

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

CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 14 MAY 2019

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MINUTES

MINUTES OF POLICY AND LEGISLATION COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 14 MAY 2019 AT 2.00PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 1.59pm

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Robert Reekie Deputy Member
Cr Ross Paine
Cr Kelly Hick
Cr Lyndon Miles

Officers:

Mr Tony Nottle, Director, Finance and Corporate Services
Mr Paul Needham, Director, Planning and Development Services
Mrs Emma Heys, Governance Coordinator

Apologies:

Cr Rob Bennett

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 9 April 2019

COMMITTEE DECISION

PL1905/246 Moved Councillor R Reekie, seconded Councillor K Hick

That the Minutes of the Policy and Legislation Committee Meeting held 9 April 2019 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.2 PROPOSED COUNCIL POLICY - HONORARY FREEMAN OF THE CITY OF BUSSELTON

SUBJECT INDEX:	Council Policy
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Governance Coordinator - Emma Heys
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Policy  Attachment B Current Policy 

PRÉCIS

This report presents a proposed Council Policy ‘Honorary Freeman of the City of Busselton’ (the Policy) (Attachment A) for Council approval, and recommends the rescission of Council Policy 003 ‘Community Recognition - Honours And Significant Events’ (the Current Policy) (Attachment B), as part of the City’s overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

BACKGROUND

In November 2014 the requirements of Council Policy 003 “Well Wishes” were combined with Policy 035 “Community Recognition Honours and Events” to become the Current Policy 003 “Community Recognition – Honours and Significant Events” Policy (C1411/297).

The Current Policy was last reviewed as part of the City’s policy review process and re-adopted in May 2017, with some minor amendments that included adding the ability of the Deputy Mayor and CEO to consider nominations received for various awards.

In August 2017 the CEO commissioned a high level independent review of the City’s governance systems – the Governance Systems Review (GSR). The GSR made the following recommendations with respect to the City’s policy and procedure framework:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the ‘framework’ for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

Prompted by the findings of the GSR and the ongoing requirement to periodically review Council policies, the Current Policy has again been reviewed by officers and it is recommended that the provisions of the High Honours Awards and Recognition Process be further developed into a new

Council Policy (the Policy) and the Current Policy be rescinded, due to it being more administrative in nature.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the GSR. The framework sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy has no long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation primarily aligns with the following Key Goal Area and Community Objective of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6 – LEADERSHIP: Visionary, collaborative, accountable

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

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the officer recommendation, with the Policy maintaining Council's support of an awards system in recognition of outstanding and meritorious service by individuals to the City of Busselton.

CONSULTATION

No external consultation was required or undertaken in relation to this matter.

OFFICER COMMENT

The purpose of the Policy is to provide guidelines for the nomination, selection and awarding of the prestigious title of Honorary Freeman of the City of Busselton to an individual. Officers felt that given the high honour associated with this type of award, it is appropriate to develop an individual Council policy to manage the eligibility and process provisions of this particular award.

Upon reviewing the Current Policy, it was identified that the General Awards and Recognition Process and Significant Events Recognition provisions are currently managed at an administration level and are proposed to be captured in an operational practice document. Further, it was identified that the eligibility criteria applicable to awarding the Honorary Freeman award required further clarity and development.

Council have been briefed on the proposal to develop a new Council Policy and were provided with several example policies on the same topic that detailed the types of criteria a policy of this nature may include.

CONCLUSION

The Policy seeks to make clear the eligibility criteria and process of awarding an Honorary Freeman of the City of Busselton and in doing so, ensures the important guidelines of doing so are maintained in a Council Policy.

Further, it is recommended that Council Policy 003 "Community Recognition – Honours and Significant Events", having had the provisions of High Honours Awards and Recognition Process moved to a new Council Policy, be rescinded.

OPTIONS

Council could require amendments to the proposed Policy, choose to not rescind the Current Policy, or require further amendments to be made to the Current Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendations will be effective immediately upon adoption.

OFFICER RECOMMENDATION

1. That the Council adopts the Honorary Freeman of the City of Busselton policy as per Attachment A; and
2. Rescinds Council Policy 003 "Community Recognition – Honours and Significant Events" (Attachment B).

COMMITTEE RECOMMENDATION

PL1905/247 Moved Councillor K Hick, seconded Councillor R Reekie

1. That the Council adopts the Honorary Freeman of the City of Busselton policy as per Attachment A, inclusive of the following Committee changes;
 - i. Remove paragraph 5.3.
 - ii. Delete "...have made a contribution which can be seen to stand above the contributions made by most other people" from paragraph 5.5 and replace with "...have made a contribution that is considered extraordinary".
 - iii. Replace paragraph 5.9 with the following:

"5.9 In bestowing the title of Honorary Freeman of the City of Busselton, the following nomination procedure is to be observed:

- a. Nominations must be made in the strictest confidence without the nominees knowledge;
- b. Any resident or elector of the City of Busselton may make a nomination;
- c. Nominations must clearly outline in chronological order the history of service to the community of the person being nominated;
- d. Nominations must be made in writing to the Chief Executive Officer. A nomination must be supported in writing by at least one third of the total number of Elected Members of Council; and

- e. On receiving a conforming nomination, the nomination is to be submitted as a confidential report for consideration at an Ordinary Meeting of Council.”
 - iv. Delete “...has accepted the nomination...” from paragraph 5.11 and replace with “...has approved the award...”.
2. Rescinds Council Policy 003 “Community Recognition – Honours and Significant Events” (Attachment B).

CARRIED 5/0

Reason: The Committee felt that amendments to the wording would improve readability of the policy and the reordering of paragraph 5.9 would better reflect sequential flow.

6.1 PREPARATION OF BUSSELTON CITY CENTRE ACTIVITY CENTRE PLAN

SUBJECT INDEX:	Town & City Centres
STRATEGIC OBJECTIVE:	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
BUSINESS UNIT:	Strategic Planning
ACTIVITY UNIT:	Strategic Planning
REPORTING OFFICER:	Principal Strategic Planner - Louise Koroveshi
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Busselton City Centre Conceptual Plan  Attachment B Proposed Extent of Busselton Activity Centre Plan and Urban Design Guidelines 

PRÉCIS

The Council is requested to endorse the proposed preparation of an Activity Centre Plan (ACP) and Urban Design Guidelines (UDG) for the Busselton City Centre to guide future land uses, development opportunities and improvements to facilitate greater activation and vibrancy to the District's most important commercial, recreational, employment and administrative centre. This report details the rationale for doing so and proposes a programme, including public consultation, for preparing the ACP and UDG over the next 2 years.

BACKGROUND

The City is working towards establishing a practical and robust planning framework to provide and facilitate incentives for the ongoing rejuvenation and future development of the Busselton City Centre. Over the last five years the City has been actively planning to facilitate improvements to the function, attractiveness and vitality of the Busselton City Centre. This process has included a review of past planning instruments, adoption of the *Busselton Traffic Study*, the Busselton City Centre façade refurbishment subsidy programme, as well car parking management, control and supply (including land purchased by the City for that purpose). Consultation has also occurred with landowners and the broader community. This work culminated in the adoption of the *Busselton City Centre Conceptual Plan* (BCCCP) in January 2014 (provided at **Attachment A**).

Subsequently, the City has progressed various projects identified in the BCCCP including Amendment 1 (Omnibus 1) and draft Amendment 29 (Omnibus 4) to Local Planning Scheme 21. Amendment 1 (Gazetted on 4 August 2017) introduced a range of significant changes to planning controls for the Busselton City Centre as well as a number of recommendations of the City's *Local Commercial Planning Strategy* and *Local Cultural Planning Strategy*, including the –

- i. Introduction of an RAC-3 coding to support residential diversity and mixed use development;
- ii. Introduction of a range of incentives (including increased plot ratio) to support mixed use development and increased density;
- iii. Introduction of Additional Use areas fringing the City Centre to provide low impact business/commercial opportunities and a transitional area between land uses in the centre and adjoining residential areas; and
- iv. Relaxation of building height controls.

Amendment 29 proposes provisions to be incorporated into the Scheme for the Busselton City and Dunsborough Town Centres, to provide guidance for development within a new 'Regional Centre' zone (for Busselton) and new 'Centre' zone (for Dunsborough) in place of the current 'Business' zone, and including new controls on drive-through facilities within the two centres. The provisions have been derived from existing City and State policies and relate to:

- Setbacks;
- Articulation;
- Cross-overs;
- Openings;
- Glazing;
- Minimum ceiling heights; and
- Signage.

At the time of writing this report, the Gazettal of Amendment 29 was imminent.

STATUTORY ENVIRONMENT

The key elements of the statutory environment relevant to the preparation of the Busselton ACP are set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Scheme 21. Each is discussed under appropriate subheadings.

Planning and Development (Local Planning Schemes) Regulations 2015

The preparation of an ACP should be consistent with the procedure set out in Schedule 2, Part 5 of the Regulations. The Regulations specify that an ACP may be prepared if required under a State Planning Policy or where the WAPC considers it necessary for the purposes of orderly and proper planning. The City sought the consent of the WAPC to prepare an ACP for the Busselton City Centre and received endorsement on 23 September 2016.

Local Planning Scheme 21

The area to be included within the proposed Busselton ACP is provided at **Attachment B**. The proposed Busselton ACP area is generally bound by Peel Terrace, West Street, Marine Terrace and Brown Street and includes land currently zoned 'Business' (noting that Gazettal of Amendment 29 will change the zoning to 'Regional Centre'), 'Reserve for Public Purposes' and 'Reserve for Recreation'. The 'Business' zoned land has a residential density coding of R-AC3.

The proposed UDG will be prepared as a local planning policy in accordance with Part 2, deemed provisions of the Regulations 2015.

RELEVANT PLANS AND POLICIES

The key policy implications with respect to the proposal are set out in the following and are discussed below under appropriate subheadings –

- i. State Planning Policy 7.0 – Design of the Built Environment (2019)
- ii. Liveable Neighbourhoods 2009 (draft 2015)
- iii. Draft City of Busselton Local Planning Strategy (2016)
- iv. Local Commercial Planning Strategy (2011)
- v. Busselton City Centre Conceptual Plan (2014)

State Planning Policy 7.0 – Design of the Built Environment

SPP 7.0 is the lead policy that establishes the requirement for design quality across the whole built environment to be considered as part of assessing planning proposals and will be applied to the preparation of the Busselton ACP.

SPP 7.0 (and supporting policies) apply to and provide guidance for apartment (multiple dwellings) development and residential components of mixed use development. This type of development is anticipated to become more prevalent within the Busselton City Centre subsequent to the introduction of favourable provisions in the Scheme. SPP 7.0 excludes general commercial development and the City's local planning framework will need to specifically address this element of the City Centre.

Liveable Neighbourhoods 2009 (draft 2015)

Liveable Neighbourhoods (LN) is a policy of the WAPC and sets out extensive planning direction relevant to consideration of proposed urban development. LN currently exists in two relevant forms, the adopted 2009 version (LN 2009) and the draft 2015 version (LN 2015) which has been advertised and should be 'seriously entertained'. Whilst LN generally applies to structure plans (and other subsidiary planning instruments such as activity centre plans and local development plans) and applications for subdivision approval, it does set out the WAPC overall direction for planning of urban areas, including urban design, and therefore provides useful advice when considering urban design requirements for the Scheme.

Draft City of Busselton Local Planning Strategy (2016)

The draft City of Busselton Local Planning Strategy (LPS) was adopted by the Council for final approval in September 2016 and is currently pending endorsement from the WAPC.

Theme 2 of the LPS 'Activity centres and economy' includes the following relevant objective and strategy –

Objective (d) – *“The continued growth of the Busselton City Centre and the Dunsborough Town Centre as the main centres of the economic, social and cultural life of the District.”*

Strategy (c) – *“Support and proactively plan for activity centre development as set out in the established activity centre framework , with activity centres, including new activity centres and significant expansions of existing activity centres, to be developed as centres of the social and cultural life of their communities and not just as shopping centres. All new activity centres and significant expansion of existing activity centres shall be accompanied by an ‘Activity Centre Plan’ and ‘Retail Sustainability Assessment’ and be developed along predominantly ‘main-street’ lines, with activated public streets and high levels of pedestrian amenity, with a mix of public spaces (parks and piazzas), shop, office, café/restaurant/bar/entertainment, tourism and community uses. Opportunities for delivery of medium or high density housing and tourist accommodation within and around all activity centres shall be pro-actively planned for.”*

Strategy (d) – *“Significant office development should be located within or adjacent to the Busselton City Centre, Dunsborough Town Centre of Ambergate North Town Centre.”*

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

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

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

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

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

LPP 4B is an existing policy that provides development standards and design guidelines for the Busselton City Centre. The policy contains a range of principles that generally reflect good urban design but there is scope to update and expand the policy as part of the overall Busselton ACP project.

FINANCIAL IMPLICATIONS

The Busselton ACP project will be coordinated and substantially delivered in-house. Some limited specialised consultancy services will be required that is not realistically available in-house, such as retail/commercial analysis, transport and parking studies and potentially valuations and legal advice. Consideration of this has been included as part of the Strategic Planning Business Plan 2019-20/2022-23 and the 2019/20 budget.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial plan implications associated with the officers recommendation.

STRATEGIC COMMUNITY OBJECTIVES

Officers consider that the recommendation of this report reflects community objective 2.3 of the Strategic Community Plan 2017 –

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

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

Proactively planning for the revitalisation and activation of the Busselton City Centre underpins a range of other City priorities such as the development of attractive community places and supporting the development, promotion and success of local businesses.

RISK ASSESSMENT

Officers have undertaken an assessment of the potential implications of carrying out the Officer Recommendation using the City’s risk assessment framework. The assessment identifies ‘downside’ risks only, rather than ‘upside’ risks as well. The implementation of the Officer Recommendation will involve endorsement of the preparation of an ACP and urban design guidelines for the Busselton City Centre. In this regard, there are no significant risks identified.

CONSULTATION

The requirement to advertise a draft ACP is set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*. Advertising is required, along with referral to relevant government agencies and advice to the WAPC. A draft ACP would be advertised for a minimum of 28 days.

The requirement to advertise a proposed local planning policy (the City’s preferred format for UDG) is outlined in the Regulations. A proposed local planning policy is to be made available for public comment for a minimum of 21 days.

Two internal workshops have already been held for relevant staff and Councillors.

Officers propose to undertake preliminary consultation during the initial preparation and drafting phases as follows –

- Consult with the Economic Development Working Group sub-committee of the City's Economic Development Taskforce in order to ensure alignment of objectives, identify relevant issues and potentially to provide ongoing project reference;
- Meet with the Busselton Chamber of Commerce and Industry to brief the group on the project and identify common aspirations and issues of importance.

Formal public consultation with our community and stakeholders is proposed to include:

- Consultation with focus groups;
- Public workshops;
- Newspaper advertising;
- Website notification and engagement via 'Your Say'; and
- Notification (via letter) of directly affected land and business owners.

Other avenues of public consultation may also be identified as the project is progressed.

Responses received through the public consultation process will be considered in the finalising of the proposed ACP and UDG, which is expected to be submitted to the Council for consideration and endorsement in late 2020.

OFFICER COMMENT

In support of the recently introduced Scheme provisions in gazetted Amendment 1, and those proposed in Amendment 29, the preparation of an ACP and UDG is to be undertaken in order to provide guidance and direction for the future development of the Busselton City Centre. Officers consider this to be the next step in considering and addressing future land use and development opportunities and improvements to help bring greater activation and vibrancy to our City Centre, along with greater diversity, connectivity, interest, attractiveness and local business success.

The principal purpose of the ACP is to provide guidance and direction for better management and integration of traffic, parking, laneway and pedestrian networks as well as desirable urban forms in the interface between private development and the public realm and the most appropriate planning controls and incentives through which these can be provided.

The proposed ACP will also include consideration and assessment of –

- Better management and integration of traffic, parking, laneway and pedestrian networks and opportunities;
- Strategies to support and encourage the introduction of diverse residential housing opportunities into the City Centre, especially through apartment development above active commercial street frontages;
- Future community infrastructure and servicing requirements and the function and utilisation of publicly managed land;

- Strategies to support economic diversity and robustness in the local commercial sectors; and
- Strategies to support better engagement and communication, energy and interest in the utilisation of streetscapes, public areas (including place-making opportunities) and more diverse built design and structural outcomes.

The ACP will effectively supersede the BCCCP and will be prepared with a finer level of detail, be more orientated towards providing guidance for new development on private land, and will carry a greater level of statutory weight. The ACP will consider significant recent planning documents such as the draft LPS and relevant statutory and policy decisions.

The preparation of the ACP will consider the general matters set out in the Regulations 2015, where relevant to an existing and established centre, including reporting on the attributes and context of the Busselton City Centre and expectations for its population and commercial growth and development.

The Busselton ACP project will also focus on reviewing the scope and content of *Local Planning Policy 4B - Busselton Town Centre Urban Design Provisions* (LPP 4B) to supplement the provisions and controls to be incorporated in the Scheme.

CONCLUSION

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

OPTIONS

The Council may consider other options, including:

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1905/248

Moved Councillor L Miles, seconded Councillor R Paine

That the Council endorses the preparation of an Activity Centre Plan and Urban Design Guidelines (as a Local Planning Policy) for the Busselton City Centre, as proposed.

CARRIED 5/0

7. GENERAL DISCUSSION ITEMS

Nil

8. NEXT MEETING DATE

Tuesday, 11 June 2019

9. CLOSURE

The meeting closed at 2.48pm

THESE MINUTES CONSISTING OF PAGES 1 TO 13 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON TUESDAY, 11 JUNE 2019.

DATE: _____

PRESIDING MEMBER: _____