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CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 1 FEBRUARY 2018

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE NO.
1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS.....	2
2.	ATTENDANCE	2
3.	PUBLIC QUESTION TIME.....	2
4.	DISCLOSURE OF INTERESTS	2
5.	CONFIRMATION OF MINUTES	2
5.1	Minutes of the Policy and Legislation Committee Meeting held 30 November 2017	2
6.	REPORTS	3
6.1	PREPARATION OF DUNSBOROUGH TOWN CENTRE ACTIVITY CENTRE PLAN & URBAN DESIGN GUIDELINES.....	3
6.2	CAR PARKING MANAGEMENT IN THE DUNSBOROUGH TOWN CENTRE.....	13
6.3	ENDORSEMENT OF THE CONSOLIDATED PARKING SCHEME 2018 AND DELEGATED AUTHORITY TO THE CEO TO AMEND THE SCHEME.....	25
6.4	REVIEW OF COUNCIL DELEGATION LG6C RATES AND SERVICE CHARGES	30
7.	GENERAL DISCUSSION ITEMS	33
8.	NEXT MEETING DATE	33
9.	CLOSURE	33

MINUTES

MINUTES OF A MEETING OF THE POLICY AND LEGISLATION COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 1 FEBRUARY 2018 AT 9.30AM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 9.30am.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Ross Paine
Cr Rob Bennett
Cr Kelly Hick
Cr Lyndon Miles

Officers:

Mr Paul Needham, Director, Planning and Development Services
Mr Cliff Frewing, Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Tanya Gillett, Manager Environmental Services
Mr William Hosken, Strategic Planner
Ms Louise Korovesi, Principal Strategic Planner
Mr Ian McDowell, Ranger & Emergency Services Coordinator
Miss Kate Dudley, Administration Officer, Governance

Apologies

Nil

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 30 November 2017

COMMITTEE RECOMMENDATION

PL1802/172 Moved Councillor R Bennett, seconded Councillor K Hick

That the Minutes of the Policy and Legislation Committee Meeting held 30 November 2017 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.1 PREPARATION OF DUNSBOROUGH TOWN CENTRE ACTIVITY CENTRE PLAN & URBAN DESIGN GUIDELINES

SUBJECT INDEX:	Town & City Centres
STRATEGIC OBJECTIVE:	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Strategic Planning & Development
REPORTING OFFICER:	Strategic Planner - William Hosken
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Dunsborough Town Centre Conceptual Plan⇒ Attachment B Extract from proposed Amendment No. 29 to Local Planning Scheme 21⇒ Attachment C Proposed Extent of Dunsborough Activity Centre Plan and Urban Design Guidelines⇒ Attachment D Extract of 'Schedule 1 – Design Principles' from Draft State Planning Policy 7⇒ Attachment E Extract from Local Commercial Planning Strategy⇒

PRÉCIS

The Council is requested to endorse the proposed preparation of an Activity Centre Plan (ACP) and Urban Design Guidelines (UDG) for the Dunsborough Town Centre as means to provide guidance and direction for future development. This report details the rationale for doing so and proposes a program, including public consultation, for preparing these documents over the coming 12 months.

BACKGROUND

Over the past five years, the City of Busselton has been actively planning to facilitate improvements to the function, attractiveness and vitality of the Dunsborough Town Centre.

The City is working towards formulating a practical and robust local planning framework for the future development of the Dunsborough Town Centre. It is intended that this framework will, by considering the most appropriate planning controls and incentives through which this can be provided, provide guidance and direction for the desired built form and the interface between private development and the public realm.

To date, this has included the following initiatives:

Dunsborough Town Centre Conceptual Plan (DTCCP)

A review of past planning instruments and technical studies, on-ground assessments of parking and access issues, and several occasions and forms of consultation (with landowners, residents and community groups) culminated in the adoption of the DTCCP (**Attachment A**) by Council in January 2014. The DTCCP provided a framework for a range of initiatives (planning and otherwise) to be identified and consulted on, and the City has subsequently progressed various projects adopted therein including streetscape and public open space enhancements.

The DTCCP highlighted the need for further detailed investigation into the design of development within the Dunsborough Town Centre via the identification of 'Development/ Redevelopment Cells' that require site-specific design guidance/ integration.

Each of these Cells reflects a generally consistent pattern of existing development such that the likely future development options are similar to, and in some cases dependent upon, other sites within that Cell.

Amendment No. 1 (Omnibus #1)

The DTCCP foreshadowed various changes to the zoning of land that were subsequently progressed as part of Amendment No. 1 to *Local Planning Scheme No. 21* (the Scheme). Amendment No. 1 included a range of significant changes to planning controls for the Busselton and Dunsborough centres, reflecting the implementation of the Conceptual Plans for each (although the pattern of zoning was simplified) as well as a number of the recommendations of the City of Busselton's Local Commercial Planning Strategy and Local Cultural Planning Strategy. These changes included:

- Introduction of an RAC-3 coding to encourage and support residential and mixed use development;
- Introduction of a range of incentives (including increased plot ratio) to encourage and support mixed-use development;
- Extension of the Dunsborough Town Centre via rezoning of the Clark Street industrial area;
- Introduction of Additional Use areas fringing the Town Centre to provide certain low-impact business/commercial opportunities and a legible transition between land uses in the centres and adjoining residential areas;
- Relaxation of building height controls to accommodate 4 to 5 storey developments; and
- Deletion of redundant Additional Uses and Special Provisions.

These new Scheme provisions were adopted by the Minister for Planning in August 2017, and officers consider that these significant changes warrant the preparation of subsequent planning instruments to provide direction and guidance on the desired form of development which may now occur.

Amendment No. 29 (Omnibus #4)

The City is working towards a framework to guide development within the Busselton and Dunsborough City/Town Centres which will ultimately include an ACP and new/ updated UDG for each. However, recent development proposals and the testing of the City's current statutory framework through the State Administrative Tribunal (in relation to some of these proposals) indicated the need for provisions to be included directly within the Scheme to strengthen the City's ability to respond appropriately to matters of good design.

Amendment No. 29, adopted for consultation by the Council on 13 December 2017, includes the proposed introduction of new development controls to be applied within the Dunsborough and Busselton centres. These provisions (refer **Attachment B**) were devised upon review of existing state and local policies and relative to the scope and purpose of the proposed ACP and UDG, which will ultimately serve in support of the Scheme.

Discussion on the proposed ACP and UDG for the Dunsborough Town Centre is provided in the 'Officer Comment' section of this report.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

The preparation of an ACP is required to occur consistent with Part 5 of Schedule 2 of the Regulations. The Regulations provide (Sch. 2, Part 5, Cl. 31) that an ACP may be prepared if required under a State Planning Policy or where the WA Planning Commission considers that this is necessary for the purposes of orderly and proper planning. In accordance with this requirement, City officers sought the consent of the Commission to prepare an ACP for the Dunsborough Town Centre and received endorsement on 23 September 2016.

As Dunsborough is an already established centre some of the information required under Part 5 Cl. 32 (c) of the Regulations will not be especially relevant, however this has been discussed with officers of the Department of Planning, Lands & Heritage (DPLH) and will be addressed as part of the submission of the ACP by the City.

Local Planning Scheme No. 21 (LPS 21)

As detailed in the 'Background' section of this report, the City is progressing a staged review of LPS 21 that includes significant changes to provisions governing development within town/ city centre areas.

Attachment C includes the area indicatively identified as being included within the proposed ACP and addressed by the UDG, and reflects the current zoning that includes land identified as 'Business' with an RAC-3 coding, 'Residential' with an R80 coding and subject to Additional Use 74, 'Recreation' reserves and no zone (road reserves).

The proposed UDG will be prepared as a local planning policy in accordance with the provisions of the Scheme (as per the deemed provisions at Division 2, Part 2 of the Regulations).

Draft State Planning Policy 7 – Design of the Built Environment (SPP 7)

SPP 7 was published as a draft policy by the WA Planning Commission in October 2016 to provide an overarching requirement for design of the built environment to be considered as part of assessing planning proposals, and will be applied to the preparation of an ACP for the Dunsborough Town Centre.

SPP 7 (and supporting policies) apply to and provide guidance for apartment (multiple dwellings) development and residential components of mixed use development, which is expected to become more likely within the Dunsborough Town Centre following the recent introduction of favourable provisions within the City's Scheme. SPP 7 provides a part of the planning framework applicable to development within the Dunsborough Town Centre but excludes general commercial development, which it is therefore necessary to address within the City's local planning framework.

The provisions of SPP 7 are as follows:

- **Design Principles**

Design Principles provide a consistent framework to guide the design, review and decision making process for planning proposals. Supporting State Planning Policies are used to provide detailed criteria or guidance relating to specific planning or development proposal types.

WAPC should maintain a set of Design Principles: Context and character; Landscape quality; Built form and scale; Functionality and build quality; Sustainability; Amenity; Legibility; Safety; Community; Aesthetics.

*Schedule 1 includes a full description of each Design Principle. [refer to **Attachment D**]*

- **Design Review**

Design review is an important component of the design process; particularly to negotiate the design elements of complex proposals. The process is scalable and may include design review by one or a number of experts (panel).

State, local government and/or precinct authorities are required to establish and operate design review processes to review applications of certain thresholds set out in the WAPC Design Review Guide.

- **Design Skills**

Using skilled and competent designers for planning proposals is an important component to achieve quality design outcomes.

A statement should be prepared by the proponent of certain development types outlined in the Planning and Development (Local Planning Schemes) Regulations 2015 that:

- a. *verifies the person who has designed, or directed the design or development, and*
- b. *provides an explanation that verifies how the proposal:*
 - i. *addresses how the Design Principles (Schedule 1) are achieved, and*
 - ii. *where supporting State Planning Policy relate to that planning proposal or development type, reference how design objectives, criteria and guidelines (if relevant) of that policy have been achieved.*

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)

While not directly applicable, SPP 4.2 serves as a useful reference for the preparation of an ACP for the Dunsborough Town Centre as it identifies the range of planning considerations relevant to activity centres and the general policy position of the WA Planning Commission.

SPP 4.2 provides recommendations on such matters as the desirable hierarchy of centres, the integration of infrastructure and services, the concentration of commercial activities, and the assessment of retail needs and sustainability.

The preparation of an ACP and UDG for the Dunsborough Town Centre will occur in general alignment with the principles of SPP 4.2.

RELEVANT PLANS AND POLICIES

Draft Apartment Design Policy (ADP)

The draft ADP was adopted by the WA Planning Commission in October 2016 to accompany SPP 7 and replace the previous version of Volume 2 of the Residential Design Codes (applying to multiple dwellings and development in activity centres).

The ADP provides extensive guidance for the development of apartments (multiple dwellings) and residential components of mixed use development. The ADP includes prescribed standards for such matters as building envelopes, size and scale, setbacks and separation, as well as design objectives and guidance where a performance-based design response is expected to site context and orientation, visual amenity and privacy, landscape design, etc.

As per SPP 7 the ADP does not apply to general commercial development, but nonetheless forms an integral part of the framework of guidance and controls that will apply to future development in the Dunsborough Town Centre.

The provisions of the ADP will be referenced by the proposed ACP and UDG, however the investigation of detailed design matters as part of preparing an ACP and UDG may support the City identifying local variations where a more desirable outcome can be achieved.

Draft Design Review Guide (DRG)

The draft DRG was adopted by the WA Planning Commission in October 2016 to provide guidance on the establishment and operation of design review panels and processes, in support of the requirement to undertake such being identified in SPP 7.

In establishing an ACP and UDG for the Dunsborough Town Centre, the City will consider and provide recommendations for the most appropriate means of providing for professional design assessment of relevant proposals with reference to the DRG. This may include the referral of planning proposals (pre or post lodgement) at identified thresholds to an appointed panel, consultant or internal resource for a review or assessment of proposed design measures.

Draft Leeuwin Naturaliste Sub-Regional Planning Strategy (LNSRPS)

The Draft LNSRPS was adopted by the WA Planning Commission in 2017, reflecting a partial review of *State Planning Policy 6.1 – Leeuwin-Naturaliste Ridge*. The LNSRPS identifies planning strategies and policies for the region generally and for Dunsborough specifically, including:

- Potential future population and urban growth areas for Dunsborough;
- Broadly identifying the opportunity for infill residential development within and adjoining the Dunsborough Town Centre; and
- Identifying the potential expansion of the Dunsborough Town Centre to the south of Caves Road being investigated within an ACP.

These matters will be considered relevantly in the preparation of the proposed ACP. In particular, the ACP area may be extended if there is considered to be the need to consider the expansion of the Dunsborough Town Centre within the expected lifetime of the plan.

City of Busselton Local Commercial Planning Strategy (LCPS)

The City's LCPS contains a summarised assessment of urban design within the Dunsborough Town Centre and recommendations to be considered in subsequent planning (refer to **Attachment E**). Noting that a number of recommendations of the LCPS have already taken place, the proposals identified in this document will be considered as part of the proposed ACP and UDG. The assessment of design qualities and directions is proposed to be reviewed in greater depth but the result of this is not expected to depart substantially from what has been identified in the LCPS.

Local Planning Policy 4B – Busselton Town Centre Urban Design Provisions (LPP 4B)

LPP 4B is an existing policy that provides development standards and design guidelines for the Busselton City Centre, and provides a reference point for the development of such for Dunsborough.

LPP 4B contains a range of principles that reflect good urban design and will be consistent with guidelines for Dunsborough, however it is noted that the general format of the policy requires some clarification and updating.

City of Busselton Economic Development Strategy

The preparation of an ACP and UDG for the Dunsborough Town Centre aligns with the objectives of the Economic Development Strategy (2016), and similarly reflects the City's intent to create vibrant and active public spaces as well as the conditions for successful business development.

FINANCIAL IMPLICATIONS

While the WA Planning Commission formally endorsed the preparation of ACPs for Busselton and Dunsborough in late 2016, these projects were placed on hold pending the potential availability of external funding support via the Regional Centres Development Program (RCDP). As funding options have not been available through the RCDP or other external means, officers now propose to progress the preparation of an ACP and UDG for the Dunsborough Town Centre with the support of existing staffing resources. Dunsborough has been identified as a higher priority than Busselton due to the existence of relevant (though becoming outdated) local planning policy provisions, as well as recent development proposals within the Dunsborough Town Centre.

While the project will be coordinated and substantially delivered in-house, to provide for components requiring detailed technical analysis it is proposed to employ specialist consultants to provide baseline information as follows:

- Retail Economics Assessment & Projections – consistent with the requirements identified in Parts 6.2.2 and 6.5 of SPP 4.2, an assessment of retail needs and sustainability should occur in order to inform any need to expand the commercial footprint of the Dunsborough Town Centre, and the potential timing of this.
- Design/ Architectural Assessment – detailing the current design themes, architectural style and landmark features within the Dunsborough Town Centre, providing the basis for setting a desired direction that is reflected in adopted controls. The involvement of consultancy advice in this regard is considered necessary to produce work that can be adopted by design professionals and meets the expectations of the assessment processes foreshadowed in Draft State Planning Policy 7.

Each of these assessments will be scoped to enable consideration as part of the 2018/19 budget.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflects the following Community Objective adopted in the Strategic Community Plan 2017:

2.3 Creative urban design that produces vibrant, mixed-use town centres and public spaces.

e. Continue to revitalise and activate the Busselton and Dunsborough town centres.

Proactively planning for and providing conditions to support the revitalisation of the Dunsborough Town Centre underpins a range of other Council priorities, including with regards to the development of attractive community places and supporting the development of local businesses.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well.

No residual risks were identified from implementing the officer recommendation, and it is further considered that implementing the officer recommendation reduces the risk that inappropriately designed development may occur within the Dunsborough Town Centre.

CONSULTATION

The requirement to advertise a proposed ACP is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Schedule 2, Part 5, Cl. 34). Accordingly, the City must advertise an ACP (via one or more of: newspaper advertising, general electronic notification, direct landowner notification, erection of signage on site), refer the proposal to relevant public agencies, and advise the WA Planning Commission. A proposed ACP is to be made available for public submissions for a minimum of 14 days up to a maximum of 28 days.

The requirement to advertise a proposed local planning policy (the City's preferred format for UDG) is outlined in the Regulations (Schedule 2, Part 2, Cl. 4) and includes the requirement for notification within a local newspaper only. A proposed local planning policy is to be made available for public submissions for a minimum of 21 days.

The City has undertaken regular consultation with regard to various changes to the planning framework and streetscape improvements over the past few years. It is also noted that notifications are proposed to occur in the first half of 2018 concerning changes to car parking management and the forthcoming stage of streetscape works.

However, on account of recent development proposals and a demonstrated community desire for involvement with urban design matters, the proposed ACP and UDG is considered to be of significant community interest and a more extensive consultation program is proposed than is required under the Regulations.

City officers propose to undertake preliminary consultation during initial preparation and drafting phases as follows:

- Consult with the CBD Place Management/ Activation sub-committee of the City's Economic Development Taskforce in order to ensure alignment of objectives, identify relevant issues, and potentially to provide ongoing project reference;
- Meet with the Dunsborough-Yallingup Chamber of Commerce & Industry and the Dunsborough & Districts Progress Association to brief these groups on the project and identify initial desires and concerns; and
- Invite expressions of interest from relevantly experienced and/or qualified design practitioners, with a direct interest in Dunsborough, to peer-review the proposed Design/ Architectural Assessment and preview components of the ACP and UDG while in preparation.

Following preliminary consultation and the preparation of technical assessments, a report will be provided to the Council (expected to occur in the third quarter of 2018) to present a draft ACP and UDG prior to formal public consultation being undertaken.

Formal public consultation is proposed to occur inclusive of:

- An open public workshop
- Newspaper advertising
- Website notification and engagement via 'Your Say'
- Notification (via letter) of directly affected land and business owners

Further relevant means of engagement may also be identified as the project is progressed.

Responses received through the public consultation process will be considered in the finalising of the proposed ACP and UDG, which is expected to be submitted to the Council for consideration in late 2018 or early 2019.

OFFICER COMMENT

In support of the recently introduced (via Omnibus 1) and proposed (Omnibus 4) Scheme provisions, the preparation of an ACP and UDG is proposed in order to provide guidance and direction for the future development of the Dunsborough Town Centre. Officers consider this to be both the next logical step and a necessary part of strengthening the local planning framework against inappropriate development. Several recent proposals have demonstrated this need via the contrast in potential development outcomes.

The preparation of an ACP and UDG is proposed to take place concurrently to achieve consistency and to make the most efficient use of officer time and consultation processes.

Proposed Activity Centre Plan

The preparation of an ACP will serve to address urban design matters which are more spatially distinct (relative to the Scheme provisions), including issues relevant to specific sites.

The proposed ACP will effectively supersede the DTCCP (which itself superseded previous documents), however will be prepared with a finer level of detail, be more oriented toward providing guidance for development on private land, and will have a much greater level of statutory weight than the DTCCP. The ACP will also be able to take account of significant recent studies, including the Draft Local Planning Strategy (2013) and Draft Leeuwin-Naturaliste Sub-Regional Strategy (2017), as well as relevant statutory decisions.

The preparation of an ACP will consider the general matters outlined in the Regulations, to the extent that these are relevant for an existing, established centre. Broadly, this will include reporting on the attributes and context of the Dunsborough Town Centre and expectations for its population and commercial growth.

The primary focus of the ACP will be to address the following matters:

1. Providing development standards for building design and servicing:
 - a. Special provisions and/or standards based on the desired streetscape (eg. potentially by streetscape type as per approach for Busselton in LPP 4A). This includes consideration of specified controls for vertical zoning of land use, building setbacks, awnings/verandas, façade/ frontage, crossovers, landmark features, etc.
 - b. Special provisions or standards relating to the transition between land use areas, zones and public reserves (eg. setbacks between land zoned as Business RAC-3, Residential R80/A74 and Residential R15);

- c. Potential identification of specialised precincts:
 - i. By land use types, and means to facilitate their development;
 - ii. By building design, via specific design/ architectural guidance.
2. Outlining future road and streetscape design (at a conceptual/ strategic level) and the integration of transport infrastructure:
 - a. Potential road traffic and parking improvements, including public transport and cycling infrastructure (including the connection of Clark Street to Cape Naturaliste Road);
 - b. Identify crossover restrictions and the preferred provision of parking associated with development (eg. on-site or cash-in-lieu);
 - c. Pedestrian accessibility, network linkages and wayfinding, and means to provide for active and alternative modes of transport.
3. Identifying future community infrastructure and servicing requirements, including the function and utilisation of publicly managed lands:
 - a. Clark Street connection to Cape Naturaliste Rd and other strategic proposals;
 - b. Strategic infrastructure projects, including land acquisitions and divestments;
 - c. Proposed changes to the development and management of public lands, including open space, and place-making opportunities.

To support the vibrancy and vitality of the Dunsborough Town Centre, means to support economic diversity and robustness and to encourage mixed use and residential development (including support for the incentives provided for in LPS 21) will also be considered.

Proposed Urban Design Guidelines

The preparation of UDG for the Dunsborough Town Centre will supplement the controls and standards outlined in LPS 21 and the proposed ACP by providing detailed description and explanation of expected urban design outcomes.

The purpose of the proposed UDG will be to provide greater description and explanation of the adopted provisions, clarify meanings and interpretations, outline the City's assessment process, and identify criteria for demonstrating performance (including acceptable development standards where relevant). This potentially includes:

1. Defining (with reference to SPP 7) and describing the application of the design principles proposed for inclusion in LPS 21 as part of Omnibus 4, which include:
 - a. Context and character
 - b. Landscape quality
 - c. Built form and scale
 - d. Functionality and build quality
 - e. Sustainability
 - f. Amenity
 - g. Legibility
 - h. Safety
 - i. Community
 - j. Aesthetics
2. Provide deemed-to-comply criteria and/or examples of meeting adopted development standards, where relevant and appropriate.
3. Describe performance measures of addressing design qualities that are contextual and are not easily addressed through prescribed standards.

4. Outline the objectives that underpin adopted development standards and provide guidance on preferred development outcomes (eg. where tourist or residential accommodation is not permitted at ground floor level, what land uses are preferred and the desired outcomes – such that other uses and/or variations can be assessed against these objectives).
5. Identifying the information requirements (at appropriate thresholds) associated with development proposals (eg. where an urban design assessment might be necessary) and the design review process that will subsequently take place.

The proposed UDG will be prepared as a Local Planning Policy, somewhat similar to – although updated, improved and made location-specific as necessary – that currently in place for the Busselton City Centre (*Local Planning Policy 4C. Busselton Town Centre Urban Design Provisions*). It is noted that many of the urban design principles guiding contemporary best practice are widely acknowledged, and will be relevant to both the Busselton and Dunsborough centres as well as more broadly.

CONCLUSION

The proposed preparation of an ACP and accompanying UDG for the Dunsborough Town Centre is seen as a logical and necessary step towards providing a local planning framework that provides appropriate guidance and direction for future development. The support of the Council for initiating this process is recommended.

OPTIONS

The Council may consider various other options, including:

1. Not progressing the preparation of an ACP, UDG, or both at this time for reasons to be identified.
2. Providing specific direction on the matters to be considered within the proposed ACP and/or UDG.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be supported by the Council preliminary consultation, scoping of consultancy requirements (for technical assessments) and initial drafting as outlined in this report will commence within one month of the Council's resolution.

It is expected that a subsequent report will be provided to the Council in the third quarter of 2018 prior to formal public consultation, and with the intent of preparing final documents for Council to consider adoption in late 2018 or early 2019.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1802/173

Moved Councillor R Paine, seconded Councillor K Hick

That the Council endorses the preparation of an Activity Centre Plan and Urban Design Guidelines (as a Local Planning Policy) for the Dunsborough Town Centre, as proposed in the agenda report.

CARRIED 5/0

6.2 CAR PARKING MANAGEMENT IN THE DUNSBOROUGH TOWN CENTRE

SUBJECT INDEX:	Town & City Centres
STRATEGIC OBJECTIVE:	Road networks that provide for a growing population and the safe movement of all users through the District.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Strategic Planning & Development
REPORTING OFFICER:	Strategic Planner - William Hosken
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Current Parking Availability & Restrictions⇒ Attachment B Proposed Parking Availability & Restrictions⇒ Attachment C Current & Proposed Special Purpose Parking⇒

PRÉCIS

The Council is requested to consider a number of changes to vehicle parking management in the Dunsborough Town Centre, including the adoption of revised parking designations resulting from recent streetscape works, and the endorsement of proposed changes to special purpose parking and parking time restrictions.

These changes have been proposed in reflection of the need to provide sufficient and appropriately located special purpose parking in accordance with current standards, increase the consistency and legibility of parking controls, improve the efficiency of compliance and monitoring and provide greater availability of parking for visitors and shoppers.

BACKGROUND

In early 2017 City officers provided a briefing to Councillors on parking management within the Dunsborough Town Centre, further to which this report is now presented on the changes to parking controls proposed.

The Dunsborough Town Centre contains approximately 1250-1300 parking bays, with about half of these being managed by the City (located on roads, other reserves, and privately owned property with management delegated to the City via agreement). Car parking under the City's management in the Dunsborough Town Centre, at the completion of the next stage of streetscape improvement works, is identified at **Attachment A**.

This plan identifies 630 parking bays within the City's management, including bays on public lands and on private land managed by the City under agreement, while it is estimated that parking on private property accommodates another 640 vehicles approximately. While it is not possible to accurately report on restrictions that may be applied to car parking on private land where management is not delegated to the City, it is generally noted that such parking does not have formally enforced restrictions in place. It is, however, understood that restrictions have been proposed for the Dunsborough Centrepoint Shopping Centre car park, which contains 231 bays.

Further informal parking occurs, particularly during peak periods, on private property, road verges (where no restrictions are in place) and along surrounding streets where no parking bays are marked.

The City continues to pursue the acquisition of land to facilitate the development of a large consolidated parking area in the medium to long term, while it is estimated that further works could potentially provide an additional 45 City-managed parking bays in the vicinity of Chieftain Crescent (39 single bays, but fewer in practice if accommodating long vehicles) and Cyrilleen Way (6 bays) in the short term, subject to funding and prioritisation.

This report proposes to amend the parking management regime within the Dunsborough Town Centre including:

- Adopting changes to the *Consolidated Vehicle Parking Scheme* required to reflect revised special purpose parking designations and time restrictions put in place through recent/current streetscape improvement works;
- Changing the time restriction for visitor/ shopper parking from a three hour maximum stay to a two hour maximum, and provide two additional fifteen minute bays, as shown at **Attachment B**;
- Making a number of changes to special purpose parking designations (including disability (ACROD), motorcycle, bus, taxi, loading and electric vehicle parking bays), as shown at **Attachment C**;
- Undertake improvements to parking signage.

Further discussion on these proposed changes is provided in the 'Officer Comment' section of this report.

These changes have been proposed in reflection of the need to:

- Provide for greater consistency and legibility of designated parking controls to improve user behaviour and compliance outcomes;
- Increase turnover to provide greater availability of parking for shoppers/ customers;
- Provide sufficient and logically located special purpose parking bays to service the Dunsborough Town Centre;
- Allow for the improvement of disabled (ACROD) parking and general parking signage in accordance with the current Australian Standard (1742.11-1999); and
- Improve the efficiency of resources devoted to parking monitoring and compliance.

STATUTORY ENVIRONMENT

Pursuant to the *Road Traffic Code 2000* the City has adopted the *Parking Local Law 2011*, which provides for the City to designate and police parking and traffic restrictions within roadways and vehicle parking areas.

The designation of parking stalls, stations and areas is provided for within Part 2 of the Local Law, pursuant to which the City has adopted the *Consolidated Vehicle Parking Scheme* as a series of plans which identify these designations.

A separate report will be presented to the Council proposing delegation of the power to make changes to the Parking Scheme. The recommendation of this report has been prepared in consideration of this occurring, but relevant options have been detailed should the Council determine otherwise.

Parking designations adopted under the Local Law and shown in the Parking Scheme are given effect through:

- The installation of signage and line marking in accordance with the Code, supplemented by the detailed guidance provided within the relevant Australian Standard (1742.11-1999); and
- The publication of notice of the adopted designations, as required under the Local Law.

In accordance with Clause 1.6(2) of the Local Law, parking designations and compliance may be imposed on parking areas on private land where an agreement has been entered into between the City and that landowner. As the Local Law does not provide explicit direction, the adoption of parking designations on private land may be set by the City or the subject of a negotiated agreement. As detailed in the 'Consultation' section of this report, the City has already achieved agreement for the proposed changes in the majority of such circumstances.

RELEVANT PLANS AND POLICIES

In January 2014 the Council adopted the 'Dunsborough Town Centre Conceptual Plan' to guide streetscape improvements, revisions to planning controls and other various other initiatives supporting the growth and development of the Dunsborough Town Centre. The recommendations of this report reflect the implementation of streetscape works identified in the Conceptual Plan, and further adjustments to parking controls are otherwise consistent.

Local Planning Policy 8A: Car Parking Provisions outlines the requirements for the provision of vehicle parking facilities associated with development, which includes consideration of special purpose parking dependent on the nature of the development and includes minimum provision of taxi pick-up bays, motorcycle bays and bicycle parking facilities. Further commercial developments within the Dunsborough Town Centre will be required to provide parking in association, or otherwise to provide a cash-in-lieu contribution that will enable the City to provide parking on publicly managed land.

The design and construction of vehicle parking bays occurs with reference to the Road Traffic Code and the relevant Australian Standard (1742.11-1999). The Standard details the means of providing disability (ACROD) parking bays with adequate accessibility. A recent change to this Standard resulted in all bays constructed prior to that time being non-compliant. While there is no retrospective application of this Standard and the City is not obliged to make improvements to previously constructed bays, it is desirable that the City plans to progressively do so in order to both improve service delivery for a growing segment of the community and to limit the City's exposure to complaints being made under the Commonwealth *Disability Discrimination Act 1992* (which may then provide for such improvements to be directed).

FINANCIAL IMPLICATIONS

City officers expect that the general changes to signage and line marking that will be required to implement the proposed parking management changes will cost in the order of \$20,000. The most significant component of this cost is the installation of new infrastructure (including traffic control and verge reinstatement, where necessary) to align the City's parking signage with the current Australian Standard. Should the Council endorse the proposed changes to parking management a more detailed costing will be prepared and proposed for funding as a part of the 2018/19 budget.

A detailed costing is also being prepared for the proposed relocation of the electric vehicle charging station, and will be proposed for funding as a part of the 2018/19 budget.

Preferred design approaches for improving disability (ACROD) parking bays have not been identified in several cases, and as such costs have not yet been estimated. It is therefore expected that these changes will be made incrementally, upon priority and as part of future streetscape improvement works.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflect the following Community Objectives of the Strategic Community Plan 2017:

2.3 Creative urban design that produces vibrant, mixed-use town centres and public spaces.

e. Continue to revitalise and activate the Busselton and Dunsborough town centres.

5.1 Public transport services that meet the needs of the community.

a. Work with key stakeholders to improve the accessibility and promotion of public transport services and facilities.

5.2 Road networks that provide for a growing population and the safe movement of all users through the District.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well.

It is the expectation of City officers that a medium-level reputational risk accompanies the implementation of the officer recommendation, reflecting the likelihood of the change in timed parking restrictions (from three hours to two hours maximum stay) generating criticism of this action and broader concerns with the provision of car parking to meet demand during peak periods.

As discussed in the 'Relevant Plans and Policies' section of this report, the City is not obliged to improve previously constructed disability (ACROD) parking but would desirably do so in order to limit exposure to complaints being made under the Commonwealth *Disability Discrimination Act 1992*. The Officer Recommendation of this report provides for this to progressively occur and as such no risks are identified. Similarly, the improvement of parking signage to accord with the Australian Standard will provide for the City to improve compliance enforcement outcomes.

CONSULTATION

While there is no statutory requirement for public consultation to occur, officers have consulted informally on this matter, including with the City's Disability Access & Inclusion Committee and with executive committee members of the Dunsborough-Yallingup Chamber of Commerce and Industry. The Dunsborough-Yallingup Chamber of Commerce and Industry indicated support for the City's initiatives within the centre and did not raise any concerns with the proposed direction of car parking management. Additional disabled (ACROD) parking identified by the Disability Access & Inclusion Committee has been identified within the proposed changes to the parking management regime, subject to the resolution of design.

The City has undertaken comprehensive consultation associated with the Dunsborough Town Centre streetscape improvement program, including associated changes to parking.

The proposed change from a three hour to two hour parking restriction is considered to have generally wide support from businesses and landowners, on account of:

- An existing agreement to manage parking at 42 Dunn Bay Road (Naturaliste Forum – IGA) with a maximum two hour stay;
- A recently adopted agreement to manage parking at 54 Dunn Bay Road (Dunsborough Medical Centre *et al*) with a maximum two hour stay;

- Requests from tenants at 233 Naturaliste Terrace (adjoining Hannay Lane) for a two hour time restriction to be applied, pending endorsement of the strata group;
- The proposed introduction of a two hour time restriction at the Dunsborough Centrepoint Shopping Centre (to be enforced privately).

One other private parking area managed by the City under agreement that is not referred to above is on Seymour Boulevard, associated with development at 34 Dunn Bay Road (Dunsborough Park Shopping Centre). The strata company associated with this development will be further consulted with regarding the proposed change to parking time restrictions; however the City is able to implement changes to the majority of this car park regardless as it is largely located within the road reserve.

City officers generally expect varied opinion within the wider community on the proposed changes to timed parking restrictions and that this may attract some criticism (as outlined in the 'Risk Assessment' part of this report). In particular, officers expect that the real estate industry sector is least likely to be satisfied by the proposed changes, on account of a number of relevant businesses in Dunsborough preferring to occupy premises with high levels of passing foot traffic but which are reliant upon public parking areas.

Consultation has taken place with the operator of Dunsborough Taxis who is in support of the designation of a dedicated taxi bay, and expects that this will be recognisable by patrons and therefore well utilised by the company.

Feedback has been received by the City from residents along Chieftain Crescent about informal parking, and the proposed introduction of a 'No Standing' control on the residential side of this street has been proposed in response to these concerns. Matters regarding the connection of access through Chieftain Crescent to surrounding streets will be the subject of a separate report to Council.

In accordance with the *Parking Local Law 2011* the provision of public notice of changes to parking designations is required. This will occur in a local newspaper and on the City's website, in accordance with the resolution of the Council.

City officers propose to provide advance notice of parking changes as part of communications associated with the upcoming stage of streetscape improvement works and, similar to what occurred in late 2016 prior to the introduction of regular parking enforcement in the Dunsborough Town Centre, distribution of information about the proposed changes across the Town Centre by the City's Parking Officers & Rangers.

Should any significant works be required in association with the improvement of parking bays or areas, immediately affected landowners and businesses will be notified and consulted as required. However it is noted that the majority of the infrastructure changes proposed as a direct result of this report are of a very minor nature.

OFFICER COMMENT

Recent Parking Improvements

Changes to parking designations as a result of recently completed streetscape improvement works include:

- Addition of 4 motorcycle bays on Seymour Boulevard (off-street);
- Relocation of 2 bus bays on Seymour Boulevard (on-street);
- Addition of 1 disability (ACORD) bay on Prowse Way (off-street);

- Relocation of 1 disability (ACROD) bay from Dunsborough Place to Chieftain Crescent (off-street);
- Adjustment of the time limited parking designation in the vicinity of Dunsborough Place to reflect the arrangement of parking after streetscape works;
- In order to manage parking along Chieftain Crescent following its opening to the town centre, a 'No Standing' restriction is identified on the residential (eastern) side of Chieftain Crescent.

Further, parking at the western end of Dunn Bay Road will be reverted to time restricted parking (2 hours, as proposed). The existing 3 hour restriction in this location had been relaxed in the Consolidated Vehicle Parking Scheme to provide additional unrestricted (all-day) parking during streetscape works, but it is now desirable to restore this restriction as part of the regular pattern of parking controls.

Proposed Signage Improvements

Additional signage is proposed to be installed in various locations across the Dunsborough Town Centre in order to improve the consistency of the City's parking control signage with the relevant Australian Standard (1742.11-1999). The Standard provides for maximum signage distances of 200 metres within an identified parking 'zone' (or 75 metres otherwise), which the City will meet and exceed in circumstances where it is reasonable to do so (eg. separated parking blocks with no visibility of other signage). It is expected that an increase in the visibility of parking signage will reduce the potential for confusion and improve compliance outcomes, noting that the City has recently received a number of complaints and infringement appeals based on the visibility of parking control signage.

These signage improvements will occur in accordance with the parking restrictions adopted by the Council.

Officers will also investigate additional directional signage to support visitors identifying where additional and all-day parking is available, as well as other wayfinding within the Dunsborough Town Centre.

Proposed Special Purpose Parking Improvements

The following discussion is provided further to the proposed improvements to special purpose parking outlined at Attachment D.

Disability (ACROD) Bays

The City of Busselton is committed to the principles of universal access in accordance with the City's Disability Access & Inclusion Plan (DAIP 2014-18), and the demand for parking which supports access for people with limited mobility is generally growing in line with the City's growing and ageing population. Current National Disability Services statistics identify 306 ACROD permit holders residing within the 6281 and 6282 postcode areas (Dunsborough, Yallingup and surrounds), an increase from 223 reported in 2013/14.

Within the Dunsborough Town Centre disability (ACROD) bays are currently provided for as follows:

- 5 bays within reserves managed by the City (3 of which are compliant with the current Australian Standard);
- 6 bays in private parking areas managed by the City under agreement (none compliant);
- 14 bays in private parking areas (none compliant).

A high proportion of bays within private parking areas are poorly maintained, lacking the signage and line marking necessary to be compliant with previous versions of the Australian Standard and in some cases bays have been removed or are entirely ineffective for this purpose. In this regard, officers propose to write to landowners to request that required bays are actively maintained.

Various other accessibility issues within the Town Centre that have been identified both from direct user feedback and in consultation with the Disability Access & Inclusion Committee are considered as part of streetscape upgrade and maintenance works, as appropriate.

Proposed changes include:

- Addition of 1 bay with direct access to Seymour Park, adjacent to public toilet (on-street);
- Addition of 1 bay along the western extent of Dunn Bay Road (southern side), to be provided as a long bay that accommodates rear-loading and other extended vehicles (on-street);
- Reconfiguration of existing bays in identified areas – retaining bays within these general areas but designing and locating them such that the current Australian Standard can be met. These changes have not been specifically identified as further detailed design is required in order to resolve the most appropriate and practical means of making these improvements (for example, addressing difficulties providing these bays within parallel and angled parking areas).

Motorcycle Bays

While motorcycle use is in the minority of transport share, the provision of dedicated motorcycle parking is supported by officers as a means of reducing informal parking on footpaths and road verges, and avoiding the inefficiency of having full-sized car parking bays occupied by motorcycles. The provision of motorcycle parking bays can often be accommodated in spaces where a car parking bay cannot.

There are currently three designated motorcycle bays in the Dunsborough Town Centre within privately managed parking areas and one motorcycle bay at the western end (southern side) of Dunn Bay Road. Four motorcycle bays have been recently constructed within the Seymour Boulevard parking area managed by the City.

The addition of motorcycle bays will generally be considered as part of future streetscape improvements where this can add to, rather than replace, opportunities for full-sized car parking bays to be provided. However as there is currently no dedicated motorcycle parking bays within all-day parking areas, City officers propose the following change:

- Addition of 2 motorcycle bays within the all-day parking area accessed from Chieftain Crescent (off-street).

Bus Bays

No changes to the location of designated bus bays (Seymour Boulevard) are proposed further to that adopted as part of recent streetscape improvement works.

Small bus drop off may be provided for via proposed additional 15 minute (loading) bays and, where relevant, the extra length disability (ACROD) bay.

Taxi Bays

There is currently no dedicated taxi parking bays within the Dunsborough Town Centre.

Taxis provide an important private transport service that supplements the limited availability of public transport, particularly for seniors, persons with limited mobility (and disability) and for the patrons of licensed premises. As a replacement for trips that would most likely be made in other private vehicles, taxis do not generate significant additional traffic and do not occupy car parking spaces for the same length of time as would otherwise be required – providing for increased availability for other users.

Officers propose that a dedicated taxi parking bay will allow for local taxi operators to be stationed in the Dunsborough Town Centre and increase the accessibility of this service to patrons. Noting the service that taxis provide after-hours and to the patrons of licensed premises, the potential for anti-social behaviour is most appropriately addressed through locating taxi bays and ranks in accessible, visible and well-lit locations that are away from residences and entrances to licensed premises.

Proposed changes include:

- Designating one dedicated bay for taxi use on Dunn Bay Road (northern side) adjacent to.

Loading Bays

While the majority of businesses in the Dunsborough Town Centre have access to a rear or common loading area, the delivery of goods to smaller retail and hospitality operators (in particular) is serviced by couriers that typically utilise on street parking bays that provide for the most direct access and egress. Illegal standing and parking regularly occurs, often resulting in the obstruction of paths, verges and occasionally thoroughfares and in several locations damage to infrastructure (kerbing, footpath paving, grass) has resulted. Due to the industry-driven time pressures associated with delivery services, the provision of loading bays close to the point of delivery are important for operators and an even and logical distribution of bays necessary.

Officers have identified locations where additional loading bays might be provided to help alleviate this issue. While it is proposed to designate these as loading bays, which are restricted to commercial vehicles, these bays could alternatively be designated as 15 minute restricted parking bays in order that they might be utilised for other purposes also.

Proposed changes include:

- Addition of 1 loading bay along the western extent of Dunn Bay Road (northern side);
- Addition of 1 loading bay along the northern extent of Seymour Boulevard (western side) – noting that verge re-construction would be required.

The designation of loading bays along Hannay Lane may also be required, but this can only occur as part of a more detailed investigation into the arrangement of traffic in this location.

An option presented for the consideration of the Council is to designate additional 15 minute restricted bays, which may incidentally function as loading bays.

Electric Vehicle Charging Bays

There is currently one designated electric vehicle charging bay in the Dunsborough Town Centre, located on Dunn Bay Road adjoining Lions Park.

Reflecting feedback from Councillors in late 2017, it is proposed to relocate this bay to an alternative site on the periphery of the Dunsborough Town Centre. A detailed costing will be prepared and proposed for funding as a part of the 2018/19 budget.

Proposed changes include:

- Relocation of the electric vehicle charging station (bay and charging unit) to the off-street carpark access from Chieftain Crescent.

Long Vehicle Parking

The majority of parking within the Dunsborough Town Centre is angled or perpendicular and does not suitably accommodate long vehicles without the potential for informal and illegal parking arrangements, blocking of thoroughfares, etc. The availability of parallel parking, that can more suitably accommodate long vehicles, is limited and is located in high traffic/ high turnover locations such as Dunn Bay Road.

It is generally quite difficult and impractical to provide parking specifically for long vehicles, and officers do not propose to do so as this would likely come at the expense of additional car parking bays. Officers consider that the most appropriate means of accommodating long vehicles is to adopt the same approach employed for the Busselton City Centre – directing long vehicles to parallel parking opportunities on the fringe of the Dunsborough Town Centre.

By providing a designated location the City may accommodate these users and avoid criticism to the contrary, and reduce informal/ illegal parking elsewhere and any associated compliance disputes.

Proposed changes include:

- Widening the identified portion of Chieftain Crescent (south) and designating on-street parallel parking on the western side, supported by directional signage indicating that this location provides for parking of long vehicles.

Proposed Changes to Parking Time Restrictions

Within City managed parking areas the predominant time restriction (where applied) permits a maximum stay of 3 hours. Exceptions are bays within the Naturaliste Forum complex (123 bays with a 2 hour limit) and bays servicing the post office (2 bays with a 15 minute limit).

A recommendation of this report is to reduce all existing 3 hour maximum time limits to 2 hours. This proposed change is considered to be necessary on account of the desirability to:

- Achieve greater consistency of parking controls within the Dunsborough Town Centre.
- Achieve greater consistency with the Busselton City Centre, enabling visitors to the district to better understand the pattern of parking controls.
- Support the regular turnover of parking to improve access for visitors and shoppers, and improve compliance amongst all-day parkers (reducing instances of moving between time limited bays).

The result of the proposed changes would be, amongst City managed parking, approximately one-third of bays with no restriction (all day stay permitted), approximately two-thirds with a 2 hour restriction, and the remainder with a 15 minute restriction.

Experience in Busselton and elsewhere (including Bunbury, which has significant areas of parking limited to 2 hours and/or providing the first 2 hours without charge) suggests that a two hour limit provides sufficiently for the parking needs of the vast majority of visitors and shoppers, while balancing the need to ensure turnover and availability of parking bays.

While it is not possible to accurately report on restrictions that may be applied to car parking on private land where management is not delegated to the City, it is generally noted that such parking does not currently have enforced time restrictions in place. The City has, on regular occasions in the past, invited private landowners to enter into agreement with the City to provide for a regular pattern of restrictions and compliance enforcement.

The proposed reduction in parking time limits would also improve the efficiency of parking enforcement resources. The City's Parking Officers, who have been undertaking regular compliance inspections in the Dunsborough Town Centre since November 2016, have identified that a complete circuit can be completed within two hours (including during busy periods). The City could therefore provide monitoring and compliance for the proposed reduction in timed parking limits without the need for any additional resources, and this would in fact make for the most efficient use of existing resources.

It is also proposed to designate a 15 minute maximum length of stay to two bays located on Dunn Bay Road adjoining Lions Park. City officers have received feedback about informal and illegal parking occurring in this vicinity, often associated with accessing post office boxes. It is considered that the provision of additional 15 minute bays may help to address this issue, as well as increasing the turnover of bays in what is seen as a prime location.

CONCLUSION

The proposed changes to parking designations in the Dunsborough Town Centre, including the adoption of revised parking time restrictions and special purpose parking designations, are considered necessary to optimise parking management and provide sufficiently for all user types.

It is recommended that the Council adopt the Officer Recommendation to amend the Consolidated Vehicle Parking Scheme as indicated and endorse the progression of further changes as proposed.

OPTIONS

The Council may consider various other modifications to the Consolidated Vehicle Parking Scheme or the proposed changes detailed in this report to enable an alternative distribution or layout of parking controls. Specifically, options proposed by officers for the Council's consideration include:

1. Designation of proposed new loading bays (commercial vehicles only) on Dunn Bay Road and Seymour Boulevard as 15 minute time restricted parking bays, generally providing for these to be more available for loading purposes but also for other general usage. Officers consider that this concept has merit, subject to ongoing monitoring to ensure that commercial delivery services are adequately provided for.
2. Undertaking a seasonal trial of changes to parking time restrictions, by providing for a maximum of 2 hours parking during a specified peak period only (eg. 1 November to 31 January, and reverting to 3 hours at all other times). This would necessitate the replacement of signage on a seasonal basis.

3. Should the Council not grant delegation to amend the Consolidated Vehicle Parking Scheme to City officers as proposed (in a separate report), the Council may choose to adopt the proposed changes to special purpose parking into the Scheme at this time (to be thereafter implemented via signage and line marking) or subsequently (following implementation).

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Council endorse the proposed reduction of timed parking restrictions from three hours to two hours, the Consolidated Vehicle Parking Scheme will be amended immediately and signage changes put in place as soon as possible, no later than September 2018. Notice of the changes will be published concurrent with the installation of signage.

Should the Council endorse the proposed changes to special purpose parking designations, detailed design will support the provision of a proposed budget allocation for the 2018/19 financial year and improvements will be implemented progressively thereafter, including as part of future streetscape upgrade works where possible. The Consolidated Vehicle Parking Scheme would then be updated under delegation, should the Council determine that this may occur.

Subject to budget allocation proposed general signage and line marking improvements will be undertaken in the 2018/19 financial year, no later than September 2018.

COMMITTEE RECOMMENDATION AND AMENDED OFFICER RECOMMENDATION**PL1802/174** Moved Councillor R Paine, seconded Councillor L Miles

That the Council:

1. Pursuant to the *City of Busselton Parking Local Law 2011*, endorse amendments to the Consolidated Vehicle Parking Scheme relating to the Dunsborough Town Centre as follows:
 - a. To reflect recently completed works, the:
 - i. Addition of 4 motorcycle bays on Seymour Boulevard (off-street);
 - ii. Relocation of 2 bus bays on Seymour Boulevard (on-street);
 - iii. Addition of 1 disability (ACORD) bay on Prowse Way (off-street);
 - iv. Relocation of 1 disability (ACROD) bay from Dunsborough Place to Chieftain Crescent (off-street);
 - v. Adjustment of the time limited parking designation in the vicinity of Dunsborough Place to reflect the arrangement of parking after streetscape works.
 - b. Change all three hour time restricted parking to a two hour time restriction;
 - c. Change the designation of two bays on Dunn Bay Road adjoining Lions Park to a fifteen minute time restriction;
 - d. Introduce a 'No Standing' control along the residential (eastern) side of Chieftain Crescent.
2. Provides public notice of the adoption of an amended Consolidated Vehicle Parking Scheme as per item 1.
3. Endorses the proposed approach to improving the arrangement of special purpose parking and general parking signage, noting that this will include the preparation of a budget item/s for the 2018/19 financial year.

CARRIED 5/0

6.3 ENDORSEMENT OF THE CONSOLIDATED PARKING SCHEME 2018 AND DELEGATED AUTHORITY TO THE CEO TO AMEND THE SCHEME

SUBJECT INDEX:	Consolidated Parking Scheme
STRATEGIC OBJECTIVE:	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Rangers & Emergency Services
REPORTING OFFICER:	Ranger & Emergency Services Coordinator - Ian McDowell Senior Prosecutions and Policy Officer - Owen Anderton
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

PRÉCIS

The Council is asked to endorse the City's Consolidated Parking Scheme 2018, and to delegate to the Chief Executive Officer the power amend the Parking Scheme in accordance with the requirements of the City of Busselton *Parking Local Law 2011*.

BACKGROUND

The Consolidated Parking Scheme (the Scheme) comprises a document and a series of maps detailing the various car parking restrictions that are in place across the City. These restrictions include: disabled parking, timed parking, no stopping zones, loading zones, bus bays, taxi bays, electric vehicle recharging bays, and motor cycle bays. Car parks include City owned on-street and off-street parking, and privately owned car parks where there is a signed parking agreement between the City and the owner of the car park.

The scheme was last endorsed by the Council in March 2007. Since then there have been a number of minor and major amendments to the Scheme approved by the Council. Major amendments include changes to timed parking limits in the Busselton City Centre in January 2014. In October 2014 changes for special purpose parking including disabled, bus, loading, motor cycle and taxi parking were also made. Minor changes include the provision of no-parking line marking in Yallingup.

Amendments to the Scheme are currently presented to the Council for their endorsement. There is no delegation in place to make such amendments. The effect of this is that even minor changes to a parking zone to move a disabled parking bay, require a Council resolution before the disabled parking bay designation can be enforced.

STATUTORY ENVIRONMENT

Parking Local Law 2011

Section 1.10 Powers of the Council

The Council may, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

Section 2.1 Determination of parking stalls, parking stations and parking areas

(1) The Council may, constitute, determine or vary:

- a. parking stalls;
- b. parking stations;
- c. parking areas;
- d. no parking areas;
- e. no stopping areas;
- f. permitted time and conditions of parking in parking stalls, parking stations and parking areas which may vary with the locality;
- g. permitted classes of vehicles which may park in parking stalls, parking areas and parking stations;
- h. permitted classes of persons who may park in specified parking stalls, parking areas and parking stations; and
- i. the manner of parking in parking stalls, parking stations and parking areas.

(2) Where the Council makes a determination under sub-clause (1), the CEO must give local public notice of, and erect signs to give effect to, the determination.

Local Government Act 1995

(1) A local government may delegate (by Absolute Majority) to the CEO the exercise of any of its powers or the discharge of any of its duties under:

- a. this Act other than those referred to in Section 5.43; or
- b. the *Planning and Development Act 2005* section 214(2) (3) or (5).

NB: the delegation sought by this report is not referred to in Section 5.43 of the Act.

RELEVANT PLANS AND POLICIES

This report seeks endorsement of the Consolidated Parking Scheme 2018 which in essence is a plan of parking restrictions that are in place within the City.

FINANCIAL IMPLICATIONS

There are no financial implications associated with implementation of the recommendations of this report.

Long-term Financial Plan Implications

There are no long-term financial plan implications associated with the implementation of the officer recommendations of this report.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendations of this report align with the following Community Objectives of the City of Busselton Strategic Community Plan 2017.

2.3 Creative urban design that produces vibrant, mixed-use town centres and public spaces.

6.1 Governance systems, processes and practices are responsible, ethical and transparent.

RISK ASSESSMENT

An assessment of the risks associated with the implementation of the officer recommendations of this report has been undertaken using the City's risk management framework. No significant risks have been identified.

CONSULTATION

It is not considered necessary to undertake consultation with the preparation of this report nor the implementation of the officer recommendations, as no change to existing controls and/or signage/markings are proposed.

OFFICER COMMENT

The City has recently carried out a complete review of the Scheme. As a result of that review differences were identified between on-ground parking restrictions and those reflected in the Scheme document and maps. The Scheme has subsequently been updated and is attached (Attachments A and B) for endorsement by the Council.

The Scheme may require further updating following consideration by Council at this meeting of a further report with regard to Car Parking Management in the Dunsborough Town Centre.

Amendments to the scheme, including the establishment of new, or changes to existing parking restrictions or special purpose parking, currently require endorsement by the Council before they are implemented. This report seeks Council delegation of powers contained in Section 1.10 of the *Parking Local Law 2011* to the CEO.

The delegation sought by this report includes call-in and referral provisions similar to those previously endorsed by Council when reviewing Planning Delegations in March 2017 (delegation PDR 1 refers).

Under the proposed provisions, prior to exercising this delegation, the CEO shall ensure Councillors are provided with details of proposed amendments to the Scheme and given a period of not less than 14 days to submit a written request to the CEO for the matter to be presented to Council before a delegated decision is made. As for the planning delegation, such a request would need the support of two or more Councillors.

A draft Instrument of Delegation forms part of the officer recommendation of this report.

CONCLUSION

A review of the Consolidated Parking Scheme has identified anomalies between on-ground parking restrictions and those contained in the Scheme. Endorsement of the Consolidated Parking Scheme 2018 corrects those anomalies and provides a baseline for the future.

To simplify the process for establishing and changing parking restrictions, it is recommended that the CEO be given delegated authority from Council to exercise the powers of Council contained in section 1.10 of the *Parking Local Law 2011*. The draft instrument of delegation includes a call-in provision whereby any two or more Councillors may consider an amendment to the Scheme to be of strategic significance and/or high community interest and request the CEO, to present the proposal to Council for consideration.

OPTIONS

The recommendation to endorse the Consolidated Parking Scheme 2018 is a straightforward administrative process that seeks to match the data contained in the Scheme with the physical controls on the ground.

Council may choose not to support the officer recommendation to delegate to the CEO the powers of Council contained in Section 1.10 of the *Parking Local Law 2011*.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the officer recommendation for Council to endorse the Consolidated Parking Scheme 2018 will have immediate effect.

Implementation of the officer recommendation to delegate the powers of Council under Section 1.10 of the *Parking Local Law 2011* to the CEO is an administrative process that could be implemented within 14 days of the Council resolution (should the need arise to do so)..

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**PL1802/175**

Moved Councillor R Bennett, seconded Councillor K Hick

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council endorse:

1. The City of Busselton Consolidated Parking Scheme 2018 as attached (Attachments A and B) to this report; and
2. Establish a new delegation as follows:

Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
TBA	Section 5.42 (1)	Chief Executive Officer	Amendments to the Consolidated Parking Scheme

Delegator

Council

Power/Duty

Prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region consistently with the provision of the City of Busselton Parking Local Law 2011.

Conditions**“Call-in” and referral provisions**

The CEO shall ensure Councillors are provided with details of all proposed amendments to the Scheme, and given a period of not less than 14 days to submit a written request to the CEO for the matter to be presented to Council before the delegation is exercised.

Any two or more Councillors may consider a proposed amendment to the Consolidated Parking Scheme to be of strategic significance and/or high community interest and request the CEO in writing, to present the proposal to Council for consideration. If the request is supported, the proposed amendment shall be presented to the first practicable Council meeting for consideration.

Note: any Councillor may also submit a notice-of-motion in relation to the withdrawal of delegation in relation to a particular proposal, but it would generally be expected that they would first seek to exercise the call-in provision as outlined above.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers pursuant to Section 1.10 of the City of Busselton Parking Local Law 2011 which was made in accordance with Part 3 of the *Local Government Act 1995*.

Verification

Initial Council Resolution
TBA

Review

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

CARRIED 5/0

6.4 REVIEW OF COUNCIL DELEGATION LG6C RATES AND SERVICE CHARGES

SUBJECT INDEX:	Authorised Delegation of Power/Authority
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Executive Assistant - Christine Garratt
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Revised Council Delegation LG6C Rates and Service Charges showing proposed tracking changes⇒ Attachment B Revised Council Delegation LG6C Rates and Service Charges⇒

PRÉCIS

The *Local Government Act 1995* requires delegations made under the Act to be reviewed by the delegator at least once every financial year.

As a result of a recent review of Council Delegation LG6C Rates and Service Charges it is proposed to make minor amendments to the delegation, although it should be noted there is no change to the intent of the delegation.

BACKGROUND

Council has the ability to delegate the exercise of powers and discharge of duties to its Chief Executive Officer. These delegations are required to be reviewed by the delegator (in this case the Council) at least once in every financial year.

Council Delegation LG6C Rates and Service Charges was last before Council on 9 August 2017 as part of the Annual Statutory Review of Delegations. At that time Officers proposed removal of miscellaneous explanatory notes as it was felt that these actions were carried out as part of normal City business practices and processes. Council subsequently adopted the revised delegation (C1708/195).

As an outcome of a more recent review of Council Delegation LG6C Rates and Service Charges, Officers are proposing some further streamlining of the delegation for the reasons outlined in the Officer Comment section of this report.

STATUTORY ENVIRONMENT

Section 5.42 of the *Local Government Act 1995* provides the Council with the ability to delegate powers and duties to its CEO. Some powers and duties cannot be delegated in accordance with Section 5.43 of the Act, such as matters that require an Absolute Majority decision of the Council.

The delegations must be contained in a Register. Wherever a decision has been made under delegated authority, records of the decision must be kept in accordance with the *Local Government (Administration) Regulations 1996*.

RELEVANT PLANS AND POLICIES

The Department of Local Government and Communities Operational Guidelines Number 17 – ‘Delegations’

Local Government (Administration) Regulations 1996

FINANCIAL IMPLICATIONS

There are no financial implications involved in reviewing this delegation, however, utilisation of delegated authority creates organisational efficiencies. Without a system of delegated authority in place, a significant number of day-to-day local government decisions would need to be referred to Council as agenda reports. Having an effective delegated authority system in place reduces the turnaround time for some matters which allows for the Council to use its time to undertake its more strategic role.

Long-term Financial Plan Implications

There are no direct Long-term Financial Plan implications associated with this review.

STRATEGIC COMMUNITY OBJECTIVES

This delegation review aligns with and supports the **Council’s Key Goal Area 6** – ‘Leadership’ and more specifically **Community Objective 6.1** – ‘Governance systems, process and practices are responsible, ethical and transparent’.

RISK ASSESSMENT

Not required for this review.

CONSULTATION

The current delegation was developed with reference to the Department of Local Government and Communities Operational Guidelines Number 17 – ‘Delegations’.

OFFICER COMMENT

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the *Local Government Act 1995*.

The table below provides an overview of the current Council Delegation LG6C Rates and Service Charges and an explanation of the powers exercised by the CEO. Officers are recommending minor amendments to the delegation, a summary of which is outlined in the Purpose column of the table.

Current delegation (Part)	Summary of proposed amendments	Proposed delegation (Part)
<p>LG6C</p> <p>Rates and Service Charges</p> <p>To exercise the powers and discharge the duties of the local government under Sections 6.49, 6.50(1), 6.60(2), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4) and 6.76(5) of the <i>Local Government Act 1995</i>. (Contained in Attachment A)</p>	<p>Removal of Sections 6.64(1), 6.71(1) and 6.74(1) from existing delegation as any decision relating to Leasing, Selling and/or Conveying or Transferring of Land where rates or service charges due to a local government in respect of any rateable land, have been unpaid for at least 3 years, would require a determination from Council.</p>	<p>To exercise the powers and discharge the duties of the local government under Sections 6.49, 6.50(1), 6.60(2), 6.64(3), 6.76(4) and 6.76(5) of the <i>Local Government Act 1995</i>. (Contained in Attachment B)</p>

CONCLUSION

Parts of the existing Council Delegation LG6C Rates and Service Charges has served the organisation well and provides a sufficient level of authority to enable timely consideration of day-to-day local government matters.

The proposed amendments to the delegation do not change the intent of the delegation, rather it is simply being streamlined by way of removal of certain operational aspects as these are considered key processes that would require a decision from Council. As far as is known, the delegation has never been exercised in relation to the sections of the Act proposed to be deleted from the delegation.

OPTIONS

The Council could decide to retain the delegation in its current form, may decide that it requires changes to the powers and discharge of duties to the Chief Executive Officer or choose to place conditions on the delegation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Any determinations on the delegation will be effective immediately the Council's decision is made.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1802/176 Moved Councillor K Hick, seconded Councillor R Paine

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council adopts the revised Council Delegation LG6C Rates and Service Charges as shown at Attachment B.

CARRIED 5/0

7. GENERAL DISCUSSION ITEMS

Cr Miles raised for discussion the date and time fo the Policy and Legislation Committee going forward for 2018. The Administration Offcier for Governance will distribute a draft schedual comparing the two suggested dates.

8. NEXT MEETING DATE

Thursday, 1 March 2018

9. CLOSURE

The meeting closed at 10.23am.

THESE MINUTES CONSISTING OF PAGES 1 TO 33 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON THURSDAY, 1 MARCH 2018.	
DATE: _____	PRESIDING MEMBER: _____