



Policy and Legislation Committee Agenda

1 February 2018

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 1 FEBRUARY 2018

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Policy and Legislation Committee will be held in the Committee Room, Administration Building, Southern Drive, Busselton on Thursday, 1 February 2018, commencing at 9.30am.

The attendance of Committee Members is respectfully requested.

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



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

25 January 2018

CITY OF BUSSELTON

AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 1 FEBRUARY 2018

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2. ATTENDANCE

Apologies

3. PUBLIC QUESTION TIME

4. DISCLOSURE OF INTERESTS

5. CONFIRMATION OF MINUTES

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

RECOMMENDATION

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

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 (LSRPS)

The Draft LSRPS was adopted by the WA Planning Commission in 2017, reflecting a partial review of *State Planning Policy 6.1 – Leeuwin-Naturaliste Ridge*. The LSRPS 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.

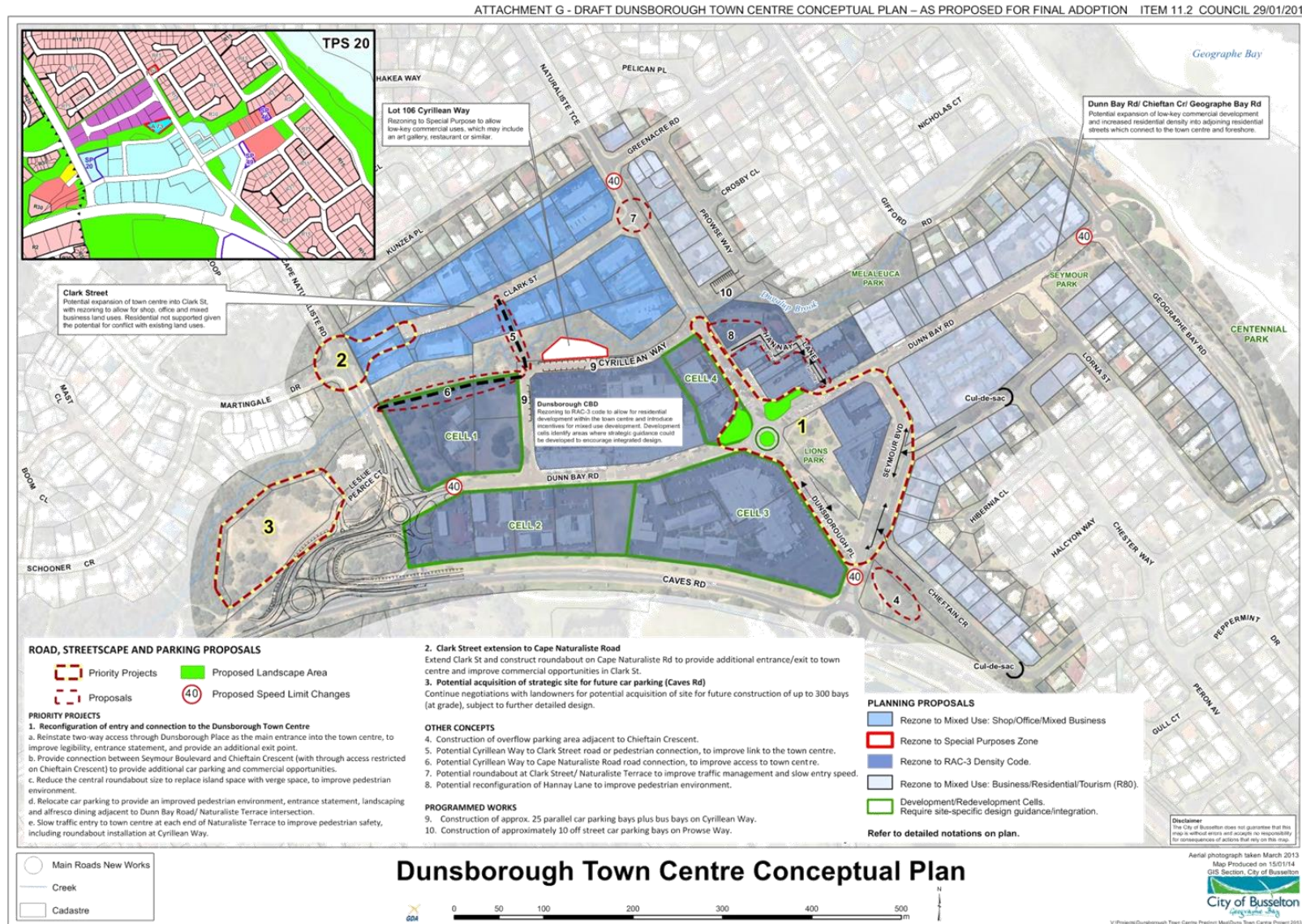
TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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.

OFFICER RECOMMENDATION

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.



**Extract from proposed Amendment No. 29 to Local Planning Scheme 21 (Omnibus #4),
initiated by Council on 13 December 2017:**

4. City and Town Centre Zone provisions

4.1 Amending clause 5.20 (Development in the Business Zone) to read as follows –

“5.20 DEVELOPMENT IN THE CITY/TOWN CENTRE ZONE

5.20.1 *Development within the City/Town Centre zone shall demonstrate adherence to the following design principles –*

- (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*

5.20.2 *Development within the City/Town Centre zone shall address the following provisions, unless otherwise identified in an endorsed Activity Centre Plan:*

- (a) No residential uses shall be permitted at ground floor fronting Queen Street and Prince Street, Busselton and Dunn Bay Road and Naturaliste Terrace, Dunsborough;*
- (b) A nil front setback is to be provided to the development, unless otherwise designated in an Activity Centre Plan, or the development is providing for an associated alfresco space within the setback;*
- (c) Buildings shall be articulated to break up perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage;*
- (d) At the ground floor level, developments shall address the street with a primary business entrance and a shop front façade;*
- (e) Ground floor commercial uses shall incorporate transparent glazing for 70% of all building frontages to adjacent streets;*
- (f) Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;*
- (g) A minimum ceiling height of 3.3 metres shall be achieved for the ground floor level, whilst all other floors shall achieve a minimum ceiling height of 2.7 metres;*

- (h) Roller doors or screens of solid material on shop fronts will not be permitted, security measures should be located and installed internally behind the glazing line;*
- (i) Pedestrian shelter, through the provision of a verandah, awning or the like, shall be provided over the public footpath for the full width of the lot frontage;*
- (j) No vehicle accessways or carparking shall be provided between buildings and the street, or be visible from the street, unless required to provide access to car parking or loading areas behind buildings;*
- (k) No vehicular access to sites shall be taken from Queen Street, Prince Street or Kent Street (between Queen Street and Brown Street), Busselton or Dunn Bay Road or Naturaliste Terrace, Dunsborough, unless no alternative is available, in which case a single crossover width shall be no greater than 5 metres with a cumulative maximum width of 7 metres;*
- (l) Vehicle crossovers and driveways shall be co-located wherever possible with adjoining properties;*
- (m) Vehicle access to developments shall be designed in a way which minimises potential pedestrian/vehicular conflict, clearly recognising the primacy of pedestrian amenity;*
- (n) Multi-storey car parks shall incorporate interactive street frontages, such as shops or other uses that promote activity and where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors;*
- (o) General plant, such as air-conditioning, television antennas, bins, hot water storage tanks, rain water tanks, satellite dishes and the like are to be adequately concealed and screened from the street or public view;*
- (p) Where land is zoned 'City/Town Centre' and is designated a residential density coding of R-AC3 the maximum plot ratio shall be 1.5, except for where the following incentives for mixed use development apply:*
 - (i) Where residential or short-stay accommodation uses represent more than 25% of the plot ratio area of a proposed mixed use development, the maximum allowable plot ratio area may be 2.0; or*
 - (ii) Where a development incorporates a Restaurant/Café, Tavern or other similar use that will provide for informal social*

interaction the maximum allowable plot ratio area for the remainder of the development may be 2.0; and

(iii) The plot ratio incentives set out in sub-clauses (a) and (b) above may be combined, provided that the total plot ratio area does not exceed 3.0.

(q) Signage and advertising shall not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally;"

- 4.2 Inserting a new clause 5.5.2(b) (Variations to site and development standards and requirements) as follows:

"(b) Drive-through facilities in the Drive-through Facility Exclusion Area, as specified by clause 6.13."

- 4.3 Modifying clause 6.1.1 (Operation of Special Control Areas) by including a new Area - "Drive-through Facility Exclusion" after the Development Contribution Area as listed.

- 4.4 Inserting a new clause 6.13 as follows and renumbering subsequent clauses and clause references accordingly:

"6.13 DRIVE-THROUGH FACILITY EXCLUSION AREA

Drive-through facilities shall not be approved in the Drive-through Facility Exclusion Area."

- 4.5 Amending Schedule 1 (Interpretations) by inserting the following new definition:

"'Drive-through facility' means a facility or development involving vehicles entering a site, such as shop, takeaway food outlet or development with fuel bowzers, whereby a product or service is sold or provided direct to customers or patrons driving or seated in a motor vehicle and also includes the provision of fuel to motor vehicles or a Motor Vehicle Wash."

- 4.6 Amending the Scheme map to apply the 'Drive-through Facility Exclusion Area' to the Busselton City Centre as depicted on the Scheme Amendment map, being:

- (a) Land being rezoned to 'City/Town Centre' bound by West Street, Marine Terrace, Brown Street, Harris Road and Albert Street, Busselton; and
- (b) Land bound by Brown Street, Peel Terrace, Cammilleri Street and Harris Road, Busselton;

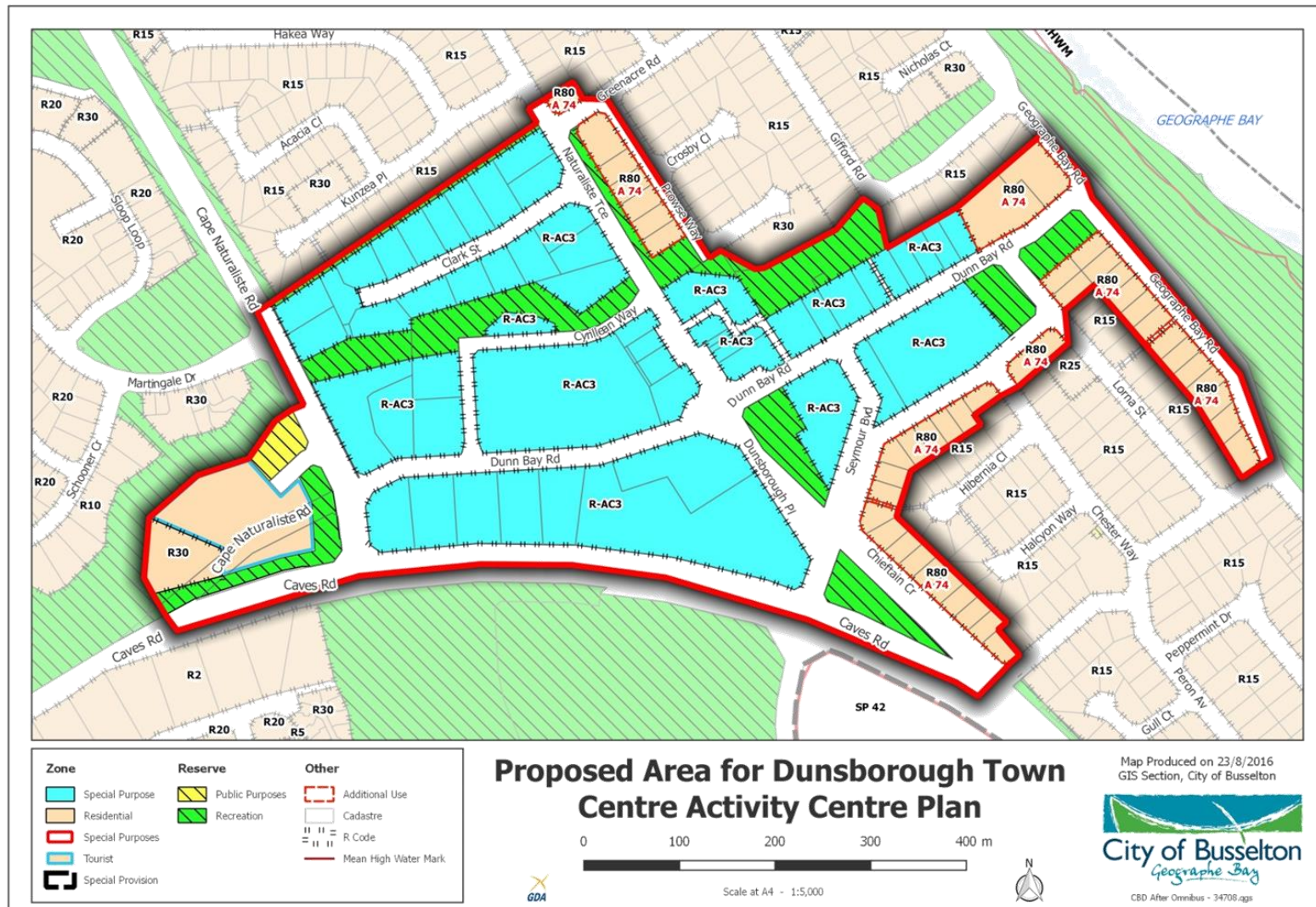
And subject to the following exclusions:

- (a) Lots 15 (3), 150 (5), 381(7), 110(9), 454 (11), 453 (15), 9 (17), 19 (10), 11 (23), 120 (25), 391 (27), 7 (37), 8 (39), 10 (41) and portion of Lot 26 (45) Albert Street, Busselton;

(b) Portion of Lot 170 (56) Prince Street, Busselton.

4.7 Amending the Scheme map to apply the 'Drive-through Facility Exclusion Area' to the Dunsborough Town Centre as depicted on the Scheme Amendment map, being:

(a) Land being rezoned to 'City/Town Centre' and bound by Cape Naturaliste Road, Reserve 42673, Reserve 35758, Reserve 26513, Chieftain Crescent, Seymour Boulevard and Caves Road and excluding portion of Lot 1 (No. 61), portion of Lot 1 (No. 64) and Lot 2 (No. 64) Dunn Bay Road, Dunsborough.



Extract of 'Schedule 1 – Design Principles' from Draft State Planning Policy 7- Design of the Built Environment:

1. Context and character

Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.

The distinctive characteristics of a local area include its prominent natural and built features, the overall qualities of its built environment, significant heritage elements, as well as social, economic and environmental conditions.

Good design responds intelligently and sensitively to these factors, interpreting rather than replicating existing features and enhancing the identity of the area, including the adjacent sites, streetscape and neighbourhood.

Good design also responds positively to the intended future character of an area. It delivers appropriate densities that are consistent with projected population growth, and are able to be sustained by existing or proposed transport, green networks and social infrastructure.

Consideration of local context is particularly important for sites in established areas that are undergoing change or identified for change.

2. Landscape quality

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.

Good landscape design protects existing environmental features and ecosystems, enhances the local environmental context and regenerates lost or damaged ecosystem functionality, where possible. It balances consideration of environmental factors such as water and soil management, ground conditions, solar access, microclimate, tree canopy, habitat creation and preservation of green infrastructure with social, cultural and economic conditions.

Good landscape design employs hard and soft landscape and urban design elements to create external environments that interact in a considered manner with built form, resulting in well-integrated, engaging places that contribute to local identity and streetscape character.

Good landscape design provides optimal levels of external amenity, functionality and weather protection while ensuring social inclusion, equitable access and respect for the public and neighbours. Well-designed landscape environments ensure effective establishment and facilitate ease of long term management and maintenance.

3. Built form and scale

Good design provides development with massing and height that is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.

Good design achieves an appropriate built form by responding to its site, as well as surrounding built fabric, in a considered manner, mitigating negative impacts on the amenity of neighbouring properties and public realm.

Good design considers the orientation, proportion, composition, and articulation of built form elements, to deliver an outcome that is suited to the building's purpose, defines the public domain,

respects important views, contributes to the character of adjacent streetscapes and parks, and provides a good pedestrian environment at ground level.

4. Functionality and build quality

Good design meets the needs of users efficiently and effectively, balancing functional requirements to deliver optimum benefit and performing well over the full life-cycle.

Designing functional environments involves ensuring that spaces are suited to their intended purpose and arranged to facilitate ease of use and good relationships to other spaces. Good design provides flexible and adaptable spaces, to maximise utilisation and accommodate appropriate future requirements without the need for major modifications.

Good build quality is achieved by using good quality and robust materials, finishes, elements and systems. Projects should be well-detailed, resilient to the wear and tear expected from its intended use, and easy to upgrade and maintain.

Good design accommodates required services in an integrated manner, without detriment to the overall design outcome.

5. Sustainability

Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.

Sustainable buildings utilise passive environmental design measures that respond to local climate and site conditions by providing optimal orientation, shading, thermal performance and natural ventilation. Reducing reliance on technology for heating and cooling minimises energy use, resource consumption and operating costs over the whole life-cycle of the project.

Other sustainable design measures include the use of sustainable construction materials, recycling, material re-use, harnessing of renewable energy sources, appropriate water management. Good design considers the ease with which sustainability initiatives can be maintained and managed.

Sustainable landscape and urban design adheres to established principles of water-sensitive urban design, and minimises negative impacts on existing natural features and ecological processes, as well as facilitating green infrastructure at all project scales.

6. Amenity

Good design optimises internal and external amenity for occupants, visitors and neighbours, contributing to living and working environments that are comfortable and productive.

Good design provides internal rooms and spaces that are adequately sized, comfortable and easy to use and furnish, with good levels of daylight, natural ventilation and outlook.

Delivering good levels of internal amenity also includes the provision of appropriate levels of acoustic protection and visual privacy, adequate storage space, and ease of access for all.

Well-designed external spaces provide welcoming, comfortable environments that are universally accessible, with effective shade as well as protection from unwanted wind, rain, traffic and noise. Good design mitigates negative impacts on surrounding buildings and places, including overshadowing, overlooking, glare, reflection and noise.

7. Legibility

Good design results in buildings and places that are legible, with clear connections and memorable elements to help people find their way around.

Good urban design makes places easy to navigate, with recognisable routes, intersections and landmarks while being well-connected to existing movement networks. Sightlines are well-considered, with built form responding to important vantage points.

Within buildings, legibility is served by a clear hierarchy of spaces with identifiable entries and clear wayfinding. Externally, buildings and spaces should allow their purpose to be easily understood, and provide clear distinction between public and private spaces.

Good design provides environments that are logical and intuitive, at the scale of building, site and precinct.

8. Safety

Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.

Safety and security is promoted by maximising opportunities for passive surveillance of public and communal areas and providing clearly defined, well-lit, secure access points that are easily maintained and appropriate to the purpose of the development.

Good design provides a positive, clearly defined relationship between public and private spaces and addresses the need to provide optimal safety and security both within a development and to adjacent public realm.

Designing for safety also involves mitigating any potential occupational safety and health hazards that might result from a development during its construction, maintenance and operation.

9. Community

Good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.

Good design encourages social engagement and physical activity in an inclusive manner, enabling stronger communities and improved public health outcomes.

In residential developments, good design achieves a mix of dwelling types, providing housing choice for different demographics, living needs and household budgets, and facilitating ageing-in-place.

10. Aesthetics

Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

Good design resolves the many competing challenges of a project into an elegant and coherent outcome. A well-conceived design concept informs all scales, from the articulation of building form through to materiality and detail, enabling sophisticated, integrated responses to the complexities of local built form and landscape character.

In assessing design quality, consideration of aesthetics should not be limited to style and appearance; it should also account for design integrity, creativity, conceptual coherence and cultural relevance in a proposal.

Extract of Part 5.3 of the Local Commercial Planning Strategy – Urban Design Assessment for the Dunsborough Town Centre:

5.3 Dunsborough

5.3.1 Strengths, Weaknesses, Opportunities, Threats Analysis

Strengths

- Significant investment interest in the town
- Dunn Bay Rd – potential link to the coast
- Tourism influence provides vitality
- Potential expansion areas – down Dunn Bay Rd and into Clarke Street
- Dunsborough foreshore enhancement – a well supported community initiative

Weaknesses

- Traffic circulation is poor, as is the legibility for traffic movement
- Much of the built form is ad hoc
- No cohesive architectural theme
- Congested at certain times
- Pedestrian movement is fragmented
- Some of the new development – Coles – is internalised and poorly designed
- Directional signage is poor
- No obvious entry statement or sense of arrival
- Limited linkage to the ocean

Opportunities

- Possibility for bay views if building height limits are raised
- Adjoining industrial area – Clarke Street – provides opportunity to expand
- Creek system provides potential for open space spine
- The proposed development of the hotel could provide a landmark
- Use of the laneways could create interest.

Threats

- Poor traffic circulation and amenity will discourage people from visitation
- Poorly located parking areas exacerbate congestion problems

5.3.2 The Dunsborough Vision

Key words:

- District centre/village atmosphere
- Coastal, seaside location
- Tourist location
- Vibrant
- Informal, “laid back”
- Seaside design theme
- Improving aesthetics
- A place to shop where diverse and quality products are available
- A green, landscaped streetscape

5.3.3 Urban Design Principles

Land use

- Key Principle: Encourage mixed uses - residential, offices, hospitality, retail and community – in the town, to increase vitality.

The Dunsborough Town Centre displays a reasonable level of mixed use ambience with tourist accommodation, retail, office, commercial and other types of uses all present in the town. The town also shows high levels of vitality at certain times because of the large number of tourists who visit.

However, there are a number of land use changes that could intensify the mixed use nature of the area, as follows:

- A clarification of the term subsidiary in reference to residential uses in the policies for the Business zone (as per the suggested amendment for Busselton).
- The rezoning of the land along Dunn Bay Road (excluding the parkland) to allow higher intensity, mixed use development

A different zoning should not be applied to the rest of the Dunsborough town centre for the land identified on Figure 27 as being within the 'office, administrative and consultative precinct'. The land in this precinct should be retained within the Business zone.

Recommendation

28) Council should consider the preparation of an amendment to the TPS to facilitate the following land use changes in the Dunsborough town centre:

- a. A clarification of the term subsidiary in reference to residential uses in the policies for the Business zone (as per the suggested amendment for Busselton).*
- b. The rezoning of the land along Dunn Bay Road (excluding the parkland) to allow higher intensity, mixed use development.*
- c. The office, administrative and consulting precinct shown on Figure 28 should not have a different zoning to the rest of the Dunsborough town centre.*

Built Form

- Key Principles: Develop a more cohesive, "seaside" based architectural style and control the intrusion of poorer quality and ad hoc building styles.

The built form in Dunsborough is ad hoc with no cohesion or design theme evident. This should be addressed as a priority. There are opportunities to develop a "seaside" theme which would further link the development of the town to its coastal location.

Recommendation

29) Council should commission a study of urban design improvements in the Dunsborough town centre, with particular reference to the development of a design theme for inclusion into the TPS as a policy.

Density and Height

- Key Principles - Consider increasing building height limits to encourage bay views and medium to high density residential uses in and around the town.

6.1 Attachment E Extract from Local Commercial Planning Strategy

Despite its proximity to the coast Dunsborough has little relationship with the foreshore. The increasing of height limits of development in the town centre could result in Bay views and provide further mixed use development.

The residential development on a number of selected sites on the boundary of the town centre is low density R15. Given their location in proximity to the town centre a higher density could be considered.

Recommendation

30) Council consider amending the TPS to lift height limits in the town centre and to rezone the selected sites to an R40-R80 designation.

31) The development of buildings higher than three storeys in Dunsborough town centre should require a careful consideration of design issues and the development of more detailed planning guidelines relating to taller buildings.

Pedestrian Links

- Key Principle: Increase safe and efficient pedestrian movement in the town

A number of actions have been suggested for this key principle:

- Encourage pedestrian movement from the town to the foreshore as a focal point
- Improve the legibility of pedestrian links between sites within the town
- Review the large roundabout at the intersection of Dunn Bay Road and Naturaliste Terrace to prioritise for pedestrian movement or potential removal.
- Undertake a traffic study to resolve pedestrian vehicular conflict in the town centre.

Recommendation

32) In conjunction with the parking study currently being conducted) to incorporate the above suggestions.

Car Parking

- Key Principle: Provide well located car parks to encourage pedestrian movement in the centre of town

Key elements to consider are:

- The potential consolidation of parking facilities in peripheral locations to discourage fragmented and small parking locations.
- Provision of dedicated staff parking facilities to avoid the overlap with users of the town centre
- The delineation of bays at the rear of future development to allow for the provision of a zero setback streetscape.

Recommendation

33) A parking study of Dunsborough is presently being undertaken. This should be urgently completed and its results considered carefully by Council.

Open Space and Parkland

- Key Principle – Improve links between the town centre and nearby parkland

A number of specific actions have been proposed to achieve this key principle, as follows:

6.1 Attachment E Extract from Local Commercial Planning Strategy

- The creek that moves east west from between the Clarke Street Industrial area and the commercial area provides an opportunity to create a natural corridor from the commercial area to the foreshore.
- The Lions Park in the centre of town provides a useful green space – further landscaping of this facility is a possible improvement to townscape amenity.
- The Dunn Bay foreshore is a strategic open space facility that is currently underutilised – implementation of the foreshore and Seymour Park concept plan would improve this situation
- The planting of additional street trees in a landscape theme would soften the ad hoc nature of built form in Dunsborough

Recommendation

34) Council should review the suggestions above and consider funding the development of these open space linkages

A summary of key suggestions for Dunsborough is shown in Figure 27.

Lot 106, Cyrilleean Way, which is privately owned, is currently identified as 'Recreation' reserve in the TPS. It is adjacent to Dugalup Brook, and has previously been subject of a development approval for an art gallery and restaurant. The current identification of the site as 'Recreation' reserve is not necessary or appropriate, and a zoning that would allow development of a similar character to that previously approved for the site would be appropriate. That would be best be achieved by an appropriate 'Special Purpose' zoning.

Recommendation

35) Lot 106 Cyrilleean Way to be included in a Special Purpose zone to allow for development of a similar character to that previously approved for the site (i.e. art gallery, cafe/restaurant uses), with the details to be determined in consultation with the landowners either as part of the preparation of a new town planning scheme, or as part of a future town planning scheme amendment initiated at the request of the landowners.

Planning

While Dunsborough provides the services of a district level centre, it will not reach the intensity of commercial activity of Busselton. However, as has been demonstrated continued growth is forecast for the town which needs to be accommodated. Ultimately though, a high intensity mixed use town centre for Dunsborough which competes with the Busselton CBD, would not be appropriate.

As has been noted in various studies, Dunsborough ought to consolidate its commercial floor space in a "Main Street" format as it will not have the scale to facilitate both a DDS and an effective town centre with retail component. Despite significant changes, the current form of the town centre does not yet wholly reflect a "Main Street" approach to urban design or land use planning.

The particular road network and connectivity issues of central Dunsborough are well documented.

However, many of the solutions have been focussed on attempting to solve perceived and actual transport and access related problems rather than approach the matter from a townscape and land use perspective.

The 1994 Town Centre report prepared by BSD on behalf of the Shire was of the view that there would be insufficient demand to connect the business district with the foreshore. Dunsborough is a growing seaside town yet fails to take any real commercial advantage of that fact. It's commercial

6.1 Attachment E Extract from Local Commercial Planning Strategy

district is focussed ineffectively around transport imperatives rather than maximising its locational advantages.

Transport issues of access, parking and circulation *et al* should not form the basis of land use allocation for the town centre (as has traditionally been the case). "Main Street" development works best where there is a through movement of traffic. That is, Dunsborough should not shy away from permitting controlled through traffic as this will ultimately support the creation of an identifiable centre with a logical transport network.

To this end Figure 27 depicts a strategy aimed at:

- Concentrating future small scale retail, tourism and hospitality uses along Dunn Bay Road east of Naturaliste Terrace toward the foreshore, subject to rezoning of land to facilitate such changes in use;
- Larger format retail and office/consulting uses focussed toward the western end of Dunn Bay Road so as not to dilute the concentration of "Main Street" retail activity to the east;
- Clark Street Industrial area to be retained as a low intensity Industrial precinct with incidental retail permitted to the predominant use. Clarke Street operates as a successful light industrial precinct supporting incidental retail uses and this should be maintained to prevent infiltration by inappropriate pure retail and showroom uses more appropriately located in Busselton or in the main retail part of Dunsborough itself.
- Put in place long term objectives to eliminate onsite parking between buildings and the road reserves along Dunn Bay and Naturalise Terrace (ie require commercial buildings to have a 0m setback to the road reserve);
- Allow residential densities of up to R100 in the Business zone with residential uses permitted only above the ground level in the town centre. A substantial commercial floor space component to be required at the ground level to ensure commercial character is retained (eg vertical zoning concept).
- Building heights to be lifted to 3-4 stories to enable mixed use development potential to be realised and generate a town centre residential community to support business activities.

A recommended non-commercial strategy is to implement medium to high density zoning (R40-R80) within 800m of the boundary of the town centre to provide improved housing choice, decrease car dependency and increase the immediate population supporting the commercial centre of the town.

The above strategies will over time, focus commercial activity toward Dunsborough's key locational asset which is the foreshore reserve and beach. Currently this area is monopolised by a few low density residential dwellings and some tourism related development. A longer term view is recommended by this above strategy with the aim of extending the town centre in that direction.

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 Centrepont 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 Cyrille 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 Centrepont 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.

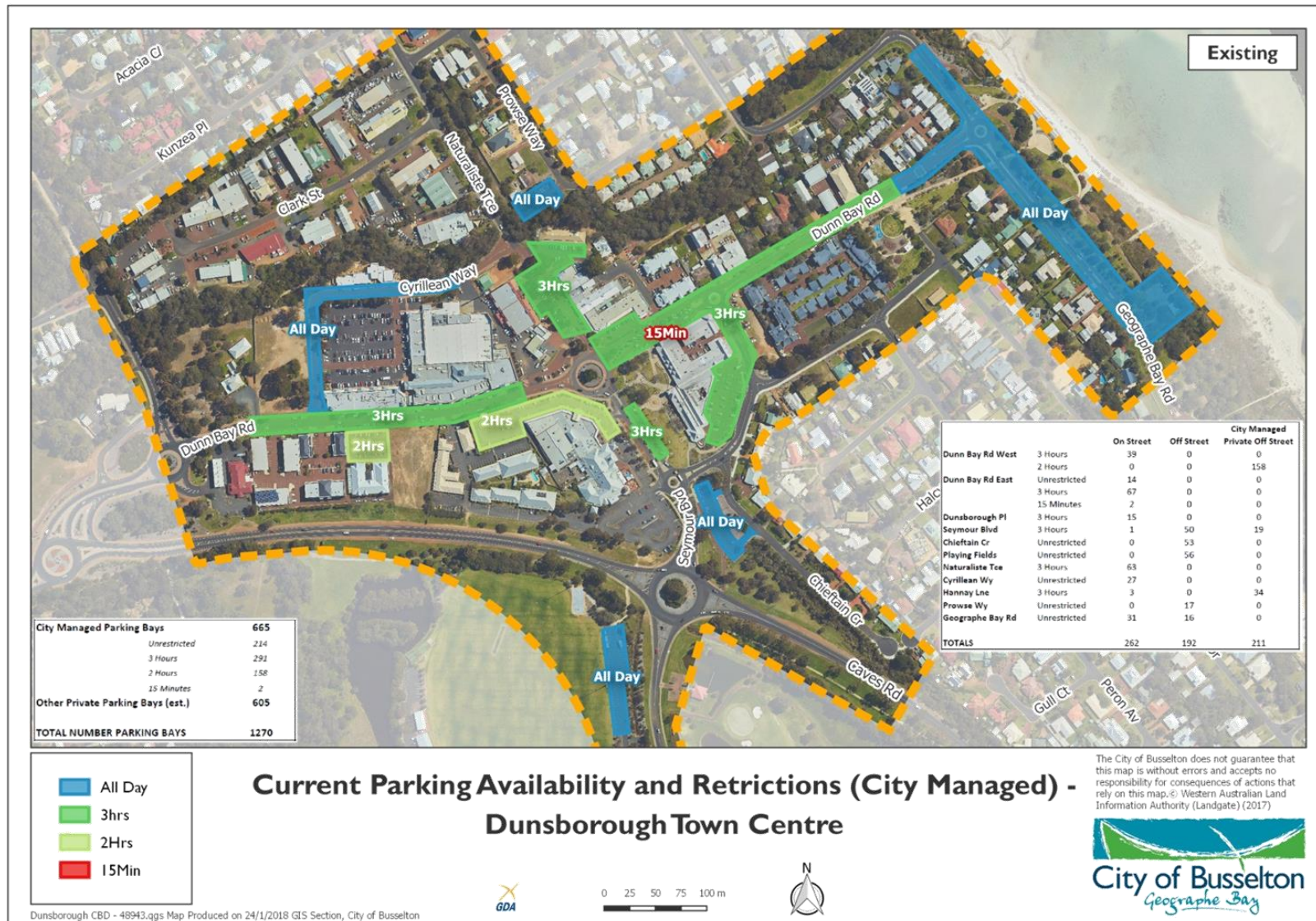
Should the Council endorse the proposed changes to special purpose parking designations, detailed design will support the provision of a proposed budget allocation for the 2018/19 financial year and improvements will be implemented progressively thereafter, including as part of future streetscape upgrade 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.

OFFICER RECOMMENDATION

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 Mitchell 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.











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:	Map to be provided under separate cover

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)..

OFFICER RECOMMENDATION

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.

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.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

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



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG6C	6.49 6.50(1) 6.60(2) 6.64(1) 6.64(3) 6.71(1) 6.74(1) 6.76(4) 6.76(5)	Chief Executive Officer	Rates and Service Charges

Delegator

Council

Power/Duty

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 *Local Government Act 1995*.

Conditions

Nil – all actions are administrative in nature only.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in 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 *Local Government Act 1995*.

Section 6.49

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Section 6.50(1)

Subject to –

(a) *subsections (2) and (3);*

(b) *any concession granted under section 6.47; and*

(c) *the Rates and Charges (Rebates and Deferments) Act 1992,*

a rate or service charge becomes due and payable on such date as is determined by the local government.

Section 6.60(2)

If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.

Section 6.64(1)

~~If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —~~

- ~~(a) from time to time lease the land;~~
- ~~(b) sell the land;~~
- ~~(c) cause the land to be transferred to the Crown; or~~
- ~~(d) cause the land to be transferred to itself.~~

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Section 6.64(3)

Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Section 6.71(1)

~~If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —~~

- ~~(a) the Crown in right of the State; or~~
- ~~(b) the local government.~~

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Section 6.74(1)

~~If land is —~~

- ~~(a) rateable land;~~
- ~~(b) vacant land; and~~
- ~~(c) land in respect of which any rates or service charges have been unpaid for a period of at least 3 years, the local government in whose district the land is situated may apply in the form and manner prescribed to the Minister to have the land re-vested in the Crown in right of the State.~~

Section 6.76(4)

The local government may, on application by a person proposing to make an objection, extend the time for making the objection for such period as it thinks fit.

Section 6.76(5)

The local government is to promptly consider any objection and may either disallow it or allow it, wholly or in part.

Verification

Recent Council Resolution
C1708/195

Initial Council Resolution
C0806/188

Review Requirements

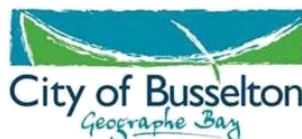
In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Related Documents

Rates and Charges (Rebates and Deferments) Act 1992

Transfer of Land Act 1893

Notes of recent alterations
Removal of explanatory notes at Sections 6.50(2), 6.50(3), 6.47 and 6.75(1) as these are operational by nature and therefore it is considered not necessary to include <i>(9 August 2017)</i>
Removal of Section 6.50(2) as this is done as part of the Budget Adoption process <i>(9 August 2017)</i>
Removal of Sections 6.56(1), 6.60(3) and 6.64(4) as these are operational by nature and do not require a delegation <i>(9 August 2017)</i>
Removal of Schedule 6.2, Clause 1(1) as any proposal to "Form a Lease" would be put before Council for determination <i>(9 August 2017)</i>
Removal of Schedule 6.3, Clause 1(4) as any proposal for "Sale of Land" would be put before Council for determination <i>(9 August 2017)</i>
Removal of Schedule 6.3, Clause 4(1) as any proposal to "Convey or Transfer" would be put before Council for determination <i>(9 August 2017)</i>



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG6C	6.49 6.50(1) 6.60(2) 6.64(3) 6.76(4) 6.76(5)	Chief Executive Officer	Rates and Service Charges

Delegator

Council

Power/Duty

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 *Local Government Act 1995*.

Conditions

Nil – all actions are administrative in nature only.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in sections 6.49, 6.50(1), 6.60(2), 6.64(3), 6.76(4) and 6.76(5) of the *Local Government Act 1995*.

Section 6.49

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Section 6.50(1)

Subject to —

- (a) *subsections (2) and (3);*
 - (b) *any concession granted under section 6.47; and*
 - (c) *the Rates and Charges (Rebates and Deferments) Act 1992,*
- a rate or service charge becomes due and payable on such date as is determined by the local government.*

Section 6.60(2)

If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.

Section 6.64(3)

Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Section 6.76(4)

The local government may, on application by a person proposing to make an objection, extend the time for making the objection for such period as it thinks fit.

Section 6.76(5)

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Transfer of Land Act 1893

Notes of recent alterations

Removal of explanatory notes at Sections 6.50(2), 6.50(3), 6.47 and 6.75(1) as these are operational by nature and therefore it is considered not necessary to include (9 August 2017)

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Removal of Schedule 6.3, Clause 4(1) as any proposal to "Convey or Transfer" would be put before Council for determination (9 August 2017)

7. GENERAL DISCUSSION ITEMS

8. NEXT MEETING DATE

Thursday, 1 March 2018

9. CLOSURE