

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

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 8 JUNE 2016

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN MEETING ROOM ONE, COMMUNITY RESOURCE CENTRE, 21 CAMMILLERI STREET, BUSSELTON, ON 8 JUNE 2016 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.33pm and acknowledged the traditional custodians of the land, the Wardandi Nyungar people, the Elders of past and present of which this Council meeting takes place.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

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

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Matthew Smith, Director, Finance and Corporate Services
Mr Martyn Glover, Executive Director
Mr Anthony Rowe, Manager, Development Services and Policy
Miss Hayley Barge, Administration Officer, Governance

Apologies

Cr Paul Carter
Mr Paul Needham, Director, Planning and Development Services

Approved Leave of Absence

Nil

Media:

“Busselton-Dunsborough Times”
“Busselton-Dunsborough Mail”

Public:

3. PRAYER

The prayer was delivered by Pastor Clark Riggins from Busselton Seventh Day Adventist Church.

4. PUBLIC QUESTION TIME**Response to Previous Questions Taken on Notice**

Nil

Public Question Time

Nil

5. ANNOUNCEMENTS WITHOUT DISCUSSION**Announcements by the Presiding Member**

Nil

Announcements by other Members at the invitation of the Presiding Member

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND PRESENTATIONS**Petition –**

A petition relating to the conservation of land on Hills Road in Dunsborough was presented which stated:

“We, as electors within the City of Busselton, request that the Council preserves the native bushland on Lots 142 – 144 Hills Road, Dunsborough, by seeking the creation of a conservation reserve over this land to be managed by the City.”

Council Decision**C1606/131**

Moved Mayor G Henley, seconded Councillor J McCallum

That the petition be received and referred to the CEO to prepare a report to the Council or a Committee.

CARRIED 8/0**Presentations –**

Mr Rod Taylor addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.1. Mr Taylor was generally not in agreement with the Officer Recommendation.

Mr Steve Wright addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.1. Mr Wright was generally not in agreement with the Officer Recommendation.

Mr Matt Evans representing Ericsson and Mrs Rachael McIntyre representing NBN Co addressed the Council in accordance with Section 6.1 of the Standing Orders as a party with an interest in Item 11.1. Mr Evans and Mrs McIntyre were generally in agreement with the Officer Recommendation.

8. DISCLOSURE OF INTERESTS

Nil

9. CONFIRMATION AND RECEIPT OF MINUTES

Previous Council Meetings

9.1 Minutes of the Council Meeting held 25 May 2016

Council Decision

C1606/132 Moved Councillor J McCallum, seconded Councillor T Best

That the Minutes of the Council Meeting held 25 May 2016 be confirmed as a true and correct record.

CARRIED 8/0

Committee Meetings

9.2 Minutes of the Policy & Legislation Committee Meeting held 26 May 2016

Council Decision

C1606/133 Moved Councillor G Bleachmore, seconded Councillor C Tarbotton

- 1) That the minutes of the Policy & Legislation Committee Meeting held 26 May 2016 be received.
- 2) That the Council notes the outcomes from the Policy & Legislation Committee Meeting held 26 May 2016 being:
 - a) The Tender Pre-Selection Criteria Policy and CEO Delegation item is presented for Council consideration at item 10.1 of this agenda.
 - b) The Statutory Review of Delegations item is presented for Council consideration at item 10.2 of this agenda.
 - c) The Review of Councillors' Induction, Training and Development Policy item is presented for Council consideration at item 10.3 of this agenda.
 - d) The general discussion item on Parking Stalls, Parking Stations and Parking Areas is noted.

CARRIED 8/0

ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION

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

Council Decision / Committee Recommendation and Officer Recommendation

C1606/134 Moved Councillor G Bleechmore, seconded Councillor J McCallum

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

- 10.3 Policy and Legislation Committee - 26/05/2016 - REVIEW OF COUNCILLORS' INDUCTION, TRAINING AND DEVELOPMENT POLICY
- 12.1 BUSSELTON TRAFFIC STUDY: STRATEGIC DIRECTION AND IMPLEMENTATION
- 14.1 RENEWAL BUSSELTON SENIOR CITIZENS CENTRE SUBLEASE TO BUSNET COMPUTER CLUB
- 15.1 COUNCILLORS' INFORMATION BULLETIN

CARRIED 8/0

EN BLOC

10. REPORTS OF COMMITTEE

10.3 Policy and Legislation Committee - 26/05/2016 - REVIEW OF COUNCILLORS' INDUCTION, TRAINING AND DEVELOPMENT POLICY

SUBJECT INDEX:	Councillors
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Support
REPORTING OFFICER:	Manager, Governance Services - Lynley Rich
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Councillors' Induction, Training and Development Policy

This item was considered by the Policy and Legislation Committee at its meeting on 26 May 2016, the recommendations from which have been included in this report.

PRÉCIS

The Council policy relating to Councillors' Induction, Training and Development is presented for review in order to provide an equal allocation of the budget for training adopted by the Council for access by each Councillor and other related matters. It is recommended that the Council adopts the updated Councillors' Induction, Training and Professional Development Policy.

BACKGROUND

The policy was last reviewed in 2012 and this update is to provide for an individual allocation for each Councillor that was not previously included in the policy.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

The Councillors' Induction, Training and Development policy is applied in accordance with the Fees, Allowances and Expenses for Elected Members policy to identify the costs that will be met by the Local Government for this purpose. In addition, there are specific requirements relating to conference attendance where significant travel is involved in accordance with Council policy 013.

FINANCIAL IMPLICATIONS

The draft budget includes an allocation for training and conference requirements for elected members of \$27,000. The policy seeks to provide an allocation of \$3,000 per Councillor for training and professional development purposes.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The Induction, Training and Development policy contributes to governance systems that deliver responsible, ethical and accountable decision-making.

RISK ASSESSMENT

Not required for a review of the policy.

CONSULTATION

The proposed changes to the policy have been discussed as part of the workshops for the development of the draft budget with relevant staff and Councillors.

OFFICER COMMENT

The policy continues to provide for a range of training and development opportunities for the Councillors, however, changes are proposed on the basis of identifying the desire for each Councillor to have an equal allocation of funds for training and conference attendance purposes that are applicable to their role.

In this regard, the Council policy relating to the specific requirements for conference attendance where significant travel is proposed is relevant. That policy provides that training and professional development is to be relevant to the functions of the City, provide scope for the skills acquired to be applied and that there shall be due regard for Committee and representative roles that the individual has been appointed to.

Changes to the policy have been identified in the attachment to the report. It is intended that any Councillor's unspent funds within a biennial election cycle will be carried forward into the following financial year's budget. It is noted that the training and professional development funds will be made available on a pro-rata basis in accordance with that election cycle.

CONCLUSION

The proposed policy is presented for Council's consideration. Should it be adopted, a register of training attendance and associated expenditure for each Councillor will be maintained to ascertain current funding availability for each Councillor.

OPTIONS

The Council could determine that changes to the policy are required or that a policy is not required in relation to this matter.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The policy will be effective immediately.

Council Decision / Committee Recommendation and Officer Recommendation

C1606/135

Moved Councillor G Bleechmore, seconded Councillor J McCallum

That the Council:

1. Adopts the updated Councillors' Induction, Training and Professional Development Policy:

098	Councillors' Induction, Training and Professional Development	V3 Draft
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1. PURPOSE

This policy is to provide a framework within which Councillors can have access to a range of development opportunities that will assist them to undertake their role, including but not limited to pre-election information sessions, induction programs, training programs and development opportunities throughout the elected term of office.

The City of Busselton has a budget allocation for the purpose of enabling Councillors to participate in development opportunities that will assist them to undertake their role and/or develop skills and competencies.

2. SCOPE

The policy provides that all Councillors can participate in development and training opportunities during their elected term of office, noting that where a term of office is less than the usual four-year term, access to a full range of opportunities may not be available within the term.

3. POLICY CONTENT

The City of Busselton will provide an induction, training and development program for Councillors that contributes to the corporate objectives by:

- Assisting prospective and new Councillors assimilate into the role;
- Assisting Councillors meet the demands upon them by developing the necessary skills through recognised training;
- Assisting Councillors achieve excellence in performance; and
- Ensuring Councillors work professionally in a team environment for the betterment of their constituents.

Councillors can attend various programs during their term of office, to assist their professional development and to provide them with enhanced skills to effectively maximise the benefits of the commitment they have given to their elected position.

Pre-election Information Sessions

This policy provides for the Chief Executive Officer to conduct a seminar for aspiring Councillors to be held prior to a Local Government election. The aim of this seminar would be to provide aspirants with an insight to the role of a Councillor and better prepare them for what lays ahead.

Induction Program

Following election, new Councillors will be guided through an in-house induction program, modelled on the Department of Local Government Councillor Induction Checklist, to provide them with all the information relevant to commencing their role as a Councillor. The provision of in-house information and training sessions is also encouraged after the completion of the induction program.

WALGA Training Program

The Western Australian Local Government Association offers a module-based training program that is standardised for WA Local Governments. Progressive participation in this program is encouraged and is considered to be the best opportunity outside of the organisation to develop relevant local

government knowledge, including the opportunity to obtain a Diploma in Local Government by the completion of the course modules.

Local Government Week

Local Government Week is an annual networking and development opportunity for Councillors provided by the Western Australian Local Government Association. This is undertaken in conjunction with the association's Annual General Meeting at which the City of Busselton is entitled to have two delegates. It is usual that this will be the Mayor and Deputy Mayor, however, this may be passed to another Councillor or Councillors when one or both of the Mayor and Deputy Mayor are not in attendance.

In addition to the two delegate participants, opportunity exists for other Councillors and the CEO to attend Local Government Week.

Other Training and Development

Other training and development opportunities are identified from time to time by either an individual Councillor or the organisation, attendance at which may be approved where:

- The course or development opportunity is relevant to the functions of a Councillor; or
- The course or development opportunity is relevant to a Councillor's role of Council approved representative on a Council Committee or external body; and
- There is scope for application of skills acquired by the attendee at the City.

Approval Process

Applications from Councillors will be determined by the Mayor in consultation with the CEO with regard to applicability of the development opportunity to the Councillor's role and budget availability.

The application can only be approved where the costs including registration fees, travel, accommodation and an estimation of other expenses in accordance with Council Policy 001 can be accommodated within the approved allowance allocated to the Councillor for this purpose in accordance with the annual budget provision. The annual training budget determined by the Council will be equally allocated to each Councillor on a pro-rata basis in accordance with election dates. An individual's unspent funds can be carried forward for use within the biennial election cycle.

The CEO is to maintain a register of each Councillors' training and professional development expenses.

Nothing in this policy provision prevents the Council from approving additional funds to be accessible or the Council from approving a specific application that is outside of the existing budget.

Policy Background

Policy Reference No. - 098

Owner Unit – Governance Services

Originator – Manager, Governance Services

Policy approved by – Council

Date Approved – 13 June 2012

Review Frequency – As required

Related Documents –

Council Policy 001

Council Policy 013

History

Council Resolution	Date	Information
		Proposal to provide an equal allocation for use by each Councillor on approved training programs and Local Government Week attendance
C1206/138	13 June, 2012	Proposal to consolidate the Elected Member Induction, Training and Development Policy with the Local Government Week policy Version 2
		Version 1

CARRIED 8/0**EN BLOC**

12. ENGINEERING AND WORKS SERVICES REPORT

12.1 BUSSELTON TRAFFIC STUDY: STRATEGIC DIRECTION AND IMPLEMENTATION

SUBJECT INDEX:	Road Infrastructure - Planning, Design and Construction
STRATEGIC OBJECTIVE:	Transport options that provide greater links within our district and increase capacity for community participation.
BUSINESS UNIT:	Development Services; Environmental Services
ACTIVITY UNIT:	Strategic Planning; Engineering & Facilities Services
REPORTING OFFICER:	Director, Planning and Development Services - Paul Needham Manager, Engineering and Facilities Services - Daniell Abrahamse
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Strategic Environmental Advice Attachment B Overall Plan

PRÉCIS

As a key step in the ongoing 'Busselton Traffic Study' project, the Council is asked to identify its preferred strategic direction for the progressive upgrading of the local road network in the Busselton-Vasse urban area. It is recommended that the Council adopt a strategic direction to guide more detailed planning and implementation. The development of the proposed strategic direction has been informed by extensive traffic modelling work, the receipt of strategic environmental advice relating to a number of environmentally sensitive road upgrade options, as well as a range of informal meetings and workshops involving City officers, Councillors and representatives of key, relevant State Government agencies.

BACKGROUND

The City of Busselton, the Busselton-Vasse urban area in particular, is experiencing rapid and consistent population and economic growth, growth which is expected to continue for the foreseeable future. That growth, together with growth in the broader region, will result in increased traffic through, into, out of and within the Busselton-Vasse urban area, especially in and around the Busselton City Centre. Awareness of these issues resulted in the City commencing the Busselton Traffic Study.

This report asks the Council to identify its strategic direction in relation to implementation of the Busselton Traffic Study. That will allow the City to begin the process of properly planning and implementing a programme of upgrades to the road network in the Busselton-Vasse urban area. The overall intent is to ensure the development of a safe and efficient road network into the future, in the most cost effective way. This report follows several earlier reports regarding the Busselton Traffic Study, most recently to the Council's 12 August 2015 meeting, as well as a series of informal briefing sessions and workshops.

It should be noted that the State Government already has plans in place to undertake progressive and significant upgrades to the regional road network (i.e. roads managed by Main Roads WA) in and around the Busselton-Vasse urban area, including through –

- The recent completion of the Vasse Bypass;
- Progressive upgrades to Bussell Highway to the south of Vasse;
- The planned duplication (i.e. conversion to four-lane/dual-carriageway road) of the Ludlow Deviation portion of the Bussell Highway, to the east of Busselton and through to Capel;

- The development of the 'Vasse-Dunsborough Link', supplementing Caves Road as the regional route linking Dunsborough and Busselton;
- Upgrading of Busselton Bypass to a four-lane/dual carriageway road for its entire length; and
- Ultimately, the development of the Busselton Outer Bypass.

Population and economic growth and the resultant traffic growth will also, however, place increased pressure on parts of the local road network (i.e. roads managed by the City), especially some of the more significant local roads, including Causeway Road, 'Old' Bussell Highway/Albert Street, Strelly Street and West Street. That pressure will be particularly challenging in and around the road network to the south and west of the Busselton City Centre, especially the Causeway Road/Peel Terrace/Albert Street/Queen Street complex of intersections, and the nearby West Street/Albert Street/Old Bussell Highway intersection. The capacity of these intersections, like all intersections, is finite. Both of these intersections become quite congested at peak times now: the Causeway Road/Peel Terrace/Albert Street/Queen Street intersection complex most particularly at times of peak tourist inflow – i.e. most particularly Friday afternoons through much of the summer and prior to long weekends or major events through the rest of the year; and the West Street/Albert Street/'Old' Bussell Highway intersection most particularly at peak shopping times – i.e. especially Saturday mornings.

There are two main causes of the most acute periods of congestion in these two locations. In the case of the Causeway Road/Peel Terrace/Albert Street/Queen Street intersection complex, the main cause is that most of the accommodation in Busselton is to the west of the City Centre, and the most straight-forward and intuitive route to that accommodation for people travelling from Perth is via Causeway Road, Albert Street and 'Old' Bussell Highway (the more efficient route in many cases, however, would be via Busselton Bypass and Fairway Drive). At peak times, only a small proportion of the traffic using this intersection complex is travelling to the City Centre itself (including the Busselton Foreshore), or to locations to the east of the City Centre. In the case of the West Street/Albert Street/'Old' Bussell Highway intersection, the main cause is that most of the City's population lives to the west of the City Centre, and when accessing the City Centre seeks to travel through the intersection. Other very busy times at these intersections coincide with pick-up and drop-off times at the various schools located on or near Queen Elizabeth Avenue, which can be accessed via the Busselton Light Industrial Area and so traffic from destinations around or to the east of the City Centre traverses these intersections (i.e. MacKillop College/St. Josephs Primary School, Cornerstone School, Geographe Primary School and Busselton Senior High School).

As traffic growth continues into the future, the intensity, frequency and duration of the congested periods at these intersections will increase. That is because the large majority of the population growth in the City will be to the west of the City Centre, as will most of the growth in short-term accommodation capacity (noting that, even when all of the accommodation sites on the Foreshore are developed, that area will still only represent a very small proportion of the total accommodation supply in the City). Most of the visitors travelling to that accommodation will be travelling from the south-east (i.e. from Perth and therefore from Bussell Highway, or from the Busselton-Margaret River Regional Airport).

In identifying and assessing options to address the current and future traffic challenges facing the City, the Council clearly needs to be conscious of where the most acute challenges are today, and where the most acute challenges are likely to be in future. The scale of the challenge and the level of investment required is also such that not all options can be pursued, certainly not all at the same time.

The development of Ford Road, for instance, would be unlikely to have much effect on traffic congestion in and around the two key intersections outlined above, as it would deliver traffic to and

from the eastern side of the City Centre. Those travelling from locations to the west of the City Centre, where most of the population lives and where most population growth will occur in the future, would be unlikely to travel to a location to the east of the City Centre and then return in a westerly direction to access the City Centre itself. They may do so if they knew that the alternative, more direct route was congested at a particular time, but unless the route was already extremely congested (i.e. banked-up all the way back to Bussell Highway/Busselton Bypass – which does occur, but infrequently and for relatively short periods), they would simply use the existing, more straight-forward and intuitive route. So, whilst development of Ford Road (recognizing there are a number of potential/alternative alignments for 'Ford Road') would undoubtedly be of value to those living to the east of the City Centre and/or travelling to that area, it would not greatly assist in addressing the much more significant and faster growing traffic issues facing the City, which are essentially related to the amount of traffic travelling between the City Centre and locations to the west, or travelling from locations to the south-east of the City Centre to locations to the west.

Given the above, there is seen to be a need to move beyond seeing 'Ford Road' as the central road network question concerning the City. Development of Ford Road, notwithstanding any environmental or financial considerations, would not address the most significant traffic challenges facing the City at this time or in the medium-term future (note that, further into the future, planned light industrial and service commercial development in and around the Busselton-Margaret River Regional Airport would increase the need for and potential value of Ford Road, primarily driven by business-to-business traffic movements between that area and the Busselton City Centre, and in a long-term strategic sense, planning for ultimate development of a 'transport corridor' in that area should remain under consideration – these issues are discussed further in the 'Officer Comment' section of this report).

Further, in an environment of finite resources and many competing challenges and opportunities for the City and our community, the Council also needs to strike the appropriate balance between investment in the road network relative to other potential investments, for instance in sporting or community facilities. In future, the City will also face challenges in relation to road network planning and capacity in and around the Dunsborough urban area. Public and non-motorised forms of transport will be further developed/encouraged and form a greater part of the overall transport mix in the future; although Busselton is so heavily car dependent currently and likely to remain so, that is unfortunately unlikely to make a significant difference at any time in the foreseeable future to the overall pattern of vehicle traffic growth. Given these considerations, it is therefore vital that the priorities for investment in the Busselton-Vasse urban area local road network do actually address the most acute challenges, in the most efficient way.

The Busselton Traffic Study project, including an extensive traffic modelling and assessment report prepared for the City by Arup (in their capacity as transport planners/traffic engineers), itself entitled the *Busselton Traffic Study*, has involved the building of a traffic model (incorporating a model of how and where population growth and development more generally will occur). That model has allowed for the assessment of a very wide range of road network upgrade options. The commentary above on where the biggest challenges are, now and in the future, is based on and supported by the modelling done by Arup. The work done by Arup and further consideration of that work and related issues has been presented to Councillors previously and, as such, is not provided again in this report – if required, however, officers can provide that earlier information to Councillors on request. It needs to be noted that Arup's work is a high-level road network assessment, and more detailed road design and intersection modelling would only occur once the overall strategic direction has been determined.

The subsequent assessment of options has also been informed by strategic environmental advice provided to the City by Strategen (environmental consultants). That advice was commissioned because a number of the options involve additional or expanded roads crossing through or near the New River Wetlands, Lower Vasse River and/or Vasse Wonnerup Wetlands and adjacent

environmentally sensitive areas. Unfortunately, because of the physical layout of Busselton, especially the chain of wetlands and waterways that runs parallel with the coast, separating the regional road network and most current and future residential growth areas from the City Centre and the coast, one, or more likely multiple, new or expanded roads will be required to pass through these environmentally sensitive areas. Strategen was asked to provide advice regarding the following conceptual options –

- A range of Ford Road options;
- What is referred to in the Strategen report as the ‘Causeway Road – Camilleri Street’ option, involving a new crossing linking Causeway Road, from somewhere in the vicinity of Rosemary Drive, across the Lower Vasse River to Peel Terrace, in the vicinity of Camilleri and Stanley Streets;
- What is referred to in the Strategen report as the ‘Causeway Road-Queen Street’ option, effectively the duplication of the road/bridge where Causeway Road crosses the Lower Vasse River to create a four lane bridge – generally referred to in this report as the ‘Causeway Bridge Duplication’;
- Upgrade of West Street (to the south of Old Bussell Highway/Albert Street) to four lanes through widening of the existing causeway/embankment across the New River;
- Construction of complete road on or near existing, but mostly undeveloped Roe Terrace road reserve, with a further extension from Frederick Street through to West Street, as an alternative means of linking West and Strelly Streets;
- Development of a new road and bridge across the Lower Vasse River, linking Frederick Street in the Busselton Light Industrial Area with Southern Drive and then with Causeway Road; and
- Upgrade of the Strelly Street bridge across the Lower Vasse River to four lanes.

A copy of the advice provided by Strategen is provided as **Attachment A**. Strategen’s key findings were as follows –

- The proposed widening of the existing Causeway Road bridge (i.e. Causeway Bridge Duplication), Strelly Street bridge and West Street embankment, and extension of Roe Terrace, are likely to be acceptable to the EPA (*State* Environmental Protection Authority) and DoE (*Commonwealth* Department of Environment).
- The proposed crossing between Causeway Road and Camilleri Street is likely to be problematic due to hydrological isolation of a wetland area and proximity to the high value Vasse Estuary areas. It is recommended that the alignment be moved to the west to the existing old railway embankment and footbridge, with Causeway Road connecting to Stanley Street instead. This option is what is referred to as the ‘Eastern Link’ in the remainder of this report. Strategen’s advice is that this alternative alignment for the Eastern Link is quite likely to be environmentally acceptable.
- The proposed new embankment between West Street and Frederick Street may be feasible depending on the ecological values of the wetland areas in the vicinity. Survey of the wetland areas is recommended to identify any major constraints to development.
- The proposed new embankment and bridge between Frederick Street and Southern Drive is likely to be problematic due to the extent of the crossing over the wetland and riverine areas.
- The proposed extension of Ford Road is unlikely to be acceptable due to the sensitivity of EPA and DoE to potential disturbance and mortality of waterbirds. A potential solution may involve seasonal opening of the road if this can be demonstrated to coincide with periods of low waterbird activity in the area. Further investigation is

recommended to review waterbird usage of the area to identify if this solution is feasible.

In addition to commissioning the work by Strategen, the City has also begun preliminary design and costing on a range of road network options, including those set out above, but also looking at other options that affect less environmentally sensitive parts of the road network. That additional work has included preliminary design work on the options set out above, as well as –

- Options to upgrade the Causeway Road/Peel Terrace/Albert Street/Queen Street intersection complex, including the construction of a single, modified roundabout layout encompassing the whole of this intersection complex – perhaps best understood as an option that results in Victoria Square becoming the centre of a large roundabout, and which is referred to in this report as the ‘Victoria Square Roundabout’;
- Options to upgrade the West Street/Albert Street/Old Bussell Highway intersection, notably through development of left-turn slip lanes or additional left-turn lanes and restriction of some right-turn movements;
- Option to develop a roundabout at the intersection of Old Bussell Highway and Gale Street (‘Gale Street Roundabout’), and possibly at the intersections of Gale and Kent/Duchess Streets;
- Changes to the Strelly/Barlee Street intersection to prioritise traffic movement in and out of Barlee Street, rather than straight-through traffic along Strelly Street – this would create a straight-through ‘Strelly-Barlee-West Street route’;
- Options to subsequently and progressively develop the Strelly-Barlee-West Street route as a four lane road (‘Strelly-Barlee-West Duplication’);
- Options to progressively upgrade Causeway Road to a four lane road (‘Causeway Road Duplication’);
- Option to upgrade Fairway Drive to a four lane road (‘Fairway Drive Duplication’); and
- Options to upgrade intersections and traffic management along the remainder of ‘Old’ Bussell Highway (‘Old Bussell Highway Traffic Management’).

The rationale for each of these options is set out in the ‘Officer Comment’ section of this report.

STATUTORY ENVIRONMENT

Many of the road network upgrades outlined and discussed in this report would require land acquisition and environmental approvals, and there is an extensive statutory environment that would need to be considered as part of more detailed work, once the strategic direction has been set. Of particular note is the Commonwealth *Environmental Protection and Biodiversity Act 1999* (EPBC Act).

The EPBC Act requires Commonwealth approval for any action considered to have potential impact on matters of national environmental significance. Included in matters of national environmental significance are wetlands subject of the Ramsar Convention, which is an international agreement relating to migratory waterbirds and their habitat. The Vasse-Wonnerup Wetlands are subject of the Ramsar Convention. Development does not need to be within the identified area of the wetlands subject of the Convention to have an impact on the wetlands and therefore to generate a requirement for Commonwealth approval.

As such, whilst the existing Ford Road reserve is outside the area of the Vasse-Wonnerup Wetlands as identified in the Ramsar listing, as it immediately adjoins the listed area, development of the road, even if wholly contained within the existing road reserve (which may not actually be possible in any

case), would clearly require referral for Commonwealth approval. All of the potential additional or expanded road crossings through wetland/river areas, one or more of which will be necessary, would, in fact, likely require Commonwealth approval, even those located much further away from the listed area than the existing Ford Road reserve. All of the potential crossings would also require State EPA approval.

RELEVANT PLANS AND POLICIES

A wide variety of plans and policies have been considered in formulating the recommendations of this report, notably –

- The City of Busselton – Core Asset Management Plan for Roads;
- Draft City of Busselton Local Planning Strategy;
- Structure Plans for Yalyalup, Port Geographe, Ambergate North, South Broadwater, Vasse Newtown and Airport North Industry Park;
- Local Commercial Planning Strategy;
- Western Australian Planning Commission (WAPC) South West Framework;
- Busselton Wetlands Conservation Strategy; and
- WAPC preferred alignments for the Busselton Outer Bypass and Vasse-Dunsborough Link

FINANCIAL IMPLICATIONS

Detailed design and costing has not occurred and cannot reasonably occur until the strategic direction has been set and further work on land acquisition and obtaining approvals undertaken. The following table, though, provides indicative cost estimates for the implementation of the works proposed to be identified as part of the strategic direction, not including all design costs, and also excluding -

- Land acquisition costs;
- Some works that may be required to comply with environmental conditions;
- Environmental offset costs (which may be quite considerable, especially for any Ford Road option – for instance, the environmental offsets set by the Minister for Environment in relation to the 'Roe 8' project, which traverses the Beeliar Wetlands in Perth, a decision which has since been overturned by the Supreme Court because it did not sufficiently consider all relevant environmental policies, required acquisition of 230 hectares of land to add to the conservation estate as one component only of the environmental offsets required); and
- Service relocation costs.

Note that the environmental approvals work which forms part of proposed Initiative 1 would be done for environmentally sensitive aspects of all of the proposals up-front, and so that work is listed and costed as separate projects.

Initiative	Part	Indicative estimated cost (exc. some design and environmental conditions costs and any land acquisition, service relocation or environmental offset costs)
Initiative 1 - Immediate/near term actions	<i>(i) - Environmental approvals, most likely submitted as three separate packages - I. Initiatives 2, 3 and 4 II. Ford Road 'existing reserve, low-level' option III. Ford Road 'Transport Corridor' option</i>	\$330,000-\$500,000
	<i>(ii) – Upgrading of Intersections – Queen Street/Albert Street and Bussell Highway/West Street (Increasing stacking capacity on the left turn lanes)</i>	\$75,000
	<i>(iii) - Upgrade Signage – Alternative Entrance Busselton CBD</i>	\$60,000
	<i>(iv) - Interim works on Strelly/Barlee/West Street – Design and service relocations of the Strelly/Barlee Street Intersection</i>	\$60,000
	Total Initiative 1	\$525,000 - \$695,000
Initiative 2 – Causeway Corridor	<i>(i) – Victoria Square Roundabout</i>	\$1.5M - \$3M
	<i>(ii) – Causeway Bridge Duplication</i>	\$3.6M - \$5.6M
	<i>(iii) – Eastern Link</i>	\$5.25M - \$6M
	<i>(iv) – Causeway Road Duplication (first stage – Causeway Bridge to approx. Strelly Street)</i>	\$1.5M - \$3M
	Total Initiative 2	\$11.85M - \$17.6M
Initiative 3 – West Street Corridor	<i>(i) - West Street-Albert Street-Old Bussell Highway intersection upgrade</i>	\$1M - \$1.5M
	<i>(ii) - Strelly-Barlee-West Street route</i>	\$3.1M - \$4M
	<i>(iii) - Gale Street Roundabout and Albert Street / Old Bussell Highway Commercial Strip Traffic Management</i>	\$2.5M - \$3.5M
	Total Initiative 3	\$6.6M - \$9M
Initiative 4 – Distributor Road Duplications/Traffic Management	<i>(i) - Causeway Road Duplication (further stages – approx. Strelly Street to Bussell Highway / Busselton Bypass)</i>	\$2.14M - \$3M
	<i>(ii) - Strelly-Barlee-West Street Duplication</i>	\$7.7M - \$8.5M
	<i>(iii) - Fairway Drive Duplication</i>	\$2M – \$3M
	<i>(iv) - Old Bussell Highway Traffic Management</i>	\$1M - \$3M
	Total Initiative 4	\$12.84M - \$17.5M
Initiative 5 – Ford Road <i>(Note: one or other of the options would be developed, not both)</i>	<i>(i) - Ford Road 'Transport Corridor' option</i>	\$27.2M-\$30M+
	<i>(ii) – Ford Road 'existing reserve, low-level' option</i>	\$8.8M-\$10M
	Total Initiative 5	\$8.8M-\$30M+

The City's draft 2016/17 budget provides for the Initiative 1 works outlined above, as well as allocating \$350,000 for environmental approvals and other work associated with implementation of the proposed strategic direction.

Long-term Financial Plan Implications

A Council decision to set the overall strategic direction and the more detailed work that would follow would allow for further consideration of this issue as part of the next review of the Long Term Financial Plan and, importantly, would –

- Allow potential works to be more fully designed, costed and prioritised, and for those works to be considered for inclusion in the Long Term Financial Plan;
- Allow further consideration to be given to funding of local road network upgrades in developer contributions plans/policies;
- Provide a more robust framework for assessing major development proposals and, in particular, likely provide for higher levels of direct contribution towards road network upgrades from major developments; and
- Provide a basis to review Regional Roads Group funding priorities and identify other funding opportunities.
- Allow a detailed review of the roads asset management plan to determine in what year it will be possible to convert funds from a road maintenance upgrade program to a programme that includes capital projects. In the past two years the City has received additional funds through the Roads to Recovery (R2R) program which has allowed the City to be in advance of its asset management plan. Although not quantified at this point, the Roads Asset Plan is required to be reviewed in the 2016/17 financial year and this will provide a more detailed indication of where this conversion from maintenance to capital works may occur.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflect Strategic Objective 4.1 of the City's *Strategic Community Plan 2013-2017*, which is - 'Transport options that provide greater links within our district and increase capacity for community participation'.

RISK ASSESSMENT

Given the scope and scale of works proposed, there are clearly a very significant number of risks associated with the ultimate implementation of the officer recommendation. Those risks would, however, be identified and assessed as part of the more detailed planning of the individual projects. In a broad sense, the key risk is that the City is not able to effectively plan for and implement appropriate upgrades to the local road system to meet demands over time,

CONSULTATION

In developing the recommendations of this report, the City has sought strategic environmental advice as set out in the 'Officer Comment' section of this report, and has also liaised directly with a range of State agencies, most notably Main Roads WA. Main Roads WA are understood to be informally and broadly supportive of the strategic direction recommended. In addition, Main Roads WA have advised that State support for development of Ford Road and, in particular for an additional connection from Ford Road onto the regional road network (i.e. directly onto Bussell Highway), may not be supportable at this stage.

The previous report to the Council on this matter had recommended the formation of an informal 'Strategy Working Group' – a recommendation which was reflected in the ultimate Council resolution. At this stage, that informal group has not been utilized, and officers are of the view that an alternative approach to community engagement may be more appropriate. Before moving on to describe the approach now recommended it is worth noting that these issues are of significant public interest and importance, and it is therefore vital that the community and other stakeholders are engaged with regarding the proposed strategic direction.

It is recommended that the City engage with the community regarding the proposed strategic direction, using the following broad approach –

- Publication on the City's website of a summary of the proposed direction and background/rationale for that proposed direction, together with supporting reports – it is envisaged that this report would form the basis for that summary, which would be supplemented by easy-to-understand and user-friendly graphics;
- Development of an online survey tool to capture the views of the community in relation to the proposed direction;
- A public information forum; and
- Promotion of the strategic direction through the City's website and media, as well as through letters direct to key stakeholders and relevant Government agencies.

OFFICER COMMENT

Consideration of the various options has resulted in officers now presenting the Council with a preferred strategic direction that consists of several 'Initiatives', which each consist of several 'Parts', to be subject of further detailed design, costing and implementation, as follows –

- **Initiative 1 – Immediate/near-term actions**
 - Part (i): Environmental approvals, most likely as three separate packages -
 - I. Initiatives 2, 3 and 4
 - II. Ford Road 'existing reserve, low-level' option
 - III. Ford Road 'Transport Corridor' option*
 - Part (ii): Upgrading of Intersections – Queen Street/Albert Street and Bussell Highway/West Street*
 - Part (iii): Upgrade Signage – Alternative Entrance Busselton CBD*
 - Part (iv): Interim works on Strelly/Barlee/West Street – Design and service relocations of the Strelly/Barlee Street Intersection*
- **Initiative 2 – Causeway Corridor**
 - Part (i): Victoria Street Roundabout*
 - Part (ii): Causeway Bridge Duplication*
 - Part (iii): Eastern Link*
 - Part (iv): Causeway Road Duplication (first stage – Causeway Bridge to approx. Strelly Street)*
- **Initiative 3 – West Street Corridor**
 - Part (i): West Street-Albert Street-Old Bussell Highway intersection upgrade*
 - Part (ii): Strelly-Barlee-West Street route*
 - Part (iii): Gale Street Roundabout and Albert Street / Old Bussell Highway Commercial Strip Traffic Management*

- **Initiative 4 – Distributor Road Duplications/Traffic Management**
 - Part (i): Causeway Road Duplication (further stages – approx. Strelly Street to Bussell Highway / Busselton Bypass)*
 - Part (ii): Strelly-Barlee-West Street Duplication*
 - Part (iii): Fairway Drive Duplication*
 - Part (iv): Old Bussell Highway Traffic Management*
- **Initiative 5 – Ford Road**
 - Part (i): Ford Road ‘Transport Corridor’ option*
 - Part (ii): Ford Road ‘existing reserve, low-level’ option*

A plan showing the Initiatives in the broader context is provided as **Attachment B**.

The key rationale for and key issues associated with the proposals listed above is set out below, under appropriate sub-headings. There is also a discussion about how it is envisaged further work would proceed, once the strategic direction has been determined.

Initiative 1 - Immediate/near term options

Initiative 1 consists of environmental approvals work and a number of relatively low-cost and simple to implement actions that have been identified that would reduce congestion in the two locations that experience the greatest pressures.

Part (i) - Environmental approvals

The strategic environmental advice received from Strategen and provided as Attachment A provides guidance regarding the further work and potential costs associated with submitting applications for environmental approval for the various proposed projects. It is not possible to fully determine whether, how, when and at what cost the various projects could be implemented until such time as environmental approvals have been received. Prior to being in a position to actually submit applications for environmental approval, however, more detailed design work is required and the relevant background environmental information needs to be assembled and/or obtained. To a significant degree, the planning, design, environmental and financial factors need to be considered in an integrated fashion, and through what is sometimes referred to as an ‘iterative’ process. Developing more detailed project definitions and submitting applications for environmental approval is nevertheless a critical next step.

Applications for environmental approval need to be accompanied by detailed description/plans of the proposed project, an analysis of the options considered, an assessment of the potential environmental impacts of the project, and how those impacts are proposed to be managed and addressed, including, where appropriate, what environmental offset commitments are proposed. Without providing that information, an application for environmental approval cannot be assessed. Given a desire to keep as many options open as possible, the inherent uncertainty associated with aspects of the environmental approvals processes and the lower overall costs that will be incurred through an integrated approach, it is proposed that environmental approvals work proceed for all of the projects in parallel, most likely resulting in the submission of three separate applications -

- Initiatives 2, 3 and 4 (i.e. Causeway Corridor, West Street Corridor and Distributor Road Duplications/Traffic Management – noting that the Initiative 1 works should not require environmental approvals);
- Ford Road ‘existing reserve, low-level’ option; and
- Ford Road ‘Transport Corridor’ option.

The reason for separating the two Ford Road options from the other Initiatives is that the supporting information needed for those Initiatives is more readily available and/or simpler to collect and analyse, whereas both Ford Road options will require a series of additional studies and investigations, which may take some time to complete (i.e. perhaps 1-2 years). The two Ford Road options, however, are conceptually and physically quite different, and so it is seen as most appropriate they be submitted as separate applications. As more detailed work occurs, further consideration will need to be given to the best approach, and ultimately the various projects may be subject of anything between two and nine separate applications.

Part (ii) - Upgrading of Intersections – Queen Street/Albert Street and Bussell Highway/West Street

This involves extending the left-turn pockets for traffic exiting Queen and West Streets and heading in a westward direction along Albert Street and Bussell Highway respectively. In the case of the Queen/Albert intersection this will reduce the likelihood of traffic being banked up as far as the Queen/Causeway/Peel intersection. In the case of the West/Bussell intersection, this will allow westbound traffic to flow more freely, creating additional roadspace and network capacity for northbound and eastbound traffic.

Part (iii) - Upgrade Signage – Alternative Entrance Busselton CBD

This would involve signage on the Busselton Bypass advising of alternative routes into the City Centre and/or locations to the west of the City Centre via Strelly/Barlee/West Streets and/or Fairway Drive, with the aim of relieving congestion on Causeway Drive, especially at peak times. It is envisaged that this could take the form of dynamic/variable messaging type signage.

Part (iv) - Interim works on Strelly/Barlee/West Street – Design and service relocations of the Strelly/Barlee Street Intersection

This would be preparatory work for Initiative 3, Part (ii) – Strelly/Barlee/West Route – which is further described below.

Initiative 2 – Causeway Corridor

Initiative 2 relates to what has been identified as the 'Causeway Corridor', which is the principal means by which visitors to the City access accommodation and attractions in Busselton, and is also the principal means by which residents to the south and east of the City Centre access the City Centre and regional road network respectively. This corridor is seen as having the most acute traffic congestion issues currently, issues which will become more acute over time.

At busy times and especially at peak times, the Causeway Road/Peel Terrace/Albert Street/Queen Street complex of intersections especially experiences levels of traffic higher than the intersection's capacity, which causes traffic to 'bank-up' along many of the roads which feed into the intersection, especially back along Causeway Road at very busy times. Addressing this issue requires road network upgrades that either: divert traffic away from this intersection complex (and there are a number of actions identified that seek to do that); or preferably, that increase the capacity of the intersection complex itself. Increasing the capacity of the intersections in the first instance is preferable, because it reduces congestion without requiring changes in the routes drivers usually take, at periods of lower traffic/congestion.

Part (i) – Victoria Square Roundabout

The development of a 'Victoria Square Roundabout', which would turn the Causeway Road/Peel Terrace/Albert Street/Queen Street complex of intersections into a single intersection, would substantially increase the capacity of these intersections and substantially reduce the intensity and duration of congestion, for three key reasons. Firstly, traffic coming into Busselton along Causeway Road, the majority of which, at peak times, is heading to destinations to the west of the City Centre, would effectively be able to freely flow into and through the intersection, rather than being held

back at both the Causeway Road/Peel Terrace Roundabout and, subsequently, at the Queen Street/Albert Street lights, currently resulting in traffic banking-up along Causeway Road. Secondly, the effective 'stacking distance' (i.e. the amount of cars that can wait at the intersection without impinging on the next intersection back) for traffic coming into Busselton and heading either down Queen Street (i.e. northbound traffic) or to locations to the east (i.e. eastbound traffic) would more than double relative to what it is today, further reducing the likelihood that traffic would bank-up along Causeway Road. Thirdly, because of the relatively free flow of westbound traffic, the effective 'stacking distance' actually available for northbound and eastbound traffic would be further increased.

In association with development of the Victoria Square Roundabout, there would likely be a loss of on-street car parking on Pries Avenue (which forms the western side of Victoria Square), which is currently used mostly as employee/all-day parking during the day and in association with the Cinema in the evening. The daytime parking issue could be addressed to a significant degree through development of all-day parking on the Harris Road site, and that was the original reason for acquiring that land. The evening parking demand could be met by surplus parking elsewhere in the City Centre at that time, but would be less convenient to the Cinema itself. This may also increase the impetus to somehow reorient the Cinema towards the north, bringing the Cinema, and the night-time activity it generates, into the heart of the City Centre around Mitchell Park, further building on the benefits in terms of vibrancy and activation that will result from the planned Busselton Centre redevelopment and expansion.

Part (ii) – Causeway Bridge Duplication

Once a decision has been made to develop the Victoria Square Roundabout, the overall traffic capacity of that intersection would be increased by being able to bring two lanes of Causeway Road traffic into and out of the roundabout, both necessitating and making possible the duplication of the Causeway Bridge – i.e. expansion to four lanes, two lanes in each direction. Environmental approvals would be required to undertake this work, and a small amount of additional Crown Land would also need to be secured by the City. There will also be a small, but fairly insignificant impact on the amount of land available for recreational/community purposes on Rotary Park.

Part (iii) – Eastern Link

The Eastern Link would involve development of a new road and crossing (possibly as a culvert/causeway type construction rather than a bridge) from Causeway Road (from some point between Southern and Rosemary Drives), utilizing the historic railway embankment and bridge alignment, before intersecting with Peel Terrace between Stanley and Camilleri Streets. A roundabout may be developed at that intersection providing access both east and possibly west along Peel Terrace, and north along Camilleri Street, linking to the Foreshore and major public car parks. Access to or from Stanley Street would then be from Harris Road, or potentially from extending Prince Street beyond Stanley Street, through to Camilleri Street. There are also some other options for detailed design and layout where the Eastern Link would meet the existing road network north of Lower Vasse River.

The Eastern Link would very effectively divert traffic from the Causeway Road/Peel Terrace/Albert Street/Queen Street complex of intersections and there are three key reasons for that. Firstly, relative to the existing Causeway Bridge, for traffic to or from areas east of the City Centre, the Eastern Link would be the preferable route for almost any destination, other than destinations in the City Centre itself, or for some locations to the west of the City Centre. It would therefore attract a much higher proportion of traffic from areas east of the City Centre than would Ford Road. Ford Road would not be the preferable route for such a wide range of destinations – including traffic travelling to the City Administration Centre (which is a significant traffic destination in the Busselton context) and between areas east of the City Centre and the Busselton Light Industrial Area or to schools located along or near Queen Elizabeth Avenue, especially the two private schools, which can

be accessed via the Industrial Area (Note that, for many of those living in the most easterly parts of the Busselton-Vasse urban area, especially those in Wonnerup and the eastern parts of Geographe, such as Port Geographe, Ford Road would also not be the most attractive route for travel to Bunbury or Perth, as it would involve similar travel time and distance to the existing Layman Road/Tuart Drive alternative to Causeway Road and Bussell Highway). Secondly, it would provide the most attractive and intuitive route for much of the traffic heading to and from the large car parks located either side of Camilleri Street (i.e. the two existing car parks, plus the future public car park on the Harris Road land), as well as for those headed to the Busselton Foreshore, including for events. Thirdly, if the Victoria Square Roundabout does become congested, that would be obvious to drivers coming up Causeway Road, or coming along Peel Terrace from the east, who might otherwise go straight on, but who may then choose the Eastern Link as an alternative.

There are two further matters to consider in relation to the Eastern Link. Firstly, the development of the 'West Street' site will move the focus of the Busselton City Centre further to the west, meaning that Queen Street will no longer be so central. Increasing the accessibility of the commercially zoned land on the eastern side of the City Centre through the Eastern Link will encourage development and business activity in that eastern area, providing a greater range of options for commercial and business development, and keeping Queen Street at the centre of the City Centre. Secondly, there are three sites in public ownership (the two existing car park sites and the Harris Road land) that would become much more attractive locations for development with the Eastern Link in place (noting the likely need to preserve or expand overall car parking capacity as part of any developable scenario), with the capacity for the State/City to then effectively defray some of the costs associated with the Eastern Link.

Environmental approvals would be required to develop the Eastern Link, and a small amount of additional Crown Land would also need to be secured by the City. There is, though, a significant amount of somewhat degraded Crown Land within the vicinity of this site, providing very good options for relevant environmental offsets for this project.

Part (iv) – Causeway Road Duplication (first stage)

To further increase the capacity of the Causeway Road Corridor and meet longer term traffic requirements, Causeway Road could and should be expanded to four lanes back to around Strelly Street. That would, however, only be beneficial once the capacity of the network closer into the City Centre has been expanded as set out above. Note that the intent would be to develop the second carriageway on the north-eastern side of the existing row of poplar trees, retaining those trees as much as possible, rather than immediately adjacent to the existing carriageway, which would necessitate removal of those trees. A small amount of additional Crown Land would need to be secured by the City.

Initiative 3 – West Street Corridor

Initiative 3 relates to what has been identified as the 'West Street Corridor', essentially including West Street itself, as well as Barlee and Strelly Streets to the south, linking ultimately to the Busselton Bypass, and including the commercial strip along Albert Street / Old Bussell Highway, extending from West Street more or less west to High Street. This is the principal means by which people living to the west access the City Centre – and it is areas to the west of the City Centre where most growth is expected. Particular note also needs to be made of the currently undeveloped 'Ambergate North' urban growth area, which will be directly connected to the Busselton Bypass just to the west of the Vasse Diversion Drain, and which will also be directly connected across the Drain to Chapman Hill Road, and then to Strelly Street. The Ambergate North area is ultimately expected to accommodate over 12,000 people (similar to the current, total population of the Shire of Augusta-Margaret River).

Upgrades to the West Street Corridor are very clearly necessary to cope with the very substantial growth in traffic that will enter the City Centre along West Street especially. In particular, consideration needs to be given to both increasing the capacity of the West Street/Albert Street/Old Bussell Highway intersection, as well as diverting traffic away from that intersection.

Part (i) - West Street-Albert Street-Old Bussell Highway intersection upgrade

There are number of conceivable options to increase the capacity and efficiency of this intersection. Broadly, what is proposed is that left-turn lanes on as many of the 'arms' of this intersection as possible (noting that will not be possible for all 'arms', because of the presence of a significant heritage building, in the form of The Ship Hotel, for westbound traffic on Albert Street), as well as the restriction of some right-turn movements. The effect of these actions would essentially be to reduce the extent to which straight-through traffic is held up by turning traffic and vice versa. Some acquisition of private land would be required to implement these actions.

Part (ii) - Strelly-Barlee-West Street route

This would involve the redesign of the Strelly-Barlee Street intersection so that the priority traffic movement would be in and out of Barlee Street, rather than straight-on, to and from the portion of Strelly Street to the north of the intersection. As already noted, this would create a straight-through 'Strelly-Barlee-West Street route', encouraging traffic to or from locations to the west of the City Centre to use that route, rather than Causeway Road. Some traffic from locations to the south-east of the City Centre, notably from the Yalyalyup area (Provence etc.) will also become more likely to use this route as a means of accessing the western part of the City Centre and locations to the west of the City Centre, rather than using Causeway Road. A small amount of private land may need to be acquired to implement this action, which is otherwise relatively simple and low cost.

Part (iii) - Gale Street Roundabout and Albert Street / Old Bussell Highway Commercial Strip Traffic Management

To encourage traffic entering and leaving the City Centre from the west to avoid the West Street/Albert Street/Old Bussell Highway intersection altogether, it is proposed that a roundabout be constructed at the intersection of Gale Street and Old Bussell Highway, encouraging eastbound traffic on Old Bussell Highway heading to the City Centre to do so via Gale and either Kent or Duchess Streets – both of which are already significantly commercial in character. A roundabout at that location would also encourage drivers leaving the City Centre in a westbound direction to do so via Gale Street, as it would allow for convenient right-turn movements onto Old Bussell Highway in that location. At some stage, additional roundabouts may also be appropriate at the intersections of Kent and/or Duchess Streets with Gale Street, as well as at the West/Duchess Street intersection. and also to assist in continuing to provide efficient access to businesses on Old Bussell Highway when there is a constructed centre median, and right-turn movements on and off the road are restricted. That will be necessary to achieve adequate road safety and efficiency at some point in future – which it is intended will be considered as part of a range of options for what is referred to as 'Old Bussell Highway Commercial Strip Traffic Management'. Some acquisition of private land may be required to accommodate a roundabout at the intersection of Gale Street and Old Bussell Highway.

As already noted, at some stage, right-turn movements on and off Albert Street / Old Bussell Highway, more or less between Pries Avenue and perhaps as far west as King Street, will need to be restricted. Especially as traffic volumes grow, it will not be possible for the road network to be appropriately safe and efficient without restriction of those right-turn movements – which hold up following traffic, whilst drivers wait for space to make a right-turn movement off the road, and are potentially dangerous and certainly difficult at busy times, both for movements on and off the road. Restriction of right-turn movements without consideration of access to adjoining commercial properties, however, could significantly reduce accessibility and viability of business on those commercial properties. Addressing those issues would need to be considered, including through identifying means of allowing for right-turn movements in suitable and strategic locations, as well as allowing for U-turn movements (such as by using the proposed Gale Street roundabout), as well as in

relation to the planning and development of those adjoining commercial properties – especially through considering opportunities for integrated and/or rear access.

Initiative 4 – Distributor Road Duplications/Traffic Management

Initiative 4 consists of a series of proposals to either ‘duplicate’ major local roads (i.e. convert them from two-lane to four-lane roads), as well as to undertake a series of traffic management / intersection upgrades along Old Bussell Highway. The need for these works is conceptually fairly easy to understand, and as such it is not seen as necessary to explain them further here – it is worth noting, though, that the duplication of Causeway Road and the Strelly-Barlee-West route would clearly have to follow implementation of Initiatives 2 and 3 (or at least some of the constituent Parts), as not doing so would clearly exacerbate issues at the key intersections, which would simply become even more congested than would otherwise be the case.

Initiative 5 –Ford Road

Initiative 5 consists of two ‘Ford Road’ options, one or other of which might conceivably be pursued, but not both. Those two options are the ‘existing reserve, low level’ option and the ‘Transport Corridor’ option – and it is the latter of those two options which is seen as more favourable, but over a longer time period. For reasons already outlined in this report, the development of ‘Ford Road’ in the nearer-term is not seen as the most effective road upgrade option – and that is the case even without considering the potential environmental issues or the relatively high cost of even the most basic construction option. It does need to be noted, though, that Ford Road has now twice been subject of EPA/Minister for Environment decisions refusing to grant environmental approval.

The most basic option (i.e. the ‘existing reserve, low-level’ option) would likely consist of a two-lane road using the existing road reserve, with a low-level, ‘seasonal’ crossing (i.e. the crossing would not be useable when there was a significant amount of water in the Vasse-Wonnerup Estuary). Even when actually open to traffic, that most basic option would likely cost over \$9.0M (including costs not included in the \$8.8M indicative estimated cost), or at least \$3.0M more than the Eastern Link alternative and would carry much less traffic (note there is some further commentary on the potential road network benefits of Ford Road versus the Eastern Link and more generally in the ‘Background’ section of this report, as well as in the discussion of the Eastern Link itself above).

It should also be noted that, as part of the ‘Vasse-Geographe Strategy’ (which the Minister for Water and State Government more broadly has initiated to address long-standing issues with water quality in our rivers and wetlands), various options for increasing the amount of water in the Vasse-Wonnerup Estuary and Lower Vasse River during the summer are being considered, and should any of those prove viable and useful, that would further reduce usefulness of the low-level option. The low-level option would also be inherently confusing and frustrating when it is not open for use, especially for visitors, and if one of the concerns currently is the lack of road network capacity in the case of evacuation for a major flood event, it would not address that concern very effectively, if at all.

Given the above, City officers are of the view that the low-level option should not be seen as a priority at this stage. Notwithstanding that, it is recommended that work occur to allow environmental approval to be sought for the low-level option – and this is further discussed above in the discussion of environmental approvals more generally.

City officers are also of the view, however, that in the long-term an additional transport corridor, linking southern areas and the regional transport network with the City Centre and other areas north of the wetland chain will be needed, and that further planning and investigations to identify and secure that corridor should occur. As already set out in the ‘Background’ section of this report, one of the key drivers is that planned light industrial and service commercial development in and around the Busselton-Margaret River Regional Airport would increase the need for and potential value of Ford Road, primarily driven by business-to-business traffic movements between that area and the

Busselton City Centre. The precinct including and around the Airport will become one of the largest employment and economic hubs in the South West in time.

The ability to further increase the capacity of the other routes across the wetlands, or to develop any other alternative route, is, though, highly constrained. In addition, there may well be a need at some future time to develop not just further additional or improved road routes across the wetlands, but to also develop an efficient public transport route, perhaps in the form of a high-performance bus route, or even a light rail system, as well as a dual-use path or cycleway. Vasse Highway, Ford Road and perhaps Marine Terrace would form an effective route linking the Airport and surrounding precinct with the City Centre – which would likely be the two most important points on any future high-performance public transport system. Such a route may also provide convenient connection to a future high-speed passenger rail station located near the Airport and/or Busselton Outer Bypass. The Minister for Transport has recently asked that the City and South West Development Commission work with the Public Transport Authority to further planning in relation to a potential passenger rail station and alignment. The identification of both a passenger rail station/alignment and a high-performance local public transport corridor are also identified conceptually as part of the City's Draft Local Planning Strategy (which has been endorsed by the Western Australian Planning Commission as a draft for consultation).

As has been explained elsewhere in this report, environmental approvals would be required for both options, and obtaining environmental approval will certainly be challenging and would likely involve significant environmental offsets, especially for the Transport Corridor option. The low-level option may also involve the securing some additional Crown Land, whilst the Transport Corridor option would require the securing of both additional Crown Land and the acquisition of a significant amount of private land. That acquisition process would be an inherently uncertain and possibly quite difficult process for both the City and for the potentially affected private landowners.

Where to from here?

The numbering of the Initiatives and constituent Parts is intended as a *general* guide to prioritization and the potential order of implementation. Due to the uncertainties around the environmental approvals, design and financial considerations, however, it is not possible at this stage to have a clear order of priorities or timeframes for implementation. Community and stakeholder engagement may also raise matters that should be considered as part of the more detailed work to follow and the order of prioritization. That engagement would include informal discussions with environmental regulators and potential funding bodies.

It is envisaged that, should the Council adopt the proposed strategic direction, more detailed design and costing work could then occur, in parallel with identification of more detailed scopes for the environmental approvals work. Applications for environmental approval would then be submitted, to be ultimately followed by environmental decisions from the EPA/Minister for Environment and Commonwealth Department of Environment. It is envisaged that Councillors would be periodically briefed on the progress of that work. Further consideration of financial matters can also occur to some degree in parallel with that other work, but ultimately the Council will need to consider its strategic direction as part of the next review of the Long-term Financial Plan.

CONCLUSION

The proposed direction set out in this report is seen as providing a sound, long-term vision for the progressive upgrading of the City's road network to meet rapidly growing demands. Because of the level of community interest and the importance of the issues, however, it is recommended that the City engage with the community regarding the proposed strategic direction, as well as proceeding with the more practical steps towards implementation.

OPTIONS

The Council could consider a number of options, including seeking further information, or not supporting one or more Parts of one or more of the proposed Initiatives. It should be noted, though, that the proposed strategic direction is not a detailed plan for implementation that would not, once adopted, require further Council consideration and direction. Rather, further Council consideration and direction will be necessary on an ongoing and regular basis, especially as part of budget and Long Term Financial Plan deliberations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

It is envisaged that the scope for environmental approvals work will be finalized by no later than November 2016, with the works that also form part of Initiative 1 to be completed during the 2016/17 financial year. It is also envisaged the community and stakeholder engagement process will be undertaken by September 2016. The timeline for implementation of other Initiatives will, as discussed above, be determined once further work has been completed and considered.

Council Decision and Officer Recommendation

C1606/136

Moved Councillor G Bleachmore, seconded Councillor J McCallum

That the Council, with respect to the Busselton Traffic Study -

1. Adopt the following strategic direction for the progressive upgrade of the local road network in the Busselton-Vasse urban area –

Initiative 1 - Immediate/near term actions	<i>(i) - Environmental approvals, most likely submitted as three separate packages - I. Initiatives 2, 3 and 4 II. Ford Road 'existing reserve, low-level option' III. Ford Road 'Transport Corridor' option</i>
	<i>(ii) – Upgrading of Intersections – Queen Street/Albert Street and Bussell Highway/West Street</i>
	<i>(iii) - Upgrade Signage – Alternative Entrance Busselton CBD</i>
	<i>(iv) - Interim works on Strelly/Barlee/West Street – Design and service relocations of the Strelly/Barlee Street Intersection</i>
Initiative 2 – Causeway Corridor	<i>(i) – Victoria Square Roundabout</i>
	<i>(ii) – Causeway Bridge Duplication</i>
	<i>(iii) – Eastern Link</i>
	<i>(iv) – Causeway Road Duplication (first stage – Causeway Bridge to approx. Strelly Street)</i>
Initiative 3 – West Street Corridor	<i>(i) - West Street-Albert Street-Old Bussell Highway intersection upgrade</i>
	<i>(ii) - Strelly-Barlee-West Street route</i>
	<i>(iii) - Gale Street Roundabout and Albert Street / Old Bussell Highway Commercial Strip Traffic Management</i>
Initiative 4 – Distributor Road Duplications/Traffic	<i>(i) - Causeway Road Duplication (further stages – approx. Strelly Street to Bussell Highway / Busselton</i>

Management	<i>Bypass)</i>
	<i>(ii) - Strelly-Barlee-West Street Duplication</i>
	<i>(iii) - Fairway Drive Duplication</i>
	<i>(iv) - Old Bussell Highway Traffic Management</i>
Initiative 5 – Ford Road <i>(Note: one or other of the options would be developed, not both)</i>	<i>(i) – Ford Road ‘Transport Corridor’ option</i>
	<i>(ii) - Ford Road ‘existing reserve, low-level’ option</i>

2. Undertake a community and stakeholder engagement process in relation to the strategic direction; and
3. Confirm support for the commencement of implementation of Initiative 1 actions as soon as possible.

CARRIED 8/0

EN BLOC

14. FINANCE AND CORPORATE SERVICES REPORT

14.1 RENEWAL BUSSELTON SENIOR CITIZENS CENTRE SUBLEASE TO BUSNET COMPUTER CLUB

SUBJECT INDEX:	Agreements/Contracts
STRATEGIC OBJECTIVE:	A City where the community has access to quality cultural, recreation, leisure facilities and services.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Property Services
REPORTING OFFICER:	Property Coordinator - Ann Strang
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Plan Showing Sub-Leased Area

PRÉCIS

The City leases a building on a portion of Lot 73 Peel Terrace, Busselton to the Busselton Senior Citizens Centre Inc (BSCC). The building is known as the Senior Citizens Centre (“the Centre”).

In 2012, the BSCC entered into a Sub-Lease with Busnet Computer Club Inc. (Busnet) for a room within the Centre. The Sub-Lease is due to expire on the 31 October 2016 and Busnet and the BSCC would like to enter into a new Sub-Lease for a longer duration.

The purpose of this report is to seek Council approval for the City to consent to a new Sub-Lease of the room to be entered into between the BSCC and Busnet.

BACKGROUND

The Centre is located on Lot 73 Peel Terrace, Busselton, which is freehold land owned by the City. The cadastral boundaries of the lot are shown edged green on the Plan marked as Attachment 1. In 2007, the City entered into a lease for the Centre with the BSCC which expires on 5 August 2023 (“the Head Lease”).

To assist with funding the operations of the Centre the BSCC hires the hall, meeting rooms and kitchen to community groups and other organisations for various purposes. They have a number of regular bookings for things such as dance groups, meetings and exercise classes.

Busnet formed in 1998 following the identification of a need to provide training for seniors unfamiliar with computers. Busnet’s objectives are to educate seniors and others in the community in the use of computers and to make facilities and equipment available for that purpose. Busnet began by hiring the computer room at the Centre (the location of which is hatched yellow on Attachment 1).

On the 8 August 2012, a report was presented to Council with a recommendation to consent to the BSCC entering into a sub-lease with Busnet for the use of this room and the Council resolved (C1208/220) the following;

“1. *That the Council give its consent under Clause 3.18 of the lease between the City of Busselton and the Busselton Senior Citizens Centre Inc dated 2 August 2007 (“the Head Lease”) to the Busselton Senior Citizens Centre’s proposed Sub-Lease of a 30m² portion of its leased area (as shown on Attachment 2) to Busnet Computer Club Inc for a term of 1 year commencing 1 September 2012 with 3 further 1 year options for Busnet to renew the Sub-Lease at a rent of \$60.00 per week subject to:*

a) *The Sub-Lessee agreeing to comply with the terms of the Head Lease; and*

- b) *The Sub-Lessee agreeing to pay all of the City's reasonable costs associated with the Sub-Lease."*

The Sub-Lease is due to expire on the 31 October 2016 and Busnet are keen to enter into a new arrangement for a longer term.

STATUTORY ENVIRONMENT

Sub leasing of space within the Centre is regarded under section 3.58 of the Local Government Act as a disposal of property. Under Regulation 30 (2) (b) (i) (ii) of the Local Government (Functions & General) Regulations disposal of land to incorporated bodies with objects of benevolent, cultural, educational or similar nature and the members of which are not enlisted to receive any pecuniary profit from the body's transactions, are exempt from the advertising and tender requirements of section 3.58 of the Local Government Act. The constitutions of both the BSCC and Busnet are such that this exemption applies.

RELEVANT PLANS AND POLICIES

Nil

FINANCIAL IMPLICATIONS

There are no direct financial implications for the City associated with the recommendations of this report. While the financial arrangements between the BSCC and Busnet are described in the Officer Comment section, given this is a community group lease and the proposed Busnet sub-lease is for community purposes, it is not proposed that the City receive any additional payment because of the sub-lease.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation of this report reflects Key Goal Area 1 and Community Objective 1.3 of the City's Strategic Community Plan, namely "A community that supports healthy, active ageing and services to enhance the quality of life as we age" as well as Key Goal Area 2 and Community Objective 2.1, "A City where the community has access to quality cultural, recreation, leisure facilities and services".

RISK ASSESSMENT

There are no identified risks of a medium or greater level associated with the officer recommendation. The recommendation serves to mitigate the risks associated with there not being a Sub-Lease in place.

CONSULTATION

The BSCC and Busnet have worked together to prepare the proposal for the terms of a new Sub-Lease. City Officers have been in contact with both groups to confirm their intentions. Both parties are keen to enter into a Sub-Lease on the terms outlined in the Officer Comment section below.

OFFICER COMMENT

The Head Lease between the City and BSCC permits the use of the Centre for purposes consistent with the BSCC constitution. The primary objective of the BSCC is to promote and undertake assistance for persons over the age of 55 years within the City of Busselton and its surrounds.

Busnet has been operating from the computer room in the Centre for several years. Their membership is open to seniors as well as others in the community, although it is predominately seniors that attend their activities. This is consistent with the permitted use under the Head Lease.

The Sub-Lease between the BSCC and Busnet is due to expire later this year. Clause 3.18 of the Head Lease prohibits the BSCC subletting the premises or part of the premises without the prior written consent of the City. The BSCC are therefore seeking approval from Council to enter in a new Sub-Lease with Busnet for a longer term of 3 years with 3 further 1 year options. Should all options be excised the sub-lease will not expire until 31 October 2022. As the Head Lease expires in August 2023 this is the maximum period of whole years that the BSCC can sub-let for.

Under the current Sub-Lease, the weekly rent inclusive of electricity charges is \$62.37 inclusive of GST. The rent has been reviewed annually by CPI. It is proposed the new weekly rent will commence at \$63.30 inclusive of GST, followed by annual reviews at the rate of CPI.

Busnet are also required to contribute to the BSCC broadband internet service. The fee currently payable is \$50.00 per month. This fee is varied according to the charges applied by the provider. Busnet will also be responsible for the maintenance and cleaning of the computer room as well as the cost of taking out public liability insurance required under the Sub-Lease in respect of their activities in the room.

CONCLUSION

The relationship between the BSCC and Busnet has been of mutual benefit to the parties. As it is envisaged that the demand for computer training within the Centre will continue, City Officers consider the request for consent to enter into a longer term sub-lease of 3 years with a further 3 one year options a reasonable one. It means that Busnet will have security of tenure for a longer period enabling them to plan and invest further in resources should they choose to do so.

OPTIONS

1. Council could choose not to approve the Sub-Lease. However, given that the use is consistent with the existing Head Lease and has significant community value this is not recommended.
2. Council can resolve to grant a Sub-Lease for a different term, noting the term cannot exceed the term that is remaining on the Head Lease.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new Sub-Lease will be provided to the BSCC and Busnet prior to expiry of the existing Sub-Lease on 31 October 2016.

Council Decision and Officer Recommendation

C1606/137

Moved Councillor G Bleechmore, seconded Councillor J McCallum

That the Council:

1. Gives its consent under Clause 3.18 of the lease between the City of Busselton and the

Busselton Senior Citizens Centre Inc dated 2 August 2007 (“the Head Lease”) to the Busselton Senior Citizens Centre’s proposed Sub-Lease of a 30m2 portion of its leased area (as shown hatched yellow on Attachment 1) to Busnet Computer Club Inc subject to the parties entering into a Sub-Lease agreement on the following terms:

- a) The term of the Sub-Lease to be 3 years commencing 1 November 2016 and expiring 31 October 2019 with 3 further 1 year options;
- b) The weekly rent to commence at \$63.30 inclusive of GST and to be increased annually by CPI;
- c) The Sub-Lessee to be responsible for payment of the variable monthly service fee for the provision of internet facilities to the sub-leased area.
- d) The Sub-Lessee agreeing to comply with the terms of the Head Lease; and
- e) The Sub-Lessee agreeing to pay all of the City’s reasonable costs associated with the Sub-Lease.

CARRIED 8/0

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15. CHIEF EXECUTIVE OFFICER'S REPORT

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Executive Services
ACTIVITY UNIT:	Executive Services
REPORTING OFFICER:	Reporting Officers - Various
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received 1 May - 15 May 2016
	Attachment B Planning Applications Determined 1 May - 15 May 2016
	Attachment C State Administrative Tribunal Appeals as at 26 May 2016
	Attachment D Meelup Regional Park Management Committee Informal Meeting Minutes 24 May 2016
	Attachment E Triathlon WA - Email of Appreciation
	Attachment F YouthCare - Letter and Certificate of Appreciation
	Attachment G Busselton-Dunsborough Volunteers Centre - Letter of Appreciation

PRÉCIS

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN

15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 May, 2016 and 15 May, 2016. 49 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 May, 2016 and 15 May, 2016. A total of 51 applications (including subdivision referrals) were determined by the City during this period with 51 approved / supported and 0 refused.

15.1.2 State Administrative Tribunal (SAT) Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as 19 May, 2016.

15.1.3 Meelup Regional Park Management Committee

The minutes from the informal committee meeting of the Meelup Regional Park Management Committee for the 24 May 2016 meeting is included in Attachment D.

15.1.4 Triathlon WA – Email of Appreciation

Correspondence has been received from Triathlon WA and is available to view in Attachment E.

15.1.5 YouthCare – Letter of Appreciation

Correspondence has been received from YouthCare and is available to view in Attachment F, information packages have also been received and will be distributed to Councillor's.

15.1.6 Busselton-Dunsborough Volunteers Centre – Letter of Appreciation

Correspondence has been received from the Busselton-Dunsborough Volunteers Centre and is available to view in Attachment G.

Council Decision and Officer Recommendation

C1606/138 Moved Councillor G Bleechmore, seconded Councillor J McCallum

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 State Administrative Tribunal (SAT) Appeals
- 15.1.3 Meelup Regional Park Management Committee
- 15.1.4 Triathlon WA – Email of Appreciation
- 15.1.5 YouthCare – Letter of Appreciation
- 15.1.6 Busselton-Dunsborough Volunteers Centre – Letter of Appreciation

CARRIED 8/0

EN BLOC

ITEMS CONSIDERED BY SEPARATE RESOLUTION

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

10.1 Policy and Legislation Committee - 26/05/2016 - TENDER PRE-SELECTION CRITERIA POLICY AND CEO DELEGATION

SUBJECT INDEX:	Authorised Delegation of Power / Authority
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Legal Services
REPORTING OFFICER:	Legal Services Coordinator - Cobus Botha
AUTHORISING OFFICER:	Director, Finance and Corporate Services – Matthew Smith
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

This item was considered by the Policy and Legislation Committee at its meeting on 26 May 2016, the recommendations from which have been included in this report.

PRÉCIS

Under the *Local Government (Functions and General) Regulations 1996 (Tender Regulations)* a local government has the ability to make a preliminary selection from amongst prospective tenderers prior to inviting tenders for the supply of goods or services. This process enables a local government to limit the number of prospective tenders if and when considered to be advantageous to do so.

This report recommends to Council to delegate to the Chief Executive Officer (**CEO**) the power to make a preliminary selection in accordance with the Tender Regulations and to adopt the proposed Tender Pre Selection Criteria Policy (see OFFICER RECOMMENDATION for draft policy) that sets out the evaluation methodology and criteria to be applied by the CEO when making a decision under this delegation.

BACKGROUND

The City of Busselton is experiencing above average growth resulting in various major projects being approved and implemented by Council. These projects include major projects like redevelopment of the Busselton Foreshore, construction of a new civic and administration building and redevelopment of Busselton Regional Airport, which are in addition to the City's ongoing normal capital and maintenance works. The value of goods and services required for delivering these projects and the City's day-to-day functioning regularly exceeds the tender threshold under the Tender Regulations (\$150,000) which requires from Council to publicly invite tenders before entering into a contract for the supply of goods or services if the consideration is, or is expected to be, more than this threshold. Under certain circumstances (discussed under the OFFICER COMMENT section of this report) it may be advantageous to the City to implement a preliminary selection process in relation to a specific project for purposes of limiting the number of tenderers.

The preliminary selection process under the Tender Regulations involves to a large extent a relatively straight forward administrative process of assessing submissions in accordance with the evaluation methodology and selection criteria determined by Council, with limited scope for the exercise of discretion. Delegation of Council's power under the Tender Regulations to implement a preliminary selection process to the CEO will significantly improve the City's functionality without compromising

statutory compliance or impacting on achieving best value for money. Therefore it is recommended that Council adopts the proposed Tender Pre Selection Criteria Policy and delegate to the CEO the power to implement, in accordance with the Tender Regulations and Tender Pre Selection Criteria Policy, a preliminary selection process if and when deemed appropriate or advantageous to the City.

STATUTORY ENVIRONMENT

Subject to certain exceptions, regulation 11(1) of the Tender Regulations requires for tenders to be publicly invited before a local government enters into a contract for the supply of goods or services of which the consideration is or is expected to be more than \$150,000. However in terms of regulation 21 of the Tender Regulations a local government may, prior to inviting tenders, follow a formal expression of interest process for the purpose of making a preliminary selection from amongst prospective tenderers in order to limit who can tender. Regulation 21 specifies as follows:

21. Limiting who can tender, procedure for

- (1) *If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.*
- [(2) *deleted*]
- (3) *If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.*
 - (4) *The notice is required to include —*
 - (a) *a brief description of the goods or services required; and*
 - (b) *particulars identifying a person from whom more detailed information may be obtained; and*
 - (c) *information as to where and how expressions of interest may be submitted; and*
 - (d) *the date and time after which expressions of interest cannot be submitted.*

In terms of regulation 23(3) a local government is to decide which of the prospective tenderers who submitted expression of interest pursuant to a preliminary selection process, are considered to be capable of satisfactorily supplying the goods or services for purposes of preparing a shortlist of acceptable tenderers:

23. Rejecting and accepting expressions of interest to be acceptable tenderer

- (1) ...
- (2) ...
- (3) *Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.*

Regulation 14(2) provides further that, if the CEO prepared a shortlist of acceptable tenderers pursuant to regulation 23, instead of inviting tenders by giving Statewide public notice, invitations to tender may be limited to only those prospective tenderers who have been shortlisted.

To make a preliminary selection under these provisions formal Council resolutions are required (a) to resolve to make a preliminary selection from amongst prospective tenderers and (b) to decide which of the prospective tenderers would be capable of satisfactorily supplying the goods or services. Pursuant to sections 5.42 and 5.43 of the *Local Government Act 1995* Council have the power to delegate abovementioned powers to the CEO.

Adoption of the proposed Tender Pre Selection Criteria Policy will be consistent with section 2.7(2)(b) of the *Local Government Act 1995* which stipulates that it is the role of Council to determine the City's policies.

RELEVANT PLANS AND POLICIES

This report recommends a new Council policy.

FINANCIAL IMPLICATIONS

The Officer Recommendation does not limit Council's function or ability to approve the allocation of resources through the annual budget process in respect of all tenders that may be awarded by the City. Therefore adoption of the proposed Tender Pre Selection Criteria Policy will not have any direct financial implications.

Long-term Financial Plan Implications

The proposed policy and delegations to the CEO do not have any long term financial implications.

STRATEGIC COMMUNITY OBJECTIVES

The proposed Tender Pre Selection Criteria Policy and delegations to the CEO align with Strategic Community Objective 6.2 which requires for the City's governance systems to deliver responsible, ethical and accountable decision making.

RISK ASSESSMENT

Authorising the CEO to make a preliminary selection of prospective tenderers pursuant to regulations 21 and 23 of the Tender Regulations and adopting the Tender Pre Selection Criteria Policy for that purpose will allow for implementation of a relatively straight forward administrative process with limited scope for the exercise of discretion and is therefore considered low risk with no risks identified as "low" or greater.

CONSULTATION

Not applicable as the proposed delegations and policy relate to internal administrative processes only.

OFFICER COMMENT

In terms of the Tender Regulations Council may decide to seek expressions of interest from prospective tenderers before inviting tenders for the supply of specific goods or services. The aim of this preliminary selection process is to improve purchasing and tendering practices and procedures of local governments as it may, under certain circumstances, be advantageous to a local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services. These circumstances include instances where making a preliminary selection could result in significant cost savings for the City by not having to incur unnecessary costs and resources in relation to preparing and providing plans, specifications and other information to and/or assessing tender submissions from a large number of prospective tenderers who may not have the experience or capacity to satisfactorily deliver the goods or services required.

It is recommended that Council delegate its power to make a preliminary selection pursuant regulation 21 and Council's function to decide in accordance with regulation 23 which of the prospective tenderers to shortlist as acceptable tenderers, to the CEO. It is considered that such

delegations will improve the City's administration and functionality and optimise staff resources. The proposed delegations will provide the CEO with limited scope for the exercise of discretion as the preliminary selection process is only a precursor to the tender process and involves to a large extent a relatively straight forward administrative process of assessing submissions in accordance with the Tender Regulations and the proposed Tender Pre Selection Criteria Policy.

It is also recommended that Council adopt the Tender Pre Selection Criteria Policy to determine the acceptable evaluation methodology and criteria to be applied by the Chief Executive Officer when making a preliminary selection from among prospective tenderers under delegated authority. It is proposed that the Tender Pre Selection Criteria Policy should, for purposes of assessing expressions of interest pursuant to regulation 23 of the Tender Regulations, provide for:

- An evaluation methodology in terms of which:
 - Prospective tenderers' expressions of interest will be evaluated using information provided in the prescribed response form and attachments thereto. The evaluation methodology will include:
 - An evaluation panel will be appointed for the purpose of assessing and evaluating expressions of interest and making a recommendation to the CEO.
 - Expressions of interest will be checked for completeness and compliance.
 - Prospective tenderers may be required to clarify their expressions of interest, make a presentation, demonstrate the product/solution offered and/or open premises for inspection. Referees may also be contacted prior to shortlisting acceptable tenderers.
 - Prospective tenderers whose expressions of interest have not been rejected and are considered to be capable of satisfactorily supplying the goods or services may be short listed as acceptable tenderers.
- Compliance criteria which confirm the following statutory requirements:
 - An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.
 - An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.
- The following qualitative criteria for assessing expression of interest in order to determine which, if any, of the respondents are to be considered acceptable tenderers:
 - Relevant experience in successfully undertaking and completing projects similar to the relevant project;
 - Employment/engagement of personnel with relevant experience and skills to undertake and successfully complete the relevant project;
 - Capacity and resources to successfully undertake and complete the relevant project; and
 - Demonstrate a required level of understanding of what is required to successfully deliver the relevant project.

CONCLUSION

To make a preliminary selection from among prospective tenderers and to decide which of the prospective tenderers are considered to be able successfully deliver the relevant project will streamline City operations and improve efficiency without compromising statutory compliance or impacting on achieving best value for money.

OPTIONS

Council may resolve not delegate to the CEO Council's powers/functions under regulations 21 and 23 of the Tender Regulations. For the reasons mentioned in this report this option is not recommended.

Council may consider a range of possible changes to the proposed Tender Pre Selection Criteria Policy. Note however that the proposed policy is based on an evaluation methodology and selection criteria which have successfully been used by the City for other major projects.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Tender Pre Selection Criteria Policy and recommended delegations will be effective immediately upon adoption by Council.

Council Decision and Officer Recommendation

C1606/139

Moved Councillor T Best, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

- Adopts the Tender Pre Selection Criteria Policy:

[insert policy no]	Tender Pre Selection Criteria Policy	V1 Current
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1. PURPOSE

If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services. Expressions of interest that have not been rejected under the Local Government (Functions and General) Regulations 1996 (Tender Regulations) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.

This policy sets out the City of Busselton's acceptable evaluation methodology and criteria to be applied by the Chief Executive Officer when making a decision under delegated authority to decide which, if any, of those expressions of interest that are received, are from persons who he thinks to be capable of satisfactorily supplying the goods and services required for this purpose.

2. SCOPE

This policy applies to all decisions to be made by the Chief Executive Officer under delegated authority to decide whether expressions of interest received from prospective tenderers pursuant to a preliminary selection process under the Tender Regulations, are considered to be from a person capable of satisfactorily supplying the goods or services.

3. POLICY CONTENT

The evaluation methodology and standard selection criteria established for the purposes of regulation 23 of the Tender Regulations are as follows:

Evaluation Methodology

Respondents' expressions of interest (**EOI**) will be evaluated using information provided in the prescribed Response Form and attachments thereto and on the Respondents' response to the Selection Criteria. Such other information as is necessary in order to determine whether Respondents are acceptable tenderers may also be requested and taken into account.

The following evaluation methodology will be used:

- (a) An Evaluation Panel for the purpose of assessing and evaluating EOIs and making a recommendation to the Chief Executive Officer will be appointed.
- (b) EOIs will be checked for completeness and compliance.
- (c) EOIs that are not submitted at the place, or by the delivery method and within the time specified in the public notice inviting expressions of interest, will be rejected.
- (d) EOIs that are submitted at a place and within the time specified in the public notice, but fail to satisfy the Compliance Criteria, may be rejected by the without considering its merits.
- (e) EOIs which have not been rejected under paragraphs (c) and (d) will be assessed against the Selection Criteria.
- (f) Respondents may be required to clarify their EOI, make a presentation, demonstrate the product/solution offered and/or open premises for inspection. Referees may also be contacted prior to the shortlisting of Respondents.
- (g) Respondents whose EOI's have not been rejected and are considered to be capable of satisfactorily supplying the goods or services may be short listed as acceptable tenderers.

Compliance Criteria

- (a) An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.
- (b) An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.

Qualitative Criteria

Subject to the Conditions of Responding, EOI'S will be assessed by the City against some or all of the following Qualitative Criteria:

A. Relevant Experience

The Respondent to describe:

1. The Respondent's experience, competency and proven track record in undertaking and

successfully completing projects similar to the Project, with the CEO to specify the details of such similar projects [which may include the scope, number, value and location of such similar projects and any other requirements/detail relevant to the Project] (**Relevant Projects**);

2. The Respondent's role in relation to the Relevant Projects; and
3. How the Respondent exercised sound judgment and discretion in identifying and resolving issues that arose during Relevant Projects and demonstrating how these were managed by the Respondent.

Supply details and provide this information in an attachment labelled "**Relevant Experience**".

B. Key Personnel skills and experience

Respondents to provide information regarding their employment/engagement of personnel with relevant experience and skills to undertake and successfully complete the Project, such as:

1. The personnel engaged and their curriculum vitae;
2. Their proposed role in the performance of the Project;
3. Their membership to any professional or business associations;
4. Their qualifications and experience, with particular emphasis on their experience with projects similar to the Project; and
5. Any additional information which may be relevant to the Project.

Supply details and provide this information in an attachment labelled "**Key Personnel Skills and Experience**".

C. Respondents' Capacity and Resources

Respondents to provide:

1. Information to demonstrate their ability to supply, manage and sustain:
 - (a) plant and equipment required for undertaking and completing the Project within the proposed timeframe;
 - (b) contingency measures or back up of resources (including personnel) which may be required in event of an emergency/special circumstances; and
 - (c) financial resources to successfully manage the cash flow requirements of the Project or such other cash flow requirements as specified.
2. A current commitment schedule and plant/equipment schedule.

Supply details and provide this information in an attachment labelled "**Respondent's Capacity and Resources**".

D. Demonstrated Understanding

Respondents to demonstrate their understanding of what is required to complete the Project. Areas which should be covered include (if applicable):

1. Demonstrated understanding of the scope of work;
2. The process/methodology which the Respondent proposes/intends to use to successfully

deliver the Project;

3. A project schedule/timeline;
4. Suppliers/manufacturers from whom/where goods/materials/products will be sourced; and
5. Contract management, training and quality assurance processes.

Supply details and provide an outline in an attachment labelled “**Demonstrated Understanding**”.

Policy Background

Policy Reference No. [insert no]

Owner Unit – Contracts and Tendering

Originator – Director, Finance and Corporate Services

Policy approved by – Council

Date Approved – [insert date]

Review Frequency – As required

Related Documents –

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Delegation to CEO to :

- *decide to make a preliminary selection from amongst prospective tenderers and seek expressions of interest with respect to the supply of the goods or services;*
- *determine the selection criteria in accordance with Policy XXX **Tender Pre Selection Criteria Policy**; and*
- *decide which, if any, of those expressions of interest are from persons who he thinks would be capable of satisfactorily supplying the goods or services.*

Background/History - Initiated [insert date] to streamline tender processes and procedures

History

Council Resolution	Date	Information
C		

2. Delegates to the Chief Executive Officer the exercise of Council’s powers and discharge of its duties under regulation 21 of the *Local Government (Functions and General) Regulations 1996* to make a preliminary selection from amongst prospective tenderers, utilising the evaluation methodology and selection criteria under the *Tender Pre Selection Criteria Policy*; and
3. Delegates to the Chief Executive Officer the exercise of Council’s powers and discharge of its duties under regulation 23(3) of the *Local Government (Functions and General) Regulations 1996* to decide in accordance with the *Tender Pre Selection Criteria Policy* which, if any, of those expressions of interest received from prospective tenderers are from persons who he thinks would be capable of satisfactorily supplying the goods or services.

CARRIED 8/0

BY ABSOLUTE MAJORITY

10.2 Policy and Legislation Committee - 26/05/2016 - STATUTORY REVIEW OF DELEGATIONS

SUBJECT INDEX:	Authorised Delegation of Power / Authority
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Support
REPORTING OFFICER:	Manager, Governance Services - Lynley Rich Ranger and Emergency Services Coordinator - Dean Freeman
AUTHORISING OFFICER:	Chief Executive Officer – Mike Archer
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Delegations for Review

This item was considered by the Policy and Legislation Committee at its meeting on 26 May 2016, the recommendations from which have been included in this report.

PRÉCIS

The *Local Government Act 1995* requires delegations made under that Act to be reviewed by the delegator at least once each financial year. This review is to fulfil that requirement for the 2015/2016 financial year. Additionally, delegations made under the *Cat Act 2011* and the *Dog Act 1976* are required to be reviewed once every financial year.

BACKGROUND

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

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. This review is to comply with the requirements of Section 5.46 of the Act. 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.

Section 5.16 of the Act provides the ability for powers and duties to be delegated to Committees. This review is to comply with the requirements of Section 5.18 of the Act.

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

Section 44 of the *Cat Act 2011* provides the power for Council to delegate the exercise of its functions and discharge of its duties to the CEO. Section 47(2) of that Act requires the delegator to review delegations at least once every financial year.

Section 10AA of the *Dog Act 1976* provides Council with the ability to delegate powers and duties to its CEO. In accordance with Section 10AB(2) of that Act, the delegations must be reviewed at least once every financial year.

RELEVANT PLANS AND POLICIES

There are no plans or policies directly applicable to the review of delegations, while noting that several of the powers and duties delegated need to be carried out in accordance with applicable policy provisions.

FINANCIAL IMPLICATIONS

Nil, other than utilising delegated authority creates organisational efficiencies. Without a system of delegated authority in place, a significant number of day-to-day local government decisions would have to be referred to the Council as agenda reports.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

Delegations enable officers to carry out some of the powers and duties of the local government (the Council) which reduces the volume of matters being referred to Council for a decision. This can effectively reduce the turnaround time for some matters and enables the Council to use its time to undertake its more strategic role.

This contributes to the Strategic Community Objective of Governance systems that deliver responsible, ethical and accountable decision-making. It also provides for efficient and effective decision-making practices leading to a better use of limited resources.

RISK ASSESSMENT

Not required for a review undertaken in accordance with statutory requirements.

CONSULTATION

The current delegations were developed with reference to the Department of Local Government's Delegations guidelines.

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*. These are largely recommended to continue unchanged, with the exception of updates as identified in the table below. The table provides an overview of the current delegations and an explanation of the powers exercised by the CEO.

Delegations to the CEO

3A	Legislative Function To determine applications received by the City in accordance with any Local Law and to enforce the provisions of Local Laws.	The related documents in this delegation have been updated to reflect Local Laws made or repealed.
3B	Executive Function To determine applications received by the City to access, use or otherwise conduct activities on land or property.	This delegation is recommended for revocation as it is not required due to the power being covered either by the CEO's functions or by delegation 3A and the

		Property Local Law.
3D	Notices Requiring Things to be Done To exercise the powers and discharge the duties of the local government under Section 3.25(1), 3.26(2) and 3.26(3).	This provides for the ability to require actions from an owner or occupier relating to unsightly land, overgrown vegetation, rubbish etc.
3E	General Procedure for Entering Property To authorise persons on behalf of the local government for the purposes of discharging the duties under Section 3.31(2).	A person requires authorisation in order to enter property. This enables the CEO to authorise others instead of requiring Council approval.
3F	Power to Remove and Impound To authorise employees on behalf of the local government for the purposes of discharging the duties under Section 3.39 and 3.40A(1).	A person requires authorisation in order to impound vehicles etc. This enables the CEO to authorise others instead of requiring Council approval.
3G	Disposing of Uncollected Goods To exercise the powers and discharge the duties of the local government under Section 3.47(2) and 3.47(2a).	Enables the CEO to dispose of impounded goods when not collected in a specified time, including vehicles.
3H	Thoroughfare Closure To exercise the powers and discharge the duties of the local government under Section 3.50(1), 3.50(1a), 3.50(4), 3.50(6) and 3.50A.	Enables the CEO to require the closure of roads.
3J	Inviting and Awarding Tenders To publicly invite tenders by determining the written criteria for deciding which tender should be accepted and to award tenders with a contract value up to \$350,000, subject to conditions.	It is recommended that the contract value is increased to \$500,000 for the reasons discussed later in this report. The information contained in the delegation from the Functions and General Regulations has also been updated.
3K	Acquiring and Disposing of Property To exercise the powers and discharge the duties of the local government under Sections 3.58(2) and 3.58(3) and acquire property on the local government's behalf. The value of the property shall not exceed \$100,000.	Enables the CEO to dispose of property of the local government and may include goods surplus to requirements, such as plant, office furniture etc.
3L	Airport Redevelopment Project - Inviting Tenders and Awarding Tenders To publicly invite tenders by determining the written criteria for deciding which tender should be accepted and to award tenders with a contract value up to \$1,000,000 subject to agreement from the CEO of the SWDC.	Due to the nature and scope of the airport redevelopment project a specific tender delegation to be exercised with agreement from the SWDC CEO was put in place by the Council. The information contained in the delegation from the Functions and General Regulations has also been updated.
5A	Provision of Urgent Legal Services To provide authorisation in accordance with Council policy "Legal Representation for Council members and employees" for urgent legal services to a maximum value of \$10,000.	
5B	Directions Regarding Unauthorised Development To give directions in relation to unauthorised	

	development and to authorise any action available to the responsible authority under the Planning and Development Act 2005.	
6A	Payments from Municipal Fund and Trust Fund To exercise the powers and discharge the duties of the local government in accordance with regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .	Enables the payment of creditors without specific Council approval. All payments made must be reported to Council which is undertaken with a monthly report via the Finance Committee.
6B	Power to Defer, Grant Discounts, Waive or Write Off Debts To exercise the powers and discharge the duties of the local government under Sections 6.12(1)(b), 6.12(1)(c) and 6.12(3) of the <i>Local Government Act 1995</i> .	Enables the CEO to deal with minor fee waivers, concessions and debt write-off requirements.
6C	Rates and Service Charges To exercise the powers and discharge the duties of the local government under Section 6.49, 6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4), 6.76(5), schedule 6.2 clause 1(1) and schedule 6.3 clauses 1(4) and 4(1).	Enables the CEO to determine due dates for rates and to take recovery action for unpaid rates.
6D	Investment To invest surplus funds in accordance with the Direct Investments section of the Council's investment policy.	Enables funds to be invested by the CEO as set out in the Council policy.
6E	Payments from Sponsorship and Donations Fund To determine the allocation of donations and sponsorships from the fund established for this purpose.	This delegation currently requires that individual payments do not generally exceed \$1,000.
9A	Appointment of Authorised Persons To authorise persons, or classes of persons, on behalf of the local government for the purposes of performing particular functions in accordance with Section 9.10(1) and 9.10(2) of the <i>Local Government Act 1995</i> .	A person requires authorisation in order to take enforcement action. This enables the CEO to authorise others instead of requiring Council approval.
9B	Authorising Common Seal To authorise the affixing of the Common Seal of the City to a document that needs the City's Common Seal to be legally effective.	The CEO can authorise the affixing of the Common Seal so specific Council approval of each document is not required. It is also necessary for the document to be signed by the Mayor.
10A	Claims Against the Local Government To consider claims against the local government for damage to property and either accept or deny liability.	Intended only for minor claims within the City's insurance excess and there is a \$500 limit on the delegation.

Delegations from the Council to the CEO made in accordance with Section 5.42 of the *Local Government Act* have been utilised to enable the CEO to carry out powers and duties of the local government. Where a power or duty in the Act identifies the Council, the Council itself must carry out that function. It is noted that this does not prevent the local government from performing any of

its functions by acting through a person other than the CEO, nor from a CEO from performing any of his or her functions by acting through another person.

The delegation relating to awarding tenders is proposed for an increase in the amount above which a tender cannot be determined under delegation. The tender threshold was recently increased to \$150,000 from \$100,000. Typically, operational contracts that need to be tendered are of three years duration and an increase would more readily enable award of a new contract. The current limit is \$350,000, but with the increase of the tender threshold it is considered that an increase to \$500,000 is warranted. \$350,000 equates to \$50,000 above \$100,000 per year, and \$500,000 is representative of \$50,000 above \$150,000 per year. Additionally, an examination of upcoming contracts would indicate that some of the contracts associated with the City's foreshore works (concrete and aggregate footpaths for example) then may be able to be determined under delegation, while the more significant building contracts would still require full Council consideration.

Committee delegations

3I	Meelup Regional Park Management Committee When constituted for a formal meeting is delegated to adopt plans, policies or documents that relate to management of the Park, subject to conditions.
6F	Busselton Settlement Art Project Steering Committee To approve the disbursement of funds as approved by the Council in its annual budget for the purpose of raising funds for the project.
7A	Audit Committee To meet with the auditor on behalf of the local government in accordance with the requirements of Section 7.12A(2).

While a delegation was provided to the Busselton Settlement Art Project Steering Committee, it has not been utilised as the budget has been implemented by the City in consultation with the Committee. It is therefore recommended for revocation and for a review of the Committee's terms of reference to be undertaken to allow it to operate in a less formal manner.

Dog Act and Cat Act

CA1	Administration of the Cat Act Authority to exercise the functions in relation to the administration of the <i>Cat Act 2011</i> .
DA1	Appointment of Authorised Persons and Registration Officers To appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by that Act and to authorise persons to effect the registration of dogs.

The delegations to the CEO under the *Cat Act 2011* and the *Dog Act 1976* are recommended to continue unchanged.

CONCLUSION

The existing delegations have served the organisation well and provide a sufficient level of authority to enable timely consideration of day to day local government matters as well as specific authority whereby the Council has recognised circumstances such as the nature of the airport redevelopment project.

OPTIONS

The Council may decide that it requires changes to the powers and duties delegated to the CEO or Committees, or that it wishes to place conditions on any of the delegations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Council Decision and Officer Recommendation

C1606/140

Moved Councillor T Best, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council, having conducted the statutory annual review of delegations made under the *Local Government Act 1995*, *Cat Act 2011* and *Dog Act 1976*:

- delegates to the CEO of the City of Busselton in accordance with Section 5.42(1)(a) and (b) of the *Local Government Act 1995* the following powers and duties:

3A	<p>Legislative Function</p> <p>To determine applications received by the City in accordance with a Local Law made by the City of Busselton in accordance with Subdivision 2 of Division 2 of Part 3 of the <i>Local Government Act 1995</i> and to enforce the provisions of those local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.</p>
3D	<p>Notices Requiring Things to be Done</p> <p>To exercise the powers and discharge the duties of the local government under Section 3.25(1), 3.26(2) and 3.26(3) of the <i>Local Government Act 1995</i>.</p>
3E	<p>General Procedure for Entering Property</p> <p>To authorise persons on behalf of the local government for the purposes of discharging the duties under Section 3.31(2) of the <i>Local Government Act 1995</i>.</p>
3F	<p>Power to Remove and Impound</p> <p>To authorise employees on behalf of the local government for the purposes of discharging the duties under Section 3.39 and 3.40A(1) of the <i>Local Government Act 1995</i>.</p>
3G	<p>Disposing of Uncollected Goods</p> <p>To exercise the powers and discharge the duties of the local government under Section 3.47(2) and 3.47(2a) of the <i>Local Government Act 1995</i>.</p>
3H	<p>Thoroughfare Closure</p> <p>To exercise the powers and discharge the duties of the local government under Section 3.50(1), 3.50(1a), 3.50(4), 3.50(6) and 3.50A of the <i>Local Government Act 1995</i> and regulation 6(3) of the <i>Local Government (Functions and General) Regulations 1996</i>.</p>
3J	<p>Inviting Tenders and Choice of Tender</p> <p>To exercise the powers and discharge the duties of the local government under Regulation 14 of the <i>Local Government (Functions and General) Regulations</i> to publicly invite tenders by determining the written criteria for deciding which tender should be accepted.</p> <p>To exercise the powers and discharge the duties of the local government under Regulation 18 of the <i>Local Government (Functions and General) Regulations</i> relating to Choice of Tender.</p> <p>Conditions</p> <p>The delegation is subject to:</p> <ol style="list-style-type: none"> Utilising the standard selection criteria as per Policy 031; Following the City's operational practice utilising tender evaluation processes and documentation developed by WALGA; Compliance with the requirements of the City's Purchasing Policy as it relates to tendering; and Acceptance of a tender is not to exceed a contract value of \$500,000.

3K	<p>Acquiring and Disposing of Property To exercise the powers and discharge the duties of the local government under Sections 3.58(2) and 3.58(3) of the <i>Local Government Act 1995</i>, and further to acquire property on the local government's behalf.</p> <p>Conditions The value of the property shall not exceed \$100,000 in accordance with Section 5.43(d) of the <i>Local Government Act 1995</i>.</p>
3I	<p>Airport Redevelopment Project - Inviting Tenders and Choice of Tender To exercise the powers and discharge the duties of the local government under Regulation 14 of the <i>Local Government (Functions and General) Regulations</i> to publicly invite tenders by determining the written criteria for deciding which tender should be accepted.</p> <p>To exercise the powers and discharge the duties of the local government under Regulation 18 of the <i>Local Government (Functions and General) Regulations</i> relating to choice of tender.</p> <p>To approve variations to contracts awarded under this delegation.</p> <p>Conditions The delegation is subject to:</p> <ul style="list-style-type: none"> a) Following the City's operational practice utilising tender evaluation processes and documentation; b) Compliance with the requirements of the City's Purchasing Policy as it relates to tendering; c) Acceptance of a tender is not to exceed a contract value of \$1,000,000; d) Any contract variation is not to exceed 10% of the contract value; and e) The delegation to accept a tender can only be exercised with agreement from the CEO of the South West Development Commission.
5A	<p>Provision of Urgent Legal Services To provide authorisation in accordance with Council policy "Legal Representation for Council members and employees" for urgent legal services to a maximum of \$10,000.</p> <p>Conditions The determination must be made in accordance with the provisions of the Council policy "Legal Representation for Council members and employees".</p>
5B	<p>Directions Regarding Unauthorised Development To give directions in relation to unauthorised development and to authorise any action available to the responsible authority under the Planning and Development Act 2005 incidental to such written direction.</p>
6A	<p>Payments from Municipal Fund and Trust Fund To exercise the powers and discharge the duties of the local government in accordance with regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i>, in relation to Section 6.10 of the <i>Local Government Act 1995</i>.</p>
6B	<p>Power to Defer, Grant Discounts, Waive or Write Off Debts To exercise the powers and discharge the duties of the local government under Sections 6.12(1)(b), 6.12(1)(c) and 6.12(3) of the <i>Local Government Act 1995</i>.</p> <p>Conditions Any waiver or granting of a concession shall only be for up to \$2000 and considered solely on its merits; and any debt write off approved shall be less than \$1000 if it is more than 12 months old or less than \$200 if it is between 90 days and 12 months old.</p>
6C	<p>Rates and Service Charges To exercise the powers and discharge the duties of the local government under Section 6.49, 6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4), 6.76(5), schedule 6.2 clause 1(1) and schedule 6.3 clauses 1(4) and 4(1) of the <i>Local Government Act 1995</i>.</p>

	<p>Conditions The delegation shall be exercised within the limitations identified in delegation LGA 3K regarding the value of property.</p>
6D	<p>Investment To invest surplus funds in accordance with the Direct Investments section of the Council's investment policy.</p> <p>Conditions Council approval is required for any investment in Managed Investments.</p>
6E	<p>Payments from Sponsorship and Donations Fund To determine the allocation of donations and sponsorships from the fund established for this purpose in accordance with the Council's tiered funding scheme.</p> <p>Conditions Individual payments from this fund are not to exceed \$1,000 unless consultation with the Finance Committee has first occurred.</p>
9A	<p>Appointment of Authorised Persons To authorise persons, or classes of persons, on behalf of the local government for the purposes of performing particular functions in accordance with Section 9.10(1) and 9.10(2) of the <i>Local Government Act 1995</i>.</p>
9B	<p>Authorising Common Seal To authorise the affixing of the Common Seal of the City to a document that needs the City's Common Seal to be legally effective and that is in one or more of the following categories -</p> <ol style="list-style-type: none"> 1. documents required to satisfy conditions of subdivision and/or development approval; 2. documents required to effect the transfer of land as part of a settlement transaction (sale and purchase); 3. documents required to secure the repayment of a loan granted by the City, a loan granted to the City by a third party and/or to secure the pre-funding of infrastructure works by the City; 4. documents required to effect the grant of leasehold interests in the land either by the City to a third party, or by a third party to the City; 5. documents required to effect the grant of a licence either by the City to a third party, or by a third party to the City; 6. documents required to effect the subdivision of land, including the strata titling of land; 7. documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and 8. documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law. <p>Conditions The document must not be inconsistent with a Council policy or resolution. While the CEO can authorise the affixing of the Common Seal to a document as classified, it is noted that it is also necessary for the document to be signed by both the Mayor and the CEO (or a senior employee authorised by the CEO).</p>
10A	<p>Claims Against the Local Government To consider claims against the local government for damage to property and either accept or deny liability.</p> <p>Conditions The claim shall not exceed \$500. Payment up to \$500 is able to be made upon receipt of a release form.</p>

2. revokes delegation 3B Executive Function;

3. delegates to the CEO of the City of Busselton in accordance with Section 44 of the *Cat Act 2011* the following powers and duties:

CA1	Administration of the Cat Act Authority to exercise the functions in relation to the administration of the <i>Cat Act 2011</i> .
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4. delegates to the CEO of the City of Busselton in accordance with Section 10AA(1) of the *Dog Act 1976* the following powers and duties:

DA1	Appointment of Authorised Persons and Registration Officers To appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by that Act and to authorise persons to effect the registration of dogs.
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5. revokes delegation 6F to the Busselton Settlement Art Project Steering Committee;
6. delegates to Committees in accordance with Section 5.16 of the *Local Government Act 1995* the following powers and duties:

3I	Meelup Regional Park Management Committee When constituted for a formal meeting is delegated to adopt plans, policies or documents that relate to management of the Park. Conditions The above power or duty is other than where those plans, policies or documents require adoption pursuant to a particular statutory power, and the Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.
7A	Audit Committee To meet with the auditor on behalf of the local government in accordance with the requirements of Section 7.12A(2) of the <i>Local Government Act 1995</i> .

CARRIED 8/0

BY ABSOLUTE MAJORITY

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

13.1 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES

SUBJECT INDEX:	Events
STRATEGIC OBJECTIVE:	A City where the community has access to quality cultural, recreation, leisure facilities and services.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Commercial Services
REPORTING OFFICER:	Events Coordinator - Peta Tuck
AUTHORISING OFFICER:	Manager, Community Services - Maxine Palmer
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

PRÉCIS

A meeting of the Marketing and Events Reference Group (MERG) was held on Thursday 21 April 2016. This report presents the recommendations from this meeting.

BACKGROUND

The Council, at its meeting of 13 April 2011 (C1104/114), resolved to endorse the implementation of a differential rating system whereby properties rated within the Industrial and Commercial zones across the City would directly contribute toward the City's continued support of tourism, marketing and event activities. This resolution also endorsed the establishment of a 'Key Stakeholders Reference Group' (now known as the 'Marketing and Events Reference Group') to make recommendations to Council with respect to the marketing and events budget allocations.

Further to this, at its meeting of 22 June 2011 (C1106/201), Council resolved to introduce a 3% Differential Rate on the abovementioned properties and as a result, \$180k was included in the 2011/2012 budget towards events and marketing. Following this, Council increased the Differential Rate to 6% in 2012/2013 (totalling \$360k), 7% in 2013/2014 (totalling \$379k) and 8% in 2014/2015 (totalling \$488k) towards events and marketing.

As part of the 2015/2016 adopted budget, Council increased the Differential Rate to 9% (totalling \$556k), with the funds split 75:25 between events and marketing respectively.

The total endorsed marketing and events budget for 2015/2016 is \$893k; \$697k allocated for events and \$196k allocated towards marketing. The \$697k budget allocation for events includes \$280k from municipal funds and \$417k from the Differential Rate Budget of \$556k. \$196k has been allocated specifically for marketing, including \$139k from the Differential Rate Budget and \$57k carry over from 2014/15.

The 2016/17 draft budget incorporates a further 1% increase to 10% in the Differential Rate Budget totaling \$624k; \$468k for events and \$156k for marketing. Further, \$268k is allocated from municipal funding. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

Funds already committed in 2016/17 through Multi Year Agreements through the Differential Rate total \$280,700 leaving \$187,300 to be allocated to Rounds 1 and 2 of the 2016/17 Event Sponsorship Programme.

A meeting of the Marketing and Events Reference Group (MERG) was held on Thursday 21 April 2016, with the following key matters presented at the meeting;

- Discuss the draft KPI's to be included in the CinefestOz funding agreement for 2016/17 to 2018/19.
- Discuss and makes recommendations for the 2016/17 Round 1 Event Sponsorship Program to Council.
- Noted Council endorsement to allocate \$5k from the 2016/2017 Differential Rate Events Budget towards the Rio Tinto Colours of our Country exhibition and CinefestOz Indigenous Day. Since the MERG meeting CinefestOz and Rio Tinto have advised that this exhibition is no longer going ahead, therefore this funding is no longer required.
- Noted Council endorsement to allocate \$5k from the 2015/16 Differential Rate Events Budget to the Books by the Bay Festival, with the balance of \$10k to be allocated from the 2016/17 Differential Rate Events Budget.
- Recommend to the Council that any unspent Marketing funds from the Differential Rate Marketing Budget remaining at the end of the 2015/2016 financial year be transferred to the Airport Marketing Reserve.

STATUTORY ENVIRONMENT

Nil

RELEVANT PLANS AND POLICIES

The recommendations are in line with Council policies.

FINANCIAL IMPLICATIONS

At the 25 March 2015 Council meeting, Council resolved to include a 1% increase in the Industrial and Commercial Differential Rate from 8% to 9% in the 2015/16 budget (C1503/067), resulting in an allocation of \$556k for events and marketing, with a split of 75/25 (\$417k/\$139k) respectively.

The 2016/17 draft budget incorporates a further 1% increase to 10% in the Differential Rate budget totaling \$624k; \$468k for events and \$156k for marketing. Further, \$268k is allocated from municipal funding (this includes \$18k in kind funding for Ironman WA). This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

The funding allocated through the 2016/17 Municipal budget is as follows;

Table 1

Events - Multi-Year Agreements funded through Municipal funds	2016/17
Busselton Jetty Swim	\$15,600
Ironman WA Busselton	\$187,400
Busselton Ironman 70.3	\$45,000
Geographe Bay Race Week	\$10,000
Festival of Busselton	\$6,000
Carols by the Jetty	\$1,000
Australia Day	\$3,000
TOTAL	\$268,000

Funds already committed in 2016/17 through Multi Year Agreements from the Differential Rate budget total \$280,700 leaving \$187,300 to be allocated to Rounds 1 and 2 of the 2016/17 Event Sponsorship Programme.

This report includes the MERG recommendations as seen in Table 2 of the Officer comment section below, that a total of \$130,125 be funded in Round 1. It is to be noted that it is anticipated that \$14.5k will be carried over from the 2015/16 Differential Rate Events budget, leaving a revised total of \$71,675 for Round 2.

A total of \$46k remains unallocated in the Differential Rate Marketing Budget following Councils endorsement (C1510/293) that \$150k be transferred to the Airport Marketing Reserve for the purpose of marketing the Busselton-Margaret River Regional Airport. As a part of the State funding agreement the City is required to allocate \$2m towards an airline incentive package. Given the district wide significance of this project and the economic impacts associated with the introduction of interstate services, it is recommended that the balance of marketing funds in 2015/16 be transferred to the Airport Marketing Reserve. It is to be noted that no marketing initiatives have been identified for the current financial year as yet. MERG recommends the transfer of any unspent Marketing funds from the Differential Rate Marketing Budget remaining at the end of the 2015/2016 financial year to the Airport Marketing Reserve.

Long-term Financial Plan Implications

The marketing and events budget, including both the municipal contribution and funds generated through the Differential Rate, are in line with the City's Long Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

This matter aligns with the City of Busselton's endorsed Strategic Community Plan 2013, and principally with the following Strategic Goal:

Well planned vibrant and active places;

- A City where the community has access to quality cultural, recreation, and leisure facilities and services.

RISK ASSESSMENT

The recommendations contained within this report are considered low risk and as such a formal risk assessment is not provided.

CONSULTATION

Consultation has been undertaken with members of the Marketing and Events Reference Group, consisting of representatives from the Busselton Chamber of Commerce and Industry, Dunsborough Yallingup Chamber of Commerce and Industry, Geographe Bay Tourism Association and Conservation Association, Busselton Jetty Environment and Conservation Association and the City of Busselton.

OFFICER COMMENT

The Marketing and Events Reference Group has been established with representatives from the City of Busselton, local Chambers of Commerce, the Margaret River Busselton Tourism Association, and the Busselton Jetty Environment and Conservation Association. A Terms of Reference guides the operations of the Group and an Events Sponsorship Programme has been developed.

Supporting the development and attraction of new events throughout the year, the Events Sponsorship Programme promotes the City of Busselton as an attractive host and event tourism destination for a range of events. The City, through the programme has attracted exciting new events to boost the local economy through event tourism.

The Cinefest Oz multi-year funding agreement has been approved (C1510/293) for a further three (3) years for cash funding of \$95k in 2016/17, 2017/18 and 2018/19. The proposed KPIs for the agreement were tabled at the recent MERG meeting for the group to discuss. These KPIs incorporate increases in the number of screenings and spread of the event throughout the District, demonstration of sourcing alternative funding sources, and more measurable outcomes. MERG accepted the draft KPIs to be included in the CinefestOz funding agreement for 2016/17 to 2018/19.

Round 1 Event Sponsorship Programme 2016/17

Applications were received for Round 1 of the Event Sponsorship Programme. A total of fourteen (14) applications were received, requesting \$242,760 in funding. This comprised of eleven (11) single year applications requesting a total of \$233,260. The City also received three (3) requests to increase existing multi-year agreements which were due to expire in 2016/17 (Dunsborough Arts Festival \$2k, South West Craft Beer Festival \$5k, South West Mudfest \$2.5k) totalling an increase of \$9.5k. The total sponsorship fund, as per the draft 2016/17 budget, available for Round 1 and Round 2 in 2016/17 is \$187,300.

The three (3) multi-year funding applications received are not recommended by MERG to increase in 2016/17. They are however all recommended to enter into multi-year agreements for a further two years expiring in 2018/19.

Of the eleven (11) single year applications received, nine (9) are recommended to be funded for one year in 2016/17, totalling \$130,125. All events are to be funded from the Differential Rate Events budget:

Table 2

Event	Requested	MERG Recommendation
South West Craft Beer Festival	2016/17: \$5,000 2017/18: \$10,000 2018/19: \$10,000	2016/17: \$0* 2017/18: \$5,000 2018/19: \$5,000
South West Mudfest	2016/17: \$2,500 2017/18: \$10,000 2018/19: \$10,000	2016/17: \$0** 2017/18: \$7,500 2018/19: \$7,500
Dunsborough Arts Festival	2016/17: \$2,000 2017/18: \$14,000 2018/19: \$15,000	2016/17: \$0*** 2017/18: \$10,000 2018/19: \$9,000
Jazz By The Bay	\$50,000	\$50,000~
Chevron City to Surf for Activ	\$45,000	\$10,000~
Rugby Jetty 7's	\$10,000	\$7,500~
Western Force exhibition match	\$50,000	\$25,000~
Busselton Festival of Paddle	\$7,500	\$5,000~
50 Years of the Busselton Health Study: A Community Forum	\$2,356	\$0
Maramoo Marathon	\$12,779	\$3,000
Busselton Veteran Car Club 50 th Anniversary	\$6,000	\$0
Superboat Racing Busselton	\$30,000	\$15,000~
Ironman FOC Rooms	\$9,625	\$9,625
Open Water Swim	\$10,000	\$5,000~
TOTAL ROUND 1 2016/17	\$242,760	\$130,125

*This event is already funded for \$5k in 2016/17. They seek to increase their 2016/17 funding to \$10k and extend their agreement to 2018/19.

**This event is already funded for \$7.5k in 2016/17. They seek to increase their 2016/17 funding to \$10k and extend their agreement to 2018/19.

***This event is already funded for \$11k in 2016/17. They seek to increase their 2016/17 funding to \$13k and extend their agreement to \$14k in 2017/18 and \$15k in 2018/19 respectively.

All events are to be funded on the condition that ten (10) high resolution images are provided electronically, without copyright, (in formats as agreed) to the City of Busselton for its own promotional purposes.

1. ~ *Funded on the condition that two (2) minutes of high quality, edited video footage be provided electronically, without copyright, (in formats as agreed) to the City of Busselton for its own promotional purposes.*

MERG recommends a total of \$130,125 be funded in Round 1, leaving a total of \$57,175 remaining for Round 2 event sponsorship.

A late request was received from CIC Events Management to hold the 2016 Gran Fondo World Championship Cycling Event in Busselton on 1-4 September 2016. This event had been bid for and won to be held in Perth, however the inability to deliver an event of this scale incorporating multiple road closures through numerous local government areas has meant that they have had to seek another region to hold the event. Officers have since received notification that the event organisers have withdrawn their request to hold the event in the City of Busselton, while this is disappointing the Events team will continue to liaise with CIC Events Management in regards to other potential cycling events that would be suited to the region as a follow up to the World Championships, such as an Intercontinental level 4-5 day road and a number of state level races as part of the National Road Series in 2017 and 2018.

CONCLUSION

The Marketing and Events Reference Group (MERG) has been assigned by Council to make recommendations on the way in which funds raised through the Industrial and Commercial Differential Rate for the purposes of events and marketing are allocated. This report contains the recommendations made at the 21 April 2016 meeting, which if endorsed by Council, will result in the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support Council's vision of being recognised as the 'Events Capital WA.'

OPTIONS

Council may choose not to support the recommendations made by the Marketing and Events Reference Group and resolve not to endorse part or all of the recommendations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council's decision, the outcomes will be communicated to all members of the Marketing and Events Reference Group and relevant event organisers for their information and implemented where required.

Council Decision and Officer Recommendation**C1606/141**

Moved Councillor T Best, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That Council;

1. As part of the Events Sponsorship Programme endorses the funding allocation towards the following events to the total value of \$130,125, to be funded through the draft 2016/17 Differential Rate Events budget, and to enter into three separate multi-year agreements to 2018/19:

Event	Funding
South West Craft Beer Festival (multi-year agreement)	2016/17: \$5,000 (as previously committed) 2017/18: \$5,000 2018/19: \$5,000
South West Mudfest (multi-year agreement)	2016/17: \$7,500 (existing) 2017/18: \$7,500 2018/19: \$7,500
Dunsborough Arts Festival (multi-year agreement)	2016/17: \$11,000 (existing) 2017/18: \$10,000 2018/19: \$9,000
Jazz By The Bay	\$50,000
Chevron City to Surf for Activ	\$10,000
Rugby Jetty 7's	\$7,500
Western Force exhibition match	\$25,000
Busselton Festival of Paddle	\$5,000
50 Years of the Busselton Health Study: A Community Forum	\$0
Maramoo Marathon	\$3,000
Busselton Veteran Car Club 50 th Anniversary	\$0
Superboat Racing Busselton	\$15,000
Ironman FOC Rooms	\$9,625
Open Water Swim	\$5,000
TOTAL ROUND 1 2016/17	\$130,125

2. Approves the transfer of \$46k from the Differential Rate Marketing Budget remaining at the end of the 2015/2016 financial year to the Airport Marketing Reserve.

CARRIED 8/0**BY ABSOLUTE MAJORITY**

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 APPLICATION FOR PLANNING CONSENT FOR A USE NOT LISTED (TELECOMMUNICATION FACILITY AND ANCILLARY EQUIPMENT) AT LOT 470 CAVES ROAD YALLINGUP

SUBJECT INDEX:	Development/Planning Applications
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Planning Officer - Stephanie Izzard
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan Attachment B Development Plans Attachment C Original Submission (including advertised development plans) Attachment D Summary of Submissions Attachment E Response to Submissions from Applicant Attachment F Photomontage

PRÉCIS

A development application has been received by the City for a proposed telecommunication facility, including a 45 metre high monopole, and ancillary structures.

The proposal has been placed before the Council due to the nature of the issues and level of community interest which were generated during the consultation on the proposal.

In response to the concerns raised during the consultation period regarding the visual impact of the proposed development the applicant subsequently moved the development 100 metres to the south west of the original location to be located more central to the site.

It is considered that, on balance, this development is consistent with the relevant planning framework and it is recommended for approval.

BACKGROUND

The Council is asked to consider a planning application seeking approval for a Use Not Listed (Telecommunication Tower and Ancillary Equipment) at Lot 470 Caves Road, Yallingup. Under the City of Busselton *Local Planning Scheme No. 21* (the Scheme) the site is zoned "Rural Residential" and is located within a "Landscape Value Area." The site is bound by Gunyulgup Valley Drive to the north and private property to the east and south. A Location Plan is provided at Attachment A.

The development includes a 45 metre high monopole with a circular headframe at the top accommodating three panel antennas measuring approximately 1077 mm x 300mm x 115mm. One parabolic dish antenna will also be installed at approximately 42 metres on the monopole and will be 600mm in diameter.

A 2.4m high chain link security fence is proposed around the area of the facility and will create a compound of 16 metres by 11 metres. Within this compound the development also proposes two outdoor cabinets, GPS unit and metering panel.

Following the conclusion of the consultation period the applicant has submitted plans moving the development 100 metres to the south west so that it is more central to the site. The modified development plans are provided at Attachment B with the complete submission of the application, including the original plans which were advertised, provided at Attachment C.

The proposal forms part of the National Broadband Networks and will service 350 properties within the area. At this stage there are no proposals to include mobile phone facilities on the tower however the applicant has advised that there will be opportunities to co-locate facilities in the future.

STATUTORY ENVIRONMENT

The key statutory environment is set out in the Scheme, as modified by the Deemed Provisions set out in Schedule 2 of the *Planning and Development Regulations 2015*. The proposed Telecommunication Facility and Ancillary Equipment does not fall under any use listed in the Scheme and therefore the proposed development has been assessed as a 'Use Not Listed.' A "Use Not Listed" may be approved at the discretion of the City usually following a consultation process as outlined in clause 64 of the Deemed Provisions.

Rural Residential zone

The site is zoned "Rural Residential" under the Scheme. Objectives and Policies of this zone relevant to this application are as follows:

Objectives

- (b) To ensure that development maintains the rural character of the locality, maintains a high level of residential amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.
- (d) To discourage or prohibit development not compatible with the predominantly rural nature and residential amenity of the zone.
- (e) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere, and where such purposes would not detrimentally affect the rural residential character of nearby land.

Policies

- (b) To ensure the provision of road, electricity, postal and telephone services and, where appropriate and practical, water services.

Landscape Value Area

The site is located within a Landscape Value Area under the Scheme. A property within a Landscape Value Area is considered to be of a high landscape value and therefore is subject to particular requirements regarding the clearing of vegetation as well as the visual impact of the development with the following requirements:

- 6.4.2 The local government shall not grant planning approval for the carrying out of development on land within the Landscape Value area or on land on or near any ridgelines where, in the opinion of the local government, that development is likely to substantially detract from the visual amenity of the area, having regard to, among other things, the cumulative visual effect of the development related to other development that may be anticipated in the locality and in the area generally.*

Use not listed

Clause 4.4.2 of the Scheme allows the City to consider a development application for a land use not listed under the zoning table. In this instance it was considered that the use may be consistent with the objectives and policies of the zone and therefore advertising was undertaken in accordance with clause 67 of the Deemed Provisions.

“4.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or
- (b) determine that the use may be consistent with the objectives and policies of the particular zone and thereafter follow the advertising procedures of clause 10.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”

Note that clause 10.4 of the City’s scheme is now superseded by the equivalent and very similar clause 67 of the Deemed Provisions.

Commonage Consolidated Structure Plan

The provisions of the Commonage Consolidated Structure Plan (CCSP) applicable to this development include the maximum building height limit set at 7.5 metres. In addition, the required building setbacks under the CCSP are as follows:

- Minimum building setback of 100 metres from Caves Road;
- Minimum building setbacks of 20 metres from front and rear boundaries; and
- Minimum building setbacks of 15 metres from the side boundaries.

Matters to be considered

Clause 67 outlines the key matters to be considered by local government when considering a development application. Those matters which are considered to be particularly relevant to this application are as follows:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;”

RELEVANT PLANS AND POLICIES

The key policy implications for consideration are set out in the following policy documents:

- *State Planning Policy 6.1 – Leeuwin-Naturalist Ridge Policy*
- *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure;*

- Local Planning Policy 3 – Special Character Areas and Visual Management Policy
 - Reflective Building Materials;
 - Caves Road Visual Management Policy

State Planning Policy 6.1 – Leeuwin-Naturalist Ridge Policy

The State Planning Policy 6.1 - Leeuwin-Naturalist Ridge Policy' provides a clear direction on future land use for the policy area which extends from Cape Naturaliste to Cape Leeuwin and inland to the Bussell Highway. The overall objectives of the policy include:

- *'conserve and enhance the special benefits arising from landscape elements that form the fabric of the region;*
- *respect and conserve its outstanding natural and cultural heritage and environmental values;*
- *cater for population growth while promoting quality and innovation in urban design and built form;*
- *protect agricultural land for its economic, landscape, tourism and social values;*
- *encourage a mix of compatible land uses while separating conflicting land uses;*
- *facilitate a robust, diverse and sustainable economy.'*

Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure

The Western Australian Planning Commission's *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure*, included as Attachment 3, provides 15 guiding principles for the location, siting and design of telecommunications infrastructure, as well as eight matters to be considered when determining planning applications. These are detailed below and should be considered by Council when making a determination on the matter:

- *Extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the State.*
- *Need to ensure continuity of supply of telecommunications services to people and businesses in the local area or region.*
- *Effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements.*
- *Effect of the proposal on any place of cultural heritage significance on or near the land.*
- *Extent to which the proposal enhances or maintains visual amenity including streetscape and minimises adverse visual impacts.*
- *Degree to which the proposal is co-ordinated with other services.*
- *Extent to which the proposal fulfils the requirements of Section 5.3 of this Policy.*
- *Extent to which the proposal adheres to the Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure set out in Section 5.1 of this Policy.*

Local Planning Policy 3 – Special Character Areas and Visual Management Policy (LPP3)

The site is located within Policy Area 2 under the LPP3 - Caves Road Visual Management Provisions. Landscapes within this Policy area have a "moderate visual absorption" capacity. Within this Policy area the objectives are that development should result in evident visual alteration of landscapes and shall be in evident from Caves Road. Generally, the height of buildings shall be below the crown/canopy height of remnant vegetation in the immediate vicinity. When assessing a development application within this area the City is required to take into consideration the compliance of the development with the general objectives of the Policy Areas which includes the visibility of the development from Caves Road.

Further to the above, it is noted that under this Policy the location of the development is not within a "major view" corridor.

FINANCIAL IMPLICATIONS

The recommendation of this report is a planning determination. It does not impose any direct financial implications upon the City.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations in this report reflect Community Objective 5.2 of the City's Strategic Community Plan 2013 – 'A City of shared, vibrant and well planning places that provide for diverse activity and strength our social connection.'

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 identified 'downside' risks only, rather than upside risks as well. The implementation of the Officer Recommendation will involve the applicant proceeding with the development application to install the telecommunication facility. In this regard, there are no significant risks identified.

CONSULTATION

The proposal was referred for 21 days to all land owners with a 1km radius of the site. 190 properties were consulted with. A notice was also placed on the City's website and in the local paper on 20 January 2016. The consultation period on the application ended on 10 February 2016.

The City received 139 submissions. Of these submissions 90 were broadly opposed to the development, 47 were broadly in support. Of the 139 submissions which were received, 33 were within the original consultation area within 1km of the site, 18 of which were in support of the proposal and 14 were opposed and 1 was indifferent.

A multi-persons petition signed by 89 persons was also submitted as part of the template submission. This template submission was submitted by 24 people. This petition did not comply with normal requirements of a formal petition and therefore has been considered as a submission only.

The summary of these submissions is provided at Attachment D with the key issues raised in these submissions as follows:

- Tower will have an adverse impact upon the amenity of the area;
- The development will have an adverse impact upon tourism to the area;
- The development is not in keeping with the requirements of the Landscape Value Area; and
- Alternative locations should be considered.

The submissions in support of the proposal listed poor internet and mobile phone services as being a critical issue, especially considering the high bushfire risk of the area.

Following the conclusion of the advertising period the applicant was provided with an opportunity to respond to the concerns raised in the submissions. Their response is provided at Attachment E. The applicant also modified the proposed development to move the development more internal to the subject site, increasing the setback of the development so that it will be 151 metres from Gunyulgup Valley Drive and 186 metres from the nearest neighbouring property to the east.

OFFICER COMMENT

The City has assessed the application having regard to the objectives and policies of the Rural Residential zone, the provisions applicable to Landscape Value Areas under the Scheme, State Policy

and Matters to be Considered and in particular consideration of proper and orderly planning as required by the Scheme. The key issues raised in the submission period which are to be considered are:

- Visual impact of the development; and
- Consistency with relevant planning framework.

Visual Impact of the development

Following the conclusion of the consultation period, the applicant modified the development and relocated the Telecommunication facility such that it is to be located more centrally to the site. The new location is approximately 100 metres to the south-west of the original location and results in a setback of 151 metres to Gunyulgup Valley Drive and 186 metres to the nearest property to the east.

The applicant has provided updated photomontages which show two perspectives of the tower taken from the corner of Gunyulgup Valley Drive and Koorabin Drive, and another taken from the corner of Gunyulgup Valley Drive and Kangaroo Parade. These are provided at Attachment F.

From these photomontages it is clear that increasing the setback of the proposed from Gunyulgup Valley Drive decreases the visual impact of the tower as viewed from Gunyulgup Valley Drive.

Consistency with relevant planning framework

The proposal does not fall within any of the use classes listed in the Scheme and therefore is considered to be a "Use not listed." When assessing an application for a "Use not listed" the Council is required to take into consideration the Matters to be Considered prescribed under clause 67 of the regulations, including the Policy and Objectives of the relevant zone and any other applicable provisions under the Scheme or Policies.

It is considered that the proposal is consistent with the Objectives and Policies of the Rural Residential zone in particular policy (b) which states "To ensure the provision of road, electricity, postal and telephone services and, where appropriate and practical, water services." The proposed development will provide improved telecommunication services to over 350 properties within the area and will provide opportunity for mobile phone carriers to co-locate on the tower. Improved internet and mobile phone service to the area is considered to be a critical due to the bushfire prone nature of the area.

All of the relevant planning provisions which relate to this site are centered on alleviating the visual impact of development upon the locality. It is considered that while the development will be visible from some vantage points within the area, the applicant has attempted to minimize these impacts by relocating the development such that it is more central to the site. Existing vegetation within the area will assist in lessening the visual impact of the development by providing screening which will reduce the visual impact of the development. The visual impact of the development from two vantage points along Gunyulgup Valley Drive has been demonstrated within the photomontages provided by the applicant. It is considered that the proposed development will provide a service to the greater community in providing improved internet services to the area with the ability for mobile phone carriers to co-locate on the facility.

CONCLUSION

The proposed development is considered to be consistent with the applicable requirements, including the Policy and Objectives of the "Rural Residential" zone prescribed under the Scheme. Therefore it is recommended that the application be approved.

OPTIONS

The Council could:

1. Approve the application subject to different conditions.
2. Refuse the proposal, setting out reasons for doing so.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

OFFICER RECOMMENDATION

That the Council resolve:

1. That application DA15/0662 submitted for development at Lot 470 Caves Road, Yallingup is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
2. That Development Approval is issued for the proposal referred to in 1. above subject to the following conditions:

GENERAL CONDITIONS:

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City.

Note: Councillor Bennett proposed an Alternative Motion for Council consideration that would continue negotiations with land owners.

MOTION

That negotiations continue on the proposed property for a location that is satisfactory to neighboring land owners.

Note: Councillor Bennett proposed a Revised Motion at the meeting for Council consideration which the Presiding Member accepted to substitute his previously worded Motion that would relocate the tower 200m to the South West of the proposed site.

REVISED MOTION

Moved Councillor R Bennett

That Council support the Officer Recommendation subject to the tower being relocated approximately 200m to the South West within the subject site.

LOST 3/5

Voting:

For the motion: Councillor R Bennett, Councillor J McCallum and Councillor C Tarbotton.

Against the motion: Councillor T Best, Councillor G Bleechmore, Mayor G Henley, Councillor P Carter, Councillor R Reekie and Councillor R Paine.

Note: As the motion was defeated the Mayor moved the Officer Recommendation.

Council Decision and Officer Recommendation

C1606/142 Moved Mayor G Henley, seconded Councillor R Paine

That the Council resolve:

1. That application DA15/0662 submitted for development at Lot 470 Caves Road, Yallingup is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
2. That Development Approval is issued for the proposal referred to in 1. above subject to the following conditions:

GENERAL CONDITIONS:

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City.

CARRIED 5/3

Voting:

For the motion: Councillor T Best, Councillor G Bleechmore, Mayor G Henley, Councillor P Carter, Councillor R Reekie and Councillor R Paine.

Against the motion: Councillor R Bennett, Councillor J McCallum and Councillor C Tarbotton.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. CONFIDENTIAL REPORTS

Nil

18. QUESTIONS FROM MEMBERS

Nil

19. PUBLIC QUESTION TIME

Nil

20. NEXT MEETING DATE

Wednesday, 22 June 2016

21. CLOSURE

The meeting closed at 6.29pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 67 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 22 JUNE 2016.

DATE: _____ PRESIDING MEMBER: _____