year by the Perth Consumer Price Index (CPI) until such time as an updated valuation is undertaken.

Leased Building

All leased buildings and improvements are to be insured for replacement/reinstatement value. Lessees are required to reimburse the City to the full extent of the cost of insurance for Leased Buildings. An exemption is applied to not for profit community and sporting groups leasing City owned or managed buildings that are listed with the Heritage Council of WA with conservation plans. A concession of 50% of the insurance premium is to be applied. No concession will be granted for commercial tenants.

Review

The policy is to be reviewed every three (3) years to coincide with the review of the Building Asset Management Plan and the re-valuation of City Buildings.

Policy Background

Policy Reference No: 029

Owner Unit – Asset Management

Originator – Coordinator, Asset Management, Engineering and Works Services

Policy approved by – Council

Date Approved – 24 July, 2013

Review frequency – Every 3 years

History

Council Resolution	Date	Information
		Version 2 Policy update generally to replace the words 'reinstatement/ reinstatement' with 'replacement/ reinstatement' to more accurately reflect the insurance type being referred to.
C1307/192	24 July 2013	Version 1

**CARRIED 9/0
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11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 DRAFT LOCAL PLANNING STRATEGY - CONSIDERATION FOLLOWING ADVERTISING

SUBJECT INDEX:	Local Planning Strategy
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Strategic Planning and Development
REPORTING OFFICER:	Principal Strategic Planner - Louise Koroveshi
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Draft Local Planning Strategy (as advertised) Attachment B Western Australian Planning Commission consent to advertise Attachment C Draft Local Planning Strategy (as adopted by Council) Attachment D Future Busselton 2050 Attachment E Schedule of Submissions Attachment F Schedule of Modifications Attachment G Matters to be Considered in the Leeuwin Naturaliste Sub-Regional Strategy

DISCLOSURE OF INTEREST	
Name/Person	Louise Koroveshi, Principal Strategic Planner
Item No./Position	11.1 - Draft Local Planning Strategy – Consideration Following Advertising
Type of Interest	Impartiality Interest
Nature of Interest	Spouse lodged submissions on behalf of landowners in response to advertising of the draft Local Planning Strategy.

PRÉCIS

The Council is requested to consider the draft Local Planning Strategy (draft Strategy) following advertising, with the aim of referring the draft Strategy to the Western Australian Planning Commission (WAPC) for its final endorsement. The advertised version of the draft Strategy is provided at Attachment A. The draft Strategy sets out the long term, broad planning direction for the District.

Development of the draft Strategy follows consultation processes undertaken commencing late in 2012. More recently, public consultation on the draft Strategy, including two public information sessions, was carried out over a period of 60 days ending 13 May 2016; 52 submissions were received.

The Schedule of Submissions, provided at Attachment E, contains a number of recommendations that are either partially supportive or not supportive of matters raised in submissions (both government agency and public submissions) and given that those matters are relatively straightforward to deal with and they are not viewed as having strategic significance, they are not specifically discussed within the main body of this report.

Other matters raised in submissions are considered to be more significant and include: settlement expansion at Carburnup River & Metricup; re-subdivision and consolidation within the Commonage & Dunbarton rural residential areas; the Ridgeway Drive precinct to the immediate west of Dunsborough Lakes; the Molloy Street/Ford Road precinct; 'Abbey South'; the Caves Road tourist strip; and expansion of Vasse north of the Vasse Bypass. Whilst not matters raised specifically in response to advertising, further consideration is also given to 'Vasse South', the Bunker Bay tourism

node (specifically the adjoining 'Farmbreak' site) and outcomes of the Busselton Traffic Study (specifically the 'Eastern Link').

Consideration of the draft Strategy has also identified a number of issues that are recommended the Council identify for assessment through the preparation of the Leeuwin Naturaliste Sub-Regional Strategy (LNSRS), as set out in Attachment G.

Officers are recommending that the draft Strategy is adopted by the Council for final approval in accordance with a Schedule of Modifications provided at Attachment F and subsequent referral to the WAPC for final endorsement.

BACKGROUND

At its meeting of 25 September 2013, the Council resolved to adopt a draft Strategy for advertising and referral to the WAPC for consent to advertise. The version of the draft Strategy (text and map) initially adopted by the Council is provided at Attachment C.

Subsequent to the adoption of the draft Strategy by the Council, Department of Planning staff provided informal advice to the City on elements of the draft Strategy that they would not be prepared to support, and sought feedback from the City. City staff informally discussed the advice of the DoP with Councillors and a revised working draft was prepared, reflecting some changes for consideration by the WAPC.

The WAPC granted consent to advertise the draft Strategy on 18 November 2015, subject to a number of further modifications (Attachment B). The key modifications that were required were as follows -

1. Delete Urban Growth Area 11 'Abbey South' – due to inconsistency with *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*.
2. Delete Urban Growth Area 13 'Vasse South' – due to inconsistency with *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*.
3. Urban Growth Area 12 'Vasse East' - to be considered through the preparation of the Leeuwin Naturaliste Sub-Regional Strategy due to inconsistency with *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*.
4. Modify Urban Growth Area 16 'Quindalup South' - by illustrating with an indicative symbol (star and arrows) and to be considered through the preparation of the Leeuwin Naturaliste Sub-Regional Strategy due to inconsistency with *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*.
5. Delete the Bunker Bay tourism node from Table 1: Settlement Framework – due to inconsistency with *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*.
6. Include the Dunsborough Light Industrial Area within Table 4: Industrial/Service Commercial Framework and to be investigated via the Leeuwin Naturaliste Sub-Regional Strategy for urban expansion and the associated relocation of the future LIA to a more suitable location.

Development of the draft Strategy prior to adoption by the Council for advertising followed a consultation programme which included, amongst other things, the release in late 2012 of an options paper entitled *Future Busselton 2050 – Strategic Growth Scenarios* (Attachment D). Feedback received via written submissions and as part of a series of workshops guided the development of the draft Strategy. The overwhelming preference expressed through the consultation process was for 'Scenario 3: Focused Growth'. The draft Strategy reflects that scenario most closely.

STATUTORY ENVIRONMENT

The key statutory environment relevant to consideration of this report is set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*. A local planning strategy is intended to set out the long-term, overall planning and development direction for a local government district. A local planning strategy is also a prerequisite for the adoption of a new local planning scheme that provides for significant change in planning direction. According to Regulation 11 of the *Planning and Development (Local Planning Schemes) Regulations 2015* -

(2) A local planning strategy must —

(a) set out the long-term planning directions for the local government; and

(b) apply any State or regional planning policy that is relevant to the strategy; and

(c) provide the rationale for any zoning or classification of land under the local planning scheme.

The Regulations also require that a local planning strategy is endorsed by the WAPC, and also establishes minimum requirements for advertising.

RELEVANT PLANS AND POLICIES

There are a wide range of State and local level plans and policies that have been taken into consideration in the formulation of the draft Strategy, including the WAPC's *South-West Regional Planning and Infrastructure Framework*, which sets out the State Government planning direction for the South-West of WA, and identifies Busselton as a 'high growth potential, sub-regional centre', and Dunsborough as a 'medium growth potential, major town'. Other important State-level plans, policies and guiding documents are —

- *State Planning Strategy*
- *State Planning Framework (SPP1)*
- *Environment and Natural Resources (SPP2)*
- *Basic Raw Materials (SPP2.4)*
- *Agriculture and Rural Land Use (SPP2.5)*
- *State Coastal Planning (SPP2.6)*
- *Water Resources (SPP2.9)*
- *Urban Growth and Settlement (SPP3)*
- *Residential Design Codes (SPP3.1)*
- *Development Contributions for Infrastructure (SPP3.6)*
- *State Industrial Buffer (SPP 4.1)*
- *Activity Centres for Perth and Peel (SPP4.2)*
- *Leeuwin Naturaliste Ridge (SPP6.1)*
- *Liveable Neighbourhoods: Community Design Code.*
- *Busselton Wetlands Conservation Strategy*
- Infrastructure plans and policies that address such matters as roads and transport, power, water, wastewater, education, health facilities and so forth.
- Environmental Protection Authority (EPA), Department of Environmental Regulation and Department of Water guidance related to habitat and vegetation protection, wetlands and water quality.
- WAPC endorsement of the preferred alignments for the Busselton Outer Bypass (BOB) and Vasse-Dunsborough Link.

The City has a range of strategies and plans that have also informed the preparation of the draft Strategy including —

- *Busselton Urban Growth Strategy*

- *Local Rural Planning Strategy*
- *Local Commercial Planning Strategy*
- *Local Tourism Planning Strategy*
- *Local Cultural Planning Strategy*
- *Local Environmental Planning Strategy*
- *Biodiversity Incentive Strategy*
- *Community Strategic Plan*
- *Busselton Foreshore Master Plan*
- *Airport Master Plan and Conceptual Land Use Plan*

Other key documents include the *Commonage Policy Area Consolidated Structure Plan* and approved structure plans for existing, planned urban growth areas of Yalyalup, Vasse, Ambergate North, Dunsborough Lakes, Port Geographe, South Broadwater, Yalyalup Industry Park, as well as the Busselton Foreshore.

FINANCIAL IMPLICATIONS

There are considered to be no financial implications arising from the implementation of the Officer Recommendation.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The preparation of the draft Strategy has been cognisant of the issues identified by the community as being important through the Strategic Community Plan process. The draft Strategy reflects the six key goal areas and community objectives set out in the City of Busselton *Strategic Community Plan*.

RISK ASSESSMENT

The draft local planning strategy sets out the long-term planning direction for the City and it is not practicable to undertake a risk assessment of a project of this nature using the City's risk assessment framework.

CONSULTATION

The draft Strategy was advertised for 60 days between 16 March and 13 May 2016. 52 submissions were received (11 government agency and 41 public submissions). A Schedule of Submissions is provided at Attachment E. Public information sessions held in Busselton (5 April 2016) and Dunsborough (26 April 2016) attracted an attendance of six and approximately 35 people respectively. Feedback from both public information sessions indicated broad support for the overall direction of the draft Strategy.

The Schedule of Submissions also contains a number of recommendations that are either partially supportive or not supportive of matters raised in submissions (both government agency and public submissions) and given that those matters are relatively straightforward to deal with and/or are not viewed as having strategic significance, they are not specifically discussed within the body of this report. The substance of the submissions concerned can be broadly classified as follows –

1. Molloy Street/Ford Road Precinct

- 4 submissions advocating the identification of the precinct as an urban growth area.

2. Abbey South

- 3 submissions requesting the identification of Lots 12, 402 and 4 Caves Road, Abbey as a 'Medium Term Urban Growth Area'.

3. Dunsborough

- 1 submission not supportive of town centre expansion and advocating a shop retail floorspace cap for Dunsborough Lakes;
- 3 submissions supportive of 'Dunsborough South' urban expansion area;
- 1 concern over the location of the 'separation of settlements' line; and
- 2 submissions supportive of, and 1 submission objecting to, the Ridgeway Drive precinct (immediately west of Dunsborough Lakes) being identified as an urban growth area.

4. Commonage and Dunbarton Rural Residential Areas

- 8 submissions supporting re-subdivision and consolidation of numerous properties; and
- 1 submission commenting that a review of the *Commonage Policy Area Consolidated Structure Plan* should avoid further development in vegetated areas.

5. Busselton City Centre

- 3 submissions advocating the preparation of an activity centre plan to redefine the boundary of the City Centre to include Lot 17 West Street and Lots 2, 3 and 11 Bussell Highway.

6. Ambergate

- 1 submission requesting text and mapping modifications for Chapman Hill Road Industrial/Service Commercial growth area to reflect a proposed scheme amendment; and
- 1 submission proposing to rezone Lots 4 and 2363 Queen Elizabeth Avenue, within Ambergate North, for short term urban development.

7. Caves Road Tourist Strip and Strata Titled Tourism Development in Rural Areas

- 1 submission suggesting the draft Strategy could be misinterpreted as not supporting strata titling of major tourist accommodation development in rural areas; and
- 1 submission objecting to the 'Rural Areas' classification for Lot 200 Caves Road, Dunsborough and requesting the site's identification for tourist and residential purposes.

8. Industrial/Service Commercial Growth Areas – Busselton

- 2 submissions supportive, but suggesting inclusion of triggers/mechanisms for the staged release of identified areas.

9. Vasse

- 1 submission requesting expansion of Vasse north of Busselton Bypass extension and increase in retail floorspace cap for the Vasse village centre;
- 2 submissions expressing concern about traffic/safety issues; and
- 1 submission supporting an increased retail floorspace cap for Vasse townsite.

10. Carbinup River and Metricup

- 1 submission not supportive of settlement expansion at Carbinup River and Metricup due to the potential for land use conflict; and
- 1 submission requesting changing Metricup from 'Long Term Urban Growth Area' to 'Short/Medium Term Urban Growth Area'.

11. South Broadwater

- 1 submission requesting mapping modification to Urban Growth Area 6 - South Broadwater to reflect the boundary of the 'Conservation' zone proposed by Amendment 13 to Local Planning Scheme 21 (Nilgup Park).

12. Eagle Bay

- 1 submission requesting the identification of Lot 50 Eagle Bay Road as a 'Medium Term Urban Growth Area'.

13. Aged persons' accommodation

- 2 submissions supporting greater emphasis and certainty on the provision of aged persons' housing and aged care accommodation.

14. Miscellaneous

- 1 submission supporting the draft Strategy and continued community consultation;
- 1 submission supporting planned airport upgrades; and
- 1 submission supporting road and waste management initiatives and commenting that a high speed passenger rail link between Perth and Margaret River is unrealistic.

15. Government Agencies

- 6 submissions suggesting text and/or mapping changes, some of which are recommended in the 'Schedule of Modifications'; and
- 5 submissions of general commentary, no comment or no objection.

The matters raised in submissions that are viewed as being more complex and/or strategically significant include: settlement expansion at Carburnup River & Metricup; re-subdivision and consolidation within the Commonage & Dunbarton rural residential areas; the Ridgeway Drive precinct to the immediate west of Dunsborough Lakes; Molloy Street/Ford Road precinct; Abbey South; Caves Road tourist strip; and the expansion of Vasse north of the Vasse Bypass. Whilst not raised specifically in response to advertising, further consideration is also given to Vasse South, the Bunker Bay tourist node (specifically the adjoining 'Farmbreak' site) and the outcomes of the Busselton Traffic Study (specifically the 'Eastern Link'). These matters are discussed further under the 'Officer Comment' section of this report.

OFFICER COMMENT

The more complex and/or strategically significant issues raised during the public consultation process, and three additional matters for further consideration are addressed under the following sub-headings:

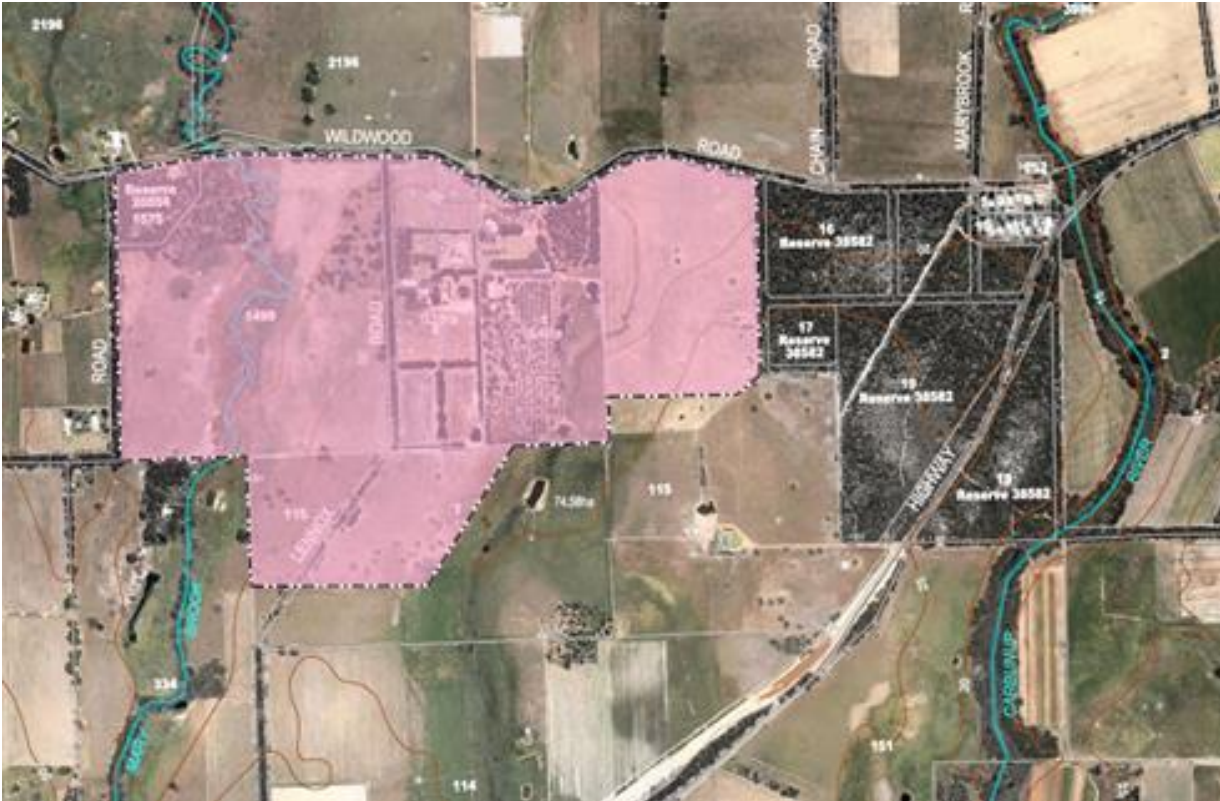
1. Settlement expansion at Carburnup River & Metricup;
2. Re-subdivision and consolidation within the Commonage & Dunbarton rural residential areas;
3. The Ridgeway Drive precinct;
4. Molloy Street/Ford Road precinct;
5. Abbey South;
6. Caves Road tourist strip;
7. Expansion of Vasse north of Vasse Bypass;
8. Vasse South;
9. Bunker Bay tourist node; and
10. Busselton Traffic Study – 'Eastern Link'.

1. Settlement expansion at Carburnup River & Metricup

One government submission received recommended against settlement expansion at Carburnup River and Metricup due to the potential for land use conflict. A second submission received requested changing Metricup from 'Long Term Urban Growth Area' to 'Short/Medium Term Urban Growth Area'.

The main concern raised by the government agency in relation to settlement expansion at Caribunup River and Metricup focuses on the potential for land use conflict between residents and commercial agricultural activities and practices (principally chemical spray, fumigant drift, noise and dust).

Caribunup River and Metricup were identified as medium and long term growth areas respectively because the draft Strategy must have due regard to State Planning Policies, and in particular *State Planning Policy 6.1 Leeuwin Naturaliste Ridge* (LNRSP). The LNRSP settlement hierarchy identifies both Caribunup River and Metricup as ‘hamlets’ (i.e. settlements with up to 500 residents). The general locations for settlement expansion for Caribunup River and Metricup are shown in the following images –



Caribunup River



Metricup (note: no more specific location yet identified)

In considering proposed settlement expansion at Carburnup River (and to some degree, Metricup), the Council resolved at its meeting on 10 February 2016, to recommend that the WAPC (inter alia) -

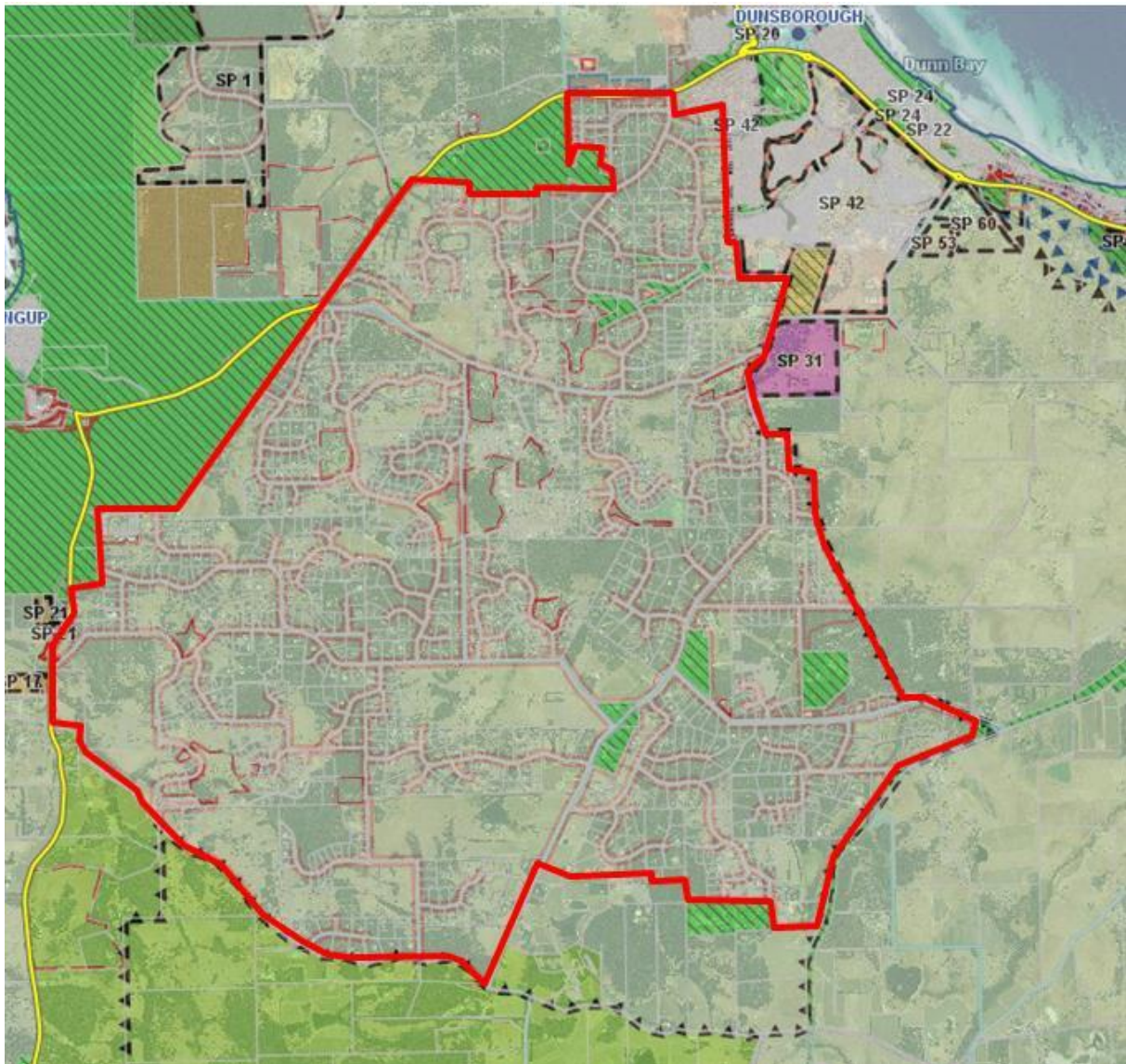
1. *Does not support the progression of the Carburnup River settlement expansion proposal to the scheme amendment and structure planning stages for the following reasons –*
 - *The proposal does not reflect contemporary planning and sustainability principles that support compact urban form with an emphasis on redevelopment and consolidation within, and expansion focused on, existing urban areas to best utilise infrastructure, services and community facilities.*
 - *The proposal is inconsistent with State Planning Policy 1: State Planning Framework and State Planning Policy 3 Urban Growth and Settlements as it would facilitate the development of a small, isolated and ‘off-grid’ settlement remote from existing infrastructure such as reticulated sewer and water services, community and commercial services, employment and schools, with very few services and facilities and with an almost total reliance on private cars for transport.*

- *Population growth and land supply projections that underpin the City of Busselton Draft Local Planning Strategy demonstrate that there is sufficient zoned and structure planned urban land to accommodate projected growth for at least the next 15 years (without any substantiated need for a new settlement at Caribunup River).*
 - *Advertising of the proposal did not elicit a strong view or consensus from the local community that settlement expansion at Caribunup River is either warranted or supported.*
 - *Whilst a number of matters raised as grounds of objection/concern would need to be comprehensively addressed and resolved through subsequent rezoning and structure planning phases (should the current proposal be supported), a new settlement at the proposed location would place residents in an established agricultural area surrounded by, and in close proximity to, intensive agricultural operations and subject to chemical spray, fumigant drift, noise and dust. There would be a strong potential for land use conflicts. This would be inconsistent with State Planning Policy 1 State Planning Framework, State Planning Policy 2.5 Rural Land Use Planning, State Planning Policy 3 Urban Growth and Settlement and the South West Planning and Infrastructure Framework.*
2. *Includes the reassessment and review of potential settlement expansion areas (as currently set out in Table 5 Settlement Hierarchy of State Planning Policy 6.1 Leeuwin Naturaliste Ridge) for Caribunup River and Metricup as an integral part of the Leeuwin Naturaliste Sub-Regional Strategy.*

After consideration of the two submissions, and in light of the resolution of the Council, officers are recommending that Caribunup River is amended from 'Medium Term Urban Growth Area' to 'Long Term Urban Growth Area' (same as Metricup) with settlement expansion for both Caribunup River and Metricup to be considered via the Leeuwin Naturaliste Sub-Regional Strategy (LNSRS).

2. Re-subdivision and consolidation within the Commonage & Dunbarton rural residential areas

The main focus of submissions received advocated broad support for re-subdivision and consolidation within the Commonage and Dunbarton rural residential generally, and with specific preference for subdivision of individual and/or groups of landholdings. The rural residential areas are shown in the following image -



Commonage



Dunbarton

Some of the locations suggested in submissions for re-subdivision are not considered the most appropriate for consolidation (especially in the southern and more distant from Dunsborough areas of the Commonage).

The intent of the draft Strategy is to plan to identify *suitable* areas for re-subdivision and therefore there is seen to be a need to manage landowner expectations in this regard. It is considered that the identification of suitable areas should be a targeted process via a City-led project and not on an *ad hoc* basis driven by individual landowners. Land supply within the Commonage is also not an issue currently, as there remain significant opportunities under the *Commonage Policy Area Consolidated Structure Plan* for subdivision that have not been taken up. There are numerous other considerations that such a process would need to account for, such as –

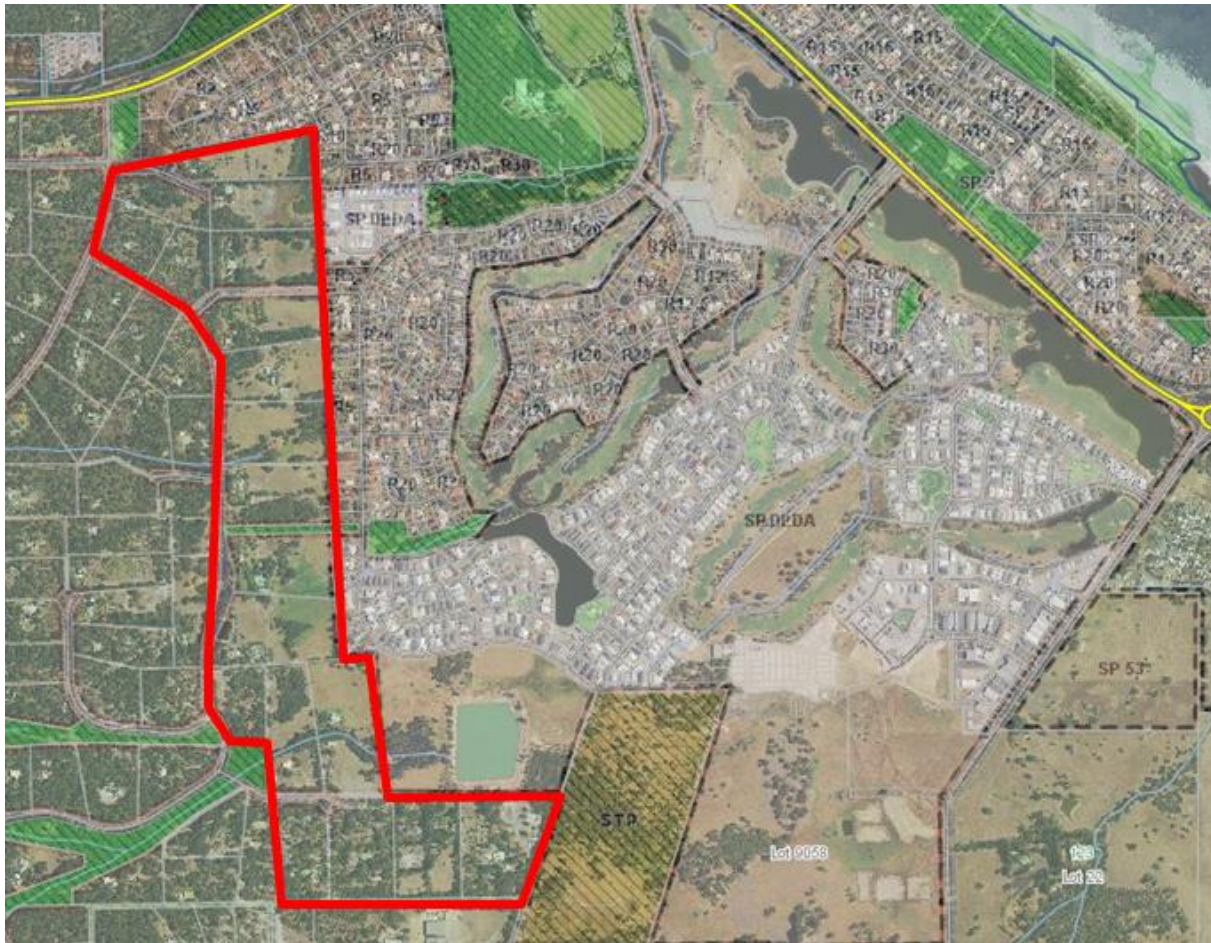
- Protection of remnant native vegetation and other environmental issues;
- Bush fire risk;
- Landscape character and visual amenity;
- Road connectivity;
- Proximity to and provision of infrastructure services such as scheme water;
- Settlement planning principles (especially in the southern and more remote areas of the Commonage) and proximity to community services and facilities; and
- Diversity of lot sizes.

Consideration of settlement planning principles would suggest that potentially the most appropriate area for initial consideration within the Commonage would be within part of the Quedjinup locality northwest of Biddle Road. The general area is more gently undulating, mostly cleared, close to scheme water and other community services/facilities in, and near to, the Dunsborough Town Centre, easily accessible from Caves Road and would potentially allow consideration of smaller Special Residential sizes lots (i.e. 2,000 – 5,000m²). Notwithstanding this, land supply in particular is not a pressing issue, and officers are of the view that this is not a project that should be a strategic priority for the City (and that is expected to remain the case for at least a decade).

The Dunbarton rural residential area is viewed as having a higher priority for City-led review as rural residential land supply in the Busselton area is more constrained; the area is generally less environmentally constrained and is relatively close to existing urban areas, services and facilities.

3. Ridgeway Drive precinct

Two submissions were received requesting the identification of the Ridgeway Drive precinct as a 'Medium Term Urban Growth Area'. The precinct is identified as those larger lots located between the western boundary of Dunsborough Lakes and Ridgeway Drive/Koopin Place. The general location of the area is indicated by the blue star on the following aerial photograph -



Ridgeway Drive precinct

An objection to closer settlement in this area was also received from a landowner in the precinct requesting that the area remain un-subdivided for the following reasons –

- To separate urban development in Dunsborough Lakes from Commonage rural residential lots;
- Visually aesthetic buffer area; and
- Provide a buffer to Dunsborough Lakes in the event of a bushfire.

The Ridgeway Drive precinct was identified on the version of the draft Strategy adopted by the Council in 2013 as 'Long Term Urban Growth Area 19'. The land was identified for a number of reasons, including –

- Large lot sizes;
- Gentle topography and mostly cleared;
- Close to the Dunsborough Town Centre, community and recreational facilities;
- Close proximity to reticulated water and sewerage infrastructure;
- Opportunity for pedestrian and vehicle connectivity to Dunsborough Lakes Drive; and
- Logical extension to existing urban development.

Officers have considered two key questions in relation to the focus of the submissions -

- Is there a *need* to identify new urban growth areas in addition to those already identified in the draft Strategy?
- If so, where is the best *location* for that to occur?

In terms of *need*, the land supply/dwelling yield projections that underpin the draft Strategy indicate that there is insufficient zoned and structure planned land in Dunsborough to accommodate anticipated population growth.

In terms of *location*, the Ridgeway Drive precinct is generally environmentally unconstrained, and in terms of settlement planning principles, represents a logical extension of urban development at Dunsborough Lakes (for the reasons as set out above). Other than generally in a south/south east direction from Dunsborough and immediately west of Dunsborough Lakes in the Ridgeway Drive precinct, the physical expansion of Dunsborough is highly constrained.

Officers are recommending that consideration of the Ridgeway Drive precinct for 'Medium Term Urban Growth Area' development be given through the preparation of the Leeuwin Naturaliste Sub-Regional Strategy.

4. Molloy Street/Ford Road precinct

Four submissions (all appearing to be from related parties) were received requesting the identification of the Molloy Street/Ford Road precinct for future urban development and in particular the rezoning of Lots 17 and 18 Molloy Street from 'Agriculture' to 'Residential'. The precinct is shown in the following image -



Molloy Street/Ford Road precinct

Reasons provided in the submissions in support of the proposal include –

- Land is fragmented and lot sizes are unsuitable for agriculture;

- 1km from Busselton City Centre;
- Existing Residential R20 development is close by;
- Lot 17 is serviced by a sealed road, reticulated water, power, rubbish collection and postal delivery;
- Neighbouring land uses are non-agricultural; and
- Land has no conservation values.

The pattern of land fragmentation within this precinct is not a recent outcome - the area's value for productive agriculture was lost long ago. The area is, in fact, in many ways already a *de facto* rural-residential area. The unsuitability of land for agriculture is also very clearly not a sufficient basis to support closer settlement or urban development. Notwithstanding this, officers have considered two key questions in relation to the focus of the submissions -

- Is there a *need* to identify new urban growth areas in addition to those already identified in the draft Strategy?
- If so, where is the best *location* for that to occur?

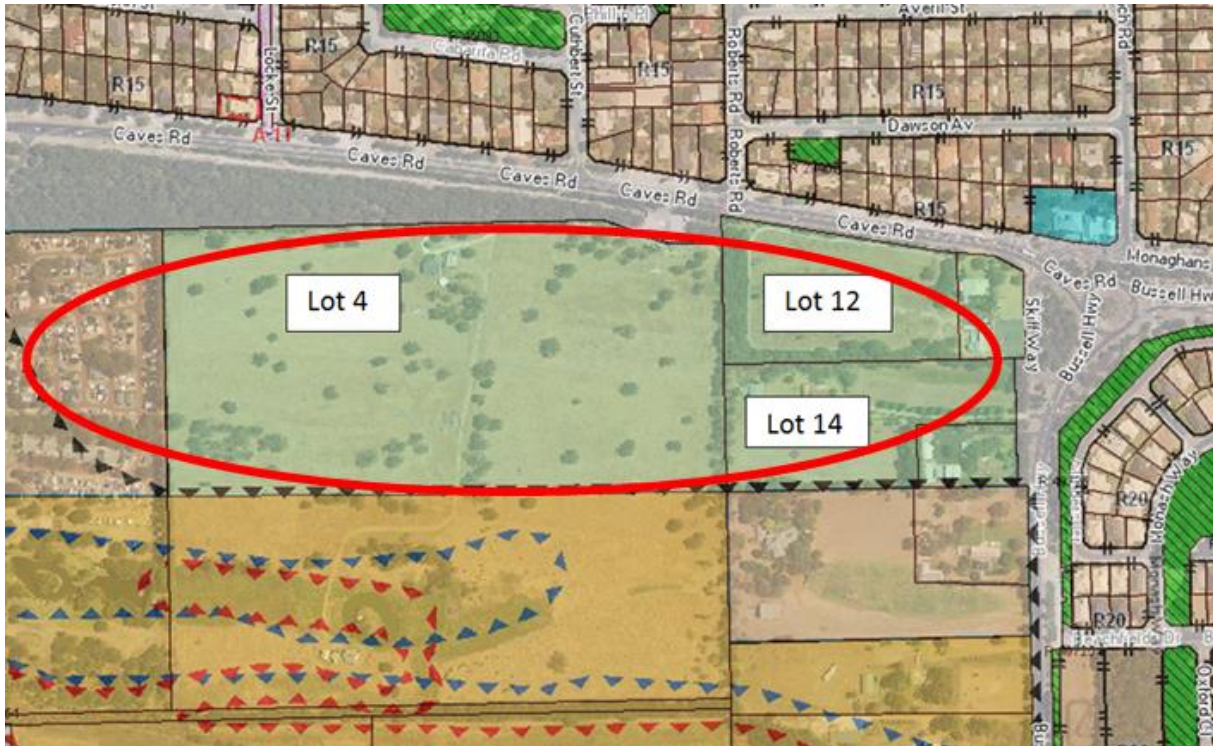
In terms of *need*, the land supply/dwelling yield projections that underpin the draft Strategy indicate that, in Busselton, there is already sufficient zoned and structure planned land, or identified growth areas, to accommodate anticipated population growth for at least the lifetime of the Strategy (15 years+) *without* the need to identify additional areas.

In terms of *location*, the Molloy/Ford Road precinct is *highly constrained* for environmental reasons (wetlands, flood risk) and is an area being considered for a number of intersecting infrastructure projects, such as planned future road network upgrades into the Busselton City Centre (e.g. Causeway Road upgrade, Eastern Link). Urban development in this area would also necessarily be fragmented and not integrated with a broader or coherent residential neighbourhood.

Officers are recommending that the Molloy Street/Ford Road precinct is not supported for identification as a new urban growth area as it is highly constrained due to: wetlands and flood risk; alternative traffic & access routes into Busselton City Centre and it is not needed for urban land supply. If the strategic direction were to change, 'Conservation' zoning would be the most appropriate, as it would not provide for further subdivision potential and have limited development potential, and would, in fact, be more appropriate than the existing zoning of the land.

5. Abbey South

Three submissions were received in support of the identification of 'Abbey South' as a 'Medium Term Urban Growth Area' to reflect the version of the draft Strategy adopted by the Council in 2013; essentially the area shown in the image below -



Abbey South

Officers have considered two key questions in relation to the focus of the submissions -

- Is there a *need* to identify new urban growth areas in addition to those already identified in the draft Strategy?
- If so, where is the best *location* for that to occur?

In terms of *need*, the land supply/dwelling yield projections that underpin the draft Strategy indicate that, in Busselton, there is already sufficient zoned and structure planned land, or identified growth areas, to accommodate anticipated population growth for at least the lifetime of the Strategy (15 years+) *without* the need to identify additional areas. That is, though, dependent upon planned/proposed urban growth areas (such as Bovell) commencing development in the medium term. Should that not occur, supply will diminish, with *choice and diversity* in the market becoming more constrained. The 'Abbey South' area has the potential to address that potential shortfall in a meaningful way.

In terms of *location*, officers are of the view that 'Abbey South' has considerable merit for identification for urban development for a number of reasons, including -

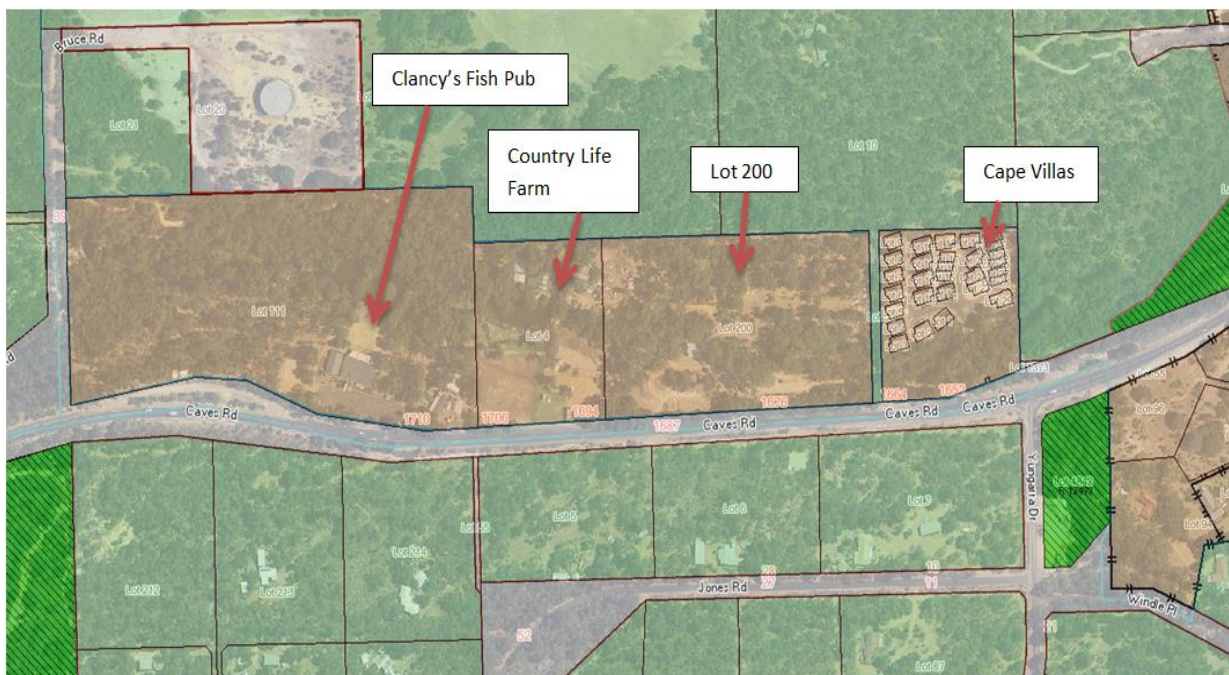
- The area is the last undeveloped coastal or near-coastal land with significant development potential in the Busselton-Vasse Urban Area;
- Further residential expansion to the west is constrained by land in public ownership (Locke Conservation Estate);
- It will round off existing residential development/settlement consolidation;
- There will not be any affect in terms of separateness of settlements;

- The area is close to neighbourhood shopping, schools, community infrastructure, public transport and servicing infrastructure; and
- No visual impact or significant environmental constraints.

Given that the WAPC did not support the inclusion of 'Abbey South' in the advertised version of the draft Strategy due to: inconsistency with the State Planning Policy 6.1 Leeuwin Naturaliste Ridge; not identified in the existing planning framework; and the Minister for Planning's decision to refuse to grant final approval to Amendment 176 to Scheme 20, which would have facilitated structure planning for urban development officers are recommending that consideration of 'Abbey South' for 'Medium Term Urban' development is given during the preparation of the Leeuwin Naturaliste Sub-Regional Strategy. That would allow for consideration of the proposal at that strategic level.

6. Caves Road tourist strip

One submission was received objecting to the inclusion of Lot 200 Caves Road, Dunsborough in 'Rural Areas' and seeking a change in designation to tourist and residential. Lot 200 is one of four lots that form a pocket of land zoned 'Tourist' under Local Planning Scheme 21 along Caves Road, as shown on the following image -



Caves Road tourist strip

The draft Strategy does not specifically identify 'Tourist' zoned land within urban areas or land having tourist accommodation in non-urban areas (such as the numerous 'Additional Use' areas throughout the District that provide for both low-key (i.e. chalets) and more significant tourist development).

The focus of the submission raises a number of planning issues related to the intensification of development that are applicable not only to Lot 200, but also the neighbouring 'Tourist' zoned lots. The planning issues are summarised as follows -

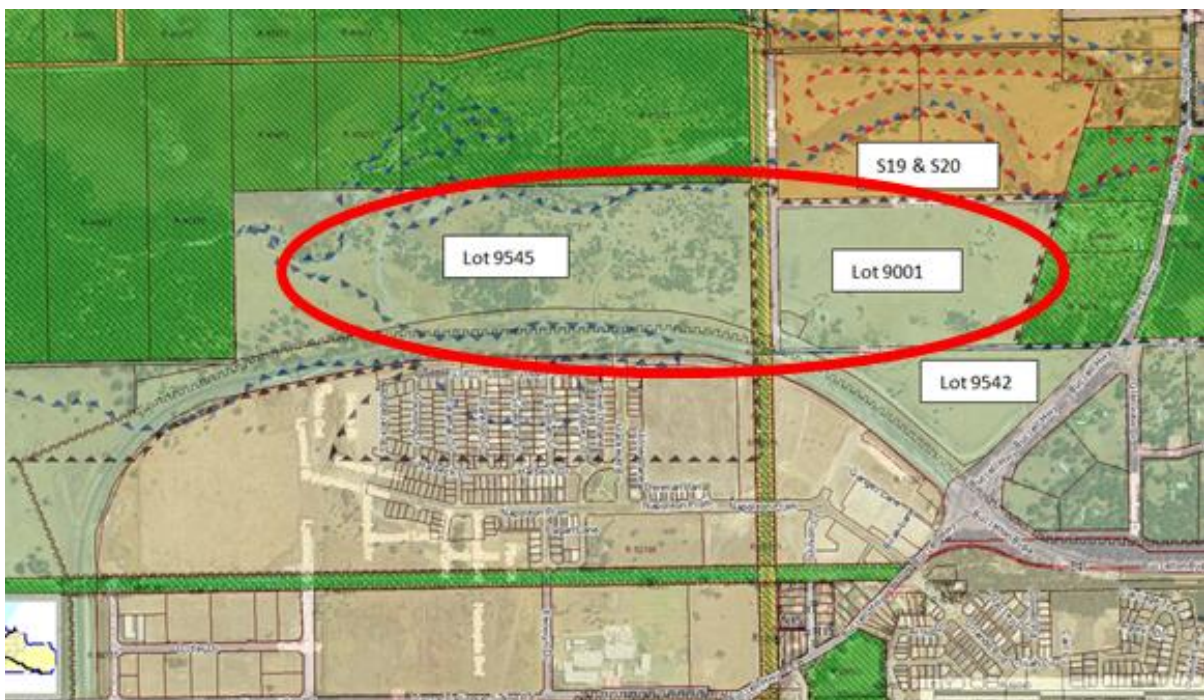
- remnant vegetation and steep topography;
- area and surrounds are designated as bush fire prone on State Map of Bushfire Prone Areas;
- no secondary road access (could not comply with *State Planning Policy 3.7 Planning in Bushfire Prone Areas*);

- *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*, the draft Strategy and the *Local Tourism Planning Strategy* do not contemplate tourist accommodation sites in the Rural or other zones outside of town sites as being suitable for a residential component; and
- To achieve acceptable fire management/protection outcome, even putting aside the fundamental flaw relating to access, there would be a significant impact on vegetation and the visual landscape amenity which is contrary to *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*, the 'Landscape Value Area' pursuant to Local Planning Scheme 21 and the *Local Rural Planning Strategy*.

Officers are recommending that the submission is not supported due to these planning issues.

7. Vasse

One submission was received seeking support for expansion of the Vasse urban footprint north of the Vasse Bypass, broadly the area highlighted on the following image –



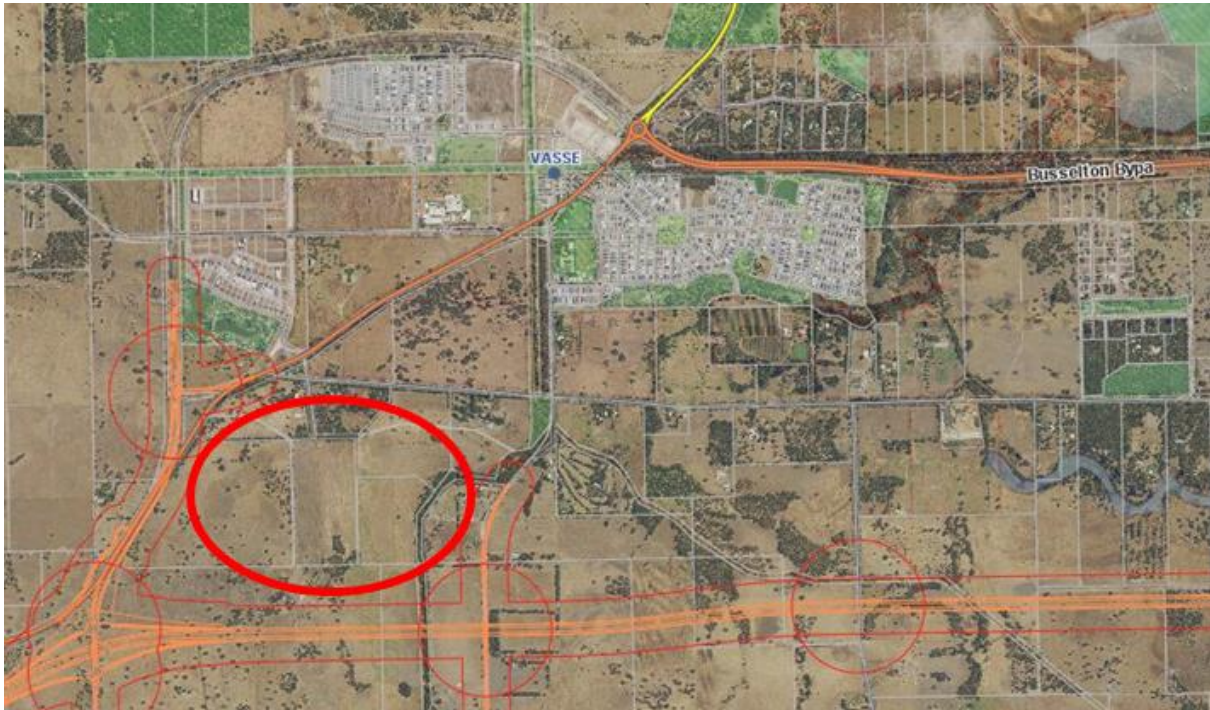
Vasse

The expansion of the Vasse footprint north of the Vasse Bypass is not contemplated by *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*. If this land had been contemplated for inclusion as part of Vasse, the alignment of the Vasse Bypass would in any case have been planned further northwards, to avoid the significant road severance issues that would result. Potentially, however, part of the land could be considered for the location of institutional uses, such as medical or educational uses, with a District-wide or regional catchment, wherein severance from the Vasse settlement would be much less problematic.

The same submission also sought an increase in the permissible shop retail floorspace for the Vasse Village Centre to 8,500m². An increase in shop retail floorspace to 8,500m² is also not contemplated by *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*. It would result in an activity centre significantly larger than the 'neighbourhood centre' classification in SPP6.1 and the shop retail cap for the Village Centre established by the current endorsed structure plan (4,650m²). Such a significant increase in shop retail floorspace would undermine/delay the delivery of discount department store & additional supermarket development within the Busselton City Centre, the Dunsborough Town Centre and the future Ambergate North district centre. As such, it is not supported.

8. Vasse South

Land to the south of Vasse (i.e. between the southern extent of the Vasse footprint and the alignment of the Busselton Outer Bypass corridor) was identified as a 'Long Term Urban Growth Area' on the version of the draft Strategy adopted by the Council in 2013. The indicative area is highlighted on the following image (with the currently planned Outer Bypass alignment also indicated in orange) -



Vasse South

Officers have considered two key questions in relation to 'Vasse South':

- Is there a *need* to identify new urban growth areas in addition to those already identified in the draft Strategy?
- If so, where is the best *location* for that to occur?

In terms of *need*, the land supply/dwelling yield projections that underpin the draft Strategy indicate that, in Busselton, there is already sufficient zoned and structure planned land, or identified growth areas, to accommodate anticipated population growth for at least the lifetime of the Strategy (15 years+) *without* the need to identify additional areas. That is, though, dependent upon planned/proposed urban growth areas (such as Bovell) commencing development in the medium term. Should that not occur, supply will diminish, with *choice and diversity* in the market becoming more constrained. The 'Vasse South' area has the potential to address that potential shortfall in a meaningful way.

In terms of *location*, 'Vasse South' has considerable merit for identification for future urban development as the land is relatively unconstrained, would consolidate settlement around Vasse (commercial, retail, education and other community infrastructure, service infrastructure) and would not have major road severance issues.

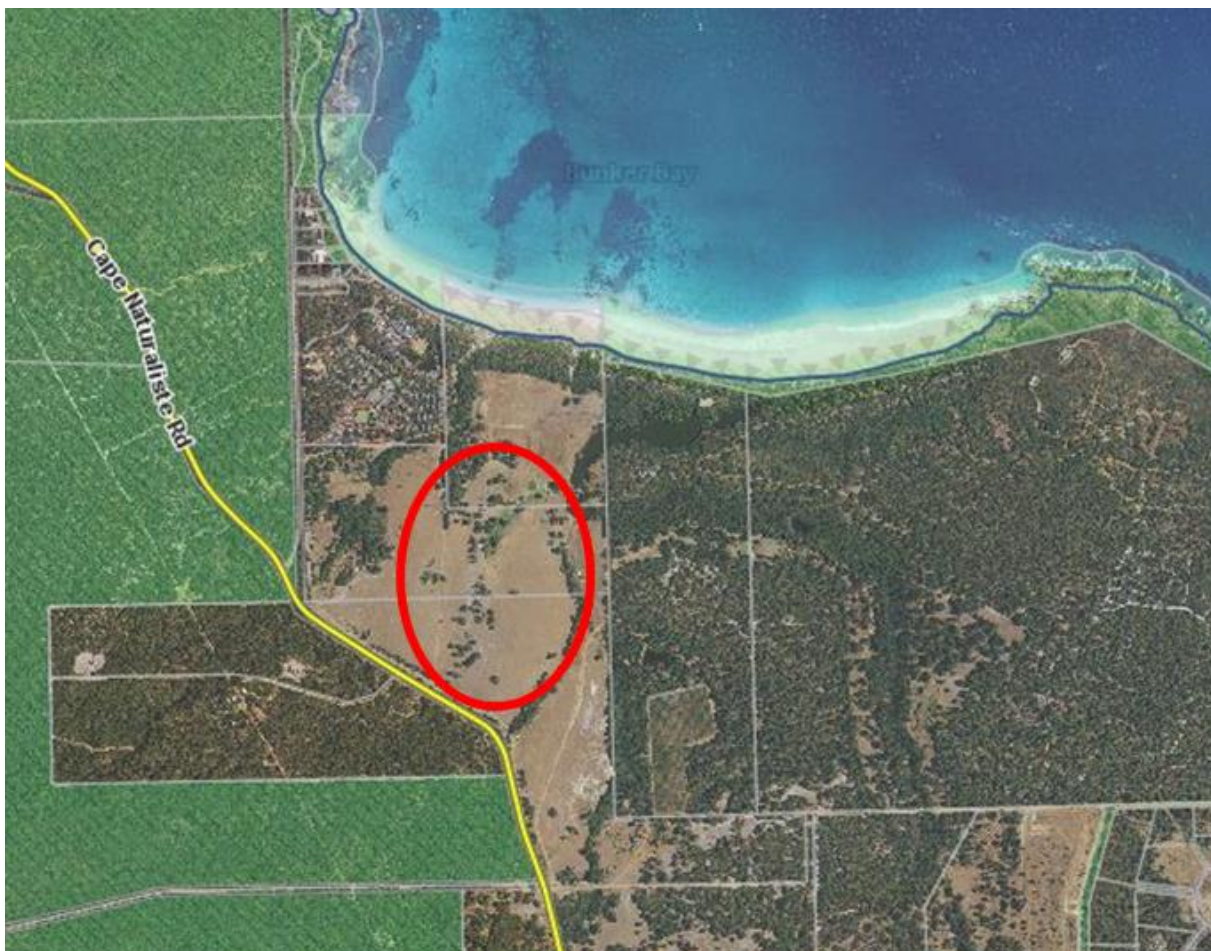
Strategically, the option of 'Vasse South' becomes more significant for consideration of the extension of Vasse, particularly given that 'Vasse East' (which is included as an additional urban growth area in the draft Strategy) is *already* zoned 'Rural Residential'. Although structure planning to guide consolidated subdivision is yet to commence, officers have recently been made aware that the owner of the largest land parcel is potentially contemplating pursuing subdivision and development

under the current zoning. Notwithstanding the identification of this land in the draft Strategy for long term urban, there is no certainty that this desirable future development will not be compromised by the current zoning.

For the abovementioned reasons, officers are recommending that 'Vasse South' be investigated for long term urban growth through the Leeuwin Naturaliste Sub-Regional Strategy.

9. Bunker Bay tourism node

The Bunker Bay tourism node was included in Table 1: Settlement Framework in the version of the draft Strategy adopted by the Council in 2013 to enable further consideration of the potential for tourism accommodation development within Lots 50 and 203 Bunker Bay Road and Location 683 Cape Naturaliste Road, Naturaliste ('Farmbreak' site). The subject land is adjacent to the existing tourist resort at Bunker Bay, broadly as illustrated on the image below -



Bunker Bay tourism node

The principal reason for this proposal being deleted from the advertised version of the draft Strategy by the WAPC related to inconsistency with *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*.

The strategic rationale for Council including the Bunker Bay tourism node was essentially that very high end accommodation needed to attract certain kinds of tourists will require iconic development in iconic sites, and there are very limited opportunities available for that. The other key strategic issue was that development at 'Farmbreak' would facilitate improved access to the beach at Bunker Bay, which is important for the community and tourism. The plans for the expansion/upgrading of the Busselton-Margaret River Airport will also support tourism and provide the impetus for further investment in new tourism accommodation product.

Inclusion of the Farmbreak site in the Bunker Bay tourism node in the Council adopted version of the draft Strategy highlighted the need for further, more detailed planning that might provide for development at the Farmbreak site, subject to the resolution of visual/landscape planning issues and a range of other relevant planning matters. Officers are of the view that there is merit in advocating extension of the Bunker Bay tourism node to include the Farmbreak site and this is recommended to occur through the Leeuwin Naturaliste Sub-Regional Strategy process.

10. Busselton Traffic Study – Eastern Link

The Busselton Traffic Study contains proposals for planned future road network upgrades into the Busselton City Centre such as the Causeway Road upgrade, 'Eastern Link' and development of Ford Road. The advertised version of the draft Strategy flags two possible options for a link between Bussell Highway and Layman Road via the upgrading of Ford Road, but does not include the 'Eastern Link' route (largely because the Busselton Traffic Study was not advanced at the time the draft Strategy was formulated). Officers are of the view that the inclusion of the 'Eastern Link' route as a 'Planned Potential Strategic Local Road' should be a recommended modification to the draft Strategy, particularly given that the Ford Road options have significant environmental implications.

CONCLUSION

The draft Local Planning Strategy is seen as providing a sound framework for the ongoing growth and development of the District, building on existing settlement patterns and planning that has already been undertaken. The draft Strategy that has been prepared is seen to be a forward-looking, but fairly orthodox document in terms of underlying planning philosophy. The draft Strategy received a broad level of support in its direction stemming from public advertising, and in particular, the public information sessions.

Officers are recommending that the draft Local Planning Strategy is supported, in accordance with the modifications proposed in the 'Schedule of Modifications' (Attachment F), and referral to the Western Australian Planning Commission for endorsement. The Council is also asked to endorse the Schedule of Submissions (Attachment E). Further, acknowledging the apparent requirement for higher-level strategic consideration of some proposals, Council is asked to identify a range of matters to be considered as part of the Leeuwin-Naturaliste Sub-Regional Strategy process (Attachment G).

OPTIONS

Should the Council not support the Officer Recommendation, the Council could consider the following alternative options –

Option 1: Resolve not to support final endorsement of the draft Local Planning Strategy.

Option 2: Resolve to support the draft Local Planning Strategy subject to further/lesser/different modifications

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the Officer Recommendation will involve the referral of the draft Local Planning Strategy and associated documents to the WAPC for endorsement, and it is envisaged that will occur within one month of a Council decision.

Council Decision and Officer Recommendation**C1609/235** Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council:

1. Pursuant to r.14(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:
 - (i) support the draft Local Planning Strategy, in accordance with the modifications proposed by the 'Schedule of Modifications' at Attachment F, to address issues raised in the submissions.
 - (ii) endorse the 'Schedule of Submissions' at Attachment E, prepared in response to submissions received on the draft Local Planning Strategy, following public consultation between 16 March 2016 and 13 May 2016.
2. Pursuant to r.14(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to submit the draft Local Planning Strategy to the Western Australian Planning Commission with a request for endorsement.
3. Asks that the WAPC, in addition to any other issues raised during the process, consider the matters set out in Attachment G in developing the Leeuwin-Naturaliste Sub-Regional Strategy.

CARRIED 9/0**EN BLOC**

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

13.1 CSRFF ANNUAL AND FORWARD PLANNING GRANT APPLICATIONS

SUBJECT INDEX:	Funding Applications
STRATEGIC OBJECTIVE:	A City where the community has access to quality cultural, recreation, leisure facilities and services.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Development
REPORTING OFFICER:	Community Development Coordinator - Jeremy O'Neill
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A City of Busselton Application - Vasse Sports Pavilion Attachment B City of Busselton Application - Lou Weston Oval Sports Pavilion Attachment C Busselton Pistol Club Application - New Indoor Shooting Range Attachment D Busselton Pistol Club New Shooting Range Concept Plans

PRÉCIS

Each year Local Government Authorities are required to rate and prioritise the Annual and Forward Grant Community Sport and Recreation Facilities Fund (CSRFF) submissions received within their municipality.

The purpose of this report is to meet the CSRFF criteria by outlining the submissions received for projects within the City for this current funding round and request that Council rate each application prior to forwarding to Department of Sport and Recreation (DSR) for final consideration.

BACKGROUND

DSR administers the CSRFF program, with the purpose of providing State Government financial assistance to Local Government Authorities and local community groups (up to one third of the total capital cost), to develop well-planned facilities for sport and recreation.

In order to assist with the evaluation of submissions and to ensure projects are viable and appropriate, DSR has developed "Key Principles of Facility Provision". Accordingly, each submission is to be assessed against those criteria.

Under the provision, Local Government Authorities are required to rate and prioritise local submissions using the following guide;

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

Submissions for the current funding round closed on Friday, 12 August 2016. Following this date, each Local Government Authority is required to assess and prioritise applications before forwarding

all documentation to the South West Office of DSR no later than 16 September 2016. For this particular round of the CSRFF, the dates have been brought forward by two weeks.

Following receipt by DSR, local applications along with others received throughout the State, will be evaluated and ranked by relevant State Sporting Associations and the CSRFF Assessment Panel, prior to the outcome being announced by the Minister for Sport and Recreation. Funds for successful applications will become available in July / August 2016.

There are two (2) grant categories being applied for in the current round of funding, as follows:

Forward Planning Grants

\$166,667–\$4,000,000 will be allocated to the large scale projects where the total project cost exceeds \$500,000 and may require an implementation period of between one and three years. Grants given in this category may be allocated in one or a combination of the years in the triennium.

Annual Grants

\$66,667 – \$166,666 will be allocated to projects with a planning and construction process that will be complete within 12 months. The total project cost for annual grants is between \$200,001 – \$500,000. Grants given in this category must be claimed in the financial year following the date of approval.

Three (3) applications were received for the current grant rounds are as follows:

Forward Planning Grants

1. *City of Busselton – Vasse Sports Pavilion (Lot 9546, Napoleon Promenade, Vasse).*
2. *City of Busselton – Lou Weston Oval Sports Pavilion (Reserve 17319).*

Annual Grants

3. *Busselton Pistol Club (Inc.) – New Indoor Shooting Range (Reserve 28419).*

STATUTORY ENVIRONMENT

Nil

RELEVANT PLANS AND POLICIES

Social Plan 2015-2025. A key goal of this plan is to “create needed, quality, sustainable recreation and leisure facilities and services for our community.”

The development of new sports pavilions at both Lou Weston Oval and the Vasse Sporting Complex are in accordance with the Council endorsed Active Open Space Planning Recommendations.

Should the Council adopt the recommendations within this report the City’s Long Term Financial Plan will require an amendment for 2017/18.

FINANCIAL IMPLICATIONS

1. City of Busselton – Vasse Sports Pavilion (Lot 9546, Napoleon Promenade, Vasse)

The first application from City of Busselton is for the development of the Vasse Sports Pavilion, which has a total estimated project cost of \$1,623,000 (ex GST). Based on this, should funding be secured, it is estimated that an additional \$805,269 of City funding will need to be incorporated into the 2017/18 budget (this is outlined in Table 1 below) with sources of funds to include the Vasse Developer reserve, Developer contribution pre-payment and Municipal fund contributions. This is based on the State Government contributing up to a maximum of 1/3 (one third) of the total project cost through the CSRFF funding.

In the 2016/17 financial year the City of Busselton was awarded \$138,366 as part of the previous DSR CSRFF Annual Grant round towards the development of the Vasse change rooms and ablutions. As these facilities are a key component within the broader Vasse Sports Pavilion, the City is required to apply on the basis that the secured CSRFF grant funds form part of DSR's 1/3 (one third) total project contribution. On this basis, the City's application is made under the following rationale:

1. Utilise and leverage existing CSRFF grant funds secured for the change rooms and ablutions components, so if successful complete the build as 'one project' in late 16/17 and early in the 17/18 financial year;
2. Utilise existing designs that have been undertaken for a similar facility at Barnard Park (Milne Street Pavilion) which is nearing design completion and contains all the functional elements requested by the Vasse Recreational Facility Working Group (VRFWG). Additionally this facility has been proofed by professionals in the fields of hydraulics, electrics, building, environmental health (public building, kitchen design, and compliance), facilities and the latest recreation industry knowledge;
3. Utilise potential future cost savings by proposing to build uniform sports pavilions across the district. These potential cost savings include both capital (design and construction) and on-going maintenance costs (economies of scale and uniformity for the City in managing and maintaining public ablutions and other public facilities).

The City of Busselton's contribution of 2/3 (two thirds) to the total project cost is \$1,082,000. It includes a combination of previous matching funds for the change rooms / ablutions, Developer reserve (savings from the earlier stages of oval and car park construction), Developer contribution pre-payment and municipal funds. This is highlighted below:

Table 1. Project Financials Vasse Sports Pavilion

Item	Expenditure	Item	Revenue
Change room / ablutions	\$415,097	2016/17 CSRFF Small Grant (awarded)	\$138,366
Remainder of Sports Pavilion	\$1,204,903	2016/17 City of Busselton - 2/3 Matching funds Change room / ablutions	\$276,731
Project Signage (DSR requirement)	\$3,000	Vasse Developer Reserve (Balance after oval and car park construction)	\$212,477
		Developer contribution pre-payment	\$300,000
		2017/18 City of Busselton - Municipal funds	\$292,792
		CSRFF Requested 2017/18	\$402,634
TOTAL	\$1,623,000	TOTAL	\$1,623,000

2. City of Busselton – Lou Weston Oval Sports Pavilion (Reserve 17319)

The second application from City of Busselton is for the development of the Lou Weston Oval Sports Pavilion, which has a total estimated project cost of \$1,218,000 (ex GST). Based on this, should funding be secured, it is estimated that \$812,000 of City funding will need to be incorporated into the 2017/18 budget. This is based on the State Government contributing up to a maximum of 1/3 (one third) to the total project cost through the CSRFF funding. This is highlighted below:

Table 2. Project Financials Lou Weston Oval Sports Pavilion

Item	Expenditure	Item	Revenue
Sports Pavilion	\$1,215,000	2017/18 City of Busselton - Municipal funds	\$812,000
Project Signage (DSR requirement)	\$3,000	CSRFF Requested 2017/18	\$406,000
TOTAL	\$1,218,000	TOTAL	\$1,218,000

3. Busselton Pistol Club (Inc.) – New Indoor Shooting Range (Reserve 28419)

The application from the Busselton Pistol Club Inc. (BPC) is for the development a New Indoor Shooting Range on Reserve 28419 and has a total project cost of \$314,499 (ex GST). BPC have been recommended for a cash commitment from the Council to the value of \$40,000 (ex GST) as part of the 2016/17 Community Bids Programme, which was considered by the Council at its ordinary meeting of 10 August 2016. This is highlighted below:

Table 3. Project Financials Busselton Pistol Club Indoor Shooting Range

Item	Expenditure	Item	Revenue
Construction of a Indoor Shooting Range	\$311,499	2016/17 City of Busselton - Community Bids	\$40,000
Project Signage (DSR requirement)	\$3,000	Club Financial commitment - cash	\$103,833
		Volunteer Labour	\$50,000
		Donated materials	\$16,833
		CSRFF Requested	\$103,833
TOTAL	\$314,499	TOTAL	\$314,499

Long-term Financial Plan (LTFP) Implications

Lou Weston Oval Sports Pavilion

There is currently \$40,000 and \$960,000 allocated in the City's LTFP in the 2017/18 and 2018/19 financial years respectively towards the Lou Weston Oval Sports Pavilion. Should funding be secured in 2017/18, funds from the 2018/19 financial year will need to be brought forward.

Vasse Sports Pavilion

As highlighted in table 1 (above), the City's 2/3 (two thirds) component for this project is coming from a variety of sources. Should the project proceed as planned, an additional \$292,792 will need to be sourced that is not currently listed within the City's current LTFP.

One possible source for the majority of these funds, should both of the City's projects be funded, is the potential to reallocate \$188,000 from the Lou Weston Oval Sports Pavilion project to this project.

STRATEGIC COMMUNITY OBJECTIVES

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

Caring and Inclusive Community

- 1.3 A community that supports healthy, active ageing and services to enhance quality of life as we age.

Well Planned, Vibrant and Active Places

- 2.1 A City where the community has access to quality cultural, recreation and leisure facilities and services.
- 2.2 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 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 as medium or greater.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Financial risk of any or all of the projects not receiving external grant funding	Any or all of the projects will only proceed at such point that they receive the additional funds (or reduced project scope if feasible) to do so	Minor	Possible	Medium

CONSULTATION

Consultation has taken place between City Officers and staff from the South West Office of DSR in regard to the City’s two (2) applications.

Consultation has also taken place between the staff from the South West Office of DSR and the representatives from the BPC. Consultation has also taken place between City and the key contacts from the BPC.

Consultation has taken place between City Officers and the Vasse Recreational Facilities Working Group (representing the community and sporting bodies in Vasse) and the Lou Weston Oval user groups of football, tee ball and netball in terms of the proposed sports pavilions at these precincts respectively.

OFFICER COMMENT

City of Busselton – Vasse Sports Pavilion (Lot 9546, Napoleon Promenade, Vasse) – Total estimated cost \$1,623,000

In 2013 the City of Busselton Council adopted (C1304/088) the Active Open Space Planning Recommendations to guide the future planning of active open space facilities within the district. This followed 18 months of consultation, needs assessments, a review of the City Leisure Services Plan and a demographic analysis of individual population precincts across the City. The facilities were assessed as either Local, District or Regional and the recommendations and designations across the region are detailed in the Active Open Space Planning 2013 document.

The key Council adopted facility development strategies for Vasse include:

<u>Precinct</u>	<u>Facility</u>	<u>Active Open Space Planning Recommendations</u>
Vasse	Vasse Newtown	That future active open space facilities at Vasse Newtown be designated as local level facilities for junior Soccer, Rugby and other rectangular sports, and that a local level facility Community Club be

		progressed including but not limited to Lawn Bowls, Croquet, Tennis, Bocce and Multi Sports (Basketball, Tennis and Netball)
		That the City, in conjunction with the Developer of Vasse Newtown, continue to work to address sustainable water supply issues for active open space area
		That the City, in conjunction with the Developer and the Vasse Community, continue to review the Vasse Newtown Developers Contribution Staging Plan to obtain the best outcome for the Vasse community
		That the City continues to work with the Department of Education and Training (DET) to obtain on-going community access to active open spaces on or adjacent to the DET sites of Cape Naturaliste College and the Vasse Primary School in Vasse

Stage 1 of the new Vasse Sporting Complex is due for final completion in October 2016, with play expected to commence on this area in March 2017. This stage included the construction of the western-most (north-south oriented) junior AFL oval (sports space), landscaping and initial stages of car parking. This has expedited the need for ancillary items such as toilets, change, meeting, umpire / first aid rooms, storage and kitchen and a kiosk that would be met by the construction of a new sports pavilion.

Under the guidelines for the CSRFF grant funding process, The City of Busselton is required to rank, in order of priority, all applications received from within its boundaries.

City Officers assessed the City's application against the following DSR required criteria:

- Project justification;
- Planned Approach;
- Community Consultation;
- Management Planning;
- Design;
- Financial Viability;
- Coordination.

A needs assessment was undertaken including consultation using a variety of methods, including regular follow up meetings (5 in total and ongoing) with members of the Vasse Recreational Facilities Working Group in 2015 and 2016, enabling the City to make an informed decision regarding the need for active open space and future club facilities, including storage, kiosk, kitchen / servery, meeting and function, office, spectator viewing. These facilities 'value add' to 1/3 CSRFF funding contribution towards the changing, first aid / umpire and ablution facilities secured in the 2016/17 CSRFF Annual Grant round.

A formal feasibility study was conducted on the project, providing a detailed economic and social background analysis, enabling the City to make an informed decision regarding the extent and future growth of these sports. Management of the Vasse Sports Pavilion has also been considered and factored into future management plans of the City. The design of the Vasse Sporting Complex (and the potential future pavilion) has included consideration of Australian and industry standards as well as maximising community opportunities for physical activity.

Under the guidelines for the CSRFF grant funding process, the City is required to rank, in order of priority, all applications received from within its boundaries. It is recommended that this application is ranked as an (A) Well planned and needed by the Municipality and number one (1) priority of the three applications received for consideration.

City of Busselton – Lou Weston Oval Sports Pavilion (Reserve 17319)– Total estimated cost \$1,218,000

The key Council adopted facility development strategies for Lou Weston Oval from the Active Open Space Planning Recommendations include:

<u>Precinct</u>	<u>Facility</u>	<u>Active Open Space Planning Recommendations</u>
Busselton	Lou Weston Oval	That Lou Weston Oval be designated as a local level facility for active open space sports such as diamond sports (Tee ball and Softball) and the club based sport of Netball, and as a future facility for Baseball, and provision be made for local level facilities for junior Australian Rules Football.
		That ageing infrastructure at Lou Weston Oval be replaced by considering shared club facilities and rationalisation of ablution facilities including; <ul style="list-style-type: none"> • Additional storage; • Installation of sports lighting at the Active playing Field; • Shelter / viewing area for spectators; • Rationalisation of club rooms, change rooms and public toilets at the reserve.
		That pedestrian and vehicular access and egress improvements be undertaken

In 2015/16 the City of Busselton applied to the CSRFF Summer Small Grants round for a Master Plan to address the facility development strategies outlined in the Active Open Space Planning Recommendations. Unfortunately on that occasion the application was unsuccessful, but the issues highlighted at this facility are still credible and are steadily creating more pressure on the user groups. In particular, junior football and junior tee ball have no storage, kiosk (canteen) facilities or spectator viewing (shelter) areas. In a similar fashion to Vasse, the strategic and operational benefits of the Milne Street Pavilion consultation and design process apply (albeit a smaller localised facility) to the construction of a future pavilion at Lou Weston oval.

A Needs Assessment was undertaken in 2012 and a follow up conducted in 2015 with all of the key users of Lou Weston oval, enabling the City to make an informed decision regarding the need for rationalisation of change, club and ablution facilities and develop a co-shared sports pavilion, including elements such as storage, kiosk, kitchen / servery, meeting /function, office, spectator viewing, contemporary change rooms, first aid / umpire and ablution facilities.

A formal feasibility study was conducted, providing a detailed economic and social background analysis, enabling the City of Busselton to make an informed decision regarding the extent and future growth of these sports. Management of the Lou Weston Oval Sports Pavilion has also been considered and factored into future management plans of the City. The proposed rationalisation of existing facilities and improved parking and pedestrian access and egress to the venue has included consideration of Australian and industry standards as well as maximising community opportunities for physical activity.

Under the guidelines for the CSRFF grant funding process, the City is required to rank, in order of priority, all applications received from within its boundaries. When considering this application against the other two (2) applications, it was considered a higher rank than the Busselton Pistol Club's application due its broader reach, but lower than the City's Vasse recreational facilities application due to Vasse not having any facilities of this nature at this time. It is recommended that this application is ranked as an (A) Well planned and needed by the Municipality and number two (2) priority of the three applications received for consideration.

Busselton Pistol Club (BPC) – New Indoor Shooting Range (Reserve 28419)- Total estimated cost \$314,499

The BPC have been operating from a portion of land on Reserve 28419 since 1975. Due to some safety concerns (in terms of proximity to Queen Elizabeth Avenue), the Western Australian Police (WAPOL) closed the BPC's outdoor ranges in 2004 and the BPC have operated an indoor air pistol facility ever since.

For many years the City has worked alongside the BPC, with the aim to develop a new compliant lead projectile shooting range. The current proposal involves environmental remediation of the leased BPC site (Reserve 28419), followed by the construction of a fully enclosed indoor shooting range. The BPC have recently commenced remediation works and are planning to be in a position by 2017/18 (subject to funding and City approval) to commence works on a new indoor shooting range. The BPC have had a steady increase in membership over the last five (5) years, with a new facility (allowing club members to shoot lead projectiles locally) expected to continue to this growth.

This project will provide a much needed new facility for the BPC enabling current membership to participate in their sport locally, as well as provide some potential of an expansion of membership, which is only currently 53, in the future. When considering and assessing this application, it ranked lower against the other two (2) applications due to the larger number of people (both general public and club members) that would receive positive benefits from those projects, if funded.

It is recommended that this project be assessed as a 'high' priority and that it is a (B) Well planned and needed by the applicant and number three (3) priority of the three applications received for consideration.

CONCLUSION

The three applications received for the 2017/18 CSRFF Annual and Forward Planning Grants funding round show sound reasoning and justification, as such it is recommended that Council adopts the Officers Recommendation to allow the projects to proceed should funding from DSR be forthcoming.

OPTIONS

The Council could decide not to support any or all of the three applications received or decide to rate and rank the three applications received in an alternative manner and order.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

DSR, South West Office staff will be advised in writing of the Council's decision by mid-September 2016 when the full contents of the application are forwarded to their regional office in Bunbury.

Council Decision and Officer Recommendation**C1609/236** Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council:

1. Submits the City of Busselton's Application – Vasse Sports Pavilion to the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund and rates the Application as a priority 'A' project, rank number 1;
2. Submits City of Busselton's Application – Lou Weston Oval Sports Pavilion to the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund and rates the Application as a priority 'A' project, rank number 2;
3. Submits the Busselton Pistol Club's Application – New Indoor Shooting Range to the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund and rates the Application as a priority 'B' project, rank number 3;

CARRIED 9/0**EN BLOC**

14. FINANCE AND CORPORATE SERVICES REPORT

14.2 BUSSELTON SWIMMING ENCLOSURE LEASE OF NGARI MARINE PARK

SUBJECT INDEX:	Agreements/Contracts
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Finance and Corporate Services
REPORTING OFFICER:	Property Management Coordinator - Sharon Woodford-Jones Legal Services Coordinator - Cobus Botha
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Lease Plan Attachment B Lease

PRÉCIS

The City has constructed a swimming enclosure at the Busselton town beach adjacent to the Jetty Reserve area in Geographe Bay. As part of the enclosure is within the Ngari Capes Marine Park (Marine Park) which is vested in the Conservation and Parks Commission with power to lease, the City are required to enter into a lease of the area concerned.

The purpose of this report is to recommend that the City enter into such a lease.

BACKGROUND

In 2013 the City, as part of its Shark Hazard Mitigation Strategy, successfully trialed the installation of a beach enclosure at Dunsborough.

As a result of the success of that trial, consideration was given to the provision of a similar facility in Busselton. The State Government indicated their willingness to provide funding for an enclosure at Busselton, following which Council resolved on 12 November 2014 the following budget amendments (C1411/295):

“that the Council endorse the budget amendments as follows:

- *Add grant revenue totaling \$200,000 to a new project titled “Busselton Beach Enclosure”*
- *Add corresponding expenditure to a new project titled “Busselton Beach Enclosure”*

In designing the Busselton enclosure, factors such as the arrival of cruise ship tenders, the likely impact on the Marine Park and the number of events held in and around the relevant part of the beach needed to be taken into account.

It was determined that the most appropriate location for the enclosure would be an area immediately to the west of the Busselton Jetty. This would ensure the Swimming Jetty and the immediate surrounding area were secured by the enclosure. Thus the enclosure is in part within Reserve 46715 (where the Busselton Jetty and Swimming Jetty are located and over which the City have management) and part in the Marine Park. The extent of the area is as shown on the plan attached to this report and marked Attachment A.

Occupation of the area within the Marine Park and construction of the enclosure required regulatory consent from the Department of Environment and Conservation. City officers were informed by the Department of Parks and Wildlife (DPAW) at the time of submitting the application for consent that a

condition of the project going forward required the City to accompany the request for consent with a formal application to DPAW for a lease.

DPAW initially supplied the City with a standard form of lease template which covered a number of matters and issues that were not relevant to these circumstances. Consequently, certain changes were requested and the final format of the lease is attached and marked 'Attachment B'. Some of the more recent changes that have been agreed to by DPAW are shown hand written on this attachment. The provisions of this lease incorporate the negotiated changes and DPAW have stated that as the format is based on advice from the State Solicitor's Office to cover key components of environmental legislation, there is no possibility for any further amendments. The key provisions of the proposed lease are explained on in the Officer Comment section of this report.

STATUTORY ENVIRONMENT

The proposed lease is exempt from the requirements of section 3.59 of the Local Government Act 1995 as per Regulation 8(1)(a) of the Local Government (Functions and General) Regulations because the City is not entering into the transaction with the intention of producing a profit. In any event, the value of the transaction would clearly be well under the financial threshold for the need to produce a business plan in accordance with section 3.59 of the Local Government Act.

The lease area falls within the jurisdiction of the City's Local Government Property Local Law which will provide the City, in addition to the City's rights and obligations as lessee, with the power and ability to effectively manage and control the lease area. Among other things the Property Local Law provides for:

- The City to allow or prohibit boating within the lease area, prosecute a person damaging or behaving in a way that is or might be detrimental to the enclosure, prosecute a person who interferes, removes, damages or kills fauna or flora within the lease area, direct a person to leave the lease area if it is reasonably suspected that such a person has contravened a provision of any written law or behave in a way which interferes with the enjoyment of others;
- A prohibition on the use of or taking on to the leased area a spear gun, hand spear, gidgie or similar device; and
- Erection of signs by the City, designating bathing areas and/or regulating, prohibiting or restricting specified activities on the whole or any part of the lease area or on the beach adjacent to the lease area

To facilitate construction of 11 piles to which the enclosure is attached, approval was required from the State Government via the Department of Transport. This has been achieved by the issue to the City under the Jetties Act 1926 of Jetty Licence number 4442 on 20 April 2015.

RELEVANT PLANS AND POLICIES

None

FINANCIAL IMPLICATIONS

The financial implications of entering into the proposed lease are minimal with the annual rent payable under the lease being a nominal amount of \$1.

The ongoing financial considerations under the lease relate in the main to matters that have already been considered in budget deliberations such as the cost of annual installation of the enclosure, ongoing maintenance and repair. The lease also contains obligations in relation to maintenance of City property and signs, keeping the area clean, tidy and free of rubbish and pollution (in as much as this can be controlled by the City) and the cost of indemnity insurance. Such costs have been

considered in budget deliberations and an estimated amount of \$20,000 has been allocated within the Parks and Gardens 2016/2017 maintenance budget.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The recommendations in this report are consistent with Community Objective 2 of the Strategic Community Plan 2013, namely:

- 2.1 *A City where the community has access to quality cultural, recreation, leisure facilities and services; and*
- 2.3 *Infrastructure assets that are well maintained and responsibly managed to provide for future generations.*

RISK ASSESSMENT

There are not considered to be any medium or high level risks associated with the Officer Recommendation. The lease satisfactorily addresses a number of potential risks associated with liability and removal of the enclosure which are discussed in more detail in the Officer Comment section.

CONSULTATION

City Officers have consulted with DPAW in relation to the format of the lease. Advice was also obtained from the City's insurers in relation to the proposed indemnity provisions of the lease.

The providers of the City's public liability insurance considered the indemnity to be acceptable in terms of allocation of mutual risk between the City and the State (DPAW). The obligation excludes liability for actions of the State and given the extent and scope of control the City are in a position to exert over the leased area it is reasonable to have the City accept responsibility for liabilities arising from, or in connection with the conduct of the City. In any event DPAW require the City to have a lease if it wishes to utilise part of the Marine Park area for the swimming enclosure and also require that the lease contains this liability clause.

Prior consultation in relation to the design of the enclosure had been undertaken with the various stakeholders that regularly use the area resulting in a design that enables appropriate parts of the enclosure to be removed to facilitate events and the arrival of cruise ships.

OFFICER COMMENT

The enclosure has a 500m perimeter and will cover an approximate area of 30,000m². It is comprised of net panels constructed from high strength UV-stable braided twine and will provide those who choose to swim within it with additional protection from large marine species.

It will be suspended between 11 steel piles which have already been driven into the seabed. The piles are a permanent fixture that the City have permission to construct, maintain and access under a Jetty Licence issued by the Department of Transport (the DoT). In accordance with DoT requirements, the piles are highly visible and equipped with flashing marine lights. Yellow floats run along the top of the enclosure between the piles and a galvanised chain runs along the bottom to weight it down on the seabed.

The placement of a swimming enclosure at Dunsborough also required the consent of DPAW but in that instance DPAW were willing to issue approval on the basis of the City entering into a licence of the area concerned. In the case of the Busselton enclosure, DPAW advised that the approval process required that the City submit an application for a lease, effectively making the issue of approval subject to the City entering into a lease. DPAW also contended that the ability to monitor and control use of the area would be better served if the City were granted exclusive possession under a lease rather than just access and use under a licence. The standard lease format provided by DPAW has been reviewed by the City's Legal Department and, following negotiations between City staff and DPAW, has been amended wherever possible to satisfy the City's requirements. The main provisions of note in the lease are as follows:

Term/rent/holding over

The lease is for a period of 15 years and expires on 31 May 2030, subject to both parties being entitled to terminate the lease on 3 months' notice. Whilst considered highly unlikely, if DPAW did terminate the lease the City would move the enclosure to an alternative area. The rent is a nominal \$1 per annum. At the end of the term the City has the option of remaining in the leased area as a monthly tenant.

Obligations

The City is responsible for maintaining the leased area to a reasonable standard which includes repairing all damage to and maintaining the enclosure and signs and keeping the area free of rubbish.

The City must also generally take any measures necessary to prevent accidents and protect the safety of the public and qualified divers within the leased area. There is also a general duty to protect the Marine Park environment.

The City were successful in their negotiations to have excluded from the standard format of lease from DPAW such things as the requirement to follow detailed technical manuals in relation to the potential impact on the marine park.

Specific advice was obtained from the City's insurers in relation to the wording and location of appropriate signage around the enclosure and in the vicinity to limit the City's liability in this respect.

Restrictions

The City must not cause damage, use signage or advertising other than prescribed or required, permit business to be carried on or give any other person a right to occupy or use the area without the former consent of DPAW. This provision is necessary because Regulation 106 of the Conservation and Land Management Regulations 2002 requires that no business can be carried on on CALM land without lawful authority.

Part of the leased area has been used by Aquatastic, a water based commercial operator in the past. DPAW have been informed of this use and the likelihood of it occurring in the future. They have indicated that they would be prepared to give their consent to this or for a similar commercial use in the future.

Indemnity

The City must maintain public liability insurance throughout the term of the lease and indemnify DPAW against liability for damage to property or injury or death to any person. This creates an additional liability for the area but not one that is dissimilar in nature to liability for other parts of the City which are covered by existing public liability insurance.

Where loss is contributed to by the actions of the State, the City's liability does not extend to that aspect of the loss. The City's indemnity insurance providers have been made aware of the provision and believe it to be reasonable in the circumstances. In their view the indemnity is drafted in such a way that the City would be covered under existing liability protection.

City's obligations upon termination

Unless prior agreement is reached with DPAW, the City will be required to remove the part of the enclosure within the Marine Park including all buoys, moorings and piles at the end of the term. Anything remaining will become the property of DPAW.

CONCLUSION

The provisions of the lease have been negotiated with DPAW and the City's legal team. Given DPAW's requirement that occupation of the Marine Park be pursuant to a lease which contains clauses indemnifying DPAW and assigning liability to the City, the terms of the lease are as fair and reasonable as they can be in the circumstances.

The presence of a swimming enclosure in this location has been a popular choice with members of the community and could not be located in this position without entering into this lease.

OPTIONS

As an alternative to the Officer Recommendation, Council may direct officers to negotiate a lease of a different duration or with different terms. However given the lease terms have already been the subject of negotiation and for the reasons mentioned, the proposed lease is the only way of continuing to occupy the area of Marine Park containing the enclosure.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council accept the officer recommendation without change, it is expected that the lease will be executed by the City by 30th September 2016 as all parties are keen to formalise the arrangement.

Council Decision and Officer Recommendation**C1609/237**

Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council:

- 1) Enter into a lease with the Conservation and Land Management Executive Body for 15 years from 1st June 2016 for an annual rent of \$1 and otherwise in accordance with Attachment B.

CARRIED 9/0**EN BLOC**

15. CHIEF EXECUTIVE OFFICER'S REPORT

15.3 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Executive Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Reporting Officers - Various
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received 1 August - 15 August Attachment B Planning Applications Determined 1 August - 15 August Attachment C State Administrative Tribunal Appeals as at 24 August Attachment D Disability Services Commission - DAIP Progress Report Attachment E Australian Bureau of Statistics - Still time to Complete your Census

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

15.3.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 August, 2016 and 15 August, 2016. 40 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 August, 2016 and 15 August, 2016. A total of 38 applications (including subdivision referrals) were determined by the City during this period with 35 approved / supported and 3 refused.

15.3.2 State Administrative Tribunal (SAT) Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 24 August 2016.

15.3.3 Local Planning Scheme Notices

LOCAL PLANNING SCHEME NO. 21

Scheme Amendment No. 17

Amendment 17 to the Local Planning Scheme No 21 was gazetted on the 19 August, 2016 for the purpose of:

1. Zoning portion Lot 2761 Commonage Road, Quindalup from Public Purpose Reserve (Drain) to Agriculture.
2. Amending Schedule 3 – Special Provision Areas of the Scheme Text to include the subject land within the Schedule as follows:

No	Particulars of Land	Zone	Special Provisions
SP60	Lot 2761 (Vol 2214 & Folio 197) Commonage Road, Quindalup (Amendment No.17 – GG 19 August 2016)	Agriculture	<ol style="list-style-type: none"> 1. That Council may approve the use of up to, but not more than, 15% of caravan sites developed on-site with no restriction on length of stay restrictions to no more than 3 months in any 12 month period 2. The caravan sites provided for use on an unrestricted length of stay basis shall be proportionate to the total number of short-stay caravan sites developed at any given time. 3. Upon Gazettal of Scheme Amendment No.17, sites to be utilised on an “unrestricted length of stay” basis are to be clearly identified by lodgement and approval of an application for planning approval.

15.3.4 Disability Services Commission – Disability Access and Inclusion Plan Progress Report

Correspondence has been received from the Disability Services Commission and is available to view in Attachment D.

15.3.5 Australian Bureau of Statistics – Still time to Complete your Census

Correspondence has been received from the Australian Bureau of Statistics and is available to view in attachment E.

Council Decision and Officer Recommendation

C1609/238

Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

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

- 15.3.1 Planning and Development Statistics
- 15.3.2 State Administrative Tribunal (SAT) Appeals
- 15.3.3 Local Planning Scheme Notices
- 15.3.4 Disability Services Commission – Disability Access and Inclusion Plan Progress Report
- 15.3.5 Australian Bureau of Statistics – Still time to Complete your Census

CARRIED 9/0

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.

12. ENGINEERING AND WORKS SERVICES REPORT

12.1 PROPOSAL TO RENAME PARTS OF BUSSELL HIGHWAY AND VASSE-YALLINGUP SIDING ROAD IN VASSE

SUBJECT INDEX:	Naming (Nomenclature)
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Engineering and Facilities Services
ACTIVITY UNIT:	Land Matters
REPORTING OFFICER:	Land and Infrastructure Officer - Andrew Scott
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Map of Roads to be Renamed Attachment B Vasse Newtown Development Guide Plan Attachment C Road Naming Proposal Brochure Attachment D Suggested Road Names from Public Consultation Attachment E Suggest Road Names Based on Nyungar Language Attachment F 'Petition' for 'Northerly'

DISCLOSURE OF INTEREST	
Name/Person	Councillor Rob Bennett
Item No./Position	12.1 - Proposal to Rename Parts of Bussell Highway and Vasse-Yallingup Siding Road in Vasse
Type of Interest	Impartiality Interest
Nature of Interest	Being that Albrey is the maiden name of my partner.

PRÉCIS

This report seeks the support of the Council to rename two sections of roads in Vasse:

- an approximate 2km section of 'Old' Bussell Highway south of the Busselton Bypass and through the Vasse village; and
- an approximate 1.5km section of Vasse-Yallingup Siding Road from 'Old' Bussell Highway to Commerce Road.

The proposal has ensued from the opening of the new section of highway around the Vasse development, proposed to be named Bussell Highway.

Referring to Attachment A, four names are proposed for the two sections of road to be renamed.

BACKGROUND

At a Council meeting held 11 May 2016, the Council considered a proposal to rename roads due to the impact of the a new highway being constructed around the Vasse development. At that meeting, the Council resolved (C1605/113):

That the Council:

- 1) *Endorses the name 'Bussell Highway' for the new section of highway constructed approximately 2.1km west of the Busselton Bypass / Bussell Highway roundabout in Vasse, then approximately 1.8km south to where the new highway meets Bussell Highway (south of Council 78 11 May 2016 the Vasse village), subject to the renaming of a section of Bussell Highway referred to in 2a) below.*
- 2) *Invites public submissions, notifies affected persons and consults with the local Aboriginal community relating to the naming of the following roads for a period of not less than 21 days. Submissions are invited on ideas for potential names for the roads including Windelup, Trade and Education.*
 - a) *The renaming of an approximate 2.4km section of Bussell Highway where the section of highway starts at the Busselton Bypass / Bussell Highway roundabout in Vasse, southwesterly through the Vasse village and terminates at a T-Junction with the new section of highway.*
 - b) *The renaming of a section of Vasse-Yallingup Siding Road between Commerce Road and Lynwood Street.*
 - c) *The renaming of a section of Vasse-Yallingup Siding Road between Lynwood Street and Bussell Highway.*
 - d) *The renaming of an approximate 300m section of Bussell Highway south of Florence Road that is now a cul de sac.*

The City advertised the proposal to rename sections of Bussell Highway (through the Vasse village), and Vasse-Yallingup Siding Road (from Commerce Road to Bussell Highway) and notified affected persons via letters and via email.

The City engaged an anthropologist to recommend a list of names based on Nyungar language.

This report considers the submissions received to the proposal and recommends that the roads are renamed.

STATUTORY ENVIRONMENT

- Land Administration Act 1997, sections 26 and 26A apply to the naming of roads.

RELEVANT PLANS AND POLICIES

- Landgate '[Policies and Standards for Geographical Naming in Western Australia](#)' version 1, 2015, as endorsed by the Minister for Lands
- Council Policy [237](#) 'Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings
- Vasse Newtown Overall Development Guide Plan, as endorsed by the City 2 July 2014 (Attachment B)

FINANCIAL IMPLICATIONS

Renaming the roads will require street name signs to be replaced. These costs should be covered under existing budget for City managed roads.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

Key goal	Community objective
2. Well Planned, Vibrant and Active Places	2.3 Infrastructure assets that are well maintained and responsibly managed to provide for future generations.

RISK ASSESSMENT

- There may be a period of confusion for drivers after roads are renamed, as mapping systems and knowledge of the road names would need time to adjust. Any confusion may be minimized through effective road name signage and by ensuring mapping systems are updated with minimal delay (noting that the City is not responsible for mapping systems). Emergency services must be informed of any road name changes.
- *Not* renaming the roads may cause confusion for drivers and emergency services due to the 'duplication' of 'Bussell Highway' and the splitting of Vasse-Yallingup Siding Road into multiple segments. Drivers are now not able to travel along Vasse-Yallingup Siding Road and 'pass over' the new section of highway.

CONSULTATION

The road naming proposal was advertised in the 'Consultation for the Community' of the June 15 and June 22 editions of the Busselton-Dunsborough Mail.

Written notices were issued to the owners and occupiers of property that adjoined the affected sections of road and the Vasse Business Park (light industrial area).

Where the City has a record of email addresses, advice of the proposal was emailed to owners and occupiers of the following properties:

- property adjoining Vasse-Yallingup Siding Road from Chain Avenue to the 'Old' Bussell Highway
- property adjoining Bussell Highway from Cookworthy Road to North Jindong Road
- property adjoining Cookworthy Road, Glenview Drive and Pries Road
- property within the Vasse development including Birchfields stage, Dawson stage and the business park
- property adjoin Florence Road, Kaloorup Road and Marbellup Road

The adverts and notices of the proposal invited written submissions and online survey responses (using yoursay.busselton.wa.gov.au).

A question and answer brochure (Attachment C) was distributed with the written notices and duplicated online as 'questions and answers'.

12 written responses and one 'petition' were received. A further 25 responses were received through the online survey (yoursay.busselton.wa.gov.au).

The vast majority of responses supported the proposal to rename the roads due to the change of road layout and the changed zoning resulting from the Vasse development.

The objections to the proposal questioned...

- the need for the changes to the roads, citing the changes were "...a waste of time, effort and money."
- the logic of naming the new section of highway as Bussell Highway, proposing the new section of highway should be named "Busselton Bypass"
- the need for two names for Vasse Yallingup Siding Road (Road A and Road B on Attachment A)

Over one hundred names for the roads were proposed in the responses (refer to Attachment D). From the responses, the themes for road names may be categorised as...

- historic – pioneers, settlers (including Group Settlement Scheme), early surveys
- historic - the railway and timber industry
- names of local families associated with nearby farms and businesses (particularly the Vasse general store)
- agriculture (including names of pet cows)
- Aboriginal names
- Thomas Timothee Vasse
- relevance to the immediate place (such as Education)

One response with 23 signatures supported the name 'Northerly Drive' after the highly awarded race horse bred in the area (refer to Attachment F).

OFFICER COMMENT

Landgate Geographic Naming

All public roads are named through Landgate Geographic Naming under delegation from the Minister for Lands, on the advice of local government.

Landgate Geographic Naming operates according to the ['Policies and Standards for Geographical Naming in Western Australia'](#), which defines a set of standards for the naming of roads and other geographic features and places.

According to the standards, a road name must consist of two components... (a) name element; and (b) road type.

'Road types' must be selected from the list of road types defined in AS/NZS 4819:2011 'Rural and urban addressing – Appendix A, Road Types – Australia'. The road type selected must match the function and characteristic of the road. For example, a road type of 'Avenue' or 'Drive' would not be appropriate for a narrow cul de sac, short road or laneway.

New section of highway proposed to be named 'Bussell Highway'

At a meeting held 11 May 2016, the Council supported a proposal to name the new section of highway around Vasse development 'Bussell Highway', as the new highway now forms the main road between Busselton and Augusta. But before the new section of highway may be named 'Bussell Highway', the section of the 'Old' Bussell Highway that passes through the Vasse village will require renaming (shown as Road C and Road D in Attachment A).

Vasse-Yallingup Siding Road

The construction of the new highway around the Vasse development also impacted Vasse-Yallingup Siding Road, as the road is now split into two segments. And with future development of the locality, the segment between the Commerce Road and the 'Old' Bussell Highway will be split again and not

align. One segment of Vasse-Yallingup Siding Road will remain between Commerce Road and Lynwood Street as part of the Vasse Business Park. The other segment will start at the 'Old' Bussell Highway, pass through the 'education' zone, and then deviate through a residential zone.

According to the development guide plan for the Vasse development (refer to Attachment B), Vasse-Yallingup Siding Road will not be directly aligned between the education zone and business park. For this reason, it makes sense to name the two segments of the Vasse-Yallingup Siding Road now, rather than wait until the road is realigned and when more property and businesses will be established.

The two segments of Vasse-Yallingup Siding Road proposed for renaming are shown as Road A and Road B in Appendix A.

Names from public submissions

Of the 100+ road names suggested from the public submissions (refer to Appendix D), most do not meet the '[Policies and Standards for Geographical Naming in Western Australia](#)' as the names are...

- duplicated within the district or within 50km
- duplicated fifteen times or more within the state
- of a living person
- a first or given name of a person
- not easily pronounced or written

Names from the submissions that have not been considered for the purposes of this report are names that might be construed as promoting a business and names of pet cows.

Refer to Appendix D for a list of road names proposed from the public submissions.

Names from Nyungar language

The City engaged the services of an anthropologist to prepare a report recommending road names based on Nyungar language. The brief for the report required the names to be based on local Nyungar language and supported by local Nyungar community members.

Refer to Appendix E for a copy of the report.

Names from the report of particular significance are:

- 'Undalup' (being the name used by the Traditional Owners for the Vasse area), and
- 'Yebble' or 'Yebbul' being the tribal name of Mr Samuel Isaacs who was a "Nyungar man born along the Leeuwin-Naturaliste Ridge in 1845... predominately remembered for his part in rescuing survivors from the shipwrecked Georgette at Calgardup Bay in 1879"

Recommended road names, subject to further qualification

Following is a table of the suggested road names based from the public submissions (Attachment D) and the Nyungar language report (Attachment E).

Proposed for road...	Name	Reason
A	Albrey	Family name of dairy farmers associated with Group Settlement Scheme
B	Yebble	Tribal name of Mr Samuel Isaacs who was a Nyungar man born along the Leeuwin-Naturaliste Ridge in 1845
C	Northerly	Name of highly awarded local race horse
D	Walger	Nyungar word meaning 'eagle'

While the road names proposed in this report have passed a preliminary qualification, further research and information may be required before Landgate may accept the road names. Road names that commemorate persons or families require considerably more supporting documentation. Aboriginal names must also be qualified and supported by the Aboriginal community before that may be accepted by Landgate.

Road name types should be selected in consultation with Landgate Geographic Naming as it may depend on the preferred road names and the function and characteristic of each road.

CONCLUSION

Based on the public submissions received, this report recommends that Bussell Highway and Vasse-Yallingup Siding Road through the Vasse development are renamed; and recommends names based on public submissions and a Nyungar language report.

OPTIONS

Given the Council's prior support to name the new highway around the Vasse development 'Bussell Highway', the 'Old' Bussell Highway through Vasse village will require renaming, so no alternative is recommended.

But the Council may determine that Vasse-Yallingup Siding Road is not renamed, preferring to rename the road at a later stage on the further development of the area. This option is not recommended as businesses in the Vasse Business Park may establish along Vasse-Yallingup Siding Road, and changing road names and numbering at a later stage may be disruptive to those businesses.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Further research and qualification of road names may take a month, before a request may be made to Landgate Geographic Naming to rename the roads.

Council Decision and Officer Recommendation

C1609/239 Moved Councillor J McCallum, seconded Councillor R Reekie

That the Council supports the renaming of Bussell Highway and Vasse-Yallingup Siding Road within the Vasse development (refer to Attachment A), and the recommending of the following names to Landgate Geographic Naming for its approval:

1. Road A (currently Vasse-Yallingup Siding Road from Commerce Road to Lynwood Street) to be named 'Albrey Street' to commemorate the family name of local family name associated with the historic Group Settlement Scheme.
2. Road B (currently Vasse-Yallingup Siding Road from Lynwood Street to 'Old' Bussell Highway) to be named 'Yebble Drive' to commemorate the tribal name of Mr Sam Isaacs who was a Nyungar man born along the Leeuwin-Naturaliste Ridge in 1845; noting that address numbering should commence from the eastern end of the road.
3. Road C (currently 'Old' Bussell Highway from the Busselton Bypass roundabout to the T-junction with the new highway) is named 'Northerly Street' in recognition of the famous Western Australian race horse bred locally in Marybrook.
4. Road D (currently a cul de sac formed from the 'Old' Bussell Highway located south of Florence Road) to be named 'Walger Close', where 'Walger' is a Nyungar word meaning 'eagle' which are prevalent in the area.

CARRIED 9/0

10.4 Airport Advisory Committee - 24/08/2016 - AIRPORT UPDATE

SUBJECT INDEX:	Busselton Margaret River Airport
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Airport
REPORTING OFFICER:	Airport Operations Coordinator - David Russell
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

This item was considered by the Airport Advisory Committee at its meeting on 24 August 2016, the recommendations from which have been included in this report.

PRÉCIS

This report provides an overview on the Busselton-Margaret River Airport (BMRA) operations and activities for the reporting period 1 July 2015 to 30 June 2016.

BACKGROUND

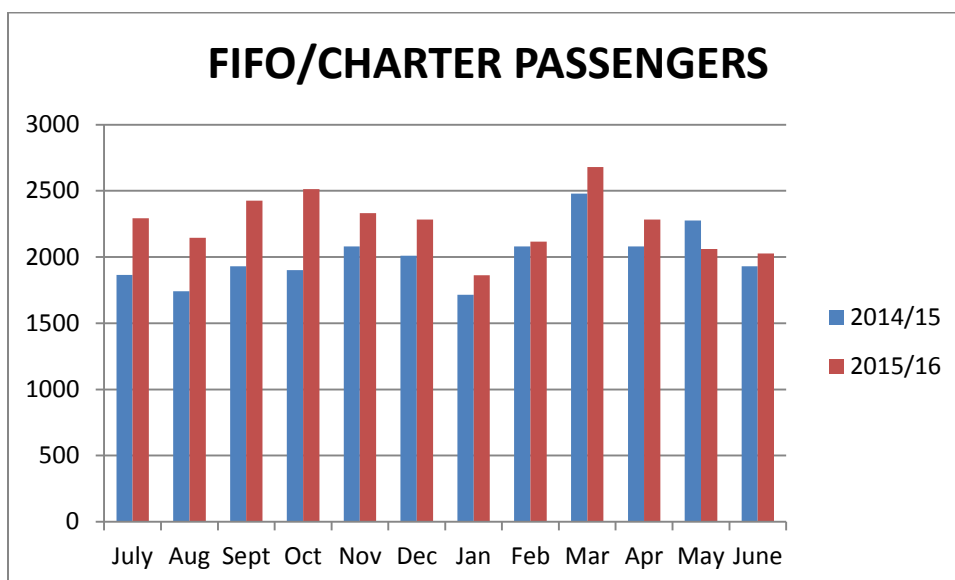
The airport has seen a reduction in FIFO services from 14 to 10 in the last financial year due to the withdrawal of the Maroomba / Ad Astral Beech 1900 services to Karara mine site as of December 2015. Despite this reduction in services, passenger numbers and aircraft movements have continued to increase over the year.

Below is a table indicating the number of FIFO/ Charter passengers travelling through BMRA for the reporting period 1 July 2015 to 30 June 2016:

	Departing FIFO/Charter Passengers		Arriving FIFO/Charter Passengers	
	2014/15	2015/16	2014/15	2015/16
July	1036	1277	830	1016
August	1069	1189	673	956
September	1077	1280	854	1145
October	1039	1422	862	1090
November	1154	1295	926	1036
December	1065	1290	945	994
January	954	1065	760	798
February	1134	1188	946	928
March	1355	1469	1124	1212
April	1125	1314	955	969
May	1315	1154	961	907
June	1050	1101	881	926
Total	13373	15044	10717	11977

Total FIFO/Charter passengers for 2015/16 = 27,021

Total FIFO/Charter passengers for 2014/15 = 24,090



The total number of departing FIFO services from BMRA is currently 10 flights per week.

A total of 5213 aircraft landings were recorded for the 2015/2016 financial year, an increase from the numbers reported for the same period in 2014/2015 of 5144 landings.

This increase has been due to a number of visiting aircraft for Aerofest 2016, and an increase in Local commercial aircraft activity by Busselton Aero Club, Geronimo Skydivers, Tigermoth Adventure Flights and SLSWA.

There have been decreases in Emergency Services airport usage for, Helitac Firefighting, Police Airwing, RFDS and Aerorescue last financial year as seen in the table below. This table includes all license renewal and approved training flights for Emergency services as well as emergency flights.

The City does not restrict license renewal flights for emergency services or FIFO operators and is actively managing these operations. Voice recordings of all aircraft using BMRA and their activities are used to assist City Officers in addressing noise complaints received from the public about flight operations at the airport.

Emergency Service	2014/15	2015/16
SLSWA	236	248
RFDS	292	220
Aerorescue	23	20
Police Airwing	19	9
Helitac Firefighters	74	72

NMP Non-Compliance Reporting

Under the Noise Management Plan (NMP) the City is required to submit its annual compliance report to the Office of Environmental Protection Authority (OEPA) prior to 22 September 2016 for the reporting period of 23 June 2015 to 22 June 2016.

The annual compliance report was submitted on 3 August 2016 and reported that ten (10) out of an available twelve (12) CEO approved non-conforming activities (section 3.3.3 Approval for Non-Conforming Activity of the NMP) were used. Additionally, the report stated that nine (9) non-compliant incidents had been reported to the OEPA during the reporting period and that one (1) other non-compliance had occurred during the year but in accordance with the Compliance Assessment Plan (CAP).

Telethon Charity Event

The City has received a request from Channel 7 Telethon Trust, the event organizer for a charity flight to raise funds for Telethon and the Telethon Type 1 Diabetes Family Center, to waive the landing fees and passenger facilitation fees for an event to be held on Sunday 13th November 2016. The event comprises of two F100 aircraft, with expected passenger numbers of 200 who fly down to Busselton and spend the day in the region. The fundraising proceeds go to Telethon Type 1 Diabetes Family Center.

The total waived fees, including landing fees and passenger facilitation fees, is expected to be \$5,900 (excluding GST) and does not include staff time (approx.\$150.00) and as such requires Council endorsement. Other sponsors for this event include Network Aviation, Leeuwin Estate and South West Coachlines.

STATUTORY ENVIRONMENT

The BMRA operates in accordance with the following: The Aviation Transport Security Act 2004, Aviation Transport Security Regulations 2005, CASA MOS 139, Council's Transport Security Plan and City policies and procedures.

RELEVANT PLANS AND POLICIES

There are no policy implications with this report.

FINANCIAL IMPLICATIONS

The net operating result of the BMRA as at 30 June 2016 was a surplus of \$257,197 including depreciation of \$229,323, compared to a surplus of \$181,774 including depreciation of \$147,860 at the same time last year. The revenue for the year was \$1,088,784, which was \$112,919 under the projected annual revenue. A number of factors influenced the revenue for 2015/16 including;

- Decreased budgeted revenue from the secure car park with parking fees totaling \$261,835 compared to the projected budgeted revenue for 2015/16 of \$302,920. This was mainly due to roster changes of car park patrons using the carpark for less days and some impact from incorrect ticket usage by some patrons
- Decreased budgeted revenue from landing fees totaling \$494,836 compared to the projected budget revenue of \$509,210 due to a reduction of FIFO services during the year.

The operating expenditure for 2015/2016 totaled \$830,504 compared to \$886,656 in 2014/2015. The decrease in expenditure was due to;

- Lower staffing levels during the beginning part of the year
- Airport Maintenance projects associated with the runway and runway strip being put on hold due to the Airport Development Project
- Decreased Contractor costs being reduced due to works being cancelled due to the Airport Development Project

Long-term Financial Plan Implications

There are no financial implications as a result of this report.

STRATEGIC COMMUNITY OBJECTIVES

The Busselton-Margaret River Regional Airport is consistent with following the City of Busselton's strategic Objectives:

Well Planned, Vibrant and Active Places:

- 2.3 Infrastructure Assets that are well maintained and responsibly managed to provide for future generations;

Connected City

- 4.1 Transport options that provide greater links within our district and increase capacity for community participation.

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 sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls, has been identified as medium or greater. No such risks were identified.

CONSULTATION

Consultation with Department of Transport, South West Development Commission, Aviation Projects, Government agencies, Airport stakeholders, Office of Transport Security (OTS), Civil Aviation Safety Authority (CASA), Virgin Australia Regional Airline, the Busselton Aero Club, Service Agencies, Albany, Esperance, Geraldton Airports and Australian Airports Association has been occurring on a regular basis concerning many topics and issues relating to the Airport.

OFFICER COMMENT

FIFO/ Charter passengers through the BMRA have continued to increase last financial year with passengers provided with a more enjoyable experience by the completion of the following projects:

- Completion of the terminal seating upgrade
- Implementation of boarding gate counters to streamline passenger departures
- Information provides by a standalone Airport website

The 2015/16 financial year has also seen a number of operational improvements and maintenance taking place including; the deployment of a new 110,000ltr water tank funded by DPAW to support fixed wing firefighting operations, removal of airside farm fences to improve the safe take-off and landing of aircraft, City officers conducted a desktop emergency exercise in conjunction with local emergency services, and improvements to the Wildlife Management Plan Database reporting and Fly Neighborly Agreements (FNA) and Aerodrome Manual. Additionally the employment and induction of two new Airport Reporting and Maintenance Officers has ensured that the Airport is operating efficiently and complying with all relevant Government regulations.

CONCLUSION

The Airport Operations Team is looking forward to an exciting and challenging time during the 16/17 financial year with the Airport Development Project. Ensuring the airport is operating safely and providing a high level of customer service will be a priority throughout this.

OPTIONS

The Airport Advisory Committee chooses not to accept the Officers report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not Applicable.

OFFICER RECOMMENDATION**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Airport Advisory Committee;

1. Receives and note the Airport operations report.
2. Endorses the waiving of landing and passenger facilitation fees for the Telethon Charity flights to be held on the 13th November 2016 for 2 x F100 aircraft and estimated 200 passengers, to the total value of \$5,900 excluding GST and staffing costs of \$150.00.

Note: The Committee proposed an alternative recommendation that would separate the two decisions and enable the City to donate funds to the Telethon Charity.

Council Decision and Committee Recommendation

C1609/240 Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Airport Advisory Committee;

1. Receives and note the Airport operations report.

CARRIED 9/0

Council Decision and Committee Recommendation

C1609/241 Moved Councillor G Bleechmore, seconded Councillor P Carter

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Airport Advisory Committee;

1. Endorse a donation to the value of the landing and passenger facilitation fees for the Telethon Charity flights to be held on the 13th November 2016 for 2 x F100 aircraft and estimated 200 passengers, to the total value of \$5,900.

**CARRIED 9/0
BY ABSOLUTE MAJORITY**

11.2 MEELUP REGIONAL PARK APPOINTMENT OF MEMBER

SUBJECT INDEX:	Environmental Management Plans, Impact Studies and Reports
STRATEGIC OBJECTIVE:	Our natural environment is cared for and enhanced for the enjoyment of the community and visitors.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Meelup Regional Park
REPORTING OFFICER:	Manager, Environmental Services - Greg Simpson
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Meelup Regional Park Management Committee Terms of Reference

PRÉCIS

This report recommends the appointment of a new member to fill a community member vacancy and two additional deputy members with the Meelup Regional Park Management Committee. The report also recommends the amendment of the Committee's terms of reference to increase the number of deputy Committee member appointments from the current two deputy members to four deputy members.

BACKGROUND

At its ordinary meeting in October 2015, the Council resolved (resolution C1510/296) to adopt revised governance arrangements and terms of reference for the Meelup Regional Park Management Committee (MRPMC). The revised terms of reference establish the membership of the Committee which includes six community members and two deputy community members to be appointed by the Council. The MRPMC terms of reference are included with this report as Attachment A.

In March 2016, Council appointed Ms Tracee Pickersgill as a member of the MRPMC. Ms Pickersgill unfortunately has resigned from the position as Committee member.

The Committee's terms of reference set out the criteria and selection process for filling community member vacancies as follows:

1. The Mayor, Presiding Member of the Committee and Chief Executive Officer or Chief Executive Officer's nominee, shall meet to discuss and agree the aims/objectives in terms of skills, background or interests, or mix of skills, background and interests, of the person(s) that it would be most appropriate and desirable to include on the Committee at that time, and the agreed direction in that regard shall be reflected in the process associated with the attraction and assessment of potential community members;
2. City Officers shall arrange to publicly advertise community member vacancies, seeking expressions-of-interest from suitable members of the community;
3. Interested members of the community shall be required to submit an expression-of-interest (1-2 pages long only) setting out what value they believe they would bring to the Committee and why they are interested in becoming a member;
4. The Mayor and the Presiding Member of the Committee shall meet again to assess the expression-of-interest that have been received, identify and agree the preferred candidates to fill one or more of the positions that are vacant at that time, (priority consideration will be given to existing members) following which City officers will present report to the Council reflecting the assessment of the Mayor and Presiding Member; and

5. If there are still vacant positions following the completion of the process set out above, the process will recommence.

Public advertising seeking expressions of interest from members of the community to fill the vacancy closed on 24 June 2016.

STATUTORY ENVIRONMENT

The Meelup Regional Park Management Committee is created pursuant to the *Local Government Act 1995* ('the Act'), by resolution of the Council pursuant to sections 5.8, 5.9(2)(c) and 17(1)(c) of the Act.

The membership and deputy membership of Committees of Council must be determined by the Council in accordance with Section 5.10 and 5.11A of the *Local Government Act 1995*. In this regard, an Absolute Majority decision of the Council is required to appoint a person as a member or deputy member of a Committee.

RELEVANT PLANS AND POLICIES

The following is a list of key guiding documents, relevant to governance and operations of the Meelup Regional Park Management Committee:

1. Meelup Regional Park Management Order;
2. Meelup Regional Park Management Plan;
3. City of Busselton Standing Orders Local Law;
4. City of Busselton Code of Conduct;
5. City of Busselton Community Strategic Plan;
6. City of Busselton Long Term Financial Plan;
7. City of Busselton Adopted Annual Budget; and
8. City of Busselton Local Laws, Determinations and Council Policies.

FINANCIAL IMPLICATIONS

There are no financial implications relating to the appointment of community members to fill MRPMC vacancies. Public advertising expenditure for the purpose of seeking community submission to fill Committee vacancies is incorporated within the City's Budget.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

This matter is considered relevant to Key Goal Area 6- Open and collaborative leadership and Strategic Objective 6.1 – A Council that engages broadly and proactively with its community. A Council that engages with its community through Committees with specific areas of interest that assist the Council to undertake its role.

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 sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls, has been identified as medium or greater. No such risks were identified.

CONSULTATION

The Committee member vacancy was advertised in June 2016, in accordance with the Council adopted (resolution C1510/296) governance agreements and terms of reference, for the Meelup Regional Park Management Committee.

Nominations to fill the MRPMC member vacancy were received from Mr Tony Smurthwaite, Ms Arlene Maidment and Ms Lisa Archer.

Mr Tony Smurthwaite has experience in environmental geology, natural resource planning and land use planning and has a commitment to contribute to the sustainability of the natural resources of Meelup Regional Park.

Ms Arlene Maidment has a background in the services industry, is a current volunteer with the Meelup Regional Park and hopes to contribute ideas and values to help sustain the Meelup Regional Park.

Ms Lisa Archer has a background in landscape architecture and experience in visual landscape assessments and trail development including Cape to Cape walk trail upgrade.

The Mayor and Presiding Member of the MRPMC considered the expressions of interest that were received and recommend the appointment of Mr Tony Smurthwaite as a member on the Meelup Regional Park Management Committee.

OFFICER COMMENT

The terms of reference adopted by the Council in October 2015 for the MRPMC provide for the appointment of six community (voting) members and two deputy community (non-voting, unless voting members are not present) members as appointed by the Council. The two deputy community members may be present at all Committee meetings as non-voting members, including when matters are being considered 'behind closed doors'.

While there is only one MRPMC community member vacancy that needs to be filled, this report recommends that Council increase the number of deputy member appointments, which will result in an increase from two deputy members to four deputy members. Increasing the number of deputy members will increase the pool of future candidates and provide an opportunity for future Committee vacancies to be filled by deputy members that have previous involvement and experience with the Committee function.

This report also includes a recommendation for Ms Arlene Maidment and Ms Lisa Archer to be appointed as deputy members to the MRPMC.

CONCLUSION

In order to continue the valuable contribution to the City made by the Meelup Regional Park Management Committee, it is considered that the Committee should be returned to its full capacity of members.

OPTIONS

The Council may choose to review the expressions of interests or re-advertise the positions. Council also decide not to increase the number of deputy members.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Any decision of the Council in relation to this matter would be effective immediately.

Council Decision and Officer Recommendation

C1609/242 Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council:

1. Adopts changes to the terms of reference for the Meelup Regional Park Management Committee to increase the number of deputy member appointments from two deputy members to four deputy members.

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

2. Appoints the following persons as member and deputy members to the Meelup Regional Park Management Committee:
 - i. Mr. Smurthwaite as a member of the Meelup Regional Park Management Committee for a term ceasing on the day of the next ordinary Council election.
 - ii. Ms Arlene Maidment and Ms Lisa Archer as deputy members of the Meelup Regional Park Management Committee for a term ceasing on the day of the next ordinary Council election.

CARRIED 9/0

BY ABSOLUTE MAJORITY

14.1 LEASE OF RAILWAY HOUSE TO THE MARGARET RIVER BUSSELTON TOURISM ASSOCIATION AND DEED OF SURRENDER OF PEEL TERRACE PREMISES

SUBJECT INDEX:	Agreements/Contracts
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Property and Corporate Compliance
REPORTING OFFICER:	Property Management Coordinator - Sharon Woodford-Jones
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Margaret River Busselton Tourism Association Railway House Lease Plan

PRÉCIS

The Margaret River Busselton Tourism Association (MRBTA) and the City of Busselton entered into a Memorandum of Understanding on 17th September 2014 (MOU) in relation to the construction and proposed lease of premises known as 'Railway House' to be located within Reserve 38558 on the Busselton Foreshore.

The purpose of this report is to make recommendations to Council in relation to the grant of a lease of Railway House to the MRBTA and to formalise the Lease surrender and City occupation of premises at 22 Peel Terrace, Busselton (Peel Terrace Premises).

BACKGROUND

Railway House Project

The City intends, as part of its Busselton Foreshore Redevelopment Project, to construct Railway House on Reserve 38558. The Reserve is vested in the City under a Management Order currently with power to lease for periods up to 21 years, subject to the consent of the Minister for Lands.

The development involves the relocation of the old existing railway building from Rotary Park to Reserve 38558 on Busselton Foreshore to accommodate a tourist information centre with conjoined additional facilities including a display and interpretive centre and a secure housing for the Ballarat Engine and jetty train.

Railway House has been designed to accommodate the needs of the MRBTA and the Busselton Jetty Environment and Conservation Association (BJECA). This report is concerned with the MRBTA's role in the project only. The arrangements and agreements in relation to BJECA and their contribution to the project will be the subject of a separate report to Council.

Memorandum of Understanding

Having received in principle support for the Railway House Project from the board of MRBTA on 16th June 2014 formal agreements were required to be developed to record the commitment of all parties and the various components of the process.

On 25th June 2014 Council therefore resolved in part (C1406/162) the following:

"That the Council:

2. Endorses the City preparing and entering into a Memorandum of Understanding with the Geographe Bay Tourism Association (GBTA) outlining an agreement to proceed with the construction of Railway House on the Busselton Foreshore
3. Subject to the MOU above, endorses the drafting of the necessary leases and licences and proposed changes to any existing agreements to facilitate this proposal.”

A Memorandum of Understanding was duly entered into by the City and the GBTA on 17th September 2014. From 1 July 2015 the MRBTA became the successor of the GBTA and formally ratified the MOU to confirm the assumption of all existing rights and obligations of the GBTA.

The MOU contains the basis of the terms agreed between the City and the MRBTA in relation to the construction and lease of Railway House. In summary, the MOU outlines:

- The grant of a lease of approximately 120 square metres of space within Railway House which will consist largely of the old Railway House building and verandah being relocated to the Busselton Foreshore;
- The surrender of the lease of the Peel Terrace Premises.

Since entering into the MOU the City and the MRBTA have further negotiated arrangements to suit all parties while Railway House is being constructed, namely:

- A Licence for the City to occupy the Peel Terrace Premises for the period up to the surrender date of the lease of the Peel Terrace Premises (which is a date linked to practical completion of Railway House); and
- The occupation by the MRBTA of premises on the Busselton Foreshore on a periodic basis until Railway House is ready for occupation.

Surrender of Lease of Peel Terrace Premises by MRBTA and occupation by the City.

On 29th July 2010 the City entered into a lease with the then GBTA of the premises at 22 Peel Terrace, Busselton, being lot 73 on Deposited Plan 49894 owned freehold by the City of Busselton.

As the GBTA largely built and paid for the building constructed on the Peel Terrace Premises the lease provides that if the lease was not renewed, the City may be required to pay the GBTA an amount equivalent to the market value of the building at that time.

The MOU in relation to Railway House was itself negotiated on the basis that the City would waive any capital contribution for MRBTA's portion of Railway House in exchange for MRBTA surrendering their lease of the Peel Terrace Premises and foregoing the requirement for the City to pay any amount in respect of the Peel Terrace building.

Having already vacated the Peel Terrace Premises for a preferred location on the Busselton Foreshore it was agreed that the City would enter into a temporary arrangement for the Peel Terrace Premises for use as alternative accommodation for City staff during the redevelopment of the City's administrative facilities. The City pays a monthly rent of \$2666.67 exclusive of GST for the use of these premises until the MRBTA surrender their lease. The surrender will occur on practical completion of Railway House, anticipated to be no later than 30th November 2016.

Crown Land Matters

On 27th January 2016, as part of the land rationalisation process linked to the overall Busselton Foreshore Master Plan, Council resolved (C1601/010) to:

1. Surrender Lease I126939, between the State of Western Australia as the Lessor and the City of Busselton as Lessee in respect of Lot 431 on Deposited Plan 190978; 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 (DoL) were notified of the above request and provided with a copy of the resolution of Council shortly after the Council meeting. On enquiring of progress in relation to the issue of the revised Management Order the DoL informed City staff recently that the documentation had gone astray and the request had not been progressed. Following discussions concerning the matter with senior staff at the DoL, City officers have been informed that "Delegated Approval" to the extension of the allowable period to lease can nevertheless be issued without delay. This will give the City sufficient authority to progress the execution of the lease for the longer term agreed between the parties.

Railway House Design and Construct

Having secured the commitment from MRBTA and BJECA to progress with a concept for a Railway House that provides facilities for both organisations, the Council on 25th November 2015 considered a report to award a contract for the design and construction of the building.

Council resolved in part C1511/338 the following:

"That the Council:

2. Subject to Resolution 5, delegates authority to the CEO, following further negotiations, to award the contract to Big Ben Builders for a finalised lump sum price for the construction of Railway House."

Resolution 5 required that confirmation be obtained from BJECA's Board to meet the agreed cost of their component of the project. This was provided to the City in November 2015 in the form of a letter signed by BJECA's President and CEO committing to the agreed funding.

A contract has been awarded to the preferred tenderer and work on the Railway House building is on schedule for practical completion at the end of November 2016.

STATUTORY ENVIRONMENT

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

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

Under Section 18(2) of the Land Administration Act 1997, 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 (TLA) once the survey of the boundaries of the leased premises has been undertaken.

RELEVANT PLANS AND POLICIES

Busselton Foreshore Master Plan (BFMP)

The BFMP is a strategic document that provides detailed guidance for the planning and development of the Busselton Foreshore. 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

The lease provides that the City will maintain the structure of the common areas (the kitchen, toilets, foyer and interpretive space) as well as the structure of the building occupied by the MRBTA at Railway House. MRBTA are responsible for cleaning and maintenance of their premises. Whilst the MRBTA will be responsible for cleaning and maintaining the non-structural elements of the common areas, the City agrees to make a contribution towards the costs of cleaning and maintenance as well as services to the common areas. The amount of the annual contribution by the City will be determined either by separate meters and invoices or by agreement between the City and the MRBTA. Failing agreement between the parties, the respective contributions will be calculated based on the square meterage proportion of the common areas in relation to the premises occupied by MRBTA.

As the MRBTA will be managing the hire of the common area space within Railway House and providing general supervision services for the same, the revenue generated from the hire of the facility will be put towards the cost of maintenance of the common areas and the provision of that service by the MRBTA. The calculation of the fee to be paid to the MRBTA for their services in this respect is to be determined by agreement between the parties but can never exceed the annual income received for hire of the venue.

The negotiated rent payable to the MRBTA for the use and occupation of the Peel Terrace Premises was based on an independent market valuation. The monthly rental figure the City has agreed to pay for the premises is lower than the market rental valuation for the same.

STRATEGIC COMMUNITY OBJECTIVES

The proposal to enter into a lease with the MRBTA for the occupation of Railway House is consistent with the City of Busselton Strategic Community Plan 2013 (reviewed 2015). In particular 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.

MRBTA and their predecessors GBTA have been involved in discussions concerning Railway House from the outset. The newly formed Board of the MRBTA formally ratified the MOU signed by the GBTA shortly after the merger of the tourism groups and are keen to continue and develop their presence on the Busselton Foreshore.

The Department of Lands have 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 and Management Order conditions affecting the Reserve upon which Railway House will be constructed.

OFFICER COMMENT

The initial notion of a Railway House building began during negotiations between the City and Busselton Jetty Environment and Conservation Association (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 identified a desire to remain on the foreshore after a successful trial on a temporary foreshore location. The design and concept has therefore evolved into a multifunctional facility suitably customised for use by the City, the MRBTA and BJECA with a number of objectives, notably to establish a visitor centre in a prominent location; administration and storage space for BJECA and a focal point to celebrate the heritage of the jetty and other historical aspects of the District.

Railway House Lease

The concept drawings showing the layout of the premises to be leased to the MRBTA are shown on the plan annexed to this report as Attachment A. The premises to be leased to the MRBTA will provide approximately 120 square metres of indoor visitor centre space and a front verandah area of approximately 100 square metres for MRBTA's exclusive use but subject to the right of the City to use the verandah from time to time.

In light of the shared nature and multi-use of the building, it is suggested that the lease of Railway House contain a number of special conditions, in particular reflecting the public nature of the building; the shared use of certain areas; management of common areas and the respective cleaning and maintenance obligations of the parties. The lease will therefore set out in detail which aspects of the building are the responsibility of which party.

The key provisions of the lease have been approved by the MRBTA. The proposed term is for an initial period of 21 years followed by three further 7 year options exercisable by the MRBTA. Commencement will, as previously mentioned, be upon practical completion of the construction of Railway House. Rent will commence at the community lease rate of \$205 per annum and be reviewed by CPI each year.

Where this lease departs from the standard terms of other community leases is broadly as follows:

Maintenance

MRBTA will be required to maintain and keep clean the leased premises.

Verandah

The premises leased to MRBTA will include the verandah area shown on the plan at Attachment A. The City will have the right to periodic use of this area free of charge, subject to the provision of reasonable prior notice.

Common Area use

Common areas are defined as including the interpretive centre, foyer, disabled access ramp, kitchen and internal ablution facility – Attachment A shows the location of these areas. The City will fit out this area and the MRBTA will be entitled to non-exclusive, non-commercial use during normal business hours of the kitchen (for MRBTA employees) and the internal ablutions (for MRBTA employees, contractors and customers).

The common area will be available for hire by the City, the MRBTA and the general public through an advanced booking arrangement. The use to which the area is put must first be approved by the City. The City reserves the right to use the area for exhibitions or displays, free of charge and will retain responsibility for curatorial management of exhibitions and permanent displays such as the Ballarat Steam Engine.

The MRBTA will be responsible for day to day management of the area including general supervision and bookings and the safe keeping and replacement of kitchen equipment and utensils. In return, it is proposed that the City will pay MRBTA a fee for the provision of such service, the amount of which will be negotiated between the parties.

The City will make a contribution towards the utilities serving the common area and the cleaning of the same. In the event of the City and MRBTA failing to agree the respective contributions for services and cleaning (where separate meters and invoices are not available) the contribution will be based on the proportion of the floor area of the common area in relation to the leased premises and the actual costs incurred during any 12 month period.

General

The precise location and dimensions of the area to be leased will be surveyed once the building is substantially complete. The survey plan will represent the demised premises and be the definitive plan retrospectively included in the lease.

Surrender of Peel Terrace Premises

The MOU entered into by the City and MRBTA requires the MRBTA to surrender the lease of the premises formerly used by the GBTA as consideration for the City granting the Railway House lease.

It is proposed that the City and the MRBTA enter into a Deed of Surrender in respect of the MRBTA's lease of the Peel Terrace Premises dated 29th July 2010. Under this deed the MRBTA will waive any claim it may have against the City for compensation in relation to any buildings or improvements constructed on the Peel Terrace Premises. Upon execution of the Deed of Surrender of Lease, the Peel Terrace Premises revert to the City and can continue to be occupied by City staff or otherwise used at the City's discretion for as long as required without the requirement for any payment to the MRBTA.

CONCLUSION

The concept of a Railway House has been a feature of the Busselton Foreshore Master Plan since its inception. The negotiation of the various components of the concept have come together in a way that works well for the City and the MRBTA. Railway House will enable the MRBTA to operate from a prime location with the added benefit of access to interpretative space and complimentary facilities. The City will be able to provide a range of additional community facilities in the form of displays, exhibitions and a heritage connection to the jetty and its links to the rails to trails.

The right for the City to occupy the Peel Terrace Premises has enabled the City to seamlessly offer an efficient interface between City staff and the community whilst the new administration offices are being constructed. There is also a clear potential financial advantage to the City acquiring vacant possession of the Peel Terrace Premises before the lease expiry date.

OPTIONS

Council may resolve to negotiate alternative lease terms with MRBTA.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

All documentation relating to the lease of Railway House and Surrender and Licence of the Peel Terrace Premises has been drafted and broadly agreed between the City and the MRBTA. It is anticipated that lease, licence and surrender agreements 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

C1609/243

Moved Councillor G Bleechmore, seconded Councillor P Carter

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. 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 Margaret River Busselton Tourism 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:
 - a) 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.
 - b) 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).
 - c) The rent to commence at \$205 per annum
 - d) The rent to be increased each year at CPI
 - e) The reservation of a right for the City to use the verandah attached to the premises periodically free of charge but subject to the provision of reasonable notice

- f) The Lessee being entitled to non-exclusive and non-commercial use of sections of the common areas being the kitchen and internal toilets
 - g) The common area being made available as a venue for hire by the City, Lessee and the general public via an advanced booking arrangement
 - h) The City reserving the right to use the common area free of charge for exhibitions or displays (to include the permanent display of the Ballarat Steam Engine)
 - i) Detailed provisions dealing with the use and day to day management of the common area including such things as management of bookings, costs of cleaning and services and collection and use of income from bookings.
 - j) Detailed provisions in relation to the obligations of the Lessee for maintenance, repair and cleaning.
 - k) Such other terms and conditions as may be required to be negotiated to suit the needs and intentions of the parties.
2. Enters into a Surrender of Lease Deed and Licence with the Margaret River Busselton Tourism Association Inc in respect of Lot 73 Peel Terrace, Busselton (the Premises) being the whole of the land on Deposited Plan 49894 incorporating the following provisions:
- a) the right for the City to exclusive use and occupation of the Premises as administrative offices at a rent of \$2666.67 per month exclusive of GST up to the earlier of either the date that Railway House is substantially complete and ready for occupation or, in the event that Railway House is not constructed within the timeframe agreed, up to the date that the lease of Railway House is terminated.
 - b) the surrender by the Margaret River Busselton Tourism Association Inc (MRBTA) as successor of the Geographe Bay Tourism Association Inc (GBTA) of the lease of the Premises dated 29 July 2010 between the City of Busselton and the GBTA and the waiver of any rights to any claim the MRBTA may have against the City under that lease.

**CARRIED 9/0
BY ABSOLUTE MAJORITY**

15.1 AWARD OF TENDER RFT 14/16 BUSSELTON FORESHORE DEVELOPMENT: JETTY WAY
PEDESTRIAN LINK EXPOSED AGGREGATE CONCRETE

SUBJECT INDEX:	Busselton Foreshore Infrastructure
STRATEGIC OBJECTIVE:	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
BUSINESS UNIT:	Major Projects
ACTIVITY UNIT:	Major Projects
REPORTING OFFICER:	Executive Director - Martyn Glover
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Jetty Way Location Plan Attachment B Confidential RFT14/16 Tender Evaluation

Attachment B is confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with “a contract entered into or which may be entered into, by the local government”. Copies have been provided to Councillors, the Chief Executive Officer and Directors Only.

PRÉCIS

The Council is requested to consider the tenders received in response to Request for Tender RFT14/16 for Busselton Foreshore Development: Jetty Way Pedestrian Link Exposed Aggregate Concrete. The tender has now closed and tender submissions have been received and evaluated. This report summarises the submissions received and recommends that Council awards RFT14/16 – Busselton Foreshore Development: Jetty way pedestrian Link Exposed Aggregate Concrete Contract to Leeuwin Civil Pty Ltd, in accordance with the tender evaluation panel recommendation.

BACKGROUND

The City of Busselton’s 2016/17 Capital Works Program includes provision for the installation of an exposed aggregate concrete concourse on Jetty Way between Foreshore Parade and the Busselton Jetty including the concrete footing for the realigned railway (see attached plan A). The purpose of the works is to provide a pedestrian link to the adjoining facilities including the Goose, the carpark, Railway House, the jetty, the promenade and the future Family Restaurant/micro-brewery and amphitheatre.

STATUTORY ENVIRONMENT

Section 3.57 of Local Government Act 1995 requires “A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services”.

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

Compliance with the Local Government Act 1995 section 3.57 is required in the issuing and tendering of contracts.

RELEVANT PLANS AND POLICIES

The City’s purchasing, tender selection criteria, occupational health and safety and engineering technical standards and specifications, were all relevant to this tender and have been adhered to in the process of requesting and evaluating tenders.

FINANCIAL IMPLICATIONS

The total budget for the Jetty Way Pedestrian Link Exposed Aggregate Concrete at Busselton Foreshore is \$555,030 (Cost Centre C3151) however \$49,506.64 is already committed. The pedestrian link also includes part of the Promenade (Cost Centre C3107) with a budget of \$1,100,000.

Leeuwin Civil's submitted tender price is accommodated within the project budgets.

It is expected that any variations will be paid from the existing budget, authorised by the Superintendent.

Long-term Financial Plan Implications

STRATEGIC COMMUNITY OBJECTIVES

The installation of the Jetty Way Pedestrian Link Exposed Aggregate Concrete to the Busselton Foreshore Area is consistent with following the City of Busselton's Strategic Objectives:

2. Well planned, vibrant and active places;
- 2.3 Infrastructure assets are well maintained and responsibly managed to provide for future generations.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer's 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 as medium or greater are included below.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Delay of materials from a third party and services supplied by a sub-contractor. The worst impact would be a delay in materials delaying the completion of the project.	Early award to the contractor. Included in the contract scope and project timeline. Delay would be at contractor's risk. Liquidated damages may be imposed for delays that cause loss to the City.	Medium	Unlikely	Medium
The contractor fails to complete the installation by the end of December.	Weekly project meetings to monitor progress. Liquidated damages may be imposed for delays that cause loss to the City.	Medium	Possible	Medium
The costs associated with the construction is over the Council endorsed budget due to variations to the contractors scope of work.	Tender contract terms & conditions; Regular project meetings to monitor progress and provision of a contingency budget.	Medium	Likely	Medium

The contractor fails to construct the infrastructure in accordance with the design.	The Contractor will be monitored to confirm that design is being adhered to at appropriate hold points.	High	Unlikely	Medium
The installed infrastructure fails to meet the requirements of the City's expectations.	The Contractor will be monitored to confirm that design is being adhered to at appropriate hold points.	High	Unlikely	High

CONSULTATION

RFT14/16 was advertised in the West Australian newspaper on 2 July 2016; the Council for Community pages in the Busselton Dunsborough Mail editions on 8 July 2016; the City of Busselton tenders website page on Saturday 2 July 2016 and Public Notice Boards on Monday 4 July 2016. The closing date for submissions was 2 August 2016 at 2.00pm.

OFFICER COMMENT

The City issued Request for Tender documents to twenty-one (21) potential Respondents and received a total of three (3) submissions from; Leeuwin Civil, Dowsing Concrete and Dash Civil.

The tender assessment was carried out by a tender review panel consisting of Chris Shaw - Project Coordinator (Panel Chair), Martyn Glover – Executive Director, and Cobus Botha – Legal Services Coordinator. A copy of all documentation was provided to each member of the tender review panel for assessment.

As part of the tender evaluation process an initial compliance check was conducted to identify submissions that were non-conforming with the immediate requirements of the RFT. This included compliance with contractual requirements and the provision of requested information. All tender submissions were found to be compliant with the specified requirements.

The tender required applicants to address the specified qualitative and quantitative criteria, and complete a pricing schedule for the contract.

The qualitative criteria assessed and weightings applied were as follows:

- Relevant Experience 25%
- Key Personnel Skills and Experience 5%
- Tenderer's Resources 5%
- Demonstrated Understanding 5%

The Tendered price was given a weighting of 60%.

The preferred tenderer has been recommended on the basis of a complete tender evaluation in accordance with the above.

The attached confidential Tender Evaluation and Recommendation report (Attachment B) provides the detailed evaluation outcome.

In Summary, the final ranking demonstrated that the tender from Leeuwin Civil Pty Ltd represents the best value for money option for the City

CONCLUSION

The tender evaluation panel has completed their assessment in line with the City's tender process and Officers now recommend the Council award Busselton Foreshore Development: Jetty Way Pedestrian Link Exposed Aggregate Concrete to Leeuwin Civil Pty Ltd.

OPTIONS

The Council may consider the following alternate options:

1. The Council chooses not to accept the Officers Recommendation and award the Tender to an alternative tenderer. In the view of the Officer's this could result in a Tender being awarded to a tenderer that has not presented the "best value" for money offer.
2. The Council may choose not to accept the Officers Recommendation and not award the tender. This would mean going back out to tender, resulting in significant delays to the contract award and potential significant delays to the development of the Busselton Foreshore.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of the tender can be made immediately after the Council has endorsed the Officer's recommendation. Subject to finalisation of a number of administrative requirements, the successful tenderer will receive formal written notification within seven (7) days of the resolution. All unsuccessful tender applicants will also be notified at this time.

Council Decision and Officer Recommendation

C1609/244

Moved Councillor G Bleechmore, seconded Councillor P Carter

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Endorses the outcomes of the evaluation panel's assessment in relation to Tender RFT14/16 for Busselton Foreshore Development: Jetty Way Pedestrian Link Exposed Aggregate Concrete which has resulted in the tender submitted by Leeuwin Civil Pty Ltd being ranked as the best value for money.
2. Delegate authority to the CEO to award the contract for Tender RFT14/16 to Leeuwin Civil Pty Ltd, subject to negotiations over the final price sum.

CARRIED 9/0

BY ABSOLUTE MAJORITY

15.2 AWARD OF TENDER RFT 12/16 SUPPLY AND INSTALLATION OF OFFICE LOOSE FURNITURE ITEMS TO THE CITY OF BUSSELTON ADMINISTRATION AND CIVIC BUILDING

SUBJECT INDEX:	Busselton Administration and Civic Building
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Major Projects
ACTIVITY UNIT:	Major Projects
REPORTING OFFICER:	Executive Director - Martyn Glover
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

Attachment A is confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with “a contract entered into or which may be entered into, by the local government”. Copies have been provided to Councillors, the Chief Executive Officer and Directors Only.

PRÉCIS

The Council is requested to consider the tenders received in response to Request for Tender RFT12/16 for Supply and installation of Office Loose Furniture Items to the City of Busselton Administration and Civic Building. The tender has now closed and tender submissions have been received and evaluated. This report summarises the submissions received and recommends that Council awards RFT12/16 in part to Burgtec Australasia Pty Ltd, Castledex Pty Ltd, Design Farm (Australia) Pty Ltd, Haworth Australia, Innerspace Commercial Interiors Pty Ltd and UCI in accordance with the tender evaluation panel recommendation.

BACKGROUND

The City of Busselton’s 2016/17 Capital Works Program includes provision for the supply and installation of office loose furniture to the new Administration and Civic Building in Southern Drive. The loose furniture tender includes all chairs, sofas, ottomans, tables and storage units for the building including the function room.

The tender was developed to accommodate the interior designer’s specifications while still ensuring a competitive environment was maintained. The tender was split into five separable portions with the ability for prospective tenderers to bid compliant and alternative tenders.

STATUTORY ENVIRONMENT

Section 3.57 of Local Government Act 1995 requires “A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services”.

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

Compliance with the Local Government Act 1995 section 3.57 is required in the issuing and tendering of contracts.

RELEVANT PLANS AND POLICIES

The City's purchasing, tender selection criteria, occupational health and safety and engineering technical standards and specifications, were all relevant to this tender and have been adhered to in the process of requesting and evaluating tenders.

FINANCIAL IMPLICATIONS

The total budget for the Supply and installation of Office Loose Furniture Items to the City of Busselton Administration and Civic Building is \$598,544.

The recommended total tender price is marginally over budget due to an increase in the required tambour units (100 to 135) and changes to some table veneers, however the Work Station tender provided a saving which will ensure the total furniture expenditure is under budget.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The supply and installation of Office Loose Furniture Items to the City of Busselton Administration and Civic Building is consistent with following the City of Busselton's Strategic Objectives:

6. Open and Collaborative Leadership;
- 6.3 An organisation that is managed effectively and achieves positive outcomes for the community.

RISK ASSESSMENT

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Delay of delivery of loose furniture.	Early award to the contractor. Delay would be at contractor's risk. Liquidated damages may be imposed for delays that cause loss to the City.	Medium	Unlikely	Medium
The furniture does not fit into its prescribed location.	All of the furniture is in compliance with the direction of the interior decorating consultant.	Medium	Unlikely	Medium
The Task Chairs are not ergonomically appropriate.	An in-house review of the Task chairs by a group of ten staff with roles they require them to be seated for most of the day, has identified the most suitable chair.	Medium	Unlikely	Medium

CONSULTATION

RFT12/16 was advertised in the West Australian newspaper on 25 June and 2 July 2016; the Council for Community pages in the Busselton Dunsborough Mail editions on 29 June and 6 July 2016; the City of Busselton tenders website page on Saturday 25 June 2016 and Public Notice Boards on Monday 27 June 2016. The closing date for submissions was 12 July 2016 at 2.00pm.

OFFICER COMMENT

The loose furniture within the City of Busselton's new Administration and Civic Building has been selected in accordance with recommendations by the City's interior decorating consultant, MKDC. The furniture is designed to complement the fixed furniture, wall and window treatments within the building as part of the overall interior design.

The tender process (a single tender with separable portions) has been designed to ensure there is a competitive environment while still achieving the internal design concept. This has been done by listing MKDC's original nominated loose furniture as part of the complying tender and offering the option for alternative tenders.

Since the original budget was proposed there have been a few changes to the loose furniture including a change in some of the wooden table veneers to a Tasmanian Blackwood and an additional 35 Tambour Units (cupboards). The tender also included the chairs and tables for the Function Room.

As part of the tender evaluation process an initial compliance check was conducted to identify submissions that were non-conforming with the immediate requirements of the RFT. This included compliance with contractual requirements and the provision of requested information. All tender submissions were found to be compliant with the specified requirements.

The tender required applicants to address the specified qualitative and quantitative criteria, and complete a pricing schedule for the contract.

The qualitative criteria assessed and weightings applied were as follows:

- Relevant Experience 20%
- Key Personnel Skills and Experience 5%
- Tenderer's Resources 5%
- Demonstrated Understanding 20%

The Tendered price was given a weighting of 50%.

The qualitative and quantitative evaluation is included in the confidential attachment (Attachment B). The quantitative evaluation recognises that in some cases the lowest price items could not be considered because they did not comply with the approved concept. They were however considered with the more common furniture such as the task chairs, function room chairs and tables, tambour units and sofas included in the alternative tenders. Furthermore, no single tenderer was able to supply all of the loose furniture that complied with the concept and provided an attractive solution for the City, consequently the tender is awarded in part to six different tenderers.

The tender assessment was carried out by a tender review panel consisting of Martyn Glover – Executive Director (Panel Chair), Paul Crewe – Manager, Major Projects, and Sarah Pierson – Manager Corporate Services. A copy of all documentation was provided to each member of the tender review panel for assessment.

The preferred tenderers have been recommended on the basis of a complete tender evaluation in accordance with the above.

All of the recommended loose furniture has been approved by MKDC.

CONCLUSION

The tender evaluation panel has completed their assessment in line with the City's tender process and Officers now recommend the Council award the Supply and installation of Office Loose Furniture Items to the City of Busselton Administration and Civic Building which has resulted in the tender submitted in part by Burgtec Australasia Pty Ltd, Castledex Pty Ltd, Design Farm (Australia) Pty Ltd, Haworth Australia, Innerspace Commercial Interiors Pty Ltd and UCI.

OPTIONS

The Council may consider the following alternate options:

1. The Council chooses not to accept the Officers Recommendation and award the Tender to an alternative tenderer/s. In the view of the Officer's this could result in a Tender being awarded to a tenderer that has not presented the "best value" for money offer in compliance with the approved interior design.
2. The Council may choose not to accept the Officers Recommendation and not award the tender. This would mean going back out to tender, resulting in significant delays to the contract award and potential significant delays to the transfer of staff to the new Administration Building.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of the tender can be made immediately after the Council has endorsed the Officer's recommendation. Subject to finalisation of a number of administrative requirements, the successful tenderer will receive formal written notification within seven (7) days of the resolution. All unsuccessful tender applicants will also be notified at this time.

Council Decision and Officer Recommendation

C1609/245

Moved Councillor G Bleachmore, seconded Councillor P Carter

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Endorses the outcomes of the evaluation panel's assessment in relation to Tender RFT12/16 for Supply and installation of Office Loose Furniture Items to the City of Busselton Administration and Civic Building which has resulted in the tender submitted in part by Burgtec Australasia Pty Ltd, Castledex Pty Ltd, Design Farm (Australia) Pty Ltd, Haworth Australia, Innerspace Commercial Interiors Pty Ltd and UCI being ranked as the best value for money and in accordance with the concept interior design.
2. Delegate authority to the CEO to award the contract for Tender RFT12/16 to Burgtec Australasia Pty Ltd, Castledex Pty Ltd, Design Farm (Australia) Pty Ltd, Haworth Australia, Innerspace Commercial Interiors Pty Ltd and UCI, subject to negotiations over the final price sum.

CARRIED 9/0

BY ABSOLUTE MAJORITY

14.3 LEASE RENEWALS - BUSSELTON HISTORICAL SOCIETY AND BUSSELTON POTTERY GROUP

SUBJECT INDEX:	Agreements/Contracts
STRATEGIC OBJECTIVE:	A City where the community has access to quality cultural, recreation, leisure facilities and services.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Property and Compliance Services
REPORTING OFFICER:	Property Management Officer - Julie Oates
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Plan showing lease and licence areas for the Busselton Historical Society and Busselton Pottery Group Attachment B Operational Practices & Procedures

PRÉCIS

The City currently leases portions of the Old Butter Factory building (“Old Butter Factory”) to the Busselton Historical Society Inc (“Historical Society”) for the purpose of a museum. The lease term has expired and continues on a holding over provision, allowing the lessee to remain in occupation on a month by month basis.

The purpose of this report is to provide Council with an update on previous resolutions relating to the Historical Society leased premises and to recommend to Council to enter into a new lease with the Historical Society for the buildings and land they currently occupy. Additionally, as the Busselton Pottery Group (“the Pottery Group”) share areas with the Historical Society, it is recommended that the term of their leases coincide. Thus it is recommended that Council pass a new resolution in relation to the commencement date of the Pottery Group lease.

BACKGROUND

The Old Butter Factory is situated on Lots 1 and 2, Peel Terrace, Busselton being freehold land owned by the City of Busselton. The site has significant heritage value, with the Old Butter Factory building, the boiler house and the smoke stack listed with the Heritage Council of WA.

The Historical Society and the Pottery Group have leased their respective portions of the Old Butter Factory for over 40 years. The parties share areas within the grounds for access and parking and also share ablution facilities.

On 10 December 2014, a report was presented to Council detailing the recommendations contained in a structural assessment undertaken on the Old Butter Factory. The Council resolved in part (C1412/336) that the upper floor of the Old Butter Factory was to be closed to the public until the area is deemed safe. Limited access was to be granted to the members and volunteers of the Historical Society, subject to certain conditions aimed at ensuring safety and compliance with statutory requirements. The Historical Society lease was subsequently amended to reflect this.

Whilst the Historical Society operates the museum from a portion of the Old Butter Factory, they also utilise surrounding buildings, including the machinery display shed, the old school house and the group settlement house for the purpose of displaying items of historical interest.

On the 13 May 2015 a report was presented to Council in relation to the area occupied by the Historical Society, in particularly the use of unallocated crown land (UCL) and reserve land. The Council resolved in part (C1505/114) the following:

“That the Council;

2. *Request the Minister for Lands to excise a portion of Reserve 35490 and combine the unallocated crown land as shown shaded yellow and blue respectively on Attachment A as a separate reserve under City management with the power to lease."*

This has since been achieved with the creation of Reserve 52382.

As the portion of the Old Butter Factory occupied by the Pottery Group (as shown hatched red on Attachment A) was not affected by the structural assessment or the land matters, and their lease was approaching expiry, it was recommended at the same time to enter into a new lease with the Pottery Group. The Council resolved the following:

"That the Council

1. *Enter into a lease with the Busselton Pottery Group Incorporated for the occupation of a portion of Lot 2, Diagram 1723, Volume 1375, Folio 11, Peel Terrace, Busselton as shown edged and hatched red on Attachment A subject to the following:*
 - a) *The term of the lease to be 5 years commencing 1 July 2015 with a 5 year option;*
 - b) *The annual rent to be the nominal rental of \$200.00 inclusive of GST and is to be increased annually by CPI;*
 - c) *The lease will be consistent with the City's standard community and sporting group lease altered to reflect the obligations of the City to maintain the structural integrity of the heritage listed building that forms part of the lease;*
 - d) *the inclusion of a licence for non-exclusive use of the shared use areas as shown hatched green on Attachment A; and*
 - e) *All the costs of the preparation of the lease are to be met by the lessee.*

In December 2015, following receipt of a detailed structural engineer's report from Cotan, a further report was presented to Council with respect to the upper floor of the Old Butter Factory. The Council resolved (C1512/361), to amend the 2015/16 budget so that works could be undertaken to the upper floor as recommended by the Cotan report, allowing it to be re-opened to the public.

The Cotan report also recommended that Operational Practices & Procedures (OPP), be put in place to address specific obligations of the lessee relating to the use of the upper floor and in particular dealing with emergency events. It is proposed that the lease will include a clause requiring the Historical Society to comply with these OPPs throughout the term of their lease.

With the land titles amended and the works to the upper floor now complete, the City is in a position to offer the Historical Society a new long term lease, as detailed in the Officer Comment section of this report.

At this stage, the Pottery Group remain in occupation on a month by month basis, with a new lease not having been entered into. This is due to ongoing discussions in relation to the shared use areas between the Pottery Group and the Historical Society and the desire to formalise these arrangements in concurrent leases with aligned terms. This necessitates a new resolution be passed in relation to the Pottery Group lease, which is further explained in the Officer Comment section.

STATUTORY ENVIRONMENT

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

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

The Historical Society occupies Lots 1, 2 and 328 Peel Terrace, Busselton all being freehold land owned by the City of Busselton. The Pottery Group occupy Lot 2 Peel Terrace. There is a memorial lodged on the titles for all 3 lots under the Heritage of Western Australia Act 1990, which requires the City to preserve and maintain the site. A Conservation Plan and Heritage Impact Statement commissioned by the City provide guidelines for site maintenance.

The Historical Society also occupy Reserve 52382, being Crown Land vested with the City for the designated purpose of “Museum”. The City has the power to lease the land for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

RELEVANT PLANS AND POLICIES

The recommendation to enter into a lease with both parties is consistent with the principles of the recently adopted policy, “Leases of City Land and Buildings” adopted by Council on 27 July 2016. Leases to not for profit, community and sporting groups will generally require the lessee to meet the full cost of maintenance and repair of the buildings and facilities leased as well as the costs of utilities and insurance. However the City has an obligation to maintain the heritage component of the Old Butter Factory building, the boiler house and smoke stack. These obligations are detailed in the Conservation Management Plan prepared in April 2014. It is proposed that the City would continue to meet these obligations.

Policy 29 Building Insurance adopted by Council on 24 July 2013 (C1307/192) provides for an exemption for not for profit community and sporting groups leasing City owned or managed buildings that are listed with the Heritage Council of WA and have conservation plans. A concession of 50% of the building insurance premium is to be applied to these buildings.

FINANCIAL IMPLICATIONS

The rent charged to community and sporting groups leasing City owned land and/or buildings is currently \$205.00 per annum (inclusive of GST) reviewed annually by CPI. It is proposed that the same annual rent be charged to both the Historical Society and the Pottery Group.

The Old Butter Factory and several buildings located on site are heritage listed and the City is required to maintain the structural integrity of these buildings. This has been the case throughout the term of the existing lease and therefore will have no additional impact on the City’s existing financial obligations with funds already provided within the City’s budget. The Historical Society will be required to maintain the remainder of the leased premises.

Given the application of Policy 29, the City will continue to pay half the costs of Building insurance in respect of the Busselton Historical Society premises. The City’s contribution is budgeted for and is currently around \$2700 per year.

Long-term Financial Plan Implications

In the last four years the City has invested a substantial amount of funds in the Old Butter Factory and surrounds. In August 2012, the Council resolved (C1208/244) to undertake capital works on the Old Butter Factory funded through the Building Reserve Fund. Although this work has largely been completed, funding for ongoing maintenance and renewal works is included in the Long Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation to enter into a lease with the Historical Society and with the Pottery Group is consistent with the following City of Busselton Strategic Priorities:

Key Goal Area 2 - Well planned, vibrant and active places:

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

Council Strategies:

- Ensure our recreational facilities meet the needs of our growing community;
- Maintain community assets at an appropriate standard.

RISK ASSESSMENT

There are no identified risks of a medium or greater level associated with the officer recommendation, which serves to mitigate the risks associated with there not being a lease in place which reflects occupation and usage of the land. The recent works completed on the upper floor structure and the inclusion of a lease obligation requiring the Historical Society to comply with the OPPs reduces the risk associated with the upper floor of the Old Butter Factory.

CONSULTATION

City Officers have consulted with the Historical Society on numerous occasions over the last two years in relation to the condition and safe use of the upper floor of the Old Butter Factory. The Historical Society are keen to enter into a lease and acknowledge their obligations in relation to site safety, and in particular, the use of the upper floor.

More recently City Officers have discussed new lease terms with both the Historical Society and the Pottery Group. Both groups have indicated their willingness to enter into a standard community group lease, acknowledging that there will be a very small increase in the annual rent charged as compared to their current leases and that the annual rent will be increased annually by CPI.

OFFICER COMMENT

The Historical Society has had a leasehold interest of the Old Butter Factory and surrounding grounds for many years. They offer a valuable service to the community by providing a well preserved collection of items that tells the story of the Old Butter Factory and life in Busselton over many years.

Due to land tenure issues and the structural works required on the upper floor of the Old Butter Factory, the Historical Society have remained in occupation on a month by month basis for some time. With the land titles amended and the works on the upper floor complete, the City is now in a position to offer the Historical Society a new long term lease.

It is recommended that the City enter into a 5 year lease with the Historical Society with a further 5 year option. This is consistent with the recently adopted Policy – “Leases of City Land and Buildings”. It is proposed that the terms of the standard community group lease be altered to reflect the obligations of the City to maintain the structural integrity of all heritage listed buildings that form part of the lease. It is also proposed that an obligation for the lessee to comply with the OPPs from the Cotan report, which outlines emergency evacuation procedures and restrictions on loading for the upper floor, be included.

As mentioned previously, the Pottery Group remain in occupation on a month by month basis under a holding over clause in their current lease. Given the areas shared by the Historical Society and the Pottery Group, shown hatched green on Attachment A, it is recommended that the lease term of the Pottery Group coincide with the Historical Society’s term. It is further proposed that a licence providing non-exclusive use of the shared areas be included in both leases. Therefore this report contains a revised recommendation relating to Council entering into a lease with the Pottery Group for a 5 year term with a 5 year option, with the commencement date being altered such that the lease term coincides with that offered to the Busselton Historical Society.

CONCLUSION

The Historical Society and the Pottery Group complement each other and together provide a cultural experience for visitors to the district. They are well respected community groups and play an important part in the preservation of history and the cultural fabric of the City. The groups have indicated their willingness to enter into new leases on the terms proposed.

It is recommended that the Council support both parties continued occupation of this site on the terms outlined in the Officer Recommendation.

OPTIONS

Council may also consider the following options:

1. Council can resolve to enter into a different term of lease with either the Historical Society or the Pottery Group, however, the term offered to the Historical Society could not exceed 21 years, due to a portion of their leased premises being on reserve land.
2. Council can resolve not to alter the commencement date of the lease with the Pottery Group in which case Council resolution (C1505/114) dated 13 May 2015 will remain applicable.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If Council endorse the officer recommendation in relation to the Historical Society and the Pottery Group, it is anticipated that signing of leases would take place on or before the 1 October 2016.

OFFICER RECOMMENDATION

That the Council:

1. Enter into a lease, with the Busselton Historical Society Inc for Lots 1, 2, 328, and, subject to the consent of the Minister for Lands approval, a portion of Reserve 52382, Lot 500, Peel Terrace Busselton, as shown hatched orange on Attachment A on the following terms:
 - a) The term of the lease to be 5 years commencing on 1 October 2016 with a 5 year option.

- b) The annual rent to be the nominal rental of \$205.00 inclusive of GST and is to be increased by CPI annually.
 - c) The lease will be consistent with the City's standard community group lease with the exception of clauses requiring that:
 - (i) The lessee comply with the Conservation Management Plan of April 2014 and that the City be responsible for repairs of a structural nature in relation to the heritage buildings listed in the Conservation Management Plan;
 - (ii) The Lessee comply with the Operational Practices & Procedures provided by Cotan Pty Ltd dated 1 September 2015 relating to the use of the Old Butter Factory Building; and
 - (iii) The inclusion of a licence for non-exclusive use of the shared use areas as shown hatched green on Attachment A; and
 - d) All the costs of the preparation of the lease are to be met by the lessee.
2. Enter into a lease with the Busselton Pottery Group Inc for the occupation of a portion of Lot 2 Peel Terrace, Busselton, as shown hatched red on Attachment A on the following terms:
- a) The term of the lease to be 5 years commencing on 1 October 2016 with a 5 year option;
 - b) The annual rent to be the nominal rental of \$205.00 inclusive of GST and is to be increased by CPI annually;
 - c) The lease will be consistent with the City's standard community and sporting group lease altered to reflect the obligations of the City to maintain the structural integrity of the heritage listed building that forms part of the lease;
 - d) The inclusion of a licence for non-exclusive use of the shared use areas as shown hatched green on Attachment A; and
 - e) All the costs of the preparation of the lease are to be met by the lessee.

Note: Councillor Bennett proposed an Alternative Motion for Council consideration that would change the terms of the lease with the Busselton Historical Society Inc to be 5 years with a 5 year option.

Council Decision and Alternative Motion

C1609/246

Moved Councillor R Bennett, seconded Councillor J McCallum

That the Council:

- 1. Enter into a lease, with the Busselton Historical Society Inc for Lots 1, 2, 328, and, subject to the consent of the Minister for Lands approval, a portion of Reserve 52382, Lot 500, Peel Terrace Busselton, as shown hatched orange on Attachment A on the following terms:
 - a) The term of the lease to be 5 years commencing on 1 October 2016 with a 5 year option.
 - b) The annual rent to be the nominal rental of \$205.00 inclusive of GST and is to be increased by CPI annually.

- c) The lease will be consistent with the City's standard community group lease with the exception of clauses requiring that:
 - (i) The lessee comply with the Conservation Management Plan of April 2014 and that the City be responsible for repairs of a structural nature in relation to the heritage buildings listed in the Conservation Management Plan;
 - (ii) The Lessee comply with the Operational Practices & Procedures provided by Cotan Pty Ltd dated 1 September 2015 relating to the use of the Old Butter Factory Building; and
 - (iii) The inclusion of a licence for non-exclusive use of the shared use areas as shown hatched green on Attachment A; and
 - d) All the costs of the preparation of the lease are to be met by the lessee.
2. Enter into a lease with the Busselton Pottery Group Inc for the occupation of a portion of Lot 2 Peel Terrace, Busselton, as shown hatched red on Attachment A on the following terms:
- a) The term of the lease to be 5 years commencing on 1 October 2016 with a 5 year option;
 - b) The annual rent to be the nominal rental of \$205.00 inclusive of GST and is to be increased by CPI annually;
 - c) The lease will be consistent with the City's standard community and sporting group lease altered to reflect the obligations of the City to maintain the structural integrity of the heritage listed building that forms part of the lease;
 - d) The inclusion of a licence for non-exclusive use of the shared use areas as shown hatched green on Attachment A; and
 - e) All the costs of the preparation of the lease are to be met by the lessee.

CARRIED 9/0

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. CONFIDENTIAL REPORTS

Nil

18. QUESTIONS FROM MEMBERS

Nil

19. PUBLIC QUESTION TIME

Nil

20. NEXT MEETING DATE

Wednesday, 28 September 2016

21. CLOSURE

The meeting closed at 5.50pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 115 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 28 SEPTEMBER 2016.

DATE: _____ PRESIDING MEMBER: _____