



Shire of Busselton
Geographe Bay

Council Agenda

25 November 2009

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

SHIRE OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 25 NOVEMBER 2009

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SHIRE OF BUSSELTON

MEETING NOTICE AND AGENDA – 25 NOVEMBER 2009

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 25 November 2009, commencing at 5:30 pm.

Your attendance is respectfully requested.

MATTHEW SMITH
A/CHIEF EXECUTIVE OFFICER

10 November 2009

A G E N D A

1. **ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

2. **OPENING PRAYER**

The Opening Prayer will be delivered by Pastor Craig Rogers of the Dunsborough Church of Christ.

3. **PUBLIC QUESTION TIME**

4. **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

6. **CONFIRMATION OF MINUTES**

6.1 Minutes of an Ordinary Meeting of the Council held on 11 November 2009.

7. **ANNOUNCEMENTS** by the Presiding Member without discussion

8. **PETITIONS AND MEMORIALS**

9. **DECLARATION OF DUE CONSIDERATION**

The Presiding Member will request Councillors to acknowledge, in accordance with Clause 8.1 of the Standing Orders, that they have given due consideration to the matters contained within the Agenda.

10. **DECLARATIONS OF INTERESTS**

11. **PRESENTATIONS BY PARTIES WITH AN INTEREST**

12. **BUSINESS FROM PREVIOUS MEETING**

13. LIFESTYLE DEVELOPMENT REPORT

13.1 DRAFT SCHEME AMENDMENT No. 148: PROPOSED REZONING OF PORTION OF LOT 12 LUCY ROAD, NORTH JINDONG FROM 'AGRICULTURE' TO 'BUSHLAND PROTECTION' (CONSIDERATION FOR ADOPTION FOR COMMUNITY CONSULTATION).

SUBJECT INDEX:	Town Planning Scheme Amendments
APPLICATION NUMBER:	WAPC09/0025
STRATEGIC INITIATIVE:	4.3.1. Implement Environmental Strategy
BUSINESS UNIT:	Strategic Planning and Sustainability
SERVICE:	Strategic Planning
DATE OF COMPLETION:	9 December 2009
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	The proposed amendment would facilitate the rezoning of a portion of Lot 12 Lucy Road, North Jindong from 'Agriculture' to 'Bushland Protection' The draft Development Guide Plan would facilitate the subdivision of the land into two lots.
LOT SIZE:	20.8715ha
ZONE:	Agriculture
POLICIES:	1. <i>Local Rural Planning Strategy 2006</i> 2. <i>Biodiversity Incentive Strategy 2002</i> 3. <i>Planning for Bushfire Protection 2001</i>
ATTACHMENT(S):	A. Location Plan B. Draft Development Guide Plan C. Draft Fire Management Plan

PRÉCIS

The Council is asked to consider initiating an amendment to the Scheme to rezone a portion of Lot 12 Lucy Road, North Jindong from Agriculture to Bushland Protection. The rezoning would facilitate the subdivision of the subject land consistent with the voluntary subdivision incentive available under the Shire of Busselton Biodiversity Incentive Strategy (BIS).

A draft Development Guide Plan (DGP) has been submitted with the rezoning request and would facilitate the creation of one bushland protection lot and one agriculture lot.

A Vegetation Condition Assessment has been undertaken which confirms that the subject land meets the biodiversity value criteria set out in the BIS.

The proposed rezoning and draft DGP are considered to meet the operational guidelines of the BIS, relevant Scheme provisions and the objectives and policies of the *Local Rural Planning Strategy* (LRPS).

It is recommended that the proposal be supported, and that Amendment No. 148 and the associated draft DGP be adopted for the purposes of community consultation, subject to minor modifications relating to conditions referenced on the draft DGP.

PROPOSAL / BACKGROUND

Subject Land

Lot 12 Lucy Road, North Jindong is located approximately 20km by road from the Busselton town centre and is 20.8715ha in area (Attachment A).

Topographically, the subject land is gently undulating with contour heights ranging from below 30m AHD along the Carburnup River, to 35m AHD and 40m AHD in the northwest and southwest sections of the property respectively.

The subject land contains a residential dwelling, water tank, sheds, greenhouse and a small olive grove. Two soak dams are located either side of the Carburnup River. There is approximately 13ha of remnant vegetation, mostly belonging to the Abba (Aw) vegetation complex.

Lucy Road provides the principal access to the subject land and is constructed to gravel standard. The subject land also has frontage (but no access) to Roy Road and frontage and crossovers to North Jindong Road. Both roads are bitumen sealed.

The property has established perimeter firebreaks and internal vehicle tracks.

Proposal

The proposal seeks to rezone the western portion of Lot 12 Lucy Road, North Jindong from Agriculture to Bushland Protection and to incorporate a DGP to satisfy the requirements of clause 90 of the Scheme. A draft Fire Management Plan and Vegetation Condition Assessment have been prepared in support of the rezoning proposal. Each component is described below under appropriate subheadings.

Development Guide Plan

The applicant has submitted a draft DGP indicating the proposed lot layout, access and building envelope (Attachment B). The draft DGP would facilitate the subdivision of the land into two lots, consistent with the voluntary subdivision incentive available under the BIS.

Proposed Lot 101 (14.6ha in area) would be rezoned to Bushland Protection and would contain most of the remnant vegetation, existing residential dwelling, sheds, water tank, two soak dams and olive grove. Access to this lot would be retained from Lucy Road. The building envelope for proposed Lot 101 is 2000m² in area, which will exceed the general Scheme requirement of 1500m².

Proposed Lot 102 (6.2ha in area) would remain in the Agriculture zone. The proposed lot is mostly cleared and has two gated crossovers to North Jindong Road. A building envelope for this lot has not been nominated as the lot is mostly cleared and there is no general Scheme requirement for building envelopes in the Agriculture zone.

No internal fencing is proposed within areas of remnant vegetation.

Fire Management Plan

The draft Fire Management Plan (FMP), shown at Attachment C, contains a Bush Fire Hazard Assessment of the site, and indicates the following three bush fire hazard classifications:

- * 'Extreme' - vegetated areas;
- * 'Medium' - parkland cleared areas; and
- * 'Low' - cleared areas.

The Bush Fire Hazard Assessment for the lot adjoining Lucy Road to the west of the subject land is rated as 'extreme'.

Subject to appropriate upgrading, the existing internal vehicle track along the northern boundary of the proposed lots would provide a second emergency fire escape access from proposed Lot 101 to North Jindong Road.

Existing internal and perimeter firebreaks require some upgrading as there are areas that are not fully cleared to mineral earth condition.

The Fire Management Plan includes a combined Building Protection Zone and Hazard Separation Zone of 100m around the existing residence within proposed Lot 101. Cool mosaic burns are proposed to reduce fuel levels to 8t/ha within the Hazard Separation Zone.

The draft FMP confirms that the existing water tank (and a second currently under construction) would potentially store in excess of 135,000 litres of water that would be available for fire fighting purposes. The draft FMP concludes with a list of maintenance tasks that are to be undertaken by landowners on a seasonal and long term basis.

Vegetation Condition Assessment

The Vegetation Condition Assessment prepared in support of the rezoning proposal has determined that the 13ha of remnant vegetation on the subject land belongs to the poorly represented Abba (Aw) and Yelverton (Yd) vegetation complexes. Of the 13ha of remnant vegetation on the subject land, 10.13ha was rated as being in 'good' to 'excellent' condition.

STATEMENT OF IMPACT

The Bushland Protection zone is more restrictive than the Agriculture zone as fewer land uses are permitted under the Scheme.

It is a requirement of the BIS that the owner enter into a conservation covenant with an appropriate covenanting authority. The covenant would impose numerous other restrictions pertaining to the use and management of the land.

Despite this, the landowner has sought the rezoning, therefore it is understood that the impact is considered beneficial, as it would facilitate the subdivision of the land.

CONSULTATION

There is no requirement under the *Planning and Development Act 2005* to advertise a draft scheme amendment prior to it being initiated by the Council. Accordingly, no advertising has been undertaken to date, although informal advice has been sought from Fire and Emergency Services (FESA), Department of Environment and Conservation (DEC) and the National Trust (WA) to assist with assessment of the proposal.

If the Council resolves to initiate the draft amendment, the relevant documentation would be referred to the Environmental Protection Authority (EPA) for consideration of the need for formal assessment under Part IV of the *Environmental Protection Act 1986*. Should the EPA resolve that the draft amendment does not require formal assessment it will be advertised in conjunction with the DGP for a period of 42 days in accordance with the *Town Planning Regulations 1967*. This will include referral to government agencies for comments.

STATUTORY ENVIRONMENT

Shire of Busselton District Town Planning Scheme No. 20 (TPS20)

The key statutory environment for the consideration of the proposed rezoning and draft DGP includes the relevant policies and objectives of the Bushland Protection zone pursuant to the Scheme and other relevant clauses of the Scheme.

Under Table 1 - Zone Objectives and Policies of the Scheme, the objective of the Bushland Protection zone is:

"To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity."

The general intent of the provisions of the Bushland Protection zone is targeted towards the preservation of remnant vegetation, whilst at the same time providing an opportunity for rural living.

The policies of the zone relevant to this proposal include:

"1. To support subdivision only where...

...(b) For lots less than 40 hectares, subdivision of one additional lot..."

The proposal is considered to be consistent with the relevant objectives and policies of the Bushland Protection Zone.

Clause 90 of the Scheme sets out provisions relating to subdivision and development within the Bushland Protection zone that include the requirement for a DGP, FMP and vegetation survey; criteria relating to the size and siting of building envelopes; restriction on the number of dwelling houses to be erected; preservation of remnant vegetation and wetland areas; restrictions/criteria for the development of dams; and the management of liquid and solid waste. The following provisions are of particular relevance to the proposal:

- "(1) all development shall be contained within the approved building envelope designated for each lot on a Development Guide Plan endorsed pursuant to Clause 25. Each building envelope is to be located to the satisfaction of Council which shall, in determining such, ensure –*
- (a) Where available, a cleared area be used for the location of the building envelope;*
 - (b) The preservation of remnant vegetation is maximised;*
 - (c) That the envelope is not located within an area of poorly represented vegetation and will not impact on any declared rare flora and fauna.*
 - (d) There is no adverse or potential impacts on watercourses, wetlands, river or estuary systems or groundwater; and*
 - (e) Maintenance of landscape values of the site and the general area;*
- (2) The buildings envelope shall be a maximum of 1,500m². This building envelope area may be increased marginally subject to Council and WAPC approval where –*
- (a) An existing cleared area is present that could be incorporated into the building envelope; or*
 - (b) Existing structures on the lot are located in such a way that the total building envelope area already exceeds the maximum.'*
- (10) An approved Bush Fire Management Plan shall be submitted and implemented to the satisfaction of Council and the Fire and Emergency Services Authority (FESA). The Bush Fire Management Plan must ensure minimal disturbance to vegetation, wetlands and fauna; generally be consistent with the conservation values of the land and meet any relevant state government policies pertaining to bush fire protection.*
- (12) Prior to rezoning and subdivision, subdividers shall undertake a vegetation survey to identify rare, endangered or otherwise significant vegetation in the proposed building envelope and vehicle access way areas, in addition to any other area of the lot as deemed appropriate by Council; and provide for its appropriate*

conservation to the satisfaction of the Department of Conservation and Land Management and Council."

The building envelope for proposed Lot 101 is positioned to take into account the existing residential dwelling and associated infrastructure.

The proposed amendment and accompanying documentation provides for a development framework that will satisfy the objectives of the Bushland Protection zone and comply with the provisions of clause 90 of the Scheme.

POLICY IMPLICATIONS

Biodiversity Incentive Strategy

The BIS was adopted by the Council and subsequently endorsed by the WA Planning Commission in 2002 as a mechanism to consider scheme amendments that would facilitate subdivision of land, consistent with the voluntary subdivision incentive, to protect the conservation values of remnant vegetation in perpetuity. As such, it is a document that should be given due consideration in the assessment of related proposals.

The Vegetation Condition Assessment prepared in support of the rezoning proposal has determined that the 13ha of remnant vegetation on the subject land belongs to the Abba (Aw) and Yelverton (Yd) vegetation complexes. Both vegetation complexes are poorly represented. Of the 13ha of remnant vegetation, 10.13ha was rated as being in 'good' to 'excellent' condition. These aspects satisfy the biodiversity value criteria and assessment guidelines outlined in the BIS.

The Vegetation Condition Assessment identified weeds (but not pests) that may pose a threat to the maintenance of biodiversity values of the remnant vegetation.

The draft DGP proposes to consolidate the remnant vegetation within the bushland protection lot, which is consistent with the BIS.

Local Rural Planning Strategy

The LRPS was endorsed by the WA Planning Commission in 2006 and comprises the Shire's current policy framework for rural land use, zoning, subdivision and development, along with the Scheme. As such, it is a document that has considerable weight in the assessment of proposals in the rural area.

The subject land is located within Precinct 1 - Primary Rural. The LRPS states that this precinct contains areas of significant remnant vegetation that needs to be conserved wherever possible. It further states that remnant vegetation needs to be conserved to benefit groundwater and landscape outcomes.

The key precinct objective relevant to this proposal is:

“To protect biodiversity values of remnant vegetation with an emphasis on poorly represented vegetation, priority flora and declared rare flora and riparian/creepline vegetation.”

The LRPS identifies that subdivision should be in accordance with the Shire’s BIS.

The rezoning proposal is considered to be generally consistent with the relevant sustainability factors and objectives identified by the LRPS for land within Precinct 1 - Primary Rural.

Planning for Bush Fire Protection

Planning for Bush Fire Protection 2001 is a policy document prepared and maintained by the Fire and Emergency Services Authority (FESA) and the WA Planning Commission and is the relevant standard against which planning proposals and draft fire management plans should be assessed.

One of the first steps in using the document is to identify fire hazard assessment levels to determine the appropriate level of protection measures to apply. The subject land is identified as having ‘low’, ‘medium’ and ‘extreme’ fire hazard assessment levels.

The inclusion of a proposed 100m wide combined Building Protection Zone and Hazard Separation Zone around the existing residence within the proposed bushland protection lot satisfies the *Planning for Bush Fire Protection* requirements.

The draft FMP identifies a second emergency exit to provide for an escape route from a fire approaching from the west. Passing bays are also indicated according to the required standards and specification.

Given the above, the draft FMP is considered to be generally consistent with the *Planning for Bush Fire Protection* document, subject to endorsement by FESA.

FINANCIAL IMPLICATIONS

Following gazettal of the proposed amendment, the subsequent subdivision would attract the standard road upgrade, bush fire protection and community facilities monetary contribution.

STRATEGIC IMPLICATIONS

One of the strategic initiatives of the Shire of Busselton *Strategic Plan 2006 - 2011* is to maintain appropriate bushland. This proposal is considered to be consistent with this strategic initiative as it would facilitate the protection of remnant vegetation in perpetuity via a conservation covenant.

The Shire's BIS is recognised as an important contributing mechanism to meet this strategic initiative. Its primary goal is to secure the long term preservation of areas of remnant vegetation featuring significant biodiversity values through the application of necessary statutory controls.

OFFICER COMMENT

The Vegetation Condition Assessment submitted with the proposed amendment demonstrates that the subject land meets the BIS biodiversity value criteria and is eligible for consideration of a subdivision incentive of a total of two lots. This is considered to be the first step towards meeting the assessment guidelines specified in steps 1 - 3 of the BIS.

An assessment of the key elements of the rezoning proposal against the operational guidelines specified in step 4 of the BIS is outlined below under appropriate subheadings.

Minor modifications to the conditions contained on the draft DGP are also addressed below and under 'Officer Recommendation'.

Rezoning Proposal

The cleared portion of the subject land is proposed to remain in the Agriculture zone. The size of the agriculture lot would be 6.26ha, which is considerably less than the recommended 30ha minimum lot size for viticulture/horticulture subdivision under the LRPS and the Scheme.

However, the rezoning proposal would not facilitate a regular agricultural subdivision because it is being considered within the context of the BIS. As such, the agriculture lot does not have to meet normal Scheme requirements in relation to minimum lot size because the BIS does not specify minimum lot size criteria for agricultural lots.

The operation guidelines of the BIS state: "*where possible, any agricultural lot created as part of the subdivision being of sufficient area for sustainable agricultural use*". However, given that the BIS subdivision incentive is applicable to lots less than 40ha, the creation of an agriculture lot compliant with recommended minimum lot sizes is unlikely to be achieved in these cases.

The LRPS and the Scheme supports subdivision where consistent with the BIS and the proposal would facilitate the conservation of environmentally valuable remnant vegetation.

Development Guide Plan

The draft DGP layout and conditions that are to be introduced are considered to be appropriate and will generally satisfy the future statutory framework for the land under the new zoning. The lot configuration and location of the building envelope satisfies the operational guidelines of the BIS.

The building envelope for proposed Lot 101 is positioned to take into account the existing residential dwelling and associated infrastructure. For this reason, the size of the proposed building envelope exceeds the general Scheme requirement of 1500m², but is consistent with the exemption provided by clause 90 of the Scheme.

Development Guide Plan Conditions

The proposed bushland protection lot would be surrounded by land zoned Agriculture and may be utilised as a lifestyle property. The draft DGP should reference a new condition advising of potential nuisance from surrounding agricultural activities.

The draft DGP indicates that proposed Lot 102 would be granted water rights, via an easement, to the easternmost dam that is to be retained within proposed Lot 101. This should be referenced as a new condition on the draft DGP.

The draft DGP reflects the alternative emergency fire access, as shown on the draft FMP, as gated access through proposed Lot 102 to North Jindong Road. This should be secured via an easement or right of access agreement and should be reflected as a new condition on the draft DGP.

It is a requirement of the operational guidelines of the BIS that a weed and pest management plan be prepared. A weed management plan is included in the rezoning documentation but the issue of pest management has not been addressed. It is recommended that condition 6 of the draft DGP be modified to reference the implementation of a management plan that addresses both weeds and pests.

The abovementioned modifications are reflected in the 'Officer Recommendation' below.

Conservation Covenant

The operational guidelines of the BIS introduced a requirement for the need of a protective mechanism to ensure the long term preservation of the conservation values of a site. A condition has been included on the draft DGP that requires the owner to enter into a conservation covenant with a recognised agency with an established stewardship programme, to provide for the effective protection and management of the conservation values on conservation lots.

The proponent has indicated that they are liaising with agencies to determine which authority will ultimately commit to being the covenanting authority. This issue will need to be advanced to the extent where reasonable certainty exists over the covenanting of the proposed bushland protection lot prior to the Council considering the draft amendment for adoption for final approval. This is reflected in the 'Officer Recommendation' below.

CONCLUSION

Based on the proposal's general consistency with Scheme provisions and relevant policies, it is recommended that the Council adopt draft Amendment No. 148 and the associated draft DGP for the purposes of referral to the EPA and subsequent community consultation, subject to minor modifications.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the officer recommendation will involve the provision of advice of the Council resolution to the applicant and this will occur within ten working days of the resolution.

OFFICER RECOMMENDATION

1. That the Council, in pursuance of Part V of the *Planning and Development Act 2005*, adopt draft Amendment No. 148 to the Shire of Busselton District Town Planning Scheme for community consultation purposes, which proposes to rezone a portion of Lot 12 Lucy Road, North Jindong from 'Agriculture' to 'Bushland Protection'.
2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the *Town Planning Regulations 1967*. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.
3. That the Council adopt for community consultation the draft Development Guide Plan for Lot 12 Lucy Road, North Jindong pursuant to clause 25 of the Scheme, subject to:
 - (a) Condition 6 being modified to read:

"The subdivider shall implement a Weed and Pest Management Plan for Lot 101, which has been approved by the relevant authority, prior to subdivision clearance, and this shall be required as a condition of subdivision approval."
 - (b) The addition of the following new conditions:
 - "7) A memorial is to be placed on the Certificate of Title of lot(s) stating that the area may be subject to chemical spray drift, noise, dust and odour from nearby agricultural land as a result of normal farming practices.

- 8) An easement or right of access agreement shall be created as a condition of subdivision to ensure that Lot 101 has legal access through Lot 102 to North Jindong Road, in the event of a fire emergency.
 - 9) An easement or right of access agreement shall be created as a condition of subdivision to ensure that Lot 102 has legal access to, and use of the water within, the dam located at the eastern boundary of Lot 101."
4. That prior to the Council considering the draft amendment for final approval, the applicant is to provide written confirmation from the Department of Environment and Conservation, National Trust or another appropriate covenanting authority that:
 - (a) The authority has viewed the draft Development Guide Plan attached to draft Amendment No. 148 to District Town Planning Scheme No. 20; and
 - (b) The authority is prepared to take on the responsibility of covenanting authority following subdivision of the site.

13.2 REZONING LOT 1 NUTTMAN RD, CHAPMAN HILL FROM 'AGRICULTURE' TO 'BUSHLAND PROTECTION', AND DEVELOPMENT GUIDE PLAN - CONSIDERATION OF FINAL APPROVAL

SUBJECT INDEX:	Development Guide Plans
APPLICATION NUMBER:	959 AMD
STRATEGIC INITIATIVE:	4.3.1 Implement Environmental Strategy
BUSINESS UNIT:	Strategic Planning & Sustainability
SERVICE:	Strategic Planning
DATE OF COMPLETION:	30/11/2009
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	Rezoning Lot 1 Nuttman Rd, Chapman Hill From 'Agriculture' To 'Bushland Protection', And Development Guide Plan - Consideration Of Adoption For Advertising
LOT SIZE:	40.472 ha
ZONE:	Agriculture
POLICIES:	Local Rural Planning Strategy Biodiversity Incentive Strategy for Private Land in the Busselton Shire Shire of Busselton Municipal Heritage Inventory Planning for Bushfire Protection
ATTACHMENT(S):	A - Location Plan B - Draft Development Guide Plan C - Table of Submissions

PRÉCIS

At its meeting of 22 May, 2009 the Council initiated an Amendment to the Shire of Busselton District Town Planning Scheme No. 20 ('the Scheme') to rezone Lot 1 Nuttman Rd, Chapman Hill ('the subject land') from 'Agriculture' to 'Bushland Protection' and also adopt a draft Development Guide Plan (DGP) providing for the subdivision of the land. The primary intent of the rezoning and DGP is to facilitate subdivision of the subject land consistent with the voluntary subdivision incentive available under the Shire of Busselton Biodiversity Incentive Strategy (BIS).

The proposal was advertised with the public submission period closing 18 September, 2009. Several submissions were received from both government agencies and individual land holders.

It is recommended that the proposal be supported, and that Amendment No. 142 and the associated DGP be adopted for final approval, subject to the identified modifications.

BACKGROUND

The proposal is to rezone the whole of the subject land from 'Agriculture' to 'Bushland Protection'.

The draft DGP proposes the creation of two lots, with areas of 17.85 ha (proposed Lot 1) and 22.63 ha (proposed Lot 2), and both contain significant conservation areas (vegetation), cleared land, a dwelling and associated infrastructure. The DGP indicates the provision of a new access into Chapman Hill East Road to provide joint access to both proposed lots and provide fire emergency access.

STATEMENT OF IMPACT

The 'Bushland Protection' zone is more restrictive than the 'Agriculture' zone as there are fewer permissible uses and more prohibited uses under the Scheme. Therefore the proposed lots will have reduced development potential than the land has currently under the 'Agriculture' zoning. For example, 'Intensive Agriculture', which includes commercial vineyards, is not a permitted use in the 'Bushland Protection' zone.

It is a requirement of the BIS that the landowner enters into a conservation covenant with a recognised covenanting organisation. The conservation covenant will impose numerous other restrictions on the proposed lots, and will require management of the conservation values of the bushland.

Notwithstanding the above, the landowners have sought the rezoning, therefore it is understood that the impact will be beneficial, ultimately facilitating the subdivision of the subject land into two lots.

CONSULTATION

The proposed Amendment was advertised for public consultation for 42 days, with the public submission period closing 18 September, 2009. A summary of the submissions is at Attachment C and is dealt with in more detail in the officer comment section of this report. Issues raised were fire management, over development, the size of the building envelopes, the joint access track and fencing.

STATUTORY ENVIRONMENT

District Town Planning Scheme No. 20

The provisions of the 'Bushland Protection' zone govern subdivision and development, as a means of controlling land use and development within that zone. The intent of the provisions is to preserve remnant vegetation with special biodiversity values, whilst also allowing for rural living.

The objective of the Bushland Protection zone is:

'To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity.'

The policies of the zone are:

'1. To support subdivision only where –

(d) For lots 40ha and greater and with a remnant vegetation cover of 50% or more of the total area of the lot, subdivision based on a ratio of one lot per 20ha with a maximum of 4 lots in total.'

Clause 90 of the Scheme sets out provisions related to subdivision and development within the 'Bushland Protection' zone, and the following provisions are of particular relevance to the proposal:

'(1) All development shall be contained within the approved building envelope designated for each lot on a Development Guide Plan endorsed pursuant to Clause 25. Each building envelope is to be located to the satisfaction of Council which shall, in determining such, ensure –

(a) Where available, a cleared area be used for the location of the building envelope;

(b) The preservation of remnant vegetation is maximised;

(c) That the envelope is not located within an area of poorly represented vegetation and will not impact on any declared rare flora and fauna.

(d) There is no adverse or potential impacts on watercourses, wetlands, river or estuary systems or groundwater; and

(e) Maintenance of landscape values of the site and the general area;

(2) The buildings envelope shall be a maximum of 1,500m². This building envelope area may be increased marginally subject to Council and WAPC approval where –

(a) An existing cleared area is present that could be incorporated into the building envelope; or

(b) Existing structures on the lot are located in such a way that the total building envelope area already exceeds the maximum.'

'(10) An approved Bush Fire Management Plan shall be submitted and implemented to the satisfaction of Council and the Fire and Emergency Services Authority (FESA). The Bush Fire Management Plan must ensure minimal disturbance to vegetation, wetlands and fauna; generally be consistent with the conservation values of the land and meet any relevant state government policies pertaining to bush fire protection.

Clause 108 of the Scheme is also relevant, given that a portion of the subject land is identified as a 'high' bush fire hazard.

Clause 108 of the Scheme reads as follows:

'(1) A Designated Bushfire Prone Area is any area identified on the Bush Fire Hazard Assessment maps with a bush fire hazard level of medium, high or extreme. Dwelling construction within a Bushfire Prone Area will be subject to the relevant bushfire prone area building requirements pursuant to the Building Code of Australia and Australian Standard 3959 - 1999.'

POLICY IMPLICATIONS

The BIS sets out 'biodiversity value' criteria that lots must fulfil in order for a subdivision incentive to be considered (in addition to other relevant statutory and strategic planning considerations).

The subject land was assessed as part of the formulation of the BIS and is identified as one of the 'ground truthed' lots fitting the BIS assessment criteria.

In this regard, the potential lot yield is as follows:

* *For lots 40 ha and greater and with remnant vegetation cover of 50% or more of the total area, subdivision based on a ratio of one lot per 20 ha with a maximum of 4 lots in total.*

The operational guidelines of the BIS set out the general requirements and regulations that applicants must meet in addition to the covenant and zoning requirements. These include design considerations for the DGP, such as lot configuration, location of building envelopes, and access.

Although the proposed subdivision/development is not strictly clustered because the proposed building envelopes are separated, the proposed building envelopes reflect the position of existing structures and clearings on the lot and subject to limitation are not seen as causing further detriment to the environmental qualities of the subject land.

Local Rural Planning Strategy (2006)

The Local Rural Planning Strategy (LRPS) was endorsed by the WAPC on 26 March 2007, and comprises the Shire's current policy framework for rural land use, zoning, subdivision and development, along with the Scheme.

The subject land is located within Precinct 1 'Primary Rural'. The LRPS identifies that this precinct contains areas of significant remnant vegetation that need to be conserved wherever possible. It also identifies that pockets of remnant vegetation need to be conserved to benefit groundwater and landscape outcomes.

Precinct objectives include to protect biodiversity values of remnant vegetation with an emphasis on poorly represented vegetation, priority flora and declared rare flora and riparian/creek line vegetation.

The LRPS identifies that subdivision should be in accordance with the Shire's Biodiversity Incentive Strategy (2002).

Planning for Bushfire Protection (WAPC/FESA)

'Planning for Bushfire Protection' is a policy document prepared and maintained by the Fire and Emergency Services Authority (FESA) and the Western Australian Planning Commission (WAPC).

The subject land is identified as a 'high' fire hazard. A fire management plan has been prepared and demonstrates that adequate fire protection can be achieved on the site in accord with the policy.

In bushfire prone areas a building protection zone is required of between 20 - 40m (depending on the slope of the land), with fuels below 10cm in height. In addition, a hazard separation zone is required with fuel levels of 8 tonnes per ha for Jarrah/Marri forest. This should combine to achieve a separation distance of 100m (in accordance with AS 3.6), or an outcome that meets the performance criteria as follows:

'PC 3.6.1 Subdivision and development design to incorporate hazard separation zones to separate habitable buildings from extreme bush fire hazards in order to protect them from burning debris (spotting, airborne embers), radiant heat and direct flame control.'

Other provisions (acceptable solutions) of 'Planning for Bushfire Protection' that are relevant to the proposal include the requirement for two different routes of access to be available to residents in bushfire prone areas.

Constructed driveways are required where house sites are more than 50m from a public road, with a minimum trafficable surface of 4m, passing bays every 200m, and turn around areas every 500m and within 50m of a dwelling.

FINANCIAL IMPLICATIONS

Following the gazettal of the proposed Amendment, the subsequent subdivision would attract the standard road upgrade and community facilities monetary contributions. It is not considered that there will be any additional ongoing costs to the Shire from the proposal.

In accordance with the BIS, any additional rates generated from the proposed lots should be set aside and utilised to fund rate rebate incentives for bushland protection on other sites.

STRATEGIC IMPLICATIONS

One of the strategic initiatives of the Shire of Busselton Strategic Plan 2006 - 2011 ('Strategic Plan') is to maintain appropriate bushland. This proposal is considered to be consistent with this strategic initiative, as it seeks to ensure the remnant vegetation on the site will be protected in perpetuity under covenant.

OFFICER COMMENT

The proposed Amendment was publicly advertised with a closing date for submissions being 18 September, 2009. There were two submissions from individuals raising concerns about fire management and development on the site along with boundary fences.

Whilst these concerns are noted, fire management for the development will need to comply with an approved fire management plan. The nature of the development will allow for an extra dwelling on the subject land and is not considered over development in view that the vegetation on site will be protected for perpetuity. Fencing falls outside of the planning framework in this instance.

The Department of Environment and Conservation have recommended that the building envelopes be reduced in size to 1,500sqm and that access be provided directly to proposed Lot 2 from Chapman Hill East Rd so as to reduce the amount of clearing required internally and further reduce the risk of introducing weeds or diseases into the subject property.

The Shire supports the larger proposed building envelopes in accordance with Clause 90 (2) of the Scheme whereby the proposed areas are relatively cleared.

In relation to the direct access to Chapman Hill East Rd for proposed Lot 2 the applicant has advised that Chapman Hill East Rd is not considered to be of a high enough standard. Shire staff have carried out an assessment of Chapman Hill East Rd and have not identified any justification why access cannot be provided directly to this road.

Should access be provided directly from Chapman Hill Rd East, then the Shire concurs that that the risk of introducing weeds or diseases into the subject property will be reduced. Therefore direct access to Chapman Hill East Rd is supported by the Shire.

CONCLUSION

Given that the proposed rezoning and DGP are considered to be consistent with the provisions of the BIS, the Scheme, LRPS and 'Planning for Bushfire Protection', it is recommended that the Council adopt draft Amendment No. 142 and the associated DGP for final approval.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the officer recommendation will involve provision of advice of the Council resolution to the applicant and this will occur within five working days of the resolution. Upon receipt of the modified DGP, this and the proposed Amendment will be referred to the WAPC/Minister for Planning for final approval.

OFFICER RECOMMENDATION

1. That Council, in pursuance of Part V of the *Planning and Development Act 2005*, adopt draft Amendment No. 142 ('Amendment') to Shire of Busselton District Town Planning Scheme No. 20 for final approval for the purposes of rezoning Lot 1 Nuttman Road, Chapman Hill from 'Agriculture' to 'Bushland Protection'.
2. That Council adopt the Development Guide Plan for Lot 1 Nuttman Road, Chapman Hill, pursuant to clause 25 of the Shire of Busselton District Town Planning Scheme No. 20 subject to the following modifications:
 - a) Replace the words "Conditions" with the word "Conditions in accordance with Clause 25 of the Shire of Busselton District Town Planning No.20".
 - b) The following Development Guide Plan Conditions be deleted:
 2. As a condition of subdivision, the joint access track is to be secured via an easement.
 - c) That the "PROPOSED JOINT ACCESS TRACK" be removed from the Legend.

13.3 DRAFT LOCAL TOURISM PLANNING STRATEGY - ADOPTION FOR COMMUNITY CONSULTATION

SUBJECT INDEX:	Scheme Review: Local Tourism Planning Strategy
APPLICATION NUMBER:	N/A
STRATEGIC INITIATIVE:	2.4.5 Develop a new Town Planning Scheme to provide for the lifestyle we cherish and protect
BUSINESS UNIT:	Strategic Planning and Sustainability
SERVICE:	Strategic Land Use Planning
DATE OF COMPLETION:	25 May 2010
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	Adoption of draft Local Tourism Planning Strategy for community consultation
LOT SIZE:	N/A
ZONE:	N/A
POLICIES:	WAPC State Planning Policy No.1 State Planning Framework Policy WAPC State Planning Policy No.3 Urban Growth and Settlement WAPC State Planning Policy No. 6.1 Leeuwin-Naturaliste Ridge. WAPC Planning Bulletin 49: Caravan Parks WAPC Planning Bulletin 83: Planning for Tourism WAPC Planning Bulletin 99: Holiday Homes Guidelines.
ATTACHMENT(S):	A – Workshop Outcomes Report (May 2009) B – Summary of issues raised in one-on-one consultation with caravan and chalet park owners and/or operators. C – “Review of Accommodation Development in WA” Jones Lang LaSalle 2009: Executive Summary

PRÉCIS

The Shire’s review of its town planning scheme is identified as a high priority in the *Strategic Plan* as adopted by the Council. The preparation of a local tourism planning strategy is an important and necessary part of that review process.

Accordingly, in 2007 the Shire commenced development of a local tourism planning strategy, with a draft strategy being presented for the Council’s consideration in August 2008. At that time, the Council deferred adoption of the draft strategy for consultation purposes pending -

- * The undertaking of a workshop with tourist park operators, all major stakeholders, Councillors and Shire Staff; and
- * A detailed report on the outcomes of the workshop to be submitted to the Council.

Two workshops were held in February 2009 on the Draft Local Tourism Planning Strategy (LTPS). A Workshop Outcomes Report (May 2009) was produced which recommends, amongst other things, that one-on-one meetings be held with owners/operators of key coastal (or near coastal) caravan parks and chalet parks. That additional consultation was undertaken in mid 2009.

Following that additional consultation, the Council is now asked to further consider adopting a draft strategy for consultation purposes, subject to a number of recommended changes to address issues raised in the consultation undertaken since August 2008. The most significant changes are in response to the issues raised during the workshops, one-on-one meetings and discussion between Shire staff and representatives of Tourism WA and the Department of Planning.

BACKGROUND

The undertaking of a review of the Shire's town planning scheme is identified as a high priority in the Council's *Strategic Plan* for the Shire. This reflects the significant pressures for growth and change being experienced in the Shire. There is also a need to have a planning framework which manages those pressures in a manner consistent with community needs and aspirations, and which will encourage sustainable development that supports the high quality of life currently enjoyed here.

The preparation of a local tourism planning strategy is an important and necessary part of the town planning scheme review process. It is important because the planning and development of tourist activities is seen as a critical element in encouraging sustainable development and supporting quality of life. It is necessary because the planning legislation requires the preparation of an overall local planning strategy to guide development of a new town planning scheme and the Western Australian Planning Commission (WAPC) will require that tourism planning issues are addressed in any local planning strategy. In particular, the WAPC will require that the issues raised in Planning Bulletin 83: Planning for Tourism (which expresses the WAPC's commitment to implement the recommendations of the Tourism Planning Taskforce Report, January 2006 [TPTR]) are addressed.

Accordingly, in 2007 the Shire commenced development of the strategy, with a draft strategy being presented for the Council's consideration in August 2008. A copy of the draft LTPS has been separately distributed to all Councillors and is available on the Shire's website.

At that time, the Council deferred adoption of the draft strategy for consultation purposes pending –

- * The undertaking of a workshop with tourist park operators, all major stakeholders, Councillors and Shire Staff; and
- * A detailed report on the outcomes of the workshop to be submitted to the Council.

Specifically, the Council resolved (C0808/264) as follows –

1. *That Council note the preparation of the Draft Local Tourism Planning Strategy (May 2008).*
2. *That prior to consideration of the Draft Local Tourism Planning Strategy (May 2008) for the purposes of formal community consultation, the CEO arrange for a `workshop' whereby Councillors, tourist park operators, all major stakeholders and the Shire Staff are invited to attend and discuss the assessment and recommendations arising from the Draft Local Tourism Planning Strategy (May 2008).*
3. *That a detailed report on the outcomes of the workshop be submitted to Council with such report to include a fully compiled version of the Draft Local Tourism Planning Strategy in the form that it is recommended for community consultation.*
4. *That an independent facilitator manage the workshop.*

Two workshops were held on 26 and 27 February 2009 at the Bayview Geographe Resort Busselton. Tourist operators, major stakeholders, landowners, consultants, Councillors, relevant staff, State Government representatives were invited and notices were placed in the local paper and Shire website.

Both workshops were well attended, with some 63 attending Workshop 1 (which was focussed on Caravan Parks), and 57 attending Workshop 2 (which was focussed on the draft strategy more broadly).

The attached Workshop Outcomes Report (Attachment A) includes an outline of aspirations, key issues raised and a number of recommendations.

The Report recommended, amongst other things, that one-on-one meetings be held with owners/operators of key coastal (or near coastal) caravan park and chalet parks. That additional consultation was undertaken in mid 2009. A summary of the outcomes of that consultation is at Attachment B.

The Council is now asked to further consider adopting a draft strategy for consultation purposes, subject to a number of recommended changes to address issues raised in the consultation undertaken since August 2008. The most significant changes are in response to the issues raised during the workshops, one-on-one meetings and discussion between Shire staff and representatives of Tourism WA and the Department of Planning.

In the interim, Tourism WA commissioned a review of the constraints and barriers in developing tourist accommodation in WA. The report prepared by Jones Lang LaSalle Hotels and entitled *Review of Accommodation Development in WA* (July 2009), was considered by Tourism WA in August 2009 and is currently being referred to relevant agencies for consideration. Some of the recommendations of the report may result in a review of the State Government's approach to planning for tourism. A copy of the executive summary of the report is included as Attachment C.

Further detail regarding the TPTR, the Jones Lang LaSalle report, the draft strategy, and the consultation subsequently undertaken is set out below under appropriate sub-headings. A number of recommended changes to the draft strategy are set out and explained in the 'Officer Comment' section of this report and are also reflected in the officer recommendation.

It is intended that once the Council has endorsed a draft LTPS, based on the changes recommended in this report and/or any changes that the Council resolves, that the draft LTPS be amended accordingly prior to further consultation occurring. As such, a fully compiled draft LTPS reflecting recommendations in this report has not yet been prepared.

Given the scope of changes recommended, development of a fully compiled document would have been a considerable undertaking and would have delayed presentation of this report to the Council until at least January. In addition, should the Council not support the proposed changes and/or wish to make other changes, further modifications would have been needed to be made to the document. As such, it was seen as preferable to present this report to the Council before preparing a fully compiled draft LTPS which can then be referred to the Council, or Councillors, for approval prior to advertising.

Tourism Planning Taskforce Report

In 2002, the then WA Minister for Planning and Infrastructure established the Tourism Planning Taskforce. The Taskforce's report was endorsed by Cabinet in June 2006. The key drivers of this report were recognition that:

- * The tourism industry in WA and in regional areas in particular, has a unique character and culture, which provides a point of difference, with social, cultural and lifestyle benefits;
- * The WA economy is growing and will continue to increase residential pressure on existing and proposed coastal tourism sites.
- * Left to market forces there is a danger that the unique characteristics of the industry may be lost.
- * Pressures for non-tourism development in key destinations, such as Busselton, may impact on the attractiveness of the State as a tourist destination, impacting on the State's economy.

The Taskforce considered four terms of reference, relating to:

- * The merits of providing residential development on land zoned for tourism purposes.
- * The implications of allowing a mix of permanent and tourist accommodation on land zoned for tourism purposes.
- * The retention of caravan parks for tourism purposes and the extent of long-stay use and park home development appropriate within tourist caravan parks.
- * Trends in the strata titling of tourist developments and management impacts of various tenure arrangements.
- * The implications of the development of permanent residential accommodation and/or strata titling of land zoned for tourism development on the valuation of tourism zoned land.

The taskforce made 26 recommendations. Those that are planning policy related are summarised as follows:

- * The preparation of local tourism planning strategies, as a framework for decision-making on tourism proposals.
- * Introduction of an extended range of definitions for tourism developments with a specific reference to length of stay provisions.
- * Introduction of a range of tourism zones to promote the retention of a range of tourist accommodation facilities.
- * The use of Special Control Areas to introduce specific requirements in respect to strategic tourism sites and/or locations.
- * Support for continued use of strata schemes in the financing of tourism developments subject to specific requirements for integrated development and management.
- * Identification of the following:
 - Strategic Tourism Sites of State level importance (to be assessed by State Government tourism committee, allocation of sufficient resources and establishment of a framework at the State level required)
 - Strategic tourism sites to be retained for tourism only purposes
 - Strategic tourism locations or activity locations
 - Non-strategic tourist zoned land suitable for tourist development.

For further information, the TPTR as a whole may be viewed at www.planning.wa.gov.au (follow the link to 'Publications').

Jones Lang LaSalle Report

Recently, Tourism WA commissioned a review of the constraints and barriers in developing tourist accommodation in WA. The purpose of this was to determine whether the current systems are encouraging quality tourism product or obstructing the growth and development of the State's tourism industry. The report was commissioned in response to representations from its members regarding potential impediments to tourist accommodation investment in WA. In April 2009, Jones Lang LaSalle Hotels was appointed to undertake the review, with a focus on assessing the financing, planning, policy and investment constraints of developing tourist accommodation in WA.

The report, *Review of Accommodation Development in WA* (July 2009), was formally considered by the Tourism WA board in August 2009. Tourism WA noted the recommendations of the report, and encouraged the Western Australian Planning Commission to take action on the planning-related recommendations of the report. The Executive Summary of the report is at Attachment C. The report includes the following recommendations:

- * Tourism WA, in association with local government and industry must identify strategic tourism sites by the end of 2009.
- * Consideration be given to offer incentives and/or planning concessions to owners of privately owned land identified as suitable for inclusion as a strategic tourism site. Comprehensive development plans, or master plans, should be undertaken for all identified strategic tourism sites.

- * In key strategic tourism precincts, demand for accommodation should be determined and development should occur in line with a comprehensive development plan, master plan or similar. Controls and enforcement needs to occur to ensure that permanent and long-stay guests do not take up the bulk of that accommodation.
- * Consider consolidating the number of definitions and tourism zones covering tourist accommodation, with the ultimate goal of ensuring a uniform set of tourist accommodation definitions and tourism zones across WA.
- * Maintain a length of stay provision (maximum 90 day/three month) to reduce the likelihood of tourist accommodation being used as permanent or semi-permanent accommodation.
- * Tourist accommodation of a scale that maximises viability should be encouraged in a range of locations, including rural/farming zones and areas of high environmental quality.

Whilst the report has no formal status as part of the planning framework, the recommendations of the report have been considered by Shire staff in the development of the LTPS. Whilst it did not address all the issues addressed in the LTPS, there is some similarity between the recommendations of the report and outcomes of the LTPS consultation process. As will be apparent later in this report, a number of the changes to the LTPS reflect the outcomes of the consultation and are consistent with some of the direction set out in the Jones Lang LaSalle report.

It should be noted that the Jones Lang LaSalle Report does not address issues related to caravan parks.

The Draft Local Tourism Planning Strategy

The LTPS, as presented to the Council in August 2008, was developed with the guidance of a Technical Working Group with representatives from the Shire of Busselton, DoP and Tourism WA, with research undertaken by Sustainable Development Facilitation, Landvision and Centre of Sustainable Tourism. The LTPS addressed the key issues as outlined in the TPTR.

An initial community and stakeholder focus group meeting was undertaken in April 2007, with the follow up meeting held in May 2007; a focus group was formed to provide feedback on draft documents during this time; a broader stakeholder group of 270 representatives including community members, industry groups, local businesses, government departments and accommodation providers was also formed.

LTPS Outline

The LTPS report is divided into two parts with associated sections. Part 1 of the report provides a technical assessment of tourism and planning issues within the Shire. The second part of the report (Part 2) presents the recommendations for tourism land-use planning.

Within Part 1, Section 2 begins by introducing a scan of tourism issues in the Shire, focusing on demand trends in the tourism market and tourism experience and accommodation supply. This section draws from subsidiary work as outlined in the methodology. Section 3 assesses the planning context in the Shire. This includes the findings of key land-use plans, tourism related studies and a land-use assessment of current tourism sites.

Within Part 2, Section 4 outlines a comprehensive SWOT (strengths, weaknesses, opportunities and threats) analysis and Section 5 outlines the Busselton Tourism Planning Strategy Framework detailing the strategic tourism focus for the Shire and key land-use planning objectives and actions. Section 6 then presents local tourism area guidelines for key tourism destinations within the Shire. Section 7 then details a range of actions relating to implementation of the Strategy.

LTPS Vision and Mission

To assist in the development and implementation of the LTPS, a vision and mission statement were prepared. This was developed with the assistance of industry and other stakeholders during a community and stakeholder workshop held in May 2007 at the Geographe Bayview Resort.

The vision for the Strategy is *"sustainable land use planning and management of the Shire's unique natural and cultural heritage to ensure that it can be protected, shared and enjoyed by future generations of residents and visitors"*.

The mission statement is *"Identification and protection of significant (State and Local) tourism sites, including related infrastructure and service provision while protecting the Shire's tourism character and experience"*.

LTPS Recommendations

The LTPS included 45 recommendations, the key recommendations are summarised as follows:

- * Identification of strategic tourist sites and precincts throughout the Shire in order to identify and protect significant tourism sites;
- * A number of design principles for incorporation into any tourism proposal;
- * The opportunity where outlined to subdivide 25% of the land area to assist existing and potential operators to raise finance through the sale of land, to be reinvested into the remaining tourist use;
- * In non strategic tourism sites support for rezoning and subdivision of up to 25% of the lot/s for residential purposes.
- * The introduction of an expanded set of tourism zones and land use classes into the Town Planning Scheme to provide more direction and control over the use and development of tourist sites. The proposed zones were: Caravan Park and Camping Ground; Tourist Cabin and Chalet Park; Tourist Resort; Hotel and Motel. These zones were consistent with the recommendations in the TPTR;

- * Seek to retain existing caravan and chalet parks that were largely Tourist in nature by zoning as either 'Caravan Park and Camping Ground' or 'Tourist Cabin and Chalet Park' zone.

Workshop Outcomes Report

As noted previously, a copy of the Workshop Outcomes Report is included at Attachment A. The following is an outline of the key issues that emerged from the workshops:

- * A shared desire from participants to protect and enhance important tourism sites, and other areas that have unique qualities that attract visitors to the Busselton area;
- * In the current economic climate tourism businesses are finding it very tough, and it would like support and incentives from government to assist them to make their businesses a success;
- * A desire from landowners and operators of tourism businesses for flexibility to be able to do what they wish with their own property, and for land uses that respond to market demand;
- * A desire by owners/operators to be able to realise higher land values through strata titling to raise finance to reinvest in their business to assist in business viability;
- * Land use conflicts can occur as tourism site diversity, and need to be managed through planning and other controls for the benefit of both residents and visitors;
- * Stronger land use planning controls in this context are perceived to have the potential for significant adverse financial impacts for tourism businesses in terms of impact on land values and on raising finance at the present time;
- * It was critical that the circumstances of each site and operator was understood and fully considered so that acceptable proposals could be considered; and
- * There was a recognition from many participants that these were difficult issues to resolve, and that what was needed was a balance to be struck which could provide a way forward.

The workshops confirmed that whilst there is a strongly shared agreement to the overall objectives of the draft LTPS, there was no clear consensus emerging as to an approach that will satisfy everyone.

The following three recommendations were made with respect to future community consultation:

1. *As part of the final review of the draft LTPS prior to release for advertising it is recommended that those affected by the proposed zoning to "caravan park and camping ground" and "chalet park" are invited to a one-on-one meeting to ensure:*

- * *The factual information used to assess the site is as accurate as possible;*

- * *The key stakeholders for the property business have been identified and they have the opportunity to explain their circumstances;*
 - * *The proposal are clearly articulated to them; and*
 - * *The stakeholders have the opportunity to comment on the implications and acceptability to them of the recommendations.*
2. *When the draft LTPS is released for advertising:*
- * *The key stakeholders should be notified, together with the wider community to invite comment;*
 - * *A briefing workshop should be offered during the consultation period to:*
 - a. *Explain the process*
 - b. *Explain the changes made to the draft LTPS*
 - c. *Assist those wishing to respond to understand the objectives and make recommendations for any changes*
3. *Ongoing opportunities are provided during the preparation of the LPS and draft District Town Planning Scheme No.20 for consultation on these important issues.*

Recommendation 1 has been carried out by Shire staff, as noted previously. A list of the key issues raised during those meetings is outlined in Attachment B.

The workshop and subsequent meetings were useful in giving Shire staff and others a greater understanding of the tourism planning issues facing the Shire. Further discussions have been held between Shire, TWA and DoP staff regarding possible changes to the draft LTPS.

STATEMENT OF IMPACT

There are not considered to be any adverse impacts to the Shire or community from granting advertising consent to the draft strategy as it provides a mechanism for comments from the broader community to be submitted and considered. The LTPS will provide a clear direction within which planning decisions can be made when it is finalised. The Strategy will provide a strategic planning framework for consideration of proposals by outlining land use recommendations to provide for tourist development in Busselton over the next 5-20 years. It proposes the creation of a new suite of tourism zones to reflect and protect the existing diversity of tourism accommodation in the Shire. The introduction of the potential for a 'long stay' component on some tourist sites will be of significant financial benefit to some owners and in supporting re-investment in the tourist facility. Similarly, a number of sites currently zoned 'Tourist' are recommended for rezoning to more specific tourism uses, which may reduce their future development potential.

Advertising of the draft Strategy will raise community awareness and assist to identify attitudes to key planning issues. Advertising will provide an opportunity

for opinions to be effectively represented in the process and ensure transparency and accountability of the outcomes.

CONSULTATION

As outlined above, since the draft strategy was considered by the Council in August 2008, it has been the subject of additional consultation as described in the 'Background' section above.

Advertising of the LTPS for community consultation will be in accordance with the Council endorsed Scheme Review Communications Strategy and advertising will be for a minimum period of 60 days. It is planned that the consultation period commence at the end of January, to ensure that consultation is not occurring during the busiest period for the tourism industry.

Two community information sessions will be undertaken during the 60 day advertising period. It is also planned that letters are sent to the owners of all 'tourism' zoned sites in the current scheme and all other sites potentially directly affected by recommendations of the strategy.

STATUTORY ENVIRONMENT

The planning legislation requires that a local government prepare, adopt and obtain WAPC approval for a local planning strategy (LPS) prior to preparing a new town planning scheme. Strategic policy statements are required in the LPS to address key issues such as housing, industry and business, tourism, open space and recreation, transport, infrastructure, environment, townsite and rural land. Preparation of an LTPS, as recommended by the TPTR, will provide Shire staff and the Council with a decision-making framework for tourism proposals. The LTPS has been prepared by the Shire to assist in preparing an LPS that addresses the full range of planning issues that will be expected to be addressed to obtain WAPC approval.

POLICY IMPLICATIONS

The LTPS has been developed in accordance with *State Planning Policy No.1 State Planning Framework Policy*, *SPP No.3 Urban Growth and Settlement* and *SPP 6.1 Leeuwin-Naturaliste Ridge*. It has also had due regard for *Planning Bulletin 49: Caravan Parks* and *Planning Bulletin 83: Planning for Tourism* and *Planning Bulletin 99: Holiday Homes Guidelines*. These are the key WAPC policies and bulletins relevant to the development of the LTPS.

Planning Bulletin 83 sets out the interim policy of the WAPC to implement the recommendations of the Tourism Planning Taskforce. The interim policy will guide decision-making by the WAPC and local government on subdivision, development and scheme amendment proposals for tourism purposes in the short term. In June 2009 this planning bulletin was revised to address the delegation of built strata applications to local government only. The proposed LTPS is generally consistent with *Planning Bulletin 83*.

FINANCIAL IMPLICATIONS

Further preparation and advertising of the LTPS as recommended will be accommodated using existing resources. Further delays in progressing to formal consultation, however, may have financial implications (for instance, in terms of additional costs for the consultant to finalise the document, or the undertaking of further pre-advertising consultation and require the allocation of additional resources). The Council should note that the cost of the additional informal consultation associated with the LTPS, if it had been undertaken by the consultants rather than by Shire staff, has been estimated as at least \$10,000.

STRATEGIC IMPLICATIONS

The Scheme Review process and therefore the LTPS process which forms part of that broader process is a high priority in the Shire's *Strategic Plan 2006-2011*. The process is also guided by its vision, principles and strategic priorities. The LTPS is considered to meet the following strategic priorities of the Strategic Plan:

- * *We will monitor and manage population growth to ensure our capacity to protect our environment and support community well being is not exceeded*
- * *We will ensure that development is contained in identified nodes with defined boundaries to provide balance between urban and natural environments. We will support the development of individual character within these nodes or townships.*
- * *We will manage our environment and lifestyle through decisions and actions being assessed against a sustainability framework. We will ensure economic development is underpinned by the environment that supports and sustains our growing population.*
- * *We will facilitate and promote the enhancement of our community to encourage community cohesiveness and a sense of place.*
- * *We will provide good corporate governance and professionally manage the organisation to address intergenerational equity, legislative compliance, organisational capability and financial viability.*

The need to '*review town planning to reflect emerging diversity whilst retaining identity and character*'; and '*develop a new Town Planning Scheme to provide for the lifestyle we cherish and protect*' are key strategic objectives and initiatives of the Strategic Plan.

The LTPS has important implications for the Shire of Busselton due to its active tourism industry contributing to the local economy and community. The LTPS has a specific land use focus to identify locations and sites that are important for a sustainable tourism industry within the Shire. The aim of the Strategy is to inform the development of the Local Planning Strategy and it will play an important role in guiding the Scheme Review process.

OFFICER COMMENT

As noted in 'Background' above, the review of the Shire's town planning scheme is identified as a high priority in the *Strategic Plan*. The preparation of a local tourism planning strategy is an important and necessary part of that review process. It is therefore important that the Council consider and establish its strategic direction for tourism to enable a draft LTPS to be released for consultation purposes to allow the broader scheme review process to also progress.

Officers are recommending that a draft LTPS, based on that previously presented to the Council, but modified substantially be advertised for community consultation. Some of those changes are quite significant and reflect the further consultation undertaken since August 2008 and further consideration of the issues by officers.

It is considered that the proposed changes will go some way towards addressing the concerns raised during consultation and in some cases what are considered to be 'win-win' solutions have been developed. It is very likely, however, that some stakeholders, including both owners/operators and users of tourism developments, will still have concerns with aspects of what is proposed.

It is hoped that adoption of a draft strategy for formal consultation will assist in the further resolution of issues, but the nature of the issues is such that it would not be possible to develop a strategy that all stakeholders are able to support all aspects of. As such, there are and will continue to be differences of opinion and the Council will need to decide where it stands on particular issues. It is considered that a formal consultation process on the basis of an adopted draft strategy will be a critical factor in allowing the Council to set its preferred direction and should be the next step in this process.

If the Council forms the view that the officer recommendation does not adequately represent the Council's desired strategic direction for tourism planning in the Shire, then the Council should resolve on any further changes required to allow the matter to progress or provide direction to staff on matters that it requires to be further considered. Councillors should also note that the draft LTPS will need to be subject of further consideration by the Council after advertising. Further consultation on issues raised in submissions may be required by the Council at that time, prior to the making of a recommendation to the Western Australian Planning Commission requesting their endorsement of a final strategy.

The key changes that are recommended may be summarised as follows:

- * A consolidation of the recommendations into a smaller number of broader recommendations with the aim of making the strategy more easily understood, (the total number of recommendations has been reduced from 44 to 8 broader, integrated recommendations. The consolidated list of proposed recommendations, which is proposed to replace all of the recommendations of the draft LTPS, forms part of the officer recommendation;
- * A simplification of the 'strategic sites' classifications;

- * A simplification of the proposed zoning framework, reducing the number of proposed new tourism-related zones from six to three and creating the potential for an unrestricted length of stay component on a number of tourism zoned sites;
- * The rezoning of sites to `Caravan Park' or `Chalet Park' zone only after the State Government has made a decision on the provision of further land tax incentives;
- * Different approaches to a number of sites, based on further site-specific assessment;
- * A recommendation that a number of non-strategic sites with tourism zoning be considered for alternative zonings as part of the preparation of the overall Local Planning Strategy; and
- * Further work being undertaken to identify and develop overflow sites to accommodate caravan and camping demand during peak periods.

Proposed changes to the draft LTPS and key issues are discussed in more detail under the following headings:

- * `Strategic sites' classifications
- * Proposed zoning framework
- * Rezoning of sites to `Caravan Park' or `Chalet Park' zone
- * Other site specific recommendations;
- * Holiday homes;
- * Overflow caravan and camping sites; and
- * Minor modifications.

It should be noted the proposed changes are relative to the August 2008 draft as previously presented to the Council, and are presented on a stand alone basis in the staff recommendation.

`Strategic sites' classifications

The TPTR contains a number of recommendations relating to the classification of strategic tourism sites. As such, this is an issue that the draft LTPS needs to address.

The TPTR recommended classification of tourist accommodation sites as follows:

- * Strategic tourism sites of State level importance to be retained for tourism only purposes (to be assessed by a State Government tourism committee, allocation of sufficient resources and establishment of a framework at the State level required).
- * Strategic tourism locations or activity locations (to also be assessed by a State Government tourism committee, allocation of sufficient resources and establishment of a framework at the State level required).
- * Non-strategic tourist zoned land suitable for tourist development.

The TPTR also recommends that tourism land across the State that is not strategic be zoned such that residential or unrestricted stay development is either prohibited (which is already the case in the Shire of Busselton) or limited to a maximum of 25% of the accommodation on a given site.

The draft LTPS proposed classification of tourist accommodation sites as follows:

- * Strategic tourism sites and precincts of State significance (to be retained for tourism only purposes).
- * Strategic tourism sites and precincts of local significance (to be retained for tourism only purposes).
- * Non-strategic tourism sites - retention for tourism only purposes is not in all cases critical and an unrestricted length of stay component of up to 25% may in some circumstances be suitable. An unrestricted stay component would only be considered within townsites or urban areas.
- * `Tourist' zoned land where alternative zonings may be considered.

This report proposes the strategy be changed to classify tourism accommodation sites as follows:

- * Strategic tourism sites and precincts (with those of State significance to be determined by State Government), and where, on tourism zoned land (note that there is some non-tourism zoned land within some of the precincts – such as the Busselton CBD) an unrestricted length of stay component may only be supported where a net tourism benefit can be demonstrated and rezoning of the site is required;
- * Non-strategic tourism sites to be retained for tourism purposes, but for which an unrestricted length of stay component of up to 25% may be supported, subject to the meeting of assessment criteria and the rezoning of the site; and
- * `Tourist' zoned land where alternative zonings may be considered (and which should be considered for introduction in the new town planning scheme).

With respect to the introduction of an unrestricted length of stay component on strategic tourism sites, it is proposed that assessment occur on a case-by-case basis with the primary issue being the demonstration of an overall tourism benefit.

With respect to the introduction of an unrestricted length of stay component on non-strategic tourism sites, the following assessment criteria are proposed –

- a) Up to 25%, with maximum percentage to be determined on a case-by-case basis and subject to adequate addressing of design issues;
- b) Located within an existing urban settlement;
- c) Any unrestricted length of stay component units/development shall be of a design and scale that is subsidiary to the tourism component of the development;
- d) The unrestricted length of stay component having to be completed to the Shire's satisfaction, prior to the occupation of the unrestricted stay component; or
- e) The Shire being satisfied through a legal agreement, bond, bank guarantee, or other legally agreed commitment from the developer to ensure the development will be undertaken and satisfactorily completed;

- f) The Shire being satisfied with the separation of the two uses or the management arrangement to prevent land use conflict;
- g) On all sites, the unrestricted length of stay component being generally located away from the areas of the site providing the highest tourism amenity; and
- h) On coastal sites, the unrestricted length of stay component being generally located in areas further from the coast.

With respect to the introduction of unrestricted length of stay components on either strategic or non-strategic sites, it is envisaged that zoning changes necessary to effect this would be preceded by one-on-one consultation at the initiation of landowners and, in most cases, be introduced as part of the new town planning scheme.

The reason for requiring different zonings to allow for an unrestricted length of stay component is to provide certainty to landowners and to ensure that the valuations, and the resultant land tax and local government rates assessments, for tourism zoned sites are not increased, thereby increasing the pressure for sites to be redeveloped and/or used for unrestricted length of stay purposes. This will be advantageous to owners of sites that do not wish to introduce an unrestricted length of stay component and will assist those sites where development or re-development for tourism purposes only is proposed.

The basis for the proposed classification of tourism sites is that it -

- * Identifies sites that are strategic based on tourism location criteria adopted by TWA and DoP and that have been identified in conjunction with these agencies;
- * Does not pre-empt the State Government determination of sites of State significance; and
- * Allows for greater clarity and flexibility regarding proposed length of stay restrictions, with the aim of making that aspect of the draft strategy more easily understood.

The proposed changes to the strategic sites classifications and the proposed zoning framework (see next section) have resulted in the need to reassess the allocation of sites to the various categories. This reassessment has resulted in some sites in the 'non-strategic sites' category being reallocated to the 'Tourist zoned land where alternative zonings may be considered' category. These changes are set out and explained under the 'Other site specific recommendations' heading below. The proposed strategic sites classifications otherwise reflect the draft LTPS and application of criteria developed by TWA and DoP. A full list of the sites proposed to be allocated to each category is included as part of the officer recommendation.

Proposed zoning framework

The Shire's current town planning scheme contains two tourism related zones – the 'Viticulture and Tourism' and 'Tourist' Zones. The first of these is a rural zone largely unaffected by the recommendations of the draft LTPS and no changes to

the approach set out in the draft LTPS are proposed here. As such it is not discussed further.

The 'Tourist' zone, which applies to most of the sites developed for tourism purposes in the Shire, is an urban zone which allows for the full range of tourist related development, especially accommodation types (i.e. it is a 'generic' tourist zone), but which does not allow for residential development or other forms of accommodation which do not have controls on the maximum length of stay.

The TPTR recommends that some tourism land is removed from generic tourism zones and placed into more specific zones. This is especially the case for 'strategic' caravan park sites – which the TPTR recommends are placed into a 'caravan park' zone to seek to ensure that they continue to provide a similar function to that currently provided. The aim of this is to ensure the continued availability of caravan and camping sites, and other forms of 'low-key' accommodation.

The draft LTPS reflected the TPTR recommendations and proposed to expand the range of urban tourism zones from one to seven. The draft LTPS proposed the creation of the following six new tourism related zones:

- * Caravan Park and Camping Ground;
- * Tourist Cabin and Chalet Park;
- * Hotel;
- * Motel;
- * Tourist Resort; and
- * Tourist/Residential.

Each of these zones was proposed to be differentiated via allowing a different range of development types in each (i.e. largely via the part of the town planning scheme known as the 'zoning table').

Five of the proposed new zones were consistent with those identified in the TPTR. The only further addition was the 'Tourist/Residential' zone. This zone was proposed for the purpose of allowing up to 25% of a tourist lot to be rezoned and subdivided from the parent tourist lot for residential purposes, but allow for the re-introduction of tourism uses at some future time without the need for a further rezoning.

Shire officers have considered the need for all of the proposed zones and suggest they be consolidated, with only two new zones now proposed – 'Caravan Park' and 'Chalet Park', but with the splitting of the existing 'Tourist' zone into two components – 'Tourist A' (which would allow for an unrestricted length of stay component) and 'Tourist B' (which would not allow for an unrestricted length of stay component). It is also proposed that the range of development permissible in each zone be broadened, and that subsidiary controls relating to the permissible mix of accommodation types are introduced to allow for that greater flexibility whilst ensuring that land within the caravan park and chalet park zones is not completely redeveloped for other purposes.

Recommendations in terms of which sites should be included in which zone mostly reflect the draft LTPS, with all proposed changes set out in the following two sections of this report (i.e. 'Rezoning of sites to Caravan Park or Chalet Park zone' and 'Other site specific recommendations'). A full list of the sites proposed to be allocated to each zone is included as part of the officer recommendation.

It is worth noting at this point, however, that a number of pre-conditions are recommended before any sites are rezoned to either the 'caravan park' or 'chalet park' zones – those pre-conditions are set out under the heading 'Rezoning of Sites to Caravan Park or Chalet Park zone'.

Before setting out in more detail how the zones are proposed to be formulated, it is worth briefly setting out why the 'Hotel', 'Motel', 'Tourist Resort' and 'Tourist/Residential' Zones are no longer considered necessary.

With respect to the 'Hotel' and 'Motel' zones, only one site was recommended in the LTPS for rezoning to each - Caves House to the 'Hotel' zone and the Best Western Motel in Dunsborough to the 'Motel' zone. Retention or development of a suitable special purpose zoning is considered more appropriate for both of these sites– in each case this is addressed in more detail under the 'Site Specific Recommendations' heading. Given that no sites are actually proposed to be included in these zones, their inclusion as proposed zones is no longer considered necessary.

With respect to the 'Tourist Resort' zone, there was not seen to be sufficient differentiation between this zone and the 'Tourist' zone to justify a separate zone, and nor was there seen to be a clear case to make such a differentiation. It is recommended that sites previously proposed to be rezoned from 'Tourist' to 'Tourist Resort' are instead included in the 'Tourist A' zone, unless determined otherwise.

With respect to the 'Tourist/Residential' zone, the reformulation of the proposed zoning approach essentially renders the proposed zone redundant.

In addition to the above, it was proposed to introduce a number of new land use definitions in addition to those already in the current TPS. This reflected the TPTR. Some expansion of the range of land use definitions is considered to be necessary to reflect the emergence of new accommodation types, but there is not seen to be any need to include the additional use definition of 'Tourist Cabin', as this is a subset of the use 'Chalet' and there is not seen to be any planning reason to differentiate the two in the Busselton context.

A brief description of the four proposed urban tourism zones is as follows –

- * 'Tourist A' (essentially the current 'Tourist' zone);
- * 'Tourist B' (essentially the current 'Tourist' zone, but with the ability for an unrestricted length of stay component);
- * 'Caravan Park' (which is somewhat more flexible than previously proposed, but sites with this zoning would need to remain predominantly

used for caravan/camping purposes, including retention of a vacant sites component); and

- * 'Chalet Park' (which is also somewhat more flexible than previously proposed, but sites within this zoning would need to remain predominantly used for either chalet or caravan/camping purposes, but without a requirement for a vacant sites component).

These four zones are proposed to be differentiated in two ways – via the zoning table, with different uses being permissible in the different zones, and via subsidiary controls over the mix of accommodation types and strata title subdivision.

The proposed zoning table, identifying urban tourism uses only, relating to the four zones is set out below -

Land Use Type - Recommendations	Tourist A	Tourist B	Caravan Park	Chalet Park
Bed and Breakfast	X	P	AA	AA
Boarding House	AA	AA	AA	AA
Chalet	AA	AA	AA	P
Caravan Park and Camping Grounds	AA	AA	P	P
Guesthouse	AA	AA	SA	AA
Hotel	SA	SA	X	X
Motel	AA	AA	X	X
Park Home Park	AA	AA	X	P
Private Hotel	P	P	X	X
Reception Centre	SA	SA	SA	SA
Restaurant	AA	AA	SA	SA
Serviced Apartment	P	P	AA	AA
Tourist Accommodation	AA	AA	AA	AA
Tourist Resort	P	P	X	X

Note that –

- * 'P' means that a use is permitted (this does not mean that an approval is required or that design issues do not need to be addressed, but the Shire cannot determine that the use is inconsistent with the character of the area);
- * 'AA' means that a use may be permitted, at the discretion of the Shire;
- * 'SA' means that a use may be permitted, at the discretion of the Shire, but only following advertising for public comment prior to an application being determined; and
- * 'X' means that a use is prohibited (other than where it is genuinely ancillary to a permissible use, wherein it may be approved at the discretion of the Shire).

The proposed zoning table provides for somewhat more flexibility than what is included in the draft LTPS. For instance, 'Chalet', 'Guesthouse' and 'Restaurant' are proposed to be permissible uses in the 'Caravan Park' zone – whereas they are not proposed to be permissible in that zone in the draft LTPS.

The proposed subsidiary controls over the mix of accommodation types are illustrated in the table below (together with some explanatory notes where what is proposed is a change from current controls and/or the draft LTPS).

Zone	Proposed subsidiary controls over the mix of accommodation types			
	Minimum percentage of accommodation units falling into caravan park or chalet use classes	Minimum percentage of caravan park accommodation units that must be vacant sites and available for the travelling public	Maximum percentage of accommodation units available for unrestricted length of stay (i.e. greater than 3 months by any person in any 12 month period)	Strata title subdivision permissibility
Tourist A	<i>Nil</i>	<i>Nil</i>	<i>Nil.</i>	<i>Permitted, subject to management statement reflecting requirements of the Shire's not town planning scheme.</i>
Tourist B	<i>Nil</i>	<i>Nil</i>	<i>Up to 25% (Note: this is a change from the current town planning scheme, which does not allow any unrestricted stay component, and is a departure from the draft LTPS with respect to strategic sites – in which an unrestricted stay component is not supported in any circumstances)</i>	<i>Permitted, subject to management statement reflecting requirements of the Shire's not town planning scheme.</i>

Zone	Proposed subsidiary controls over the mix of accommodation types			
	Minimum percentage of accommodation units falling into caravan park or chalet use classes	Minimum percentage of caravan park accommodation units that must be vacant sites and available for the travelling public	Maximum percentage of accommodation units available for unrestricted length of stay (i.e. greater than 3 months by any person in any 12 month period)	Strata title subdivision permissibility
Caravan Park	<i>80%, or existing number of units in these use classes (Note: this is not a requirement of the draft LTPS, but is necessary to allow for an increase in the range of permissible uses whilst ensuring that sites remain predominantly low-key caravan/camping or chalet sites)</i>	<i>50%, or existing number of vacant sites if less (Note: this reflects the draft LTPS, but is not a specific requirement of the current town planning scheme – but a proportion of vacant sites is something that officers would normally seek to secure as it reflects current State Government policy. A minimum vacant sites component is needed to differentiate this zone from the ‘Chalet Park’ zone and ensure retention of vacant sites.)</i>	<i>15%, or existing number if greater proportion currently (Note: current TPS does not allow for greater than 15%)</i>	<i>Not permitted.</i>
Chalet Park	<i>80%, or existing number of units in these use classes (Note: this is not a requirement of the draft LTPS, but is necessary to allow for an increase in the range of permissible uses whilst ensuring that sites remain predominantly low-key caravan/camping or chalet sites)</i>	<i>Nil</i>	<i>Nil, or existing number if existing use rights exist.</i>	<i>Not permitted.</i>

It is acknowledged that these proposed subsidiary controls will be a key issue for many during the consultation period and will need to be reviewed following consultation.

The draft LTPS, as considered by the Council in August 2008 recommend a minimum of 50% vacant sites in caravan parks. That figure was identified by the LTPS consultants as being typical of the current composition of caravan parks in the Shire. As previously stated, it is recommended here that the actual figure for any particular site reflect the circumstances of each site (this is discussed in a little more detail in the following section).

Rezoning of sites to `Caravan Park` or `Chalet Park` zone

Probably the most significant impact on landowners that would arise from implementation of the TPTR recommendations is the proposal for caravan and chalet park sites to be zoned for those two purposes. Whilst the changes to the proposed zoning framework may help to reduce some of those impacts, it is acknowledged that a rezoning will still have impacts on landowners (although the extent and nature of those impacts will vary from site to site) and in some cases will be beneficial.

As a result of the further consultation undertaken, a particular approach to effecting any rezonings is therefore proposed to enable the better assessment and management of those impacts. There has also been some reconsideration given to which sites should be included in which zones and some changes proposed relative to the August 2008 draft LTPS.

Further discussion of this issue is set out under three headings –

- * Background: the role of caravan and chalet parks and redevelopment pressures;
- * The rezoning process and incentives for retention of caravan and chalet parks; and
- * Sites proposed to be included in the caravan and chalet park zones.

Background: the role of caravan and chalet parks and redevelopment pressures

Caravan and chalet parks play a critical role in providing for a low-key tourism experience in the Shire of Busselton, contributing toward the broader local economy, forming an important part of the Western Australian tourism experience and economy, and shaping the character of the Shire and the settlements within it.

There has been a steady increase in demand for this type of tourism experience and it is expected that increase will, over the longer term, continue. At the same time, because of population and economic growth in the region and the State as a whole, there have been growing pressures for the redevelopment of these sites for other purposes – particularly for more intensive forms of tourist accommodation (such as serviced apartments) and for residential use.

The Tourism WA (2007) Report `Potential Caravan Park Developments in Regional WA` stated that demand for caravan park accommodation was the fastest growing sector of the tourism industry in Australia (15% over the preceding 5 years). A more recent study entitled Understanding the Caravan Industry in WA forecast demand growth of 12% over the next five years. Retired baby boomers, international backpackers and families are likely to continue to demand the caravan park accommodation experience. Whilst the global financial situation over the last several years has slowed this growth, there is significant evidence that the long-term trend is for growth in demand for caravan park accommodation.

Despite this growth in demand, the Shire of Busselton has lost five caravan parks and 30% of capacity (some 800 caravan sites/beds) over the last 10 years. Additionally, approximately 154 long stay caravan park residents have been required to find alternative accommodation. As caravan parks are zoned 'Tourist' under the Shire's Town Planning Scheme (TPS20), they are permitted to be redeveloped as long as that use is for tourist purposes (and other requirements of the Scheme are addressed). Note that in most cases this was not the case prior to 1999 (when the current town planning scheme was introduced), prior to which most current caravan parks were zoned 'Short Stay – Caravan Park'.

The consultation and research undertaken by officers indicates that some of the issues that are affecting caravan park owners' decisions to opt for redevelopment are:

- * Increasing operating costs are placing a significant burden on operators who are competing in a highly price sensitive market.
- * Significant cost rises have occurred in electricity, water rates, wages, fuel, gas and especially land tax.
- * Absorbing the increasing costs reduces the profit on the business and can make other redevelopment options look more attractive. The Caravan Industry Association of WA (CIAWA) stated that "these businesses need to be profitable to resist the pressure for rezoning and redevelopment".
- * Higher land values, partially driven by the ability to strata subdivide a tourist resort, have increased the likelihood that the land will be redeveloped for other purposes, particularly on the coastal strip between Busselton and Dunsborough, providing a short-term profit to the owner.

The redevelopment of caravan parks for other purposes would not be such a concern if there were comparable, undeveloped sites which could be developed as new tourist parks. There are, however, very few such sites and the economics of developing new caravan parks is in many ways more difficult than the economics of retaining existing ones. On the other hand, though, enough land has been identified for residential purposes to accommodate anticipated population growth for the foreseeable future and the identification of additional land for that purpose, if needed, would not be overly difficult.

The rezoning process and incentives for the retention of caravan and chalet parks

The draft LTPS recommended that a number of sites be included in either the 'Caravan Park' or 'Chalet Park' zone. It did not, however, provide any particular guidance on the process to effect such a zoning change. Its silence on that question effectively implied that such a change should occur as part of the introduction of a new town planning scheme following the Council's adoption of an overall local planning strategy for the Shire.

The draft LTPS also recommended that the Shire request that the State Government provide 100% land tax relief to caravan parks (caravan parks already enjoy 50% land tax relief).

In response to concerns raised during consultation, a modified approach is proposed with respect to the rezoning process and tax incentives – and it is also proposed that links are drawn between the two.

Two additional financial incentives are proposed –

- * A 75% land tax exemption for sites zoned 'Chalet Park' and being used for that purpose (which would be subject of a State Government decision, but which the Shire could advocate); and
- * A 50% rates rebate for sites zoned either 'Caravan Park' or 'Chalet Park' and being used for that purpose (given current rating levels and property valuations, the cost of this would be approximately \$140,000 p.a., but a change in the zoning may reduce the property valuation, so the actual cost of the rebate on its own would be somewhat less than this figure).

It is also recommended that –

- * Unless requested by the owner of any particular site, rezoning of sites to the 'Caravan Park' or 'Chalet Park' zone does not occur until such time as the State Government has made a decision on further land tax relief;
- * That once the State Government has made a decision on further land tax relief, the Council consider initiation of an 'omnibus' amendment to the town planning scheme that would effect the rezoning of the identified sites, but with scope for discussion and negotiation of the detailed planning controls relating to each site as part of the amendment process (i.e. the 80% caravan/chalet and 50% vacant site provisions set out in the proposed zoning framework would be further discussed and negotiated as part of the amendment process);
- * That the Shire bear the costs of the rezoning process (which is already a recommendation of the draft LTPS); and
- * That should the rezoning process not occur until after the introduction of a new town planning scheme, that the sites remain in the 'Tourist A' zone in the interim, but with special provisions to allow for an unrestricted length of stay component consistent with the proposed zoning framework on sites recommended for inclusion in the 'Caravan Park' zone.

Sites proposed to be included in the caravan and chalet park zones

The draft LTPS recommended that 11 sites be included in the 'Caravan Park' zone

–

- * Local Tourism Site 1 – Kookaburra Caravan Park, Reserves 6089, 7885, and 21499, Marine Terrace, Busselton;
- * Local Tourism Site 2 – Amblin Caravan Park, Lot No. 5 Bussell Highway, Broadwater;
- * Local Tourism Site 8 – Yallingup Beach Holiday Park, Lot No. 4567 Valley Road, Yallingup;
- * Local Tourism Site 10 – Caves House Caravan Park, Lot No. 5037, Yallingup Beach Road, Yallingup;
- * Local Tourism Site 15 – Busselton Holiday Village, Lot No. 11, Peel Terrace, Busselton;

- * Local Tourism Site 17 - Beachlands Caravan Park, Lot No. 1-5 Bussell Highway, West Busselton;
- * Local Tourism Site 18 - Mandalay Holiday Resort, Lot No.173 Geographe Bay Road, Broadwater;
- * Local Tourism Site 19 – Lazy Days Caravan Park, Lot No. 13 Bussell Highway, Broadwater;
- * Local Tourism Site 20 – Four Seasons Holiday Resort, Lot No. 33 Caves Road, Marybrook;
- * Local Tourism Site 21 – Sandy Bay Holiday Resort, Lot No. 55 Norman Road, Broadwater; and
- * Local Tourism Site 24 - Peppermint Park Eco-village, Lot No.3 Caves Road, Abbey.

The draft LTPS also recommends that the following 3 sites are included in the 'Chalet Park' zone –

- * Local Tourism Site 3 - Siesta Park Holiday Resort Lot No. 401 Caves Road, Siesta Park;
- * Local Tourism Site 22 – Busselton Villas and Caravan Park, Lot 4, 12, 32 Bussell Highway, West Busselton; and
- * Local Tourism Site 23 – Geographe Bay Holiday Park, Lot No. 64 Bussell Highway, Broadwater.

It is recommended that the number of sites sought to be retained as Caravan Parks through zoning be reduced to 6, but the number to be included as 'Chalet Parks' be increased to 5.

It is proposed that Yallingup Beach Holiday Park (Site 8) and Caves House Caravan Park (Site 10), both of which are owned by the State Government, retain their existing special purpose zonings (which are, in most respects, more restrictive than the proposed 'Caravan Park' zone). It is proposed that the Four Seasons Holiday Resort (Site 20) also retain its current 'Agriculture' plus additional use zoning (which is also, in most respects, more restrictive than the proposed 'Caravan Park' zone and better reflects the significant environmental constraints that would be associated with any significant redevelopment of this site).

It is also proposed that Busselton Holiday Village (Site 15) and Sandy Bay Holiday Resort (21) are identified as being potentially rezoned to 'Chalet Park' rather than 'Caravan Park'. This reflects that the fact that the predominant use of both sites is already chalet or park home accommodation, and that vacant caravan/camping sites are already only very small components of each site.

Other site specific recommendations

Following additional research and consultation by staff, a number of other changes to site specific recommendations are proposed. The proposed changes are set out and explained below under separate headings relating to strategic tourism sites, strategic tourism precincts and other sites.

Strategic tourism sites

Changes to recommendations relating to strategic tourism sites are proposed as follows –

- * *Local Tourism Site 9 – Caves House, Lot No. 50 Yallingup Beach Road, Yallingup*

The draft LTPS classified the site as a strategic tourism site of State significance and recommended retention of the existing 'Special Purpose' zone or rezoning to 'Hotel' zone.

This report recommends that the proposed zones in the LTPS be consolidated, including deletion of the 'Hotel' zone. Hence, it is recommended that the existing zoning 'Special Purpose – Hotel' be retained. The substantive planning outcome will essentially be the same.

- * *Local Tourism Site 13, Lot No. 9022 Caves Road Dunsborough (1), Lot No. 9022 Clubhouse Road, Dunsborough (2)*

The draft LTPS classified the site as a strategic tourism site of State significance and recommended development be in accordance with the Dunsborough Lakes Development Area Guide Plan (DGP) and, if appropriate, zone the land for 'Tourist Resort' or 'Tourist' and not permit permanent residential development.

Discussions have been held between Shire staff and the owners/proponent regarding potential to consolidate the two sites designated 'Tourist' in the DGP. It has been proposed that the sites be consolidated into a single site fronting Clubhouse Road, with the portion fronting Caves Road being deleted and the land incorporated into the golf course. This proposal is understood to be driven by golf course design and visual amenity issues.

Officers are supportive of the consolidation of the two sites and consider that draft strategy should also indicate support for that proposal.

- * *Local Tourism Site 27, Lot No. 12 Dunn Bay Road, Dunsborough*

The draft LTPS classified the site as a strategic tourism site of local significance and recommended it be rezoned from 'Business' to 'Motel' zone. The site contains the Best Western Dunsborough Motel – with 48, strata titled motel units and a hotel/bar development.

This report recommends that the proposed zones in the LTPS be consolidated, including deletion of the 'Motel' zone. It was also felt that the substantive planning outcome that would be achieved by rezoning to the proposed 'Motel' zone would not be appropriate. Retention of the existing 'Business' zoning is, though, also considered inappropriate.

This site is considered to be a particularly important site for two key reasons -

- it is the only motel/hotel style accommodation in Dunsborough town centre;
- it is a landmark location at the entry to Dunsborough town centre;

The site also has a long history as the site of a hotel (although it is not identified on the Shire's Municipal Heritage Inventory) and is also identified as an Aboriginal heritage site pursuant to the Aboriginal Heritage Act.

It is considered likely that there will be pressure to redevelop the site in the future and that, given the site's characteristics, it would be desirable to retain both an accommodation and a hotel/bar or other public, social space as part of any redevelopment, in addition to any other elements of a potential re-development – such as commercial or residential uses.

The best means of supporting this is considered to be a 'Special Purpose' zone that would allow the full range of uses permissible in both the 'Business' and 'Tourist' zones, but which would require a minimum tourist accommodation component and a hotel/bar or other public, social space as part of any redevelopment. This would provide the owners with greater flexibility than either the current 'Business' or previously proposed 'Motel' zone, whilst also providing positive direction in terms of desirable longer-term re-development of the site.

Strategic tourism precincts

Changes to recommendations relating to strategic tourism precincts are proposed as follows –

* *Renumbering of precincts*

The draft LTPS numbers the strategic tourism precincts as Precincts 29-36. This reflects the fact that the draft contains 28 strategic sites and the precinct numbering continues the site numbering. This is somewhat confusing and it is proposed that Precinct 29 be renumbered Precinct 1 and other precincts are also renumbered accordingly.

* *New precinct: Kookaburra Caravan Park/Marine Terrace*

Kookaburra Caravan Park is Local Tourism Site 1 and extends over three separate, non-contiguous reserves. Adjacent to the sites is other 'Tourist' zoned land, existing tourist developments and other land that, from a locational perspective, would be suitable for tourist development.

It is proposed that an additional strategic tourism precinct be identified in this area, encompassing the three components of the Kookaburra Caravan Park, plus the land in between those components and between Adelaide Street and Marine Terrace. The key implication of this would be potential support for tourism development on non-tourist zoned lots within the precinct, as proposed under the heading 'Additional guidance regarding non-tourism zoned land in strategic tourism precincts' below.

* *New precinct: Port Geographe*

The draft LTPS identified Port Geographe as a strategic tourism site, with four separate components of that strategic site (all of which are currently undeveloped) -

- Lot 9500, which faces the marina, is zoned 'Business' and is proposed to include a mixed use development, including tourist accommodation;

- Lot 9003 (now 3001), to the east of Layman Road, which is currently zoned 'Tourist', but is highly constrained environmentally and the draft LTPS recommended that it be rezoned 'Conservation' and/or subject to a land swap; and
- Lots 590 and 612, also zoned 'Tourist' but which adjoin the coastal reserve, to the north of the marina.

With respect to what is now Lot 3001, this is, in fact, already subject of a land swap agreement between the State and the landowners associated with the Port Geographe development. It is recommended that the draft LTPS be amended to reflect this (which effectively means that the classification of this site is changed from strategic to 'Tourist zoned land where alternative zonings may be considered' classification).

It is also proposed that the broader area between the remaining sites and to the north of the marina be identified as a 'strategic tourism precinct'. The key implication of this would be potential support for tourism development on non-tourist zoned lots within the precinct, as proposed under the heading 'Additional guidance regarding non-tourism zoned land in strategic tourism precincts' below.

* *Local Tourism Precinct 31, Resort Strip Busselton*

The precinct as outlined in the draft LTPS includes four of the six 'Tourist' zoned lots between Harvest and Holgate Roads, Broadwater. Those four sites are Abbey Beach Resort, Broadwater Beach Resort, Bayview Geographe Resort and the former Acacia Caravan Park – all of which are proposed to be zoned 'Tourist Resort' in the draft LTPS. There are, however, several other tourist zoned sites in this area - Grand Mercure Busselton Apartments (previously Broadwater Bungalows), Amblin Caravan Park and, to the east of Holgate Road, Sandy Bay Holiday Resort and Geographe Bay Holiday Park.

Given the preponderance tourism zonings and development in this area, it is proposed that the precinct be expanded to extend from the western boundary of the former Acacia Caravan Park through to Armstrong Road, which is the eastern boundary of Sandy Bay Holiday Resort. This would result in a number of residential and business zoned lots being included within the precinct, allowing tourist uses to be undertaken on those lots, but retaining all existing development potential.

Extension of the precinct would have no substantive planning impact on any of the tourist zoned lots in the precinct and it is recommended that, other than Sandy Bay Holiday Resort (see 'Rezoning of sites to 'Caravan Park' or 'Chalet Park' zone' heading), the zoning recommendations of the draft LTPS are retained.

* *Local Tourism Precinct 35, Dunsborough Resort Strip*

The precinct as outlined in the draft LTPS includes two lots zoned 'Residential R30' containing strata titled residential development. The draft LTPS recommends these lots be zoned 'Tourist Resort'. It is proposed that recommendation be deleted and the lots retain their

existing zoning, albeit subject to special provisions relating to most of the strategic precincts as outlined below.

- * *Additional guidance regarding non-tourism zoned land in strategic tourism precincts*

Most of the strategic tourism precincts contain some land that is not currently zoned 'Tourist'. The zonings that apply to this land (usually 'Residential' or 'Business'), however, are such that many types of tourist accommodation are not permissible. Given that these areas have been identified as strategic tourism precincts, this is considered incongruous.

Whilst rezoning of non-'Tourist' zoned land in these areas to 'Tourist' is not considered necessary or appropriate in all cases, it is considered that the strategy should be broadly supportive of landowner generated tourism development proposals. It is recommended that consideration also be given to applying special provisions or similar to these areas that would permit tourist accommodation uses, over and above the uses permissible under the existing zonings.

Other sites

As set earlier in the Officer Comment section, this report proposes the strategy be changed to classify tourism accommodation sites as follows:

- * Strategic tourism sites and precincts (with those of State significance to be determined by State Government).
- * Non-strategic tourism sites to be retained for tourism purposes.
- * 'Tourist' zoned land where alternative zonings may be considered.

This is a somewhat simplified approach relative to the draft LTPS. In the draft LTPS, the bulk of sites fall into the second of these categories (i.e. 'Non-strategic tourism sites to be retained for tourism purposes').

The bulk of those sites are zoned 'Viticulture and Tourism', which is a rural zoning that allows for a range of tourism activities over and above the normal range of agricultural and other rural activities permissible in other rural zones. There is not seen to be a need to reconsider the extent of the 'Viticulture and Tourism' zone arising from this strategy. This is an issue that will be considered as part of the preparation of the overall local planning strategy and is a matter that parties may wish to make submissions on during the consultation process.

Given the change to the proposed classification and zoning frameworks, as well as the proposed planning direction set out in the draft Local Commercial Planning Strategy (as adopted by the Council and which will shortly be subject of formal public consultation), it was felt that a further assessment of the 'Tourist' zoned land in the non-strategic category should be undertaken (i.e. to determine whether any should be identified as either strategic sites or sites where other zonings should be considered).

In the draft LTPS there are 22 'Tourist' zoned sites in the 'Non-strategic tourism sites to be retained for tourism purposes' and it is recommended that 7 of these be reallocated to the 'Tourist' zoned land where alternative zonings may be

considered' category. It is not proposed that any sites are reallocated to the strategic sites category, although several sites are proposed to be included in new strategic tourism precincts, as set out above.

A description and discussion of the sites affected by proposed changes is set out below –

* *Amaroo Motel (31 Bussell Highway, West Busselton)*

This site is located within the commercial strip along Bussell Highway, to the west of Busselton town centre. Whilst the site serves a valuable tourism function at present, it is not seen as having locational or site characteristics that require its long-term preservation for that purpose. It is, though, considered that it may be suitable for commercial ('Restricted Business' zone) or medium-density residential development over the longer term. It is recommended that the strategy be amended to reflect that.

* *Bay Village Resort, Dunn Bay Centro, 13-21 Dunn Bay Road and 24 Dunn Bay Road, Dunsborough*

These four sites are located along Dunn Bay Road, between Dunsborough town centre and the Dunsborough foreshore. It is considered that mixed commercial/tourist/residential use of this land is the best long-term land-use outcome, providing additional scope for an expansion of commercial floorspace in the Dunsborough town centre, and providing for more effective links between the town centre and foreshore. This is also reflected in the recommendations of the Council endorsed draft local commercial planning strategy (which will shortly be subject of public consultation).

It is recommended that the draft LTPS be modified to support a zoning change to a special purpose zone allowing for the range of uses permissible in the 'Business' zone, but with special provisions requiring that a minimum component of tourist accommodation is provided before residential development can be considered and that any residential use is not located on the ground floor at the street frontage.

* *Lot 203 Bussell Highway, Yalyalup*

This is a large site (24 hectares) located on the southern side of Bussell Highway, immediately to the east of the Yalyalup residential growth area (of which the 'Provence' estate forms the largest component). It is seen as unlikely that demand will exist in the foreseeable future for development of such a large portion of land in this location for exclusively tourism purposes.

It is recommended that the draft LTPS be modified to support rezoning of a portion only of this site to accommodate residential development (including, potentially, residential 'park home park' development), with that to be considered as part of the preparation of the Shire's local settlement planning strategy.

Holiday homes

The draft LTPS recommended the introduction of town planning scheme provisions that would allow for the regulation, rather than the prohibition, of holiday homes in residential areas. This was inconsistent with a town planning scheme amendment previously initiated by the Council (Amendment 46), which would have removed the prohibition, but not provided for the regulation, of holiday homes in residential areas (i.e. it would have the effect that holiday homes did not require any approval). At the time the draft LTPS was previously presented to the Council the Minister for Planning had not made a decision on Amendment 46.

The WAPC has, however, recently released *Planning Bulletin 99 Holiday Homes Guidelines*. The bulletin recommends an approach to the regulation of holiday homes generally consistent with the draft LTPS. The Minister for Planning has also recently determined Amendment 46, asking that the Council consider modifying the amendment to be consistent with the bulletin. A separate report on this matter will be presented to the Council over the next several months. It is envisaged that addressing all of the issues set out in the Minister's decision will involve further consultation focused on the holiday homes issue.

It is recommended that the draft strategy be modified to reflect the current position.

Overflow caravan and camping sites

One of the issues that arose repeatedly during the consultation was the issue of identifying potential 'overflow' sites for caravans and campers during peak tourist periods. This is an issue that has been investigated previously and no suitable sites or business models identified. There is, however, seen as value in exploring the issue further, and involving caravan park proprietors and the Department of Local Government (which is responsible for the caravan parks legislation – which is one of the key potential impediments to development of viable overflow sites). It is proposed that investigations into the issue take place leading up to and during the consultation period, with a report being provided in parallel with the referral of the draft strategy back to the Council for further consideration.

Minor Modifications

A wide range of other minor modifications will need to be made to the draft LTPS to effect the changes described above, as well as any other changes the Council resolves on.

CONCLUSION

It is recommended that a draft LTPS be advertised for consultation purposes, based on the recommendations below and the background material contained in the previous draft (August 2008). This will: allow for broader community consideration; is seen as important to enable the broader scheme review process to progress; and, is potentially the best way of resolving any remaining concerns

that the Council may have. A fully compiled strategy has not been presented for adoption pending the Council endorsement of the direction for the LTPS as reflected in the staff recommendation, or an alternative direction as resolved by the Council. Once compiled the draft LTPS can be referred to the Council for endorsement, or Councillors to review and 'call in', if required prior to advertising. Adoption of the Staff recommendation will result in the draft LTPS being compiled consistent with that recommendation and then advertised in accordance with the process set out in the recommendations. The staff recommendation is drafted on a 'stand alone' basis and contains the full recommendations that would be included in the advertised document.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Adoption of the officer recommendation will result in the consultation period commencing within three months of the meeting.

OFFICER RECOMMENDATION

That the Council -

1. Adopt for consultation purposes a draft *Local Tourism Planning Strategy* as based on the background information and discussion content in the August 2008 draft and including the following:

- A. The replacement of existing recommendations with the following -

Recommendation 1 - Tourism sites classifications

- 1.1 That tourism sites be classified into the following three categories -

- a. Strategic tourism sites;
- b. Non-strategic tourism sites to be retained for tourism purposes; and
- c. 'Tourist' zoned land where alternative zonings may be considered.

- 1.2 That the following sites are identified as strategic tourism sites -

[Site 1 – Kookaburra Caravan Park, Reserves 6089, 7885 and 21499, Marine Terrace, Busselton](#)

[Site 2 – Lot 5 Bussell Highway, Broadwater](#)

[Site 3 – Lot 401 Caves Road, Siesta Park.](#)

[Site 4 – Lots 590 and 612 Spinnaker Road and Lot 9500 Port Lane, Geographe](#)

[Site 5 – Lot 110 Bussell Highway, Broadwater.](#)

[Site 6 – Reserve 32275 Bussell Highway, West Busselton](#)

[Site 7 – Lot 202 Bunker Bay Road, Naturaliste.](#)

[Site 8 – Lot 4567 Valley Road, Yallingup](#)

[Site 9 – Lot 50 Yallingup Beach Road, Yallingup](#)
[Site 10 – Lot 5037 Yallingup Beach Road, Yallingup](#)
[Site 11 - Lot 5303 Caves Road, Siesta Park](#)
[Site 12 – Lot 41 Geographe Bay Road, Quindalup](#)
[Site 13 – Lot 9022 Caves Road/Clubhouse Road, Dunsborough](#)
[Site 14 - Lot 38 Marine Terrace, Geographe.](#)
[Site 15 - Lot 11 Peel Terrace, Busselton.](#)
[Site 16 – Lot 7 Causeway Road, Busselton](#)
[Site 17 – Lot 1 & 5 Bussell Highway, West Busselton](#)
[Site 18 – Lot 173 Geographe Bay Road, Broadwater](#)
[Site 19 – Lot 13 Bussell Highway, Broadwater](#)
[Site 20 - Lot 33 Caves Road, Marybrook](#)
[Site 21 – Lot 55 Norman Road, Broadwater](#)
[Site 22 – Lot 4, 12, 32 Bussell Highway, West Busselton](#)
[Site 23 – Lot 64 Bussell Highway, Broadwater](#)
[Site 24 – Lot 3 Caves Road, Abbey](#)
[Site 25 – Lots 6 & 8 Causeway Road, Busselton](#)
[Site 26 – Lot 1 Caves Road, Marybrook](#)
[Site 27 – Lot 12 Dunn Bay Road, Dunsborough](#)
[Site 28 – Lot 500 Valley Road, Yallingup](#)

1.3 That the following sites are identified as non-strategic tourism sites to be retained for tourism purposes -

All sites currently zoned 'Viticulture and Tourism', or with additional use rights allowing for tourism development

Banyula Plants and Banamah, Lot 111 Caves Road, Dunsborough

Bayshore Beachside Resort, Lot 59, Geographe Bay Road, Quindalup

Broadwater Bungalows Resort, Lot 2 Bussell Highway, Broadwater

Busselton Jetty Chalets, Lots 1, 3, 240 and 24, Carey Street, Busselton

Country Life Farm, Lot 4, Caves Road, Dunsborough

Dunsborough Beach Lodge Backpackers, Lot 112, Dunn Bay Road, Dunsborough

Dunsborough Seaside Villas, Lot 400 Marshall Street, Quindalup

Forte Cape-View Apartments, Lots 1000 and 1001, Little Colin Street, Broadwater

Lot 6 Bussell Highway, Abbey

Newton House & Occy's Brewery, Lot 11 Bussell Highway, Abbey

Lot 30 Cookworthy Road, Broadwater

Lot 502 (394-398), Bussell Highway, Broadwater

Lot 48 (26) Causeway Road, Busselton

Lot 1 (1652) Caves Road, Dunsborough

Lot 200 (1676) Caves Road, Dunsborough

Lot 9015, Leslie Pearce Court, Dunsborough

Lot 239 (90) Marine Terrace, Busselton

Lot 25 (14) Vines Street, Busselton

White Sands Holiday Villas, Lot 55 Geographe Bay Road, Quindalup

Yallingup Beach Resort, Lot 18 Valley Road, Yallingup

- 1.4 That the following sites are identified as 'Tourist' zoned land where alternative zonings may be considered -

Lots 48 and 49, Causeway Road, Busselton
 Motel Busselton, Lot 35 Bussell Highway, Busselton
 Amalfi Resort, Lot 3 Earnshaw Road, West Busselton
 Restawhile Motel, Lot 256, Bussell Highway, Broadwater
 Blue Bay Apartments, Lot 1 Adelaide Street, Busselton
 Lot 3001, Layman Road, Geographe
 Amaroo Motel, Lot 79, Bussell Highway, West Busselton
 Bay Village Resort, Lot 200, Dunn Bay Road, Dunsborough
 Dunn Bay Centro, Lot 510 Dunn Bay Road, Dunsborough
 Lots 108-112 (13-21) Dunn Bay Road, Dunsborough
 Lot 220 (24) Dunn Bay Road, Dunsborough
 Lot 203 Bussell Highway, Yalyalup

Recommendation 2 – Strategic tourism precincts

- 2.1 Apply special provisions to land within strategic tourism precincts to ensure that tourist accommodation development is permissible and generally support proposals to rezone land to support tourism development, where it is consistent with the broader planning framework.
- 2.2 That strategic tourism precincts and associated policy directions are identified as follows -

Precinct	Land description	Policy direction
Precinct 1 – Busselton Central Business District	Area bound by Peel Terrace, West Street, Brown Street and Marine Terrace.	<p>a. Develop a policy to guide the introduction of medium to high density 1 and 2 bedroom flats/units, studio and bedsit apartments, tourist accommodation and mixed use development into the Busselton Town Centre Guide Plan 2004 and referenced in the Scheme and Policy for this Precinct.</p> <p>b. Either through a Town Centre Plan Policy or by rezoning to Special Use zone, ensure that existing hotels are retained or that any proposed change will be subject to a change in zoning or policy.</p> <p>c. Identify the areas within this Precinct where three to four storey development is to be permitted.</p> <p>d. Maintain and improve connectivity and visual linkages to the foreshore and jetty.</p> <p>e. Develop guidelines to utilise the rear lanes as access for parking and services while seeking to activate development frontages onto the rear laneways. Where they do not exist, seek to develop a rear laneway system as part of redevelopment.</p> <p>f. Encourage entertainment such as bars, restaurants, cafés, nightclubs, etc. into the CBD and investigate reciprocal parking policies and other means of reducing the cost of providing parking to assist the financial viability of further development.</p>

Precinct	Land description	Policy direction
Precinct 2 – Busselton Foreshore and Jetty	Area north of Marine Terrace, between Brown and West Streets.	<ul style="list-style-type: none"> a. Subject to the outcome of the concept planning being undertaken for this area, through the Busselton Foreshore Working Group, investigate the potential to provide a site for a Resort Hotel within the Foreshore Precinct on under-utilised land with the intention of creating a landmark building complementary to the site and surrounding uses. Consider development for this site of up to 5 storeys where a viewing area and restaurant could be developed. b. Continue to have an entertainment and recreational focus on this area. c. Maintain and improve connectivity and visual linkages to the town centre.
Precinct 3 – Resort Strip Busselton	Area north of Caves Road, between Holgate Road and western boundary of former Acacia Caravan Park.	See 2.1
Precinct 4 - Smiths Beach	Location 364 and Lot 413 Smiths Beach Road, Yallingup.	Ensure that future development is designed and located consistent with the Leeuwin-Naturaliste Ridge Statement of Planning Policy and Scheme requirements.
Precinct 5 – Gifford Road/Old Dunsborough and Foreshore	Gifford Road/Old Dunsborough and Foreshore, coast side of Gifford Road Dunsborough.	<ul style="list-style-type: none"> a. Allow residential dwellings to be used as holiday homes but maintain the existing residential character of the town and foreshore, i.e. Retain the `Residential R20' or `R30' zone. Group housing residential proposals would be assessed on their merits. b. Proposed rezoning to `Tourist' zone may be supported particularly within or adjacent to Precinct 6.
Precinct 6 – Dunn Bay Road and Foreshore	Dunsborough town centre, either side of Dunn Bay Road from Cape Naturaliste Road to Geographe Bay Road.	<ul style="list-style-type: none"> a. Encourage the development of tourism uses and mixed use development in the town centre. b. Develop a policy and adapt the Townscape Plan to encourage the development of 1 and 2 bedroom flats for staff and other young workers. c. Ensure that the commercial floor space requirements as per the Shire of Busselton Local Commercial Planning Strategy (when endorsed) is addressed as a primary consideration and no accommodation be allowed at ground floor level fronting Dunn Bay Road.

Precinct	Land description	Policy direction
Precinct 7 – Dunsborough Resort Strip	Lot 1 Lecaille Court, Dunsborough Currently Clearwater, 2 Lecaille Court Dunsborough Lot 2 Lecaille Court, Dunsborough Currently Waterfront Dunsborough, 4 Lecaille Court, Dunsborough Lot 3 Lecaille Court, Dunsborough Currently Whalers Cove Villas, 3 Lecaille Court, Dunsborough Lot 4 Lecaille Court, Dunsborough. Currently Bridges Retreat, 1 Lecaille Court, Dunsborough Lot 5 Gifford Road, Dunsborough. Currently Dunsborough Beach Cottages, 95 Gifford Road, Dunsborough. Lot 6 Gifford Road, Dunsborough. Currently Halcyon Bay, 89 Gifford Road, Dunsborough Lot 7 Gifford Road, Dunsborough. Currently Geographe Cove Resort, 87 Gifford Road, Dunsborough. Lot 500 Gifford Road, Dunsborough Currently Regency Beach Club, 77 Gifford Road, Dunsborough	See 2.1
Precinct 8 – Yallingup	Yallingup townsite.	All tourist zoned land used for tourist purposes within the locality of Yallingup to remain zoned `Tourist` except for Lot 5 Elsegood Avenue and Lot 21 Dawson Drive. These two lots to be rezoned to residential to reflect their current use and separation from the existing tourist facility.

Precinct	Land description	Policy direction
Precinct 9 – Kookaburra Caravan Park/Marine Terrace	<u>Kookaburra Caravan Park, Reserves 6089, 7885 and 21499, Marine Terrace, Busselton, and the land between those sites between Adelaide Street and Marine Terrace</u>	See 2.1
Precinct 10 – Port Geographe	<u>Lots 590 and 612 Spinnaker Road and Lot 9500 Port Lane, Geographe, and the land between these sites</u>	See 2.1

Recommendation 3 - Zoning framework

- 3.1 That the existing 'Viticulture and Tourism' zone is retained in the new town planning scheme.
- 3.2 That the existing 'Tourist' zone is replaced by the following urban tourism zones in the new town planning scheme -
 - a. Tourist A
 - b. Tourist B
 - c. Caravan Park
 - d. Chalet Park
- 3.3 The Council supports and/or requests State Government support for, as appropriate, financial incentives for retention of caravan and chalet parks as follows -
 - a. 100% land tax exemption for caravan parks zoned such that the caravan park use must be maintained and the caravan park must remain available for tourist use;
 - b. A 75% land tax exemption for chalet parks zoned such that the chalet park use must be maintained and the chalet park must remain available for tourist use ; and
 - c. A 50% rates rebate for sites zoned either 'Caravan Park' or 'Chalet Park' and being used for that purpose and available for tourist use.

3.4 The zoning table for the proposed urban tourism zones to be as follows -

Land Use Type - Recommendations	Tourist A	Tourist B	Caravan Park	Chalet Park
Bed and Breakfast	X	P	AA	AA
Boarding House	AA	AA	AA	AA
Chalet	AA	AA	AA	P
Caravan Park and Camping Grounds	AA	AA	P	P
Guesthouse	AA	AA	SA	AA
Hotel	SA	SA	X	X
Motel	AA	AA	X	X
Park Home Park	AA	AA	X	P
Private Hotel	P	P	X	X
Reception Centre	SA	SA	SA	SA
Restaurant	AA	AA	SA	SA
Serviced Apartment	P	P	AA	AA
Tourist Accommodation	AA	AA	AA	AA
Tourist Resort	P	P	X	X

3.5 The following subsidiary controls are also to apply to the zones -

Proposed subsidiary controls over the mix of accommodation types

Zone	Minimum percentage of accommodation units falling into caravan park or chalet use classes	Minimum percentage of caravan park accommodation units that must be vacant sites and available for the travelling public	Maximum percentage of accommodation units available for unrestricted length of stay (i.e. greater than 3 months by any person in any 12 month period)	Strata title subdivision permissibility
Tourist A	<i>Nil</i>	<i>Nil</i>	<i>Nil.</i>	<i>Permitted, subject to management statement reflecting requirements of the Shire's not town planning scheme.</i>
Tourist B	<i>Nil</i>	<i>Nil</i>	<i>Up to 25%</i>	<i>Permitted, subject to management statement reflecting requirements of the Shire's not town planning scheme.</i>

Proposed subsidiary controls over the mix of accommodation types

Zone	Minimum percentage of accommodation units falling into caravan park or chalet use classes	Minimum percentage of caravan park accommodation units that must be vacant sites and available for the travelling public	Maximum percentage of accommodation units available for unrestricted length of stay (i.e. greater than 3 months by any person in any 12 month period)	Strata title subdivision permissibility
Caravan Park	<i>80%, or existing number of units in these use classes</i>	<i>50%, or existing number of vacant sites if less</i>	<i>15%, or existing number if greater proportion currently</i>	<i>Not permitted.</i>
Chalet Park	<i>80%, or existing number of units in these use classes</i>	<i>Nil</i>	<i>Nil, or existing number if existing use rights exist.</i>	<i>Not permitted.</i>

3.6 Consideration of the rezoning of sites to the 'Caravan Park' and 'Chalet Park' zones shall occur as follows -

- a. Unless requested by the owner of any particular site, rezoning of sites to the 'Caravan Park' or 'Chalet Park' zone does not occur until such time as the State Government has made a decision on further land tax relief;
- b. That once the State Government has made a decision on further land tax relief, the Council consider initiation of an 'omnibus' amendment to the town planning scheme that would effect the rezoning of the identified sites, but with scope for discussion and negotiation of the detailed planning controls relating to each site as part of the amendment process
- c. That the Shire bear the costs of the rezoning process; and
- d. That should the rezoning process not occur until after the introduction of a new town planning scheme, that the sites remain in the 'Tourist A' zone in the interim, but with special provisions to allow for an unrestricted length of stay component consistent with the proposed zoning framework on sites recommended for inclusion in the 'Caravan Park' zone.

3.7 Consideration of rezoning of sites to 'Tourist B' or to otherwise allow an unrestricted length of stay component outside the 'Caravan Park zone shall occur as follows -

- a. Not supported for land identified as being considered for inclusion in the 'Chalet Park' zone;

- b. With respect to other strategic tourism sites, to be assessed occur on a case-by-case basis and only supported where a net tourism benefit can be demonstrated; and
- c. With respect to other non-strategic sites, supported, subject to assessment against the following criteria –
 - i) Up to 25%, with maximum percentage to be determined on a case-by-case basis and subject to adequate addressing of design issues;
 - ii) Located within an existing urban settlement;
 - iii) Any unrestricted length of stay component units/development shall be of a design and scale that is subsidiary to the tourism component of the development;
 - iv) The unrestricted length of stay component having to be completed to the Shire's satisfaction, prior to the occupation of the unrestricted stay component; or
 - v) The Shire being satisfied through a legal agreement, bond, bank guarantee, or other legally agreed commitment from the developer to ensure the development will be undertaken and satisfactorily completed;
 - vi) The Shire being satisfied with the separation of the two uses or the management arrangement to prevent land use conflict;
 - vii) On all sites, the unrestricted length of stay component being generally located away from the areas of the site providing the highest tourism amenity; and
 - viii) On coastal sites, the unrestricted length of stay component being generally located in areas further from the coast.

3.8 The following sites shall be considered for inclusion in the 'Caravan park' zone -

- a. Local Tourism Site 1 – Kookaburra Caravan Park, Reserves 6089, 7885, and 21499, Marine Terrace, Busselton;
- b. Local Tourism Site 2 – Amblin Caravan Park, Lot No. 5 Bussell Highway, Broadwater;

- c. Local Tourism Site 17 - Beachlands Caravan Park, Lot No. 1-5 Bussell Highway, West Busselton;
 - d. Local Tourism Site 18 - Mandalay Holiday Resort, Lot No.173 Geographe Bay Road, Broadwater;
 - e. Local Tourism Site 19 – Lazy Days Caravan Park, Lot No. 13 Bussell Highway, Broadwater; and
 - f. Local Tourism Site 24 - Peppermint Park Eco-village, Lot No.3 Caves Road, Abbey.
- 3.9 The following sites shall be considered for inclusion in the 'Caravan park' zone -
- a. Local Tourism Site 3 - Siesta Park Holiday Resort Lot No. 401 Caves Road, Siesta Park;
 - b. Local Tourism Site 22 – Busselton Villas and Caravan Park, Lot 4, 12, 32 Bussell Highway, West Busselton;
 - c. Local Tourism Site 23 – Geographe Bay Holiday Park, Lot No. 64 Bussell Highway, Broadwater;
 - d. Local Tourism Site 21 – Sandy Bay Holiday Resort, Lot No. 55 Norman Road, Broadwater; and
 - e. Local Tourism Site 15 – Busselton Holiday Village, Lot No. 11, Peel Terrace, Busselton;
- 3.10 All other sites currently zoned 'Tourist' shall be zoned 'Tourist A', unless determined otherwise.
- 3.11 All other sites zoned to accommodate tourist development shall retain their existing zonings, unless subject of site specific recommendations below.

Recommendation 4 - Site specific recommendations

Recommendations are made with respect to specific sites as follows -

Site	Recommendations
<u>Lot 9022 Caves Road/Clubhouse Road, Dunsborough</u>	Support consolidation of two portions of this site to the southern area fronting Clubhouse Road.
<u>Lot 12 Dunn Bay Road, Dunsborough</u>	Include in special purpose zone to allow for the full range of uses permissible in 'Business' and 'Tourist' zones, but requiring a minimum tourist accommodation component and hotel/bar or other public, social space as part of any redevelopment.

- Amaroo Motel (31 Bussell Highway, West Busselton) Support rezoning to 'Restricted Business' and/or medium density residential.
- Bay Village Resort, Dunn Bay Centro, 13-21 Dunn Bay Road and 24 Dunn Bay Road, Dunsborough Rezone to special purpose zone allowing for the range of uses permissible in the 'Business' zone, but with special provisions requiring that a minimum component of tourist accommodation is provided before residential development can be considered.
- Lot 203 Bussell Highway, Yalyalup Support rezoning of portion of this site to accommodate residential development (including, potentially, residential 'park home park' development), with that to be considered as part of the preparation of the Shire's local settlement planning strategy.
- Current Busselton Hospital Site A decision has been made by the current State Government to retain the site for use as a hospital. Should a future State Government determine that the site not be used for the purpose of hospital then it is recommended that a concept plan be prepared with agreement sought for the site to include a suitable area to be vested in Council (with the power to lease) for 'Caravan Park' and another area for 'Chalet Park' zone and when appropriate rezone the land accordingly.
The proposed use of the balance of the site should be compatible with the two zones. The development must protect the existing landscape values, primarily the parkland cleared Peppermint trees.
The tourism development should not include permanent residential uses.
- Locke Estate *Await the outcome of the current Study on the future of this area, however the preferred uses should consider the following:*
- a. *maintaining Crown ownership of the land;*
 - b. *ensuring the use is aimed at lower cost budget accommodation, family accommodation and facilities for social, charitable, service and other groups;*
 - c. *set aside at least one site (area to be determined) for 'Caravan Park' zone if it does not remain Reserve; and*
 - d. *zone the land in a manner which reflects the agreed use.*

Recommendation 5 – Tourism in rural areas

- 5.1 Provide opportunities for and encourage innovative design and construction of low impact tourism facilities in accordance with Scheme provisions, in a range of locations including the rural area (subject to planning to avoid land use conflict) incorporating best management and environmental sustainability practices.
- 5.2 Retain the Rural Tourist Accommodation Policy and request Tourism Western Australia (TWA) to investigate options and requirements to progress opportunities to allow rural landowners

to provide for up to 10 caravan and camping sites as an alternative to chalets.

- 5.3 The following guidelines are proposed to establish/reinforce the threshold for rezoning in the agricultural zone for tourist development unless otherwise determined by the Shire:
- a. if more than 10 accommodation units or 20 beds are proposed;
 - b. if subdivision and strata-titling are proposed;
 - c. if the economic return from the tourism activity is likely to be more than agriculture;
 - d. where more than 10 staff are employed at the one time; and/or
 - e. where special management practices will be required to protect surrounding agricultural activity.

Recommendation 6 – Assessment of tourism development proposals

That Council will use the above (recommendation 5) in relation to assessment criteria/planning and design principles when assessing planning applications, scheme amendments and/or subdivision applications in respect to tourist development, and including:

- a. That the Assessment Criteria and Conditions for strata-titled tourist facilities in the Tourism Planning Taskforce Report (Appendix 1) be considered for adoption as Council Policy; and
- b. That self-contained tourist accommodation (including serviced apartments) on tourist zoned land located within existing urban settlement, generally be developed to a maximum average unit yield of 40 per hectare and that non self-contained tourist accommodation (such as hotel or motel rooms) on tourist zoned land located within an existing urban settlement, be developed to a maximum average unit yield of 80 units per hectare.

Recommendation 7 – Tourism on Crown land

- 7.1 Investigate existing Crown land including National Parks where the location and site may be suitable for tourism purposes and if appropriate seek to provide for leasehold tourism.
- 7.2 Retain leases on Crown Land for caravan parks, camping grounds, cabin and chalet developments wherever possible while there remains a demand for these forms of tourist accommodation.

Recommendation 8 - Holiday Homes

Respond to direction from the Minister for Planning on holiday homes as part of a separate process, including via separate consultation on that issue.

B. Modifications to the strategy content to reflect and ensure consistency with the recommendations outlined above.

2. Direct that advertising of the draft strategy for consultation -
 - a. is for a minimum period of 60 days;
 - b. commences at the end of January, 2010.
 - c. includes two community information sessions during the 60 day advertising period;
 - d. includes letters being sent to the owners of all 'tourist' zoned sites in the current scheme and all other sites potentially directly affected by recommendations of the strategy.
3. Direct that the Chief Executive Officer ensure that further investigations are undertaken into the potential development of 'overflow' sites for caravans and campers during peak tourist periods. These investigations should involve liaison with caravan park proprietors and the Department of Local Government and a report on the outcomes of those investigations shall be provided in parallel with the referral of the draft strategy back to the Council for further consideration.

13.4 PROPOSED DEVELOPMENT GUIDE PLAN - PT LOT 4208, BIDDLE ROAD, QUINDALUP - ADOPTION FOR FINAL APPROVAL

SUBJECT INDEX:	Development Guide Plans
APPLICATION NUMBER:	4674
STRATEGIC INITIATIVE:	2.4 Review Town Planning to reflect emerging diversity whilst retaining identity and character.
BUSINESS UNIT:	Strategic Planning and Sustainability
SERVICE:	Strategic Land Use Planning
DATE OF COMPLETION:	30 December 2009
VOTING REQUIREMENT:	Simple
PROPOSAL:	Development guide plan to facilitate the dissolution of the existing 56 lot strata title subdivision and the re-subdivision of the land into 72 freehold title lots.
LOT SIZE:	144.0864ha
ZONE:	Rural Residential, with additional use designation (A37) over portions of the site (allowing for 'Guesthouse', 'Private Recreation', 'Arts and Crafts Studio, Workshop and Sales' and 'Permaculture Education and Display' as additional uses)
POLICIES:	<i>WAPC SPP 6.1 - Leeuwin-Naturaliste Ridge Policy</i> <i>Local Rural Planning Strategy</i> <i>Commonage Consolidated Structure Plan</i> <i>Rural Tourist Accommodation Policy</i>
ATTACHMENT(S):	A. Location Plan B. Draft Development Guide Plan C. Commonage Consolidated Structure Plan D. Schedule of Submissions

PRÉCIS

The Council is asked to consider for final adoption a revised Development Guide Plan (DGP) relating to Pt Lot 4208, Biddle Road, Quindalup (the 'site' that has been known as 'Rosneath Farm') to facilitate the dissolution of the existing 56 lot strata title subdivision and the re-subdivision of the land into 72 freehold title lots.

The draft DGP was advertised for a period of 42 days. A number of submissions were received from the public and government agencies and a number of changes are recommended as a result of the comments received and further consideration by officers.

The proposal is considered to be generally consistent with the relevant planning framework and it is therefore recommended that the proposal is supported, subject to certain conditions.

PROPOSAL / BACKGROUND

At its meeting of 25 February 2009, the Council considered a proposed Scheme amendment and development guide plan relating to the site and resolved, in summary, to -

- * Adopt a Development Guide Plan (DGP) for consultation purposes.
- * Initiate an amendment to the Scheme to modify additional use designations relating to the site and reflecting the draft DGP.

It should be noted that amendment documentation sufficient to allow referral of the amendment to the Environmental Protection Authority (EPA) have not yet been provided and, as such, public consultation regarding the amendment has not yet occurred.

The report presented to the 25 February meeting outlined the background of the existing Rosneath Farm development, its location, a description of the site and its setting in the Commonage area, which included a discussion on surrounding land use.

A location plan is appended to the report as Attachment A.

As previously noted, the original proposals considered by the Council consisted of two interrelated elements. Given that the draft amendment has not been progressed any further, this report only addresses matters in relation to the draft DGP.

The adopted draft DGP provided for the following -

1. The dissolution of the existing 56 lot strata title and the re-subdivision of the land into 72 freehold title lots;
2. Three larger lots of approximately 11.2, 13.8 and 22 hectares respectively, 52 lots between 1 and 2 hectares in area, 17 lots between 5,000m² and 1 hectare in area, and 3 lots between 3,000m² and 5,000m² in area;
3. A new road access from Biddle Road running north-south through the site almost to the southern boundary, where it connects with an east-west road that runs almost the width of the site;
4. Several *culs-de-sac* and a loop road off the main north-south and east-west roads;
5. Two roads providing for potential future access through to the existing rural-residential area to the west, one alongside the southern boundary potentially connecting to Sheoak Drive via the 'Rural Service/Community Centre and Fire Station' site shown on the *Commonage Consolidated Structure Plan*, and a second connecting to Sonning Loop via McLachlan Road;

6. Building exclusion areas over significant areas of remnant vegetation and revegetation areas along creek-lines, linking existing areas of remnant vegetation and to provide an enhanced visual buffer to Biddle Road;
7. Pedestrian access ways/strategic firebreaks to link into adjoining land and connect *culs-de-sac* within the site itself; and
8. Conditions to provide for revised setback requirements and crossover arrangements to suit particular lot layouts.

In response to the outcome of the consultation process, the proponent, following further discussion with staff and some consultees (in particular the Department of Environment and Conservation), is proposing a number of minor modifications to the draft DGP. A copy of the revised draft DGP is included as Attachment B.

The modifications are mostly with respect to the internal lot configuration, lot access and road layout. The key changes are –

- * Improved and relocated access for proposed lots 8 and 72 to remove the need to obtain a shared access through the creek line and revegetation area fronting the lots.
- * Simplifying access arrangements for the lots in the far northern areas of the DGP.
- * A re-configuration of proposed lot 63 for environmental considerations following consultation with the Department of Environment and Conservation (DEC).
- * The revegetation buffers along the creek line areas have been linked around the western portion of the dam to provide for improved dam health, reduce erosion of the embankment area and to facilitate the movement of fauna on the site. This aspect was also identified by DEC.
- * The pedestrian access way (PAW) which originally featured on the northern side of the southern east-west road has been relocated to its southern side. This represents a significant improvement from a safety perspective (reduced number of road crossings) and provides for improved connectivity with the adjoining PAW from the east.
- * A modification to the original draft with respect to the central east-west link road to McLachlan Road to include the creation of a road reserve with a requirement for only a PAW and emergency access to be constructed. This modification was in response to the number of submissions received in relation to this particular design outcome of the DGP.

A number of additional conditions have also been included on the DGP to provide direction to future subdivision and development of the site. These provide for –

- * An investigation for the provision for the location of a dual use path along the Biddle Road frontage. Its origin derives from the working draft Commonage Implementation Policy - Cycle Path Plan, which is to be submitted to the Council for adoption for consideration in the near future.

- * The Development Guide Plan is to be read in conjunction with both the Western Ringtail Possum Mitigation Plan and the Western Grey Kangaroo Management Plan.
- * Lots 1 and 63 to be investigated for suitability and inclusion in the covenanting program of either the Department of Environment and Conservation or the National Trust of Australia (WA) prior to subdivision clearance stage.

The Fire Management Plan (FMP) has been reviewed with all other DGP modifications effected in accordance with the previous resolution. The revised FMP has been referred to and endorsed by FESA.

The modified DGP was referred to DEC which has indicated that it is now satisfied with the proposal.

A Local Water Management Strategy (LWMS) is required at this stage as part of the State Government's water planning framework. A draft strategy has been submitted to the Department of Water (DoW) with a number of outstanding issues needing to be addressed. Officers are, however, comfortable that all outstanding issues will be able to be addressed without any change to the DGP layout or conditions. A condition requiring the LWMS to be endorsed by the DoW prior to the matter being referred to the WAPC is, however, included as part of the officer recommendation.

STATEMENT OF IMPACT

The proposed DGP will allow for the dissolution of the current 56 lot strata title subdivision and the re-subdivision of the land into 72 freehold lots.

The applicant has submitted the proposal for the Shire's consideration and it is therefore assumed that they consider that the proposal will have a net benefit in terms of their objectives for the land. Officers are recommending support for the proposal as currently presented, subject to certain conditions, as detailed under 'Officer Comment'. The conditions recommended by officers are likely to have a minor impact on the proposal only, but are considered to be required in the context of the planning framework as it relates to the land.

CONSULTATION

Advertising of the draft DGP occurred in accordance with the previous Council resolution for a period of 42 days pursuant to clause 25 of the Scheme.

The DGP was advertised in the local newspaper, on the Shire's website and made available for inspection at the Shire office and libraries. The matter was also referred to nearby landowners, government agencies and utility companies with an interest in the matter.

The main substantive issues raised through the consultation process were:

- * Road connections to Biddle Road, Sonning Loop and Sheoak Drive.

- * Proposed lot sizes, especially the smaller lots proposed along the southern boundary.

The issues highlighted above received the majority of the consultation interest. A complete list of submissions is contained in a schedule of submissions appended to the report (Attachment D).

Those issues considered to require specific officer comment are outlined and discussed in the Officer Recommendation section of the report.

STATUTORY ENVIRONMENT

The key elements of the statutory environment in relation to the DGP proposal were presented in the original planning report and are:

- * *Shire of Busselton District Town Planning Scheme No. 20 ('the Scheme')* and the
- * *Strata Titles Act 1995.*

The Scheme identifies the subject land as being within the 'Rural Residential' Zone. Portions of the subject land are also identified as part of additional use site A37 identified in Schedule 4 of the Scheme. The affected portions are in the north-western corner and east-central part of the site. No change has occurred in the statutory environment since the adoption of the draft DGP for consultation purposes.

POLICY IMPLICATIONS

An overview was presented in the original planning report on the key policy implications for the proposal, which is outlined in following policy documents -

1. *Western Australian Planning Commission State Planning Policy 6.1 - Leeuwin-Naturaliste Ridge Policy;*
2. *Shire of Busselton Local Rural Planning Strategy;* and
3. *Commonage Consolidated Structure Plan;*

A detailed review is not considered necessary with respect to the first two policy documents. Critical elements from the Commonage Consolidated Structure Plan (CCSP) highlighted in the original report may also need to be briefly revisited given the issue raised as part of the consultation process.

Commonage Consolidated Structure Plan (CCSP)

The CCSP has been endorsed by the Shire of Busselton and the WAPC as a guide to planning and development within the 'Commonage' area. A copy of the CCSP Plan is included as Attachment C.

The subject land is identified as being part of the 'Cluster Precinct' on the CCSP Plan. The additional details on the Plan with respect to the site reflect the existing strata title subdivision pattern. The CCSP Plan contains a number of notations particularly relevant to consideration of the current proposal – in particular -

- * Average lot size of 3 hectares within the Cluster Precinct (which was consistent with the then current Rural Strategy). It also provides that the Council may consider an increase in density (to average lot size 2 ha) in respect of the Cluster Precinct provided that the proposed plan of subdivision is consistent with the Statement of Intent, adopts principles of cluster design and development and the applicant to provide to the Council a demonstrable benefit to the community in departing from the provisions of the Rural Strategy".

There are also several planning policy statements (PPSs) particularly relevant to consideration of the proposal - which may be summarised as follows -

- * PPS2, which sets out that, *inter alia*; "...subdivision of land...shall include a broad range of lot sizes...and shall recognise areas of open landscape and remnant vegetation appropriately. Lots ranging upwards from 5,000m² may be considered by the Shire in the 'Cluster Precinct' only in subdivision proposals that adopt a clustered approach to design. Smaller lot sizes may also be considered where provided for on an endorsed development guide plan"; and
- * PPS4, which sets out that, *inter alia*; "Future road and pedestrian access systems are to provide access opportunities to adjoining lots and to existing road reserves, and connectivity options are to be fully investigated in the preparation of development guide plans..."

FINANCIAL IMPLICATIONS

The CCSP requires that proponents demonstrate a 'demonstrable community benefit to achieve the 2ha average lot size. As discussed in the previous report, this requires a contribution towards community facilities in the Commonage. A contribution of approximately \$200,000 will be required. Those funds are to be applied towards development of community facilities, including the 'rural service centre' site identified on the CCSP and adjoining the DGP area, pedestrian paths and emergency access.

STRATEGIC IMPLICATIONS

The proposal is consistent with the *Strategic Plan 2006/2011* Strategic Foci of 'Built and Physical (Infrastructure) Well Being' and 'Natural and Environmental Well Being', in particular the Strategic Objectives of 'Ensure development of the Shire recognises the unique character of the region and successfully balances', 'Review town planning to reflect emerging diversity whilst retaining identity and character' and 'Ensure that communities are provided with a balance of active and passive open space'.

The proposal is generally consistent with the character of adjoining land and the Commonage area generally and provides for passive recreation opportunities via the pedestrian links within the site and to adjoining land.

OFFICER COMMENT

As a result of the consultation and subsequent assessment by staff, the following issues have been identified as key to further consideration of the proposal -

- * Lot sizes and demonstrable community benefit;
- * Progression of scheme amendment;
- * Potential road connections to Sonning Loop and Sheoak Drive;
- * Biddle Road access;
- * Protective mechanism for remnant vegetation;
- * Additional vegetation buffers;
- * Filling of unused dams.

Each of these issues is outlined and discussed below under an appropriate sub-heading. It should be noted that the other issues raised as part of the consultation process are briefly addressed as part of the schedule of submissions, included as Attachment D.

Lot sizes and demonstrable community benefit

As described in the original report and now under 'Policy Implications', the CCSP provides for an average lot size of 2 hectares, rather than 3 hectares, where subdivision is; "consistent with the Statement of Intent, adopts the principles of cluster design and development and the applicant can show to Council a demonstrable benefit to the community in departing from the provisions of the Rural Strategy". As such, where those things can be demonstrated, the maximum lot yield is 72 lots, as proposed.

Officers are of the view that the proposal is consistent with the Statement of Intent and adopts principles of cluster design (in a manner similar to what has occurred on adjoining sites). The demonstrable community benefit is most appropriately demonstrated by the making of a financial contribution towards community facilities for the additional lots (i.e. for 24 lots). That is the approach that has been taken with respect to other, similar proposals within the Cluster Precinct.

The level of contribution has previously been determined as being \$6,846 per additional lot as at June 2004, subject to CPI increases. On the basis of the September 2008 CPI figure for Western Australia this equates to a contribution of \$8,094 per additional lot, or \$194,252 in total.

The approach taken with respect to other, similar proposals within the Cluster Precinct has been to require the applicant to enter into a legal agreement with the Shire to secure that contribution prior to the Shire making a recommendation to the WAPC regarding the DGP. The applicant has provided their written agreement to entering into such an agreement.

Reflecting the Council's earlier resolution on this matter, however, a recommendation will not be forwarded to the WAPC until such time as an agreement has actually been completed.

Whilst the average lot size requirements of the CCSP are clearly met, the smaller lots in the southern part of the site are somewhat smaller than would normally be supported. These lots are, however, larger than the existing strata lots in this location and reflect the constraints arising from negotiations associated with dissolving the strata scheme.

Progression of Scheme Amendment

As previously noted, the DGP forms part of an interrelated amendment aimed at modifying additional use designations for the site. The proponent has indicated that draft amendment documentation sufficient to allow referral of the amendment to the EPA will be provided to the Shire prior to the Council meeting. Should that not occur then officers will likely pull the item and submit an amended officer recommendation.

Potential road connections to Sonning Loop and Sheoak Drive

A particular concern was noted with regard to a connection road via Sonning Loop through to Sheoak Drive and the closure of McLachlan Road.

Officers acknowledge the particular road link to be a matter of significant contention and public concern. The revised draft DGP addresses this concern by requiring only a PAW and emergency access to be constructed at subdivision stage. This is considered to be a satisfactory arrangement from a fire safety and road connection point of view, provided that the more important (over the longer term) southern connection point is maintained.

The proposed southern link to Sheoak Drive, via the adjoining Lot 34 is, however, considered to be vital for the long-term, and will significantly improve the road network in the Commonage area. At most, this road will experience several hundred vehicle movements per day – equivalent to a very quiet suburban street. The amenity impacts of the road are therefore considered to be very low and officers do not consider it necessary to amend the plan to address the concerns that have been raised.

If the Council were minded to want to reduce the already low amenity impacts of this, future road link, however, both officers and the proponent would support provision of a revegetation/landscape reserve in the south-west portion of the site,

perhaps 20-30 metres in width immediately to the west of proposed Lot 41, tapering to 5-10 metres in the far south-western corner of the site.

Biddle Road access

The owners of land on the opposite side of Biddle Road from the proposed Biddle Road access point have raised concerns about the safety and amenity impacts of the intersection. Engineering advice indicates that there are no safety concerns with the currently proposed intersection location, but it is acknowledged that there may be amenity impacts.

Officers have investigated alternative intersection locations and it is considered that moving the intersection west to a point close to the boundary between proposed Lots 1 and 2 (and amending the lot layout to suit) would substantially address the amenity issue but still be satisfactory from a safety point of view. It is recommended that the DGP be modified in that way.

Protective mechanism for remnant vegetation

The revised draft DGP includes a condition requiring the proponent to pursue, if available, a covenanting option over the two large remnant vegetation pockets with either the DEC or the National Trust.

It should be noted that the town planning scheme already includes considerable controls over vegetation clearing in rural-residential areas.

Additional vegetation buffers

Comments received request that the vegetation buffers along Biddle Road be increased to at least 30m and investigation be undertaken to seek additional buffers in other areas of the site. The CCSP, however, requires only a 20m vegetated buffer along Biddle Road and this requirement has consistently been applied to other development.

Submissions have also requested revegetation buffers around the site as a whole. This has not, however, been required for other subdivision sites and significant vegetation is being protected or introduced into the site via building exclusion and revegetation areas. There is not seen to be a case for further revegetation buffers.

Filling of unused dams

This aspect, noting that the surface water areas in the Commonage are proclaimed catchment areas, was not identified by the DoW as a particular concern. The large dam on the site forms part of the fire management strategy for the site. It is also to be used to provide a setting for a tourist accommodation development and a focal point for the development.

CONCLUSION

The draft DGP has been modified in response to submission received from the public and government agencies obtained during the consultation process. The majority of the modifications are non-substantive and further refine the design of the DGP in accordance with the planning framework.

It is therefore recommended that the Council adopt the DGP for final approval, subject to further modification in respect to the Biddle Road connection.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the officer recommendation would involve advice of the Council resolution to the applicant and this would occur within ten working days of the Council meeting.

OFFICER RECOMMENDATION

1. That the Council, pursuant to Clause 25 of the *Shire of Busselton District Town Planning Scheme No. 20*, adopt for final approval the draft development guide plan at Attachment B with respect to Pt Lot 4208, Biddle Road, Quindalup, subject to the following modifications being undertaken –
 - i. the relocation of the Biddle Road access point to a point equivalent to the boundary between proposed Lots 1 and 2.
2. The draft Local Water Management Strategy to be finalised to the satisfaction of the Department of Water and any required detailed changes being undertaken to the Shire's satisfaction prior to the development guide plan being forwarded to the Western Australian Planning Commission for endorsement.
3. That a recommendation be forwarded to the Western Australian Planning Commission once the above has occurred and the other matters set out in the Council's 25 February 2009 resolution have been addressed.
4. That, where notification is received from the Western Australian Planning Commission that a modification of the development guide plan is required prior to its endorsement, this modification is to be undertaken, unless the modification substantially affects the intent of the development guide plan, in which case it shall be referred to the Council for consideration.

14. SYSTEMS AND INFORMATION REPORT**14.1 LIST OF PAYMENTS MADE - SEPTEMBER 2009**

SUBJECT INDEX:	Financial Operations
STRATEGIC INITIATIVE:	5.1.3 Ensure regulatory requirements are met
BUSINESS UNIT:	Finance
SERVICE:	Financial management and control
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	List of Payments made – September 2009

PRÉCIS

This report provides details of payments made from the Shires bank accounts for the month of September 2009, for noting by the Council and recording in the Council Minutes.

BACKGROUND

The Local Government (Financial Management) Regulations, and more specifically Regulation 13, requires that when the Council has delegated authority to the Chief Executive Officer to make payments from the Shire's bank accounts, that a list of payments made is prepared each month for presentation to, and noting by, the Council.

CONSULTATION

Not applicable.

STATUTORY ENVIRONMENT

Section 6.10 of the Local Government Act and more specifically, Regulation 13 of the Local Government (Financial Management) Regulations; refer to the requirement for a listing of payments made each month to be presented to the Council.

POLICY IMPLICATIONS

Where applicable, payments are made in accordance with relevant Council policies.

FINANCIAL IMPLICATIONS

All payments are made in accordance with the Councils adopted budget.

STRATEGIC IMPLICATIONS

Not applicable.

OFFICER COMMENT

Not applicable.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

OFFICER RECOMMENDATION

That voucher numbers M094249 – M094522, EF004967 – EF005560, DD001189 – DD001200 and T006536 – T006540, together totalling \$6,969,978.76 be noted.

14.2 FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 30 SEPTEMBER 2009

SUBJECT INDEX:	Financial Operations
STRATEGIC INITIATIVE:	5.1.3 Ensure regulatory requirements are met
BUSINESS UNIT:	Finance
SERVICE:	Financial management and control
DATE OF COMPLETION:	Not Applicable
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Financial Activity Statements to 30 September 2009

PRÉCIS

A local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted budget. The report is to include details of budget estimates and financial performance against those estimates to the end of the month to which the statement relates, is to disclose any material variances identified as a result of the above, and is also required to detail the net current asset position for the reporting period.

This report has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations and also to provide the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30 September 2009.

BACKGROUND

The Local Government (Financial Management) Regulations detail the form and manner in which financial activity statements are to be presented to the Council. Financial activity statements are to be presented to the Council on a monthly basis and are to include the following:

- * Annual budget estimates
- * Budget estimates to the end of the month in which the report relates
- * Actual amounts of revenue and expenditure to the end of the month in which the statement relates
- * Material variances between budget estimates and actual revenue/ expenditure/ (including an explanation of any material variances)
- * The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 19 August 2009, the Council adopted (C0908/285) a material variance reporting threshold with respect to financial activity statement reporting for the 2009/10 financial

year to comprise variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type.

CONSULTATION

Not applicable.

STATUTORY ENVIRONMENT

Section 6.4 of the Local Government Act and Regulation 34 of the Local Government (Financial Management) Regulations detail the form and manner in which a local government is to prepare financial activity statements.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Any financial implications are detailed within the context of this report.

STRATEGIC IMPLICATIONS

This matter aligns with the Council's Strategic Plan 2006-2011 and principally the following Strategic Objective:

Organisational Well Being

- * To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles

OFFICER COMMENT

In order to fulfil statutory reporting requirements, the following reports, which include additional financial data considered relative, are attached:

Income Statement by Nature and Type

This report provides details of the Shire's operating revenues and expenditures on a year to date basis by nature and type (i.e. description). The respective totals in this report reconcile with the operating revenues and expenditures as contained within the Statement of Financial Activity (refer below) that is reported on a local government program basis.

Statement of Financial Activity

This report provides details of operating revenues and expenses on a year to date basis (by local government program). The report is further extrapolated to include details of non-cash adjustments and capital revenues and expenditures. The resultant net current position in this report reconciles with that contained in the Net Current Position report summary.

Net Current Position

This report provides details of the composition of the net current asset position on a year to date basis, and reconciles with the net current position as per the Statement of Financial Activity.

In addition to the above reports, a number of capital expenditure budgets have been further itemised to provide greater detail on expenditure activity. These items are as follows:

* Land and Buildings

The current variance is generally attributable to the timing of works and the fact that the budget is extrapolated on a monthly basis. Capital land and building projects are generally undertaken by contractors and for the first months of the financial year are in the planning stages (quotations etc). Expenditure will also be dependent on the receipt of invoices, for example the GLC extension is almost complete but invoices were received after the September statement was produced.

* Plant and Equipment

In general the budget variance is attributable to the timing of plant replacement and the fact that the budget is extrapolated on a monthly basis. Plant replacement is conducted throughout the year and large plant items require significant planning to replace, eg bin truck requires design, scoping and tender. Lastly, prior to major plant purchases it is customary to wait until rates have been received.

* Infrastructure

The current variance is primarily attributable to timing issues, caused by the budget adoption in mid August, but more importantly due to the bad weather that has been experienced during the first quarter. This has caused delays to the construction of the Dunsborough Oval, capital infrastructure projects and the Busselton Jetty reconstruction. This has been offset by increased maintenance activity and expenditure. It is expected that these variances will be resolved by the end of the financial year.

* Furniture and Equipment

COMMENTS ON FINANCIAL ACTIVITY TO 30 SEPTEMBER 2009

OPERATING ACTIVITY

As at 30 September 2009:

There is an adverse variance of some 3.0% in operating revenue
There is a favourable variance of some 9.3% in operating expenditure

A summary of material variances within the operating revenue and expenditure activities (on a year to date basis) is provided within the body of this report.

CAPITAL ACTIVITY

As at 30 September 2009:

There is a favourable variance of some 126% in capital revenue

There is a favourable variance of some 53% in capital expenditure

Capital Revenue

As detailed above, as at 30 September 2009, there is a favourable variance in capital revenue in the order of 126%. The below table details the Shire's capital revenue budget and actual revenue on a year to date basis.

Description	Actual YTD \$	Budget YTD \$	Original Budget \$	Variance YTD \$	Variance YTD %
Proceeds from Sale of Assets	0	0	617,700	0	0.0%
Proceeds from New Loans	0	0	4,800,000	0	0.0%
Self Supporting Loans -Principal Repayments	46,911	44,424	177,686	2,487	5.6%
Transfers from Restricted Assets	737,229	557,082	2,228,327	180,147	32.3%
Transfers from Reserves	1,561,913	438,113	3,518,465	1,123,800	256.5%
TOTAL	2,346,053	1,039,619	11,342,178	1,306,434	125.7%

The current reportable variances in relation to capital revenue activities are summarised as follows:

Transfers from Restricted Assets

Pursuant to Council Resolution C0906/210, in order to assist in funding the Shires operations pending the adoption of the 2009/10 annual budget (and the subsequent receipt of rates revenue), any available transfers from Restricted Assets and Reserves were to be processed as soon as practicable after the commencement of the 2009/10 financial year. The favourable variances in both transfers from Restricted Assets and Transfers from Reserves are reflective of this resolution. The significant transfers from Restricted Assets processed include funds held in respect of the Dunsborough Playing Fields (\$323K) and the Kloorup Road Bridge (\$414K).

Transfers from Reserves

Refer above. The significant transfers from reserves processed include the initial financial assistance grant instalment (reserved as at 30 June 2009) and also approximately \$1.1M from the Plant Replacement Reserve.

Capital Expenditure

As at 30 September 2009, there is a favourable variance in capital expenditure in the order of 53%. The below table details the Shire's capital expenditure budget and actual expenditure on a year to date basis.

Description	Actual YTD \$	Budget YTD \$	Original Budget \$	Variance YTD \$	Variance YTD %
Land & Buildings	24,635	285,191	2,013,430	-260,556	-91.4%
Plant & Equipment	86,510	180,730	2,602,730	-94,220	-52.1%
Furniture & Equipment	28,236	84,310	453,790	-56,074	-66.5%
Infrastructure	3,205,894	6,965,189	33,410,450	-3,759,295	-54.0%
Loan Repayments – Principal	110,595	154,635	618,531	-44,040	-28.5%
Transfers to Restricted Assets	515,022	367,933	1,471,730	147,089	40.0%
Transfers to Reserves	133,497	763,842	3,258,819	-630,345	-82.5%
TOTAL	4,104,389	8,801,830	43,829,480	-4,697,441	-53.4%

As detailed earlier in this report, the attached financial reports include categorised listings of the following capital expenditure activities.

- * Land and Buildings
- * Plant and Equipment
- * Furniture and Equipment
- * Infrastructure

These listings assist in the identification of associated variances by individual line item.

The current reportable variances in relation to other capital expenditure activities are summarised as follows:

Loan Repayments - Principal

The current variance is primarily attributable to timing differences only. Whilst the annual budget allocation has been extrapolated on a monthly basis, loan repayments are predominantly made on a quarterly basis. Additionally, this budget allocation is inclusive of principal payments on loans that are yet to be drawn, and will more than likely not be drawn until later in the financial year.

Transfers to Restricted Assets

Due to the nature of this item, it is difficult to accurately predict the value, and timing, of contributions received from developers and others. Notwithstanding this, the year to date variance is primarily due to the receipt of Community

Facilities contributions totalling \$379K, against a year to date budget estimate of \$63K; coupled with the delay in the projected receipt of Roads to Recovery grant funding of \$161K (year to date).

Transfers to Reserves

The revenue of \$113K recognised as at 30 September 2009 represents interest earnings only. Budgeted transfers to Reserve funds have been deferred until such time that cash-flow permits (i.e. once rates revenue becomes available).

VARIANCE REPORTING

At its meeting of 19 August 2009, the Council adopted (C0908/285) a material variance reporting threshold with respect to financial activity statement reporting for the 2009/10 financial year to comprise variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type.

The following table identifies and comments on variances that exceed this reporting threshold:

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Operating Grants, Subsidies and Contributions	662,350	575,511	86,839	15.1%	The current variance is primarily attributable to the following: <ul style="list-style-type: none"> ▪ Earlier than projected receipt of grant funding for Leavers Week of \$106K (Office of Crime Prevention) – YTD variance of approx \$68K ▪ Earlier than anticipated receipt of Waste Disposal Site Concrete Crushing grant of \$57K ▪ Unbudgeted reimbursement of \$47K in respect of prior year's Workers Compensation premium (performance based refund) ▪ Delay (from a budgeting perspective) in receipt of first instalment for WALGGC Bridge grant of \$177K (\$44K on a YTD basis)
Other Revenue	74,027	38,781	35,246	90.9%	The current variance is primarily attributable to the following: <ul style="list-style-type: none"> ▪ Fines & Penalties revenue is presently \$15K above YTD budget estimates ▪ Sale of miscellaneous items revenue (including scrap materials and number plates) is presently \$18K above YTD budget estimates

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Interest Earnings	58,449	189,843	-131,394	-69.2%	<p>The annual budget allocation for interest earnings is assigned to one line item, as projections for managed fund investment movements (from an accounting perspective) can not be accurately estimated. As such, overall interest earnings performance is represented by the sum of 5 individual nature and type items. These are detailed as follows:</p> <p><u>Revenue</u> Distributions on Investments - \$85K Interest Earnings - \$58K Fair Value Adjustment to Financial Assets - \$30K</p> <p><u>Expenditure</u> Loss on Redemption of Financial Assets - \$17K Fair Value Adjustment to Financial Assets - \$8K</p> <p>Cognisant of the above, net interest earnings to 30 September 2009 amount to \$148K, against a YTD budget of \$190K.</p> <p>It should be noted that interest on funds held in term deposits is only recognised at which time as deposits mature/ rollover and as such, variances will be evident throughout the course of the financial year. Furthermore, as managed fund performance data is not provided until mid-way through the following month, financial reports are exclusive of managed fund performance for the reporting month.</p> <p>Elected Members are provided with an Investment Report on a monthly basis that provides specific detail in respect of overall investment performance.</p>
Non-operating Grants, Subsidies and Contributions	3,189,405	5,737,807	-2,548,402	-44.4%	<p>The current variance is primarily attributable to a timing difference in respect of the recoup of grant monies associated with the Busselton Jetty refurbishment – variance YTD of approx \$2.6M</p>

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Employee Costs	4,083,951	4,542,051	-458,100	10.1%	<p>The current variance is primarily due to the following:</p> <ul style="list-style-type: none"> ▪ A shortfall in salaries expenses on a YTD basis, due to a numerous positions presently being vacant. ▪ Conference and training related expenses are presently \$34K below YTD budget estimates ▪ Other employee costs (e.g. FBT, OSH & Uniforms) are presently \$63K below YTD budget estimates
Materials & Contracts	1,839,725	2,831,169	-991,444	-35.0%	<p>The current variance in this item (that comprises a raft of expenditure types) can be attributed to a number of factors. Included is the fact that this item incorporates an aggregated budget allocation of \$3.4M for works related materials and stock. Whilst actual expenses against that budget allocation are being costed to specific (and appropriate) cost codes, it is difficult to quantify specific variances within the overall programme of services. This matter, that is a direct result of temporary procedures introduced pending further corporate software enhancements, will be rectified as part of the 2010/11 budget development (either due to the implementation of the required software or via the need to have more complex budget figures provided in this regard).</p> <p>Notwithstanding the above, other notable 'non works' related budget variances on a YTD basis include:</p> <ul style="list-style-type: none"> ▪ Consultancy expenses are presently \$374K below YTD budget estimates ▪ Professional Fees & Charges (inc legal expenses and trade subscriptions) are presently \$62K below YTD budget estimates
Utilities (Gas, Electricity, Water etc)	215,125	364,427	-149,302	-41.0%	<p>The current variance is primarily due to a timing difference only (as the annual budget is essentially extrapolated on a straight line basis), with the major variance relating to the payment of electricity charges.</p>

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD \$	Budget YTD \$	Variance YTD \$	Variance YTD %	Comments
Insurance Expenses	372,197	297,604	74,593	25.1%	The current variance is primarily attributable to the following: <ul style="list-style-type: none"> ▪ Insurance premium for motor vehicle and plant has exceeded YTD budget estimates by \$20K ▪ Insurance premium for Buildings is presently exceeding YTD budget estimates by \$11K ▪ Insurance premium for Fire related activities is presently exceeding YTD budget estimates by \$22K
Allocations Transferred to Capital	-140,848	-560,942	-420,094	-74.9%	Whilst this (negative expenditure) line item has previously been reported as part of 'Other Expenditure', upon review, it is considered appropriate that it be reported as a separate item. This item relates to the recovery of both plant charges and public works overheads, that are applicable to capital related works. In both instances, the recovery is presently below YTD budget estimates (plant - \$237K and PWO - \$183K), with the primary reason being that the majority of outside works activity to date has been maintenance based rather than capital. The current variance will diminish as the capital works program progresses.
Interest Expenses	37,669	99,125	-61,456	-62.0%	The current variance is primarily attributable to the following: <ul style="list-style-type: none"> ▪ A timing difference between the budget (extrapolated monthly) and the actual payment of interest charges on loan facilities (generally made quarterly) – YTD variance is approx \$29K. Additionally the budget allocation includes interest payments on newly proposed loans that are yet to be drawn ▪ Budgeted overdraft interest of \$32K YTD not being incurred

SUMMARY

As at 30 September 2009, operating activities are generally consistent with expectations at this early stage of the financial year. Whilst operating revenue is presently below year to date budget projections, this is principally due to timing matters associated with the recoup of grant funds associated with the Busselton Jetty refurbishment. Whilst operating expenditure is also below year to date budget estimates, this can be primarily attributed to timing matters associated

with the commencement of the 2009/10 capital works program (reflected by reduced materials and contracts expenditure and also overhead recoveries).

With respect to capital activities, revenue is still exaggerated by the early transfer of restricted asset and reserve monies (to fund ongoing operations), whilst the capital expenditure underspend can be attributed, at this time, to timing matters associated with both the Busselton Jetty project and also the approved capital works program for the financial year.

Cognisant of the above, it is considered that no adverse trends are becoming evident in respect of the Shire's 2009/10 budgeted financial performance at this time.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

OFFICER RECOMMENDATION

That the statutory financial reports for the period ending 30 September 2009 be received.

15. COMMUNITY INFRASTRUCTURE REPORT**15.1 TENDER SELECTION CRITERIA - TEN 14/09 SUPPLY OF TYRES & TYRE SERVICES**

SUBJECT INDEX:	RFT Request for Tenders
STRATEGIC INITIATIVE:	2.1.2 Manage and maintain the Shire's assets for the amenity of the community 2.1.3 Ensure community assets are effectively managed and maintained to capture both short term requirements and whole of life costs
BUSINESS UNIT:	Infrastructure Planning
SERVICE:	Fleet
DATE OF COMPLETION:	20 January 2010
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Nil

PRÉCIS

Under Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 14(2a), Local Governments are required to establish, in writing, tender selection criteria prior to calling tenders, and these must be included in the tender documentation.

This report seeks Council approval to call tenders for the Supply of Tyres, Tubes and Tyre Services and to include selection criteria in the Tender.

BACKGROUND

'TEN 14/09-Supply of Tyres and Tubes' expires in January 2010. A revised tender for the 'Supply of Tyres, Tubes and Tyre Services' for a period of (2) two years is now proposed. This Tender ensures that tyres and related services are supplied to the Shire at 'best value'.

CONSULTATION

Shire staff have been consulted in developing the specifications for the Supply of Tyres, Tubes and Tyre Services.

STATUTORY ENVIRONMENT

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 apply. In particular, Regulation 14 (2a) requires local governments to establish, in writing, tender selection criteria prior to calling tenders, and these must be included in the tender documentation.

POLICY IMPLICATIONS

There are no policy implications in respect to Council approving the selection criteria for operational tender evaluations. The Regional Price Preference Policy will be included in the tender specification.

FINANCIAL IMPLICATIONS

Application of appropriate selection criteria to the tender will assist in ensuring that tenderers offering the 'best value' offer with respect to the supply of goods and services are highlighted via the tender assessment process. The 2009/2010 Tyre Budget for the supply, fitment and repairs for tyres and tubes is \$180,000.

STRATEGIC IMPLICATIONS

In order to comply with the statutory requirement for calling of tenders, Council is required to approve the selection criteria used to evaluate these tenders.

OFFICER COMMENT

The selection criteria used in the tender documentation for this Tender are very similar to previous supply contracts approved by Council. Variations to wording or methodology are intended to highlight the major deliverables associated with this contract.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation may occur immediately after the adoption of this report.

OFFICER RECOMMENDATION

That Council adopt the selection criteria and approve the calling of tenders for Tender 14/09 - Supply of Tyres, Tubes and Tyre Services.

COMPLIANCE CRITERIA

Description of Compliance Criteria	
Compliance with the Specification contained in the Request.	Yes/No
(a) Compliance with the Conditions of Tendering in the Request.	Yes/No
(b) Compliance with the Request for Tender Closing Date.	Yes/No
(c) Compliance with and completion of the Price Schedule(s).	Yes/No

QUALITATIVE CRITERIA

Description of Qualitative Criteria	Weighting
(a) Ability to deliver service within the stipulated time frame(s).	10%
(b) Experience with supplying plant and vehicles to local/state government departments.	5%
(c) Ability to deliver services at the Shire depots and within the Shire.	5%
(d) Ability to deliver services offering both part 1 and part 2 in one contract.	20%

PRICE CONSIDERATIONS

Criteria	Weighting
Tendered price	60%

16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT**16.1 PROPOSED FORMAL ESTABLISHMENT OF THE CAPES REGION ORGANISATION OF COUNCILS (CAPEROC) INCLUDING APPOINTMENT OF COUNCILLORS**

SUBJECT INDEX:	Council Meetings and Committees
STRATEGIC INITIATIVE:	5.1.2 Build organisational capacity through continuous service review and improvement
BUSINESS UNIT:	Governance
SERVICE:	Council and Councillor Services
DATE OF COMPLETION:	31/12/2009
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Proposed CAPEROC Terms of Reference; Reform Submission to the Minister for Local Government.

PRÉCIS

The Shire of Busselton participated in a required examination of industry reform opportunities in 2009 that resulted in the Council making a submission to the Minister for Local Government in August. The key component of the Council's adopted position was the establishment of a voluntary regional organisation of Councils with the Shire of Augusta-Margaret River (AMR), to be known as the Capes Region Organisation of Councils (CAPEROC).

This report presents for formal consideration the terms of reference developed between the two Shires during the reform process and requests the Council to appoint two members to the CAPEROC, noting that the terms of reference also identify that the Shire President and CEO shall be members.

BACKGROUND

The CAPEROC is not an entirely new initiative in that it operated with some success until approximately 2004. The proposal to reinvigorate this regional grouping of Councils, while similar to the previous arrangement, has been expanded upon and specific direction has been developed via the terms of reference that sets out a range of objectives.

It was considered by the Council when it adopted its reform proposal to the Minister for Local Government that such an organisation would deliver increased social, economic and environmental capacity for this Shire. At that time the Council resolved that it did not consider that amalgamation was a required or desirable outcome for the Shire of Busselton at this time. For the information of new Councillors who were not involved in the reform submission, a copy of the Council's adopted submission to the Minister has been attached to this report.

CONSULTATION

This report is to formalise a direction that was initiated by the Council after extensive consultation with both its appointed reform team (consisting of Crs Stubbs, Tuffin, Binks, former Crs Bev Clarke and Wes Hartley and the CEO) and the Shire of Augusta-Margaret River.

The consultative process with Margaret River has resulted in the proposed terms of reference for the CAPEROC. It is noted that these terms of reference had been developed prior to the Council's consideration of the reform submission and were presented to the Council at that time. They were endorsed in principle.

It is also noted that the terms of reference (as attached) were adopted by the Council of the Shire of Augusta-Margaret River at its meeting on 24 September. Any changes that the Council may require would need to be agreed to by the AMR Council.

STATUTORY ENVIRONMENT

The recommendation at this time is for the formation of a voluntary regional organisation of Councils. Part of the CAPEROC's terms of reference would be to consider the feasibility of establishing a (formal) regional council.

Therefore, the status of CAPEROC at this time is that of an organisation set up by mutual agreement between the two Shires to provide advice to both Councils. Its requirements are set out in the draft terms of reference, however, it is noted that it is not a committee formally established under the provisions of the Local Government Act.

POLICY IMPLICATIONS

None related specifically to the establishment of the CAPEROC, however, it is noted that one of the recommended objectives of the organisation would be to explore opportunities to simplify and standardise policies in the region where appropriate.

FINANCIAL IMPLICATIONS

The major costs associated with the establishment of the CAPEROC will be human resource-related and will largely also depend on whether the Shire of Busselton is the first Shire to undertake the role of Presiding Member (and therefore also provide administrative services). There will also be the need for the time of the CEO and other officers on an as required basis.

The objectives of the group include the evaluation of possible resource-sharing arrangements and other potential cost saving or sharing initiatives. It is therefore noted that if the CAPEROC is successful in achieving its objectives the financial implications will be positive.

STRATEGIC IMPLICATIONS

As the key component of the Council's adopted position in response to the industry reform requirements, the CAPEROC is expected to deliver improved social, economic and environmental capacity for this local government. These areas, along with organisational capacity, are key strategic priorities for the Shire.

OFFICER COMMENT

This report is presented to formalise the establishment of the CAPEROC that was agreed in principle at the Council meeting on 26 August, 2009. The terms of reference identify the Shire President and the CEO (of both Shires) as members of the Committee, and two other Councillors (from each Shire).

Therefore, endorsement of the terms of reference is sought, along with expressions of interest from Councillors interested in being appointed to one of the two (Busselton) positions available on the CAPEROC.

It also noted for Council's consideration that at the time of preparation of this report the two Councillors for AMR had not been appointed and this was to be considered at its 12 November meeting. However, the recommendation from officers was for the Council to also identify a deputy member to attend meetings and have voting rights in the absence of another member from that Shire.

It is noted that the terms of reference do not identify the need for deputies from each Shire, however, the Council may also wish to consider appointing a deputy member for this purpose if the Shire of AMR proceeds to do so. Officers will provide further information to the Council following the completion of the AMR Shire's Council meeting. An additional clause could be added to the recommendation should this be an outcome of AMR's meeting.

VOTING REQUIREMENT

Simple Majority.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Immediate.

OFFICER RECOMMENDATION

1. That the Council agrees to participate in a voluntary regional organisation of Councils with the Shire of Augusta-Margaret River, to be known as the Capes Region Organisation of Councils (CAPEROC).
2. That the Council endorses the terms of reference of the CAPEROC, as adopted by the Council of the Shire of Augusta-Margaret River on 24 September 2009.
3. That two Councillors (names to be inserted) are appointed to the CAPEROC.

16.2 PROPOSED LEASE OF THE NORTHERN POLICE COTTAGE

SUBJECT INDEX:	Agreements / Contracts Art Gallery Operations
STRATEGIC INITIATIVE:	Encourage and support cultural activities and events Build and recognise the value of our cultural heritage Optimise revenue opportunities
BUSINESS UNIT:	Community Development
SERVICE:	Property Management
DATE OF COMPLETION:	31 January 2010
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	1. Floor plan of Artgeo Police Cottages 2. Applications (1 through 4)

PRÉCIS

This report provides the Council with the results of the recent advertisement calling for Expressions of Interest (EOI) for a lease over the northern Police Cottage at the Artgeo Cultural Complex (the Complex). The Complex comprises the Artgeo Gallery, the Old Courthouse Gallery and Gaol Cells, the old Stables and Fodder Room and the Old Police Cottages. The northern Police Cottage adjoins the cottage leased by the Busselton Art Society and is located to the south of the Old Courthouse directly off Queen St.

Officers are recommending the Council authorise the CEO to enter into a lease with one of the 'not for profit' applicants who expressed an interest in the site.

BACKGROUND

In September 2009 the Council considered a report detailing the business plan for the Artgeo Cultural Complex together with various recommended changes; those changes were in part around the proposed leasing of two spaces within the Complex, being the café site and the northern Police Cottage. At that 9th September meeting the Council resolved;

1. *"That the CEO advertises for Expressions of Interest for:*
 - (i) *the commercial letting of the Courthouse café site for up to 3 years at an annual rental of \$7,800.00 inclusive of outgoings; and*
 - (ii) *the lease or hire of the northern Police Cottage for up to 3 years at an annual rental of \$5,200.00 inclusive of outgoings to a tenant that as a minimum, expresses an art-form which adds to the diversity of cultural activity already present within the venue, demonstrates an ability to uphold the venues objectives and shows a willingness to work collaboratively with other tenants and users".*
2. *That a report of the results and recommendations from the Expression of Interest be brought back to the Council."*

An EOI process commenced in September following the Council decision, drawing to a close in late October.

CONSULTATION

The opportunity to lease the northern Police Cottage at the Complex was advertised in the local newspaper on the 18th September.

Seven enquiries were received as a result of the advertisement. Most enquiries resulted in an inspection of the premises and applicants provided with a lease application form on which they explain their proposal. Some further consultation occurred with applicants following the receipt of their submissions for clarification purposes. Key staff including Property Manager, Artgeo Managers and the Cultural Planning Officer have assessed the applications and now make recommendations for consideration by the Council.

STATUTORY ENVIRONMENT

When disposing of property whether by sale, lease or other means a Local Government is bound by the requirements of section 3.58 of the Local Government Act. If the Local Government is intending to lease property to a commercial entity, it is required to undertake public advertising describing the proposed lessee, the term and consideration of the lease. However 3.58 (5)(d) provides exemptions to this process under Regulation 30(2)(b)(i) & (ii) of the Local Government (Functions & General) Regulations. This section states *"disposal of land to incorporated bodies with objects of benevolent, cultural, educational or similar nature and the members of which are not entitled 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."*

Therefore the Shire would be required to advertise its intention to lease the Police cottage, only if it is proposed to be leased to a commercial entity.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The growth and diversification of the complex over the following few years depends upon the fulfilment of several plans. It is the intention to make the complex as financially self sufficient as possible by providing further attractions to the centre including the Recollections audio tours and high quality Heritage interpretation, to this end, the provision of paid gallery attendants to the Old Courthouse area is essential. It is envisaged that the funding required to employ casual staff and thus create a professional tourism attraction would be derived in the main, from income received by leasing the northern Police Cottage and the Courthouse Café.

A recent valuation of the Police Cottage indicated a possible rental of \$200pw being \$10,400 per annum. The Council decision (C0909/318) however supported the concept of allowing a lesser rental (\$5,200pa) for the cottage in order for this to be a more affordable sum for a 'not for profit' group.

Should the Council resolve to accept the officer recommendation, there would be a reduction in revenue of \$2,600 in the first term of the three year leases after which the proposed rent of \$5,200 would apply.

Management of the leased areas is expected to be shared between the Property Manager and gallery staff in order to minimise the impact on work load. While volunteer assistance in the gallery is utilised wherever possible, difficulty around ongoing recruitment and training of suitable volunteers remains a substantial drain on resources. The appointment of casual gallery attendants will alleviate some of the current pressure on gallery staff by providing some administrative assistance, hence allowing the facility managers to attend to their more challenging duties including assistance with management of the leased areas.

STRATEGIC IMPLICATIONS

The recommendations in this report for the lease of the northern Police Cottage, progress the following Strategic Objectives;

- 1.2 *Support a range of healthy recreation, entertainments and lifestyle opportunities;* by providing an area as a creative space for students and supporters of the performing arts of all ages.

- 5.1 *To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles;* by ensuring the facility is adequately staffed, has appropriate OSH strategies to ensure the safety and wellbeing of staff and volunteers and recovers as high a percentage of operating costs as possible thus minimising the rate at which the facility is financially subsidised.

OFFICER COMMENT

The EOI advertising for the lease of the northern Police Cottage in September resulted in four applications. The assessment method utilised by the staff considered the benefit that each proposal would bring to the complex, how it would add to the diversity of cultural activities and the ability and commitment of the proponents to uphold the values of the complex and work collaboratively with the current management.

The following is a summary of the applications to lease the northern Police Cottage;

Application 1; Fran Goodman on behalf of 'The Collective' - Staff were later informed by Fran Goodman that this application would be from Geographe Arts Bureau (GAB), as 'The Collective' was not a 'not for profit' association, but is made up of a group of local artists who would work periodically work from and

sell their works from the Premises. Proceeds from sales would go to the artist in much the same way as a private gallery. GAB would enter into the lease with the Shire in order to procure the lesser rental figure, although this has not been confirmed by GAB. The operations proposed by this applicant, while definitely aligning with the arts activity objectives, is a duplication of the facilities already offered by the Artgeo Cultural Complex and would be in direct competition with the Complex.

Application 2; Hot2Swap - This application would appear to be a retail outlet with links to the 'not for profit' sector. The proposal would see used clothing and home wares stocked and available for sale or exchange. Additionally, artworks by some of local people with disabilities would be exhibited and available for sale. While innovative, this proposal would be unlikely to benefit or enhance the Complex or the cultural precinct. Organisations working with the disabled are currently assisted by gallery staff to conduct exhibitions of their clients work each year.

Application 3; Bare Naked Theatre - Bare Naked Theatre is an established and proven 'not for profit' group. It currently conducts adult and youth drama classes and workshops, rehearsals and staged theatre productions. Of the 14 after school drama classes run by the group each week in the region, 10 of those are held in Busselton in a variety of hired spaces. Additionally, if granted the lease opportunity, Bare Naked Theatre has indicated its desire to make the space available on a hired basis to singing or music teachers, costume hire and youth performance and development activities.

Application 4; Rupert Jones - This proposal is for a retail antique store of a commercial nature, therefore the higher rent of \$10,400pa would be applicable and this has been confirmed with the applicant. While providing the Complex with additional funds, it is doubtful that the proposal would enhance the cultural or artistic experience for visitors or uphold the values of the Artgeo Cultural Complex and presents limited opportunity for collaboration with the complex. (The applicant has confirmed that his application, although commercial in nature does not require this report to be confidential.)

Based on the assessments of all applications, it is recommended that Bare Naked Theatre (Inc) be offered a lease for 3 years of the northern Police Cottage at \$2,600pa for the first year and \$5,200pa for each of the second and third years. It is felt that the lesser rental amount offered by the proponent in the first year, although disappointing, is more than offset by the benefits to the complex of enhanced cultural diversity through the performing arts and exposure of the facility to more youth oriented activities.

The reduction to expected revenue equates to \$2,600 over 3 years. The proponent has requested this reduction in the initial term to assist the group to become established in its new premises. The spokesperson for the group is confident that its presence in the Complex will result in increases in student participation and programs.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A draft lease would be prepared for the Bare Naked Theatre (Inc) by end December 2009.

OFFICER RECOMMENDATION

That the CEO be authorised to enter into a lease agreement, on terms consistent with the Shire's standard lease for community groups, with Bare Naked Theatre (Inc) for the occupation of the northern Police Cottage for a term of 3 years, at a rate of \$2,600 for the first year and \$5,200 for each of the second and third years inclusive of outgoings.

16.3 UPDATE YOUTH ADVISORY COUNCIL

SUBJECT INDEX:	Youth
STRATEGIC INITIATIVE:	Facilitate aged, youth and disabled service access.
BUSINESS UNIT:	Community Development
SERVICE:	Community Development
DATE OF COMPLETION:	February 2010
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Nil

PRÉCIS

This report has been prepared in response to the Council resolution (C0909/320) which requested information on the establishment of a Youth Advisory Council.

It identifies that further time is needed to fully complete the required task and recommends that a workshop with relevant stakeholders be convened to review the modus operandi of a range of Youth Advisory Councils (YACs) in other Local Government areas across Australia to develop a model suitable for Busselton, and explore structural, budgetary and resourcing options and implications.

BACKGROUND

On 9 September 2009, Council resolved (C0909/320):

1. *That the Council requires the CEO to report by 25 November 2009, regarding the implications of establishing a Shire of Busselton Youth Advisory Council. The report is to be prepared in consultation with relevant stakeholders including Southern RIP and is to include, but not be limited to:*
 - a. *Examples and Modus Operandi of other successful Youth Advisory Councils that have been established in other Local Governments within Australia, and*
 - b. *Structural, Budgetary and Resourcing options and recommendations.*

'Youth' or 'young people' can be classified in a variety of ways, however, this sector of the population is generally classified as 12 – 25 year old people, and this classification is supported by the Office for Youth Department for Communities (Office for Youth) and the Youth Affairs Council of WA (YACWA.)

Literature supplied by the Office for Youth states that ...

'Youth participation in decision making is one of the first steps towards awarding young people in our society the rights and connected responsibilities that the rest of us take for granted. If it is done well, without tokenism, it gives young people ownership in our society and empowers them to be active citizens. It begins to break down the discrimination and marginalisation felt by many and provides the opportunity for effective, healthy partnerships to develop between young people and those that are not so young.'

A Youth Advisory Council (YAC) as described by the Office for Youth, is a group of young people who are interested in the issues affecting young people today – and want to do something about them.

Literature supplied by the Office for Youth describes Youth Advisory Councils as a widely used model usually involving a group of young people operating as a sub-committee that reports back to the main decision making body. This provides a link between young people and the more formal decision makers such as the local Council and that this model is often used in Local Government.

Research has identified that good practice in establishing YACs involves:

- Allocating the responsibility of planning and establishing the YAC to a designated staff or board member, and;
- Incorporating objectives of the YAC into the overall organisational policy objectives.

Often the YAC model is used in isolation to achieve youth participation; however, its effectiveness can be magnified if used in conjunction with other methods of youth participation.

Southern Rip is a local youth group that meet on a regular basis to organise events for young people and to identify and address youth issues. Fitting with the definition above, Southern Rip is the YAC for the Shire of Busselton and has been recognised as serving this function for some years.

In December 2004, Council resolved (CO412/439) to support and utilise Southern Rip as the local YAC. An extract of the resolution reads:

That Busselton Shire Council invite Southern Rip to make comments and suggestions on items before it that impact on youth in our community.

In a limited and ad hoc manner, Southern Rip has provided comment and suggestions regarding Council items that impact youth, however, this service has not been maximised.

Southern Rip undertook consultation with young people about the foreshore and jetty redevelopment and presented their findings to Council. This is a good example of how this service can provide positive outcomes for both young people and the Council. Other examples have occurred on a less formal basis, for example, the Recreation Officer attended one of Southern Rip's fortnightly meetings to access a youth group as a focus group for the development of the Get Active Geopraphe Plan.

CONSULTATION

The Manager, Community Development and the Community Development Officer have consulted with Rance Driscoll, Coordinator of Southern Rip to explore models of successful YACs and possible options and implications for the Shire of Busselton.

The Community Development Officer has explored modus operandi of YACs and youth services at a range of Local Governments across WA. However, as there has been limited time available to adequately explore the options and engage with the relevant stakeholders sufficiently, further consultation is recommended.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

The Council Policy 067 – ‘Youth Policy’ provides a guide for Council’s potential involvement in issues affecting young people. This policy does not make specific mention of Youth Advisory Councils. The policy does guide Council to assist in the development of services and programs to assist local youth orientated organisations.

FINANCIAL IMPLICATIONS

Since 2006/2007 the Shire has provided \$110,300 to Southern Rip through the Community Bid process. This has been an allocation of \$25,000 - \$30,000 annually for the provision of Invent, a youth skills development project. This annual allocation has assisted Southern Rip to provide a YAC service, however, it has not been used solely for this purpose.

As further discussed in the Officer Comment, the modus operandi of each YAC is different, and as such so too are the costs associated with managing a YAC. Generally, the main cost associated with managing a YAC is the human resource time of the coordinator.

It is recommended that a workshop with relevant stakeholders be convened to review the modus operandi of a range of Youth Advisory Councils (YACs) in other Local Government areas across Australia, and explore structural, budgetary and resourcing options and implications.

This research and workshop will better inform the financial implications.

STRATEGIC IMPLICATIONS

Youth Advisory Councils (YACs) are strongly aligned with the Community and Social Well Being strategic focus area. A YAC could also provide benefits to the other strategic focus areas of Built and Physical Well Being, Business and Economic Well Being and Natural and Environmental Well Being by providing a youth perspective on related issues.

OFFICER COMMENT

In an attempt to identify a successful YAC model, consultation has been undertaken with a range of Local Governments.

This consultation revealed that many YACs do not have terms of reference and often the structure of a YAC evolves over time to meet the needs of the individual community.

Further to this, the consultation showed clearly that it is common practice for Local Governments to have some form of YAC. The modus operandi of each YAC is as diverse as are the number of Local Government areas and as such no clear standard model can be readily presented as a 'best practice' option.

To develop an effective YAC model that is suited and valuable to the Shire of Busselton it is important to not only learn from models in other Local Governments, but to further consult with local stakeholders to review existing assets and local objectives.

In addition to this, as mentioned in the background, research has identified that good practice in establishing YACs involves:

- Allocating the responsibility of planning and establishing the YAC to a designated staff or board member, and;
- Incorporating objectives of the YAC into the overall organisational policy objectives.

It is therefore recommended that a workshop with relevant stakeholders be convened to:

- review the modus operandi of a range of YACs in other Local Governments across Australia and develop a model that is appropriate for the Shire of Busselton.
- explore the structural, budgetary and resourcing requirements for supporting this model.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

December 2009 / January 2010

- Undertake research
- Identify relevant stakeholders
- Convene workshop with stakeholders
- Develop recommendations

Last Council Meeting in February 2010

- Report findings, options and recommendations to Council

OFFICER RECOMMENDATION

That the Council requires the CEO to:

- (a) convene a youth stakeholder workshop to identify a Youth Advisory Council model appropriate to the Shire of Busselton and explore the structural, budgetary and resourcing requirements for supporting this model to assist in addressing issues relating to young people in the Shire,
- (b) report back to the Council on the outcome of the workshop by the last meeting in February 2010.

17. CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

18. MOTIONS of which notice has been given**18.1 PROPOSED CONSTRUCTION OF MOON VIEWING PLATFORM AT MEELUP BEACH**

NoM NO: 09/10: 19

ATTACHMENTS: Images from the booklet "Meelup Studio"

Councillor Don Hanran-Smith has given notice of his intention to move the following motion at the Council Meeting on 25 November 2009.

MOTION

1. At the request of the Meelup Regional Park Management Committee, the Council requests the CEO to have the following works budgeted for and designed for construction in the 2010/2011 financial year:
 - a) The Meelup Regional Park Management Committee has supported a proposal drawn from the booklet "Meelup Studio" to build a platform or seating at Meelup Beach for people to watch the moon rise out of the ocean (a rare sight in WA).
 - b) Associated with this to have an area for public performances at Meelup Beach, terracing at Meelup Beach and a brass or stainless steel plaque nearby to show the phases and times of the moon rise, all to be located just north of the creek.
2. The CEO is also required to strive to obtain grant funding for the project.

REASONS

The committee in their endeavours to have improvements made to the park have decided that this proposal is the most attractive in the Meelup Studio booklet, which was sponsored by the committee & produced by the University of WA Faculty of Architecture, Landscape & Visual Arts.

The committee believes that such a viewing and performance platform will be a well supported public amenity and a magnet for tourists and local residents.

OFFICER COMMENT (Community Infrastructure Directorate)

Meelup Regional Park (MRP) is a well visited and valued environmental park in the Shire of Busselton utilised for its beach as well as its ecological attractions. The MRP committee proposal to enhance the Meelup Park by proposing that seating be provided for moon watching at Meelup Beach is supported by Shire officers. The

proposal to have an information plaque is also supported. However a number of items would have to be taken into consideration.

The design of such a viewing area with a seat should also allow for a path for disabled access from the car park to the viewing area. Considerations such as impact to the beach amenity, material types (to blend in with the Meelup environment) and the use of environmentally friendly materials in the construction should all be included in the design. A part of the design phase can also include investigations into sources of potential funding for the construction. Part of the associated costs of the design and construction of this look out/platform would be consultant structural engineers, disabled access specialists and the need for community consultation. Due to time constraints officers have not been able to determine the potential costs of this project, however it may be in the region of \$100,000.

There could be difficulties in completing the design and construction phases of the project in one financial year. It may be more desirable to stage the project over two financial years, 2010/11 and 2011/12.

19. CONFIDENTIAL REPORTS**19.1 IRONMAN WESTERN AUSTRALIA TRIATHLON - NEW CONTRACT FOR PERIOD 2010-2012****ATTACHMENTS:**

A report, confidential under s.5.23(2)(e)(ii) of the Local Government Act 1995, being information that has a commercial value to a person, was provided to Councillors, the Chief Executive Officer, Directors and the Executive Manager, Systems and Information only.

19.2 PROPOSED LEASE OF COURTHOUSE CAFE

A report, confidential under s.5.23(2)(e)(ii) of the Local Government Act 1995, being information that has a commercial value to a person, was provided to Councillors, the Chief Executive Officer, Directors and the Executive Manager, Systems and Information only.

20. **NOTICES OF MOTION** proposed for consideration at a future Meeting

21. **QUESTIONS FROM MEMBERS WITHOUT NOTICE**

22. **NEXT MEETING**

Wednesday, 9 December 2009, commencing at 5.30 p.m.

23. **CLOSURE**

