

ITEMS FOR DEBATE
COUNCIL MEETING 16 AUGUST 2023

ADOPTION BY EXCEPTION RESOLUTION

<u>RECOMMENDATION</u>	
That the Committee Recommendations for items 10.1, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9 and 10.10, and Officer Recommendations for items 11.1, 11.4, 12.1, 12.1, 15.1 and 15.2 be carried en bloc.	
10.1	Policy and Legislation Committee – 26/07/2023 – Dogs Local Law
10.3	Policy and Legislation Committee – 26/07/2023 – Review of the Policy and Legislation Committee –
10.4	Policy and Legislation Committee – 26/07/2023 – Rescission of Council Policy ‘Swearing in of Elected Members’
10.5	Policy and Legislation Committee – 26/07/2023 – Review of Council Policy ‘Fees, Allowances and Expenses for Elected Members’
10.6	Policy and Legislation Committee – 26/07/2023 – Review of Council Policy ‘Designation of Senior Employee and Acting CEO’
10.7	Policy and Legislation Committee – 26/07/2023 – Review of Council Policy ‘Closed Circuit Television Systems’
10.8	Finance Committee – 09/08/2023 – List of Payments Made – June 2023 <i>Late Item Supplementary Agenda</i>
10.9	Finance Committee – 09/08/2023 – Financial Activity Statements – Year to Date 30 June 2023 <i>Late Item Supplementary Agenda</i>
10.10	Finance Committee – 09/08/2023 – Rate Exemption – Lamp Inc. <i>Late Item Supplementary Agenda</i>
11.1	Amendment 54 to Local Planning Scheme 21 Lot 2883 Puzey Road, Wilyabrup
11.4	Application for Development Approval (DA21/0822) – Proposed Extractive (Sand) – Lot 4205 Gale Road, Kaloorup. <i>Supplementary Agenda</i>
12.1	Naming Port Geographe Coves and Parks

12.2	RFT10/23 Arboriculture Services
15.1	Councillors Information Bulletin
15.2	Council Policy - Appointment of Acting Chief Executive Officer

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION

Item No.	Item Title	Reason
10.2	Policy and Legislation Committee - 26/07/2023 - Delegation of Power to Dispose of Residential Property by Lease	Absolute Majority Required

ITEMS FOR DEBATE

<p>Item No. 11.2</p>	<p>PROPOSED AMENDMENT 56 TO LOCAL PLANNING SCHEME SPECIAL CHARACTER AREA</p>	<p>Pulled by Cr Ryan</p> <p>Disclosure of Financial Interest – Cr Cox</p>	<p>Page 55</p>
<p><u>ALTERNATIVE RECOMMENDATION</u></p> <p>That the Council decline the request to initiate the Amendment in its entirety, and note the City will proceed with a review of the Special Character Area framework by engaging with the community to inform the preparation of revised planning controls and suite of local planning policies.</p>			
<p><u>REASONS FOR ALTERNATIVE</u></p> <p>The residents affected by the addition of proposed discretionary powers have spoken, they knew when they purchased their land the SCA policy was in place.</p> <p>Residents want consistency along with certainty in what the SCA framework currently has instead of an adhoc approval process which can, at times, be different depending on the individual planner.</p> <p>Even though the WAPC have undertaken planning action reform, the local governments are still quite within their rights to have policies in place that align with the wishes of their community.</p>			
<p><u>OFFICER COMMENT</u></p> <p>It is considered that the current lack of discretion with respect to development standards set out in Schedule 4, which is a clear departure from the practice of the City for around two decades, means that the City cannot exercise reasonable planning judgement in relation to some development standards, and is therefore unable to even consider whether such development is consistent with preserving and promoting the desired character of the special character areas. Not initiating an amendment at this time would mean that the issue would not be resolved for several years, whereas initiating an amendment at this time could resolve that issue within the next 12 months.</p> <p>Further, it is noted that the exercise of discretion by decision-makers is an inherent and necessary part of development assessment, and has been for many decades. In the Western Australian planning system, if discretion is not required, then in most cases no application for development approval is required at all – that means that most applications for development approval will inevitably involve the exercise of discretion. A decision-maker cannot simply decide not to exercise discretion – as that in itself is an exercise of discretion (i.e. discretionary judgement equally exists whether the judgement leads to a refusal or an approval).</p> <p>It is true that decision-makers may form different views on exactly how discretion should be exercised. That is true whether the decision is being made by a local government planning officer, by the council of a local government, by a development assessment panel, by the Western</p>			

Australian Planning Commission, or by the State Administrative Tribunal. The fact that decision-makers are required to exercise discretionary judgement does not make such decisions *ad hoc*.

The vast majority of planning decisions made in Western Australia, however, are and will almost certainly continue to be made by local government planning officers. As a result, local government planning officers have professional qualifications and training that most of the other classes of planning decision-makers do not have, as well as having much greater opportunity to gain experience in the making of planning decisions.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 11.2	PROPOSED AMENDMENT 56 TO LOCAL PLANNING SCHEME 21 SPECIAL CHARACTER AREA	Pulled by Cr Cronin Disclosure of Financial Interest – Cr Cox	Page 55
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ALTERNATIVE RECOMMENDATION

That the Council:

1. In pursuance of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) initiates Amendment 56 to the City of Busselton Local Planning Scheme No. 21 (the Scheme) for community consultation for the purposes of:
 - a. Amending clause 5.7.3 to read as follows:
 5.7.3 Where such objectives, provisions and/or controls are specified in Schedule 4 in relation to a designated Special Character Area, those objectives, provisions and/or controls act in conjunction with the other provisions of this Scheme relevant to that area.
2. Pursuant to r.35(2) determine that Amendment 56 is a ‘standard amendment’ as it is:
 - a. An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - b. An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and
 - c. Any other amendment that is not a complex or basic amendment.
3. That as the amendment is in the opinion of Council, consistent with Part V of the Planning and Development Act 2005 (the Act) and the Regulations made pursuant to the Act, that upon preparation of the necessary documentation, refer the amendment to the Environmental Protection Authority (EPA) and upon receipt of a response that the amendment is not subject to formal environmental assessment, advertise the proposal for a period of 42 days. Where the EPA determines the amendment is to be subject to formal environmental assessment, the assessment is to be prepared prior to advertising of the draft amendment.
4. Council note that the City will proceed with the following further stages for review of the Special Character Areas:
 - a. Undertake a broader review of the Special Character Area framework which includes the related Scheme provisions and suite of local planning policies.
 - b. As part of the review, the City will engage with the community to inform the preparation of revised planning controls consistent with the contemporary planning framework.
 - c. Incorporate the findings of the stage 2 review within the planning framework.
5. Amend Delegation DA7 – 01 by adding the following as point 2 in the Conditions section (with subsequent points being renumbered accordingly) –

Applications in Special Character Areas requiring the exercise of discretion

All applications for development approval affecting land within the Special Character Areas, as identified in Schedule 4 of the Scheme, and which involve the exercise of discretion, must be brought to the Council for determination.

REASONS FOR ALTERNATIVE

1. This will reintroduce a level of discretion that was removed by the *Pennock* decision, which could potentially leave some residents in limbo for up to two years if we do not amend clause 5.7.3.
2. It will initiate a comprehensive review of the Special Character Area framework and the Local Planning Policies of the Special Character Areas, establishing clear parameters for the areas and addressing limitations of discrepancy.
3. By amending the Delegation DA7-01 “Development Control”, this will grant the Council the ultimate decision-making authority, enhancing transparency to the public and enabling well-informed decisions to be reached on any development applications necessitating a level of discrepancy.

OFFICER COMMENT

Because the alternative recommendation involves a change to delegations, an absolute majority will be required.

The departure from the officer recommendation is limited to the addition of point 5, which changes delegations such that development applications (DAs) in the Special Character Areas and when the exercise of discretion is involved, would all come to the Council for determination. That would involve discretion of all kinds, not just discretion pursuant to Schedule 4.

It should be noted that the *Pennock* decision only affected the exercise of discretion pursuant to Schedule 4, and Amendment 56 should it be supported would also only affect discretion pursuant to Schedule 4. The determination of DAs in the Special Character Areas, however, often involves discretion with respect to other parts of the planning framework either instead of or in addition to discretion pursuant to Schedule 4. Most DAs for residential development throughout the whole of the City, in fact, involve discretion – as in most cases if no discretion is involved, then a DA is not actually required.

Given that some of the community concern seems to be related to officers making discretionary decisions *per se*, rather than just about decisions pursuant to Schedule 4, and if the aim is to address that concern in the nearer term, changing the delegation so that all discretionary decisions in the Special Character Areas come to the Council for determination is seen as more appropriate than a narrower limitation on delegations (e.g. just decisions that involve discretion under Schedule 4 – which would be problematic, as unless and until the Scheme is amended, such applications cannot be approved, either by the Council or by officers).

Whilst there will be significant workload and application turnaround issues with such a change to delegations, it is considered that it could and would, over a period of perhaps 6 months, lead to a better understanding by Councillors, officers, community and applicants regarding –

1. What the 'special character' of the special character areas is perceived to be;
2. How well the existing controls preserve and promote the desired character;
3. The implications of not having discretion with respect to controls set out in Schedule 4; and
4. What changes, if any, may be made to the current controls to effectively preserve and promote the desired character.

In terms of workload and application turnaround issues, it should be noted that there are approximately 40 applications currently being processed for sites in the special character areas, most if not all of which will involve some discretion. Should the Council support the alternative recommendation, it is envisaged that officers would look to present development applications to the Council in small tranches, of perhaps five applications at a time. Councillors would be aware that the City has current workload challenges with the processing of development applications.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 11.3	PROPOSED ABBEY SOUTH STRUCTURE PLAN AND ASSOCIATED AMENDMENT NO. 55 TO LOCAL PLANNING SCHEME NO.21 - CONSIDERATION FOR FINAL APPROVAL	Pulled by Cr Cox	Page
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ALTERNATIVE RECOMMENDATION

That the Council:

- 1. Pursuant to Part 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), adopts the Abbey South Structure Plan at Attachment 2 for final approval, in accordance with the modifications proposed in the Schedule of Modifications at Attachment 7.**
- 2. Pursuant to r.50 of the Regulations, adopts Amendment No. 55 to Local Planning Scheme No. 21 for final approval, in accordance with the modifications proposed in the Schedule of Modifications shown at Attachment 7, for the purposes of:**

(a) Inserting 'Special Provision Area No. 76' to read as follows –

No	Particulars of Land	Zone	Special Provisions
SP76	As identified on the Scheme map	Urban Development	<ol style="list-style-type: none"> 1. A single structure plan is to be prepared for the entire Special Provision Area. 2. In addition to the information to be included in a structure plan outlined in Clause 16 of the Deemed Provisions, the structure plan is to set out the following: <ol style="list-style-type: none"> i. A water management report that takes into consideration the land to the south and addresses all water-related matters relevant to the proposal. ii. Measures to manage risk from coastal inundation. iii. Open space requirements. iv. Measures to retain, manage, and enhance environmental values associated with the Special Provision Area including remnant vegetation, potential habitat for Commonwealth and State listed threatened fauna species, ecological linkages, and wetlands, within 'public open space', road reserves,

				<p>and/or conservation areas (as identified on the Structure Plan). Such measures are required to also address linkages and connectivity with contiguous areas of similarly important remnant vegetation on land adjoining the special provision area as well as management measures to ensure the habitat functions of these areas are maintained and, where possible, enhanced.</p> <ul style="list-style-type: none"> v. The provision of vegetated buffers to ensure appropriate visual screening and separation of development from main roads adjoining the Special Provision Area. vi. Measures to provide for the safe and efficient movement of pedestrians and cyclists to, from, and within the Special Provision Area, including crossings of main roads adjoining the Special Provision Area. <p>3. A Local Development Plan is to be prepared on Lots 12 and 402 Caves Road and Lots 14 and 15 Bussell Highway to address:</p> <ul style="list-style-type: none"> i. Location of car parking, pedestrian access, and vehicular/service access areas for development where adjacent or located on Lot 402; ii. Landscape values and visual management considerations.
<p>3. Pursuant to r.53 and Part 4 of Schedule 2 of the Regulations, endorses the Schedules of Agency and Public Submissions at Attachments 4 and 5 respectively, which have been prepared in response to the public consultation process undertaken in relation to the Abbey South Structure Plan and associated Amendment No. 55.</p> <p>4. Advise the Western Australian Planning Commission that Amendment No. 55 is considered a 'standard' amendment pursuant to r.34 of the Regulations as it is:</p>				

- (a) an amendment that is consistent with a Local Planning Strategy for the Scheme that has been endorsed by the Commission; and
- (b) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

5. Upon preparation of the necessary documentation, refers the adopted Amendment No. 55 to the Western Australian Planning Commission for consideration and determination in accordance with the Planning and Development Act 2005.

6. **Subject to the following changes to the Schedule of Modifications shown at Attachment 7:**

- (i) **Provide for a single row of R10 lots on the western boundary of Lot 4.**
- (ii) **Replace density range of R20-40 applicable to residential areas with a density range of R20-30.**
- (iii) **Replace the R60 density code (brown coloured residential area) with a density range of R20-30.**
- (iv) **Replace the R60 density code of the Local Centre with R40.**
- (v) **Realign the access road/share path that runs through the southern part of Lot 12 to be located parallel with the southern boundary, but sufficiently north of that boundary to enable retention of the mature vegetation along the boundary within the road reserve.**
- (vi) **Further clarify that the intersection on Caves Round is to be a small footprint roundabout of a 30m diameter which is capable of accommodating truck movements, similar to the Strelly and Barlee Street roundabout, and if this is not possible that a two stage t-intersection designed with minimal impact on vegetation is preferred.**

REASONS FOR ALTERNATIVE

1. Provide for a single row of R10 lots on the Western Boundary of Lot 4. Provides a larger buffer between Lot 4 and the adjacent caravan park – which is an ‘eco’ caravan park. This will improve the visual amenity to both potential landowners in this area and the caravan park. The addition of some more larger R10 lots will also result in more green space around them which may serve as a movement corridor for local fauna such as western ringtail possums.
2. Replace the density of range of R20 – R40 applicable to the residential areas with a lower density of R20-R30. The slight adjustment in the coding will result in an overall lower density throughout the development area, which aligns with the desired future character of this area.
3. Replace the R60 density code with a density range of R20-30. Removal of the higher density coding will reduce the traffic impact on this corner and aligns with the desired future character of the area of lower density.
4. Replace the R60 density code of the local centre with R40. Due to the fact that there is already a commercial business (The Shed Market) operating from this site it is necessary to retain the local centre zoning, otherwise it will become a non-conforming use. The lowest coding that can be applied to a ‘centre zone’ is R40.

5. Realign the access road/share path that runs through the southern part of Lot 12, to be located parallel with the southern boundary, but sufficiently north of the boundary to enable the retention of the mature vegetation along the boundary within the road reserve. Re-aligning this road/shared path will result in the creation of a road reserve which will enable the line of existing remnant vegetation to be retained, which is more than likely to be a movement corridor for local fauna.
6. Further clarify that the intersection on Caves Road is to be a 'small' footprint roundabout of a 30m diameter which is capable of accommodating truck movements, similar to the Strelly Street and Barlee Street intersection in Busselton. If this is absolutely not a possibility then the preference is for a two-stage t-intersection designed with minimal impact on vegetation. I believe that the small footprint round-about is the best compromise to enable traffic flow and avoid congestion but still retain as much road reserve vegetation as possible.

OFFICER COMMENT

1. R10 lots may accommodate more vegetation over time and may provide greater physical separation between Lot 4 and the land uses adjoining the western boundary. However, it is noted that a 10 metre wide vegetated buffer on the western boundary of Lot 4 is already proposed in the schedule of modifications, in addition to a 20 metre wide perimeter road. Further, the northern half of the adjoining lot is zoned 'Tourism' and may be redeveloped in a more intensive manner that does not require a buffer to urban areas. As such it is considered that the provision of a single row of R10 lots on the western boundary of Lot 4 is not required.
2. It is noted that R20 – R40 is a common coding for new residential areas which is broadly in keeping with the existing character of the locality, i.e., detached residential dwellings. A large majority of the site would be developed at a density of R20-25 in accordance with the Structure Plan. The Structure Plan requires that R40 be located on select sites, e.g., adjacent POS, at the end of street blocks, or where lots are serviced by rear laneways. Provision of some R40 will provide for a more diverse mix of housing design typologies and lot sizes, which in turn could provide for a greater range of price points and lifestyle preferences.
3. This is not supported. The City of Busselton Local Planning Strategy 2019 identifies the area in question for 'Urban Consolidation around Local Centre'. R60, as identified on the Structure Plan map, is the appropriate density coding at this location due to a combination of high amenity surrounds, proximity to the coast and local shops, and access to alternate transport modes (walking, cycling and public transport). R60 coding may provide for the more efficient and sustainable development of scarce land in a desirable location. It is noted that the concern of medium density at R60 (but also lower densities of R40) will result poor development outcomes on small block sizes of 120m² up to three storeys high. This is more likely to occur within suburban infill locations accessed by common property driveways rather than greenfield areas as this structure plan provides the opportunity through the orientation and design of streets to produce medium density housing that is walkable, safe and uniform consisting of terraced houses (strata or single dwelling) at a height of two storey. Examples of this development already occur around Vasse and Broadwater. Further, it may provide for a more diverse mix of housing design typologies and lot sizes, which in turn could provide for a greater range of price points and lifestyle preferences.
4. This is not supported. The City of Busselton Local Planning Strategy 2019 identifies the area in question for 'Urban Consolidation around Local Centre'. R60, as identified on the Structure

Plan, is the appropriate density coding at this location due to a combination of high amenity surrounds, proximity to the coast and local shops, and access to alternate transport modes (walking, cycling and public transport). R60 coding would provide for the more efficient and sustainable development of scarce land in a desirable location, as well as the continuation or limited expansion of appropriate commercial uses on the site.

5. Noted and supported.
6. The provision of a small footprint roundabout on Caves Road is supported. The City will continue to advocate this position to Main Roads who are the authority responsible for Caves Road.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 11.3	PROPOSED ABBEY SOUTH STRUCTURE PLAN AND ASSOCIATED AMENDMENT NO. 55 TO LOCAL PLANNING SCHEME NO.21 - CONSIDERATION FOR FINAL APPROVAL	Pulled by Cr Ryan	Page 4 <i>Supplementary Agenda</i>
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ALTERNATIVE RECOMMENDATION

That the Council:

- 1. Pursuant to Part 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), adopts the Abbey South Structure Plan at Attachment 2 for final approval, in accordance with the modifications proposed in the Schedule of Modifications at Attachment 7.**
- 2. Pursuant to r.50 of the Regulations, adopts Amendment No. 55 to Local Planning Scheme No. 21 for final approval, in accordance with the modifications proposed in the Schedule of Modifications shown at Attachment 7, for the purposes of:**

(a) Inserting 'Special Provision Area No. 76' to read as follows –

No	Particulars of Land	Zone	Special Provisions
SP76	As identified on the Scheme map	Urban Development	<ol style="list-style-type: none"> 1. A single structure plan is to be prepared for the entire Special Provision Area. 2. In addition to the information to be included in a structure plan outlined in Clause 16 of the Deemed Provisions, the structure plan is to set out the following: <ol style="list-style-type: none"> i. A water management report that takes into consideration the land to the south and addresses all water-related matters relevant to the proposal. ii. Measures to manage risk from coastal inundation. iii. Open space requirements. iv. Measures to retain, manage, and enhance environmental values associated with the Special Provision Area including remnant vegetation, potential habitat for Commonwealth and State listed threatened fauna species, ecological linkages, and wetlands, within 'public open space', road reserves,

				<p>and/or conservation areas (as identified on the Structure Plan). Such measures are required to also address linkages and connectivity with contiguous areas of similarly important remnant vegetation on land adjoining the special provision area as well as management measures to ensure the habitat functions of these areas are maintained and, where possible, enhanced.</p> <ul style="list-style-type: none"> v. The provision of vegetated buffers to ensure appropriate visual screening and separation of development from main roads adjoining the Special Provision Area. vi. Measures to provide for the safe and efficient movement of pedestrians and cyclists to, from, and within the Special Provision Area, including crossings of main roads adjoining the Special Provision Area. <p>3. A Local Development Plan is to be prepared on Lots 12 and 402 Caves Road and Lots 14 and 15 Bussell Highway to address:</p> <ul style="list-style-type: none"> i. Location of car parking, pedestrian access, and vehicular/service access areas for development where adjacent or located on Lot 402; ii. Landscape values and visual management considerations.
3.	Pursuant to r.53 and Part 4 of Schedule 2 of the Regulations, endorses the Schedules of Agency and Public Submissions at Attachments 4 and 5 respectively, which have been prepared in response to the public consultation process undertaken in relation to the Abbey South Structure Plan and associated Amendment No. 55.			
4.	Advise the Western Australian Planning Commission that Amendment No. 55 is considered a 'standard' amendment pursuant to r.34 of the Regulations as it is:			
	(a) an amendment that is consistent with a Local Planning Strategy for the Scheme that has been endorsed by the Commission; and			

(b) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

5. Upon preparation of the necessary documentation, refers the adopted Amendment No. 55 to the Western Australian Planning Commission for consideration and determination in accordance with the Planning and Development Act 2005.

6. Subject to the following changes to the Schedule of Modifications shown at Attachment 7:

(i) Replace the requirement for a roundabout connection onto Caves Road with the requirement for a T intersection with a two-stage turn for right turning vehicles existing the structure plan area.

(ii) Replace the requirement for a 'single lot' for the area identified to be modified to R2.5 (R10 originally proposed) to provide for 'two lots'.

(iii) Replace the R60 density code (brown coloured residential area) proposed for part of Lot 14 and all of Lot 15 with a density range of R40.

(iv) Remove the requirement to provide a higher order share path on Caves Road adjacent the structure plan area.

(v) Remove the density range of R20-40 and the locational criteria for where the higher range can be applied and replace with a R20 density code.

REASONS FOR ALTERNATIVE

1. To remove the requirement to provide a roundabout at the intersection of Cuthbert Street, which will have negative impacts on the area by way of traffic safety and excessive vegetation removal and possible impact on native fauna. In addition, to allow for a 2 stage T intersection in lieu of the roundabout. This outcome is a much safer one to that of a roundabout and also takes into consideration the excessive vegetation removal as above.
2. To allow for both of the landowners to retain a lot at the rear of the property noting that there are two homes on the site at present and that one of these will be removed in the early stages of development.
3. To address community concerns about high density development and to restrict opportunities for apartment style development in this location. To address community concerns about high density development and to restrict opportunities for apartment style development in this location.
4. This has been confirmed with officers as an error and should not have formed part of the officer recommendation as it is not the City's intention to require the developer to construct a shared path on Caves Road.
5. To remove density ranges and locational criteria entirely in order to appease community concerns about higher densities of R40 within the structure plan area. Note that the landowners / developers have agreed to this change.

OFFICER COMMENT

1. The City considers a roundabout to be a superior treatment in this location based on overall road safety, transport efficiency and potential for property access. The City agrees with the proponent that the size and scale of the Main Roads WA (MRWA) proposal at 60m diameter is excessive. The impact of such a large roundabout primarily in respect to the vegetation impact is considered inappropriate for this location and is one of the key reasoning on the City's desire to investigate a small, albeit 'smaller' is a more appropriate word, roundabout than the 60m diameter. This negotiation would come down to subdivision stage where the proponent, in working with the WAPC and City, would pursue with MRWA to determine if there a roundabout of smaller diameter, there are already examples of this within the City of Busselton district which facilitate B-Double through movements and are part of the MRWA approved RAV network.
2. As there is one house currently constructed in this area the concerns is raised that a new development lot will not achieve bushfire separation required for BAL 29 development without local government management of the surrounding POS areas. However an additional dwelling site would be accepted if it is proven that a new development site can achieve BAL 29 without local government management of surrounding POS to meet exclusion criteria under the state bushfire policy. It is further suggested that a R5 density may be a more appropriate density code (2000m² lots) as opposed to 4000m² at R2.5 density code.
3. Officers are generally supportive of this change. It is noted that the concern of medium density at R60 (but also lower densities of R40) will result poor development outcomes on small 180m² sized blocks in the case of R40. Development to the minimum lot size is more likely to occur within suburban infill locations via common property driveways. Within greenfield areas there is an opportunity through orientation and design of streets at subdivision stage to produce medium density housing that is walkable, safe and uniform which consists of terraced houses (strata or single dwelling) at a height of two storey. Examples of this development already occur around Vasse and Broadwater.
4. In terms of the share path connection on Caves Road, in discussions internally, officers are supportive of a share path connection from the structure plan area to Monaghans Corner as opposed to a share path connection along the whole northern side of Caves Road (adjacent the structure plan area) to provide for connection between the Buayanyup Drain and Monaghans Corner. The logical place for a connection to Monaghans Corner would be to be constructed from the intersection on Caves Road. It is agreed that the modification is open to interpretation but at the time of drafting this was deliberate as if the above was agreed by the City, proponent and WAPC it would be implemented at subdivision stage. Therefore, the in removal of the modification all together is not necessary however it would make sense that it be made more specific to describe the above and to this end officers are supportive.
5. A large majority of the site would be developed at a density of R20-25 within a density range of R20 – R40. It is believed that higher densities R30-R40 still allow for development which maintains suburban characteristics common in greenfield areas of the City of Busselton, for example Broadwater and Vasse which is characterised by detached residential dwellings and low rise strata development. The Structure Plan requires that a base code of R20 applies and for higher densities up to R40 these must be located on select sites, e.g., adjacent POS, at the end of street blocks, or where lots are serviced by rear laneways. More medium density (above R25) will provide for a diverse mix of housing design typologies and, while a challenge to the

development/design industry, advocacy and support from local government will provide opportunity for housing that is more affordable and provides choice for those seeking living arrangements not suited to 3, 4 and 5 bedroom single dwellings.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.