ORDINARY COUNCIL MEETING 15 MAY 2024
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City of Busselton.

BUSHFIRE RISK REDUCTION NOTICE 2024-2025

BUSH FIRES ACT 1954

The following Notice is hereby given to all owners and/or occupiers of land within the District of the City of Busselton.

The majority of land with the District of the City of Busselton has been designated by the State as Bushfire Prone and has the potential to be subject, or likely to be subject to be impacted by bushfires.

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954* notice is hereby given to all owners and occupiers of land within the District of City of Busselton, you are required and therefore ordered by the local government to carry out fire prevention work in accordance with the requirements of this Notice, on or before 15 November 2024, and maintain the requirements up to and including 30 April 2025 or within 14 days of becoming an owner or occupier of land if after that date, to comply with the requirements set out in this notice.

Definitions of terms referred to this Notice:

Authorised officer means a person appointed by the City as a Bush Fire Control Officer pursuant to the powers conferred in s38 of the *Bush fires Act 1954*

Bushfire Prone Area (BPA) means all land designated within the Map of Bushfire Prone areas as identified by the Fire and Emergency Services Commissioner under s18P of the *Fire and Emergency Services Act 1998.*

Current Bushfire Management Plan a plan prepared specifically for a property or subdivision as a condition of subdivision or development approval and endorsed by the Western Australian Planning Commission or the City after 7 December 2015.

Driveway/access way means the access route from a public or private road to a habitable building. With:

- a 3-metre-wide trafficable surface.
- vegetation maintained to provide a 0.5m clearance each side of the trafficable surface; however isolated trees and significant plants need not be removed.
- a 4-metre vertical clearance is to be installed and maintained.

Firebreak means a 3m wide area of land cleared and maintained totally clear of all vegetation material (living or dead), with a trafficable surface over which any overhanging vegetation is no less than 4m above ground level, for the primary purpose of access for firefighting appliances.

Flammable material means accumulated fuel such as dry grass, leaf litter, twigs, branches, trash, bush, dead trees, firewood, stored fuels and scrub that can be easily ignited or is likely to catch fire and burn. It includes any other thing deemed by an Authorised Officer to be likely to catch fire but excludes living standing trees, growing bushes and plants in gardens and/or lawn areas under cultivation.

Habitable building means any single or two-family residence, garage, building, structure, trailer, vehicle or portion thereof where persons dwell, reside, are employed, or congregate and which is occupied in part or whole on a permanent or temporary basis.

Land means freehold land or leasehold Crown land.

Lot means an allotment of freehold land or leasehold Crown land and includes contiguous land parcels in common ownership.

Managed Fuel Area means an area of land within 20 metres of a habitable dwelling from the outermost point of the building wall or to the lot boundary (whichever is smaller). Within the Managed Fuel area:

- Trees must be pruned 2m away from buildings with vertical clearance of 5 metres above the top of the external roof.
- Gutters to be kept free of dead suspended matters such as twigs, leaves, and bark.
- Vegetation must be reticulated and/or maintained or there must be a low fuel understory with no Flammable Material present.
- Flammable material to be managed or moved 5 metres away from buildings.
- Unless Managed Vegetation, available Surface Fine Fuel loads must be reduced and maintained at an average depth of 1cm, by Passive Fuel Reduction methods that do not permanently remove or reduce the quantity or occurrence of the native plants, shrubs, and trees within the subject area.

Managed Vegetation includes actively managed and maintained and/or reticulated low-threat vegetation gardens, orchards, vegetable gardens, living standing trees, growing bushes and plants in gardens and/or lawn areas under cultivation.
Passive Fuel Reduction means lowering the amount of available fuel that will burn under prevailing conditions by means that will not permanently reduce or modify the structure or life cycle of plant, shrub, scrub, or tree communities within a treated area. This may be achieved by undertaking a cool, controlled burn of an area during cooler, damper months, or by physical removal through raking, pruning, weed management, or by any other method, of built-up leaf litter, dead materials, weeds and slashing long dry grasses without damaging live native plants within the area.
Special Work Order means a property specific notice served by the City on an owner pursuant to Section 33 of the *Bush Fires Act 1954,* to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire.
Surface Fine Fuel means the leaf litter on the ground, including leaves, twigs (up to 6mm in diameter) and bark which is easily scratched away and not starting to decompose.
Trafficable surface a firm and stable surface, unhindered and without any obstruction suitable to support a 4x4 fire appliance.
Turnaround area means an area of trafficable surface that allows a large fire appliance vehicle to turn around. The turnaround area must:

- be kept clear of encroaching vegetation and overhanging branches to a height of 4 metres.
- Be within 30 metre proximity to the habitable building.
- Turn around can be a loop with a minimum 10 metre radius or a trafficable bay sufficient to support a three-point turn by an 8.3m fire appliance.

Variation means an individual specific Firebreak Notice served by the City on an owner under s33(2) of the *Bush Fires Act 1954*

Category 1 – All Lots 1,100m2 or less:

a) **Grasses to be maintained –** slashed/mowed to less than 10cm in height and removed from the land and disposed of in an appropriate manner;
b) **Flammable material** to be managed or moved 5 metres away from buildings;
c) **Gutters** to be kept free of dead suspended matters such as twigs, leaves and bark.

Category 2 –All lots greater than 1,100m2 but less than 5ha:

a) **Grasses to be maintained –** slashed/mowed/grazed to less than 10cm in height unless actively grazed. If land is actively grazed, grasses shall be maintained to less than 20cm in height.
b) **Category 2 properties with a habitable building:**
  i. **Establish and maintain a Managed Fuel Area;**
  ii. **Driveway/access way –** If the habitable building is, at its closest point, more than 20 metres from the carriageway of a public or private road, the driveway/accessway must be installed and maintained as defined in this Notice;
  iii. **Turnaround area -** If the habitable building is, at its closest point, more than 50 metres from the point of access from the carriageway of a public or private road, a turnaround area is to be installed and maintained.

Category 3 – All lots 5ha or greater:

a) **Grasses to be maintained –** slashed/mowed to less than 10cm in height unless actively grazed or farmed;
b) **Firebreak –** A 3-metre-wide firebreak shall be maintained as close as practicable within 100m of all property boundaries. Where land is actively grazed, or maintained to less than 10cm in height the firebreak may be reduced to 2 metres width. Where the land area exceeds 120 hectares, an additional firebreak must divide land into areas of not more than 120 hectares with each part completely surrounded by a firebreak within 100m of the boundary of that part;
c) **Category 3 properties with a habitable building:**
  i. **Establish and maintain a Managed Fuel Area;**

ii. **Driveway/access way –** If the habitable building is, at its closest point, more than 20 metres from the carriageway of a public or private road, the driveway/accessway must be installed and maintained as defined in this Notice;

iii. **Turnaround area -** If the habitable building is, at its closest point, more than 50 metres from the point of access from the carriageway of a public or private road, a turnaround area is to be installed and maintained.

Current Bushfire Management Plan – Properties subject to a Current Bushfire Management Plan must comply with the requirements of their Current Bushfire Management Plan in addition to the requirements of this Notice.

Variations to the requirements of this Notice: To request a Variation to the requirements of this Notice, you may apply in writing to the City of Busselton for a Variation to the Notice. Variations will be considered where compliance is not practicable due to site-specific constraints such as topography, gradients, or waterways or due to environmental constraints. A submission for a variation is required annually.

Applications for Variations must be completed on the approved form, available from the City's website and must provide alternative means of meeting the objectives of the notice.

Take notice if permission is not granted in writing you must comply with the requirements of this notice.

Additional works: The City retains the ability to issue Special Work Orders pursuant to Section 33 of the Bush Fires Act 1954, to individual landowners should additional works be necessary for a potential fire hazard that may exist on a property. These can be issued at any time during the year.

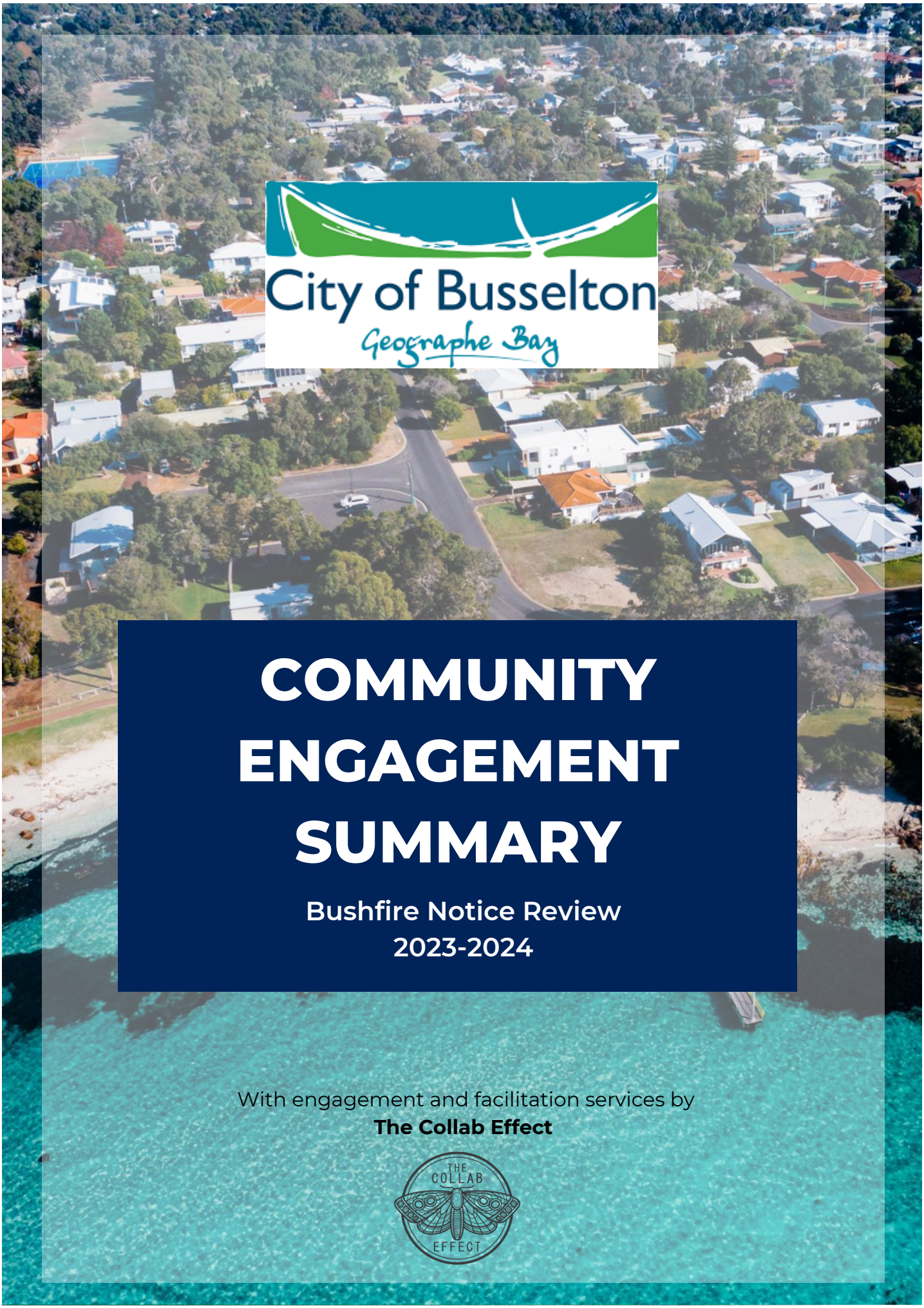
Inspections, appointments, education and compliance: Landowners/occupiers who would like an early inspection by appointment, for reasons, including dangerous animals, biosecurity, locked gates, or for an explanation on the requirements of this Notice, should contact Rangers by **1 October 2024.** Where inspections by appointment are not requested, **Authorised officers** will be inspecting properties for compliance, without further notice from **15 November 2024.**

Clearing permits and exemptions: Owners/Occupiers must attempt to minimise environmental impacts as much as possible and should contact the City prior to undertaking works if clearing is likely to impact any protected flora, fauna or fauna habitat, or their property is within an Environmentally Sensitive Area. In most circumstances, Owners/Occupiers that clear vegetation in compliance with this Notice will be exempt from the requirement to seek approvals or permits under State law.

Federal environmental approval may be required, if the requirements of this Notice are likely to have a significant impact on a nationally protected matter. Western Ringtail Possums or black cockatoos may be disturbed through the clearing of vegetation need, licenced wildlife handlers must be present when the clearing takes place.
Owners/Occupiers who clear beyond the requirements of this Notice without approvals may be subject to prosecution.

Landowners/occupiers who do not comply with this Notice or a Variation to this Notice may be issued with an infringement notice ($250) or prosecuted with a penalty up to $5,000. A person in default is also liable, whether prosecuted or not, to pay the costs of performing the work directed by this Notice if it is not carried out by the owner and/or occupier by the date required by this Notice.

Right of appeal: Where the City has issued a person with an Infringement Notice, there is a right of appeal. If a person genuinely believes that there are grounds as to why the Infringement should be withdrawn, then they are encouraged to detail those reasons in writing to the CEO of the City of Busselton seeking a review of the matter within 14 days of the date of issue.



City of Busselton
Geographe Bay

COMMUNITY ENGAGEMENT SUMMARY

Bushfire Notice Review 2023-2024

With engagement and facilitation services by
The Collab Effect

THE COLLAB EFFECT

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Overview

Community engagement occurred through a Community Project Reference Group (CPRG) from July 2023 to March 2024.

The group comprised 16 community and bushfire representatives who participated in six group workshops over this period to guide the review.

The public consultation period was open for six weeks from 22 January to 03 March 2024.

Through this public consultation period, the City received **127 responses**.

The public consultation period included:

- **109** survey submissions
- **591** draft notice downloads
- **1,171** page visits
- **18** direct submissions
- **3** community pop ups
- **4** community sessions
- **20** participants at an open-door community workshop in Dunsborough

Key findings

The common voice

- Most submissions support the draft BFN and suggest refinements, particularly for Category Two and Definitions.
- Most of the feedback related to Category Two, and 72% of survey participants identify category two applied to them.
- A large amount of feedback also related to Managed Vegetation and Managed Fuel Areas (MFA)
- Submissions contain a theme of concern that major clearing would be required.
- There is also a theme of concern around expected deadlines and costs for implementation.

Most popular requests

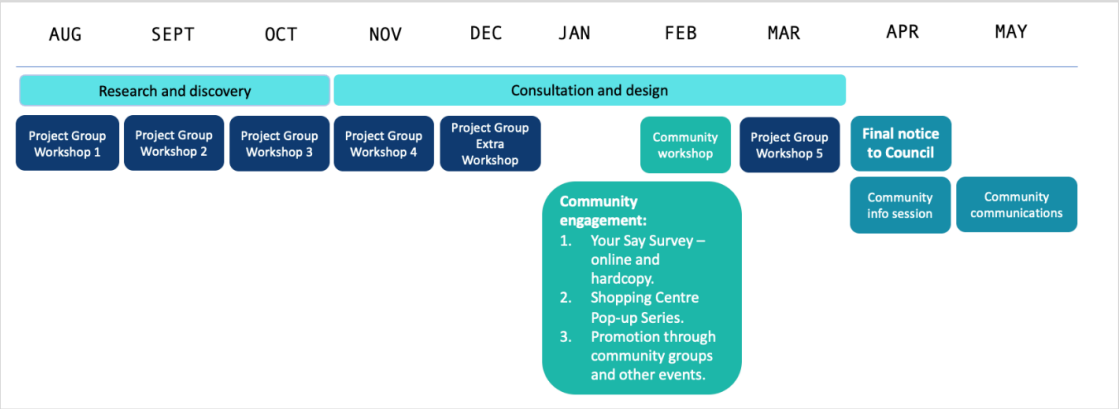
- Use simple language
- Improve layout
- Include supporting information
- Less definitions
- Make specific improvements for each category

Process

The engagement process for the Bushfire Notice Review (BFN) occurred from July 2023 through to May 2024. This featured a Community Project Reference Group (CPRG), comprised of a diverse mix of community leaders and agency representatives. The role of this group has been to guide the city in its review of the BFN.

Timeline

CPRG workshops occurred before and after public community consultation. The public consultation phase occurred over six weeks from 22 January to 03 March 2024.



Group membership

The CPRG was comprised of a broad mix of bushfire representatives, community environmental landcare groups and resident interest groups. Membership included:

Group	Who
Community Group Representatives (9)	• Residents of Eagle Bay Association - Don Best • Yallingup Residents Association – Sue Schluter (Jeremy Warren proxy) • Dunsborough and Districts Progress Association - Tony Sharp • Toby Inlet Catchment Group - John McManus (Duncan Gardner proxy) • Busselton-Dunsborough Environment Centre - Craig Sisson • Yallingup Land Conservation District Committee - Lawrie Schlueter • Dunsborough Coast & Land Care (DCALC) - Kelly Paterson (Lorraine Duffy proxy) • Bushfire Ready Representatives - Peter Campbell, Natasha Fry (Chris Langdon proxy) • Injidup Residents Association – Kevin Singer (Stacey Lange proxy)

Agency Representatives (7)	• WA Local Government Association (WALGA), Senior Policy Advisor Emergency Management – Rachel Armstrong • Office of Bushfire Risk Management (OBRM), Principal Policy Officer – Chris Dunn • Department of Biodiversity, Conservation & Attractions (DBCA), Regional Leader Fire Management, Parks & Wildlife, DBCA South West Region - Ryan Butler • Department of Fire & Emergency Services (DFES), Bushfire Risk Management Officer Lower South West Region - Tim Hutton • Department of Fire & Emergency Services (DFES), District Officer Emergency Management Lower South West Region – Nathan Hall • Fire Control Officers - Al Guthrie (Chief FCO), Todd Johnston (Deputy Chief FCO), Peter Dawson (Vasse BFB), Matt Muir & Mark Fisher (Yallingup Rural BFB), Mark Jolliffe (Wilyabrup BFB) • Bushfire Advisory Committee Representatives & City of Busselton Councillors - Mayor Phill Cronin, Cr Kate Cox • City of Busselton Staff - David Boardman and Gordan Boettcher - Ranger Services, Jo Wilson- Manager Development Services, Kellie Woodcoe-Bryant EA to Director of Community Planning, Matt du Plessis – Community Emergency Services Manager, Neil McKay - Bushfire Mitigation Officer, Paul Needham - Director Community Planning– now Gary Barbour, Director of Community Planning & Project Lead Rach Runco, Manager Community Safety

Workshop outcomes

The outcomes from each of the group workshops are shown below. Each workshop was independently facilitated by The Collab Effect, with a Trello board storing key documentation between sessions.

Workshop	Outcomes

Workshop 1	• Agreements for the process.
	• Shared group goal:
	  ○ Greater community buy in & understanding.
	  ○ Half the amount of complaints.
	  ○ Landowners and Rangers to engage more. meaningfully on the topic – less ambiguity and animosity.
	  ○ A new notice endorsed by Council.

Workshop 2	• Presentations from WALGA & OBRM, DFES and City of Busselton – context and background info. • Purpose of a BFN for the City of Busselton. • Gaps in the current BFN, strengths and weaknesses.
Workshop 3	• Explore and consider key BFN elements by interest group. • Opportunities for environmental wins.

Workshop 4	• Examined a newly drafted notice, based on previous workshops. • Unpacked the requirements and definitions for each category. • Explored approach for broader community consultation. • Agreed to complete one more workshop before community consultation, to refine the notice.
Workshop 4.5 (bonus)	• Reviewed an updated draft notice that incorporated group feedback from session 4. • Group examined the notice piece by piece to reach consensus on key changes to the draft. • Explored the community consultation approach, method and key questions.
Workshop 5	• The draft BFN was finalised with the group based on the community consultation results. • The group provided advice and ideas to the City on managing implementation of the new BFN.

Public consultation

The public consultation phase occurred over six weeks from 22 January to 03 March 2024. This featured multiple elements to stimulate reflection and response to the City on the newly drafted BFN.

The elements of community engagement over this consultation period included:

Element	Detail
Community survey and direct submissions	• Made available online and in paper copy at the City's front counter for the whole six weeks. • A total of 127 submissions (109 online and 18 direct).
Community pop-ups	• The City hosted informal "pop-ups" in community spaces and shopping precincts over this period to engage people directly, answer questions and encourage submissions. • Locations included Busselton, Vasse and Dunsborough
Community group presentations	• Promotion of the survey was shared with a range of community groups • The City presented and engaged community at 4 local meetings and events on the draft BFN during this period, including the Busselton Friendship and Learning Circle, Residents of Eagle Bay, Bushfire Ready Coordinators AGM, Yallingup Residents Association AGM.
Dunsborough community workshop	• An open-door community workshop was held at the Dunsborough Community Centre on the evening of Thursday 15 February 2024 with 26 community members attending. • The workshop explored key issues around application of the BFN and potential refinements of the draft.

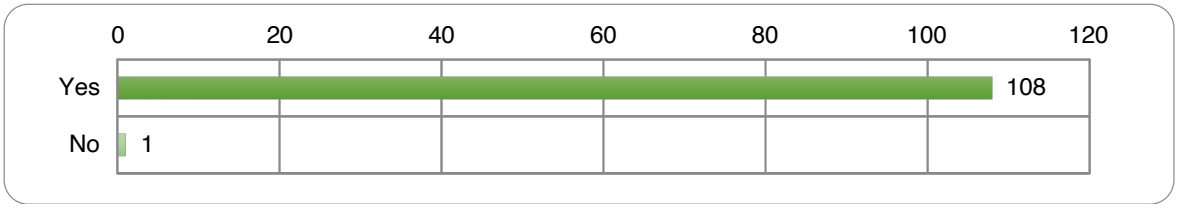
Public consultation results

This section shows the quantitative results from the online survey and the thematic qualitative results from all submissions received during the public consultation period.

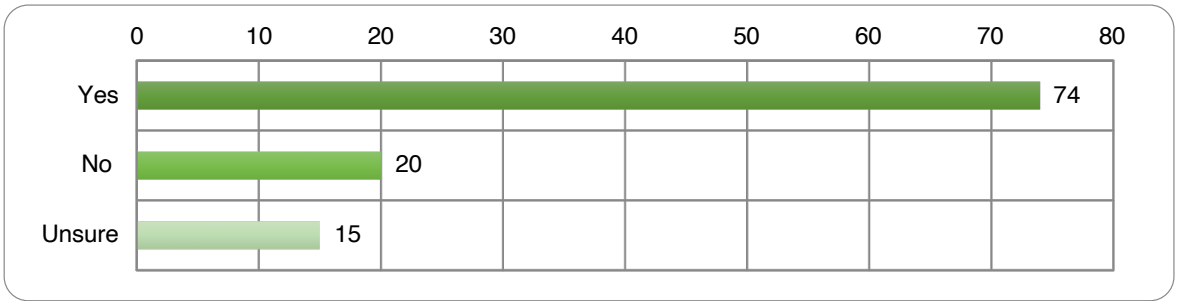
This includes:

- **109 survey submissions**
- **18 direct submissions**
- **591 draft notice downloads**
- **1,171 page visits**

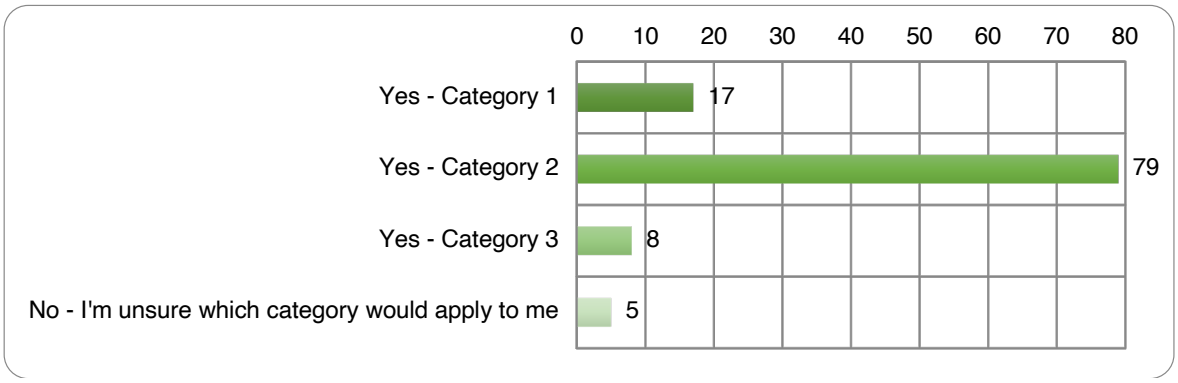
1. Have you read the draft Bushfire Notice?



2. Overall, do you feel the draft Bushfire Risk Reduction Notice is clear and easy to read?



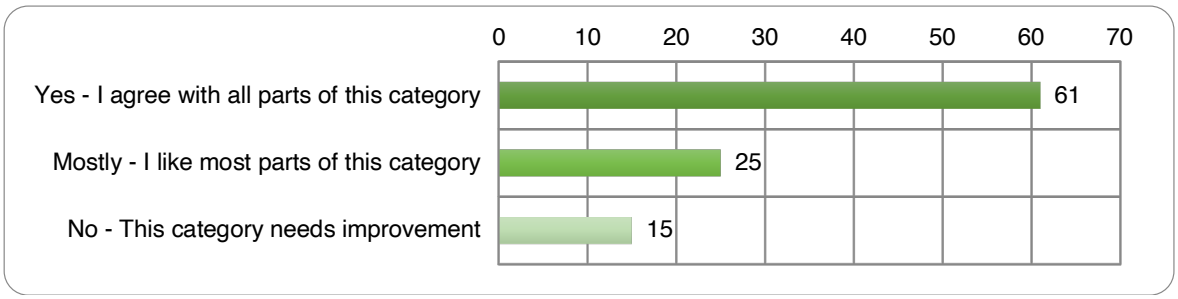
3. Do you know which category would apply to you?



General themes:

Impact (how this affects me)	• Big concern of what this change means for existing households and residents – cost, time etc. • Fear of major cleaning. • Misunderstanding of some elements. • People talking to their specific properties. • Non-compliance on neighbouring properties, and realistic ability for the City to regulate.
Simplification	• Avoid use of jargon or government speak. • Too many definitions.
Layout	• Definitions first. • Use of acronyms. • Clear instructions and messaging – getting the balance right.
Implementation	• Provide information in multiple ways – online, hardcopy etc. • Provide photos and measurements with diagrams. • Onsite consultations and inspections. • Messaging / education e.g. "I don't understand the practicality of widened firebreaks and how this will meaningfully mitigate risk, and hence am concerned about the loss of habitat with no added protection."

4. Do you agree with the draft requirements in Category 1?

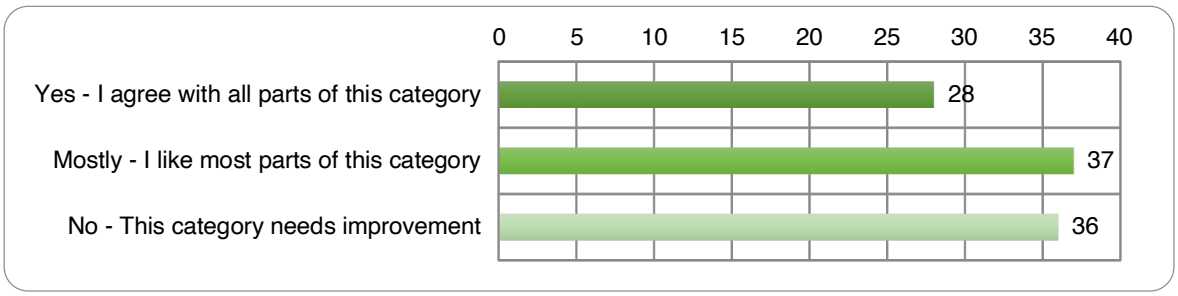


Category 1 themes:

Clarity of requirements	• Clarification that this is the minimum standard – people may think only of "grasses". • Make clear that in addition to grasses, anything deemed a fire hazard may result in a work order i.e. grass clipping and any other material produced in reducing fire load must be appropriately disposed, excessive vegetation against the house. • Clarify if with or without a dwelling, and distance to trees. • Singular reference to fire breaks – confusing.

Grass	• Is this realistic. • Allowance for difficult to access land due to steep terrain, swampy, heavy undergrowth and or granite outcrop. e.g. “Assessment of difficult to access terrain should make some allowance for some grass to be allowed, perhaps based on area perhaps say no more than 20% of applicable area or land size.”
Managed Fuel Areas	• These properties should also be subject to an MFA. • Make clear the application to living shrubs. • Include keeping gutters clear and trim overhanging branches over the roof. • Concerns with storage of "flammable items" on small lots if MFA includes things like firewood, garden mulch, dry compost etc. • Unfair expectation that reticulated gardens should be less than 50cm high.
Environment and landcare	• Make distinction between annual grasses, that are dead in summer, and actively growing native vegetation as native sedges are grass like but should be retained. It could go in the definitions section. • Strong disagreement with regulations dictating pruning of the trees on small blocks - habitat refuge in biodiversity area. • Landowners be able to use permaculture methods to deal with the material generated with complying with the notice e.g. methods of recycling on the property including mulching.

5. Do you agree with the draft requirements in Category 2?

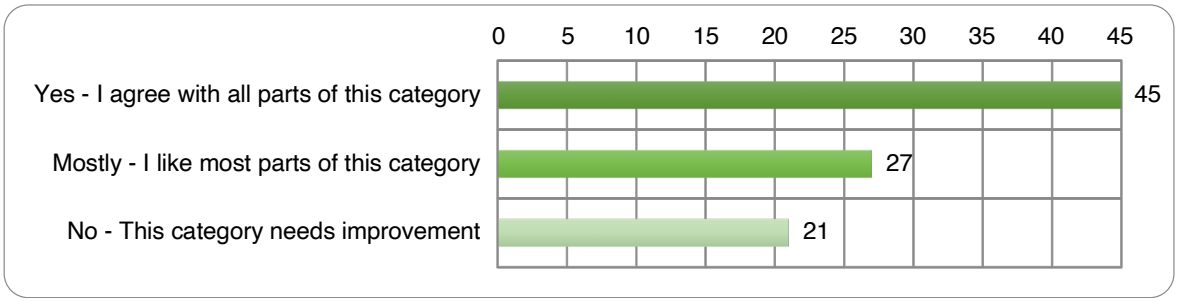


Category 2 themes:

Environmental considerations	• Concerns of excessive felling and clearing of mulch due to misinterpretation of terms used. • Concerns for firebreaks on category 2 and 3 lots - no new firebreaks.
Maintained vegetation and MFA	• MFA and its relationship to managed vegetation is difficult to interpret. • More about what is classified maintained. e.g. Peppi tree leaves in reticulated area. e.g. Difference between a tree and a shrub. • Unclear if managed vegetation means removal of large established trees within 0.5m of access way. • Provisions to manage fuel over summer periods.

	• Needs visual examples of 8-tonne/Ha and what the Rangers will be looking at visually. • Compressed leaf litter less than 15mm is unachievable for many rural residential blocks – a lot of raking and taking to tip. • Change from 20m to 8m – more realistic and better for environment.
Overhanging trees	• Trees must not overhang eaves - 5m too much. Reduce to 1 m. • Detracts from a property's environmental value and amenity. • Unreasonable if some of that foliage is "fire retardant" vegetation.
Vacant lots	• Concerns for firebreaks and low fuel zones on vacant category 2 properties. • Does the low fuel zone need to be trafficable?
Firebreaks and accessways	• No firebreak for 2(b) property without an inhabitable building. • Shared firebreaks across neighbouring vacant properties. • Many rural residential properties have tree lined driveways or with managed gardens – concern around change, timing, amenity. • Allow pinchpoints for large trees and some use of shoulders for shrubs. • Suggest: most of the driveway adheres to the 4m clearance, and all of it to the 3m trafficable surface.
Turnarounds	• Clarify minimum size. • Option for a three point turn. • For dead end drive only. • Accept firetrucks reversing up a driveway, say up to 100m long, which would allow a quick exit if needed.
Implementation	• Cost. • Timing / transition period. • Availability of contractors.

6. Do you agree with the draft requirements in Category 3?

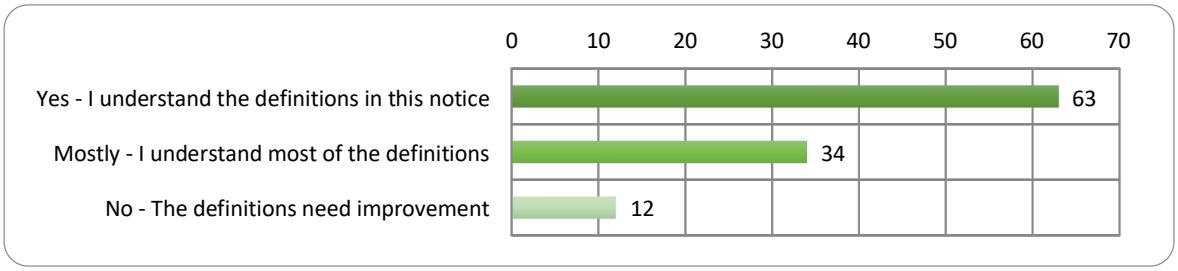


Category 3 themes:

Managed Fuel Areas	• Clarify MFA and terminology: “Maintain the area as Managed Vegetation or a MFA”. • Difficulty in understanding MFA and its relationship to managed vegetation, and trees. • e.g. 20m MFA should be from residence only and not include adjacent buildings. • e.g. Should be from wall of habitable building, not deck or terrace. • Concern new firebreaks and the City’s responsibility to clarify this for community. • Application of firebreaks on certain lots. • Rural blocks cannot adhere to the clearing of leaf litter in native vegetation. • Concern of 3 metre firebreaks on 10cm growth - not best practice for soil erosion and after cutting hay. • Where there in an approved Bushfire Management Plan that avoids the implementation of firebreaks within areas of native vegetation, the BMP should prevail.
Accessways and turnarounds	• Occasional trees along the driveway should be allowed, pinchpoints. • Clarify turnaround definition and allow flexibility. • e.g. circular driveway or turning point for reversing. • e.g. Not required if existing loop. • 9m radius turning circle will be expensive to install and will affect large areas of bushland. • Concern costly for rural owners to widen their driveways to 4 meters as most driveways are very long. • Suggest 0.5m shoulders of access way should allow for some trees and shrubs that serve as habitat. 5m shoulders should be sufficiently cleared to allow firefighters to work from the side of their truck intermittently along the access way, not totally cleared. • Remove requirements on driveway/accessway, turnaround area and vacant blocks.
Gutters	• Concern 20 metre fuel free zone around an occupied building is a large distance, in addition to keeping gutters clean. • Difference between dwellings with gutters and without, lower risk.
Vacant lots	• Concern/assumption requirement to clear trees. • Make dry grasses only. • Concern firebreak clearing of remnant vegetation for endangered species.

Rural elements	• Non habitable building properties should not have additional requirements. • Auxiliary buildings should not be included in the 20m measurement. • New firebreaks on special rural blocks - where existing strategic firebreaks.

Do you understand the draft definitions in this notice?

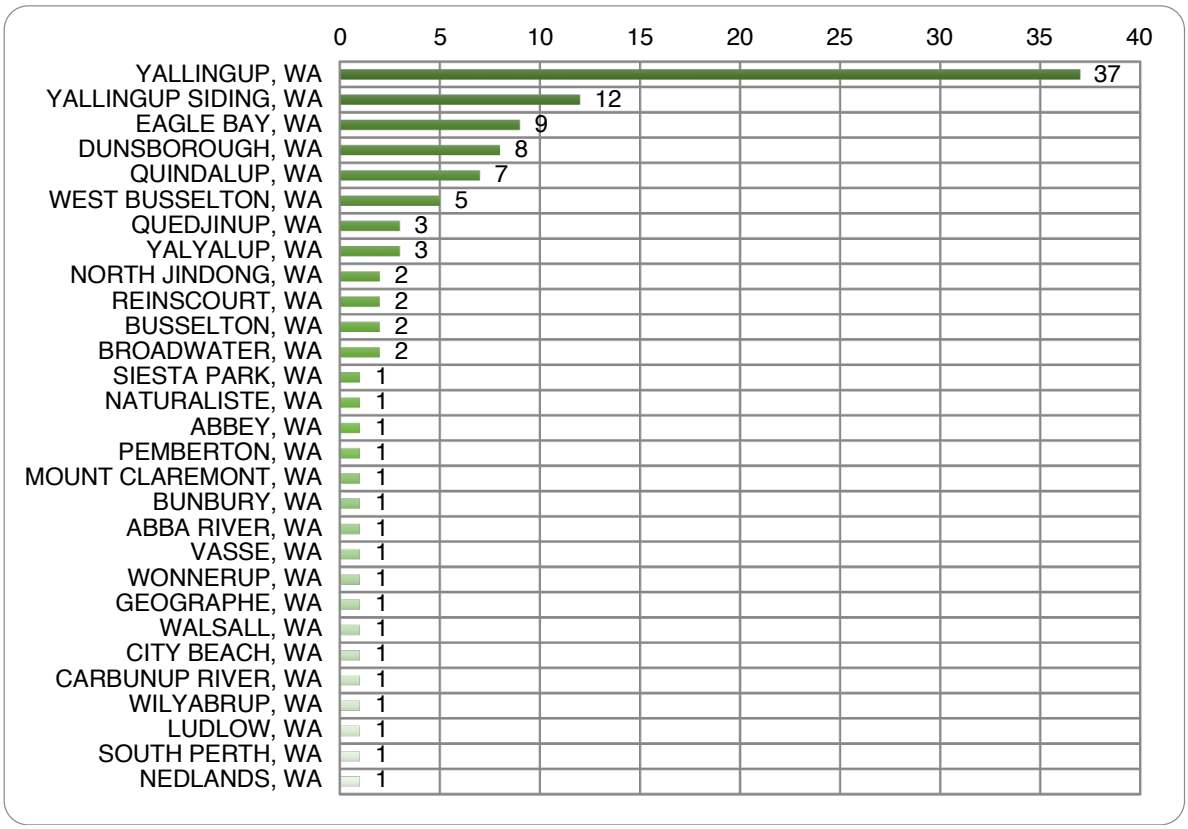


What changes (if any) would you recommend to improve the understanding of these definitions?

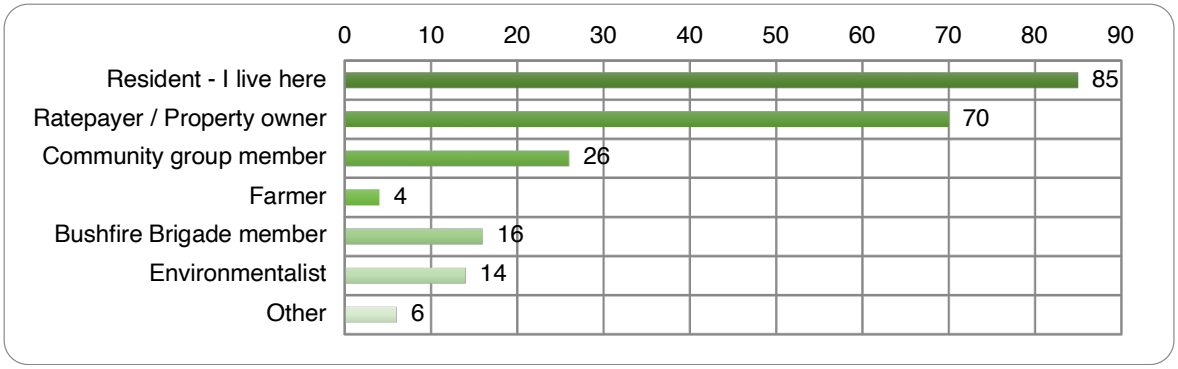
General	• Too many definitions – simplify. • Too complex.
Managed Fuel Areas	• Too many words / terms to describe MFA. • Use diagrams/visuals to help illustrate. e.g. overhanging trees. • Clarify: • “Trees that are pruned 2 metres away from buildings and must not overhang within 5 metres of the external roof.” • What is defined as maintained/ reticulated and can this be measurable in any way. • “This is proposed at an average of 8 ton per hectare. The confusion for me is that you can have a well-maintained area that has 3 - 4 potentially very old trees within the 20 metre zone that combined exceed 8 ton. Does this mean those trees have to be removed to comply with this notice?” • What is a “Low Threat Vegetation Gardens" – and understanding green living shrubs. • Distances 20m and 50m – what does this look like.
Firebreak	• Include firebreak width. • Category 2 & 3 range of questions on scenarios.
Flammable material and fuel loads	• Both definitions are too broad and uncertain. • “Any other thing deemed by an Authorised Officer” • Areas under cultivation / cultivated garden area. • “Twigs (up to 6mm in diameter) and bark” is contained within mulch commonly used to control weeds. • It is sufficient to define 'Fuel Loads' by reference to leaf litter.

Habitable building	• Unclear words – “dwell” and “congregate”. • “Single and two-family residences” – excludes other arrangements and suggest to simply refer to “residential dwelling”. • “Structure” – does this include a shed, trailer, vehicle. What size?
Turnarounds	• Making sense for lay people - is this 9m in diameter or circumference? • “Turning circle” is a function of the vehicle and is open to interpretation. Give the dimensions of the turning area directly for simplicity and clarity. • Length of turnaround bays required, not just radius. • Dimensioned examples of minimum size needed. • Assistance in understanding if existing access if sufficient.
Driveways/ turnarounds	• Clearer requirements. • Within notice “carriageway of a public road” is used.
Variations	• Renew only when circumstances change, not annually (like other LGAs) • Approvals for clearing and environmental protection.

What suburb do you live in?



What is your connection to the Busselton community?



Appendix 1: Comments by theme

Note: This is not a complete list of all comments, but shows the majority.

General comments

Theme	Details
Supportive	• I strongly support the simplification of the Categories, and I believe that these are very clear as defined in the new Notice. • It's a big improvement over the current notice. • Better than before • Needs clarification, but improved over current notice • None, the entire policy is a vast improvement on previous iteration - takes into account a more balanced approach to fire risk management and is presented in a far easier to understand manner. Great result and you guys have really listened to community concerns, thank you. • Nothing. It's pretty clear and simple and if people have trouble understanding them then we have a far greater problem on our hands 😉 • I find them all clear. • The notice is extremely clear to read and understand. There was no confusion from the information/definitions provided. No changes recommended. • I can't suggest any changes as I understand all of the definitions
Against	• Creates terms that are not in line with current industry wide accepted terminology. i.e MFA and CBMB • Too much detail involving when a building was built in regards to what has to be done to comply with the notice. All buildings built prior to the introduction of the new bushfire prone areas planning documents would not meet any of the introduced requirements eg driveways. The notice just copies building in bushfire prone areas legislation. All you need is dual access and egress on to all properties for people to evacuate. Nothing can withstand 1600+ degrees of heat no matter what you do. Living with no shade on bare earth is not healthy or even achievable. Weeds take over, die quicker and become a new fire hazard. • Wordy and complicated. Full of things that will micro manage home owners and give more red tape and bureaucratic hurdles for us to jump through. For instance - i would have to demolish a 3 metre stone wall or pull down part of my house to put a turning circle in my drive way. Not because my drive way is a fire risk but because it is a certain length. • Terminologies used require further clarification, with categories 1, 2, 3 require further explanation and specificity • Why does do I need to do anything with land that has been undisturbed for thousands of years • 5.PROPOSED CoB CATEGORY OF FIRES: The reduction from 8 categories to 3 categories ie 1,100m2 or less; all lots greater than 1,100m2 but less than 5ha and all lots 5ha or greater - is in my view, is a recipe for disaster as you cannot compare the Naturaliste Ridge-Dunsborough-Yallingup area to the farmlands of Busselton and surrounds. Reasons: 5.1 Terrain – in year 1986 the Naturalise Ridge

	area was declared by the Bush Fires Board of WA as the most dangerous fire risk area in the State after the Darling Range outside Perth. Nothing has changed – in fact, more and more trees and bushland have been planted/grown on Naturaliste Ridge areas and the Leeuwin Naturaliste National Park and cave networks. Therefore, there is a vast difference when considering fire regulations for the whole of the City of Busselton ie 'one size does not fit all' in local terrain burning off. 5.2 Weather – it is a fact that the Naturaliste Ridge area is cooler in summer and warmer in winter. However treed and bush areas retain moisture and it is frustrating in spring-summer when fire bans are issued for the WHOLE of the City of Busselton — yet on the Ridge area you cannot burn off because the ground is still TOO WET. Whilst permits are then required – often with three people required in attendance for such burns, no allowance is made for an inability to burn due to wet ground ie 'one size does not fit all' in timing of burning restrictions. • There is no allowance for special purpose established large (over 1,000sqm properties for example the wildlife corridors that has existed and one is registered, in Dunsborough Lakes Drive that backs onto the rural residential property on Ridgeway Drive on the Leeuwin Naturaliste Ridge This proposal is a one size fits all, and will not mitigate fire risk because of the strong winds at the base of the ridge and the direction over rural residential and bush blocks adjacent to the larger urban buffer blocks. There should be some allowances for old established special purpose blocks even taking into consideration the need for windbreaks and privacy as these blocks have post and rail fencing. • Whole thing needs to be rethought. I understand why but don't think the implications have been considered for pre-existing households • Need to align with industry standards. • You need to be a gardener with a tape measure to comply with the notice. Thinking that this measuring will make you safer is absurd. • I seriously question the logic of this. In the real world, just how effective will this be in reducing the impact of a bushfire in our area? Is this measure evidence-based as being successful in this situation?
Other (engagement approach/design)	• A better option might be, ""Specifically, please tell us where the draft Bushfire Risk Reduction Notice is difficult to read."" Using the qualifier, ""Overall"", is canvasing tacit agreement to the document. • "See above. There are conflicting definitions between the draft Notice and the Information Sheet - e.g. what constitutes a Habitable Building and whether Fuel Load is depth of compressed material or tonnes/hectare.

What to include in the BFN

Theme	Details
Purpose	• At no point in the document does it specifically state that these measures are intended to reduce the risk of ground fires, ie as opposed to canopy fires. I think this is an important piece of information worth

	including in the document, since it helps provide a better understanding for the rationale adopted. • Consideration also needs to be given to different types of bush fires eg canopy fires versus ground fires, which have quite different characteristics, and whether measures that have benefits in relation to one type of bush fire are also effective in relation to mitigating the impacts of others. Failure to do this may mean that a Notice goes a long way to achieving its purpose in relation to say ground fires but not in the case of crown fires. The proposal to change the title from Firebreak Notice to Bushfire Risk Reduction Notice is a useful step in clarifying the aim of the document. A further step would be to replace the term "firebreak" within the document with something else because the word itself has connotations, which are largely inconsistent with its primary purpose of providing access for fire trucks. A further step would be to ask questions such as the following about each measure: 1. Which objective(s) is this measure addressing, how and to what degree 2. What type(s) of bush fire is this measure addressing, how and to what degree 3. To what extent does this measure adequately balance bush fire risk reduction with environmental, amenity and financial impacts on land owners 4. To what extent do the proposed measures, in combination, adequately achieve each objective 5. Are there additional measures, particularly where the proposed measures are limited in their effectiveness, that could contribute to achieving each objective While development of a new Notice is well advanced, it is not too late to retrofit the approach outlined above to help achieve a better outcome
Variations process	• There is no reference to any review process for either Variations or issues of non-compliance to the Notice. I think there should be a clearly defined process for this, as there will be so many different individual circumstances under which such variations might be valid outside of 'the norm'. • It is unreasonable that the land owner needs to apply for a variation to the regulations each year. This also was not agreed to in the consultation process. It needs to be changed to- the land owner only needs to apply once for variation to the regulations and then again only if circumstances change. • Right of review - The current firebreak Notice does not set out any provision for a property owner to be able to seek a review of a ranger's assessment of its application to their property or of a rejection of a request for a Variation. Our experience has been that when the annual inspection is carried out, depending on the ranger involved, there can be different interpretations of the requirements. We believe that this shortcoming should be rectified in the new Notice and a provision included for property owners to have an explicit "right of review" to someone, who is able to apply a broadly-based common-sense perspective to the initial assessment. Any such review should apply to both the annual inspection and the application for a variation, and should provide written reasons for the outcome.

Change process /deadline	There doesn't appear to be any consideration of staging or what might be a reasonable timeframe for people to make the necessary changes to their property in order to comply with the new regulations. In particular, the provision of a turnaround area for properties with habitable buildings greater than 20m from the road carriageway might require considerable works involving multiple trades.
Information sheet	• Whilst it is my understanding that the "Information Sheet" does not constitute a legal part of the Notice, it would still be helpful if it more accurately reflected the circumstances that apply within the City. In particular, I refer to the plan diagram for the Managed Fuel Area (MFA) in this Information Sheet, which would seldom be representative of Category 2a type properties. • The notice is inconsistent in parts with the information sheet provided. • Provide examples and photos in the additional information that comes with the information sheet • diagram's to explain clearly the wording of each defintion • To include on Information Sheet: Burning of garden refuge etc: clarification required for all sections regarding restricted/permit and open burning requirements. To include the web page link to City of Busselton. "
Layout	• Initially found the article to confusing to read as faced with acronyms in early paragraphs, before realizing that the glossary of terms was at the end. May have been easier to have full term with acronym in brackets immediately afterwards eg. managed vegetation area (MVA), when the term was being used for first time and then only used acronym in following sentences. Glossary at beginning otherwise would familiarize the reader with some of these terms which are obviously part of the everyday language of firies etc, but not so much the man in the street. • Please put the acronyms list at the start of the document, or include full description then acronym in parentheses to help decipher the lingo. • Acronyms should be spelt out at first reference not relegated to back of the document. Wording in areas is unclear-MFA, for example. Similar topics are in different sections-fuel loads definitions, for example. Draft and notes sometimes contradict. Categories are clear and an improvement. • I don't understand all of the information in the abbreviations. I appreciate that they are there and I know who to ask for clarification but this is not going to make sense to visitors to the area. • There's quite a few spelling errors in the docs. Maybe one last review and then good to go! • "Acronyms out front, if they are not going to be expanded within the body text. • Minor change - in the opening line "The majority of land with the District of the City of Busselton has been designated by the State as BPA ...." - BPA should be the full name - Bushfire Prone Area - or be in bold, as per the other abbreviation. • "Put the glossary of definitions at the start of the article so it is easier to see. • Use the full name of the definition in the article before using the acronym in the text.
Jargon	• Use easy to understand language not the govt speak used.

	• No layperson understands what a fuel load of two tonnes per hectare means. That's a technical definition that is of no use to the general public. Explain what's required more clearly.
Implementation of new notice	• Good as is. Whilst probably not in terms of reference of this document the cost and imposition of acquiring a current bushfire management plan is stifling development in the local area. • Offer site visits to assist residents. • I would like an onsite visit to make sure we are compliant and how to minimize fire risk. • Keeping fuel loading down category 2 - will there be a free access for the pruning's/leaves etc for disposal at tip for residents and pensioners. (We used one of our 4 passes last trip to tip with garden pruning's at Dunsborough Waste Disposal. 8-10 trips per year would be required for disposal of garden refuse etc.
Readability of notice	We think the document could be made more user friendly by some editing as follows: 1 Delete all use of acronyms such as MFA and CBMP as they tend to "jargonise" the document, make it less user friendly, and do not shorten it significantly as they are not used extensively anyway. 2 Simplify the document by reducing the number of different units of measure and using consistent abbreviations. The following are suggested: cm where both mm and cm are currently used m where both m and metre are currently used ha where both ha and hectare are currently used 3 Print terms which are definitions, in a different colour so it is always clear that the words refer to a definition eg Habitable Building 4 Remove the use of "tonnes per hectare" and simply express Surface Fine Fuel Load in terms of depth in cm as this will be much easier for both property owners and rangers to understand and apply. 5 Remove the terms "firefighting appliance" and "4x4 fire appliance", which are jargon, and replace them with "fire truck", which is more generally used and understood by property owners.

Category 1 feedback

Theme	Details
Clarity of requirements	• Category confusion as cat 1 doesn't indicate with or without a dwelling. • Part a - The only requirement is to cut grass. In this case Part b - could just say grass clipping need to be removed - as that is all that will be enforceable. However I think you are wanting to ensure the fire load is kept low. This either mean increasing the detail in part a, or in part b add that grass clipping and any other material produced in reducing fire load must be appropriately disposed. the second section of Apz to apply. Canberra 2003 is a reference point for bushfire impact on. Locks this size and under • Refer to 3 above - further clarity being required about some definitions and in particular, how this new Notice would apply to living shrubs. • The second point refers to fire breaks but there is no mention of fire break requirements in this draft. ? an omission?

	• Agree totally if we (as stated in the notice) just need to maintain grasses and dispose of flammable dead material. • Clarification that in addition to grasses, anything deemed a fire hazard may result in a work order. • It should be made clear that this is the minimum requirement and work orders will be issued for hazardous properties, ie with excessive vegetation against the house. • "I don't understand the practicality of widened firebreaks and how this will meaningfully mitigate risk, and hence am concerned about the loss of habitat with no added protection. • perhaps mention should be made on habitable buildings and distance to trees ?
Grass	• While I agree with the intent of maintaining grasses below 10 cm, I am unsure how the City of Busselton will ensure compliance (i.e. are the resources available to ensure the necessary checks). • The requirement for grass to be slashed/mowed to a height of 10cm makes no allowance for difficult to access land due to steep terrain, swampy, heavy undergrowth and or granite outcrops. • Assessment of difficult to access terrain should make some allowance for some grass to be allowed, perhaps based on area perhaps say no more than 20% of applicable area or land size. • Landholders are likely to think no other aspects of their property other than grasses require attention in terms of bushfire risk.
Managed Fuel Area	• Why "remove all" rather then MFA like other categories? A maintained/reticulated garden with mulch/leaf litter etc is the same in an 1100m2 block as a smaller or larger one surely. • I think it's unfair to expect reticulated gardens to be less than 50cm high • These properties should also be subject to an MFA , modified to suit the smaller scale of the lots if necessary. It would appear to be good practice to keep a gap between houses and trees and have no low overhanging trees plus maintain clean gutters no matter how large the block is? If the fuel load around these houses is not better controlled then it exposes the whole area to increased risk. • Adopt some elements of the managed fuel area such as having to keep gutters clear and trim overhanging branches over the roof. Many of the buildings in this area will be single storey, so these conditions wouldn't be onerous on property owner. • Not actually our category but seems owners of such lots could possibly face some problems with "flammable items" such as firewood, garden mulch, dry compost etc, whether delivered or progressively obtained, as an MFA could take up a considerable amount of the area of the lot perhaps leaving little, if any, options for suitable storage, particularly in the short term.
Environment / landcare:	• There is still a significant amount of native understorey vegetation that can form wildlife habitat on some urban small lots. I think the distinction between annual grasses, that are dead in summer, and actively growing native vegetation should be made as native sedges are grass like but should be retained. It could go in the definitions section. • We live in Yallingup townsite and accept that there is a bushfire risk in the region. We designed house to keep the large Melaleuca lanceolata trees on

	our small block and not cut any down. These provide natural beauty and are a wildlife refuge (we even have a western ringtail possum which uses the nesting box on our roof which we put up for the rosellas). We planted local costal heath species all around the house to encourage and protect local fauna. I would strongly disagree with any regulations dictating pruning of the trees around our house (and my thoughts are the same for all trees on small blocks). They are a habitat refuge in biodiversity area which is under huge pressure because of rapid population growth and development" • That the landowner be able to use permacultural methods to deal with the material generated with complying with the notice. That includes methods of recycling on the property (including mulching).
Other	• "I think provision should be made for an area that can accommodate a burn pile further than 50m from the dwelling should be made as sometimes, during summer, further items (fallen trees, a second slashing, management of shrubs) need to accumulate at a time when burning is not a suitable solution. It doesn't mention fire break maintenance for properties in Cat 1. As I'm not clear what constitutes a cat 1 property, I may be wrong?" • The biggest failing of this notice is the total lack of advice to home owners about what they can do to better protect their infrastructure through building design, materials and post-construction modifications. • Item b) refers to ""this Firebreak Notice"" which I believe is an error as the document is called ""BUSHFIRE RISK REDUCTION NOTICE"" (Note there are several other errors with this document, including in the preamble). • I am also curious whether equivalent requirements are intended to apply to crown land. I have seen barely any city management of fuel loads and am also concerned there have been no firebreaks made or maintained on reserves adjacent our property. This is a stark double standard. • 5.3 Category 1 + Housing developments – Dunsborough Lakes is a classic example where housing development has had a dramatic effect on fire risk e.g. Alwoodley Terrace (the Woods) was increased from 10 blocks to 19 blocks through the reduction of the public open space (which used to house black cockatoos and possums) from 1.93ha to 1ha and with no continuation of a 'buffer zone' separating Dunsborough Lakes from the Naturaliste Ridge area– all homes are now adjacent to brushwood fencing along highly treed and bushed 4ha properties. Whilst brushwood fencing initially may be fire-retardant to some degree, over time such fencing deteriorates without regular retardant application, and coupled with work sheds and backyard BBQs also adjacent to such fencing, the chance of fires with a strong easterly wind in summer would appear to be a high risk. Such was discussed – at length at on-site meetings – with the then CoB Director of Planning, who assured adjoining residents that a fire hydrant at the Koopin Place end of Alwoodly Tce/POS children's play area would be installed – but such appears not to have eventuated. Category 1 therefore dealing with properties less than 1100m2 citing with little to do on those properties – even if they are in bushfire prone areas – is a furphy. Adjoining Koopin Place properties as well as highly bushed Koopin Creek are open to high fire risk from Dunsborough Lakes small home areas, and there should be a separate Category involving such areas when on the outskirts of high risk areas. To state 'grasses to be maintained – slashed/ mowed to less than 10cm in height' when usage of mechanical equipment especially on searing hot days is not recommended, is ludicrous eg CoB SMS notification

messages re 'harvest & vehicle movement bans' is a great initiative – but unclear to the uninitiated homeowner who do not consider lawnmowers, angle grinders, whipper snippers etc. in such a fire category as machinery. Text messages, media coverage and fire education electronic road signage needs to be more explicit to the average person as to what is classified as a 'fire risk' on a hot summer day. Yes-my husband attended many fires which emanated from landowners down for the weekend who used angle grinders, lawnmowers etc or attempted to light small piles of rubbish.

- The need for an access way, driveway is impossible to comply as a number of the established large blocks are narrow, with one side build the minimum distance from the post and rail fencing and the other with a bare minimum space for vehicle entry to the back yards. In these established buffer blocks, or lifestyle blocks, Turnaround areas are therefore impossible to comply without wholesale destruction of long established habiitat, garden and ancillary buildings. There has to be a compromise and revised plan of entry to those properties affected. In the past the access to the buffer blocks was from the large rural residential blocks in Ridgeway Drive for fire mitigation. Since the development of the high density blocks on the former proposed primary school site, with their nattow roads and houses right up to the footpath, access to the rear backyards is not longer available except from the Ridgeway Drive rural residential blocks. This needs to be reviewed with more than google maps to work out a plan of entry.

Category 2 feedback

Theme	Details
Environmental and landcare	• My property is listed as Category 2, but I am on a residential block in Dunsborough approx 500sqm, when I emailed BDEC then it became clear I don't need to clear all vegetation other than trees, which is a relief. • I live in Kalgaritch. The MFAwoukd involve a massive amount of work and felling of trees. These are the habitat of the endangered ringtail possum • Embarking on clearing in either method advised ((ii) or (iii) in the draft) would have significant biodiversity and environmental impact. It would result in significant areas of virgin understorey degradation/destruction. • In the shire of Busselton and in deed on our patch there have been incidents of spread of disease/dieback by contractors for clearing. This is a high risk situation for this. Erosion is also a risk with clearing on a slope which is the situation on my block. • If people are clearing away mulch due to a misinterpretation of the terms used there is the risk of exacerbating soil drying and subsequent plant die-offs and foliage drying. Loss of bioactive ground cover mulch also creates a 'sterile' environment and loss of not often seen links in food chains that remain important none-the-less. • "I think the changes in the new draft Notice are excessive. I have received some feedback from a local bushfire consultant who was able to accurately articulate these concerns: • One of the biggest concerns in the draft Notice is the requirement for firebreaks on Category 3 and vacant Category 2 lots. Although there is no objection to the continued management of existing firebreaks, we do not support clearing of further vegetation to install new fire breaks, and

recommend that this requirement is removed in all cases where it would involve the clearing of remnant vegetation, or any other vegetation that is habitat for threatened fauna. The construction of additional firebreaks will have extreme ecological, financial and aesthetic costs, with very little reduction in bushfire risk. Three-metre-wide firebreaks are ineffective at stopping or slowing a moderate bushfire in vegetated areas, with the flame length in forest vegetation modelled using AS3959 to be over 19 metres - easily spreading across a firebreak. In addition to this, embers can travel much further, with the firebreak serving very little purpose in reducing this attack. The Notice states that the main purpose of firebreaks is to provide access for 4 x 4 fire appliances, however constructing firebreaks to a trafficable standard will have extreme financial costs for many landowners, or in a number of cases will be completely unachievable. It is also unlikely that a firebreak within a vegetated area would be used for access by firefighters in a bushfire event, as there is no guarantee of safe turn around and there are significant risks of becoming trapped. As well as the financial costs, the construction of additional firebreaks has extreme ecological costs, with the destruction of large areas of natural bushland and additional environmental risks including the spread of weeds and dieback. The Department of Climate Change, Energy, the Environment and Water (DCCEEW) deems the construction of significant new firebreaks in habitat for nationally threatened species, or areas that form part of a national threatened ecological community, as having the potential to result in irreversible or permanent loss. The construction of substantial new firebreaks is not covered by an exemption under the EPBC Act. Due to the majority of our remnant vegetation being habitat for threatened fauna species (including Black Cockatoos and Western Ringtail Possums), along with the many threatened flora species and vegetation communities that occur within the City, in many cases the construction of new firebreaks that requires the clearing of native vegetation will trigger a referral to DCCEEW and federal environmental approval may be required. This imposes extreme financial costs on residents, with referrals needing supporting documentation, including costly environmental assessments **(4 submissions of this text).**

- It is acknowledged that vacant Category 2 lots have the option of a low fuel zone around their boundaries instead of a firebreak, however maintaining these areas at below 2 tonnes per ha for the duration of the bushfire season is not achievable and will have extreme financial and/or labour costs for landowners. As with a firebreak, a low fuel zone of only 4 metres in a vegetated area will not serve to stop or slow a moderate bushfire. It is also illogical to have these requirements for vacant lots, which could have a dwelling constructed at any point, at which time the needless clearing of vegetation will have already occurred but will no longer be required. Firebreaks and low fuel zones around lot boundaries do not provide a sufficient reduction in bushfire risk to warrant the extreme ecological, financial and aesthetic costs associated with their implementation.
- This text highlights the importance of maintaining the remnant habitat available and adding to it, for the protection of native flora and fauna, given the huge loss of species occurring in Australia and around the planet, as well as a rapidly warming climate, to which virtually nothing has been done over recent decades.

	• No objection to the continued management of existing firebreaks, however do not support clearing of further vegetation to install new firebreaks, and recommend that this requirement is removed in all cases where it would involve the clearing of remnant vegetation, or any other vegetation that constitutes habitat.
Maintained Vegetation & Managed Fuel Areas	• It is very simplified compared with previous notice, removing the need for firebreak on in town 2024m2 property is very sensible. More definition on "maintained" would be great eg- I have peppi and marri trees, they drop leaves, the whole garden is reticulated and gets wet 2nd daily via a bore, but peppi leaves take a lot of time to break down or stay... So does this count as maintained? Even though it is maintained, raked regularly and watered it may not as per your draft. • Refer to 3 above - further clarity being required about some definitions and in particular, how this new Notice would apply to living shrubs. • Should corners of MFA diagrams be radiused?" • Need to clarify whether managed vegetation means removal of large established trees within 0.5m of access way. • Not sure, but as above for category 1, provision of an area for any fuel that is handled and managed over the summer needs to be made. • The MFA description needs visual examples of 8-tonne/Ha and what the Rangers will be looking at visually. • “Surface fine fuel loads" is biased language toward out-dated fire management. Organic material covering the soil is also known as 'mulch'. The authors should know by now that the fire risk is in the above surface suspended potential fuel-load. That is the material that requires management. Please use the correct altitude and description for the dry vegetation that needs to be managed. Biologically active biodiverse ground cover mulch is essential for healthy soils and foundational habitat for invertebrates and fungi. Those in-turn are important for plants and animals further along the intricate food webs. • Unsure on the exact requirement as follows - a diagram would be helpful 'Managed Vegetation includes reticulated and/or maintained low-threat vegetation gardens. Trees that are pruned 2 metres away from buildings and must not overhang within 5 metres of the external roof. Gutters to be kept free of dead suspended matter such as twigs, leaves and bark. Does this mean no vegetation 5m above a roof? If yes then I agree. • clearer definitions of managed fuel area • "I believe that a compressed leaf litter less than 15mm is unachievable for many rural residential blocks without the ability to burn during the summer months. Constantly raking leaves during the summer months generates a huge volume of material - and only options are to rake up and take to tip (considering everyone has a trailer/ute to be able to do so), or piling up leaves outside 20metre boundary of managed fuel area. Unfortunately in this scenario they will simply redistribute with the wind. • MFA needs clarifying, Turnaround area should include the option of a three point turning area and it is not required if there is an access loop. Access way .5m shoulders should be sufficiently cleared to allow firefighters to work from the side of their truck intermittently along the access way, not totally cleared. Non habitable building properties should not have additional requirements. This is illogical as habitable properties are a greater fire risk. They should not have to put in new fire breaks. Auxillary buildings should

	not be included in the 20m measurement. Twenty metre measurment should be from the wall of the habitable building, not the deck or terrace. • MFA and its relationship to managed vegetation is difficult to interpret. Some requirements, such as for trees, are also confusing. • 20m MFA should be from residence wall only and not include adjacent buildings or structures to limit extent. • MFA and its relationship to managed vegetation is difficult to interpret. Some requirements, such as for trees, are also confusing. • 20m MFA should be from residence wall only and not include adjacent buildings or structures to limit extent. • 3-Definition of a tree versus shrub or bush? • 4-Why does a 20m MFA stop at a boundary or shire land, if I have to be compliant then all parties need to be compliant. • "Requiring the average block of up to 2000 sq m to have an MFA of 20m around all buildings including other structures would leave very little natural bush. Having purchased a property which was basically a cattle paddock we have been trying to fill our land over 3 decades with native bush and other trees and have made the property a bird attracting garden. Many birds need low scrub to nest in. Development has already removed much of the scrub and vegetation required by the smaller birds (and even the bronzewings) to live and hide in. We also think we have may have a quenda on the property which feels safe in the low scrub. • It is not just the requirement to have a cleared or clean result, it is also the invasive activity of clearing areas near ground level that will scare off native birds and animals, especially when going to the extent proposed notice reflects a matter of opinion that could just as well be an exaggerated response or, at a different level, might have little impact in the event of fire. • In addition, suburban manicured gardens are not suited to the birds and animals or, indeed, to properties trying to encourage substantial native gardens. • It is proposed that the MFA of 20m should be changed to 8m. Care should be taken not to impose an unreasonable burden on us to make our properties metropolitan-suburban-like when the area needs to contain scrub-like natural vegetation." • "2a considerations: MFA and its relationship to managed vegetation is difficult to interpret. Some requirements, such as for trees, are also confusing. • 20m MFA should be from residence only and not include adjacent buildings to limit extent. • Alternative of a low fuel zone impractical as maintenance is either expensive or labour intensive. Also, illogical as with firebreaks of non-habitable versus habitable land (category 2a). Remove this requirement. • There needs to be a requirement for no “Flammable Material” in the MFA. Such material must be removed from the land for Category 1, but is not mentioned at all for Categories 2 and 3.
Overhanging trees	• Trees must not overhang eaves - 5m too much. Reduce to 1 m. • The environmental impact of Managed Vegetation - Trees pruned 2m from buildings and No overhanging trees 5m of roof - significantly detracts from a property's environmental value as well as amenity for residents of affected properties. Both managed vegetation requirements should be recommendations only and should not be mandated.

	• "1) Major concern is the Definition of Managed Vegetation - ""Trees that are pruned 2metres away from buildings and must not overhang within 5 metres of the external roof."" this sentence makes no sense. 2) Establish and maintain an MFA; It should be ""a MFA"" not ""an MFA. But I think it would read better as ""Establish and maintain the area as Managed Vegetation or a MFA. • A 5m clearance of all foliage from roof lines seems unreasonable if some of that foliage is "fire retardant" vegetation. I believe these types of trees/plants - which some owners have intentionally planted as a way of reducing fire hazard - should be considered as a separate entity and that one blanket rule should not apply.
Vacant blocks	• I live between 2 undeveloped blocks of land, around 4000sqm in size. My place has a home and is well maintained though my BAL rating is high because of these undeveloped blocks either side of me. I would hope this will improve the BAL rating on my property once the new notice is in place and acted on by my neighbors? And the neighboring properties will therefore need to clear and tidy up their blocks? • Re Properties without habitable buildings - The requirement for a 3 metre wide fire break and potentially a 4 metre wide managed fuel load area on heavily vegetated lots is considered a potential unnecessary destruction of vegetation before knowing where the eventual dwelling will go on the subject lot. This clearing may ultimately not be necessary and by then it is too late, the environmental damage is done. Also, in certain granite/gravel/hilly environments such cleared land will cause massive erosion problems across potentially many properties. I know as this has happened on my land caused by abutting development. The City needs to seriously reconsider this matter as there are significant environmental and potential litigation issues connected with this requirement. Areas that have approved BMPs including strategic firebreaks should not be included in this regard. • My response relates to Category 2a and b. I live in an area that has strategic firebreaks and does not currently require boundary firebreaks for individual lots due to this and the native vegetation that is present. Our area is also Landscape Value under Local Planning Scheme 21 which recognises the amenity and environmental value of native vegetation and seeks to protect native vegetation hence the local strategic firebreak network identified on the endorsed structure plan. My property adjoins a lot that is currently vacant and is vegetated to varying degrees across the lot. It is the only lot in our area that, under the proposed notice, would be required to install either a firebreak or 4m wide managed vegetation/low fuel area, both outcomes that would have an undesirable and unnecessary environmental impact in a Landscape Value Area that is currently exempt from firebreak requirements due to strategic firebreaks. • "If a vacant class 2b block requires a firebreak, why does a class 2a block not require a firebreak? • If a vacant block is under development, would a firebreak be required until the dwelling is completed? Then once the dwelling is completed, the firebreak is no longer required to be maintained? • I don't think vacant lots should have to maintain firebreaks or vegetation other than dry grasses"

- Vacant Category 2 lots - I have no objection to the continued management of existing firebreaks, however I do not support clearing of further vegetation to install new fire breaks, and recommend that this requirement be removed in all cases where it would involve the clearing of remnant vegetation, or any other vegetation that is habitat for threatened fauna or flora.
- It is acknowledged that vacant Category 2 lots have the option of a low fuel zone around their boundaries instead of a firebreak, however maintaining these areas at below 2 tonnes per ha for the duration of the bushfire season is not achievable and will have extreme financial and/or labour costs for landowners. As with a firebreak, a low fuel zone of only 4 metres in a vegetated area will not serve to stop or slow a moderate bushfire. It is also illogical to have these requirements for vacant lots, which could have a dwelling constructed at any point, at which time the needless clearing of vegetation will have already occurred but will no longer be required. Firebreaks and low fuel zones around lot boundaries do not provide a sufficient reduction in bushfire risk to warrant the extreme ecological, financial and aesthetic associated costs."" "
- "2b (non-habitable) very expensive and likely to lead to severe environmental problems.
- I don't agree with the requirement for a firebreak on unoccupied blocks. This is a large amount of clearing which will disrupt wildlife and potentially cause erosion in some situations.
- Requirements on non-habituated blocks non-sensical. Why install a firebreak that isn't required once the house is built?"
- I have concerns about requirements for 3m wide firebreaks on vacant blocks, where it involves clearing of remnant vegetation and habitat for endagered species. We live in a biodiversity hot spot, with shrinking wild areas. To clear healthy areas on vacant blocks seems crazy.
- This is advice I have received from a local bushfire consultant (of which I agree with) - ""The construction of additional firebreaks will have extreme ecological, financial and aesthetic costs, with very little reduction in bushfire risk. Three-metre-wide firebreaks are ineffective at stopping or slowing a moderate bushfire in vegetated areas, with the flame length in forest vegetation modelled using AS3959 to be over 19 metres - easily spreading across a firebreak. In addition to this, embers can travel much further, with the firebreak serving very little purpose in reducing this attack. The Notice states that the main purpose of firebreaks is to provide access for 4 x 4 fire appliances, however constructing firebreaks to a trafficable standard will have extreme financial costs for many landowners, or in a number of cases will be completely unachievable. It is also unlikely that a firebreak within a vegetated area would be used for access by firefighters in a bushfire event, as there is no guarantee of safe turn around and there are significant risks of becoming trapped. As well as the financial costs, the construction of additional firebreaks has extreme ecological costs, with the destruction of large areas of natural bushland and additional environmental risks including the spread of weeds and dieback. The Department of Climate Change, Energy, the Environment and Water (DCCEEW) deems the construction of significant new firebreaks in habitat for nationally threatened species, or areas that form part of a national threatened ecological community, as having the potential to result in irreversible or permanent loss. The construction of substantial new firebreaks is not covered by an exemption

	under the EPBC Act. Due to the majority of our remnant vegetation being habitat for threatened fauna species (including Black Cockatoos and Western Ringtail Possums), along with the many threatened flora species and vegetation communities that occur within the City, in many cases the construction of new firebreaks that requires the clearing of native vegetation will trigger a referral to DCCEEW and federal environmental approval may be required. This imposes extreme financial costs on residents, with referrals needing supporting documentation, including costly environmental assessments. • Why refer to a public road in this section? Surely any road, private of public, which meets the access clearance requirements fulfills the intended purpose of fire vehicle access. (I live some 200 metres down a 400 metre shared private driveway with a turnaround at the end. Access to my house is down a side road from this private driveway.) The minimum width should be 3 metres of trafficable surface. A 4 metre width (including 0.5 m vegetation clearance) is not required for the full length but should be provided at intervals down the driveway. It should be acceptable to have trees either side of the driveway so long as there is a 3 metre clearance between them. (These comments also apply to Category 3 with a building).
Firebreaks/access ways	• Managed fuels will not prevent the spread of a fire from or into a property, unlike a firebreak. • I note that Category 2a lots would not require firebreaks (good and I agree - sensible and logical). But Category 2b lots would require firebreaks (I disagree, not sensible and not logical). Why is there this very obvious inconsistency? • This proposed requirement would result in unnecessary removal and alteration of native vegetation, an unnecessary cost for the landowner and, if a firebreak was installed, drainage, runoff and erosion issues (we already experience runoff/drainage issues from cleared areas of the adjoining developed upslope lot and speaking with the owner of the adjoining vacant lot, so do they). • Can a single firebreak be shared between two neighboring properties if there is no boundary fence and both property owners agree? • Category 2 (b) (ii) and (iii) I recommend that the requirements for fire breaks on boundaries on properties without dwellings of this size be removed. This is particularly in cases where access if possible (such as mine with strategic fire breaks on some boundaries and otherwise less than a block away.) I object strongly to these two requirements which are clearly divergent with properties WITH a dwelling. It is quite unclear why the requirement should be so different when the risk is similar. I own a property without a dwelling surrounded extensively (in the surrounding km's) by properties all with dwellings. None of my neighbours have these boundary requirements as they all have dwelling, but really it is them who have greater benefit from firebreaks but would be 100% my cost. Why should a vacant block need a firebreak/low fuel zone, but an inhabited block not? None of my neighbours have ever complained about my property or any additional fire risk. Their blocks are also bush blocks that are un-fenced and they enjoy continued bush access and their boundaries are as mine currently. • I envision great difficulty in maintaining a break when I, as the owner, am by definition not present. This will apply to any vacant land that comes

under this section category 2 b. The requirement of 2t/ha is simply impossible on a bush block without weekly maintenance in summer, and many owners (my self included) do not reside in the shire.

- There is already a firebreak on two sides of my property. These are strategic firebreaks and are well maintained. On the other two sides there is only one block distance (similar sized property) before a proper gazetted bitumen road. Thus this is not a situation of large tracts of bush not amenable to access."
- Making bare earth fire breaks on all our side boundaries is not feasible too many large trees. Neighbours very close to fence and our trees were there before they were given permission to build their extension. We keep raked and all trees are living.
- Many Rural Residential properties that fall into category iii. Driveway access, with building more than 20 metres from the carriageway, have driveways that are tree lined and or have managed gardens either side of the driveway and therefore would not have a 3 metre trafficable surface. I agree that good access is important but I think there needs to be more consideration for Rural Residential owners. Residential, being the operative word as opposed to Rural. I acknowledge owners can request Variations to property.
- The 3m trafficable surface is ok, it is difficult to maintain a 4m clearance, height and width, for the entire driveway length. It would mean a difficult and hazardous effort to achieve this, resulting in loss of trees and vegetation. As long as most of the driveway adheres to the 4m clearance, and all of it to the 3m trafficable surface, it would be more accommodating."
- Driveways and firebreaks should allow pinch points for large trees.
- There should be an opt out for the driveway and turnaround building and maintenance. It will then enact the implied ""if this is not done, then the fire truck and crew will not enter the property."" But not having those specific requirements should not warrant a fine or work order from the City. If those driveway and clearing works up to 4m are not done, the choice should not be penalised.
- Additionally, there are several areas with many properties that would exist in the category and, given that no mention of firebreaks is made, I am concerned that these clusters may pose significant risk, particularly where adjacent to forested areas.
- I also believe that the compliance/enforcement of this notice would be far easy with a requirement to maintain firebreaks.
- 2a)iii requires a 0.5m vegetation clearance each side of a driveway/access way. Allowance should be given to accepting intermittent trees within this area. 2b)ii and iii require a firebreak or managed vegetation/low fuel load area adjacent all property boundaries. The protection/control from such provisions are questionable and are not considered to be worth the associated environmental and cost impacts. "
- Driveway requirements too wide - should match firebreak at 3m wide
- "Why refer to distance from a public road in this section. I would prefer to set the distance from any road, public or private, which meets the turnaround requirements. A complying shared private driveway should meet the vehicle access requirements just as well as a public road.
- "Driveway too restrictive - would need to remove 3 bull banksia, 2 zamia palms, a grass tree and a 15m jarrah used by possums to cross the driveway.

- Is the 4m access clearance excessive if you provide a turnaround area? Clearing rule's maybe breached and habitat removed."
- "Allowances for some pinch points along driveways, to support the retention of large remnant trees and shrubs that are important habitat for fauna, including the three Black Cockatoo species and Western Ringtail Possums, all Threatened fauna.
- It is acknowledged that vacant Category 2 lots have the option of a low fuel zone around their boundaries instead of a firebreak, however maintaining these areas at below 2 tonnes per ha for the duration of the bushfire season is not achievable and will have extreme financial and/or labour costs for landowners. As with a firebreak, a low fuel zone of only 4 metres in a vegetated area will not serve to stop or slow a moderate bushfire. It is also illogical to have these requirements for vacant lots, which could have a dwelling constructed at any point, at which time the needless clearing of vegetation will have already occurred but will no longer be required. Firebreaks and low fuel zones around lot boundaries do not provide a sufficient reduction in bushfire risk to warrant the extreme ecological, financial and aesthetic costs associated with their implementation. It is also Illogical to require on non-habitable building land but not habitable-building land. Remove this requirement.
- "Allowances for some pinch points along driveways, to support the retention of large remnant trees and shrubs that are important habitat for fauna, including the three Black Cockatoo species and Western Ringtail Possums, all Threatened fauna. Expansion on the options available to provide safe turnaround for a large fire appliance, including a turning tee, loop or circular driveway design. Supporting residents to make an informed decision about the best way to implement this on their property will reduce ecological, financial and other costs. A new 9m radius turning circle will be expensive to install and will affect large areas of bushland.
- It is acknowledged that vacant Category 2 lots have the option of a low fuel zone around their boundaries instead of a firebreak, however maintaining these areas at below 2 tonnes per ha for the duration of the bushfire season is not achievable and will have extreme financial and/or labour costs for landowners. As with a firebreak, a low fuel zone of only 4 metres in a vegetated area will not serve to stop or slow a moderate bushfire. It is also illogical to have these requirements for vacant lots, which could have a dwelling constructed at any point, at which time the needless clearing of vegetation will have already occurred but will no longer be required. Firebreaks and low fuel zones around lot boundaries do not provide a sufficient reduction in bushfire risk to warrant the extreme ecological, financial and aesthetic costs associated with their implementation. It is also Illogical to require on non-habitable building land but not habitable-building land. Remove this requirement."
- I agree that a 3m wide trafficable surface is needed for the fire truck. However, a totally cleared 4m wide area is not practical. If there is an occasional tree, landowners should not have to clear these. There is plenty of room for the firefighters to access the side of their truck along our driveway. For most of our driveway, it is 4m wide, but there is an occasional large tree next to the driveway. It would be an unreasonable, unnecessary and very expensive cost to have to remove these and erosion and environment damage is also our concern. Occasional trees should be permitted, as the firetruck has flexibility as to where it stops. The wording in

the Bushfire Risk Reduction Notice omits allowing the occasional shrub/ tree, so this needs to be added. This was recommended to the council in the consultation process. The detail that an occasional shrub/tree is allowed needs to be added to this category.

- "1-The 0.5m clearance either side of 3.0m fire truck access is unrealistic, may not be achievable and could cause erosion.
- 4 metre cleared driveway was not agreed to in consultation process and occasional trees should be allowed as long as the firefighters can access the side of their trucks for most of the driveway. Clearing of trees is unnecessary and will result in erosion and increased water runoff and environmental damage. It would also come at a significant expense to land owners. When we purchased our land in 1995 we're not allowed to remove any trees except in our building envelope being one of the reasons we moved to a semi rural location. we actively planted trees and shrubs for bird corridors privacy and the overall environment Some of this vegetation are now close to 30 years old. To purchase a mature plant and plant now would be cost prohibitive therefore surely there have to be significant financial compensation to the landowner to remove any vegetation.
- "Category 2-"" without habitable building"" not our section either but has relevance as some such lots adjoin. Firebreaks,some formed gravel, were installed at subdivision but some have not had any maintenance whatever in the 6 or more years since. Fire access would be in some cases impossible without clearing, with trees growing within the break or across it ,often as far as the common fence. Means Fire Trucks could only get access via firebreaks over the fence such as ours which is fully maintained. Unreasonable
- Category 2-iii looks like could be a tall order for some such lots but 2-ii seems ideal, preferably right alongside the common fence as provides double width.. Whatever option, 2-ii or 2-iii relevant owners decide, should be properly policed.."
- "Establish entry points for larger urban buffer blocks adjacent to rural residential blocks.
- There needs to be an expemption/flexibility for the 20m fire break requirement from the property boundary. My property has a dam wall that is 10m away from the property boundary. Due to the severe slope of the dam wall it would be impossible to install a fire break between it and property boundary.
- I have a 1ha block that I intend to build on in a couple of years. Have been planting around the outside. Seems I now have to remove those plantings for a firebreak, that won't be required once the house is there! That make no sense, surely I have that wrong?
- I have planted bushes along the diveway, and it is grass otherwise. I do not see why I should remove them all the way along.
- I have owned a bush block for years. One day I will plan to build on it. It is madness - environmental destruction, huge cost to put in a firebreak. And it seems that will not be required when I build my home!
- We have a bitumen driveway that goes the length of our block but it is difficult to honour 4m clearance (3 + 2x0.5)
- 0.5m shoulders of access way should allow for some trees and shrubs that serve as habitat for, in particular, threatened species (black cockatoos and Western Ringtail Possums) – shoulders on access only need to allow firefighters to be able to exit and access equipment. Along segments of the

	access way removal of large trees may be illegal under the EPBC Act (unless federal approval is granted). • Expensive and with environmental impacts that will not be required once the land is developed - irreversible damage done, with potential for weed and disease introduction, and erosion. Likelihood of use by firefighters is low due to the uncertainty of exits. Also Illogical to require on non-habitable building land but not habitable-building land (category 2a). Remove this requirement. • New firebreaks within vegetated areas will likely not stop a fire from spreading and may be illegal under the EPBC Act (unless federal approval is granted) - it is the City of Busselton's responsibility to clarify this. Existing firebreaks to be maintained but no new ones introduced.
Turnarounds	• Consider if a turnaround is required if there is through access to another road or strategic firebreak. For the turnaround, please also provide the length of the turnaround bays required, not just the turning radius. Even better would be some dimensioned examples of the minimum size needed • "The inclusion of a 9 m turning circle will present difficulties to many people. Our property is fine but many will have grave difficulty in doing a turning circle. Whilst I fully agree that fire trucks are required to turn around easily, a three point turn area would allow for this and provided little extra loss of time to do so. • The three point area would have to have a long initial run in section to ensure the truck can straighten and then a back up area the length of the truck at minimum. • Maybe time to carryout these adjustments to the properties and time to accumulate funding would be necessary. 2 year minimum we suspect • Increased flexibility in turnaround circles (eg circular driveway or turning point for reversing) • "If a drive is longer than 50 metres there is the requirement to have a turning point of at least 9m radius. This could require significant land clearance for some residents. I am aware that previously the working group had agreed on requiring a three-point turning area or this would not be required if there was a loop or another exit point. This seems to make more sense and preserves the bushland for our native species, both flora and fauna. • "1. I suggest that an alternative to installing a turnaround would be to accept firetrucks reversing up a driveway, say up to 100m long, which would allow a quick exit if needed. It would not take long to reverse up a 100m road, and negate the time needed to turnaround. I don't think it's necessary to install a turnaround for houses up to 100m from the road, providing the access road is maintained to the required standard. • 2. There is no mention of when turnarounds will need to be completed - the City needs to allow owners time to do this expensive work, and many contractors will be busy with all the turnarounds to be built. I suggest allowing until at least November 2025." • Turnaround should be required for dead-end drive only. Potential for large/expensive work." • After attending a public information session and hearing that the fire brigade do not enter a property in a forward direction for fear of getting trapped but prefer to reverse in, I'm not sure enforcing all properties need a turning area is necessary. This seemed a moot point at the meeting with

	many landowners concerned about the amount of vegetation and hence habitat that would have to be removed in order to create these areas, which in all likelihood would not be used." • Turnaround not possible to install without expensive and environmentally destructive work. • "The turnaround distance clarify what this means. • Expansion on the options available to provide safe turnaround for a large fire appliance, including a turning tee, loop or circular driveway design. Supporting residents to make an informed decision about the best way to implement this on their property will reduce ecological, financial and other costs. A new 9m radius turning circle will be expensive to install and will affect large areas of bushland. • Turnaround area definition is confusing. It should say: An area large enough for an 8m fire truck to turn directly, requiring a 9m turning radius, OR by performing a three-point turn. A turnaround area is not required if there is an existing loop. • A new 9m radius turning circle will be expensive to install and will affect large areas of bushland. • The turning circle should include 3 point turn option and not be a rigid 9m. Single trees in the 0.5m zone either side of the driveway should be allowed to remain. 20m MFA should be from the building not deck/walkways. • Remove requirements on driveway/accessway, turnaround area & vacant blocks • What is the basis of requiring a turnaround area if the building is more than 50 metres from the major road? I note that the NSW RFS requires a turnaround area only when the dead-end driveway is longer than 200 metres. (“Planning for Bushfire Protection” Nov 2019, Sect. A3.3)
Habitable buildings	• Reduce the 20metre width from an habitable building to 10metres. • Make it clear the Managed Vegetation definition only refers to Habitable Buildings. • Clarity on the no habitable building section where there is the option for a managed low vegetation area rather than a fire break Does this have to be trafficable?? • Including a building 6m within habitable building massively extends MFA. • 2-Habitable Building definition needs to be more refined eg gather? trailer? vehicle? structure?
Application of changes	• The proposed notice needs to be flexible, consistent and above all logical in its application to Category 2 lots and those lots within designated strategic firebreak areas. • Where there is an approved Bushfire Management Plan that avoids the implementation of firebreaks within areas of native vegetation, the BMP should prevail." • Please note…There needs to be a sensible balance between mitigation of bushfire risk and community values…this is essential. Changes to the notice may have a very significant impact….financially for the resident…also visually and environmentally. NOTE We are are sensitive to a new Bushfire Risk Management Notice that is imposed retrospectively on owners, who have been compliant with planning and regulatory requirements applicable to those properties since they were developed. Changes will need to be CLEAR and enforcement in the future will require

a great amount of wisdom. We wish to work in step with the COB and our neighbours and community for a safer or improved Busfire Risk Management ."

- There must absolutely be a clause included that does not make the changes retrospective for those who have already built. We spent over $10 000 including over 600 native trees and bushes to screen our property from the road under the direct instructions from the City. They are now home to over 20 varieties of birds and a large possum community. Be assured if these were enforced retrospectively on our property we would be seeking legal advice. We previously contacted our councilors and the mayor and they ensured us that these changes would not be applicable to our property if they were introduced.
- I sent a response a couple of days ago and didn't spend as much time as I should have going through the various definitions however I believe these to be reasonable in regards to interpretation of fuel loads around properties. As this is to some degree subjective I still believe there needs to be an avenue for residents to seek a second opinion in the event of an adverse finding/ work order from a Council Ranger.
- Consider an implementation approach that allows a transition period (suggest a couple of years) to comply with rules such as turnaround and access construction that may require access to contractors with heavy equipment so that we don't have a large number of landowners chasing a small number of local resources in a short period of time. Transition could be done by area so that the highest risk areas are addressed first, and so every doesn't wait until the last year of the transition anyway. other provisions such as fuel reduction, tree overhangs etc can have a relatively short period for implementation/transition.
- Consider a program to provide financial support where necessary to allow owners on fixed income to meet implementation costs over a period of time."
- There is a huge cost associated with tree removal, how is the council going to assist with this.
- This is a significant new cost, directly to me. I already pay the FESA levy and council rates even though I do not use council amenity. If there were many vacant blocks in the area, this would a huge cost, which will price owners out. In fact in our area there are very few, thus there is hardly any fire risk benefit.
- The Local Government can assist residents and communities with achieving fire compliance by facilitating shared use of machinery and equipment to establish property access, turnaround areas and with mulching and removal of fine fire fuel. The equipment and machinery can be provided at cost.
- For all the categories there should be wording that slashing or mowing becomes extremely hazardous when the grasses are fully dried out, even on lower forecast fire risk days. Maybe, after a certain time (when things are very dry) e.g. the start of Birak, then the shortening of pasture grasses must be performed by a method other than by mechanical-machine methods that require hot motors or spinning sharp metal blades that can hit spark producing material."
- As above, I am unsure of the ability of the City of Busselton to ensure compliance.

	• Overall, it is simpler and easier to follow. Establish a clear process for checking and confirming adequacy of driveway access and turning for fire fighting vehicles - will the rangers do this in their regular inspections and provide time for owners to improve as/if necessary? • Perhaps more tip passes to access the tip free of charge during these summer months maybe a consideration to help encourage the removal of these leaves. Also I find that the many trees (particularly eucalypts) in the bush and perimeter of the garden drop a multitude of small branches and twigs as they dry during summer, but after the cut off for permitted burning at the end of spring. To help clear these branches additional tip passes would be beneficial. • "Greater clarification on how the proposed changes will be implemented with respect to existing established houses located on rural residential lots. There is also a lack of explanation as to why some of the metrics have been selected in terms of distances etc and whilst there is some mention of potential dispensations, no detail is provided on how this might work. Our house for example is of masonry and steel construction with no external wood products used so again a one size fits all approach does not really work. • "If this notice is adopted I am concerned about the time frame that land owners will be given to install the access way/ driveway and the turnaround area especially if it requires tree removal and road base laying as there is a possibility of a large capital outlay for some people who may not be able to afford it all at once.
Other	• I think that lumping in anything above 1100m2 and 50000m2 in the one category is over simplifying the regulations. 5ha blocks in a rural setting or bush setting is a higher risk than a 1100m2 in the urban environment. There needs to be more categories depending on location and amount of vegetation in the general area not just a simplistic approach. If you look at vegetation in the Yallingup hills on aerial photography and compare the vegetation to that which is in Kalgaritch you can see that the amount of vegetation and hence the catastrophic fire danger is completely different. • There is no definition for grazing. My property has wildlife grazing. I interpret that as adding a further 10cm on grass height. I'd recommend that wildlife grazing be an acceptable interpretation of grazing. • "The requirement for grass to be slashed/mowed to a height of 10cm makes no allowance for difficult to access land due to steep terrain, swampy, heavy undergrowth and or granite outcrops. Assessment of difficult to access terrain should make some allowance for some grass to be allowed, perhaps based on area perhaps say no more than 20% of applicable area or land size. • Our house was constructed around 2010 in accordance with then relevant planning requirements and approved building envelope and point of access from the street. The point of access and the location of the building envelope determined how the house would be placed and accessed. This resulted in a driveway access for cars and small commercial vehicles along a driveway of approx 50 metres however the direct distance from the carriageway (Nukklgup Loop) is just under 25 metres. The proposal that requires a turning circle of 9 metres and driveway access for a large fire appliance will not be possible given how the house was designed and location of inground services such as electricity. It would however be

possible for the fire appliance to park on the road and then access the property by extended hose eg 25 metres rather than the stated 20 metres. If a requirement for us to provided a hose extension to facilitate this more than happy to consider as as currently proposed we will not be able to comply. Our property is essentially grassed farmland with trees planted over the last 20 years. We maintain the property well to comply with all of the other requirements including slashing and regular clean up of leaves/branches etc along the street verge."

- "5.4 Category 2 – All lots greater than 1,100m2 but less than 5ha. Many subdivisions in the Naturaliste Ridge area were approved by the Shire of Busselton back in the 1990s with housing and landscaping developed over the intervening period. Setbacks and widening of firebreaks on some properties is going to be fraught with issues as trees have grown exponentially. Similar does not appear to apply to carriageway of a public road eg residents in Caprigardi Court are still awaiting CoB's pruning of trees to road-cul-de-sac including CoB public open space which formed part of the cul-de-sac (but never developed due to the size of granite rocks thereon) – CoB rubbish trucks 'manoeuvre' in 3 degree turns to negotiate weekly collection of rubbish bins. Purportedly funding was approved by the CoB in 2022 for the 'clean up' of this POS back to the granite rock terrain – but such has not eventuated with many thinking the POS is the local adjacent landowners' responsibility!"

Category 3 feedback

Theme	Details
Managed Fuel Areas	• Rural blocks with native vegetation cannot adhere to the clearing of leaf litter. • Establish and maintain an MFA; It should be ""a MFA"" not ""an MFA. But I think it would read better as ""Establish and maintain the area as Managed Vegetation or a MFA. • Refer to 3 above - further clarity being required about some definitions and in particular, how this new Notice would apply to living shrubs. Plus I think that there could be some issues relating to the defined firebreak locations for this category. • Should corners of MFA diagrams be radiused? • The need for 3 metre firebreaks on 10cm growth - this is not best practice for soil erosion and after cutting hay. In reality it would be rare to get less than 10cm unless you were environmentally unsound practices. • The requirement for grass to be slashed/mowed to a height of 10cm makes no allowance for difficult to access land due to steep terrain, swampy, heavy undergrowth and or granite outcrops. Assessment of difficult to access terrain should make some allowance for some grass to be allowed, perhaps based on area perhaps say no more than 20% of applicable area or land size." • My comments for this Category relate mainly to the proximity of trees and shrubs near dwellings and so are equally applicable to our Busselton residential properties as well.My comments are that I believe the proximity rules should allow closer proximity than those in the draft report where the said trees and shrubs are highly fire retardant! These include most

	deciduous trees and shrubs and other highly fire retardant trees and shrubs such as New Zealand Christmas trees, Albany wooly bushes Lilli Pillys etc.
	• If your neighbor has a 2 meter firebreak and you have a 2 meter firebreak do you both still need it to be increased to 3 meters each? Also if you back onto a formal 3 meter firebreak (managed by council?) do we still need to have an additional 3 meter firebreak?"
	• On land less than 120 Ha in total where comprised of multiple titles rather than a single title,the 3m firebreak should be around the external perimeter of the amalgamated lots, not the individual titled lots.
	• MFA and its relationship to managed vegetation is difficult to interpret. Some requirements, such as for trees, are also confusing. MFA and its relationship to managed vegetation is difficult to interpret. Some requirements, such as for trees, are also confusing.
	  ○ 20m MFA should be from residence only and not include adjacent buildings to limit extent.
	  ○ 0.5m shoulders of access way should allow for some trees and shrubs that serve as habitat for, in particular, threatened species (black cockatoos and Western Ringtail Possums) – shoulders on access only need to allow firefighters to be able to exit and access equipment. Along segments of the access way removal of large trees may be illegal under the EPBC Act (unless federal approval is granted).
	  ○ Turnaround area definition is confusing. It should say: An area large enough for an 8m fire truck to turn directly, requiring a 9m turning radius, OR by performing a three-point turn. A turnaround area is not required if there is an existing loop.
	  ○ A 9m radius turning circle will be expensive to install and will affect large areas of bushland.
	  ○ New firebreaks within vegetated areas will likely not stop a fire from spreading and may be illegal under the EPBC Act (unless federal approval is granted) - it is the City of Busselton's responsibility to clarify this. Existing firebreaks to be maintained but no new ones introduced

Gutters	• 20 metre fuel free zone around a occupied building is a large distance and also keeping gutters clean - is the city going to inspect gutters. As a recommendation absolutely but trying to enforce it? • Same as above. But also, trees near rooflines. You should distinguish between a situation where gutters are present, and no gutters are present. It affects flammability - when there is no gutter, the risk of a roof fire from trees is greatly reduced.
Turnarounds and driveways	• Increased flexibility in turnaround circles (eg circular driveway or turning point for reversing) • MFA needs clarifying, Turnaround area should include the option of a three point turning area and it is not required if there is an access loop. Access way .5m shoulders should be sufficiently cleared to allow firefighters to work from the side of their truck intermittently along the access way, not totally cleared. • Non habitable building properties should not have additional requirements. This is illogical as habitable properties are a greater fire risk. They should

	not have to put in new fire breaks. Auxillary buildings should not be included in the 20m measurement. Twenty metre measurment should be from the wall of the habitable building, not the deck or terrace." • "It will be very costly for rural owners to widen their driveways to 4 meters as most driveways are very long (ours is 300 meters but has no vegetation on either side - it is the usual 3 meters wide). • Occasional trees along the driveway should be allowed • Remove requirements on driveway/accessway, turnaround area & vacant blocks • Driveways and firebreaks should allow pinch points for large trees.
Bushfire Management Plan	• Where there in an approved Bushfire Management Plan that avoids the implementation of firebreaks within areas of native vegetation, the BMP should prevail.
Vacant lots	• I don't think vacant lots should have to maintain firebreaks or vegetation other than dry grasses" • I have concerns about requirements for 3m wide firebreaks on vacant blocks, where it involves clearing of remnant vegetation and habitat for endagered species. We live in a biodiversity hot spot, with shrinking wild areas. To clear healthy areas on vacant blocks seems crazy. • How the requirement for a firebreak is regulated/enforced. Directly over the road from our house is an undeveloped property which fails to meet the requirements for a firebreak as indicated nor does it appear to be inspected for compliance by Council staff each year nor is there a requirement to manage the fire risk from the material which is never cleaned up. I have seen the owner towing a log behind is fourwheel drive as his solution to a code compliant firebreak which would never appear to have been seen by Council staff as inadequate. Having come form a rural background I know what an effective firebreak should look like and what is provided is grossly inadequate and would not prevent any fire from bypassing it. So on one side of the street all of the properties (rural residential) need to meet category 2 requirements whereas the property over the road (category 3) does not appear to have to do anything and from a fire perspective it presents the greatest risk to us and adjacent properties
Other	• Some newer land development lots in Eagle Bay have a strategic fire break around the development. No firebreaks required around the boundary of a specific lot. In the case of EB the development has fire hydrants and mains water supply. BUT the supply of mains water is not assured. Unlike Bunker Bay ….EB does not have a large storage tank ….to guarantee supply in a bushfire. This is an ongoing great worry for us as permanent residents." • The major fire near Northcliffe in late 2023 was caused by a property owner seeking to comply with bushfire regulations by slashing late in the season. We don't want to become inadvertent fire starter promotors." • For Cat 3, I reiterate my above concerns from Category 2, and probably more so given the bigger land areas. • Parks and wildlife and cob do not meet these standards and national parks and state Forrest's especially do not meet these requirements so why should the public."

	• 5.5 Category 3 – All lots 5ha or greater. Again established properties of 10 years or more may find the cited draft vegetative parameters difficult to comply with and a costly exercise. Similar to Category 2 (unless land has recently been cleared for vineyards or small lot housing development minus any vegetation), adjoining trees/ bushland on Naturaliste Ridge areas have grown adding to the fuel load. Long, very hot summers with strong daily easterly/south easterly winds further exasperates the situation of leaf drop. 'One size fits all' in 3 categories only in the Draft, with the same restrictive burning periods applying to the whole of the City of Busselton area is not helpful in fire maintenance of all properties."

Definitions

Theme	Details
General	• Simplify (3) • Too many! • Definitions to complex. • Too many definitions. Remove requirements on driveway/accessway and turnaround area. • Too many acronyms, which aren't defined until the end of the notice. Definitions for some acronyms are simply nonsensical. • Making it clearer to understand about residential/landsize requirements. • KISS principle
Managed Vegetation / Managed Fuel Area (MFA):	• MFA needs further work. • Under the definitions for Managed Vegetation – "Trees that are pruned 2 metres away from buildings and must not overhang within 5 metres of the external roof. ""This sentence is extremely confusing / makes no sense. 2 metre rule and 5 metre rule both referring to the same tree? Overhang - means something hanging over - so it can't be 5 metres away. • I have no problems with the intent and reasons for reviewing the bushfire notice with the level and intensity of fires each season brings. As a current volunteer firefighter, I have attended many large fires across the district and further afield so have seen the destruction and speed that out of control fires can burn. My concern as a landholder that sits under Category 2 is the definition that is applied to Managed Fuel Area (MFA). This is proposed at an average of 8 ton per hectare. The confusion for me is that you can have a well-maintained area that has 3 - 4 potentially very old trees within the 20 metre zone that combined exceed 8 ton. Does this mean those trees have to be removed to comply with this notice? If so we are back to the same issues that caused a significant backlash when the last Bushfire notice review was proposed. I believe common-sense has to prevail and we are not destroying old growth trees that were here long before any properties were built. • The "Managed Fuel Area (MFA)" and "Managed Vegetation" definitions, plus all of the linked, definitions, or the absence thereof, require further clarification as detailed below. It is this aspect of the current Notice that causes me greatest concern, as it is the most open to interpretation, or misinterpretation, and in particular as to how it applies to living shrubs.

- At a macro scale, as one of the attendees pointed out at the meeting, assuming a standard ‘habitable building’ size of 20x10m, located in the centre of the lot with no other constraints around it, this MFA would require clearing roughly 2,700m² on each lot, ie more than the average lot size in Eagle Bay. Clearly, this is an oversimplification of the issue, but it does raise a significant concern about the cumulative impact of these MFA’s.
- I strongly support the approach taken with regard to ‘living standing trees’. However, I think that further work is required regarding ‘living shrubs’.
- The “Managed Fuel Area (MFA)” makes reference to “Managed Vegetation” which states that it includes “Low Threat Vegetation Gardens”, plus a description of how trees and gutters are to be managed.
- However, “Low Threat Vegetation Gardens"" are not defined anywhere. Nor do the definitions for “Managed Fuel Area (MFA)” or “Managed Vegetation” make any reference to green/living shrubs and whether they comply or not. Inference by negative deduction could be made via the definition of “Flammable Material” which states that it “excludes living standing trees, growing bushes and plants in gardens and/or lawn areas under cultivation”. However, this is a very indirect and potentially fraught way of providing clarity on this undoubtedly contentious issue. Plus, as mentioned above, there is a high degree of ambiguity around the interpretation of this definition as well.
- Requirements for MFA are confusing. For example unless the vegetation is MV a MFA needs to be established. Requirements vary within the draft.
- Various definitions need more work esp relating to managed fuel area.
- As above- what is maintained/ reticulated and can this be measurable in any way. Current draft ambiguous.

- The definitions for Managed Vegetation - ""Trees that are pruned 2metres away from buildings and must not overhang within 5 metres of the external roof. "This sentence is extremely confusing / makes no sense. 2 metre rule and 5 metre rule both referring to the same tree? Overhang - means something hanging over - so it can't be 5 metres away. Actually I have no idea what this mean or how I would apply this definition to the trees on my property / near my house.
- Please provide a bit more clarity on exactly what the 20m and 50m distances mean. Ie are they straight line distances from the nearest point of the road or distances along driveway/access way. Do they mean that all points of the building must be no more than 20m/50m or as long as one single point of the building is within 20m/50m these measures aren’t required.
- MFA needs clarification"
- MFA area could be better illustrated. 90deg corners are much more than 20m from building.
- "The MFA definition has many words/terms to describe it. Managed and maintained…managed fuel…low threat veg’n…managed veg’n…low fuel zone…gutters free of dry material. And MV has numerous specific elements, terms, requirements . e.g. maintained low threat…reticulated…compressed litter less than 1.5 cm thick…pruning dead understory of bushes…tree branches 5m of the roof…trunks 2m away from the house ….veg’n to be 2m from house. So…it is essential that differences of interpretation of requirements are minimised."
- 'MFA' needs illustrations and examples."

	• Firebreak requirements on special rural blocks, especially those that have a strategic firebreak. Are further firebreaks required on these individual blocks? • I accept that 20m from a habitable building is a good starting point for defining the MFA, but this does not recognise different building standards. Differing building standards was one of the gaps recognised in the Bushfire Notice Review document but this has not been addressed in the Draft Notice. I have built to BAL40 in order to protect an area of bush and as such can have "Woodlands" 15-17 metres from the building. The diagram in the Information Sheet shows the 20m MFA from both the house (I assume the red building) and also from other outbuildings which, because they are adjacent, are included in the MFA . However, there is another separated building in the top right but the 20 metres is measured from this building rather than the house. This is confusing and not correct. More dimensions are needed for clarification. Also note my comment above re. separated buildings. The diagram in the Information Sheet shows 2m separation between the house and tree. Is this to the tree trunk (as indicated) or to any part of the tree including branches? I believe the 5m clearance from the roof should be the vertical distance.
Overhanging trees	• Include illustration of overhanging tress for better clarity.
Firebreaks	• See comment below under Part 8 for example. How do people install a fire break in heavily vegetated areas? Do they go through trees in a straight line or around them? If this is left to individual discretions it could be a nightmare both environmentally and litigation wise. • The "Firebreak" definition doesn't include any width. Though it is covered under both of the circumstances where they are applicable. I also think that it is a positive move to delete this from Categories 1 and 2 for the reasons provided at the presentation.
Flammable Material	• The "Flammable Material" definition states that it "excludes living standing trees, growing bushes and plants in gardens and/or lawn areas under cultivation". This is a highly ambiguous statement as it's not clear whether all of the above, ie, living standing trees (and the rest) all have to be located in 'areas under cultivation' in order to be excluded, or if the 'areas under cultivation' aspect only applies to plants in gardens and lawn, or indeed if this also includes growing bushes... • Definition of 'Flammable material' is too broad and uncertain. In addition it adds a category of materials described as 'any other thing deemed by an Authorised Officer to be likely to catch fire'. Such a provision is not clear to enable compliance. Definition of 'Fuel Loads' is too broad and unclear. In addition reference to 'twigs (up to 6mm in diameter) and bark' is contained within mulch commonly used to control weeds. On one reading the definition would effectively exclude the use of all mulch available at the Shire's tip. Defining mulch into categories will complicate the definition even more. It is sufficient to define 'Fuel Loads' by reference to leaf litter. That is succinct, clear and can be monitored and identified. In addition the following statement in this definition is meaningless to the public and has no place in the definition: 'A compressed fuel load depth of 5mm from the top of the layer to the mineral earth beneath indicates approximately 2 tonnes per hectare.' We question the need to go to extreme measures in our backyards when this is not the major threat of fire. The Bushfire Risk

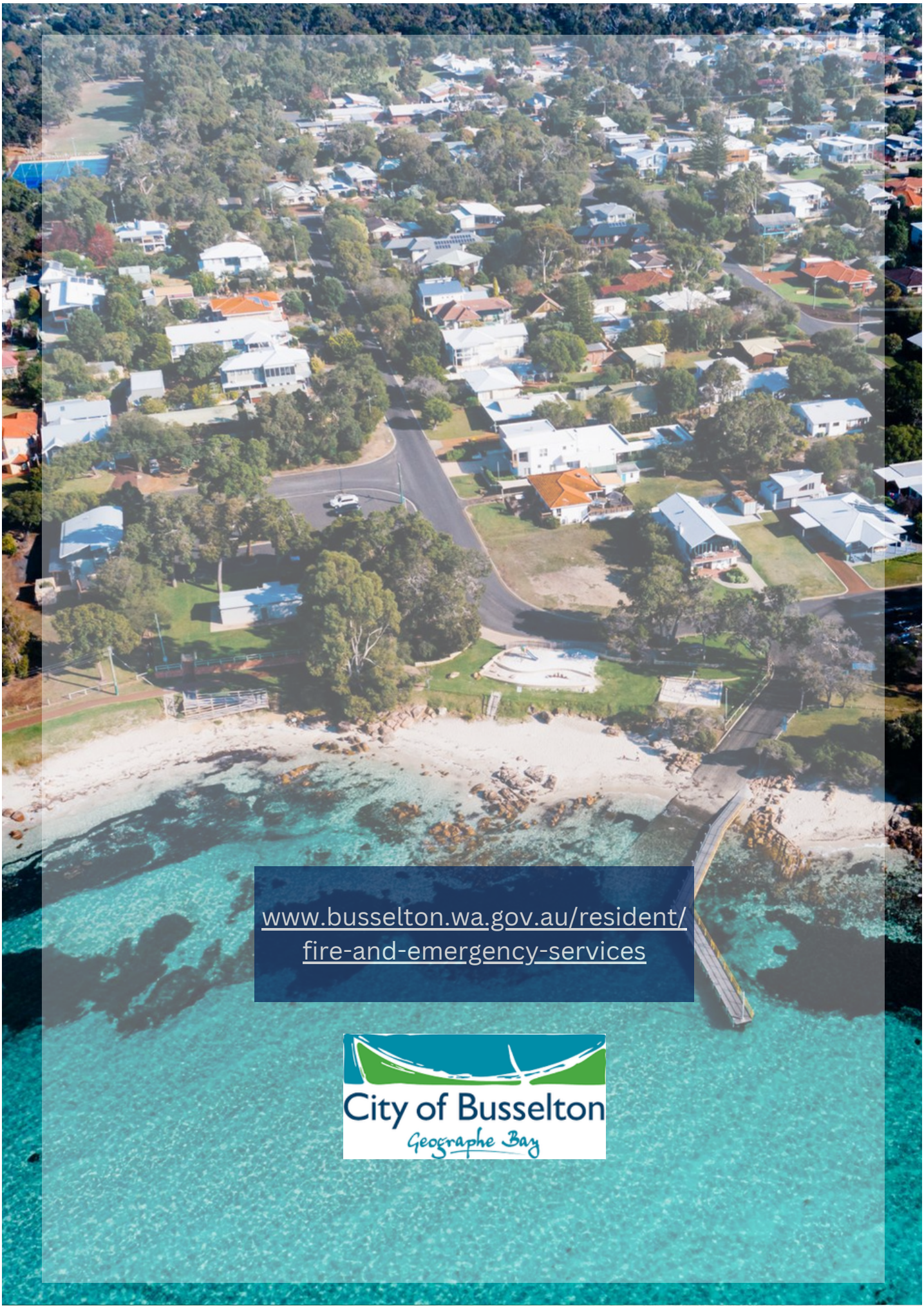
	Reduction Notice seems to be an exaggerated burdensome passing of responsibility to the home owners at great cost to us, with marginal impact. • Layer of mulch is, in my opinion, not a high threat at it burns slowly and does not run a fast hot fire. I would not be too concerned about a layer of mulch. • "Definition of 'Flammable material' is too broad and uncertain. In addition it adds a category of materials described as 'any other thing deemed by an Authorised Officer to be likely to catch fire'. Such a provision is not clear enough to enable compliance.
Cultivated Garden Areas	• I think that there will still be a significant degree of concern from the community, myself included, about the extent of clearing of living shrubs and hence wildlife habitat, still required. It is also an issue in this context, ie for clarity, that “Cultivated Garden Areas” are not defined either. • What is your definition of the word 'scrub'.
Fuel Load	• The ""Fuel Load"" definition states that: ""A compressed fuel load depth of 5mm from the top of the layer to the mineral earth beneath indicates approximately 2 tonnes per hectare."" Applying the maths, this would mean that 20mm depth would equate to 8 tonnes per hectare. However, under the ""Surface Fuel Load"" definition, it clearly states that 15mm depth would equate to 8 tonnes per hectare. It is also important to state that ‘consolidated decaying material’ and/or compacted mulch is not included in this calculation. • Definition of 'Fuel Loads' is too broad and unclear. In addition reference to 'twigs (up to 6mm in diameter) and bark' is contained within mulch commonly used to control weeds. On one reading the definition would effectively exclude the use of all mulch available at the Shire's tip. Defining mulch into categories will complicate the definition even more. • It is sufficient to define 'Fuel Loads' by reference to leaf litter. That is succinct, clear and can be monitored and identified. • In addition the following statement in this definition is meaningless to the public and has no place in the definition and must be removed: 'A compressed fuel load depth of 5mm from the top of the layer to the mineral earth beneath indicates approximately 2 tonnes per hectare.' • We question the need to go to extreme measures in our backyards when this is not the major threat of fire. The Bushfire Risk Reduction Notice seems to be an exaggerated burdensome passing of responsibility to the home owners at great cost to us, with marginal impact. " • 'One size does not fit all'. The terrain, weather and population differences between the western and eastern districts of the shire of City of Busselton necessitates more than three (3) categories in fire regulations to cater for such differences - that is why the CoB received over 700 'overnight' responses back in year 2021 when that Draft was rescinded.
Habitable Building	• The “Habitable Building” definition refers, inter-alia, to “single and two-family residences”. However, this would exclude any other more complicated arrangements, eg involving say three or more families, or arguably houses owned by companies, or trusts. It might be simpler to substitute this phrase for “residential dwelling”.

	• There are conflicting definitions between the draft Notice and the Information Sheet - eg what constitutes a Habitable Building and whether Fuel Load is depth of compressed material or tonnes/hectare. • The definition of habitable building is a bit unclear, such as using the words "dwell", "congregate". Also, what is meant by a "structure"? I assume a shed more than 6m from a habitable building does not count for the MFA? • The Draft Notice is quite clear as to which structures are included but the Information Sheet adds the inclusion of any other buildings within 6 metres of the primary structure. This is a significant change as it is common to have a basic garage close to, but separate from, the main house. I would have thought that a separated garage would add very little to the fire risk for the house.

Variation	• The term “Variation” is included in the Definitions section of the Notice. However, no further reference, or information about variations is provided within the document. This is an important issue with the valid reasons for seeking and having variations approved needing to be expanded.
	• "Variations: promotion of variations for environmental protection.
	• Variations only need to be renewed when circumstances change, as with other local governments.
	• Clearing permits and exemptions: any clearing to be approved by the City of Busselton as people are not aware of protected flora and fauna, let alone environmental laws, and could therefore clear unnecessarily, or in breach of federal regulations.
	• "Variations: promotion of variations for environmental protection. Variations only need to be renewed when circumstances change, as with other local governments.
	• Variations: promotion of variations for environmental protection.
	  • Variations only need to be renewed when circumstances change, as with other local governments.
	  • Clearing permits and exemptions: any clearing to be approved by the City of Busselton as people are not aware of protected flora and fauna, let alone environmental laws.

Turnarounds	• Measurements needed to be illustrated on turnaround diagrams. 4m Width measurement on managed vegetation diagram is at an angle to the managed area, and should be illustrated perpendicular to the firebreak. • It may be difficult for the layperson to estimate the turning radii of existing access ways and turn around spaces. Any guidance that can be provided to assist in assessing if existing access is sufficient to meet the guidelines would be welcome. " • For the turnaround, please also provide the length of the turnaround bays required, not just the turning radius. Even better would be some dimensioned examples of the minimum size needed • The requirement for the access road specifies a minimum width, but doesn’t specify requirements around tightness of turns. Does the 9m requirement from the turnaround apply here too? • The wording: Turnaround area, minimum turning circle of 9 metres needs clarification. Turning circle is a function of the vehicle and is open to interpretation as an online search will reveal (radius, diameter, which part

	of the vehicle) The Notice should give the dimensions of the turning area directly for simplicity and clarity. • Turning circle 9m seems vague • "Turnaround area needs to be better defined and illustrated. • The turning circle - is this 9m in diameter or circumference? • Turning Area needs a more detailed definition. Turning areas and circles are often defined in different ways. It is my interpretation that the definition required relates to an area created by a 9m radius, outside of which no part of the vehicle will protrude under full lock of the steering wheel. • The turnaround requirement is poorly set out and not at all clear." • Turnaround area needs to include three point turn option. You give definition of 2 tonnes/hectare which is not required and no definition of 8 tonnes, which is. What is the difference between a special work order and a work order? Variations should noty be required annually-this causes unecessary cost to both the city and the resident. If nother shires donlt reequire it, why do we? • Turnaround area definition is confusing. It should say: An area large enough for an 8m fire • truck to turn directly, requiring a 9m turning radius, OR by performing a three-point turn. A turnaround area should not be required if there is an existing loop • The only defined option is a “turning circle of 9 metres”. Is this 9 metres inside radius, 9 metres inside diameter, 9 metres outside diameter or what?? Why is there only one option in the Notice but several alternatives in the Information Sheet. The diagrams in the Information Sheet are useless unless fully dimensioned. (See NSW FRS “Planning for Bushfire Protection” Nov 2019, Sect. A3.3 for examples with dimensions for larger vehicles than required here.) The Notice should define the intent and then refer to the Information Sheet for complying examples, noting that there may be other alternatives such as a loop around a house, a large extended loop or a property with two exits.
Access ways / Roads and driveways	• Clarity on what is meant by public carriageway which I assume is a public road. • Remove requirements on driveway/accessway and turnaround area.



www.busselton.wa.gov.au/resident/fire-and-emergency-services

City of Busselton
Geographe Bay

City of _____.

BUSHFIRE RISK REDUCTION NOTICE YYYY-YYYY

BUSH FIRES ACT 1954

The following Notice is hereby given to all owners and/or occupiers of land within the District of the City of _____.

The majority of land with the District of the City of Busselton has been designated by the State as BPA and has the potential to be subject, or likely to be subject to be impacted by bushfires.

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954* notice is hereby given to all owners and occupiers of land within the District of City of _____, you are required and therefore ordered by the local government to carry out fire prevention work in accordance with the requirements of this Notice, on or before **START DATE**, and maintain the requirements up to and including **END DATE** or within 14 days of becoming an owner or occupier of land if after that date, to comply with the requirements set out in this notice.

Category 1 – All Lots 1,100m2 or less:

a) **Grasses to be maintained –** slashed/mowed to less than 10cm in height; and
b) **All flammable material** that is produced as a result of complying with the requirements of this Firebreak Notice must be removed from the land and disposed of in an appropriate manner.

Category 2 –All lots greater than 1,100m2 but less than 5ha:

a) **Category 2 properties with a habitable building:**
   i. **Grasses to be maintained –** slashed/mowed to less than 10cm in height unless actively grazed. If land is actively grazed, grasses shall be maintained to less than 20cm in height; and
   ii. **Establish and maintain an MFA;** and
   iii. **Driveway/access way –** If the habitable building is, at its closest point, more than 20 metres from the carriageway of a public road, a 4-metre-wide access way, with a 3-metre-wide trafficable surface with maintained 0.5m vegetation clearance each side of the trafficable surface, with a 4-metre vertical clearance is to be installed and maintained; and
   iv. **Turnaround area -** If the habitable building is, at its closest point, more than 50 metres from the point of access from the carriageway of a public road, a turnaround area is to be installed and maintained.
b) **Category 2 properties without a habitable building:**
   i. **Grasses to be maintained –** slashed/mowed/grazed to less than 10cm in height unless actively grazed. If land is actively grazed, grasses shall be maintained to less than 20cm in height; and
   ii. **Firebreak** – A 3-metre-wide firebreak shall be maintained within 20m of all property boundaries; **or**
   iii. **Managed vegetation/ low Fuel Load area** - maintain a 4-metre-wide managed vegetation/ low fuel load area (less than 2 tonnes/hectare) within 20m of all property boundaries.

Category 3 – All lots 5ha or greater:

a) **Grasses to be maintained –** slashed/mowed to less than 10cm in height unless actively grazed or farmed; and
b) **Firebreak –** A 3-metre-wide firebreak shall be maintained as close as practicable within 100m of all property boundaries. Where land is actively grazed or maintained to less than 10cm in height the firebreak may be reduced to 2 metres width. Where the land area exceeds 120 hectares, an additional firebreak must divide land into areas of not more than 120 hectares with each part completely surrounded by a firebreak within 100m of the boundary of that part; and
c) **Category 3 properties with a habitable building:**
   i. **Establish and maintain an MFA;** and
   ii. **Driveway/access way –** If the habitable building is, at its closest point, more than 20 metres from the carriageway of a public road, a 4-metre-wide access way, with a 3-metre-wide trafficable surface with maintained 0.5m vegetation clearance each side of the trafficable surface, with a 4-metre vertical clearance is to be installed and maintained; and

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iii. **Turnaround area -** If the habitable building is, at its closest point, more than 50 metres from the point of access from the carriageway of a public road, a turnaround area is to be installed and maintained.

CBMP – Properties subject to a CBMP must comply with the requirements of their CBMP in addition to the requirements of this Notice.

Variations to the requirements of this Notice: To request a Variation to the requirements of this Notice, you may apply in writing to the City of Busselton by no later than the **DATE** for a Variation to the Notice.

Applications for Variations must be completed on the approved form, available from the City's website and must provide alternative means of meeting the objectives of the notice. Variations will be considered where compliance is not practicable due to site-specific constraints such as topography, gradients or waterways or due to environmental constraints. A submission for a variation is required annually.

Take notice if permission is not granted in writing you must comply with the requirements of this notice.

Additional works: The City retains the ability to issue Special Work Orders pursuant to Section 33 of the Bush Fires Act 1954, to individual landowners should additional works be necessary for a potential fire hazard that may exist on a property. These can be issued at any time during the year.

Inspections, appointments, education and compliance: Landowners/occupiers who would like an early inspection by appointment, for reasons, including dangerous animals, biosecurity, locked gates, or for an explanation on the requirements of this Notice, should contact Rangers by **DATE.**

Clearing permits and exemptions: Owners/Occupiers must attempt to minimise environmental impacts as much as possible and should contact the City prior to undertaking works if they are aware of any protected flora or fauna. Landowners/Occupiers that clear vegetation in compliance with this Notice will be exempt from the requirement to seek approvals or permits under State law. Exemptions do not exist, however, under Federal environmental law. If Western Ringtail Possums or black cockatoos may be disturbed through the clearing of vegetation need, licenced wildlife handlers must be present when the clearing takes place. **Owners/Occupiers who clear beyond the requirements of this Notice without approvals may be subject to prosecution.**

Landowners/occupiers who do not comply with this Notice or a Variation to this Notice may be issued with an infringement notice ($250) or prosecuted with a penalty up to $5,000. A person in default is also liable, whether prosecuted or not, to pay the costs of performing the work directed by this Notice if it is not carried out by the owner and/or occupier by the date required by this Notice.

Definitions of terms referred to this Notice:
Authorised officer means a person appointed by the City as a Bush Fire Control Officer pursuant to the powers conferred in s38 of the *Bush fires Act 1954*
Bushfire Prone Area (BPA) means all land designated within the Map of Bushfire Prone areas as identified by the Fire and Emergency Services Commissioner under s18P of the *Fire and Emergency Services Act 1998.*
Current Bushfire Management Plan (CBMP) a plan prepared specifically for a property or subdivision as a condition of subdivision or development approval and endorsed by the Western Australian Planning Commission or the City after 7 December 2015.
Driveway/access way means the access route from a public road to a habitable building.
Firebreak means a trafficable area of land cleared and maintained totally clear of all vegetation material (living or dead), and over which any overhanging vegetation is no less than 4m above ground level, for the primary purpose of access for firefighting appliances.
Flammable material means accumulated fuel such as dry grass, leaf litter, twigs, branches, trash, bush, dead trees, firewood, stored fuels and scrub that can be easily ignited or is likely to catch fire and burn. It includes any other thing deemed by an Authorised Officer to be likely to catch fire but excludes living standing trees, growing bushes and plants in gardens and/or lawn areas under cultivation.

DRAFT VERSION WORKING GROUP

Fuel Loads means the leaf litter on the ground, including leaves, twigs (up to 6mm in diameter) and bark. A compressed fuel load depth of 5mm from the top of the layer to the mineral earth beneath indicates approximately 2 tonnes per hectare.
Habitable building means any single or two-family residence, garage, building, structure, trailer, vehicle or portion thereof where persons dwell, reside, are employed, or congregate and which is occupied in part or whole on a permanent or temporary basis.
Land means freehold land or leasehold Crown land.
Lot means an allotment of freehold land or leasehold Crown land and includes contiguous land parcels in common ownership.
Managed Fuel Area (MFA) means an area of land within 20 metres of a habitable dwelling from the outermost point of the building or to the lot boundary (whichever is smaller). Unless vegetation in the MFA is Managed Vegetation, available surface fine fuel loads must be reduced and maintained at an average of 8 tonne per hectare.
Managed Vegetation includes reticulated and/or maintained low-threat vegetation gardens. Trees that are pruned 2 metres away from buildings and must not overhang within 5 metres of the external roof. Gutters to be kept free of dead suspended matter such as twigs, leaves and bark.
Special Work Order means a property specific notice served by the City on an owner pursuant to Section 33 of the *Bush Fires Act 1954,* to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire.
Surface Fine Fuel means the leaf litter on the ground, including leaves, twigs (up to 6mm in diameter) and bark which is easily scratched away and not starting to decompose. A compressed surface fine fuel load depth of 15mm from the top of the layer to the decomposing material beneath indicates approximately 8 tonnes per hectare.
Trafficable surface a firm and stable surface, unhindered and without any obstruction suitable to support a 4x4 fire appliance.
Turnaround area means an area of trafficable surface with a minimum turning circle of 9 metres to support a large fire appliance vehicle. The turnaround area must be kept clear of encroaching vegetation and overhanging branches to a height of 4 metres.
Variation means an individual specific Firebreak Notice served by the City on an owner under s33(2) of the *Bush Fires Act 1954*

DRAFT VERSION WORKING GROUP

Amendments implemented to Bushfire Risk Reduction Notice to incorporate Community Feedback

A significant number of amendments have been implemented to the presented Notice, integrating broader community feedback received during the Community Consultation Period. The Community Reference Group met 8 March 2024 to discuss, consider and determine which feedback received would improve the overall intent, readability and clarity of requirements and definitions within the Notice.

A summary of each amendment from the Notice as advertised for Community consultation to the presented notice along with a justification of each change is provided below.

Changes to Notice Structure:

- The overwhelming feedback emphasised that placing definitions before the category-specific requirements significantly enhanced ~~readers~~ comprehension and readability.
- Definitions when referenced throughout the Notice are highlighted through use of a different colour.
- Addition of a **right of appeal** section, to ensure community are aware of the process to appeal inspection outcome.
- Minor amendments made to **clearing permits and exemptions** section to emphasis where federal environmental approvals may be required.

Changes to definitions:

Driveway/Access Way – this definition has been updated to encompass "private road". Specifications are now listed in bullet points to enhance readability and clarity of requirements. Additionally, the 0.5 vegetation clearance has been adjusted to include the provision that isolated trees and significant plants are not required to be removed.
Justification of change – Clarity that this requirement is applied regardless of the road ownership. Community consultation identified the need to consider allowance for pinch points for established trees.

Fuel Load – removed completely.
Justification of change – Created confusion in relation to difference between this and surface fine fuel definition.

Managed Fuel Area - amended to identify that distance is measured from a building wall. Specifications listed in dot points to improve readability and clarity of requirement. Specifications expanded to include all requirements that previously required reference to other definitions within the Notice.
Stipulated requirements within the manage fuel area are:

- Trees must be pruned 2m away from buildings with vertical clearance of 5 metres above the top of the external roof.
- Gutters to be kept free of dead suspended matters such as twigs, leaves, and bark.
- Vegetation must be reticulated and/or maintained or there must be a low fuel understory with no Flammable Material present.
- Flammable material to be managed or moved 5 metres away from buildings.
- Unless Managed Vegetation, available Surface Fine Fuel loads must be reduced and maintained at an average depth of 1cm, by Passive Fuel Reduction methods that do not

permanently remove or reduce the quantity or occurrence of the native plants, shrubs, and trees within the subject area.

Justification of change – Created confusion in relation to where to measure the 20m from. Inclusion of all actions required in one location should support ease of understanding by owner/occupiers.

Managed Vegetation – amended to remove elements that relate to managed fuel area. Expansion of description of what would be considered managed vegetation to improve understanding by community that most vegetation is permitted is actively managed and maintained.

Justification of change – Previous definition created confusion that most vegetation would need to be removed to comply with the Notice. This is not the intent of the Notice. As such definition has been amended, incorporating ideas presented to officers through community consultation to improve understanding of requirement.

Passive Fuel Reduction – new definition.

Justification of change – Added to improve understanding of actions supported by the City to achieve Surface Fine Fuel Requirements within the Managed Fuel Area and create clarity that removal of most native vegetation is not required to achieve compliance.

Surface Fine Fuel – updated to remove tonnage calculations.

Justification of change – Created confusion in relation to differences between the various definitions and compressed versus non-compressed vegetation. The adjustment of maintenance depth to the Managed Fuel Area definition has been developed with input from both the community and the CRG, aiming to establish a method for assessing fuel loads that resonates meaningfully with all stakeholders.

Turn around area – The amendment aims to enhance comprehension regarding the various formats possible and where they are necessary in relation to the habitable building. Specifications listed in dot points to improve readability and clarity of requirement.

Justification of change – Difficult to simply describe the various formats this may take. Feedback from broader community consultation identified concerns in relation to costs, with an assumption that a 9m turning circle~~s~~ was required.

Note – this definition was further amended as per the BFAC consultation section below, to reflect the subject matter expert advice of this Committee.

<u>Changes to Category 1 requirements:</u>

1a) **Grasses to be maintained** – addition of "and removed from the land and disposed of in an appropriate manner".

Justification of change – Community feedback highlighted that the advertised draft flammable material requirement for category one was reflective of a need to remove dead grasses. Amendment of this condition simplified this requirement.

1b) **Flammable material** – amended as follows "Flammable material is to be managed and moved 5 metres away from buildings".

Justification of change – Community feedback highlighted that the advertised draft flammable material requirement for category one did not require any action. This amendment will ensure owners/occupiers consider storage of firewood, fuels and other flammable material.

1c) New requirement added - **Gutters** to be kept free of dead suspended matters such as twigs, leaves and bark.

Justification of change – Through community consultation it was discussed that in an urban setting ember attack has been identified as a key factor leading to infrastructure damage because of build-up of matter in gutters.

Changes~~d~~ to Category 2 requirements:
2a iii) **Driveway/accessway** – dimensions and specifications moved to be included within definition section, and addition of "or private road, the driveway/access way must be installed and maintained as defined in this Notice".
Justification of change – Clarity that this requirement is applied regardless of the road ownership. Dimensions and specifications are better placed in the definition section of the Notice to be consistent with other category requirements.

2a iv) **Turn around area** – addition of 'or private road'.
Justification of change – Clarity that this requirement is applied regardless of the road ownership.

2b ii) **Firebreak –** removed in entirety.
Justification of change – The community did not endorse the inclusion of this requirement for vacant Category 2 properties due to concerns about costs, impacts on vegetation, and potential erosion issues.

2b iii) **Managed vegetation/ low fuel load area -** removed in entirety.
Justification of change – The community opposed the inclusion of this requirement for vacant Category 2 properties due to concerns about cost, impacts on vegetation, and the challenges associated with ongoing maintenance needed to ensure compliance throughout the entire Notice period.

Changes~~d~~ to Category 3 requirements:
3c ii) **Driveway/accessway** – dimensions and specifications moved to be included within definition section, and addition of "or private road, the driveway/access way must be installed and maintained as defined in this Notice".
Justification of change – Clarity that this requirement applied regardless of the road ownership. Dimensions and specifications are better placed in the definition section of the Notice to be consistent with other category requirements.

2c iii) **Turn around area** – addition of "or private road".
Justification of change – Clarity that this requirement is applied regardless of the road ownership.

City of Busselton
Geographe Bay

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19/04/2024

1:400 @ A4P

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City of Busselton
Geographe Bay

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19/04/2024

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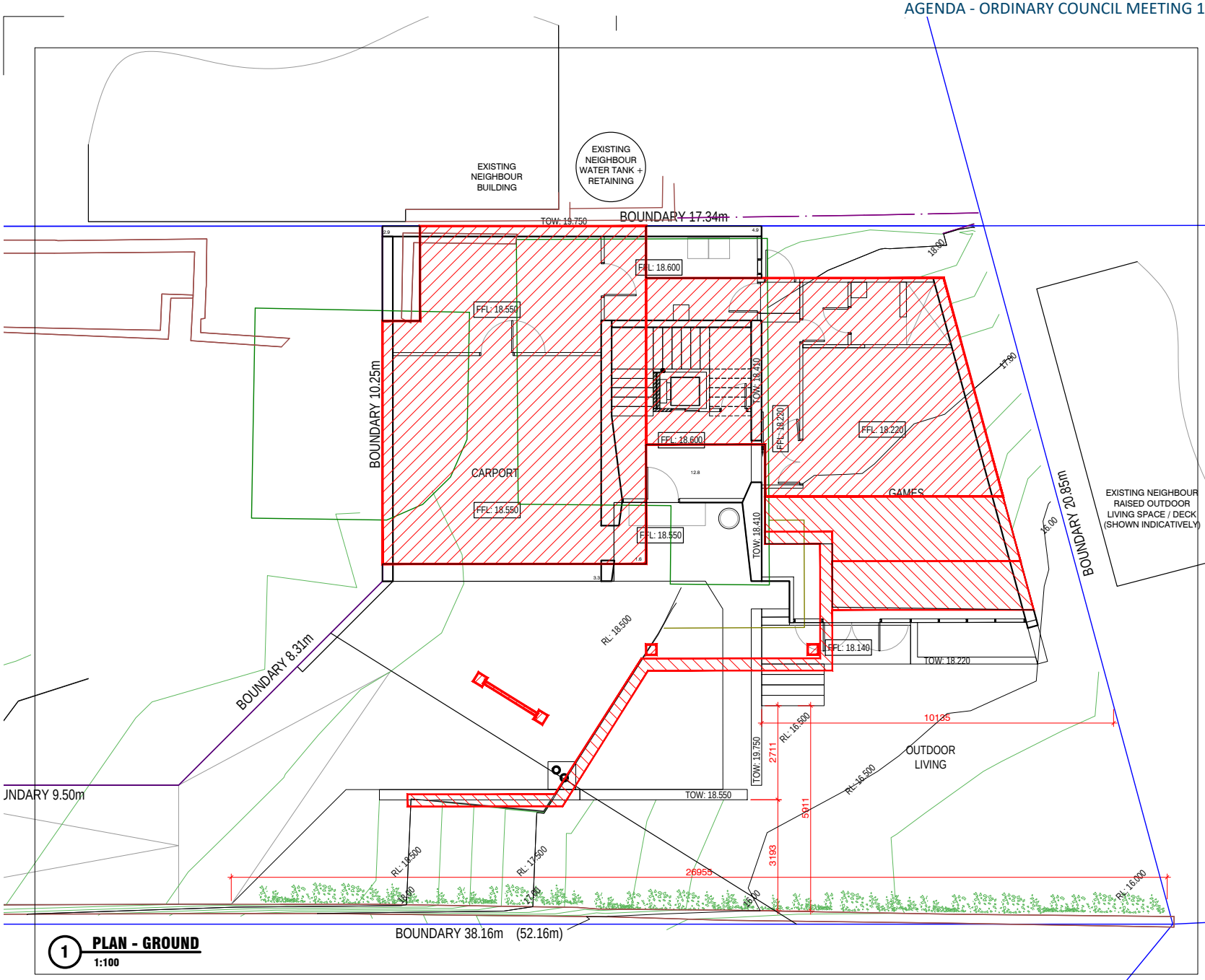

1 **PLAN - GROUND**
1:100

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NOTES

KEYPLAN

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REV:	BY:	CHK:	DATE:

PROJECT
RADIC RESIDENCE

TITLE:
PLAN - GROUND FLOOR - Existing Overlay
2 - 48 HAMMOND ROAD, YALLINGUP

DRAWING NO:	REV:	SCALE @ A3
22022_AG_01-B	C2	1:100

BY:	CHK:	DATE:
DO		22.06.2022

XREFS USED IN THIS DRAWING:

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E drew@oxstudio.com.au

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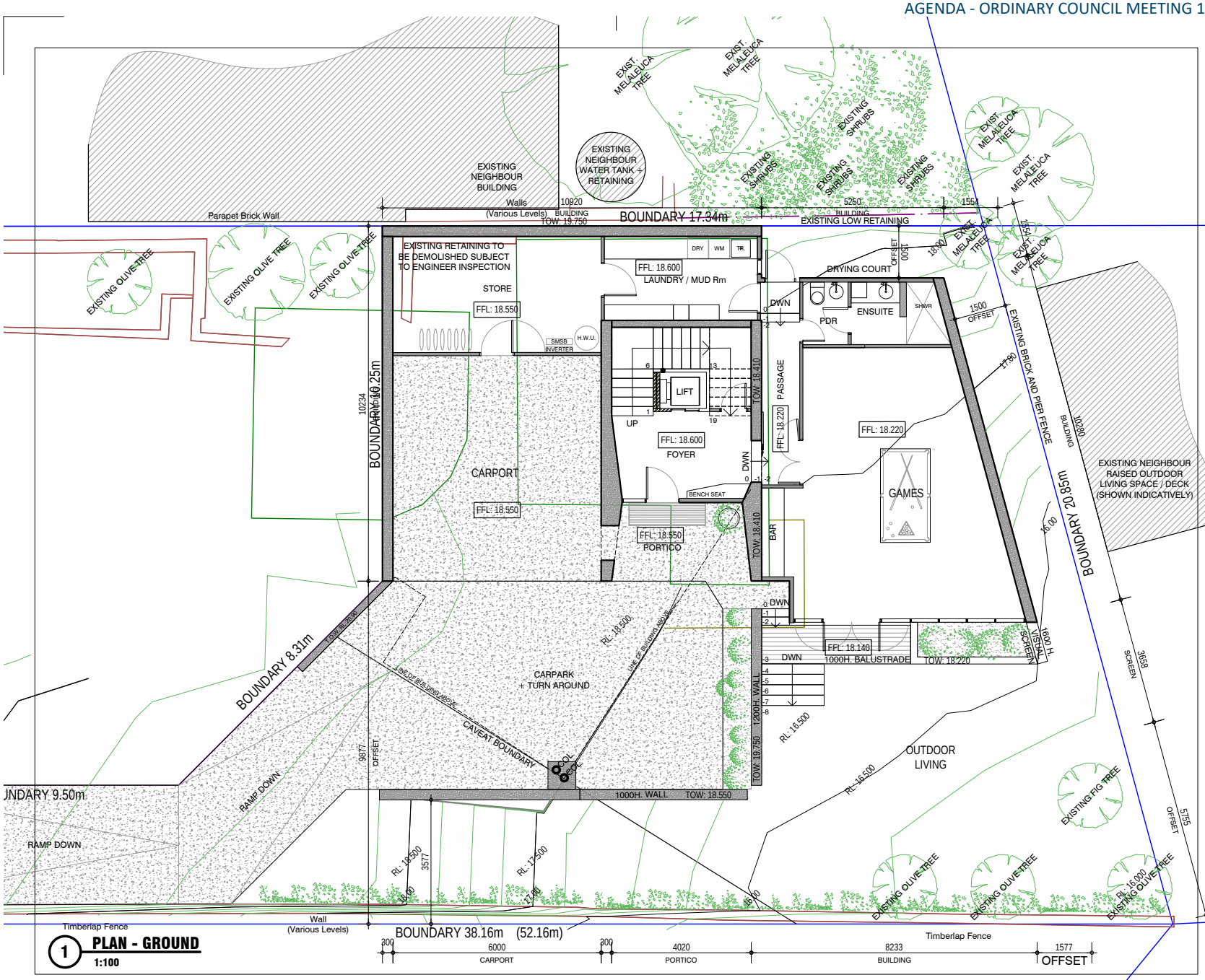

1 **PLAN - GROUND**
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BY: DO	**CHK:**	**DATE:** 22.06.2022

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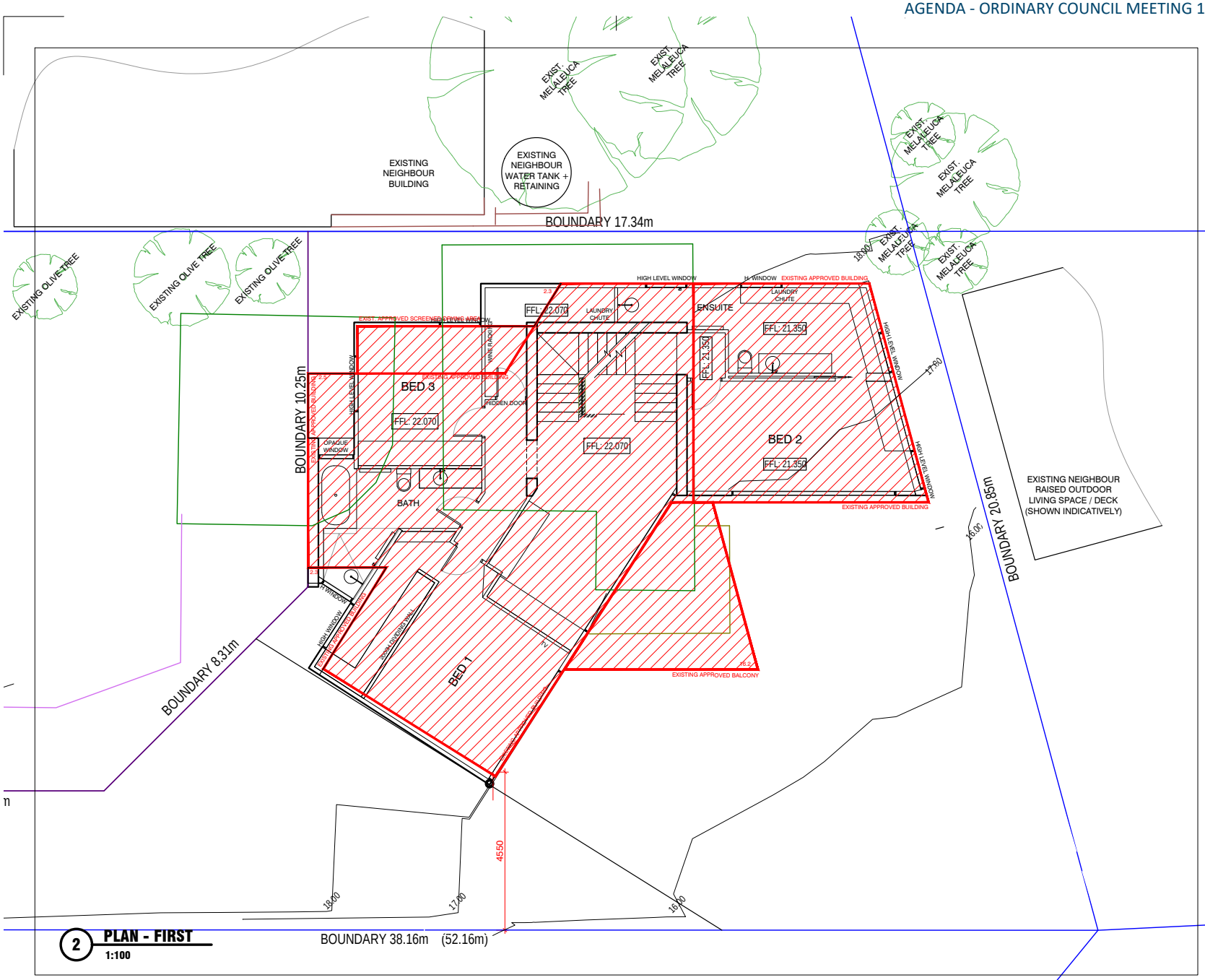

2 **PLAN - FIRST**
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TITLE:
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2 - 48 HAMMOND ROAD, YALLINGUP

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22022_AG_02-B	C2	1:100

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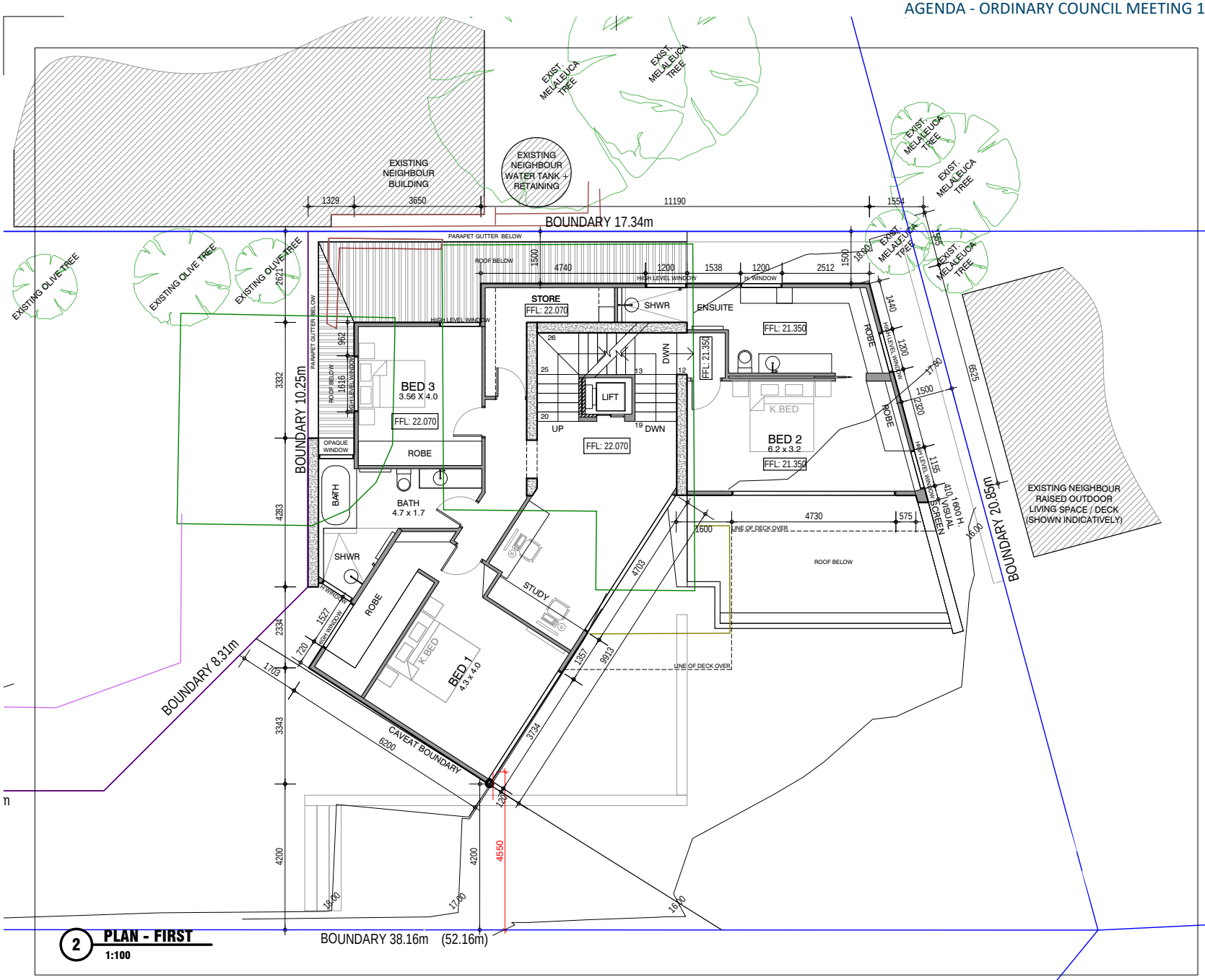

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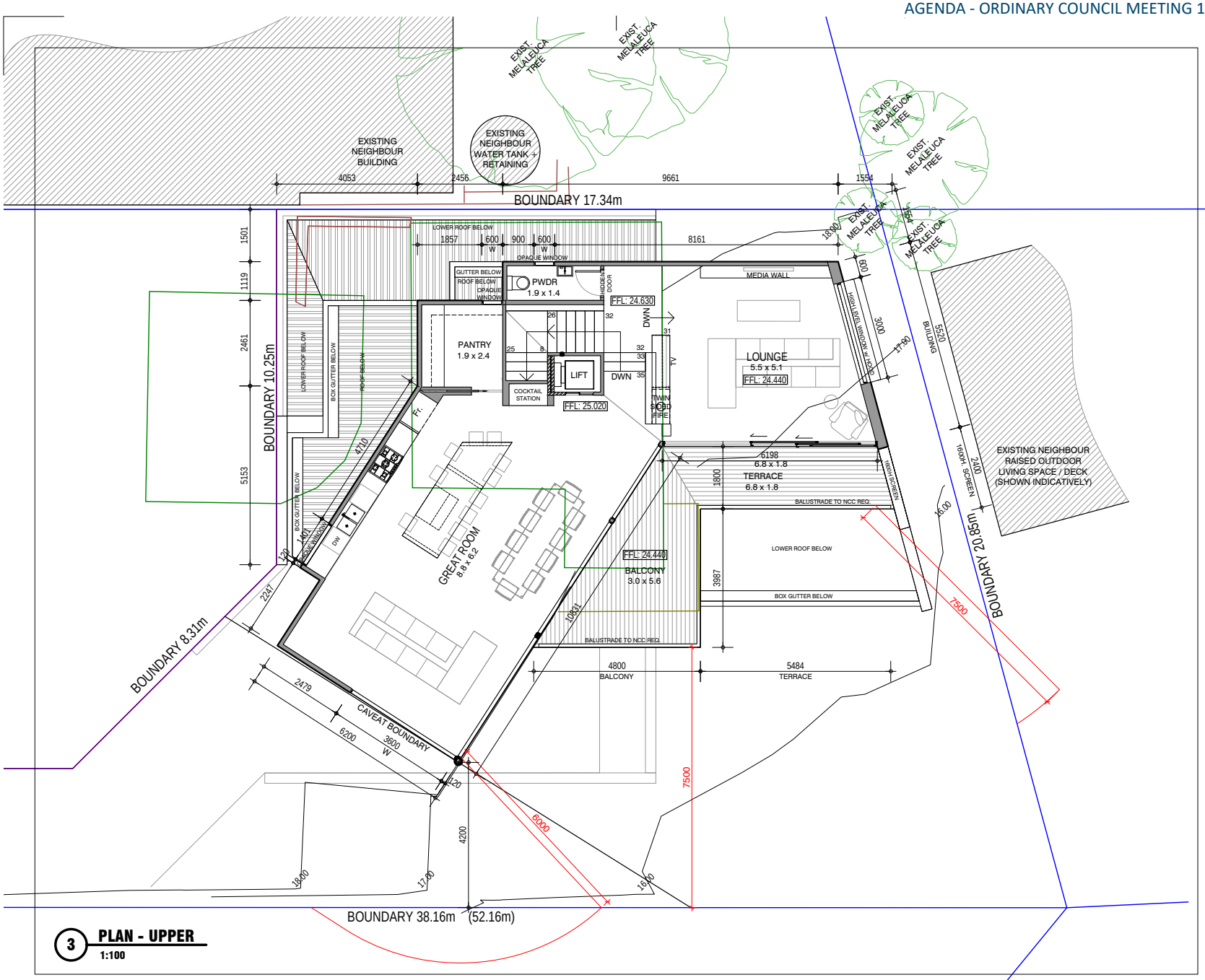

3 PLAN - UPPER
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NOTES

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RADIC RESIDENCE

TITLE:
PLAN - UPPER FLOOR
2 - 48 HAMMOND ROAD, YALLINGUP

DRAWING NO:	REV:	SCALE @ A3
22022_AG_03	C2	1:100

BY:	CHK:	DATE:
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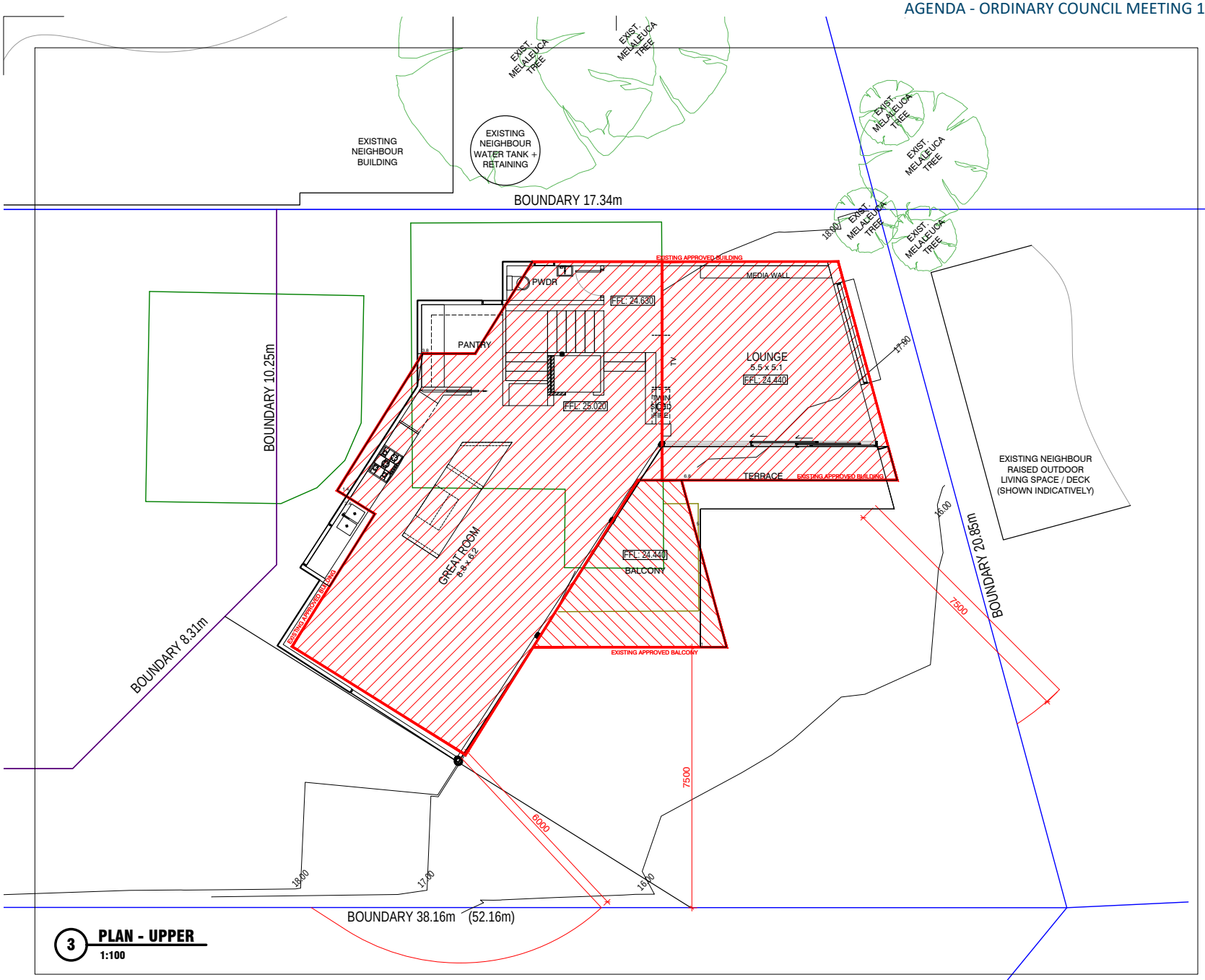

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TITLE:
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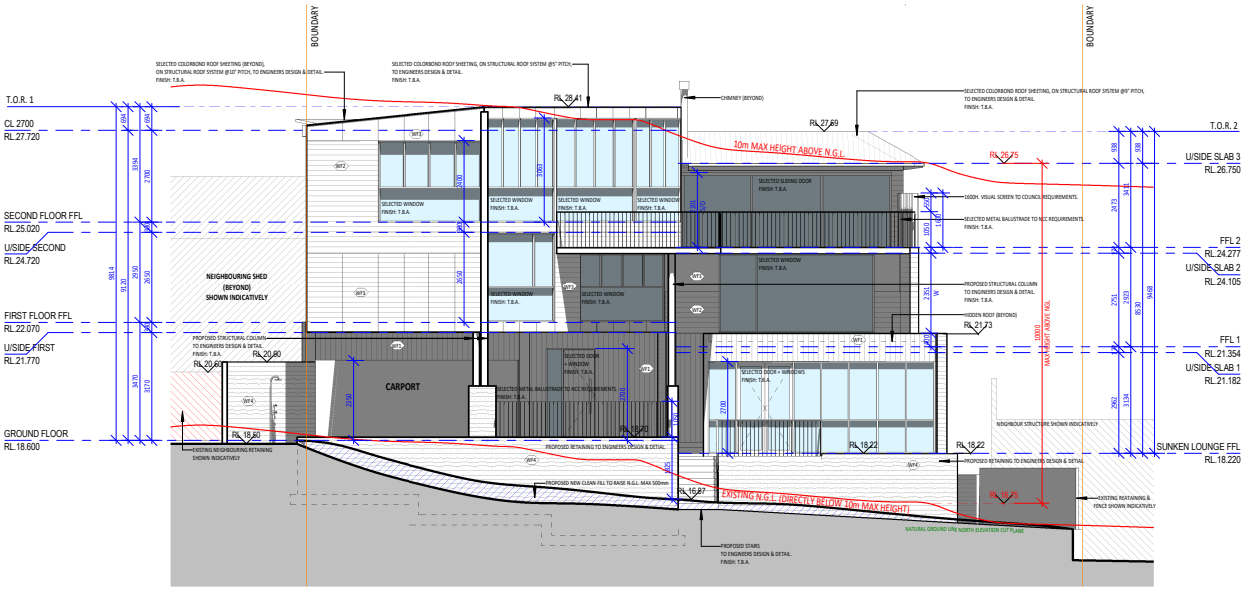

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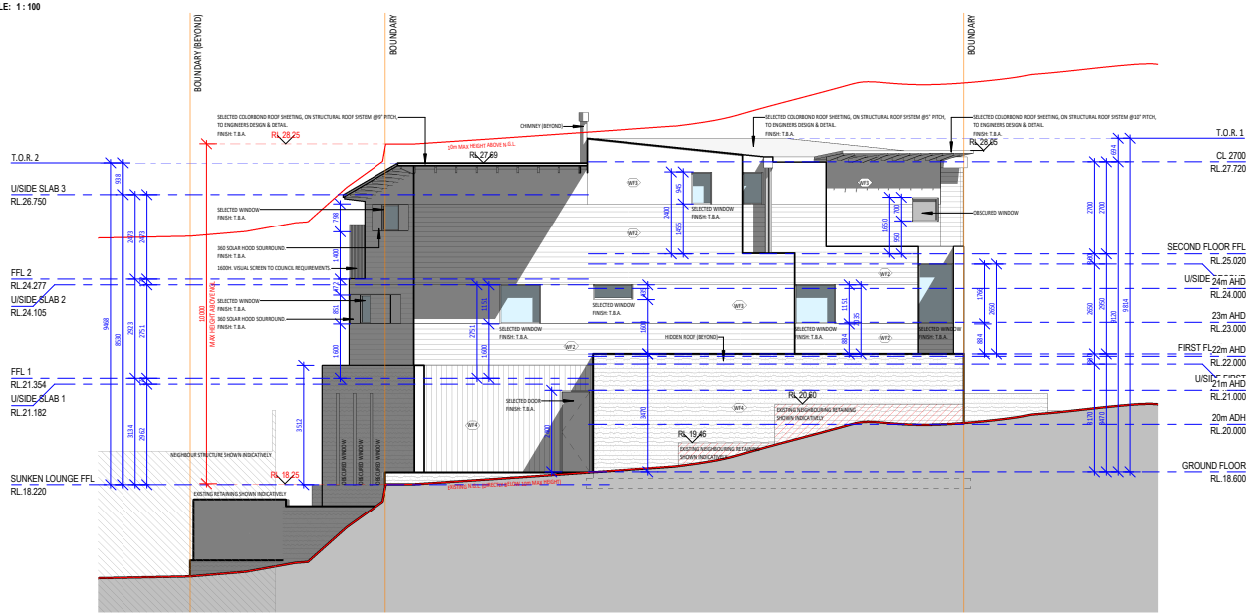
SCALE: 1 : 100



S RCP_03 SOUTH ELEVATION

SCALE: 1 : 100

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- WT2 — SELECTED HORIZONTAL (WEATHERTEX OR SIMILAR) WALL CLADDING, ON STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- WT3 — SELECTED WALL CLADDING (WEATHERTEX OR SIMILAR), ON STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- WT4 — SELECTED MASONRY WALL TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED RAMMED EARTH.

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Document Set ID: 5188651
Version: 1, Version Date: 15/05/2024

CLIENT: HAMMOND RESIDENCE

GRAPHIC SCALE: 1:100 (0 1 2 3 4 5 10 M)

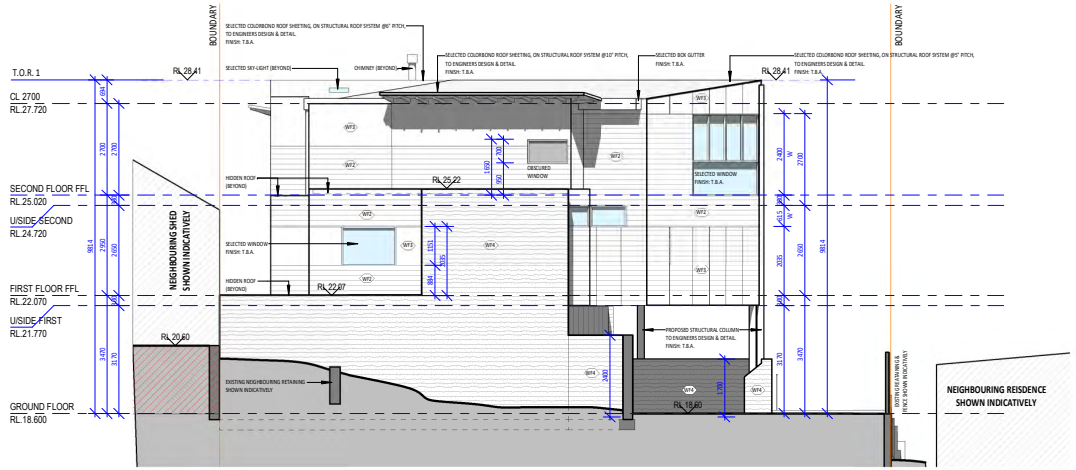
A2 SHEET

Rev.	AMENDMENT	DATE

PLANNING APPLICATION
2/48 HAMMOND RD, YALLINGUP 6282
ELEVATIONS

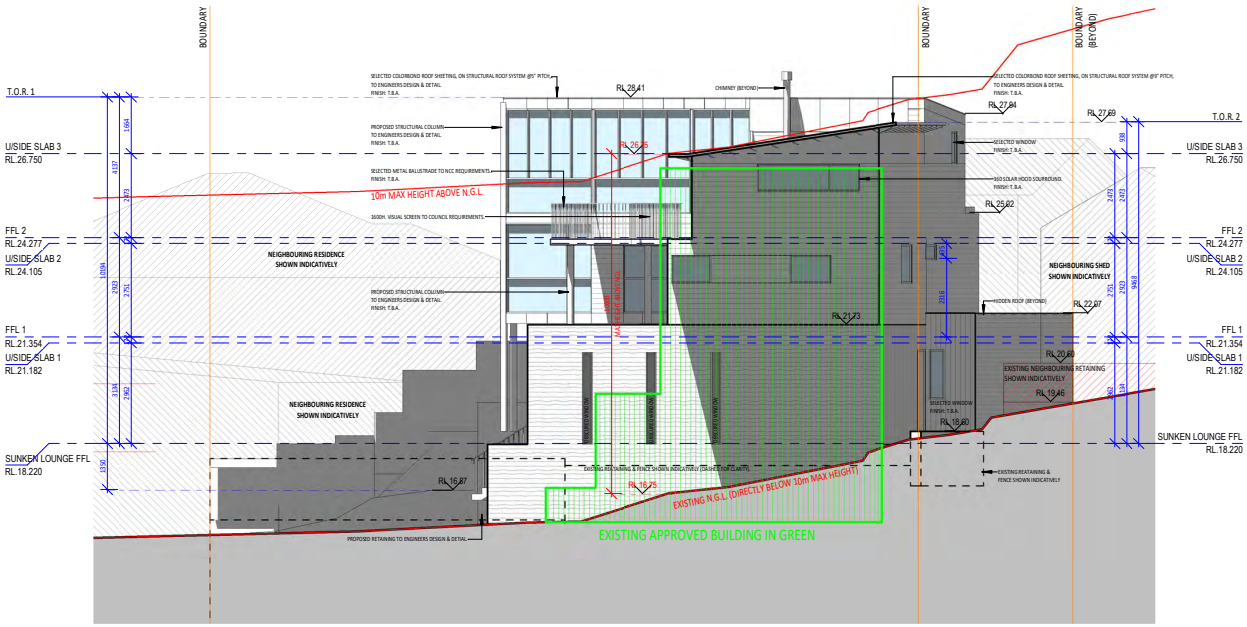
SCALE: As indicated @A2 | DRAWN: E.M.

JOB / DRAWING No. 22022_AE_01 | REVISION C



E RCP_03 EAST ELEVATION

SCALE: 1 : 100



W RCP_03 WEST ELEVATION

SCALE: 1 : 100

WALL FINISHES LEGEND:

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- WF2 — SELECTED HORIZONTIAL (WEATHERTEX OR SIMILAR) WALL CLADDING, ON STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- WF3 — SELECTED WALL CLADDING (WEATHERTEX OR SIMILAR), ON STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- WF4 — SELECTED MASONRY WALL TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED RAMMED EARTH.

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Document Set ID: 5337816
Version: 1, Version Date: 15/05/2024

CLIENT: HAMMOND RESIDENCE

GRAPHIC SCALE: 1:100 — 0 1 2 3 4 5 10 M — A2 SHEET

Rev.	AMENDMENT	DATE

PLANNING APPLICATION
2/48 HAMMOND RD, YALLINGUP 6282
ELEVATIONS

SCALE: As indicated@A2 | DRAWN: E.M.

JOB / DRAWING No. 22022_AE_02 | REVISION C

Applicant's Justification

Following initial advertising the following changes have been made to the proposed development by the applicant -

- More site measurements have been undertaken and the existing western neighbours' adjacent raised deck and screen as been more accurately marked on the plans,
- The rear (western) elevation has been reduced and the upper two levels are now proposed to be shorter in length than the existing approved DA.
- Mid-level balcony has been removed from the previously approved plans.
- Pitched roof to remain and will only be slightly higher than the approved flat roof.

In addition, the following additional justification has been provided by the Applicant -

Residential Form and Style

In the case of subdivision and development, a residential density of R10 is to be applied. Infill group housing development at density R20 on sites comprising 900m² or more (i.e. one dwelling per 450m², but not limited to duplex development) will be permitted subject to specific site assessment against the development criteria. The subject lot is existing and has been created. On this front it is noted that the lot area, free of the driveway is only 398sqm which creates difficulties in the assessment against R10 density code requirements.

A height limit of 10 metres measured vertically from natural ground level at any point of a building is applied to the Area. In the case of the "Surfside" site, buildings are not to intrude into the skyline created by the dunal system when viewed from beach areas. This height limit has been acknowledged on the relevant development plans with the proposed. It is acknowledged that there are exceedances to this height requirement which result from the sloping natural ground level. The appropriateness of the proposed building height has been discussed below.

All development proposed within Precinct 2 will be assessed against, and required to comply with, the following form and style criteria:

- Buildings shall have an appearance of lightweight construction and fit with the site topography which will normally require the use of stumped construction.
- Site coverage should be no more than 40% of the lot area and where possible remnant vegetation should be used to reduce the visual mass / bulk of dwellings.
- Clearing only permitted within approved footprint areas and the immediate surrounds. In the interest of fire safety low fuel measures are encouraged over the remainder of the lot.
- Building style shall be reflective of, and sensitive to, the context of existing residential character through the use of prominent windows, lightweight and prominent balconies, relatively steep and multi- pitched roofs. Skillion roof styles, which may reflect an emerging coastal architecture, will be considered on their merit in the context of the site, the streetscape, the building's elevation and position within the lot and the degree to which the design meets the intent and provisions of the policy.

- The proposed development includes extensive amounts of timber cladding and glazing which will ensure the appearance is 'light weight' and also that it fits within the native surrounding. Further, the dwelling has been designed to balance the sloping nature of the site.
- The area of the site is 989sqm and the built form occupies approximately 220sqm which is much less than the allowed 40%.
- No clearing is proposed.
- The proposed built form features:
    - Timber cladding and extensive glazing.
    - Prominent lightweight balconies.
    - Skillion/flat roof to ensure the building fits better within its context.

Clause 5.4.1 – Visual Privacy

In considering the variations to the applicable deemed to comply requirements noted in relation to visual privacy, the below mentioned design principles are applicable:

P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- Building layout location.
- There are no major openings to the western elevation, all sit above as high-level windows or visually obscured.
- Screen devices (including landscaping, fencing, obscure glazing, timber screens, extern blinds, window hoods and shutters)

The variations related to visual privacy are contained to small portions of the adjoining properties and are considered appropriate for approval as:

- There is no overlooking of active habitable spaces and outdoor living areas of adjoining properties due to the design location and orientation of the upper floor terrace which avoids the deck area to the rear of the adjoining property.
- The design incorporates various design measures such as screening, high level windows and opaque windows to limit visual privacy variations.

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PLANNING APPLICATION
2/48 HAMMOND RD, YALLINGUP 6282
COVER SHEET

SCALE:
DRAWN:
JOB / DRAWING No. 22022_ A0_00
REVISION C

CLIENT:
HAMMOND RESIDENCE

A3 SHEET

COMMENTS:

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Version: 1, Version Date: 11/08/2023

SHEET LIST

Sheet Number	Sheet Name	Revision	Revision Date
A0_00	COVER SHEET	C	21.03.23
A0_01	SHEET LIST & GENERAL NOTES	C	21.03.23
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AG_01	GROUND FLOOR	C	21.03.23
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AG_03	SECOND FLOOR	C	21.03.23
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AZ_01	SITE PLAN	C	21.03.23

ALL HEADINGS TO BE READ IN CONJUCTION WITH CURRENT BCA EDITION.

CURENT EDITIOIN: **BCA 2019 AMENDENT 1 VOLUME 2**

BUSH FIRE ATTACK LEVEL (BAL)	
TO BE READ IN ACCORDANCE WITH AS 3959.	
ENERGY ASSESSMENT TO BE READ IN CONJUCTION WITH AS 3598.	

GENERAL NOTES:

HEAD CONTRACTOR TO CONFIRM LOCATION OF ALL EXISTING SERVICES ON SITE PRIOR TO COMMENCING ANY WORK.

DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SCHEDULES, SPECIFICATIONS, ARCHITECTURAL DRAWINGS, SERVICES DRAWINGS AND MANUFACTURER'S INSTALLATION INSTRUCTIONS AND RECOMMENDATIONS.

ALL WORKS ARE TO BE UNDERTAKEN IN ACCORDANCE WITH THE BUILDING CODES OF AUSTRALIA (BCA) AND THE RELEVANT AUSTRALIAN STANDARDS,

HEAD CONTRACTOR IS TO ALLOW FOR AND PROVIDE ALL MATERIALS, LABOUR AND ACCESSORIES TO COMPLETE THE WORKS TO THE SPECIFIED PERFORMANCE AND DESIGN.

ALL DIMENSIONS AND LEVELS ARE TO BE VERIFIED ON SITE BY THE HEAD CONTRACTOR PRIOR TO MANUFACTURE OF SHOP BUILT JOINERY AND COMMENCEMENT OF CONSTRUCTION ON SITE. ANY DISCREPANCIES TO BE REFERRED TO DESIGNER.

DO NOT SCALE FROM THESE DRAWINGS.

DRAWINGS MUST BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEER DRAWINGS AND APPROVED ENERGY ASSESSMENT.

ALL DIMENSIONS TAKEN FROM PRIMARY WALL STRUCTURE EXCLUDING ANY FINISHES U.N.O.

'COS' DENOTES 'CHECK ON SITE'.

POWER AND LIGHTING POINTS ON DRAWINGS ARE FOR SETTING OUT PURPOSES ONLY. CONFIRM ALL LOCATIONS WITH CLIENT PRIOR TO INSTALLATION.

TERMITE TREATMENT WILL BE IN ACCORDANCE WITH AS 3660.1 AND THE NATIONAL CONSTRUCTION CODE PART 3.1.3, PART 2.1.1 AND PART 1.0.7, USING AN APPROVED TERMITEMANAGEMENT SYSTEM. 'TERMIMESH' PHYSICAL BARRIER TO BE USED FOR BOUNDARY WALLS.

ALL JOINERY AND MATERIALS (FIRST GRADE QUALITY) USED SHALL BE IN COMPLIANCE WITH RELEVANT STATUTORY AUTHORITIES, BUILDING REGULATIONS AND AUSTRALIAN STANDARDS. ANY DISCREPANCIES TO BE REFERRED TO THE CLIENT.

REFER TO EQUIPMENT SCHEDULE/SPECIFICATION FOR EQUIPMENT. HEAD CONTRACTOR AND SERVICES CONSULTANTS TO ENSURE ADEQUATE POWER/DATA OUTLETS WATER AND DRAINAGE FOR ALL EQUIPMENT PROVIDED.

SITE NOTES:

ALL FOOTINGS ON THE BOUNDARY MUST BE OFFSET TO WITHIN BOUNDARY.

ACCESS TO SITE MUST BE CONFIRMED (POWERLINES, HEIGHT RESTRICTIONS ETC.)

PROTECT TREE WHERE MARKED ON PLAN. FOR INVASIVE TREE SPECIES INCLUDE 1200MM DEEP VERICAN ROOT BARRIER.

STORMWATER FROM ALL ROOFED AND PAVED AREAS SHALL BE COLLECTED AND CONTAINED ON SITE. STORMWATER MUST NOT AFFECT OR BE ALLOWED TO FLOW ONTO OR INTO ANY OTHER PROPERTY OR ROAD RESERVE .

DEMOLITION : STANDARD: TO AS 2601.
HAZARDOUS MATERIALS REMOVAL: STANDARD: TO AS 2601 CLAUSE 1.6.2. IF REMOVAL OF ASBESTOS OR OF MATERIAL CONTAINING ASBESTOS IS REQUIRED, REFER TO THE MOST CURRENT NOHSC CODE OF PRACTICE FOR THE SAFE REMOVAL OF ASBESTOS. INCLUDE INFORMATION TO BE SUPPLIED TO THE REMOVALIST AND INFORMATION TO BE SUPPLIED BY THE REMOVALIST.
COMPLETION: MAKING GOOD: MAKE GOOD ANY DAMAGE ARISING OUTOF DEMOLITION WORK.

EARTHWORKS: STANDARD: TO AS 3798.
FILL MATERIALS: SUITABLE MATERIAL: TO AS 3798 CLAUSE 4.4 INCLUDING INORGANIC, NON-PERISHABLE MATERIAL SUITABLY GRADED AND CAPABLE OF COMPACTION TO THE DOCUMENTED DENSITY.
UNSUITABLE MATERIALS: DO NOT USE UNSUITABLE MATERIAL FOR FILL IN CONFORMANCE WITH AS 3798 CLAUSE 4.3.

ELECTRICAL NOTES:

CONTRACTOR TO CHECK ALL DIMENSIONS ON ARCHITECTURAL DRAWINGS BEFORE COMMENCING CONSTRUCTION.

ALL WORKS SHALL BE UNDERTAKEN TO COMPLY WITH THE FOLLOWING:-

- BUILDING CODE OF AUSTRALIA
- SUPPLY AUTHORITY REGULATIONS
- AS/ ANZ3000
- AS/ ANZ2293
- MOST CURRENT & ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

GENERALLY: ELECTRICAL/DATA OUTLETS AT 300AFL UNLESS OTHERWISE NOTED.

ALL EXTERNAL FITTINGS TO BE WATERPROOF.

SMOKE ALARMS AND HEAT DETECTORS TO BE INTERLINKED AND COMPLY WITH BCA.

RECESSED LIGHTS TO BE NON-VENTED/SEALED.

FINAL LOCATIONS OF ALL EQUIPMENT SHALL BE CONFIRMED ON SITE WITH DESIGNER PRIOR TO INSTALLATION.

EARTHWORKS NOTES:

FOOTINGS SHALL BE EXCAVATED TO THE DIMENSIONS SHOWN ON THE DRAWINGS WITH ANY OVER EXCAVATION TO BE BACKFILLED WITH MASS OR BLINDING CONCRETE (MINIMUM CLASS N15)

ANY TEMPORARY OR PERMANENT EXCAVATION THAT EXCEEDS 600MM VERTICAL DEPTH IN OTHER THAN ROCK SHALL BE BATTERED ABOVE 600MM FROM THE BASE OF THE EXCAVATION AT AN ANGLE TO THE HORIZONTAL OF 300 FOR SAND OR 450 FOR CLAY UNLESS EMBANKMENT STABILITY IS CONFIRMED BY A QUALIFIED GEOTECHNICAL ENGINEER OR PROVIDED BY STRUTTING OR CONTAINMENT.

COMPACT SURFACE UNDER FOUNDATIONS TO ACHIEVE 95% MODIFIED DRY DENSITY (MDD) TO AS1289: UNLESS AN ALLOWABLE BEARING PRESSURE OF 200 KPA CAN BE ACHIEVED WITH LESS COMPACTION.

BACKFILL IS TO BE CLEAN SAND PLACED AND COMPACTED IN MAXIMUM 300MM LAYERS TO ACHIEVE 95% MDD. IF THE SAND FILL DOES NOT CONTAIN SAND PARTICLES, A PENETROMETER TEST, IN ACCORDANCE WITH AS1289.F3.3, WHERE GREATER THAN 7 BLOWS PER 300MM ARE REQUIRED MAY BE USED TO PROVIDE GUIDANCE OF ATTAINING SPECIFIED COMPACTION.

BACKFILLING AND COMPACTION SHALL BE BY VIBRATING PLATE OR ROLLER AND SHALL NOT COMMENCE AGAINST WALLS UNTIL A MINIMUM OF 7 DAYS HAS OCCURRED SINCE CONCRETE OR GROUT CORE HAS BEEN POURED.

APPLY TERMITE TREATMENT BY CHEMICAL SPRAY PART A&B TO UNDER SLAB IN ACCORDANCE WITH AS3660: PT 1

PLUMBING NOTES:

ALL PLUMBING WORK TO COMPLY WITH RELEVANT BCA AND AUSTRALIAN STANDARDS.

DOWNPIPE SIZE AND LOCATION TO AS3500.

SOAKWELL LOCATIONS AND SIZES ARE INDICATIVE ONLY. CONTRACTOR TO CONFIRM EXACT DESIGN PRIOR TO CONSTRUCTION.

TIMBER NOTES:

ALL TIMBER WORK IS TO BE UNDERTAKEN IN ACCORDANCE WITH AS 1684.2 - RESIDENTIAL TIMBER FRAMED CONSTRUCTION AND AS1720.1.

ALL TIMBER SPECIES AND GRADES SHALL BE SPECIFIED ON THE DRAWINGS.

ALL FASTENERS SHALL BE GALVANISED UNLESS SPECIFIED ON THE DRAWINGS WITH BOLTS COMPLYING WITH AS1111, SCREWS COMPLYING WITH AS1393 AND NAILS COMPLYING WITH AS2334.

BRICKWORK NOTES:

BRICKWORK AND WEATHERPROOFING TO MASONRY TO COMPLY WITH AS3700. STANDARD: TO AS/NZS 4455.1 AND AS/NZS 4455.3.
MINIMUM AGE OF CLAY BRICKS: 7 DAYS.
SALT ATTACK RESISTANCE GRADE: TO AS 4773.2 TABLE 2.1.
FOR ISOLATED STRUCTURES NOT CONFORMING TO THE SCOPE OF AS 4773SERIES AMEND TO AS 3700 TABLE 5.1.

MORTAR MATERIALS
SAND: FINE AGGREGATE WITH A LOW CLAY CONTENT AND FREE FROMEFFLORESCING SALTS, SELECTED FOR COLOUR AND GRADING.
PROPORTIONS: TO AS 4773.1 TABLE 3.1

BUILT-IN COMPONENTS
DURABILITY CLASS OF BUILT-IN COMPONENTS: TO AS 4773.1 TABLE 4.1.
FOR ISOLATED STRUCTURES NOT CONFORMING TO THE SCOPE OF AS 4773SERIES AMEND TO AS 3700 TABLE 5.1.

STEEL LINTELS
ANGLES AND FLATS: SIZES TO AS 4773.1 TABLE 12.1.
COLD-FORMED LINTELS: DESIGNED TO AS/NZS 4600.
CORROSION PROTECTION: TO AS/NZS 2699.3.
GALVANIZING: DO NOT CUT AFTER GALVANIZING.

WALL TIES: TO AS/NZS 2699.1.
CORROSION PROTECTION: TO AS/NZS 2699.1.
CONNECTORS AND ACCESSORIES: TO AS/NZS 2699.2.
CORROSION PROTECTION: TO AS/NZS 2699.2.
FLASHINGS AND DAMP-PROOF COURSES: TO AS/NZS 2904.

ROOF PLUMBING NOTES:

SHEET METAL ROOFING STANDARD: TO AS 1562.1.
PREPAINTED AND ORGANIC FILM/METAL LAMINATE PRODUCTS: TO AS/NZS 2728.
CORROSION PROTECTION: TO BCA TABLE 3.5.1.1A.
GENERAL: PROVIDE THE FLASHINGS, CAPPINGS, GUTTERS, RAINWATER HEADS, OUTLETS AND DOWNPIPES NECESSARY TO COMPLETE THE ROOF SYSTEM.

SELECTION:
MANUFACTURER: T.B.C. BY DESIGNER.
BASE METAL THICKNESS: MIN. 0.42MM
TYPE: REFER TO FINISHES SCHEDULE & DRAWINGS.
MATERIAL: REFER TO FINISHES SCHEDULE & DRAWINGS.
COLOUR: REFER TO FINISHES SCHEDULE & DRAWINGS.
COATING: STANDARD (LESS NOTED OTHERWISE).

REFER TO DRAWINGS FOR EXTENT. INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS.

TO BE FABRICATED FROM 0.55MM BMT ZINCALUME WITH SELECTED COLORBOND FINISH.

BRACKETS/GUTTER CLIPS SHALL BE PURPOSE-MADE AND FABRICATED FROM MIN. 2.5MM THICK GALVANIZED MILD STEEL/ZINCALUME. BRACKETS SHALL BE 'INTERNAL' AND SHALL BE FIXED TO FASCIA BEAM AS REQUIRED, PRIOR TO INSTALLATION OF ROOF SHEETING. BRACKETS SHALL BE FIXED AT MAX. 900 MM C/CS.

GUTTERS TO APPROVAL

DOWNPIPES
-GENERAL: PREFABRICATE DOWNPIPES TO THE REQUIRED SECTION AND SHAPE WHERE POSSIBLE. CONNECT HEADS TO GUTTER OUTLETS AND, IF APPLICABLE, CONNECT FEET TO RAINWATER DRAINS.
DOWNPIPE SUPPORT: PROVIDE SUPPORTS AND FIXINGS FOR DOWNPIPES.

PROFILE:TBC . COLOUR TBC. COLORBOND SHALL BE 0.55MM BMT

THE INSULATION MATERIAL SHALL BE BRADFORD ANTICON FBS-1 GLASSWOOL BLANKET OF THICKNESS 70MM THAT IS THERMALLY RATED TO AS/NZS4859.1, LIGHT DUTY FACING.

BULK INSULATION TO CEILING INSULATION
TO CEILINGS SCHEDULED/NOTED ON THE DRAWINGS TO HAVE INSULATION, INSULATION SHALL BE AS FOLLOWS:
-CSR BRADFORD GOLD CEILING BATTS OR EQUAL APPROVED WITH A MINIMUM R VALUE OF R4.0

CONCRETE NOTES:

NOTCH OUT FOOTINGS FOR CONCEALED DOWNPIPE LOCATIONS. OBTAIN STRUCTURAL ENGINEER APPROVAL FOR ANY CHANGES TO FOOTINGS.

HEAD CONTRACTOR TO PROVIDE PENETRATIONS FOR FLOOR SERVICES AS INDICATED.

REFER STRUCTURAL ENGINEERS NOTES FOR CONCRETE DETAILS AND SPECIFICATION

ALL CONCRETE TO BE IN ACCORDANCE WITH AS2870 AND AS3600.

CONCRETE TO FOOTINGS IS N25 (25 MPA) WITH 20MM AGGREGATE AND 80MM SLUMP (+/- 15MM).

CONCRETE TO SLAB IS N32 (32MPA) WITH 20MM AGGREGATE AND 80MM SLUMP (+/-15MM).

BLINDING CONCRETE WHERE REQUIRED SHALL BE MINIMUM 50MM THICK N15 (15 MPA) WITH 20MM AGGREGATE.

ALL VERTICAL CONCRETE SURFACES ARE TO BE FORMED IN ACCORDANCE WITH AS3610 WITH THE EXCEPTION OF GROUND BEAMS THAT ARE NOT EXPOSED AND CAN BE SAFELY POURED AGAINST AN EXCAVATED FACE SUITABLY PROTECTED BY 200MM POLYETHYLENE SHEET. PROVIDE 20MM FILLET TO ALL CONCRETE EXPOSED CORNERS.

ALL CONCRETE AND GROUT IS TO BE PLACED IN LAYERS NOT EXCEEDING 600MM IN A MANNER THAT PREVENTS SEGREGATION AND COMPACTED USING MECHANICAL VIBRATION BY IMMERSION VIBRATOR OF SUITABLE DIAMETER.

STRIKE OFF ALL UNFORMED CONCRETE SURFACES TO THE DESIGNED LEVEL AND WOOD FLOAT TO PRODUCE A UNIFORM SURFACE WITHOUT SURFACE PITTING OR CAVITIES. SLABS AND EXPOSED CONCRETE SURFACES SHALL BE STEEL TROWELLED TO PROVIDE A DENSE SMOOTH IMPERVIOUS FINISH WITH MAXIMUM ALLOWABLE SURFACE IRREGULARITIES OF 2MM ABRUPT OR 5MM IN A 3M TEMPLATE.

ALL CONCRETE IS TO BE CURED FOR NOT LESS THAN 5 DAYS BY CONTINUOUS WETTING, SPRAYING WITH AN APPROVED CURING COMPOUND COMPLYING WITH AS3799, WRAPPING WITH POLYTHENE OR SIMILAR AIRTIGHT FILM OR LEAVING FORMWORK IN POSITION.

SCABBLE AND CLEAN ALL CONSTRUCTION JOINTS AND DAMPEN PRIOR TO POURING CONCRETE.

REINFORCING IS TO BE MINIMUM GRADE 400Y IN ACCORDANCE WITH AS4671 PLACED IN ACCORDANCE WITH THE DRAWINGS WITH MINIMUM COVER OF 20MM TO AN INTERNAL SURFACE, 30MM TO A MEMBRANE IN CONTACT WITH THE GROUND 40MM TO EXTERNALLY EXPOSED SURFACES AND 50MM TO UNPROTECTED GROUND. SPLICES NOT SHOWN ON THE DRAWINGS ARE TO HAVE A MINIMUM LENGTH; Y12 - 300MM AND Y16 - 400MM.

STEEL NOTES:

ALL STEELWORK IS TO BE UNDERTAKEN IN ACCORDANCE WITH AS 4100: - STEEL STRUCTURES AND AS4600 - COLD-FORMED STEEL STRUCTURES, FROM HOT ROLLED BARS AND SECTIONS COMPLYING WITH AS3679, HOLD ROLLED PLATES COMPLYING WITH AS 3678 AND COLD-FORMED STRUCTURAL STEEL HOLLOW SECTIONS COMPLYING WITH AS 1163.

ALL STEEL CONNECTIONS ARE TO BE AS DETAILED ON THE DRAWINGS USING ISO METRIC HEXAGON BOLTS (COMMERCIAL GRADE) COMPLYING WITH AS1111 AND HIGH-STRENGTH BOLTS, NUTS AND WASHERS COMPLYING WITH AS 1252.

ALL WELDING IS TO COMPLY WITH AS 1554.1 AS DETAILED ON THE DRAWINGS, CATEGORY SP, WITH FILLET WELDS A MINIMUM OF 6MM UON.

ALL CLEATS, GUSSETS, STIFFENERS AND END PLATES SHALL BE 10MM PLATE UON.

ALL PIPE AND HOLLOW SECTIONS ENDS ARE TO BE FULLY SEALED USING 3MM PLATE UON.

STEELWORK IS TO BE HOT DIPPED GALVANIZED TO AS4680 OR PAINTED IN ACCORDANCE WITH AS2312 AND AS2311 USING AN APPROVED PAINT SYSTEM.

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PLANNING APPLICATION
2/48 HAMMOND RD, YALLINGUP 6282
SHEET LIST & GENERAL NOTES

SCALE: 1 : 100
DRAWN:
JOB / DRAWING No. 22022_ A0_01
REVISION C

CLIENT: HAMMOND RESIDENCE

A3 SHEET

COMMENTS:

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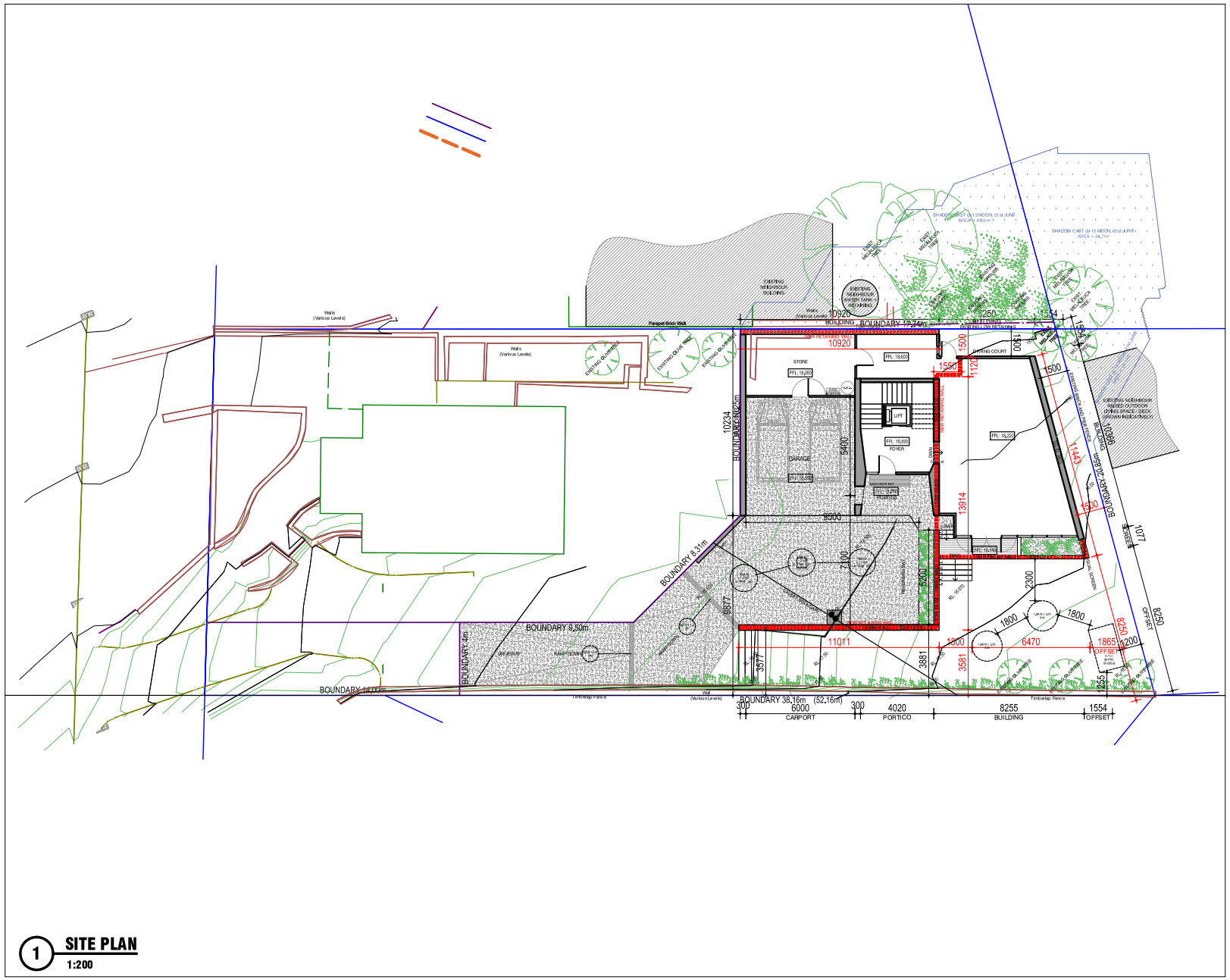

1 **SITE PLAN**
1:200

NOTES

PLANNING
ZONING: R10
AREAS
SITE: 482m². COMMON: 28.5m². TOTAL: 510.5m²
ALLOWED COVER: 204.2m² (40%)
ACTUAL COVER: 166m² (32%)

KEYPLAN

REV:	BY:	CHK:	DATE:

PROJECT
RADIC RESIDENCE

TITLE:
PLAN - SITE
2 - 48 HAMMOND ROAD, YALLINGUP

DRAWING NO:	REV:	SCALE @ A3
22022_AZ_01	C	1:200

BY:	CHK:	DATE:
DO		22.06.2022

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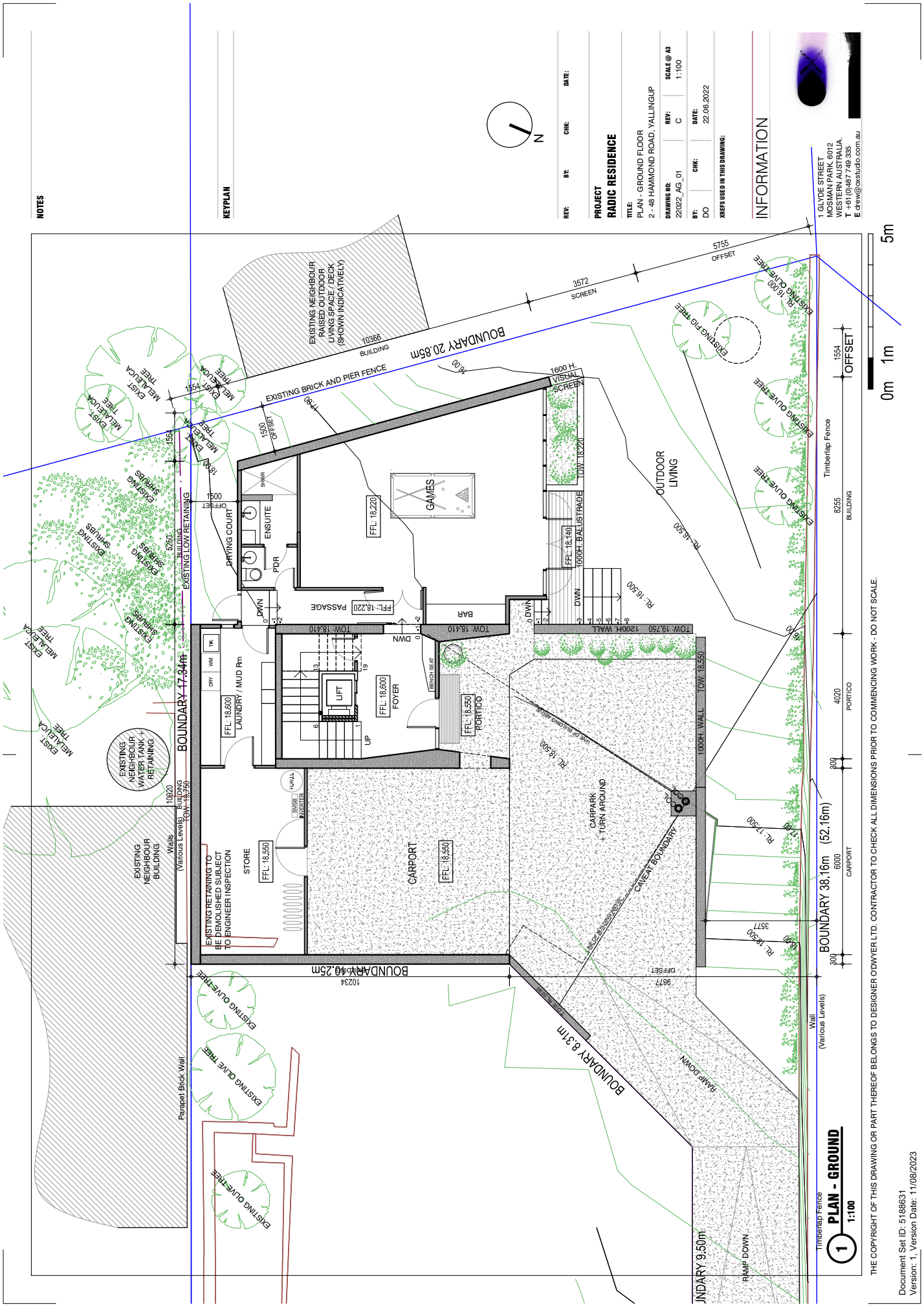
0m 1m 5m



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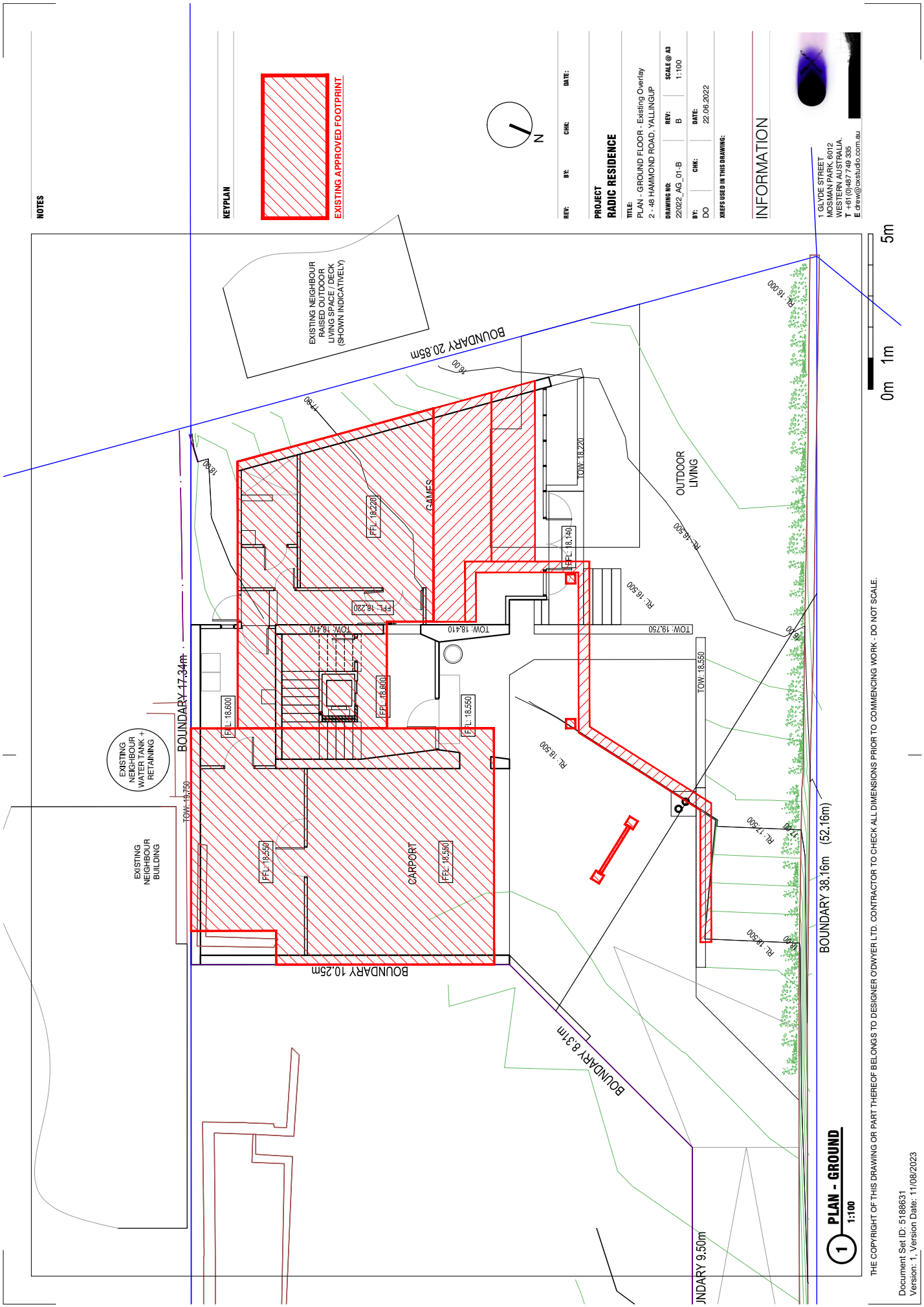
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KEYPLAN
EXISTING APPROVED FOOTPRINT
REV:
BY:
CHK:
DATE:
PROJECT
RADIC RESIDENCE
TITLE:
PLAN - GROUND FLOOR - Existing Overlay
2 - 48 HAMMOND ROAD, YALLINGUP
DRAWING NO:
22022_AG_01-B
REV:
B
SCALE @ A3
1:100
BY:
DO
CHK:
DATE:
22.06.2022
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EXISTING NEIGHBOUR RAISED OUTDOOR LIVING SPACE / DECK (SHOWN INDICATIVELY)
BOUNDARY 20.85m
GAMES
OUTDOOR LIVING
CARPORT
EXISTING NEIGHBOUR WATER TANK + RETAINING
EXISTING NEIGHBOUR BUILDING
BOUNDARY 17.34m
BOUNDARY 10.25m
BOUNDARY 8.31m
BOUNDARY 38.16m (52.16m)
FFL: 18.220
FFL: 18.140
FFL: 18.410
FFL: 18.600
FFL: 18.550
FFL: 19.550
FFL: 16.550
TOW: 18.220
TOW: 18.410
TOW: 19.750
TOW: 18.550
TOW: 19.750
RL: 16.000
RL: 16.500
RL: 17.500
RL: 18.500
0m 1m 5m
1 PLAN - GROUND
1:100
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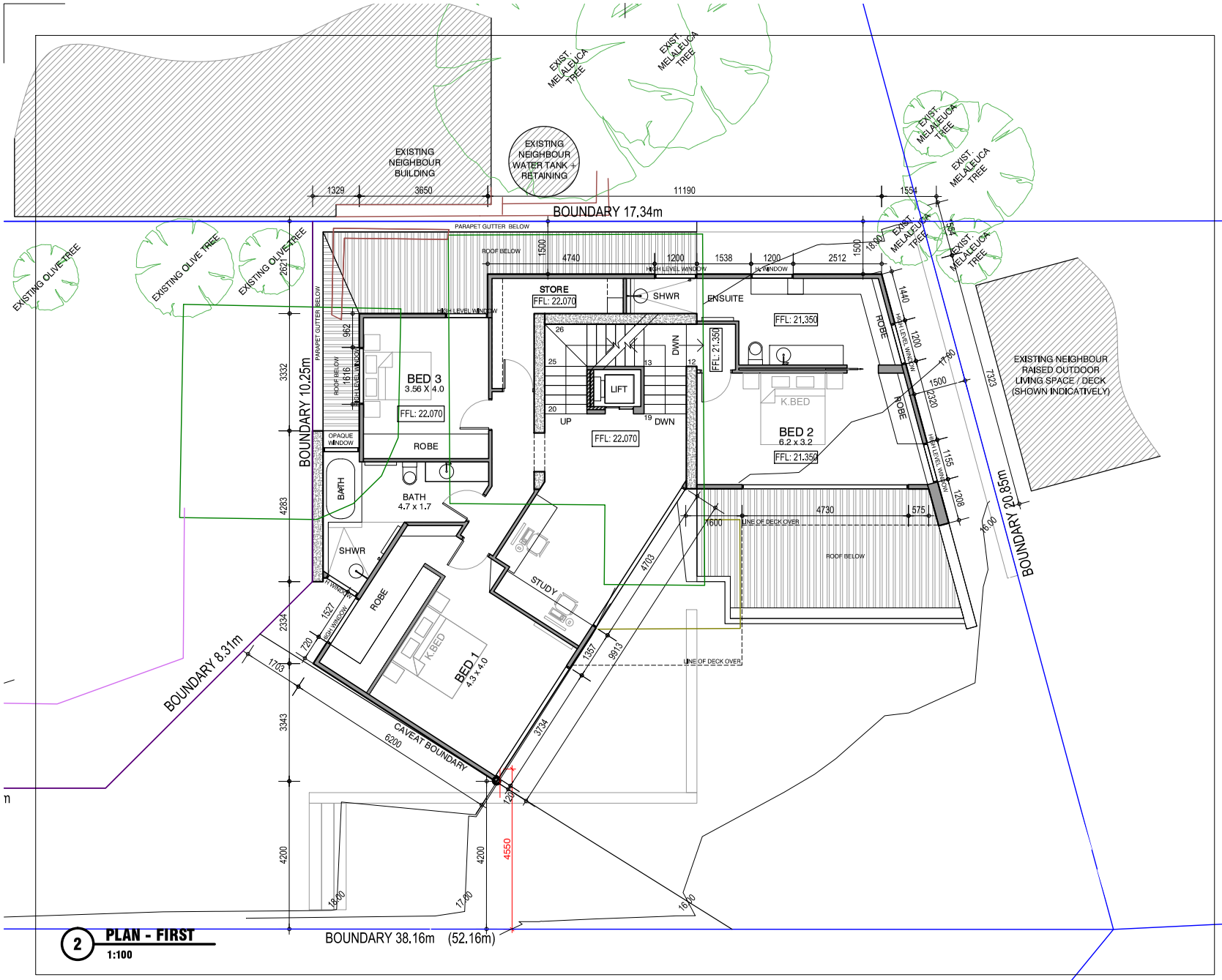

2 **PLAN - FIRST**
1:100

0m 1m 5m

NOTES

KEYPLAN

N

REV:	BY:	CHK:	DATE:

PROJECT
RADIC RESIDENCE

TITLE:
PLAN - FIRST FLOOR
2 - 48 HAMMOND ROAD, YALLINGUP

DRAWING NO:	REV:	SCALE @ A3
22022_AG_02	C	1:100

BY:	CHK:	DATE:
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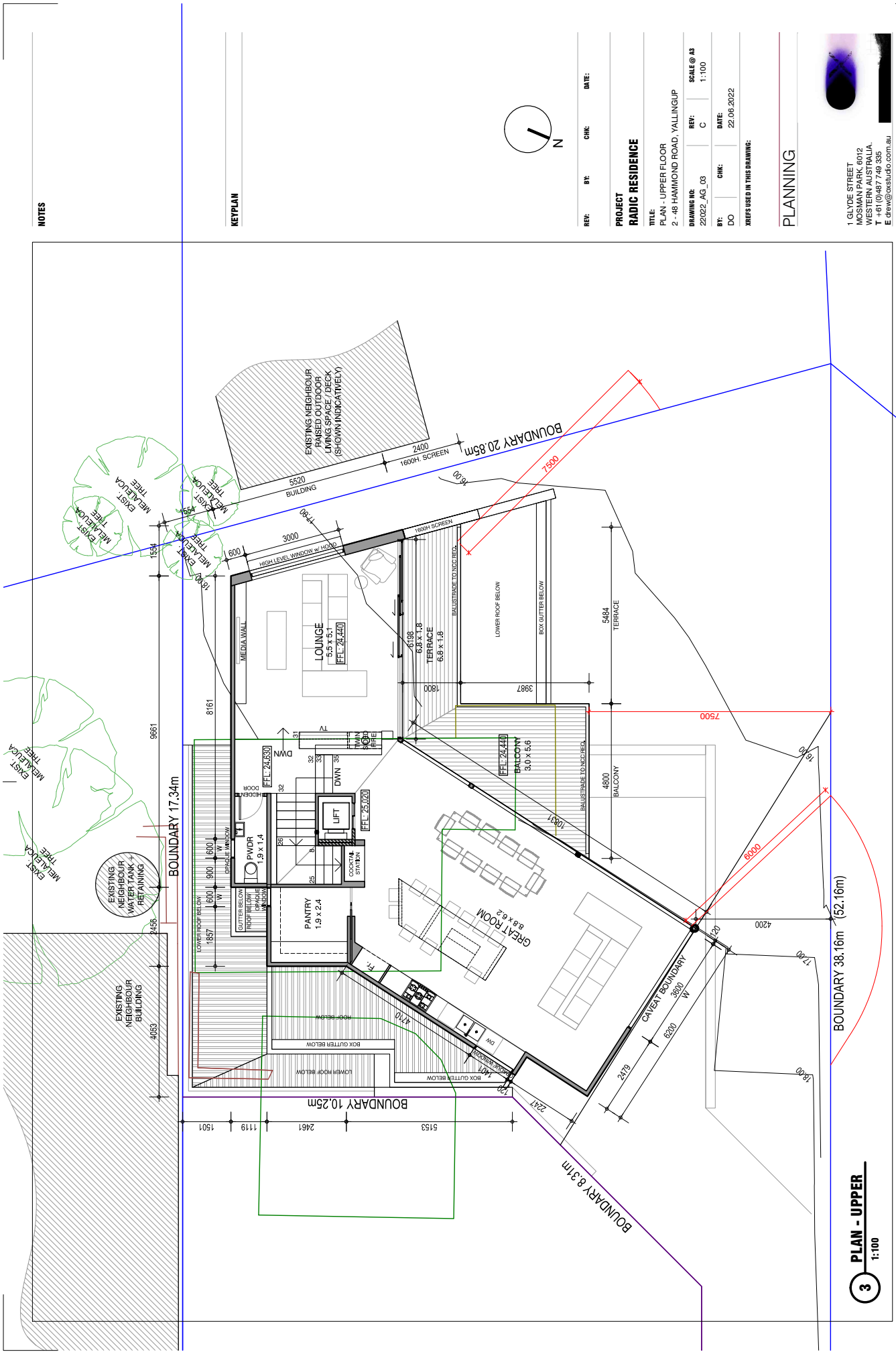

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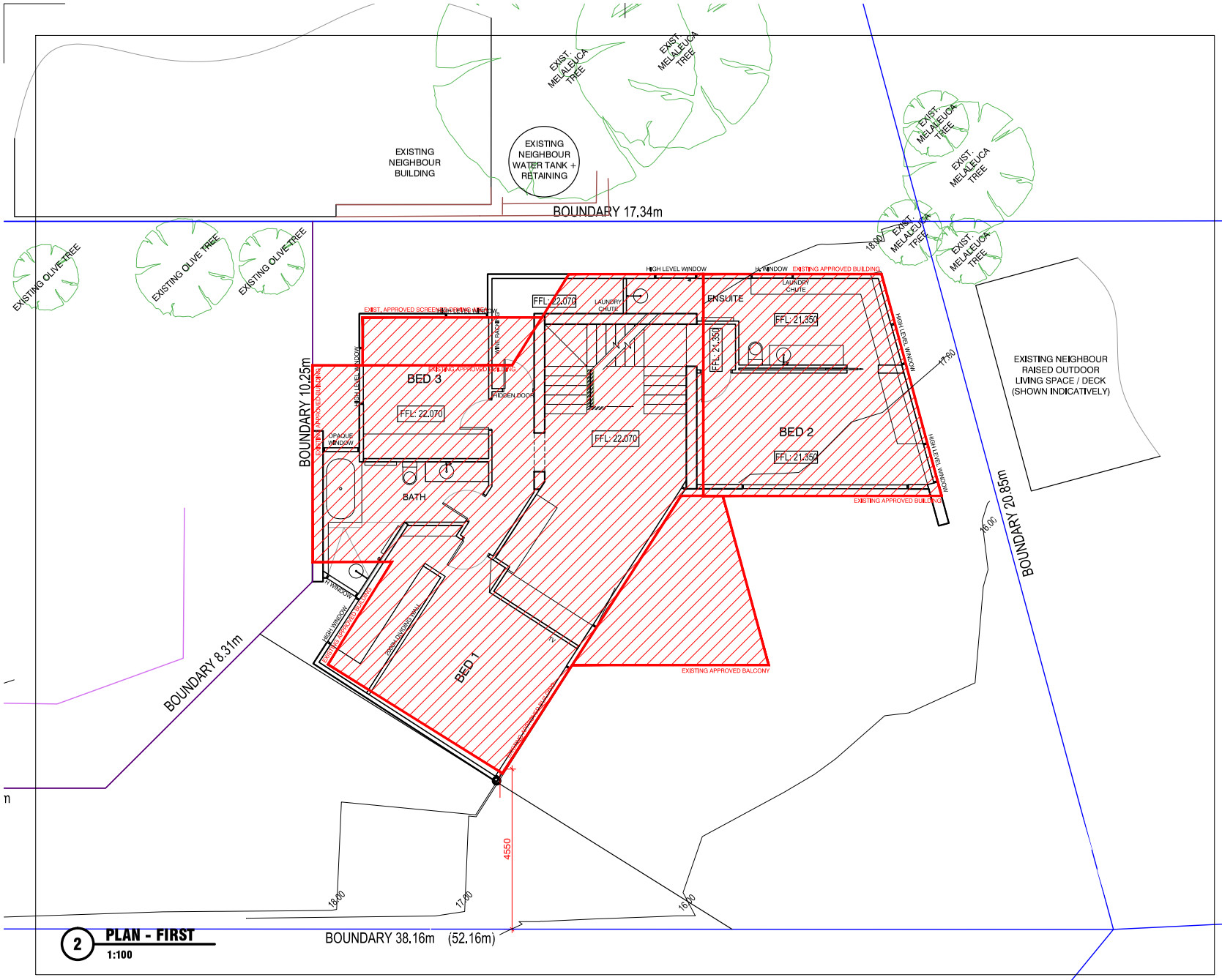

2 **PLAN - FIRST**
1:100

0m 1m 5m

NOTES

KEYPLAN

EXISTING APPROVED FOOTPRINT

REV:	BY:	CHK:	DATE:

PROJECT
RADIC RESIDENCE

TITLE:
PLAN - FIRST FLOOR - Existing Overlay
2 - 48 HAMMOND ROAD, YALLINGUP

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22022_AG_02-B	B	1:100

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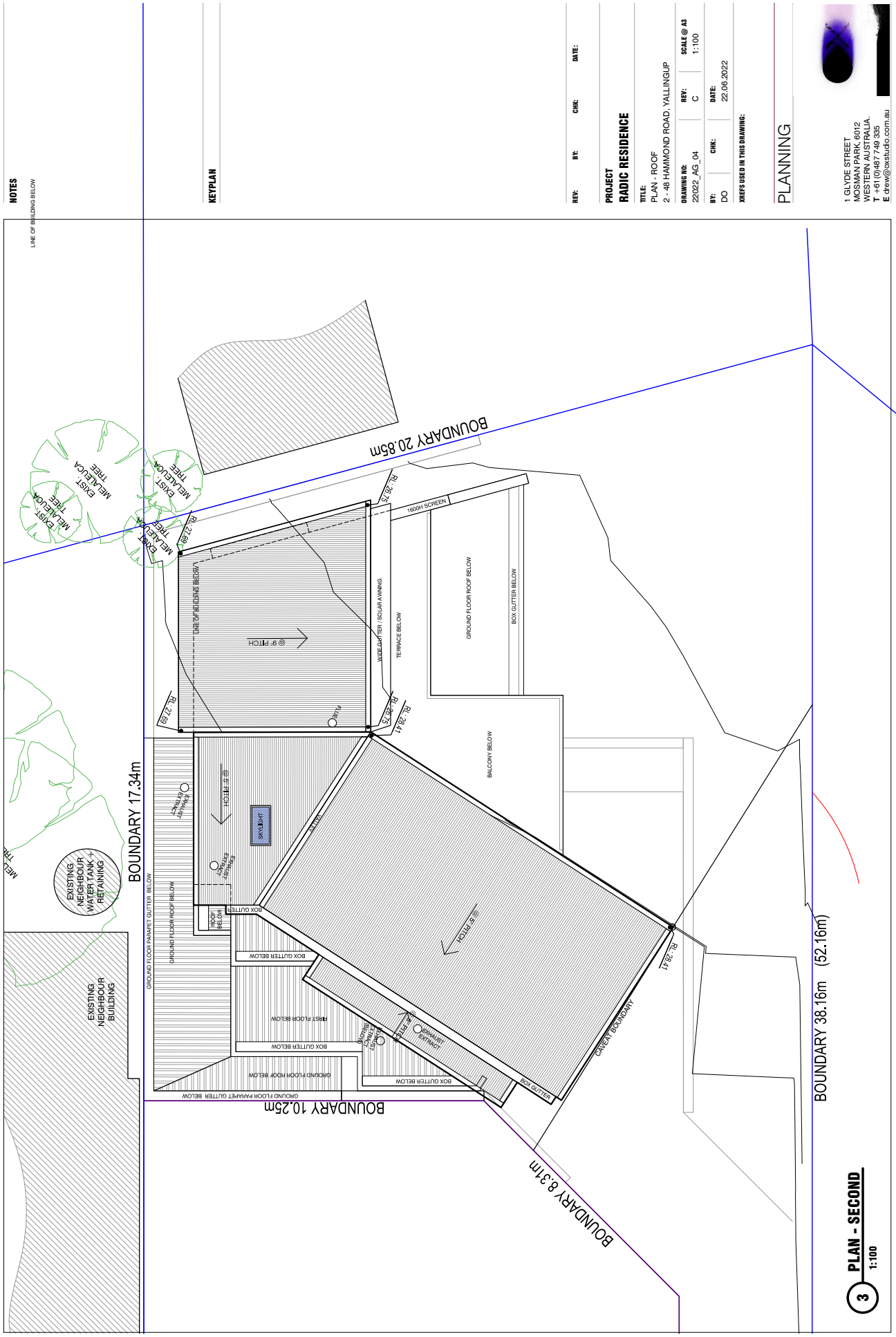

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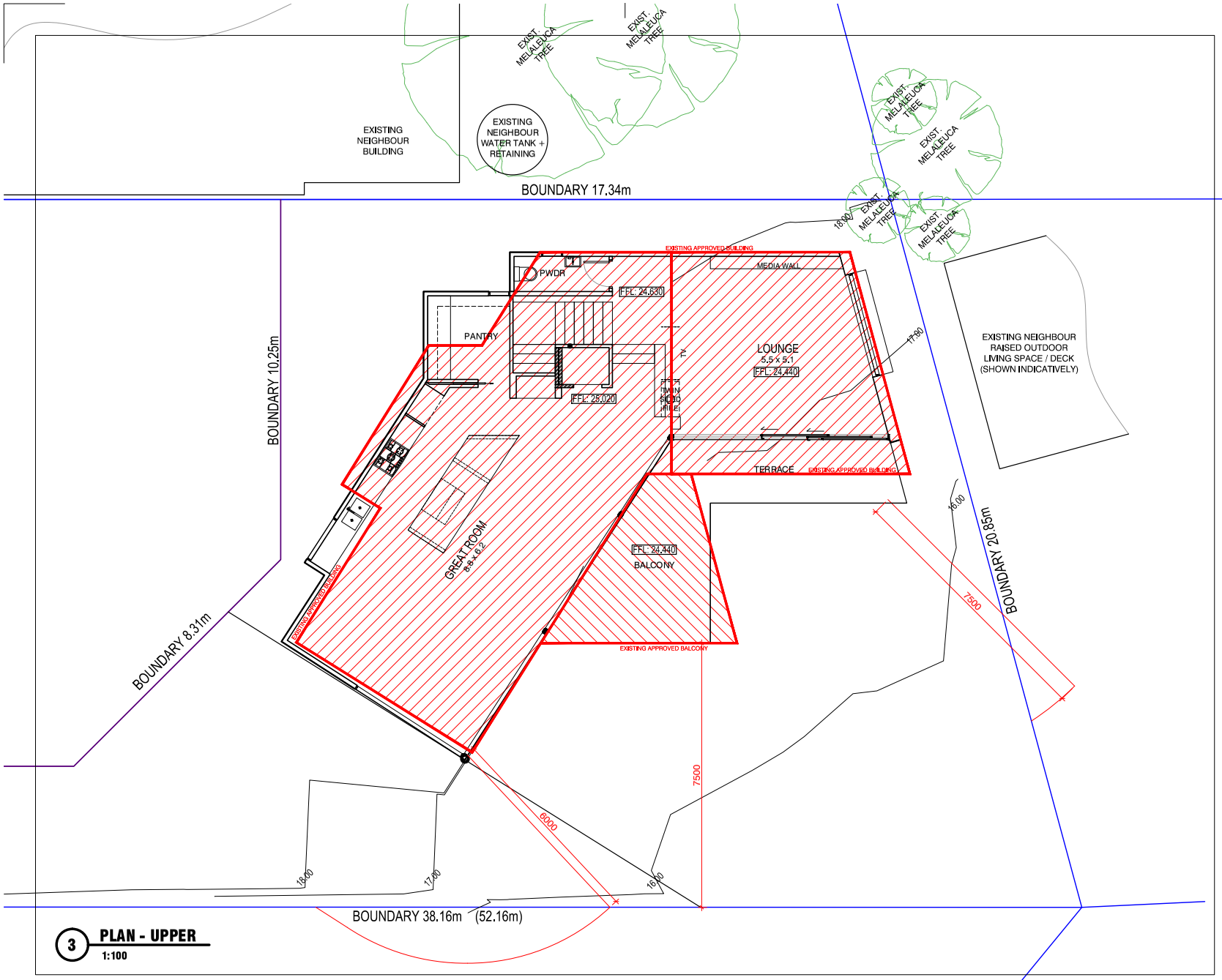

3 **PLAN - UPPER**
1:100

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NOTES

KEYPLAN

EXISTING APPROVED FOOTPRINT

N

REV:	BY:	CHK:	DATE:

PROJECT
RADIC RESIDENCE

TITLE:
PLAN - UPPER FLOOR - Existing Overlay
2 - 48 HAMMOND ROAD, YALLINGUP

DRAWING NO:	REV:	SCALE @ A3
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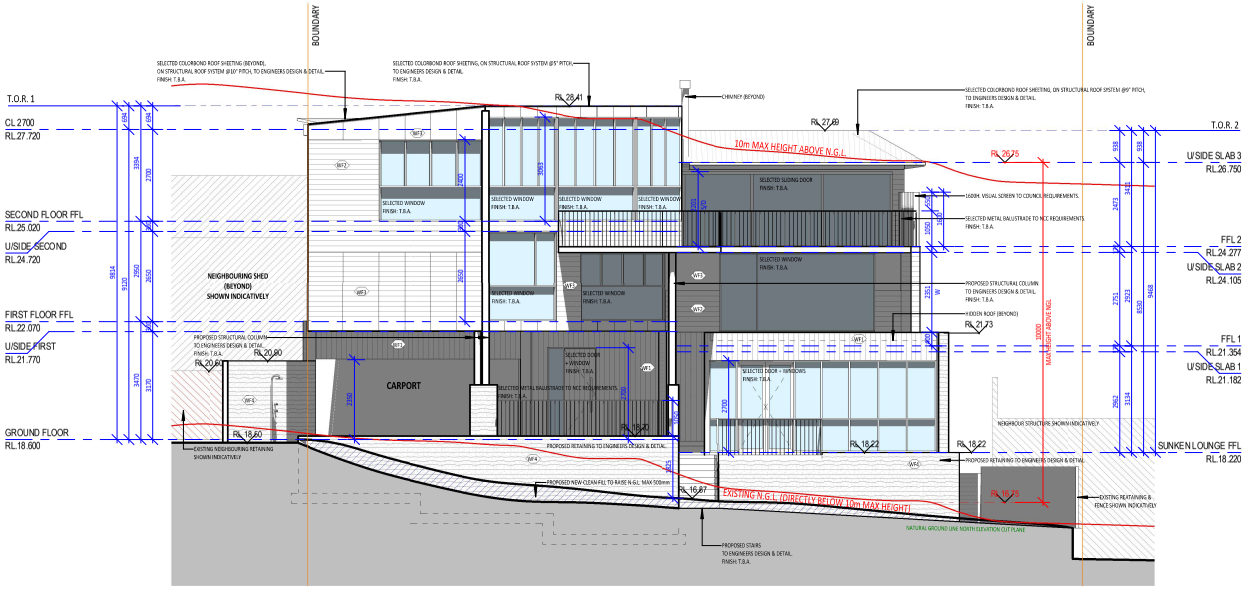
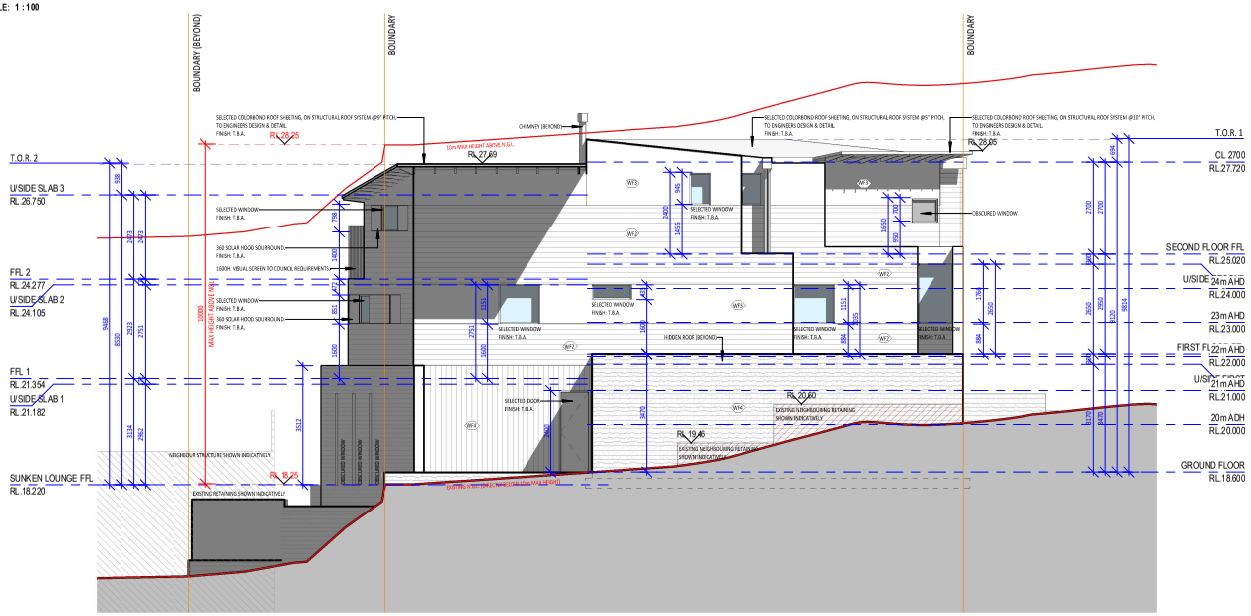


N RCP_03 NORTH ELEVATION

SCALE: 1 : 100



S RCP_03 SOUTH ELEVATION

SCALE: 1 : 100

WALL FINISHES LEGEND:

- WF1 — SELECTED VERTICLE (WEATHERTEX OR SIMILAR) WALL CLADDING, ON STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- WF2 — SELECTED HORIZONTIAL (WEATHERTEX OR SIMILAR) WALL CLADDING, ON STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- WF3 — SELECTED WALL CLADDING (WEATHERTEX OR SIMILAR), ON STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- WF4 — SELECTED MASONRY WALL TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED RAMMED EARTH.

OX STUDIO
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MOSMAN PARK, 6012
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E drew@oxstudio.com.au

CLIENT: HAMMOND RESIDENCE

GRAPHIC SCALE: 1:100 — A2 SHEET

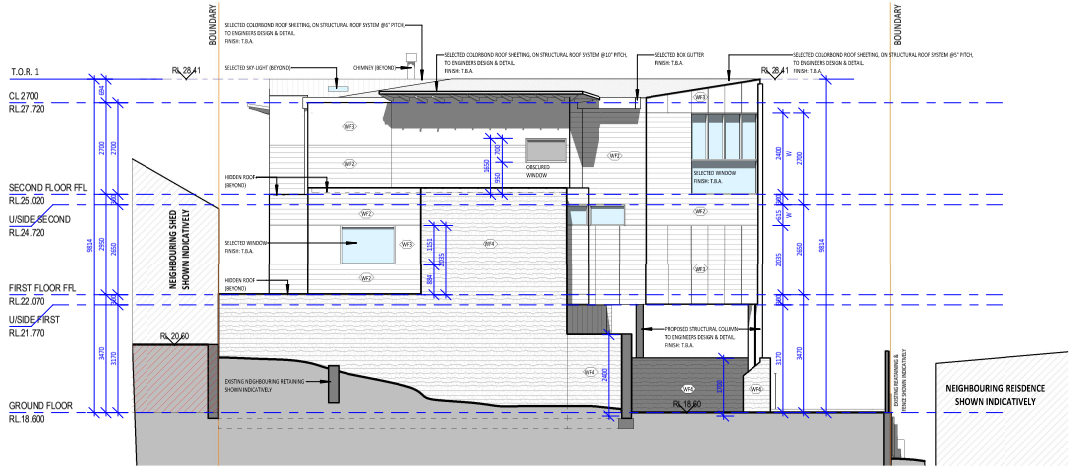
Rev.	AMENDMENT	DATE

PLANNING APPLICATION
2/48 HAMMOND RD, YALLINGUP 6282
ELEVATIONS

SCALE: As indicated @A2 DRAWN: E.M.

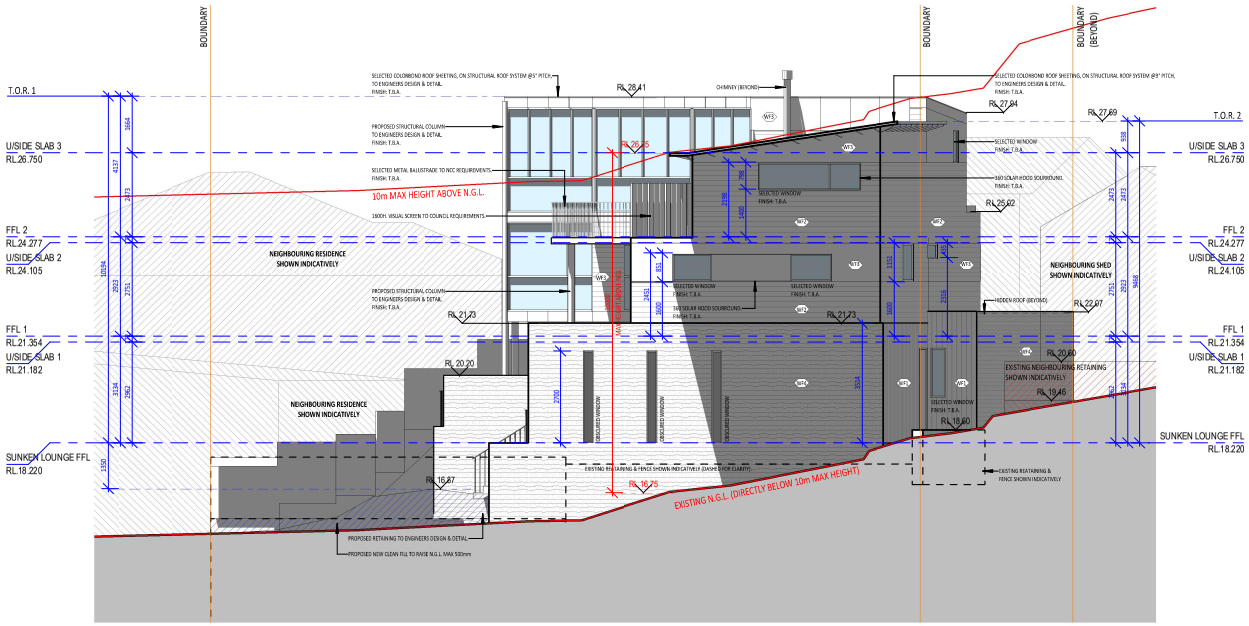
JOB / DRAWING No. 22022_AE_01 REVISION C

Document Set ID: 5168631
Version: 1, Version Date: 11/09/2023



E RCP_03 EAST ELEVATION

SCALE: 1 : 100



W RCP_03 WEST ELEVATION

SCALE: 1 : 100

WALL FINISHES LEGEND:

- W11 — SELECTED VERTICLE (WEATHERTEX OR SIMILAR) WALL CLADDING, ON STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- W12 — SELECTED HORIZONTIAL (WEATHERTEX OR SIMILAR) WALL CLADDING, ON STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- W13 — SELECTED WALL CLADDING (WEATHERTEX OR SIMILAR), ON STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- W14 — SELECTED MASONRY WALL TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED RAMMED EARTH.

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CLIENT: HAMMOND RESIDENCE

GRAPHIC SCALE: 1:100 — A2 SHEET

Rev.	AMENDMENT	DATE

PLANNING APPLICATION
2/48 HAMMOND RD, YALLINGUP 6282
ELEVATIONS

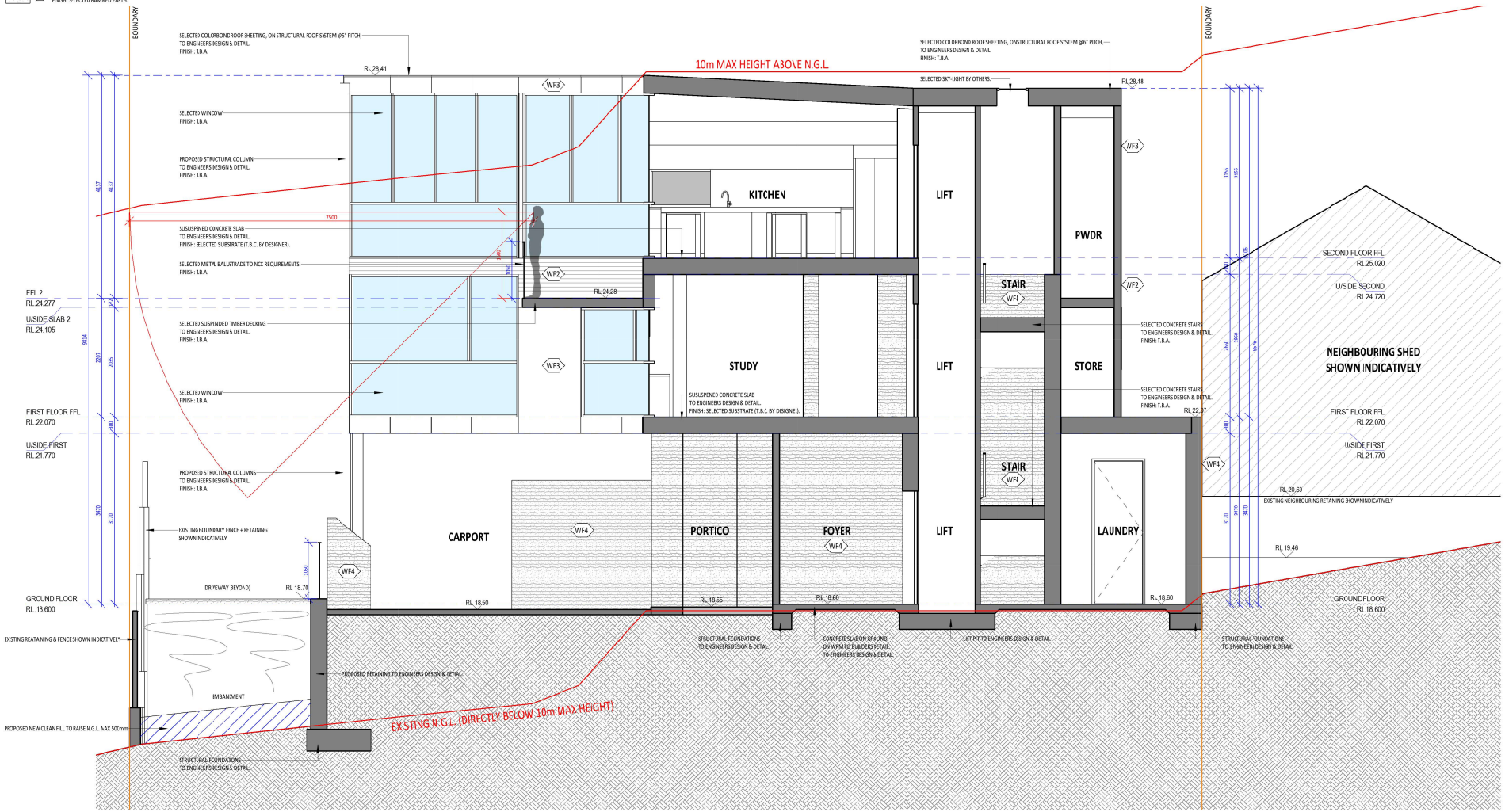
SCALE: As indicated @A2 | DRAWN: E.M.

JOB / DRAWING No. 22022_AE_02 | REVISION C

Document Set ID: 5168653
Version: 1, Version Date: 11/03/2024

WALL FINISHES LEGEND:

- WF1 — SELECTED VERTICLE (WEATHERTEX OR SIMILAR) WALL CLADDING, OVER STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT
- WF2 — SELECTED HORIZONTIAL(WEATHERTEX OR SIMILAR) WALL CLADDING, OVER STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT
- WF3 — SELECTED WALL CLADDING (WEATHERTEX OR SIMILAR), OVER STRUCTURAL WALL SYSTEM TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED BLACK PAINT.
- WF4 — SELECTED MASONRY WALL TO ENGINEERS DESIGN & DETAIL. FINISH: SELECTED RAMMED EARTH.



A SECTION A

SCALE: 1 : 50

BOX STUDIO 1 GLYDE STREET, MOSMAN PARK, 6012 WESTERN AUSTRALIA. T – 61 (0)487 749 335 E drew@boxstudio.com.au	CLIENT: HAMMOND RESIDENCE 0 1 2 3 4 5 M GRAPHIC SCALE: 1:50 A2 SHEET	Rev. / AMENDMENT / DATE	PLANNING APPLICATION 2/48 HAMMOND RD, YALLINGUP 6282 SECTION SCALE: 1 : 50 @A2 DRAWN: E.M. JOB / DRAWING No. 22022_AX_01 REVISION C

Document Set ID: 5168631
Version: 1, Version Date: 17/05/2023

WALL FINISHES LEGEND:

- WF1 — SELECTED VERTICLE (WEATHERTEX OR SIMILAR) WALL CLADDING, ON STRUCTURAL WAL SYSTEM TO ENGINEERS DESGN & CETAIL. FINISH: SELECTED BLAXK PAINT.
- WF2 — SELECTED HORZONTIAL (WEATHERTEX OR SIMILAR WALL CLADDING, ON STRUCTURAL WAL SYSTEM TO ENGINEERS DESGN & CETAIL. FINISH: SELECTED BLAXK PAINT.
- WF3 — SELECTED WALL CLADDING (WEATHERTEX OR SIMILIAR), ON STRUCTURAL WAL SYSTEM TO ENGINEERS DESGN & CETAIL. FINISH: SELECTED BLAXK PAINT.
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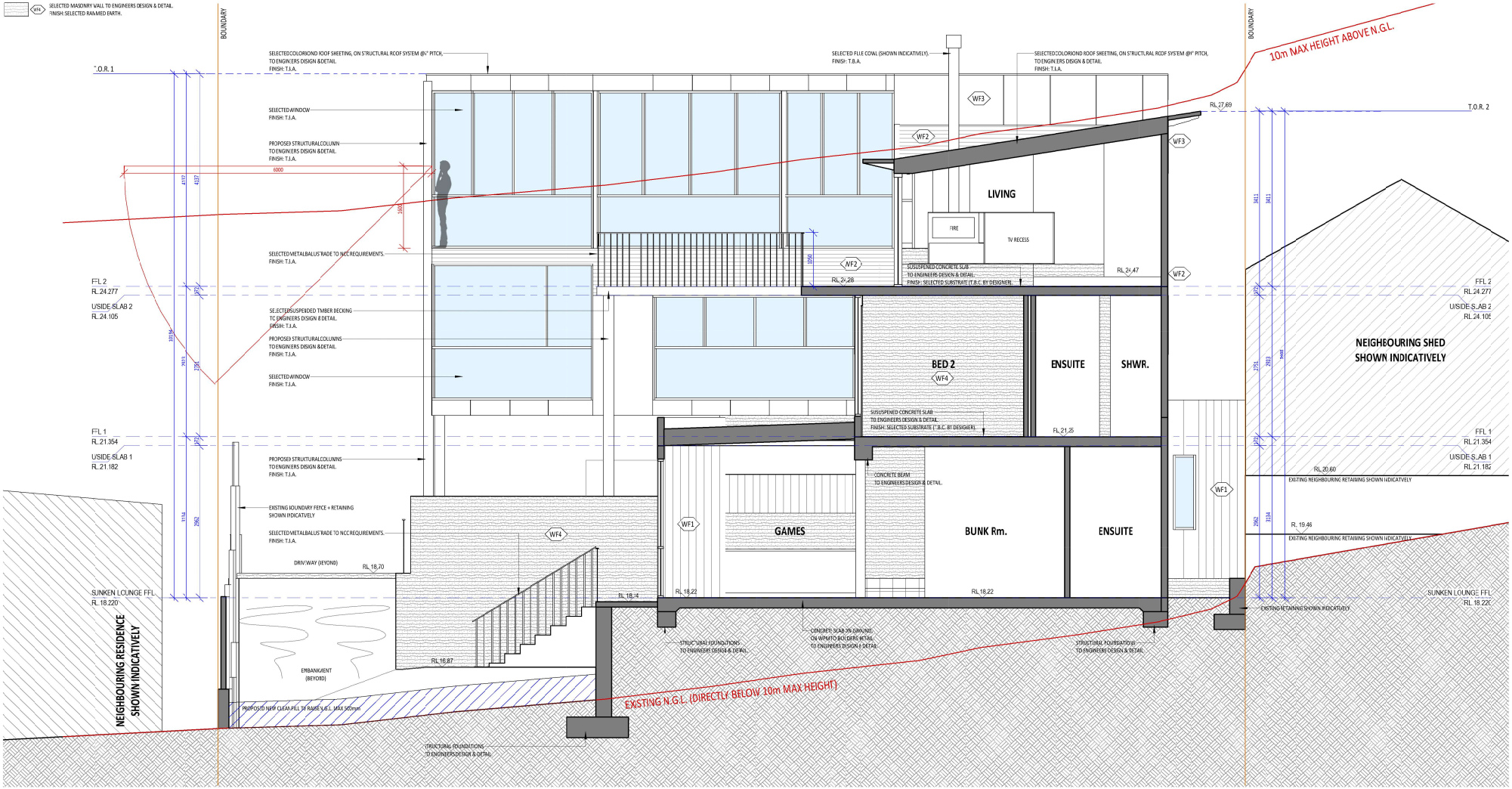

B SECTION B

SCALE: 1 : 50

OX STUDIO 1 GLYDE STREET, MOSMAN PARK, 6012 WESTERN AUSTRALIA. T – 61 (0)487 749 335 E drew@oxstudio.com.au	CLIENT: HAMMOND RESIDENCE 0 1 2 3 4 5 M GRAPHIC SCALE: 1:50 A2 SHEET	Rev. / AMENDMENT / DATE	PLANNING APPLICATION 2/48 HAMMOND RD, YALLINGUP 6282 SECTION SCALE: 1 : 50 @A2 DRAWN: E.M JOB / DRAWING No. 22022_AX_02 REVISION C

Document Set ID: 5168631
Version: 1, Version Date: 07/05/2024

STUDIO
building design + project management
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16th December 2022
Revision: A

City of Busselton
Locked Bag 1
Busselton, 6280

Attn: Planning Department

RE: VARIATION TO DA APPROVAL: DA21/0644
U2 – 48 Hammond Road, Yallingup.

In consideration of the amendment we note the following:

New owners have purchased the site and inherited the existing DA approval above, they are a young growing family and have requested several internal changes to suit their needs. This has a flow on effect to the external building footprint, however fundamentally we have inserted their new layout into the existing approved floor plates.

We have included a set of Floor Plans showing the approved building floor plates in a distinct colour for your reference.

There are no right-to-light issues regarding overshadowing with nominated square meterage to the adjoining neighbours.

Ground Floor amendments:

- Enclose the rear of the carport to create secure store and utility room, note this is proposed to abut against the neighbour's existing boundary retaining and zero lot boundary wall.
- The Laundry has been brought down to ground level for ease of access to rear drying court, note this is proposed to abut against the neighbour's existing water tank and native site trees.
- An extension of the approved Games Room is proposed to allow for the new owner's family size. Required 1.5m boundary offset is still maintained according to R-code: 5.1.3. table 2.
- Site retaining has remained, with a slight change to configuration.

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First Floor amendments:

- The approved first floor balcony has been deleted in lieu of a north-facing extension to the second floor balcony.
- A small additional footprint has been added on the south elevation when squaring off a truncated approved wall. There is no departure from the R-codes here, with wall length and height maintained for the 1.5m boundary offset.

Second Floor amendments:

- A north-facing extension to the second floor balcony has been introduced wi9th visual screening to the western neighbour. We felt this was more discreet for both parties offsetting the 2 outdoor living spaces.
- A small additional footprint has been added on the south elevation when squaring off a truncated approved wall. There is no departure from the R-codes here, with wall length and height maintained for the 1.5m boundary offset.
- The proposed east facing splayed wall has been extended in length, though pulled further away from the boundary.

It is on these grounds that we hope the City of Busselton Planners take consideration when reviewing this application and give discretion in relation to “deemed to comply” requirements of the Residential Design Codes and can grant approval under delegated authority.

If you have any queries regarding the proposal, please feel free to contact me.

Kind Regards,

Drew O’Dwyer
Design Director
M: 0487749335
E: drew@oxstudio.com.au

CITY OF BUSSELTON
APPROVED DEVELOPMENT PLAN
Vide Development Consent Dated 10/12/21
File Ref : DA21/0644
Signed :
PLANNING AND DEVELOPMENT SERVICES
Delegation Number S7-01E
Please read in conjunction with the attached written conditions for changes and/or specific requirements.
Page 1 of 8

R-CODES NOTE:
ZONING: R10
SITE COVERAGE
SITE: 482m²
COMMON PROPERTY: 28.5m²
TOTAL AREA: 510.5m²
ALLOWED COVER: 204.2m² (40%)
ACTUAL COVER: 62.37m² (12.22%)

STORMWATER:
- INTERCONNECTED SOAKWELLS. ALL STORMWATER & SURFACE WATER DRAINAGE TO BE INSTALLED IN ACCORDANCE W/- NCC VOL 2, A.S. 3500.3:2003 & LOCAL AUTHORITY REQUIREMENTS.

Soak Well Type	No.	
SW 1500x1200	2	4.2 m3
Total Capacity		4.2 m3
Roof Area GF		12.7 m2
Balcony Area		17.5 m2
Roof Area UF		14.5 m2
Roof Area 2nd Fl		117.0 m2
Total Area		**161.7 m2**
Capacity Required (Area x 0.0250)		**4.0 m3**
Extra Capacity Provided		**0.2 m3**

SEPTIC SYSTEM NOTE:
- ATU SEPTIC SYSTEM TO BE INSTALLED TO SHIRE REQUIREMENTS.

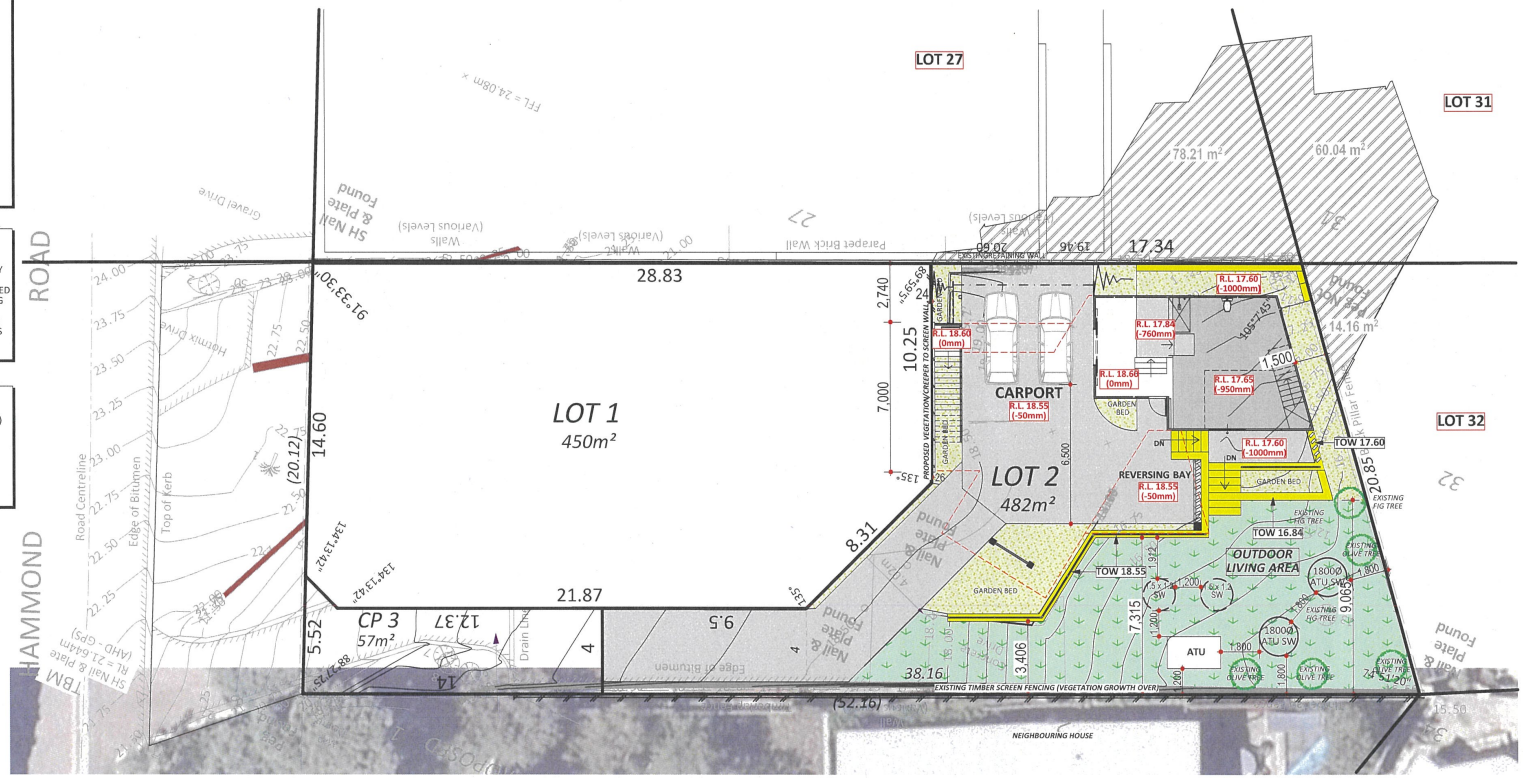
RETAINING CONTRACTOR NOTE:
- TOP OF WALL (TOW) INDICATED FOR CLARITY ONLY.
- ENSURE BOTTOM OF RETAINING IS EMBEDDED SUFFICIENTLY AS REQUIRED BY ENGINEERING DETAIL.
- REFER TO NEIGHBOURS EXISTING LEVELS OR NOMINATED PAVING / LANDSCAPING LEVELS FOR FULL REQ. RETAINING HEIGHTS.
- REFER TO ENGINEERS DETAILS

OVERSHADOWING:
TOTAL AREA: 868m²
ALLOWED TOTAL OVERSHADOW: 217m² (25%)

TOTAL BOUNDARY 46.15m

LOT 2 BOUNDARY 17.34m (37.6%)
MAX: 81.59m² PROPORTIONAL SHARE OF OVERSHADOWING

OVERSHADOWED AREA: 78.21m² (36.04%)



Owner : C. & J. LAMBERT
Address: SSL 2/26 HAMMOND ROAD, YALLINGUP
Drawing Title: SITEPLAN

0 1 2 3 4 5 6 7 8 9 10

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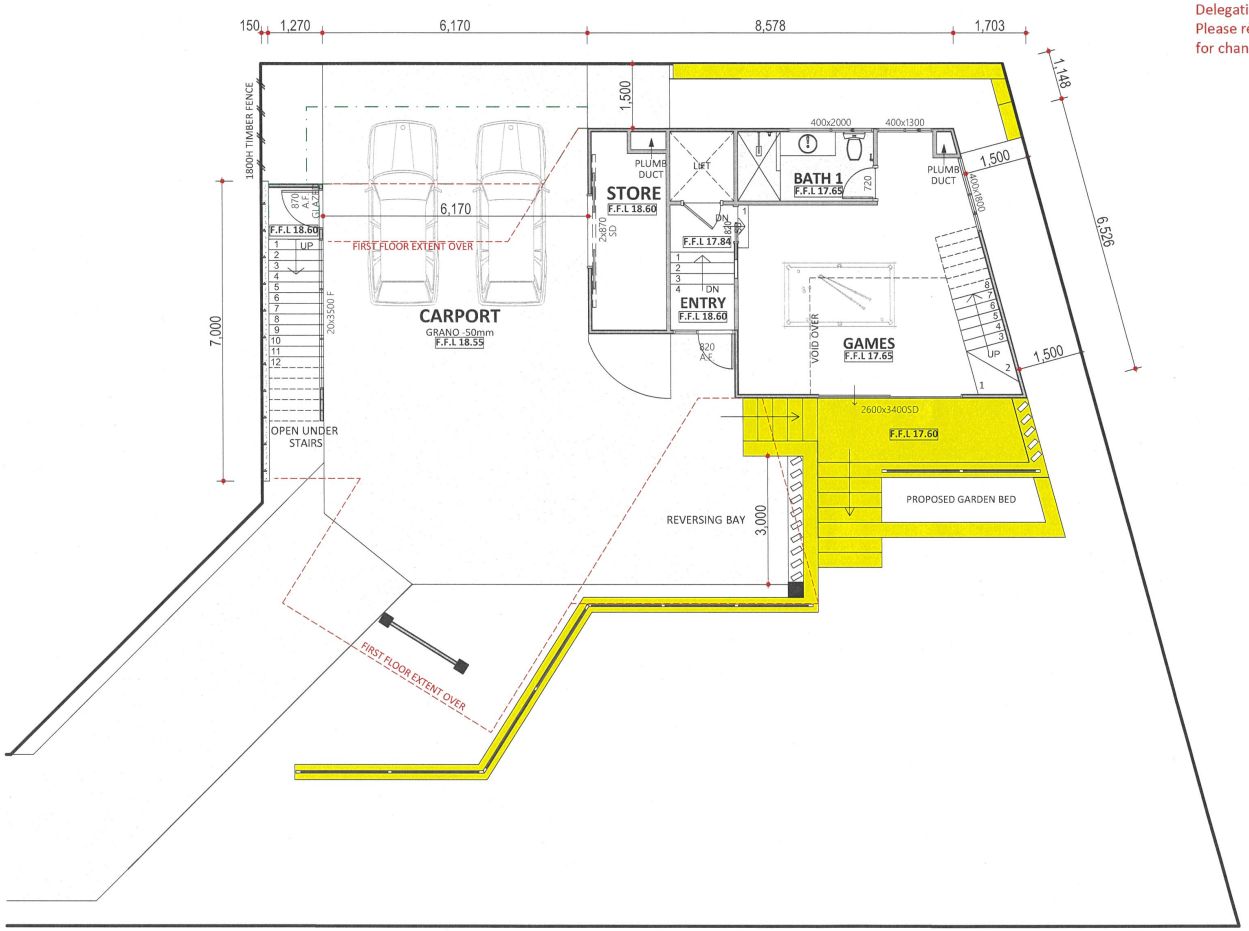
Mob: 0423 473 057
Email: fastlane.drafting@gmail.com

Date: 18/07/21 Scale: 1:100
Drawn: TL
Checked: TL
Local Authority: City of Busselton Sheet 1 Of 7
Plan/Diagram Number: P.8037
CT Number: 1392/484
Revision: 2.5 ORIGINAL:A3

CITY OF BUSSELTON
APPROVED DEVELOPMENT PLAN
Vide Development Consent Dated 10/12/21
File Ref : DA21/0644
Signed :
PLANNING AND DEVELOPMENT SERVICES
Delegation Number S7-01E
Please read in conjunction with the attached written conditions for changes and/or specific requirements.
Page 2 of 8



GROUND FLOOR PLAN

	Area m²	Perim. L/m
1. FLOOR PLAN	62.37	48.52
2. CARPORT/ ROOF	12.49	20.48

Owner : C. & J. LAMBERT

Address: SSL 2/26 HAMMOND ROAD, YALLINGUP

Drawing Title: GROUND FLOOR PLAN

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Local Authority: City of Busselton Sheet 2 Of 7
Plan/Diagram Number: P.8037
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Revision: 2.5 ORIGINAL:A3

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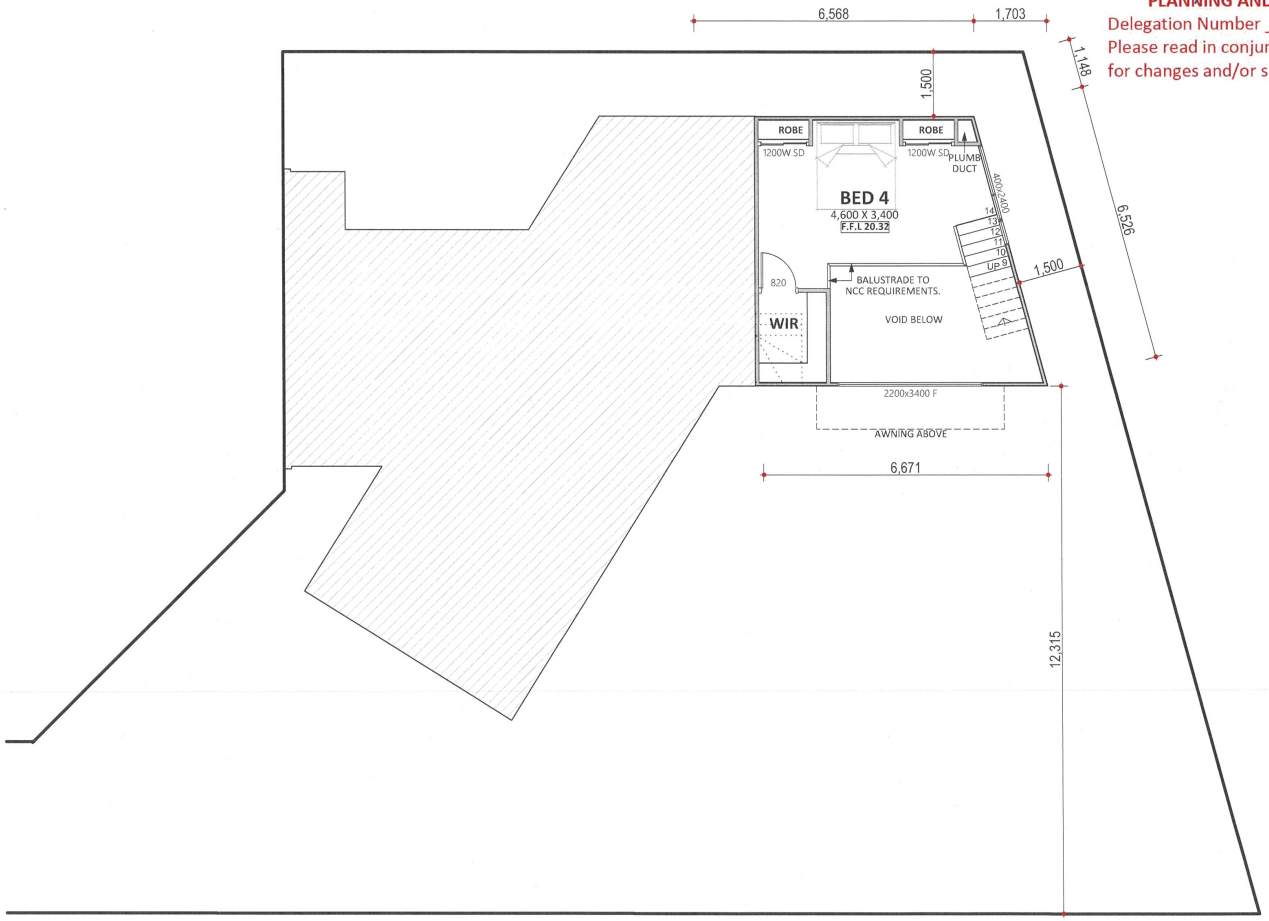
Page 3 of 8



MEZZANINE FLOOR PLAN

	Area m²	Perim. L/m
1. FLOOR PLAN	37.29	24.66

Owner : C. & J. LAMBERT
Address: SSL 2/26 HAMMOND ROAD, YALLINGUP
Drawing Title: MEZZANINE FLOOR PLAN

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Local Authority: City of Busselton Sheet 3 Of 7
Plan/Diagram Number: P.8037
CT Number: 1392/484
Revision: 2.5 ORIGINAL:A3

CITY OF BUSSELTON
APPROVED DEVELOPMENT PLAN
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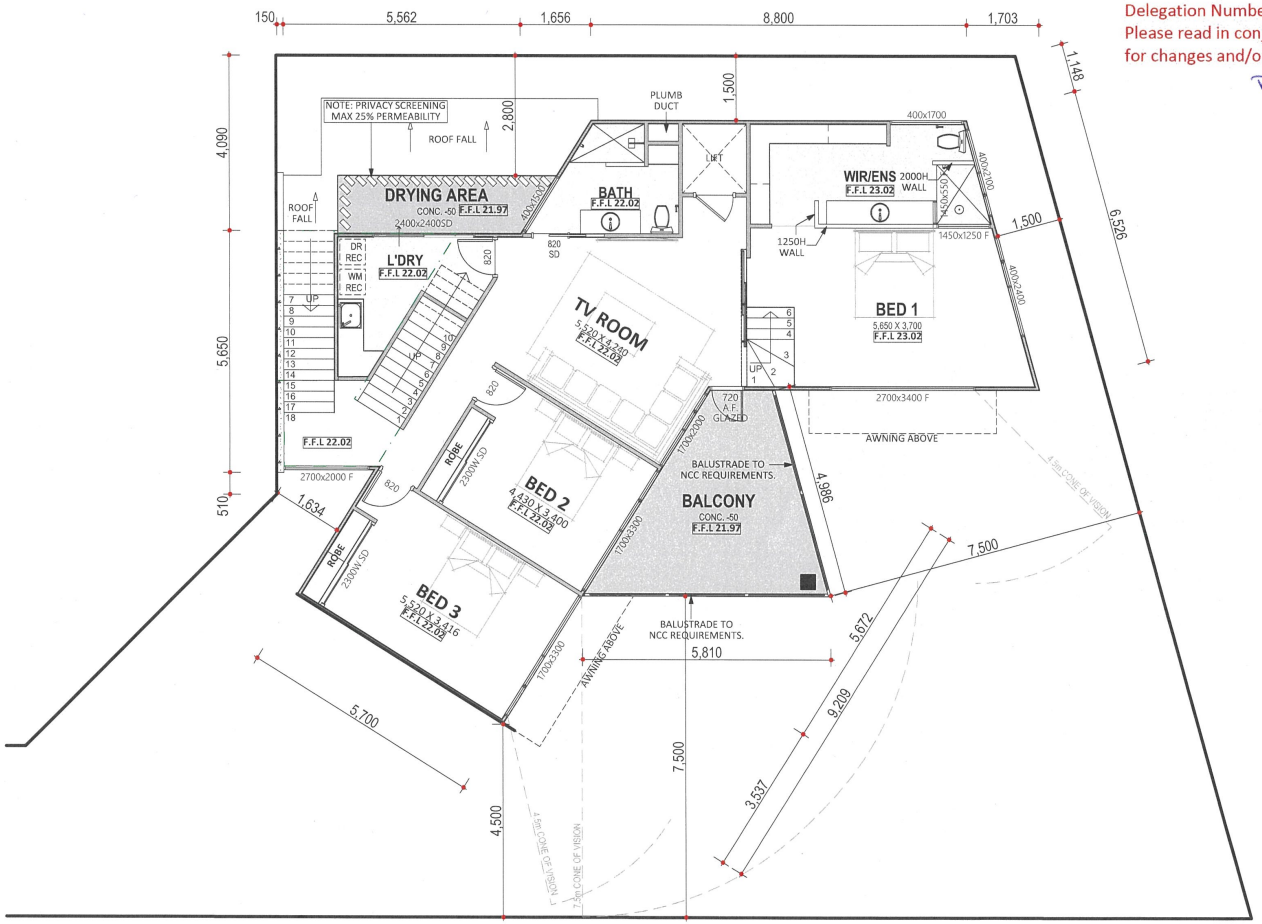
Page 4 of 8



FIRST FLOOR PLAN

	Area m²	Perim. L/m
1. FLOOR PLAN	137.60	58.25
2. BALCONY	17.59	17.97
3. DRYING BALCONY	6.36	12.37
4. TOTAL AREA	161.55	62.47
5. STAIR/LDRY ROOF	14.47	25.56

Owner : C. & J. LAMBERT
Address: SSL 2/26 HAMMOND ROAD, YALLINGUP
Drawing Title: FIRST FLOOR PLAN

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Local Authority: City of Busselton
Sheet 4 Of 7
Plan/Diagram Number: P.8037
CT Number: 1392/484
Revision: 2.5 ORIGINAL:A3

CITY OF BUSSELTON
APPROVED DEVELOPMENT PLAN
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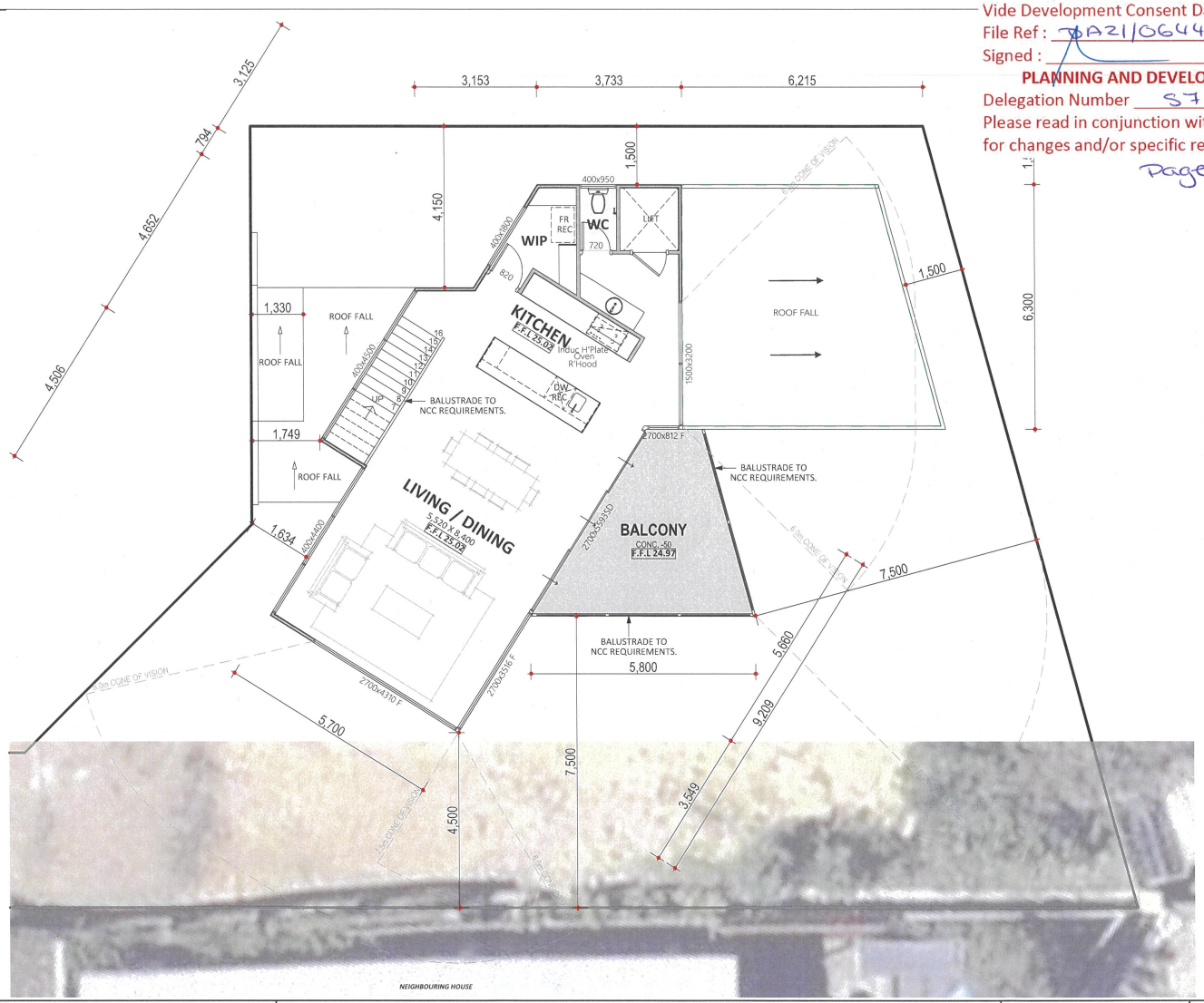
Page 5 of 8



SECOND FLOOR PLAN

	Area m²	Perim. L/m
1. FLOOR PLAN	84.67	40.94
2. BALCONY	17.59	17.97
3. TOTAL AREA	102.26	45.67
4. MAIN ROOF	80.92	40.19
5. BED 1 ROOF	36.10	24.27

winter sunrise · summer sunset · winter sunset · summer sunrise · N

Owner : C. & J. LAMBERT
Address: SSL 2/26 HAMMOND ROAD, YALLINGUP
Drawing Title: SECOND FLOOR PLAN

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Plan/Diagram Number: P.8037
CT Number: 1392/484
Revision: 2.5 ORIGINAL: A3

CITY OF BUSSELTON
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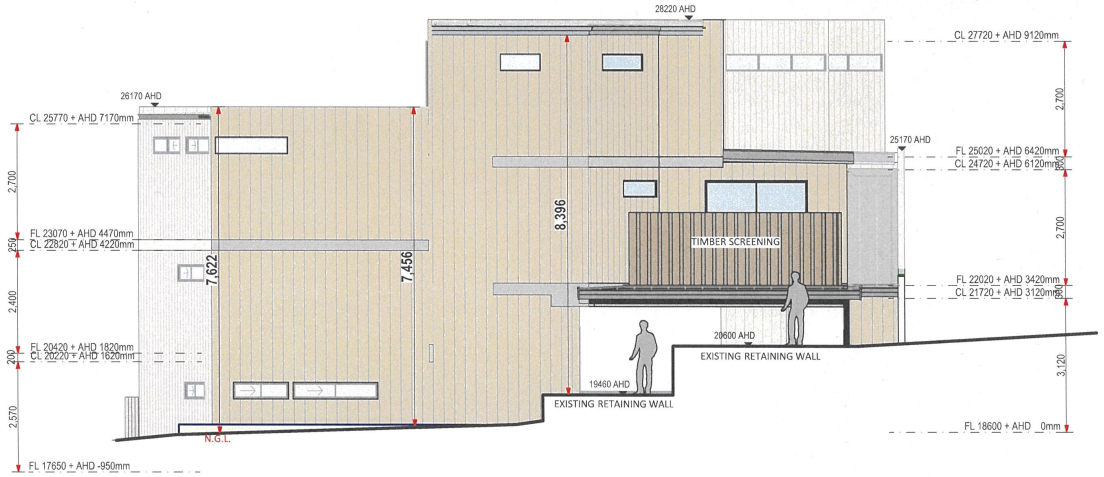
Page 6 of 8

NORTH ELEVATION



SOUTH ELEVATION

Owner : C. & J. LAMBERT

Address: SSL 2/26 HAMMOND ROAD, YALLINGUP

Drawing Title: ELEVATIONS

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Date: 25/10/21 Scale: 1:100
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Checked: TL
Local Authority: City of Busselton Sheet 6 Of 11
Plan/Diagram Number: P.8037
CT Number: 1392/484
Revision: 2.5 ORIGINAL:A3

CITY OF BUSSELTON
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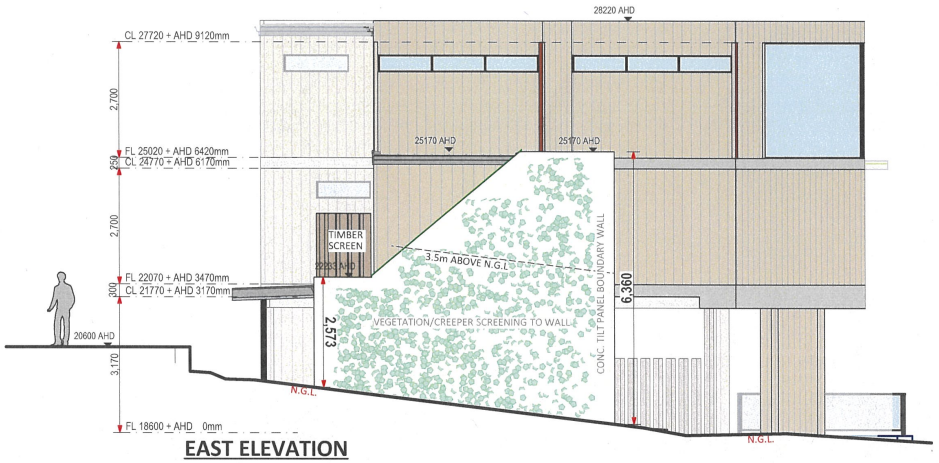

EAST ELEVATION

WEST ELEVATION

Owner : C. & J. LAMBERT

Address: SSL 2/26 HAMMOND ROAD, YALLINGUP

Drawing Title: ELEVATIONS

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Local Authority: City of Busselton Sheet 7 Of 11
Plan/Diagram Number: P.8037
CT Number: 1392/484
Revision: 2.5 ORIGINAL:A3

Planning Application (Proposed Lambert Residence)

External Colour & Materials Schedule

CITY OF BUSSELTON
APPROVED DEVELOPMENT PLAN
Vide Development Consent Dated 10/12/21
File Ref : DA21/0644
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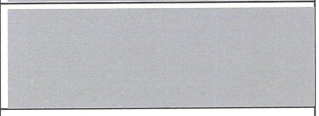
Page 8 of 8

Property Address: **2/48 Hammond Road, Yallingup, 6282, WA.**

	Material Type	Colour	Colour Sample*
Proposed External Walls	Timber vertical cladding.	Pre-aged driftwood grey	
Proposed Timber sleepers- privacy screening	Timber Sleepers	Brown	
Proposed External exposed concrete	Concrete.	Light Grey	
Proposed Retaining walls (Limestone)	Limestone blocks	Limestone / Off white	
Proposed Roof	Colorbond Trimdek	Shale grey	
Proposed Gutter & Fascia's	Colorbond boxed gutters & colorbond fascia's.	Shale grey	
Proposed Window Frames	Aluminium	White	
Proposed Front Entrance Door	Glass	Clear	
Proposed Carport / turnaround area	Limestone - Concrete	Limestone	
Existing Driveway / CP	Bitumen	Red Bitumen	

Document Set ID: 4768125
Version: 1, Version Date: 10/12/2021

Second Round of Consultation - 9 March 2024 to 5 April 2024			
	Name and Locality	Summary of Comment	Officer comment
2.1	K Moore Yallingup	**Your Say Submission dated 22 March 2024** **Objection** As per previous commentary, I do not support a reduction in the standard setback of 6m from our boundary to the main living area of the home, our closest room is a main bedroom and this will impact on the amenity of our poorly insulated timber frame home. As discussed with the planning officer previously (and verbally supported) a mitigation of making the windows fixed/non opening in the area sought outside of the standard setback would be a satisfactory resolution. This reasonable requests seems to have been ignored.	**Setback of Great Room to northern lot boundary** The previous development approval included a window in the same location as what is currently proposed in the second floor "Great Room." Overlooking from this window has already been assessed and deemed to meet the design principles as part of the previous application. Whether the window is openable or not does not fall within the planning framework.
2.2	A Wise Yallingup	**Your Say Submission dated 5 April 24** **Objection** I do NOT support the proposed amended plans. As stated in our objection lodged on December 11th 2023, the proposed plans for lot 2 48 Hammond Rd have a significant negative impact on us. All the concerns raised in that objection still stand (I have tried but am unable to upload more than one file with this submission so please refer to your files). We are still concerned about the size, height, bulk, size and scale of the proposed development which has not been altered at the ground level at all. The proposed building extends for over 50% of our adjoining boundary and at the proposed 1.5m setback is of a size and bulk that will tower over us. The justification statement states that "More site measurements have been undertaken and the existing western neighbours' adjacent raised deck and screen as been more accurately marked on the plans.' I have never given permission for anyone to enter our property to measure our deck but if you do so you will discover that our outdoor deck is 5.8m x 5.8m in size yet the plans indicate that it is much bigger. I have to question if this is to give a false impression of the proposed buildings impact? I totally understand and accept that the owner of 2/48 Hammond Rd has a right to develop his land, but such development needs to be in keeping with the R codes and the Yallingup Special Character Area policy and be of size that is appropriate to the block size. The statement in the Applicant's Justification that. "it is noted that the lot area, free of the driveway is only 398sqm which creates difficulties in the assessment against R10 density code requirements" ...is no excuse for submitting plans that disregard the R codes and the Yallingup Special Character Area policy. The purchaser knew the size of the block including the driveway when he bought it and knew how this would affect any proposed development. I engaged Carve Urban back in December to help us deal with this matter and they have helped me again this week, at very short notice. I attach their letter dated April 4th as part of my objection and ask that they be copied in on any correspondence pertaining to this matter. As requested in December 2023, I once again respectively request that this	**Setback to western (rear) lot boundary** Key concerns regarding impact upon rear (western) lot boundary have been addressed as part the Council report. **Design of Dwelling** The design of the dwelling is largely consistent with that previously approved as part of the previous development approval for a Grouped Dwelling on the Site (DA21/0644 refers). The development complies, or can be modified to comply, with Schedule 4 of the Scheme. Where discretion has been proposed against the Local Planning Policy 3.02 Yallingup Special Character Area (LPP) it has been deemed to be in-keeping with the character and architectural style of other dwellings within the Yallingup Special Character Area and is consistent with the intent of the LPP.

		development application is presented to Council to ensure comprehensive consideration is given to the various amendments, discretionary provisions being applied and associated impacts on surrounding landowners and the broader Yallingup locality **<u>Attachment to YourSay submission from Carve Urban on behalf of owner – 4/4/24</u>** I refer to correspondence from the City of Busselton dated 19 March 2024, regarding proposed amended plans to the previously proposed amended plans referred to adjoining landowners for comment in December 2023 for a group dwelling development at 2/48 Hammond Road, Yallingup. As you are aware from the objection submitted on 11 December 2023, Carve Urban has been engaged by the owner of [redacted] in respect to this matter. In addition to further review of the "Applicant's Justification" (author unknown) and latest proposed amended plans, this objection submission seeks to again ensure that the concerns raised in the previous objection and procedural approach by the City's statutory planning department, in particular the objectivity of the assessment and final determination, is resolved at an appropriate level. In this respect and as detailed in this submission, it is imperative that the matter is considered by Council and not under delegated authority of City officers. Correspondence received by our client from the City of Busselton dated 19 March 2024 outlines that subsequent to advertising of the proposal in December 2023 a summary of submissions was provided to the applicant and several amendments were made, including as quoted in both the correspondence and Applicant's Justification (italicised and bolded for emphasis): • More site measurements have been undertaken and the existing western neighbours' adjacent raised deck and screen as been more accurately marked on the plans. • The rear (western) elevation has been reduced and the upper two levels are now proposed to be shorter in length than the existing approved DA. • Mid-level balcony has been removed from the previously approved plans. • Pitched roof to remain and will only be slightly higher than the approved flat roof. That the above is deemed acceptable in a statutory planning context, to both justify variations to the planning framework and disseminate to members of the general public who have raised legitimate concerns with the development, is an indictment on the City statutory planning department and does very little to demonstrate the applicant's efforts to address the areas of non-compliance. The tone of correspondence from the City and aforementioned highlighted terms "more site measurements", "shorter in length" and "will only be slightly higher" does not adequately explain the tangible impact of the development to the layman, let alone the technical compliance with the statutory planning framework. At best this is a lazy referral to surrounding residents with legitimate ongoing concerns with the height, bulk, size and scale of the proposal and at worst it is a reflection of a lack of objective assessment in respect to this development from City staff over several iterations of design. This lack of clarity is further emphasised in the balance of the Applicant's Justification where there is no reference or comparative analysis of actual variations and/or amendments (in metres) relating to building height, setbacks or visual privacy pursuant to R-codes or Yallingup SCA policy. There is however superficial reference to the lot size and difficulty in meeting the R-codes based on lot configuration, rather than how these impacts will be mitigated via the design principles. As detailed in the 11 December 2023 objection submission, the need for several variations to the statutory	

		provisions of the R-codes and Yallingup SCA policy demonstrates that the height, design, bulk and scale of the development is not conducive to the realities of the lot size and configuration. Instead of accepting that the proposal is not appropriate for the lot and addressing this through reduction and refinement of the design, the Applicant's Justification attempts to refer to lot size "difficult" as the reason for the design. In doing so, the justification reinforces the inappropriateness of the proposed design for the lot, undermining the statutory planning framework and effectively dismissing the legitimate concerns of surrounding landowners. The unresolved technical aspects outlined in the objector submission of 11 December, the latest justification by the applicant and lack of clarity in the City's correspondence again emphasises the importance of a comprehensive assessment and referral to Council for consideration, which clearly outlines the impacts and variations in the context of the planning framework. In light of these latest amendments and the aforementioned concerns, it is again respectfully requested that this matter is presented to Council to ensure comprehensive consideration is given to the various amendments, discretionary provisions being applied and associated impacts on surrounding landowners and the broader Yallingup locality.	
2.3	J Warren Yallingup	**<u>Email dated 8 April 2024</u>** **<u>Objection</u>** We offer the following comments for your consideration. **1. General** • We assume ALL current and previous submissions [eg. Including but not limited to our submission dated 05 November 2021, 12 December 2023 [below] & 04 April 2024 [below]] must be included in the current planning decision process, in particular, the exercise of discretionary power. This should include: ○ Clear expectation that the exercise of discretionary power must be conducted in an orderly and proper process ○ Exercise of discretionary power requires good judgement ○ And decisions are made consistently, fairly and comply with high standards • The planning decision should ○ Encourage transparent and accountable administrative process ○ Exercise procedural administrative fairness ○ Provide reasons for decisions • The benefits of "good" planning decisions include ○ Improved public confidence in the CoB decision process ○ Improved consistency in the decision ○ Fairness and transparency in the decision process • Important to keep people informed in the decision making process and advising the outcome • We refer to your email dated 13 December 2023 [below] and confirm we have not yet received any response from CoB … "*and a more detailed response to your submission will be provided in due course*" … ○ We suggest this response is required to enable a current detailed submission	**<u>Natural Ground Level</u>** Natural Ground Level has been established in the previous development approval for the grouped dwelling on the Site and is in accordance with the definition in the *Planning and Development Regulations 2015*. Natural Ground Levels have been based on the levels indicated on the approved subdivision plan for the Grouped Dwelling development. **<u>Building Height</u>** - Refer to Council report. **<u>Design of Dwelling & Character of Area</u>** - Refer to response to submission 2.2

		○ Sufficient information has not yet been provided by CoB to enable an informed submission **2. Natural Ground Level [NGL] and Height Compliance** • The initial development application approval by CoB does NOT comply with the Special Character Area [SCAs] / Schedule 4 compliance requirements, in particular, with regard to height. • Our submission dated 12 December 2023 provides relevant details ○ Note – awaiting detailed response from CoB • We refer to CoB letter dated 19 March 2024 notes … [Extract] "*Pitched roof to remain and will only be slightly higher than the approved flat roof*" … • Common sense and logic concludes if the "approved" development application exceed the allowed height [eg. Pennock Case outcome] then an slightly higher pitched roof will also be NON compliant with SCAs • On this basis alone, the "amended plans for Grouped Dwelling" must be rejected • Similarly, the initial development approval must be review and must be compliant with SCAs In summary, the proposed and amended development must comply with the natural ground level and must comply with the maximum allowable height as per the Yallingup Special Character Area / Schedule 4 requirements. **1. Proposed Set Backs** • Our submission dated 12 December 2023 provides relevant details i. Note – awaiting detailed response from CoB **2. Amenity and Character** • Our submission dated 12 December 2023 provides relevant details i. Note – awaiting detailed response from CoB • We refer to [2023] WASAT 100 SPG Capital [Noting note keyword outcomes on Town planning, Development, Mixed use development, Building height, Good design - Amenity - Internal amenity, Streetscape & Character. • We suggest you note issues arising in your considerations **3. Conclusion** In our opinion, the initial development application and the current amended development application do NOT comply with the CoB Planning Scheme compliance requirements. The proposed development will have a significant detrimental impact on our property, our neighbours property and in the longer term a detrimental impact on the Yallingup community. The CoB must ensure Scheme planning compliance requirements are enforced. If you would like further clarification or information then please contact the undersigned via email.	

		<u>Email dated 4 April 2024</u>
		We note your response below and offer the following comments:
		• We have had considerable engagement with CoB on the above issue over an extended period
		• This includes a number of submissions, in particular, please note undertaken via email communication with CoB
		• As a stakeholder, the decision on above will have a significant impact on our property and those of our neighbours
		• From a community aspect, the issues arising from the Pennock Case has had considerable impact on planning issues
		• From the CoB perspective, we consider engagement is essential and must
		  ○ Ensure stakeholders are informed on matters that affect them
		  ○ Ensure the CoB provides sufficient information to make informed comments on the issues
		  ○ Ensure CoB provides opportunity for all comments / submissions by stakeholders are given due consideration by decision makers
		• And, in particular, stakeholders who provide comment / submissions are informed of the outcome
		We note the following:
		(i) We provided a detailed email submission dated 12 December 2023 [below]
		  a. To date, we are not aware of any CoB detailed response as per your email dated 13 December 2023 [below].
		  b. This detailed CoB response forms part of transparent and accountable in the context of the CoB decision making process
		  c. It is vital that for any exercise of discretionary power CoB must ensure a transparent and accountable process has been followed
		(ii) It is reasonable to expect the letter dated 19 March 2024 [your email below] should also be issued via email on the date
		(iii) Currently, we are not aware of the contents of your letter dated 19 March 2024
		(iv) As a constructive engagement practice by CoB, we consider you should have had the curtesy to forward a copy attached to your email dated 03 April [below]
		
		This is an important issue and we wish to have the opportunity to make a submission.
		We request all relevant information be made available including:
		• CoB response to our initial submission
		• Copy of CoB letter dated 19 March 2024
		• Any other relevant information
		Please forward appropriate above information via email at your earliest convenience.	

First Round of Advertising - 12 November 2023 - 11 December 2023			
	Name and Locality	**Summary of Comment**	
1.1	K Moore Yallingup	**YourSay Submission dated 29 November 2023** **Objection** I do not support a variation to the standard R Code rules, particularly in relation to setback to our property from the "Grand Room". The closest part of our timber frame and poorly insulated building is our main bedroom, the reduction to the standard setback from that to the main living area will have a significant effect on our amenity. The proponent has noted in their submission that they are seeking an increase in the dwelling size "to allow for the new owner's family size" which implies it is very large given the already substantial size of the dwelling, adding to the concern for sound impact. A acceptable planning solution for us to address this would be for the windows to be specified as non opening.	**Setback of Great Room to northern lot boundary** See officer response against 2.1 above.
1.2	A Maclean Yallingup	**Emailed to the City on 5 December 2023** **Objection** I am residing at [redacted] and would like to voice my objections to the proposed application. Based upon the plans (attached below) I don't believe that any effort has been made to comply with the R-Codes Vol 1, Part 5.4 .1 to provide a set of privacy setbacks. The large windows from the living spaces on level 1 & 2 will be overlooking our living spaces and outdoor area. Whiles I understand this is an elevated block, there has been no effort made to mitigate onlooking and protect the privacy of neighbouring properties and their "active habitable spaces". There are no setbacks, no screening just large walls of glass looking down onto the properties below. As the natural ground level has already been raised by the original owner I believe privacy setbacks should be even more important when considering this planning application.	**Setback of Great Room on second floor to northern lot boundary** - See officer response against 2.1 above.
1.3	A Wise Yallingup	**Emailed to the City on 11 December 2023** **Objection** Carve Urban has been engaged on behalf of the owner of [redacted], [redacted] Our client does not support the proposed amendments to the grouped dwelling development. The objection is in response to the proposed variations identified by the City of Busselton to the deemed to comply provisions of the Residential Design Codes (R-Codes) and the City's endorsed Yallingup Special Character Area (SCA) Policy. It is considered that the proposed variations are a significant departure from the deemed to comply and SCA Policy provisions and result in a detrimental impact to our client's existing amenity. The following table addresses the relevant design principles of the Residential Design Codes and the Yallingup Special Character Area policy provisions in the context of the proposed amended plans and form the technical basis for this objection.	**Setback to western (rear) lot boundary** - Key concerns regarding impact upon rear (western) lot boundary have been addressed as part the Council report. **Site Coverage** It is noted that as currently design the dwelling would be 1.05% over the site coverage provisions contained within Schedule 4 of the Scheme. However, it is noted that this provision is not absolute in that the clause states that "Site coverage **should** be no more than 40% of the lot area." This area of discretion is considered

ELEMENT	DESIGN PRINCIPLE/SPECIAL CHARACTER AREA	RESPONSE
R-codes 5.1.3 Lot boundary setback	P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to: • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.	The proposed rear setback cannot be considered appropriate in reducing the impact on adjoining properties, nor consistent with either the R-codes or SCA. This proposed 1.5 metre setback and proposed extension of the rear Games Room wall is a significant variation to the deemed to comply provision of 6 metres. The proposed plans indicate this wall will be 10.36 metres in length, a significant, unnecessary increase to the currently approved 6.52 metre wall. This reduced setback for greater than 50% of the length of the rear boundary would impose considerable bulk when viewed from the adjoining property and impact the existing amenity.
R-codes 5.1.4 Open space & Yallingup SCA 4.2.8	P4 Development incorporates suitable open space for its context to: • reflect the existing and/or desired streetscape character or as outlined under the local planning framework; • provide access to natural sunlight for the dwelling • reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; • provide an attractive setting for the buildings, landscape, vegetation and streetscape; • provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around site; and • provide space for external fixtures and essential facilities.	Pursuant to the Special Character area the subject site is coded R10, requiring 60% open space. While considered compliant in terms of the nominal percentage across the site, the amended set of plans have resulted in a reduced area of open space which has a direct impact on the adjoining property.

minor and if the Games Room was reduced in area as requested by the City the development would comply with this requirement.

	Yallingup SCA – 4.2.8 Site coverage should be no more than 40% of the lot area.	
R-codes 5.4.1 Visual Privacy	P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. P1.2 Maximum visual privacy to side and rear boundaries through measures such as: • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).	The proposed amended plans include the extension of the second floor balcony and while screening is illustrated, the proposed setback does not meet the 7.5 metre setback under the deemed to comply provisions of the R-codes from the existing outdoor active habitable space of adjoining landowners. This variation to the second floor balcony reinforces the bulk and scale of the proposal not being conducive to the lot size and configuration.
Yallingup SCA 4.2.8	4.2.8 Buildings shall have an appearance of lightweight construction and fit with the site topography which will normally require the use of stumped construction.	The proposed amendments to the approved plans have expanded the eastern and southern walls to enclose the carport and expanded what is now indicated the Games Room area contrary to the form and style criteria for residential development in Precinct 2 of the Yallingup Special Character Area.

The cumulative impact of the proposed development and need for several variations to the statutory provisions of the R-codes and local policy clearly demonstrates that the design, bulk and scale of the development is not conducive to the realities of the lot size and configuration. Notwithstanding the previously approved plans, determined under delegation by City staff, were contrary to the design, intent and amenity of the Yallingup locality, the current proposed amended plans at 2/48 Hammond Road, Yallingup seek to expand upon these discretionary variations and further erode the intent of the Yallingup Special Character Area policy, increasing building bulk while impacting the quiet enjoyment and amenity of surrounding landowners.

The role of the City planner is to assess the technical and policy provisions as adopted and endorsed by the elected representatives of the community. Discretionary considerations and variations to the adopted local planning framework are to be assessed by the technical experts and any discretionary decision-making presented to Council. Based on the nature of the proposed development and the discretionary provisions to be considered, we respectfully request that this matter is presented to Council to ensure that thorough informed consideration is given to the discretionary provisions being applied and associated impacts on

		surrounding landowners and the broader Special Character Area of Yallingup. We appreciate the opportunity to provide comment on the proposed development and trust that this submission will be given careful consideration.	
1.4	J Warren Yallingup	**Email dated 28 November 2023** We refer to City of Busselton [CoB] letter dated 20 November 2023 regarding the application for amendments to the previously approved development application (December 2021) for a grouped dwelling on this site. We offer the following comments for your consideration. In order for us to properly assess the proposal and provide meaningful comment, we request that the following clarification and further information is provided. (i) Your letter dated 20 November 2023 refers to the proposal as involving amendments to the previously approved development consent with those changes shown on the accompanying plans. a. Please clarify if this proposal is being treated as a new application overall and will involve assessment of all aspects of the proposal or b. Is it only those aspects that have been modified that are to be assessed. c. In respect to this we make the following points: i. The applicants submitted plans and summary of changes as per the extract contained in the referral letter are somewhat unclear and could be considered to underplay the extent of the changes which are significant in terms of the implications of the reduced setbacks, length and height of walls on the southern boundary [Note: our common boundary]. ii. The change from what appeared to be an open carport on the original approved plans to a nearly 11m long wall at 3.4m high on a nil setback represents a significant change that has impact for building bulk, visual amenity and impact on our residential enjoyment of our property. iii. This change alone, however, along with other proposed modifications, is considered to require a full new assessment of the proposal. d. We understand the previous assessment and approval of the proposal was based on the exercise of discretion to approve variations from the requirements of the R Codes and the Yallingup Special Character Area Policy / Schedule 4 on the basis that Strata lots 1 and 2 were in the same ownership. i. We understand this is no longer the case ii. We consider all such aspects of the proposal would therefore warrant full re-assessment. e. The previous assessment and approval, while noting that all vegetation had been cleared from the subject site, relied on the screening effect of vegetation on adjoining properties as justification for supporting variations to reduce required setbacks. Given the retention of such vegetation on neighbouring properties cannot be guaranteed in any event and particularly in	**Natural Ground Level** - Refer to response against 2.3. **Building Height** - Refer to Council report **Setbacks between buildings – LPP** - Refer to Officer Report (Attachment 10) **Site Coverage** - Refer to response against submission 1.3 above. **Materials and Palette** - Refer to response regarding design against submission 2.2 above.

		light of proposed changes to urban bushfire mitigation requirements this is also considered to warrant full re-assessment of the proposal. (ii) In terms of the provided plans the following additions / clarifications are requested: a. Plans showing the extent not only of the changes to the building level footprints, openings and balconies but also any changes to wall heights, setbacks and extent that are clearly evident. This particularly applies to the southern boundary but may also be applicable to other areas of the dwelling. b. The building height requirement is specified as a maximum height at any point. In order for this to be accurately assessed a spot level plan or a height plane of the building against both the defined Natural Ground level and Existing ground level is required as per the R-code accompanying information requirements (3.b). The current provision of two cross-sections on a site that slopes both west to east and north to south, with purported NGL changes, is inadequate to enable full review of this area of compliance. c. Clarification on the height of all components of the building including ancillary components. d. The applicants justification for the determination of a defined NGL that is significantly different from the actual natural ground level and the existing ground level and that appears to be based on a retaining wall / concrete structure we understand no longer exists. We look forward to receipt of the above further information and clarification so that we can make a fully informed submission on the proposal. We request an extension of time to make submission due to the inadequacy of the referred information. We request that the time frame for provision of our submission is extended by the period up till provision of this additional information. We would appreciate your confirmation of this request. We also request the opportunity to meet with you at your convenience to discuss both the proposal changes and also the assessment process. **<u>Email dated 12 December 2023</u>** We are adjacent landowners and have owned our property for over thirty years. We understand that any prosed development must comply with all aspects of the City of Busselton [CoB] Planning Scheme and Special Character Area / Schedule 4 requirements. In particular, height, set back and amenity requirements must comply. We understand the consequences arising from the Pennock Case are that the CoB does NOT have discretionary power to approve development applications which fail to satisfy compliance requirements. We note the original development application was assessed [December 2021] after the Pennock Case and thus it must comply with the outcome of Pennock Case.	

		We refer to your letter dated 20 November 2023 regarding development application DA23/0468 and note the submission is via a new owner and also includes significant changes to the proposal. Hence, the current application must warrant assessment as a new application. We consider the compliance issues [or failure to comply] raised by the proposed development application fail to meet the requirements of the CoB Planning Scheme, Special Character Area, R Codes and planning policy. Hence, the current proposal should <u>not</u> be approved by CoB in its current format. In support of our position, we offer the following comments for your consideration. 1. **General:** The CoB should ensure that sufficient information is provided to adjoining or nearby neighbours to comment and thus enable and informed assessment of any development proposal. In our opinion: a. sufficient information has not been provided to enable an informed assessment b. We note [Ref: CoB [Stephanie Navaro] email dated 01/12/2023] … "*The City will undertake its own assessment of building height and natural ground levels once consultation has concluded*" … This undertaking will require detail spot level plans that identifies NGL and existing ground levels. This is required to accurately assess compliance requirements. c. All identified discretionary decisions allowances made by CoB must be identified and provided for community comment. d. The Special Character Area [Cl. 4.2.10 Development Controls] … "(a) *Minimum separation between buildings, regardless of front and rear setback, to be 4 metres*" … e. We note there is insufficient information [eg. Plans showing Lot 1 & Lot 2 building plans] provided to assess this current development proposal or any future development proposal for "existing" home regarding compliance. 2. **Natural Ground Level [NGL] & Height Compliance** a. Establishment of defined Natural Ground Level (NGL). i. The height of the proposed development is objected to on the basis that the base level (Defined NGL) has not been validly established. ii. This will result in a building of excessive height, bulk and visual impact that will be detrimental to the overall character and amenity of Yallingup. This will have a direct negative impact on the amenity of our property and our ability to enjoy our property. iii. As demonstrated below the proposal will result in a maximum building height over 11.2m above ground level, plus an extended chimney. This is outside any reasonable expectation for a building that could be approved on the site as it is contrary to the specific height limits of Sch 4 of the CoB planning scheme.	

		b. In summary the NGL contours as shown on the subdivision plan are at 17m AHD where they intersect the point of the highest portion of the building which is identified at 28.22m (excluding chimney) giving a front wall height of 11.22. c. This has a dramatic impact on the character of the area and adjoining properties. d. The development application information provided for comment contains no justification for the establishment of a defined NGL which is some 1.4m above the actual NGL. i. It is however understood from the Officers recommendation and delegated decision on the previous application (DA 21/0644) that the defined NGL was based on the level of a driveway and shed floor slab that no longer exist on the site. ii. In practical terms it is important to note that this slab was elevated above the natural ground level as it provided a driveway and base for a single storey building to service the upslope dwelling that existed on what is now strata lot 1. iii. It certainly was not the intention that this slab form the base for a 11m high, 3 storey dwelling that will exceed the scale of other dwellings in the area. iv. To use the levels of a historic structure, now demolished as the basis for a new dwelling to exceed the mandated height limit is just not accepted as reasonable and is contrary to the intent of the updated (2021) definition of Natural Ground level as replicated below. e. In seeking to justify this defined NGL as the basis for assessment of the 2021 proposal and as has been adopted in this application, being both above the actual NGL and the existing ground level, the CoB Officer's Report [CoB Grouped Dwelling Assessment Sheet – Stephanie Navaro dated 10/12/2021 – Note: obtained by FoI application] appears to rely on: i. part a (ii) of the NGL definition, although this is not entirely clear, and takes a position that a finished floor level can be read as a ground level. ii. To demonstrate why the defined NGL for the site should be the NGL natural ground level in accordance with iii. Part (b) below and that the approach taken in the Officer's Report is invalid the following assessment of the site NGL against the 2021 definition is provided. f.	

natural ground level, in relation to land subject to development, means —

(a) the ground level specified in either of the following that applies to the land (or, if both of the following apply to the land, the more recent of the following) —

(i) a condition on an approval of a plan of subdivision that specifies a ground level;

(ii) a previous development approval for site works on the land that specifies a ground level;

or

(b) if paragraph (a) does not apply — the level of the land before any disturbance to the land relating to the development;

g. To rely on (a) (i) to define the ground level this must be established as a condition of an approval of subdivision.
h. The definition is logical with reference to new subdivision practices, more common in greenfield estates where new lots are generally presented to the market as flat sites, levels are coordinated between sites with the overall area often having been subject to cut and fill and extensively retained. Numerous examples exist in new subdivisions in the CoB area and Dalyellup development.
i. This is clearly not applicable to this lot with no filling of the overall site and no boundary retaining (lots 1 or 2 of 48) prior to clearance of the strata subdivision and certainly not to the level now claimed as the defined NGL. The site has been partially filled (the existing ground level which is below the defined NGL.
j. CoB advice that this filling and associated vegetation clearing did not require approval as it was less than 500mm in height is noted).
k. Additionally, no evidence is presented that a condition on a subdivision approval specified a ground level.
l. The plan presented in the Officers Report from which the defined elevated NGL is referenced is simply a site survey plan being part of the application documentation receipted by the DPLH and no other evidence is presented that would make part (a) (i) of the definition applicable to the establishment of a new NGL. While the Officer's Report states "Based on the levels indicated on the approved plan of subdivision the development complies with the maximum building height contained within schedule 4 of the scheme." the plan presented in the assessment does not contain any indication of DPLH approval.
m. Part (a) (ii) of the definition contains two critical elements for which no documentation is provided as part of the officer's assessment of the NGL in the determination of DA 21/0644 on which this application now relies.
    i. There is no evidence provided that the works on the site, shed slab and driveway, on which the NGL has now been defined were subject to a development approval or

		ii. that if an approval was issued that the works were undertaken in accordance with a development approval and any conditions of approval that may have related to the levels and construction method for the structure. iii. The assessment seeks to rely on the recent SAT case Prosser & Town of Cottesloe (2021) WASAT 115 to support the position taken. This case simply clarifies that a separate 'site works' development approval is not required in meeting the requirements of the definition (part (a)(ii) but can form part of the application for an overall development on a site. iv. In this case we have no evidence of any development consent, only that a historic structure existed on the site. v. There is however an important point in the SAT determination for this site that is the referenced 63(i)(a)(ii) of the deemed provisions, which requires the submission of existing and proposed ground levels over the whole of a site in an application which may then be approved or conditioned in a consent. Ground levels are not the same as finished floor levels as is clear in this SAT reference. n. The second critical issue with the current NGL assessment is that the Officer simply substitutes a surveyed FFL of an old shed slab and driveway and assumes this represents an approved ground level. i. The driveway and shed floor were ancillary structures on the site and without reference to the relevant planning consent and building plans or the actual structures, given their past removal, it is not known if a ground level was specified or if the ground level was modified as part of the construction. It is simply the case that the driveway / shed slab could have been installed using pier construction with a perimeter wall with the ground level remaining largely unchanged. ii. Additionally, we have no evidence of the thickness of any slab or structure to know the variation between the FFL and the actual ground level as referenced in the definition. Again, a finished floor level is not a ground level. iii. The photographs presented in the CoB Officer's assessment do not clarify this or demonstrate any of the required issues other than a structure did exist. o. Given that: i. paragraph (a) of the <u>definition has not been demonstrated</u> to apply with any evidence or certainty with respect to the determination of the NGL on this site, lot 2 of 48 Hammond Rd, ii. paragraph (b) applies, being the logical and appropriate outcome that the level of the land before its disturbance is the Natural Ground Level and is required to be applied in the determination of the maximum height limit of the proposed building at any point. p. This should be addressed in a revised application as substantial portions of the building are clearly greater than 10m above the NGL.	

		3. **Height Compliance:** a. All development proposals must comply with the Yallingup Special Character Area requirements. In particular, we refer to Cl. 4.2.8 … *"A height limit of 10 Metres measured vertically from Natural Ground Level at any point of a building is applied to the Area"* … b. We refer to Pennock v City of Busselton [2021 WASC 29] for guidance regarding the building height prescribed for the Special Character Area. i. It is our understanding from the Pennock Case that the CoB has <u>no power</u> to approve a development application for a building height greater than 10 metres. In summary, proposed development must comply with the natural ground level and must comply with the maximum allowable height as per the Yallingup Special Character Area / Schedule 4 requirements. 4. **Proposed Setbacks** a. Setback between strata lot 1 & 2 (east boundary of lot 1 / east elevation of dwelling). b. The proposal appears to show a wall of some 10.2 plus m in length and up to 9.5 m in height for the full length of the common boundary with strata lot 1. This is contrary to the requirements of the Yallingup SCA policy which requires a 4 m separation between buildings and the R codes which require a minimum 1 m setback. c. The Yallingup SCA seeks this separation between buildings on the basis of retaining the character of the area, reducing the overall building bulk and visual impact. Supporting the proximity of the building on strata lot 1 and 2 on the basis that as 1 lot a building could have been constructed across the boundary misses this point, as it will increase the visual extent of the buildings from neighbouring properties including our home and external vantage points. d. While the Yallingup SCA provided for an increased density on some lots the intent was to retain the spread nature of existing development where possible. e. We object to the reduction of the setback below the SCA requirements which applies on 3 of the 4 boundaries as it will impact on our amenity and enjoyment of our property. f. An increased setback between the development on both strata lots and greater compliance with the SCA would assist achieve this. g. In respect to the non-compliance with the criteria of the R-codes, a nil setback, the justification for supporting this in the assessment of DA21/0644 of common ownership between the lots clearly <u>no</u> longer applies and it is difficult to see how the design principles of privacy, ventilation, sunlight access are achieved with the current proposal. h. Setback to southern boundary i. The proposal appears to increase the nil setback wall on our common boundary to nearly 11m in length at over 3.4m high. ii. We object to this and given it is contrary to both the R codes and the Yallingup SCA provisions.	

		i. We consider that it should not be approved. i. It is noted that the R-codes make no provision for development under the R10 zoning standards as applicable to this development to have a nil setback wall that is greater than any adjoining structure and as currently proposal it is contrary to all the deemed to comply criteria. ii. The proposal will certainly not achieve the design principle of not having any amenity impact on our adjoining property or positively contributing to the prevailing development context. j. Hence, it is not clear how the proposal may be approved. 5. **Site Area Coverage** a. It is noted that the plans provided state a total site area coverage of 166m2 and purports that as such the development is compliant with the 40% site coverage requirement. b. Given the previous proposal had a calculated site coverage of 188.1m2 and this proposal includes built area extensions on the ground floor in all directions this seems somewhat surprising. This issue is difficult to clarify as there is no site coverage schedule provided or clear plan of the areas that have been included in the calculation. c. A quick review of the areas of built form and elevated paved area extension – portico etc that should be included in a site coverage assessment, to the extent permitted by the plans provided, indicate additional areas of some 15 – 20 m2 which would then result in a site coverage exceeding the allowable limit. d. It is also noted that the total site area is stated as 510.5 m2 for the purposes of the site area calculation as opposed to the actual site area of 482 m2. The inclusion of a proportion of the common property in the total site area is not considered valid as it has no relationship to the site or the density impact that would result given it is some 18 m uphill and separate from the actual built area. e. We request that the issue of site coverage is clarified and a schedule and plan of such provided so that this can be assessed in detail and a further submission provided if required. f. As it stands the proposed site coverage for the development is objected to on the grounds that it is excessive in terms of the R10 zoning of the area, the existing built form character of Yallingup and that it appears to be in breach of the standards required to be applied to this development. 6. **Materials Palette** There is no adequate materials /colours palette provided for the development as required by the provisions of the Land Scape Value area within which the development is located to enable assessment and determination of the proposal. The proximity, scale and height of the development as proposed means that external finishes will be critical to the overall landscape impact and direct amenity impact on neighbours. If such information is held as part of the application documents, or when it is received from the applicant, then we request that these are provided for comment.	

		7. **Amenity & Character** We observe that Yallingup is typically larger single residential blocks. The intention of the Special Character Area is to preserve the overall amenity and character of Yallingup which is predominately low-density housing with reasonable space between buildings [eg. R 10]. An important consideration [R Code – Design Elements] specifically notes with greater use of medium density codes used and then "due regard" must be taken to protect elements of setback and separation. We consider the setback and any discretionary power exercised must carefully considered to ensure the interests of ALL parties, specifically immediately adjacent landowners are assessed and recognised. We note [SCA Cl. 2.3]: In assessing any development proposal, the City will consider all matters specified in the Planning Scheme and other relevant planning policies. The City may refuse a development application which does not comply with these controls, or may seek to modify a non-compliant application by imposing conditions designed to make it comply. With regard to setbacks and any discretionary power, we object to any reduction allowances as it will have a *detrimental impact on our amenity* and that of our neighbours and contrary to the intention of the Special Character Area. With regard to a broader perspective, we refer to recent State Administrative Tribunal decision [2023 WASAT 100] including town planning, development, building height, discretion & character. In particular, noting the following [extracts]: a. *Planning framework* i. *Protect and enhance local character and amenity* ii. *Respect the community vision for the development of the district* b. *Clause 67 (2) of the deemed provisions provides that in considering an application for development approval, the local government is to have due regard to a range of specified matters to the extent that, in the opinion of local government (and the Tribunal on review), those matters are relevant to the development the subject of the application. The relevant matters relating to the Proposed Development are:* i. *[page 9] The requirements of orderly and proper planning* ii. *Any approved state policy* iii. *Any local planning strategy for this Scheme endorsed by WAPC* iv. *The compatibility of the proposed development with its setting* v. *The amenity of the locality including amongst other matters, the character of the locality* vi. *And elsewhere* vii. *[page 15] Respecting the shared boundary is fundamental to being a "good neighbour". The relationship of built form to the property boundary must be carefully consider the balance the needs of new development with maintaining the amenity of adjacent sites*. We suggest due consideration and regard to the above legal requirements should apply to the assessment of the development application.	

		CONCLUSION: In our opinion, the proposed development application does not comply with CoB Planning Scheme requirements and thus cannot be lawfully approved by the City of Busselton in its current format. Regards Reference correspondence includes but not limited to following: • CoB letter dated 05/11/2021 ref: DA21/0644 • JW & EAW Submission dated 21/11/2021 ref: DA21/0644 • CoB email dated 11/01/2022 ref: DA21/0644 • JW email dated 24/01/2022 ref: DA21/0644 • CoB email dated 01/02/2022 ref: DA21/0644 • JW email dated 10/08/2023 to CoB Mayor & CEO ref: special character area • CoB letter dated 20/11/2023 ref: DA23/0648 ref amendments • JW email dated 28/11/2023 to CoB ref: DA23/0648 • CoB email dated 01/12/2023 ref: DA23/0648	

Site Photos

Photo 1 : Taken from the centre of the Site facing West

Photo 2 : Taken from the centre of the Site facing North

Photo 3 : Taken from the centre of the Site facing east

Photo 4 : Taken from the centre of the Site facing south

GROUPED DWELLING ASSESSMENT SHEET – 2023/2024 Application

APPLICATION DETAILS			
OFFICER NAME	Stephanie Navarro	**APPLICATION No.**	DA23/0468
PROPOSAL	Grouped Dwelling - Special Control Area		
LOCATION	Lot 2 No. 2/48 Hammond Road YALLINGUP WA 6282		
APPLICANT	OX Studio		
OWNER	RR Radic Holdings Pty Ltd		

SITE INSPECTION:	☒ Yes ☐ No – Site visit conducted for previous DA

AERIAL / SITE PHOTOS

PROPERTY / DEVELOPMENT HISTORY / ADVICE GIVEN ☒ Yes ☐ No

DA21/0644 - Development approval for a new three storey Grouped Dwelling was approved under Delegated Authority by the Director of Planning and Development.

This development application was approved with a condition requiring it be substantially commenced within 2 year. However, under the State Government Notice of Exemptions due to the Covid State of Emergency an additional 2 years is automatically applied and therefore this approval is still currently valid provided it is substantially commencement by 10 December 2025.

SCHEME ASSESSMENT – ENSURE RELEVANT DISCUSSION PROVIDED WHERE ANSWERING "YES"			
Zoning	Residential – R10	**Land use permissibility**	D
Density	R10	**Existing land use**	Vacant Lot
Lot Area	482m²	**Required FFL?**	N/A
Does the site contain a building envelope?		☐ Yes ☒ No	
Is the development within the approved BE?		☐ Yes ☐ No ☒ N/A	

Is the site located within a Structure Plan/DGP/LDP area?	☐ Yes ☒ No ☐ Review	Name:
Is the site a designated contaminated site?	☐ Yes ☒ No	
Is the site in a Special Control Area?	☒ Yes ☐ No – Yallingup SCA and Landscape Value Area	
Is the site subject to Easements	☐ Yes ☒ No	
Is the site within the BOB/Vasse Dunsborough Alignment	☐ Yes ☒ No	

Local Planning Scheme No. 21	
SCHEDULE 4 - Special Character Areas	
2. YALLINGUP SPECIAL CHARACTER AREA	
The following provisions shall apply to subdivision and development within the Yallingup Special Character Area as defined on the Scheme map	
(a) The local government may permit group housing development at Density R20 on sites comprising 900m2 or more where it is satisfied that -	
(i) buildings shall have an appearance of lightweight construction and fit with the site topography which will normally require the use of a stumped construction;	**The proposed design of the development includes:** - **the use of wood cladding on the first and second floor;** - **Large balcony and use of glazing;** **It is considered that these elements will assist in giving the development a lightweight appearance and is in keeping with the architectural style of other development within the area.** **The dwelling at the front of the property has recently had approval for additions that will present a three storey elevation to the street. As the property slopes from the front property boundary towards the rear it is considered that this dwelling will not be highly visible from the street and that the overall height of the development complies, that the development is appropriate in this instance.**
(ii) Site coverage **should** be no more than 40% of the lot area and, where possible, remnant vegetation should be used to reduce the visual mass/bulk of dwellings;	**The Scheme does not provide definition, or any guidance, regarding what is to be calculated towards 'site coverage' and the reference to 'site coverage' in Schedule 4 is the only reference to this term in the entire Scheme. In addition, there is no definition of 'site coverage' within the R-codes or any other legislation. The R-codes do, however, provide a definition of Open Space which is defined as follows -** ***Generally that area of a lot not occupied by any building and includes:*** • ***open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;*** • ***areas beneath eaves;*** • ***verandahs, patios or other such roofed structures not more than 0.5m above natural ground level, unenclosed on at least two sides, and covering no more than 10 per cent of the site area or 50m² whichever is the lesser;*** • ***unroofed open structures such as pergolas;*** • ***uncovered driveways (including access aisles in car parking areas) and uncovered car parking spaces;*** ***but excludes:*** • ***non-accessible roofs, verandahs, balconies and outdoor living areas over 1m above natural ground level; and/or*** • ***covered car parking spaces and covered walkways, areas for rubbish disposal, stores, outbuildings or plant rooms.*** **The Tribunal has recognised the inverse relationship between 'site coverage' and 'Open Space' (as defined in the R-codes) and in the Tribunal case *Georgiou Corporation Holdings***

***Pty Ltd vs City of Stirling [DR 305 of 2008*]** **the Tribunal provided the following guidance as part of its decisions -**

> ***…[Site coverage] ordinarily denotes a precise measurement related to spatial density control by reference to physical structures (usually buildings) on land at ground level, usually a specified parcel or parcels in a particular area, expressed in relation to the remaining proportion of land which is usually developed (such as by open air parking or landscaping), but which is unoccupied by these physical structures*.**

This decision is support by two previous Tribunal cases, *Vergola WA vs City of Subiaco [DR 224 of 2006]* and *Posch vs City of Gosnells [DR 145 of 2013]*.

While it will ordinarily be the case that an area of Open Space will not be an area of 'site coverage' (and vice versa), there are some circumstances in which an area may be included within both 'site coverage' and Open Space as the purpose of one does not precisely oppose the other. That is -

(i) "site coverage" may have the consequence of providing for open space but fundamentally operates to ensure a limit on the development footprint of a site, as is evident from the use of this term in drafting of this sub-clause; and

(ii) "open space", as defined in the R-Codes, operates solely to ensure outdoor usable space is included as part of a development and is unconcerned with the development footprint, as is evident from the terms allowance for open space to be provided above the development footprint (i.e. flat roof terrace).

Site coverage for this development application has therefore been calculated to include the area indicated in red below :

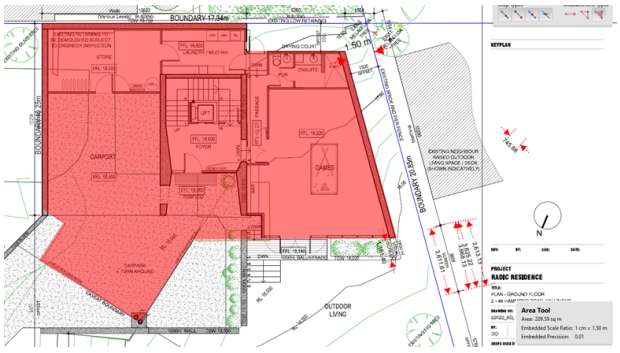
Building footprint – 209sqm

Lot = 482sqm + 0.5*CP (57)

= 510.5sqm

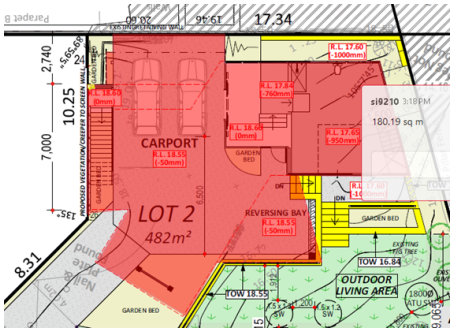
= 41.05% built area

= 58.9% open space



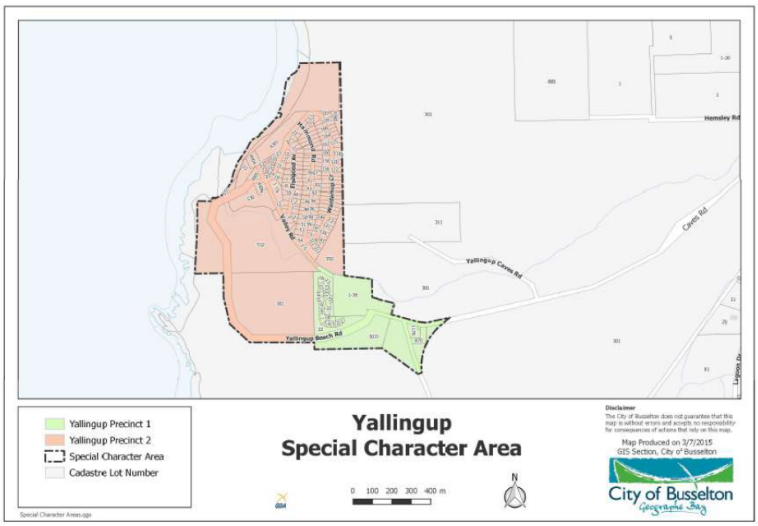
It is considered that based on the wording of this clause within the Scheme using the term "should", in lieu of the used of the word "shall" that is used in other sections of Schedule 4, that there is the ability for this clause to be varied. It is considered that this is a minor discretion of 1.05% and therefore could be supported if the overall development was deemed appropriate.

Previous Approved Building Footprint -

	 **Building footprint – 180sqm** **Lot = 482sqm + 0.5*CP (57)** **= 510.5sqm** **=35% built area** **= 65% open space**
(iii) Clearing shall only be permitted within approved footprint areas and the immediate surrounds;	**Site is already cleared.**
(iv) Building style shall be reflective of, and sensitive to, the existing residential character through the use of prominent windows, lightweight and prominent balconies, relatively steep and multipitched roofs.	**The proposed design of the development includes:** - **the use of wood cladding on the first and second floor;** - **Large balcony and use of glazing;** **It is considered that these elements will assist in giving the development a lightweight appearance and is in keeping with the architectural style of other development within the area.**
(b) **No residential development shall exceed a maximum height of 10 metres measured vertically from natural ground level at any point of the building** except for Lot 105 Dawson Drive, which shall be limited to a maximum height that ensures that the building will not intrude into the skyline created by the dunal system when viewed from beach areas;	**The relevant building height control for this development is as per Schedule 4 of the City of Busselton Local Planning Scheme No. 21. In accordance with the Pennock Supreme Court decision in which it was determined that the provisions contained within Schedule 4 take precedence over all other provisions within the Scheme, including clause 4.5 which gives the City discretion to vary the provisions contained within the Scheme, there is no discretion to vary the height requirements contained within Schedule 4.** **The previous grouped dwelling was approved with a maximum height for the Great Room of 28.22 and therefore was 9.97m above NGL. The applicant has advised that due to slight changes in the wall height of the development the dwelling has increased 100-200mm and a result a maximum height above the Great Room is currently proposed to be 28.41. As the NGL in this area is deemed to be per the grouped dwelling subdivision, and therefore is 18.25, the development must be lowered to be no greater than 28.25 and therefore as currently proposed the dwelling is 3cm over height.** **The applicant has advised that they would be willing to alter the roof pitch to reduce the overall height of the development to bring it into compliance with Schedule 4 if development approval were to be granted.**
(c) In the determination of any application for development approval within the Yallingup Special Character Area, the local government shall have regard for the general provision of that policy.	**See assessment against LPP below.**

5.4 LANDSCAPE VALUE AREA	
5.4.2 The local government shall not grant development approval for the clearing or development of any land identified within a Landscape Value area on the Scheme map, unless it has considered - (a) whether the development will be compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the locality; (b) whether the development will materially affect any wildlife refuge, significant wetland, coastal environment or any identified site containing Aboriginal archaeological relics; and (c) disturbance to the natural environment, including - (i) visual effects of clearing for development; (ii) maintenance of rural character; and (iii) habitat disturbance.	**Vegetation has already been removed from site prior to lodging DA.** **2014 aerial**
5.4.3 The local government shall not grant development approval for the carrying out of development on land within the Landscape Value area or on land on or near any ridgelines where, in the opinion of the local government, that development is likely to substantially detract from the visual amenity of the area, having regard to, among other things, the cumulative visual effect of the development related to other development that may be anticipated in the locality and in the area generally.	**Recommend condition for tree planting area as per R-codes and require tree to be planted.**
5.4.4 Before granting development approval for the erection of a building on land within the Landscape Value area, the local government shall make an assessment as to whether it should impose conditions relating to (a) the siting of the proposed building; (b) the use of prescribed materials on the external surfaces of the building; and (c) the number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried out on the site.	**See assessment against LPP3.1 below regarding colours.**

BUILDING HEIGHT	
What is the prescribed building height under the Scheme?	Refer to SCA assessment above.
What is the proposed building height?	

LOCAL PLANNING POLICY	
	
Relevant Policies	**Complies (YES/NO) & Comments**
3.2 YALLINGUP SPECIAL CHARACTER AREA	**No development controls**
4.2 ELEMENTS OF THE SPECIAL CHARACTER OF YALLINGUP AND DEVELOPMENT CONTROLS	
AESTHETICS	
4.2.2 DEVELOPMENT CONTROLS:	
a) A Tree Preservation Order to be enacted and applied over the Area covering indigenous coastal plant species with particular emphasis placed on scrub and trees above 2m in height given their importance to the aesthetics of Yallingup as a whole. Existing vegetation on proposed development sites must be identified on site plans accompanying Development Applications.	**No clearing of indigenous coastal plant species proposed.**
b) No development in Precinct 1 to exceed the height of immediately surrounding vegetation (i.e. trees within a 100m radius or the immediate landscape unit of a proposed development) in order to maintain the unbroken vegetation canopy.	**Not relevant to this application as development is located within Precinct 2.**
c) Landscaping in both precincts to be in keeping with surrounds, thus generally native, with the exception of land that abuts or adjoins the Caves House' gardens. In the case of these lands, landscaping proposals must blend with the immediate environment of the gardens.	**No changes to the existing landscaping proposed as part of this DA.**
d) The existing architectural integrity and attractiveness of the largely unspoilt native setting of the Area as a whole, particularly Precinct 1, not to be compromised by future development. All development, in either Precinct, must not infringe the characteristic qualities of either Precinct and must consider where applicable possible impacts across the whole Area of such development.	**The style of the building is considered to be in keeping with recently approved dwellings within the area. It is considered that the context of existing residential character has changed since the LPP was written and flat roofs are in keeping with the context of the site.**
SOCIAL & RECREATION	
a) The "Ghost Trail" pedestrian link between the two precincts will be maintained in perpetuity with sensitive signage of the route provided to promote it as an alternative to vehicular movement across the Yallingup area.	**Not a relevant planning consideration.**

b) Future commercial development must reflect the existing social patterns. That is, any intensification of conventional retail / commercial activity to be minor (i.e. combined Gross Floor Space of less than 1,000m²) and to be located in the immediate vicinity of the existing General Store. Retail / commercial development at Surfside is to be tourist oriented and will not comprise conventional neighbourhood shopping facilities such as newsagents, general stores, butchers, etc.	**Not relevant to this development application.**
c) Reserves R24622 and R8427 to be maintained for recreational use.	**Not a relevant planning consideration.**
HISTORICAL ASPECTS	
4.2.6 Development Controls:	
a) Future development within Precinct 1 is to complement (not necessarily replicate) the architecture of Caves House and nearby buildings.	**Not relevant to this application as development is located within Precinct 2.**
b) Demolition or extensive alteration (other than renewal within limits of existing architecture) of older buildings, with the exception of Yallingup Hall, the pines and the Oval to be prohibited.	**Not relevant to this application as development is located within Precinct 2.**
c) Future recreation facilities and areas to be developed in conjunction with the Old Cricket Ground and Yallingup Hall (as opposed to Precinct 2) and to include consideration of pavilion style structures (perhaps around the Cricket Ground) to complement and reinforce the traditional feel of the area. Sympathetic renewal and alterations to the Hall are permitted.	**Not relevant to this application as development is located within Precinct 2.**
d) Any future development of the Caves House freehold and leasehold land must maintain the integrity of all existing formal garden areas and minimise use of the leasehold area (as exists at the date of this document) for new buildings. As a general guide the leasehold area should not accommodate more than 30% of total new floorspace in any redevelopment proposal.	**Not relevant to this application as development is located within Precinct 2.**
RESIDENTIAL FORM AND STYLE	
4.2.8 Development Controls:	
a) In the case of subdivision and development, a residential density of R10 is to be applied. Infill group housing development at density R20 on sites comprising 900m² or more (i.e. one dwelling per 450m², but not limited to duplex development) will be permitted subject to specific site assessment against the development criteria.	**Existing grouped dwelling site.**
b) A height limit of 10 metres measured vertically from natural ground level at any point of a building is applied to the Area. In the case of the "Surfside" site, buildings are not to intrude into the skyline created by the dunal system when viewed from beach areas.	**Refer to height assessment above.**
Development Criteria / Performance Standards: All development proposed within Precinct 2 will be assessed against, and required to comply with, the following form and style criteria: i. Buildings shall have an appearance of lightweight construction and fit with the site topography which will normally require the use of stumped construction. ii. Site coverage should be no more than 40% of the lot area and where possible remnant vegetation should be used to reduce the visual mass / bulk of dwellings. iii. Clearing only permitted within approved footprint areas and the immediate surrounds. In the interest of	**i. See comments below regarding style of development.** **ii. See assessment against Schedule 4 above.** **iii. No clearing proposed however historical clearing on the site – condition requiring landscaping recommended.** **iv. The style of the building is considered to be in keeping with recently approved dwellings within the area. It is considered that the context of existing residential character has changed since the LPP was written and flat roofs are in keeping with the context of the site.**

fire safety low fuel measures are encouraged over the remainder of the lot. iv. Building style shall be reflective of, and sensitive to, the context of existing residential character through the use of prominent windows, lightweight and prominent balconies, relatively steep and multi-pitched roofs. Skillion roof styles, which may reflect an emerging coastal architecture, will be considered on their merit in the context of the site, the streetscape, the building's elevation and position within the lot and the degree to which the design meets the intent and provisions of the policy.	
STREETSCAPE	
4.2.10 Development Controls:	
a) Minimum separation between buildings, regardless of front and rear setback, to be four (4) metres.	**A building is defined under the R-codes as follows:** ***Building*** ***Any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools.*** **Less than 4m setback proposed to the following buildings:** - **Outbuilding on Lot 27 (45) Hammond Road; and** - **Deck over water tank at the rear of Lot 32 (37) Elsegood Avenue – Approved with a 1.1m rear setback. Seperation between buildings 2.6m.** **It is noted that both of these structures are non-habitable buildings and it is considered that as the development maintains the relevant setbacks to the dwellings on these properties that there will be no adverse impact in terms of building bulk on these neighbouring dwellings.** **In relation to the additions that were approved on Lot 1 (1/48) Hammond Road, it is noted that this is an internal strata lot boundary and if the site has not been subdivided a dwelling could have been constructed which occupies this entire space and therefore it is considered appropriate in this instance.**
b) The front setback to be a minimum of 7.5 metres, consistent with adjoining residences, or sufficient to maintain any remnant vegetation, whichever is the greater.	**Dwelling is located that the rear of the property**
c) Kerbing is discouraged, however, where needed for safety or drainage purposes should be coloured appropriately to blend in (i.e. use of oxides, pea gravel, etc) and / or be flush. Any kerb and guttering to be minimised and generally limited to the western / lower side of roads.	**Not a relevant planning consideration.**
d) Retaining walls along front / road boundaries are not encouraged. Consideration will be given to low stone or "natural" retainers if it can be demonstrated that it is necessary to address site stability or excessive erosion. Landscaping either in front of, or over, such features will be encouraged. Any such proposed retaining walls must be indicated in applications.	**Lot is located at the rear of the parent lot and therefore does not have any road boundaries. Some retaining walls are proposed. These have been assessed against the R-codes below.**

e) No further footpaths to be constructed, other than in gazetted walkway reserves, or in proximity to Surfside where increasing traffic makes them necessary for safety reasons.	**Not a relevant planning consideration.**
f) Use of predominantly indigenous vegetation will be required in landscaping of new developments.	**No landscaping proposed as part of this DA.**
g) The City, as a matter of priority, will seek to rationalise all roadside signage within the Area. Future preference will be given to timber and lightweight signs.	**Not a relevant planning consideration.**
h) The City to seek the undergrounding of all power lines while ensuring minimum damage to the environment and obstruction to residents and visitors.	**Not a relevant planning consideration.**
i) TV antennae are restricted to 6m above any roof apex.	**Not a relevant planning consideration.**
ACCESS AND MOVEMENT	
4.2.12 Development Controls:	**Not relevant planning consideration.**

LOCAL PLANNING POLICY – 3.1 REFLECTIVE BUILDING MATERIALS	
	Complies (YES/NO) & Comments
No Zincalume permitted within Residential, Tourist, Special Purpose or Rural Residential zone (includes residential components of the Vasse Development Zone, Yalyalup Development zone and other Development Zones) without an application.	☐ Yes ☐ No ☒ N/A
Reflective materials are not permitted within the Landscape Value Area and the Travel Route Corridors without an application. *Note: Please make sure colours are nominated before approval is issued*	☐ Yes ☒ No ☐ N/A Previous approval - **Shale Grey** Colour / Solar Absorptance / Classificatior Classic Cream™ 0.31* VL Surfmist® 0.318* VL Paperbark® 0.421 L Evening Haze® 0.427 L Shale Grey™ 0.433 L Sandbank® 0.455 L Dune® 0.466 L **Shale Grey = Light tone.** **Justification – There are a number of other examples where light tones have been used in Yallingup.** **Indication of light toned roofs in Yallingup :**

BUSHFIRE		
Is the site bushfire prone?	☒Yes	☐No
What is the BAL rating?	**BAL**	
Has the application been referred to DFES?	☐Yes	☒No
Is the City satisfied that the proposal complies with:		
• **SPP3.7 – Planning in Bushfire Prone Areas?**	☒Yes	☐No
• **Guidelines for Planning in Bushfire Prone Areas has been achieved?**	☒Yes	☐No

OTHER CONSIDERATIONS	
Is a S.70A notification required? - Coastal inundation - Bushfire Prone	☒ Yes ☐ No - Bushfire Prone
Are the following contributions applicable or have they already been paid at subdivision stage? - Community Facility - Road - Footpath Note: Contributions are paid per additional lots/dwellings to be created. If subdivision approval has been granted but contributions are yet to be paid condition again on the DA.	☐ No

INTERNAL REFERRALS	
• **Building**	N/A
• **Engineering**	N/A
• **Health**	Yes

ADVERTISING AND NEIGHBOUR CONSULTATION

The development application was originally advertised to six surrounding land owners via letter with the consultation period running from 12 November 2023 to 11 December 2023. Submissions were received on behalf of four parties, all raising objections to the proposed development.

The key concerns that were raised during this consultation period are summarised below:

- Concerns regarding overlooking from living spaces on First and Second Floor.
- Concerns regarding the extension to the rear elevation resulting in additional building bulk.
- Concerns regarding increase to building footprint and impact upon open space.
- Concerns regarding enclosing carport and impact in terms of building bulk.

Following the conclusion of the advertising period, a summary of these key concerns was provided to the Applicant and the Applicant was advised that they should reduce the height and length of the western elevation (Games Room) to bring it in line with the previous approval. Subsequently the Applicant made some modifications to the development plans and provided additional justification.

These were then referred to the same six surrounding land owners from 19 March 2024 to 5 April 2024. Submissions were received on behalf of three parties, all raising objections to the proposed development.

The key concerns that were raised during this consultation period are summarised below:

1. Concerns regarding setback

RESIDENTIAL DESIGN CODES

It is noted that the Residential Design Codes Volume 1 2024 were updated and came into effect on 10 April 2024. This application has been assessed against Part B.

Table 1.4a Application of the R-Codes development standards

Residential Design Codes		Single Houses	Grouped Dwellings	Multiple Dwellings (including dwelling components of mixed use developments)
Volume 1	Part B	R40 and below	R25 and below	R10 to R25
	Part C	R50 and above; R100-SL; R-AC	R30 and above; R100-SL; R-AC	R30 to R60
Volume 2		NA	NA	R80 and above; R-AC

5.1 CONTEXT

5.1.2 STREET SETBACKS	
C2.1 Buildings, excluding carports, unenclosed porches, balconies, verandahs or equivalent, set back from the primary street boundary **i.** In accordance with Table 1. **ii.** Corresponding to the average setback of existing dwellings on each adjacent property fronting the same street. **iii.** Reduced by up to 50% provided the area of any building, including a garage, encroaching into the setback area is compensated for in open area. **iv.** In the case of areas coded R15 or higher, the street setback may be reduced to 2.5, or 1.5m to the porch, balcony, verandah or equivalent, where:	Located on a rear battleaxe lot therefore N/A

• a grouped dwelling has its main frontage to a secondary street; or • a grouped dwelling (where not adjacent to the primary street), has its main frontage to a communal street, RoW or shared pedestrian or vehicle access way. **v.** To provide for registered easements for essential services.	
C2.2 & C2.3 - Buildings setback from the secondary street and corner truncation in accordance with Table 1.	
C2.4 Unenclosed porch, balcony, verandah or equivalent may project into the primary street setback area to a maximum of half the required primary street setback without applying the compensating area.	

5.1.3 LOT BOUNDARY SETBACK	
Deemed to Comply Provision	**Proposed**
C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes: **i.** Buildings set back from lot boundaries in accordance with Table 1, and Tables 2a and 2b (refer to Figure Series 3 and 4); **ii.** For patios, verandahs or equivalent structures, the lot boundary setbacks in Table 1 and Tables 2a and 2b may be reduced to nil to the posts where the structure*: **a.** is not more than 10m in length and 2.7m in height; **b.** is located behind the primary street setback; and **c.** has eaves, gutters and roofs set back at least 450mm from the lot boundary; *Note: There are separate building code requirements which may also apply **iii-vi** Refer to R-Code document for full clause details.	Refer tables below

Ground Floor

Front (East)

Section of Wall & Length E.g. Kitchen 7m	**Height**	**Major Opening?**	**Required Setback**	**Proposed Setback**	**Complies (YES/NO)**
Carport 10.24m	TOW – 21.7 NGL – 18.5 3.2m	NO	1m	Nil	Does not comply

Side – South

Section of Wall & Length E.g. Kitchen 7m	**Height**	**Major Opening?**	**Required Setback**	**Proposed Setback**	**Complies (YES/NO)**
Carport – Laundry 10.92m	TOW - 22 NGL - 18.25 3.75m	NO	1.5m	Nil	Does not comply
Entire Wall 16.17m	TOW – 21.76 NGL – 18.25 3.512m	NO	1.5m	1.554m	Complies

REAR - West

Section of Wall & Length E.g. Kitchen 7m	**Height**	**Major Opening?**	**Required Setback**	**Proposed Setback**	**Complies (YES/NO)**
Entire Wall 10.2m	NGL = 16 – 17.7 TOP OF WALL = 21.73 Height = 5.73m – 4.03	No	DTC = 6	1.5m	NO
Due regard has been given to the setbacks in Table 2a/2b of the R-codes due to the lot size. If setbacks were assessed against Table 2a the required setback would be – 1.5m and would comply.					

Side – North

Section of Wall & Length E.g. Kitchen 7m	Height	Major Opening?	Required Setback	Proposed Setback	Complies (YES/NO)
Considered to comply at over 9m					

First Floor

Front (East)

Section of Wall & Length E.g. Kitchen 7m	Height	Major Opening?	Required Setback	Proposed Setback	Complies (YES/NO)
Bath 4.283m	TOW - 25.22 NGL – 18.5 = 6.72m	NM	1.2m	NIL	Does not Comply
Entire wall 10m	TOW - 25.22 NGL – 18.5 = 6.72m	Nm	1.5m	1.329m	Does not comply

Side – South

Section of Wall & Length E.g. Kitchen 7m	Height	Major Opening?	Required Setback	Proposed Setback	Complies (YES/NO)
Ensuite – Store 11.19m	TOW – 24.277 NGL – 18.25 6.027m	No	1.6m	1.5m	Does not comply
Entire wall 11.19m + 3.65m = 14.84m	TOW – 24.277 NGL – 18.25 6.027m	No	2m	2.6m	Complies

REAR - West

Section of Wall & Length E.g. Kitchen 7m	Height	Major Opening?	Required Setback	Proposed Setback	Complies (YES/NO)
Ensuite – Bed 2 6.525m (excluding screen)	NGL = 16.5 – 17.7 TOP OF WALL = 24.277 Height = 7.777 – 6.577	No	DTC = 6	1.5m	Does not comply
Ensuite – Bed 2 7.4m (including screen)	NGL = 16.5 – 17.7 TOP OF WALL = 24.277 Height = 7.777 – 6.577	No	DTC = 6M	1.5M	Does not comply
Due regard has been given to the setbacks in Table 2a/2b of the R-codes due to the lot size. If setbacks were assessed against Table 2a the required setback would be – 1.4m and would comply.					

Side – North

Section of Wall & Length E.g. Kitchen 7m	Height	Major Opening?	Required Setback	Proposed Setback	Complies (YES/NO)
Bed 1 – Robe 6.2m	NGL – 18.25 TOW – 25.02 6.77M	No	1.2m	4.2m	Complies

Upper Floor

Front (East)

Section of Wall & Length E.g. Kitchen 7m	Height	Major Opening?	Required Setback	Proposed Setback	Complies (YES/NO)
Entire wall 10m	TOW – 27.72 NGL – 18.5 9.2M	No	1.7m	0.7m	Does not Comply

Side – South

Section of Wall & Length E.g. Kitchen 7m	**Height**	**Major Opening?**	**Required Setback**	**Proposed Setback**	**Complies (YES/NO)**
Lounge – Powder 9.661m	TOW – 27.69 NGL – 18.25 9.44m	No	1.7m	1.5m	Does not comply
Entire wall 12.126m	TOW – 27.69 NGL – 18.25 9.44m	No	2.1m	2.6m	Complies

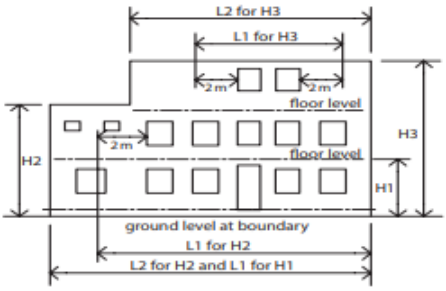
REAR - West

Section of Wall & Length E.g. Kitchen 7m	**Height**	**Major Opening?**	**Required Setback**	**Proposed Setback**	**Complies (YES/NO)**
Lounge 5.520m	NGL = 16.5 – 17.7 TOP OF WALL =26.75 – 27.69 Height = 10.25m – 9.99m	No	DTC = 6	1.5m	No
Terrace 4.4m	NGL = 16.25 – 16.5 TOP OF WALL = 24.277 + 2.4m = 26.677 Height = 10.427 – 10.177 (assessment height not actual height)	Yes	DTC = 6	1.5m	No

Lounge - Due regard has been given to the setbacks in Table 2a/2b of the R-codes due to the lot size. If setbacks were assessed against Table 2a the required setback would be – 1.5m and would comply.

Terrace

* unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, set back in accordance with Table 2b as though they have a wall height of 2.4m above the floor level.



Notes

L1 Length of **walls** on the ground floor is determined as per **Figures 4a-c**.

Length of **walls** with **major openings** on upper floors is determined as the lesser of the actual length of wall or from a point 2m beyond each major opening.

Length for **walls** without **major openings** on upper floors is determined as per **Figures 4a-c**.

Therefore wall length has been assessed as 2.4m + 2m = 4.4m

Due regard has been given to the setbacks in Table 2a/2b of the R-codes due to the lot size. If setbacks were assessed against Table 2a the required setback would be – 4.8m.

Side – North

Section of Wall & Length E.g. Kitchen 7m	**Height**	**Major Opening?**	**Required Setback**	**Proposed Setback**	**Complies (YES/NO)**
Great Room 6.2m	NGL – 18.25 TOW – 28.41 10.16	Yes	4.8m	4.2m	Does not comply

5.1.4 C4 OPEN SPACE			
Deemed to Comply Provision		**Proposed**	**Complies (YES/NO) & Comments**
Open Space (%) as per Table 1	**60%**	**Building footprint – 209sqm** **Lot = 482sqm + 0.5*CP (57)** **= 510.5sqm** **= 41.05% built area** **= 58.9% open space**	**No**
5.1.5 COMMUNAL OPEN SPACE			
C5 Where communal open space is provided as common property in a grouped dwelling development, the open space required for any grouped dwelling having legal and direct physical access to that open space may be reduced by up to 20 per cent of the required open space area provided that: i. the aggregate of deducted area does not exceed the area of communal open space; and ii. the outdoor living area for any dwelling is not reduced in area.		**N/A**	

5.2 STREETSCAPE

5.2.1– SETBACK OF GARAGES AND CARPORTS		
Deemed to Comply Provision	**Proposed**	**Complies (YES/NO) & Comments**
C1.1 Garages setback 4.5m from the primary street except that the setback may be reduced… refer to R-Code document for full clause details.	**Lot is a rear battleaxe lot therefore N/A**	
C1.2 Carports setback from the primary street as per clause 5.1.2 C2.1i, except that the setback may be reduced by up to 50% of the minimum setback stated in Table 1 where: **i.** the width of the carport does not exceed 60 per cent of the frontage; **ii.** the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent.; and **iii.** the carport roof pitch, colours and materials are compatible with the dwelling. (Refer to Figure 8a)		
C1.3 Garages and carports built up to the boundary abutting a communal street or ROW which is not the primary or secondary street for the dwelling, with manoeuvring space of at least 6m, located between the opening to the garage or carport and permanently available.		
C1.4 Garages and carports setback 1.5m from a secondary street.		
C1.5 Carports within the street setback area in accordance with 5.1.2 C2.1iii provided the width of carport does not exceed 50% of the frontage at the building line and unobstructed view of the dwelling and street/RoW or equivalent.		
5.2.2 GARAGE WIDTH		
C2 Garage doors and supporting structures not to occupy more than 50% of the frontage at the setback line. This may be increased to 60% …… refer to R-Code document for full clause details.	**Lot is a rear battleaxe lot therefore N/A**	
5.2.3 STREET SURVEILLANCE		
C3.1 Street elevation of the dwelling to address the street with clearly definable entry points visible and accessed from the street.	**Complies – Entry visible to the approach to the dwelling**	

C3.2 One major opening from a habitable room of the dwelling faces the street and pedestrian or vehicular approach to the dwelling	**Complies – Multiple MO on upper floors that will have view of the approach to the dwelling**
C3.3 For battleaxe lots or sites with internal driveway access, at least one major opening from a habitable room to face the approach to the dwelling.	**Complies – Multiple MO on upper floors that will have view of the approach to the dwelling**
5.2.4 STREET WALLS AND FENCES	
C4.1 Front fences within the primary street setback area that are visually permeable above 1.2m. (Refer Figure 12) **C4.2** Solid pillars that form part of front fences not more than 1.8m above natural ground level provided. Pillars 400mm by 400mm and pillars separated by visually permeable fencing. (Refer Figure 12)	**N/A**
5.2.5 SIGHT LINES	
C5 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, or other structures adjoin: **i.** a driveway that intersects a street, right-of-way or communal street; **ii.** a RoW or communal street that intersects a public street; and **iii.** two streets that intersect (refer Figure 9a).	**Complies**
5.2.6 APPEARANCE OF RETIANED DWELLING	
C6 Where an existing dwelling is retained as part of a grouped dwelling development, the appearance of the retained dwelling is upgraded externally to an equivalent maintenance standard of the new (or the rest of) the development.	**Complies**

5.3 SITE PLANNING AND DESIGN

5.3.1 OUTDOOR LIVING AREAS		
Deemed to Comply Provision	**Proposed**	**Complies (YES/NO) & Comments**
Outdoor Living (m^2) as per Table 1	No minimum	Complies – Sufficient ODLA provided on the site approx. 10m x 5.9m
Min. Dimension (m) Note: Minimum dimension refers to min. length and width of all areas that contribute to the total req. outdoor living area space.	4.0m	
Location	Behind St. S/B	
Accessibility	Habitable Room	
Roof Cover	Two-thirds no permanent roof cover	
5.3.2 LANDSCAPING		
C2 Landscaping of grouped and multiple dwelling **common property and communal open spaces** in accordance with the following: **i.** the street setback area developed without car parking, except for visitors' bays;	Only common property is used for access to this rear lot therefore deemed N/A	
ii. pedestrian access providing wheelchair accessibility connecting entries to all ground floor buildings with the public footpath and car parking areas;		

iii. one tree to provide shade for every four uncovered car parking spaces (in addition to the trees required in C2.2), with the total number of trees to be rounded up to the nearest whole number;		
iv. lighting to pathways, and communal open space and car parking areas;		
v. bin storage areas conveniently located and screened from view;		
vi. trees which are greater than 3m in height shall be retained, in communal open space which is provided for the development;		
vii. adequate sight lines for pedestrians and vehicles;		
viii. clear line of sight between areas designated as communal open space and at least two habitable room windows; and		
ix. clothes drying areas which are secure and screened from view.		
C2.2 Landscaping of single houses, grouped dwellings and multiple dwellings to include the following: **i.** the minimum number of trees and associated planting areas in the table below; and	Enforce via a condition of development approval.	Yes
ii. landscaping of the street setback area, with not more than 50% of the area to consist of impervious surfaces.	N/A	

Dwelling type		Minimum tree requirement	Minimum tree planting area
Single houses and grouped dwellings (tree per dwelling)		1 tree	2m x 2m
Multiple dwellings (trees per site)	Less than 700m²	2 trees	
	700 - 1000m²	3 trees	
	Greater than 1000m²	4 trees	

Note:

i. The minimum tree planting area is to be provided for each tree and shown on the site plan that is submitted with the application.

ii. The tree planting area is to be free of impervious surfaces and roof cover.

5.3.3 PARKING

Deemed to Comply Provision	Provided	Complies (YES/NO) & Comments
C3.1 No. required onsite car parking bays (see table below) Location A = within 250m of a **high frequency** bus route, or multiple bus routes that, if combined, have timed stops every 15 minutes during weekday peak periods (7 – 9am and 5 – 7pm), measured in a straight line from along any part of the bus route to any part of the lot. Location B = includes all land that is not within Location A	**2 car bays provided within the carport.**	**Yes**
C3.2 On-site visitor car parking for grouped dwelling developments as per Table below.	**N/A**	**N/A**

Type of dwelling	Car parking spaces	
	Location A	Location B
1 bedroom dwelling	1	1
2 + bedroom dwelling	1	2
Aged persons' dwelling	1	1
Ancillary dwelling	nil	1

Dwellings	Visitor bays
0 - 3	nil
4	1
5 - 8	2
9 - 12	3
13 - 16	4
17 +	1 additional bay for every 4 dwellings or part thereof

5.3.4 DESIGN OF PARKING SPACES

C4.1 Car parking spaces and manoeuvring areas designed and provided in accordance with AS2890.01 (as amended). • Standard double garage 5.4m x 5.4m	**Carport width is 6m.** **No door proposed therefore length is acceptable**	**Yes**
C4.2 Visitor car parking spaces: • Marked and clearly signposted as dedicated visitor use only, and located close to, or visible from, the point of entry to the development and outside any security barrier; and Provide and accessible path of travel for people with disabilities.	n/a	**n/a**
C4.3 Car parking areas comprising six or more spaces provided with landscaping between each six consecutive external car parking spaces to include.	n/a	**n/a**
5.3.5 VEHICULAR ACCESS		
C5.1 Access to on-site car parking spaces to be provided: • from a communal street or RoW if available. • from a secondary street where no Communal Street or RoW exists. • from the primary street frontage where no secondary street, communal street or RoW exists.	**Access taken from common property access leg.**	**Yes**
C5.2 & C5.3 Driveways to primary or secondary street provided as follows: • Min: 3m when serving 4 dwellings or less • Max: 6m & 9m (aggregate) • 0.5m from side lot boundary • 6m from street corner. • Aligned at right angles to the street alignment. • Located so as to avoid street trees, or where this is unavoidable, the street trees replaced at the applicants expense or re-planting arrangements approved. • Adequately paved and drained.	**Complies**	**Yes**
C5.4 Driveways designed for two way access to enter street in forward Gear where: • Driveway serves 5 or more dwellings. • Distance from a car space to street is 15m or more. • The street to which it connects is designated as a primary distributor or integrator arterial road.	**Turning area provided at the front of the carport to allow cars to enter/exit in forward gear.**	**Yes**
C5.5 Driveways for multiple or grouped dwellings where the number of dwellings is five or more, shall be: • A minimum width of 4m; and • Designed to allow vehicles to pass in opposite directions at one or more points.	**N/A**	**N/A**
C5.6 Driveways designed for multiple and grouped dwellings may be reduced to no less than 3m where it is necessary to retain an existing dwelling and a passing bay or similar.	**N/A**	**N/A**
5.3.6 PEDESTRIAN ACCESS		
C6.1 Where a group of 10 or more dwellings is served by a communal street, between a public street or a communal car parking area and individual dwellings; a minimum 1.2m wide pedestrian path, separate from the vehicular access, is provided and designed according to AS 1428.1 (as amended).	**N/A**	**N/A**
C6.2 Where a communal street serves more than two dwellings and is shared by pedestrians and vehicular routes, is to provide clear sight lines, adequate lighting and paving surfaces to slow traffic to ensure pedestrian safety.	**N/A**	**N/A**
C6.3 A communal street or pedestrian path is to be no closer than 2.5m to any wall with a major opening unless privacy screening is provided.	**N/A**	**N/A**

C6.4 For multiple dwellings with only stair access, staircases are designed to access no more than two dwellings per floor level and the stairs, landings and porches are to be protected from the weather.	**N/A**	**N/A**
C6.5 Pedestrian paths provided as required by clause 5.3.2 C2 ii.	**N/A**	**N/A**
5.3.7 SITE WORKS		
C7.1 & C7.2 Retaining walls, fill and excavation: • Maximum of 0.5m of fill or excavation within street setback, except to provide access for pedestrian, universal and/or vehicle access, drainage works or natural light to the dwelling. • Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4: Table 4 – Setback of site works and retaining walls Height of site works and/ or retaining walls: 0.5m or less – Required minimum setback: 0m 1m – 1m 1.5m – 1.5m 2m – 2m 2.5m – 2.5m 3m – 3m **C7.3** Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.		
5.3.9 STORMWATER MANAGEMENT		
Deemed to Comply Provision	**Proposed**	**Complies (YES/NO) & Comments**
C9 - Retention of stormwater on-site Single House - 1m3 per 65m2 of impervious area Infill - 1m3 per 40m2 of impervious area	**Condition on DA.**	**Yes**

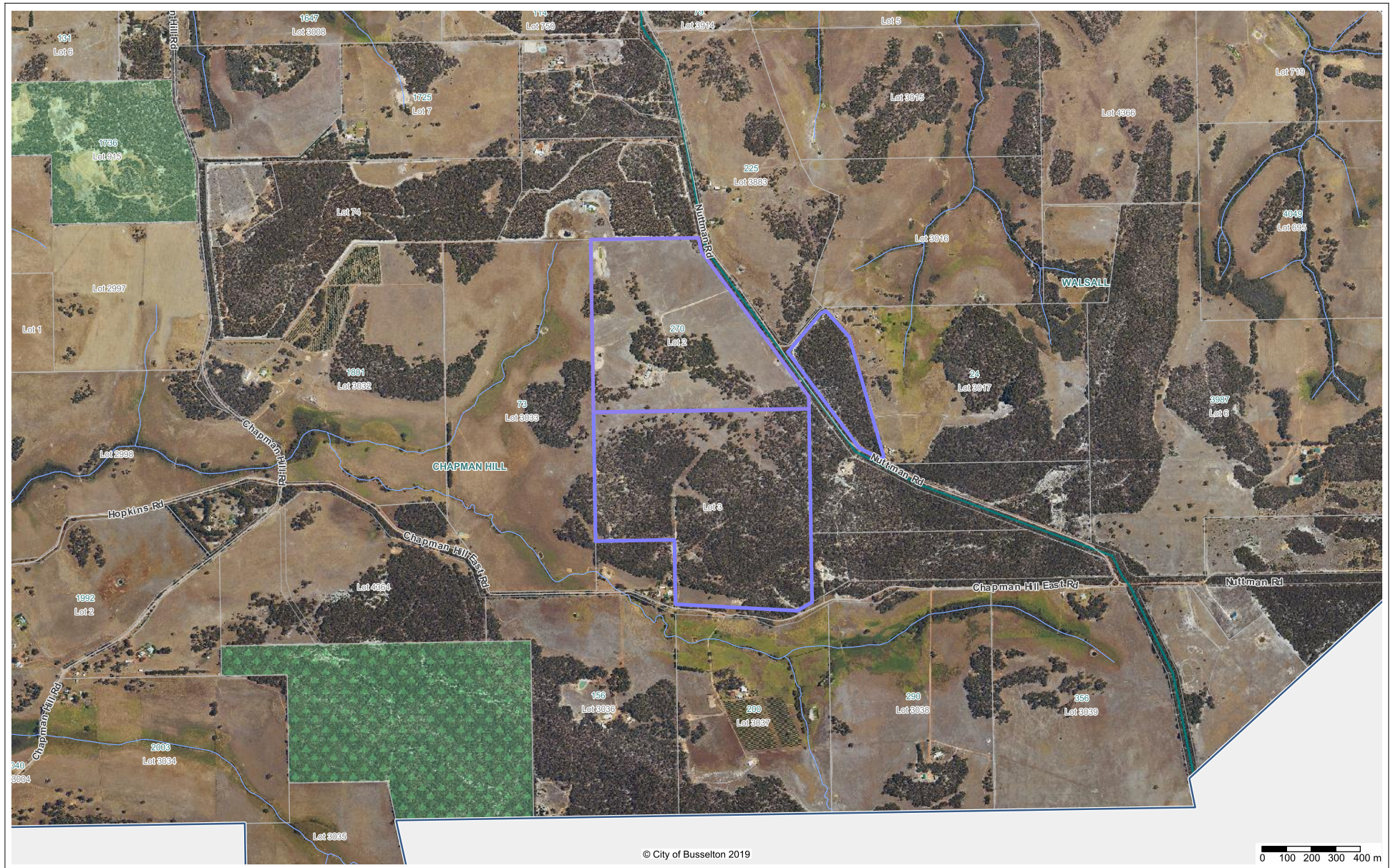
5.4 BUILDING DESIGN

5.4.1 VISUAL PRIVACY C1.1			
Deemed to Comply Provision		**Proposed**	**Complies (YES/NO) & Comments**
Bedroom	4.5m	Ground Floor COV complies First Floor COV complies Second Floor Existing approved overlooking Living dining to northern lot boundary Approved – 4.5m Proposed – 4.2m Balcony complies at 7.5m **Terrace (not previously proposed)** **Proposed – 4.5m**	
Other Habitable Room	6.0m		
Balcony etc.	7.5m		

Note: Refer to R-Code document for full clause details for variations which are acceptable.			
C1.1(ii) Provided with permanent vertical screening **C1.2** Screening devices to be at least 1.6m in height, at least 75% obscure, durable material and permanently fixed		Screening proposed to western elevation of ground floor planter and upper floor terrace – condition to comply if to be approved.	
5.4.2 SOLAR ACCESS FOR ADJOINING SITES			
C2.1 Overshadowing: R25 and lower 25%, R30 – R40 35%, R-IC or above R40 50% of adjoining site area.	%	**46 Hammond Road** Previously approved DTC = 81sqm (9.38%) Proposed 78.21sqm **37 Elsegood Avenue** Previously approved **Lot does not shared any lot boundary with this lot and therefore any overshadowing is a discretion.** **Proposed – 7%** **65 Elsegood Avenue** Previously approved DTC = 67.876sqm (7.1%) Proposed = 14.16sqm (1%)	
C2.2 Development site shares southern boundary with a lot, refer figure 11b	%		
• Overshadowing is assessed in relation to the parent lot boundaries i.e. proportion of shadow cast over the overall parent lot area and not individual lot/units. • Dividing fences of up to 2.0 metres in height do not contribute to overshadowing calculations			
Design principles **5.4.2 Solar access for adjoining sites** P2.1 Effective solar access for the proposed development and protection of the solar access. P2.2 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing: • outdoor living areas; • north facing major openings to habitable rooms, within 15 degrees of north in each direction; or • roof mounted solar collectors.			
Officer Comments - The area of Lot 31 (35) Elsegood Avenue that is overshadowed by this development forms part of an extended garden area and does not form part of any north facing major openings to habitable rooms or outdoor living area. It is considered that the overshadowing is appropriate in this instance.			
5.4.4 EXTERNAL FIXTURES, UTILITIES & FACILITIES			
C4.1 Solar collectors installed on the roof or other parts of buildings.		Considered to comply or able to comply.	
C4.2 Television aerials of the standard type, essential plumbing vent pipes above the roof line and external roof water down pipes.			
C4.3 Other external fixtures provided they are: i. not visible from the primary street; ii. are designed to integrate with the building; or iii. are located so as not to be visually obtrusive.			
C4.4 Antennas, satellite dishes and the like not visible from any primary and secondary street.			

C4.5 An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m when provided external to a garage and 1m when provided within a garage and an internal area of at least 4m2, for each grouped dwelling.	
C4.6 Where rubbish bins are not collected from the street immediately adjoining a dwelling, there shall be provision of a communal pick-up area or areas which are: i. conveniently located for rubbish and recycling pick-up; ii. accessible to residents; iii. adequate in area to store all rubbish bins; and iv. fully screened from view from the primary or secondary street.	
C 4.7 Clothes-drying areas screened from view from the primary and secondary street.	

RECOMMENDATION
Application to be determined by the Council at meetings to be held in May 2024. Refer to council minutes for resolution.



City of Busselton Geographe Bay	Disclaimer: Every effort has been made to make the information displayed here as accurate as possible. This process is ongoing and the information is therefore ever changing and cannot be disseminated as accurate. Care must be taken not to use this information as correct or legally binding. To verify information contact the City of Busselton office.		8/11/2019 1:14044 @ A3L	N

Amendments sought to DA17/0866

1. Regarding Condition 6.3 –

   We are seeking the change for Condition 6.3 to allow trucks to arrive at the pit in the morning from 6.45 am until 7.15 am and leave the pit from 7 am to 7.15 am – with the curfew now being from 7.15 am until 8 am. No extraction, loading etc would be permitted prior to 7 am, simply the parking in the pit of the trucks ready to be loaded and leave.

   This time prior to 7.15 is key for the operation of many businesses including ours. It also prevents a backlog of trucks entering and leaving the pit.

   The afternoon curfew we are seeking to have amended to 3.45 pm until 4.30 pm.

   We are seeking altered operating times due to bus times - Following on from meeting with City of Busselton representatives, including Rachel Runco, and Amanda Watson from the Public Transport Authority, we are needing to amend our pit access times as the current approved times are no longer offering the buffer in time to the school bus due to changes in their pickup and drop offs. The current wording of the DA condition does not allow for changes with any alteration to bus stop schedules.

2. With regards to condition 6.4 – we are wanting to add to the haulage route – currently the only approved route is to follow Chapman Hill Road into Busselton and then along the highway, this makes no allowance for projects that are to the South or West. An additional route to cater to those projects would be to travel along Nuttman, left onto Walsall, right onto Chapman Hill Road, left onto Evans Road, right onto Jamison Road, left onto Payne, then onto Roy Road and onto the highway if required.
   a. These roads are approved by Mainroads WA for our combinations of trucks
   b. This relieves some congestion at the round about at the town end of Chapman Hill Road
   c. And reduces the total time our trucks are needing to be on the road.
   d. We are aware of the further restrictions that Mainroads has inplace on Evans Road for certain combinations.

3. With regards to Condition 6.5 – we are seeking an increase in daily truck movements. Through several discussions with the City it is clear the challenges this number presents for Compliance, Engineering and ourselves. To avoid being non-compliant, as we appreciate a weekly or monthly average is not easy for the City to work with, we seek the increase of daily truck movements to 100 for the remainder of the pit life – which we estimate to be 1 year. This will cover our work requirements and ensure compliance.

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

CITY OF BUSSELTON
LOCAL PLANNING SCHEME No. 21

Application No: DA17/0866
Determination Date: 15 February 2021

The City having considered the application:

Dated:	16 November 2017
Submitted by:	Leeuwin Civil Pty Ltd
On behalf of:	B K Baker
Legal Description:	Lot 3 DIAGRAM 63148
	Lot 2 DIAGRAM 63148
Property Details:	Chapman Hill East Road CHAPMAN HILL
	Nuttman Road CHAPMAN HILL
Proposal:	Industry - Extractive (Gravel)

hereby advise that the Council determined at its meeting on 10 February 2021 (C2102/020) that Development Approval is granted subject to the following conditions:-

GRANT DEVELOPMENT APPROVAL

subject to the following conditions:

GENERAL CONDITIONS:

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 170,000 cubic metres volume of material has been extracted, whichever is sooner. The site shall be fully rehabilitated in accordance with an approved Rehabilitation Management Plan (as approved under condition 3.2) by the expiry date of this development approval.

2. The owner must ensure that the development is undertaken in accordance with the approved plans and the details contained within the Site and Development Plans and Application Material (Attachment B and C), other than as modified by the conditions below.

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:

3. The owner must ensure that no material is extracted from the site or any other works undertaken until the following plans/details have been submitted to, and approved by, the City:

   3.1 Details of a Tree Protection Plan providing for temporary demarcation barriers to be erected to 15m from the crown drip zone of adjacent trees to protect the tree and root system from accidental machinery damage.

3.2 A Rehabilitation Plan, to be prepared by a suitably qualified natural revegetation practitioner, incorporating like for like revegetation for the area cleared and to be revegetated with native species to provide habitat for black cockatoos and shall include details of the following:

a) Description of the finished profile of the soils of the extraction area post extraction;

b) Final ground contours, finished profile with embankments not to be steeper than 1 in 5;

c) Proposed vegetation assemblage for the area post extraction, given the soil profile, topography and a description of the ecological values and functions that are expected to be returned to the revegetation offset site;

d) Staging of revegetation process;

e) Ripping and/or other treatments to the base of the pit;

f) Spreading of stockpiled topsoil;

g) Re-use of any stockpiled vegetation;

h) Planting methodology, native species list (mix of trees, shrubs and ground covers), planting densities;

i) Criteria for assessment of whether the revegetation has been satisfactorily completed; and

j) Weed management plan.

3.4 A revised Water Management Plan, including additional details regarding stormwater retention measures to prevent the flow of stormwater into neighbouring properties.

3.5 Details of warning signage to be erected along the transport route. Signage shall include signs on both approaches to the pit along Nuttman Road 100m from the access.

3.6 A Dust Management Plan, including details validating the water supply available for dust suppression to implement the approved and procedures associated with management of dust on the unsealed section of the haul route.

3.7 Details for the upgrading of the existing crossover to ensure that adequate sightlines are achieved.

3.8 Plans for the widening of Nuttman Road to:

a) a minimum unsealed carriageway width of 7.0 metres from the crossover to the subject site north to the sealed section of Nuttman Road; and

b) Widening of the sealed section of Nuttman Road to 6.2m with 0.80m gravel shoulders (7m formation).
(such plans shall specify the width, alignment, gradient and type of construction proposed for the upgrades, including all relevant horizontal cross-sections and longitudinal-sections showing existing and proposed levels, together with details of vegetation, pinch points and culverts and where necessary how such culverts will be upgraded).

3.9 A 3D Digital Terrain Model indicating the following in Australian Height Datum:

a) Existing ground levels;

b) Maximum extraction depths; and

c) Minimum final ground levels after rehabilitation.

3.10 The following bonds being provided to the City:

a) A road maintenance bond of $20,000 (being an unconditional bank guarantee) to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at the cost of the owner. The City may use the bond to maintain the affected public roads as it deems necessary.

b) A dust bond of $6,000, which shall be held against satisfactory compliance with the Dust Management Plan.

c) A rehabilitation bond of $30,000, which shall be held against satisfactory compliance with Condition 3.2 of this approval.

d) Further to conditions 3.10 (a)-(c) (bond conditions), the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:

i. The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs;

ii. Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City;

iii. If at any time part of the bond is called upon, used or applied by the City in accordance with the legal agreement, the restoration of the bond to the full amount required by these conditions; and

iv. The ability to lodge a caveat over the site to secure the City's interest.

3.11 Details of a noise bund to the southern boundary to the satisfaction of the City, in addition to the noise reduction measures contained within the Approved Environmental Noise Assessment of Gravel Crushing by Acoustic Engineering Solutions dated 23 October 2020.

PRIOR TO COMMENCEMENT OF EXTRACTION CONDITIONS:

4. The owner must ensure that no material is extracted until information setting out that and how the plans and details required by Conditions 2 and 3 have been implemented, has been provided to the satisfaction of the City, and the City has subsequently issued a 'Permit to Commence', confirming that extraction can commence.

PRIOR TO COMMENCEMENT OF EXTRACTION, OTHER THAN EXTRACTION FOR UPGRADES TO NUTTMAN ROAD:

5. Notwithstanding Condition 4 above, gravel can be extracted from and crushed on the site for the purpose of upgrading Nuttman Road and/or the crossover, in the following circumstances:

   5.1 Where all plans, details and bonds required by Condition 3 have been provided to and approved by the City, and implemented to the satisfaction of the City; and

   5.2 With the prior written approval of the City.

ONGOING CONDITIONS:

6. The owner must ensure that the plans, details and works undertaken to satisfy Conditions 1, 2, 3, 4 and 5 are subsequently implemented and maintained for the life of the development and, in addition, the following conditions must be complied with:

   6.1 The development hereby approved shall be limited to: the excavation or movement of gravel from its natural state on the site; screening of material; crushing of gravel; transportation of gravel within or off the site; associated drainage works and access ways; and rehabilitation works. At no time shall any blasting works be carried out.

   6.2 Operating hours, including the transportation of materials, shall be restricted to the hours between: 7.00am and 6.00pm Mondays to Fridays; and 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.

   6.3 Trucks going to and from the development must not use the designated haulage route before 7.50am and between 4:00pm and 5:00pm on any given school day on a school bus route. Other times may be agreed in writing with the local government.

   6.4 The designated haulage route is to the Busselton Bypass, northwards along Nuttman Road to Walsall Road and then north along Chapman Hill Road. No other routes may be used, until trucks have reached the Busselton Bypass.

   6.5 A maximum number of 50 truck movements (i.e. 25 trucks entering and 25 trucks exiting the site) shall be permitted on any operating day (i.e. Sundays and public holidays are not operating days). No truck movements are permitted on any other day.

   6.6 Notwithstanding Conditions 6.4 and 6.5 above, should more than 50 truck movements per day and/or an alternative haulage route be proposed, a Traffic Management Plan is to be submitted to and approved in writing by the City; with the Plan being submitted to the City at least 7 working days prior to any haulage not consistent with Conditions 6.5 or 6.6 occurring.

   Note: The City will only approve additional movements or alternate routes where it is determined that an acceptable Traffic Management Plan has been provided. The City will not approve additional truck movements and/or an alternative haulage route for more than 20 working days in any calendar year. Any additional days will require a Modification to Development Approval to be submitted to, and approved by, the City.

   6.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 3.2 concurrently with the extraction of the following 2 hectare area.

6.8 The lowest level of excavation shall always be a minimum of 300mm above the maximum water table level and no dewatering works are to be undertaken.

6.9 Further to condition 6.8 (level of extraction), the final land surface (after rehabilitation for pasture) should be 500mm above the maximum seasonal groundwater.

6.10 The approved Rehabilitation Plan shall be implemented and carried out in accordance with the approved details, including any notes placed thereon in red by the City.

6.11 The owner must submit to the City annually within three months of every anniversary of the issue of the Permit to Commence certificate a written report detailing the following to the satisfaction of the City:

a) A survey conducted by a licensed surveyor certifying:

i. The extent/size and location of the area which has been extracted;
ii. The extent/size and location of the area which has been rehabilitated;
iii. The extent/size and location of the area which is currently under operation;

b) Details as to which conditions of this development approval have been complied with and how the conditions have been complied with; and

c) No extraction operations, including stockpiling or transportation of extracted material, are to be undertaken on the site at any time when an annual written report is due and has not been submitted to the City.

6.12 No development (including any extraction) may be carried out at any time when any bond that is required to be in force and effect under Condition 3.10 is not in full force and effect.

ADVICE TO APPLICANT

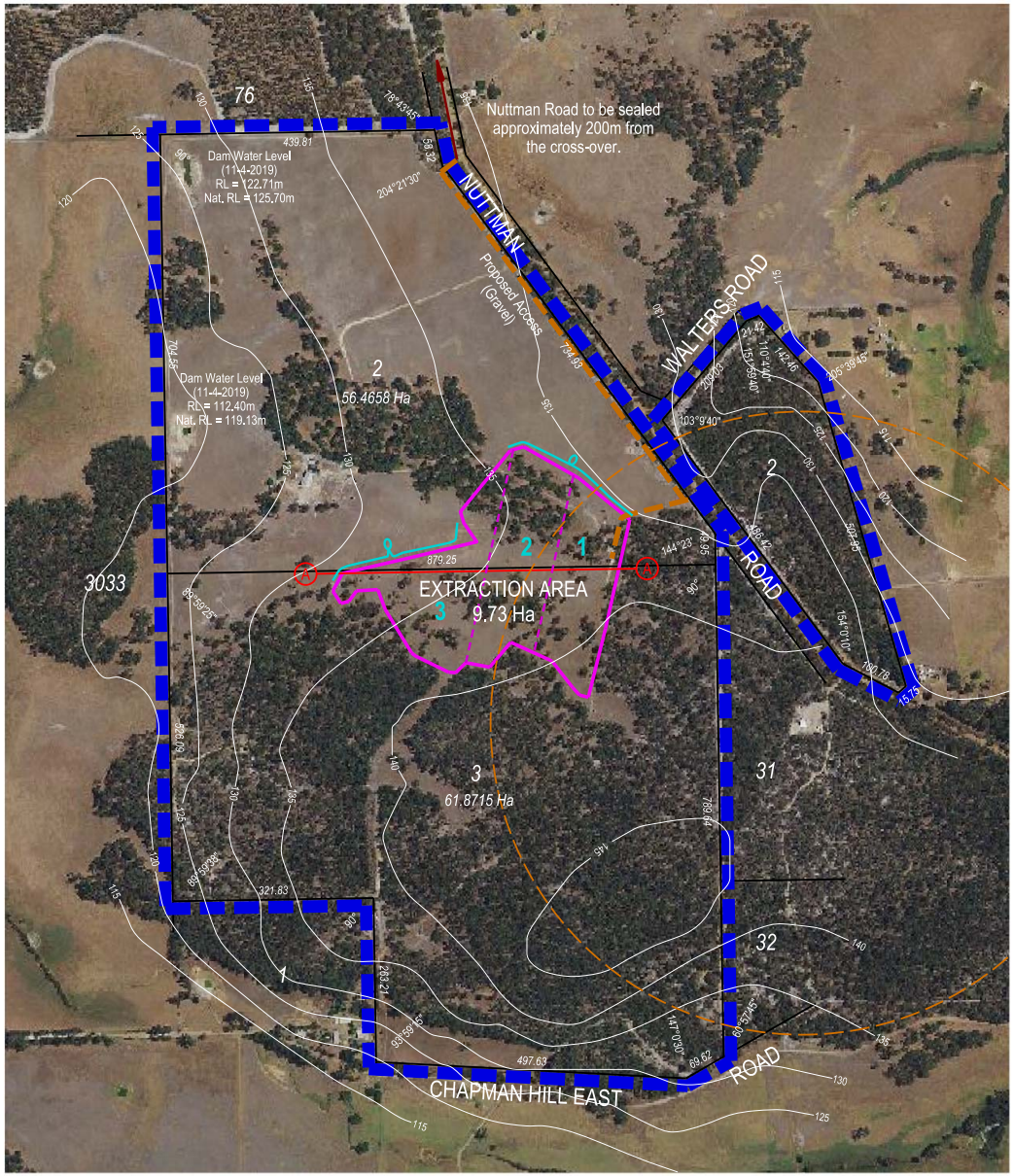
1. If the applicant and/or owner are aggrieved by this determination, including any conditions of approval, there is a right to lodge a request for reconsideration. The application form and information on fees payable can be found on the City's website.
2. If the applicant and/or owner are aggrieved by this determination there may also be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the determination being made by the City of Busselton.
3. This Notice of Determination grants Development Approval to the development the subject of this application (DA17/0866). It cannot be construed as granting Development Approval for any other structure shown on the approved plans which was not specifically included in this application.
4. Please note it is the responsibility of the applicant / owner to ensure that, in relation to Condition 1, this Development Approval remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
5. Please be advised that when forwarding payment of bonds to the City of Busselton, whether it be in person or through the mail, you will need to include a copy of this correspondence (decision on application for development approval) for receipting purposes.
6. In accordance with the requirements of the *Local Government (Uniform Local Provisions) Regulations 1996*, you are hereby notified that any vehicle access from the land to a road or other public thoroughfare must be in accordance with the City's adopted Crossover Policy and Vehicle Crossovers Technical Specification.

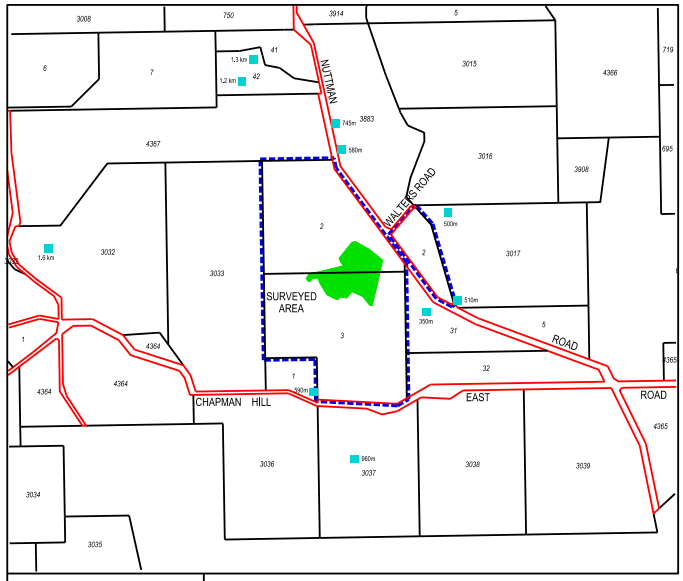
7. In regard to Condition 6.3, the school bus times are likely to vary at the beginning of each school year, the applicant is advised to contact the Public Transport Authority each year for the updated timetable.

_____

Joanna Wilson
STATUTORY PLANNING COORDINATOR

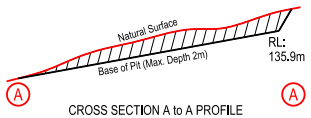
Date 15 February 2021





LOCATION PLAN

House Location
590m (Approx. Distance to Extraction Area)



CROSS SECTION A to A PROFILE
(NOT TO SCALE)

GRAVEL EXTRACTION CONDITIONS

Gravel extraction comprises a total area of approximately 9.73 hectares.
- Maximum depths of excavation will be 2 metres below the existing surface (dependent on the depth of gravel), tapering out to a natural surface level on the lowest side of the excavation area.
- The overburden topsoil is to be stripped over a maximum area of approximately 5000m² at any one time to a depth of 100 - 150mm, taking the seed and humus matter which is to be stockpiled. Refer to the cross section details on this plan, which indicate the proposed excavation floors and side slope batters (where required).
- Side batters not to be steeper than 1:10.
- Pit sides and floor to be contour ripped prior to respreading of topsoil.
- Stockpiled topsoil to be respread to a depth of 100 - 150mm at the completion of each stage of excavation.
- Where possible, cleared timber from the extraction area shall be used productively, i.e. millable timber to be milled, other timer to be used for firewood or mulched for use as groundcover / stabilisation during rehabilitation works.
- Topsoil to be mulched and / or seeded with an appropriate agricultural seed mix to assist with stabilisation.
- Rehabilitation works to be carried out within each stage prior to commencement of extraction in subsequent stages.

LEGEND

- Subject Land
- Existing Cadastral Boundary
- 140 Digitised Contours
- Proposed Access (Gravel)
- Extraction Area (9.73 Ha)
- Interceptor Drain & Small Detention Pond (If Required)

NOTES

1. Digital Imagery has been sourced from DLI Landgate website under strict commercial licensing agreement and no further copies of this Plan or Image are to be reproduced under any circumstances. (Photo is dated 2016).
2. Contours have been derived from DLI Landgate website.

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No.	Revision	App.	Date
1.	Inclusion of Dam Water Levels	HJB	14-8-19

BSO DEVELOPMENT CONSULTANTS
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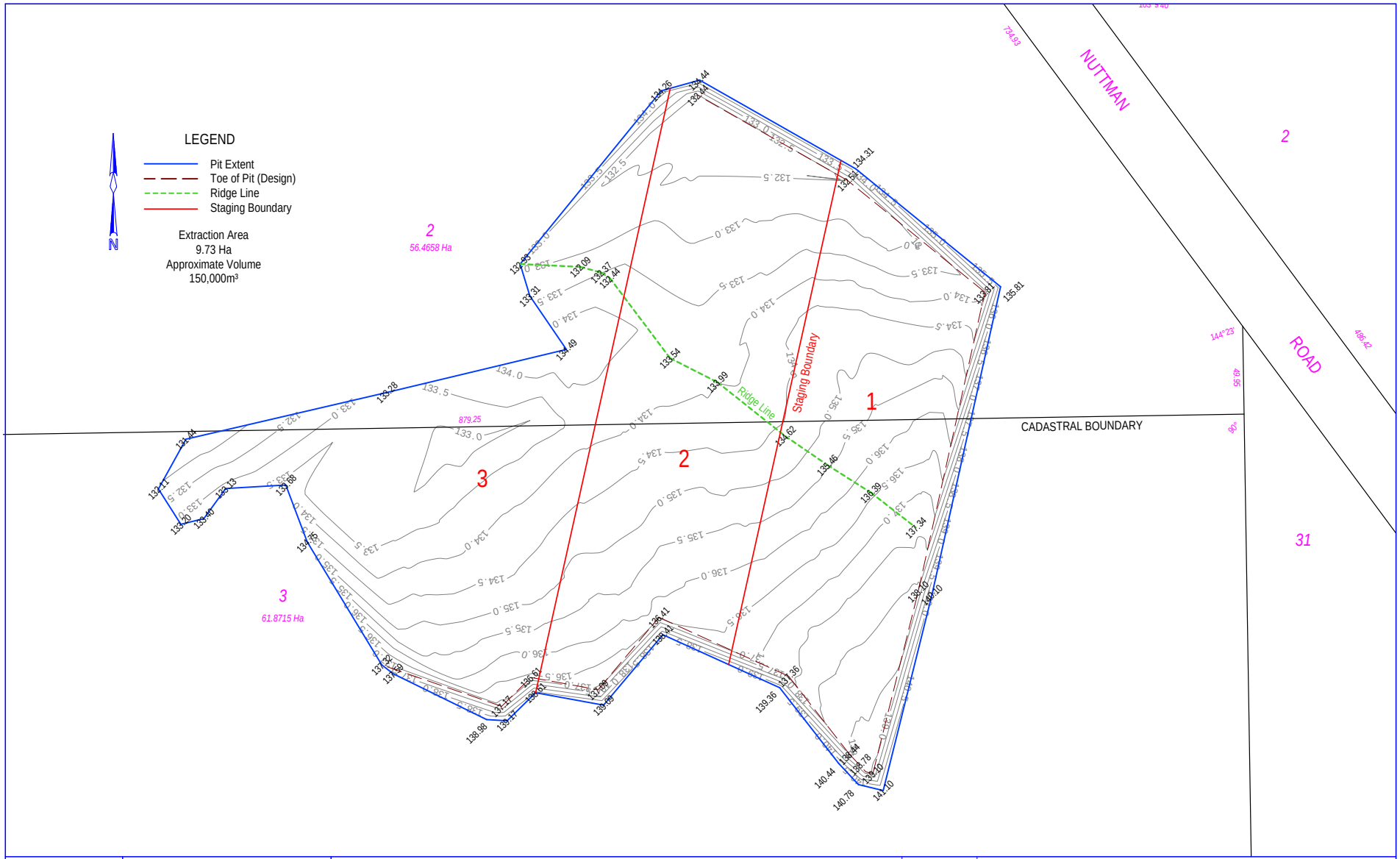
E: admin@bsocdc.com.au

D 63148

EXTRACTIVE INDUSTRIES PLAN
LOTS 2 & 3 NUTTMAN ROAD
CHAPMAN HILL

CITY OF BUSSELTON

CLIENT	LEEUWIN CIVIL		
DWN	HJ BURTON	DATE	29-March-2017
SCALE A3	1:7500	DGN/ MAGNET	2367Base.dgn
MODEL/ PLOT	Draw2367	REV	1
DATUM	AHD	FILE	2367



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INDICATIVE PIT FLOOR DESIGN

LOTS 2 & 3 NUTTMAN ROAD
CHAPMAN HILL

(SHEET 2 OF 2)

D 63148

CITY OF BUSSELTON

CLIENT	LEEUWIN CIVIL			
DRAWN BY	HJ BURTON		DATE	2-September-2019
SCALE (A3)	1:2000	MAGNET JOB No 2367 Pit Floor Design.mjo	DRAWING	REV.
DATUM	AHD	FILE 2367	Draw2367-PitFlr-s2	0

accendo AUSTRALIA

DEVELOPMENT APPLICATION AND WORKS APPROVAL APPLICATION

LOTS 2 AND 3 NUTTMAN ROAD, CHAPMAN HILL

NOVEMBER 2020

Telephone 0418 950 852

info@accendoaustralia.com.au
PO Box 5178 West Busselton WA 6280
ABN 11 160 028 642

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Document Control

Version	Date	Author	Reviewer
V1	04/06/2020	KMT	LW
Filename	2020_Nuttman Rd Works Approval Application		

Limitations

This report has been prepared by Accendo Australia Pty Ltd in accordance with the scope limitations provided in this report, or as otherwise agreed, between the Client and Accendo.

This report is strictly limited to the matters stated in it and is not to be read as extending, by implication, to any other matter in connection with the matters addressed in it.

This report has been prepared based upon data and other information provided by the Client and other individuals and organisations, most of which are referred to in the report, which Accendo has not independently verified or checked beyond the agreed scope of work. Accendo does not accept liability in connection with such unverified information.

The conclusions and recommendations in this report are based on assumptions made by Accendo described in this report where and as they are required. Accendo disclaims liability arising from any of the assumptions being incorrect.

The report is based on site specific conditions encountered and information received at the time of preparation of this report or the time that site investigations were undertaken. Accendo disclaims responsibility for any changes that may have occurred after this time.

The preparation of this report has been undertaken and performed in a professional manner, in consideration of the scope of services and in accordance with environmental consulting practices. No other warranty is made.

solutions for the human | environment interface

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Appendix A. Complaints Register

1 INTRODUCTION

1.1 Background

Leeuwin Civil Pty Ltd (the applicant) is proposing to extract gravel from a 9.73 hectare (ha) area (herein referred to as the subject site) located on Lots 2 and 3 Nuttman Road, Chapman Hill (refer to **Figure 1** and **2**).

It is anticipated that approximately 50,000 tonnes per annum of gravel will be processed. The proposal involves the crushing and screening of gravel within the subject site.

This report has been prepared by Accendo Australia, including information directly inserted from the BSO Consultants correspondence dated 31st October 2017.

1.2 Location and Layout Plans

The subject site is located on the southern boundary of Lot 2 and the northern extent of Lot 3 Nuttman Road. Both Lots 2 and 3 Nuttman Road are wholly owned by Mr Brian Baker (refer to **Appendix A** for Certificate of Title). Authorisation for Leeuwin Civil to act on the landowner's behalf for this proposal has been provided (refer to **Appendix B**).

The subject site is located in the municipality of the City of Busselton, approximately 16 km south of the Busselton central business district. The property is zoned 'Rural' pursuant to the City of Busselton's *Local Planning Scheme No. 21*. The proposed extractive industry is a permitted land use within this zone subject to development approval from the City of Busselton.

The enclosed location plan and site plan identify the proposed extraction areas quite clearly. The subject land is located within Extractive Industry Policy Area No. 3 – Extractive Industry Less Constrained. Extractive industry will be expected to be approved within Policy Area 3, where such operations can meet the requirements of these provisions and the Scheme, provided they do not impact on known areas of titanium mineralisation, nor have an adverse impact on Prime Agricultural land.

The property is well removed from areas known to contain titanium mineralisation.

1.3 Existing and Surrounding Landuses including Extractive Industry

Landuse abutting the boundaries of the subject land is rural based, predominantly grazing, dairying and pastoral landuses, as well as conservation/lifestyle properties immediately to the east.

The Location Plan shows the position of all residences located within one kilometre of the proposed extraction areas. The closest dwellings are to the east and south at distances of approximately 350 and more than 500 metres, they are well screened from the proposed extraction areas by almost continuous remnant vegetation.

1.4 Property Access

Access to the proposed extraction area is provided by Nuttman Road which is proposed to be upgraded by Leeuwin Civil Pty Ltd to an appropriate sealed standard and width, for approximately 200 metres. The trucks will then enter Lot 2 near its northeast corner and traverse this property along an internal gravel accessway which is to be built from the gravel resource to access the extraction area.

As amended by Condition 3.8 - Access and Road Widening

1.5 Visual Impact Management

It is anticipated that the gravel resource will be transported northwards to Chapman Hill Road, which then runs all the way to the Busselton Townsite. The landowners and contractor are committed to installing and maintaining all necessary signage along the haulage route should an approval be granted.

While the extraction area will be partly visible from Nuttman Road, it will be completely screened from all other directions. A row of trees could be retained along the north-eastern edge of the pit to further protect views from the roadway.

2 EXISTING ENVIRONMENT

2.1 Topography and Soils

The natural topography of the subject site increases in elevation in a south-easterly direction. The elevation ranges from 130 metres (m) Australian Height Datum (AHD) to 140 m AHD.

Soils across the subject site are mapped by Tille and Lantzke (1990) and are described as follows:

- Treeton hillslopes phase: Slopes with gradients generally ranging from 2-15% and gravelly duplex (Forest Grove) and pale grey mottled (Munglte) soils; and
- Treeton sandy slopes phase: Slopes (with gradients generally 5-10% but ranging from 2-15%) with deep bleached sands.

2.1.1 Acid Sulfate Soils

Acid Sulfate Soils (ASS) is the common name given to naturally occurring soil and sediment containing iron sulfides. They have become a potential issue in land development projects on the Swan Coastal Plain when the naturally anaerobic conditions in which they are situated are disturbed and they are exposed to aerobic conditions and subsequently oxidise. When oxidised, ASS produce sulfuric acid, which can result in a range of impacts to the surrounding environment. ASS that has oxidised and resulted in the creation of acidic conditions are termed "Actual ASS" (AASS), and those that have acid generating potential but remain in their naturally anaerobic conditions are termed "Potential ASS" (PASS).

Mapping prepared by the Department for Planning, Lands and Heritage to support the Western Australian Planning Commission's (WAPC's) Planning Bulletin 64: *Acid Sulfate Soils* (WAPC 2007) does not extend to the subject site. Accordingly, following a review of the *Australian Soil Resource Information System*, the subject site is mapped as having an 'Extremely Low Probability of Occurrence' for ASS (ASRIS 2013).

2.2 Hydrology

2.2.1 Groundwater

The subject site is located within the Busselton-Capel groundwater area as proclaimed under the *Rights in Water and Irrigation Act 1914* (RIWI Act).

During a geotechnical investigation of the subject site, several test pits were excavated to a depth of 3 m from October to the end of November 2015 (BSO 2015). During this investigation, groundwater was not encountered.

The Superficial Aquifer within the subject site forms an unconfined aquifer beneath the Swan Coastal Plain, with a thin saturated thickness of <5 m. The Superficial formation collectively includes the Tamala Limestone, Bassendean Sand, Guildford formation and Yoganup formation. Consequently, there is a large variation in permeability, salinity, recharge rates and soil type (DoW 2009).

The depth of the superficial layer decreases towards the Whicher Scarp, where it becomes a thin layer (0–3m) over the laterite, underlain by the Leederville Aquifer. The aquifer is fully recharged and saturated during the winter months resulting in large areas of water logging. However, the extensive drainage network captures and diverts most of the excess water. Groundwater salinity ranges from < 1000 mg/L towards the southern and western boundaries and increasing towards the coast to > 1000 mg/L (DoW 2009).

We are advised that a few test holes were excavated within the extraction area some time ago, to a depth of approximately 4 metres, and no groundwater was encountered. We do not know where these holes were dug and have not attempted to show the same on the application plan. The lack of water is no surprise, most of Lot 3 is dominated by a substantial ironstone and gravel ridge, this is why it has never been cleared for grazing (insert from BSO Consultants 2017).

There are two stock dams on Lot 2, adjacent to the western boundary, which depict quite different holding abilities. Both are excavated below the caprock layer, with the dam located in the northwest corner having a water level of 122.71mAHD, 2.99 metres below the ground surface of 125.7mAHD on 11th April 2019. There was an obvious water line visible on the wall of this dam at 123.74mAHD which represents its maximum water capacity – 1.96 metres below ground level. This dam also captures some inflow from surface run-off (insert from BSO Consultants 2017).

The second dam is located in a broad, shallow valley which drops away to the west, it had a water level of 112.4m AHD, 6.73 metres below the ground surface of 119.13m AHD. The landowner advises that its level increases by 9 feet (2.75 metres) and is always at least 12 -13 feet (3.98 metres) below ground level. This dam also captures some inflow from surface run-off (insert from BSO Consultants 2017).

This indicates that the groundwater becomes deeper below the ironstone ridge as you head southwards, until it becomes shallow again in the next valley down at Chapman Hill East Road (insert from BSO Consultants 2017).

Extraction of gravel will be to a depth of up to 2 metres, at least 2 metres above the anticipated maximum groundwater level in this area.

2.2.2 Surface Water

The subject site does not contain any defined wetlands (as classified within the *Geomorphic Wetlands of the Swan Coastal Plain* dataset) and is not located within a 'Public Drinking Water Source' area (SLIP 2019).

The subject site is located approximately 20 km south of Geographe Bay and 30 km east of the Indian Ocean. The closest drainage feature is a minor seasonal upper tributary of the Vasse River, approximately 650 m south and west of the subject site. Accordingly, the project will not impact any watercourses.

An attachment is included of an indicative pit floor design, whereby surface run-off will be directed in a westerly direction, consistent with the natural lay of the land. It is more than 300 metres in a west/northwest direction through pastured cattle paddocks before any of that run-off will exit the property, at a grade of just 3%. This will naturally filter any particles/discolouration which could leave the pit before exiting the property. It is not expected that any form of stormwater management will be required rather, large rainfall events will pond in the pit floor before naturally dissipating. The landowner and contractor will monitor this situation at all times and will remedy the situation if this is not the case (insert from BSO Consultants 2017).

No erosion is anticipated, this will be prevented by the gravelly nature of the soil on this ridgeline.

It is also acknowledged that a water licence will be required if water is utilised for dust suppression. This will be available in the two dams described above and a licence application will be lodged if this extractive industry application is approved (insert from BSO Consultants 2017).

2.3 Vegetation and Flora

The subject site is classified as being in a 'degraded' to 'completely degraded' condition (SW Environmental 2017) attributed to a history of agricultural land uses. Native flora species are predominately restricted to

Marri (*Corymbia calophylla*), Jarrah (*Eucalyptus marginata*) and occasional WA Sheoak (*Allocasuarina fraseriana*) (SW Environmental 2017). Given the condition of the subject site, no flora or vegetation of conservation significance is likely to occur within the subject site. The nearest Threatened Ecological Community (TEC) and Declared Rare Flora (DRF) species is mapped over 3 km north-west from the subject site (refer to **Figure 3**).

An application to clear 2.8 ha of remnant vegetation associated with this proposal has been submitted to the DWER (CPS 8746/1).

2.3.1 Regional Ecological Linkages

The South West Regional Ecological Linkages (SWREL) Technical Report (Molloy et al., 2009) shows that the subject site falls within areas identified as 1a: with an edge touching or <100m from a linkage (1.5 ha) or 1b: with an edge touching or <100m from a natural area selected in 1a (0.5 ha). The vegetation within the subject site is therefore considered to be part of a regional ecological linkage (refer to **Figure 3**).

The project however only involves the clearing of 2.8 ha (0.08%), two hectares of which is mapped as a part of SWREL linkage, of the 3,490 ha of native vegetation remaining within five kilometres of the subject site. Accordingly, the impacts of the proposed clearing on Regional Ecological Linkages or native vegetation within the context of the subject site will be negligible.

The subject site is not located within an ecological linkage as defined by Bush Forever, Perth Greenways and the System 6 Report.

2.3.1 Environmentally Sensitive Areas

Section 51B of the *Environmental Protection Act 1986* (EP Act) allows the Minister to declare an Environmentally Sensitive Area (ESA). Once declared, the exemptions to clear native vegetation under the regulations do not apply in these areas. TECs, areas within 50m of any DRF and defined wetland areas constitute ESAs. However, a number of other areas of environmental significance are also listed. Current declared ESAs are listed in the Environmental Protection (Environmentally Sensitive Areas) Notice 2005.

The subject site is not mapped within an ESA. The closest ESA is located approximately 3.2 km from the subject site (refer to **Figure 3**).

2.4 Fauna

In consideration of vegetation condition and species present within the subject site, fauna habitat is predominately restricted to black cockatoos (Forest Red-tailed black cockatoo (*Calyptorhynchus banksii naso*), Baudin's black cockatoo (*Calyptorhynchus baudinii*) and Carnaby's black cockatoo (*Calyptorhynchus latirostris*)). A *Black Cockatoo Habitat Assessment* (SW Environmental 2017) was undertaken within the subject site whereby it was identified that 2.8 ha of black cockatoo breeding and foraging habitat would be impacted by the proposal.

Accordingly, approval from the Commonwealth Department of the Environment and Energy (DotEE) was sought whereby it was determined that the proposed clearing is not a controlled action and therefore approval is not required pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (refer to **Appendix C**).

2.5 Aboriginal Heritage

An online search for relevant Aboriginal heritage information was undertaken using the Department for Planning, Lands and Heritage (DPLH) *Aboriginal Inquiry System* that incorporates both the heritage site register and the heritage survey database (DPLH 2019). The Aboriginal Heritage Site Register is maintained pursuant to Section 38 of the *Aboriginal Heritage Act 1972* and contains information on over 22,000 listed Aboriginal sites throughout Western Australia.

Results of the database search revealed that no Aboriginal heritage sites are present within the extraction area. Nonetheless, it is important to note that Aboriginal heritage sites may still exist in or adjacent to the subject site that are not yet known, or may not yet been listed on the Aboriginal Heritage Register.

2.6 Sensitive Receptors

The Environmental Protection Authority's (EPA) *Guidance for the Assessment of Environmental Factors* (June 2005) provides generic separation distances to assist in the determination of suitable buffers where industry may have the potential to affect the amenity of a sensitive land use. In particular, for extractive industries, a buffer distance of 300 m to 500 m is recommended from sensitive land uses.

The closest residential dwelling to the subject site is 320 m to the south, as shown in **Figure 4.**

Land use abutting the boundaries of the subject land is rural based, predominantly grazing, dairying and pastoral land uses, as well as conservation/lifestyle properties immediately to the east.

3 MOBILE CRUSHING AND SCREENING PROCESS

3.1 Area of Disturbance

The gravel quarry will cover an area of approximately 9.73 ha with a maximum natural elevation of 140m AHD. Maximum depths of excavation will be approximately 2 m in the southern sectors, becoming much shallower as the extraction progresses northwards. Excavation will occur in three stages, each approximately 3.24 ha, over a five year period.

It is estimated that the total maximum volume of gravel to be removed from the three cells will be approximately 170,000 banked cubic metres and the landowners request that their permit be given the longest lifespan allowable (5 years).

3.2 Description Overview

All crushing equipment and infrastructure at the subject site will be fully portable to facilitate movement throughout the site required for staged quarrying operations. The following equipment could be present at the subject site throughout operations:

- Light vehicles;
- Excavator;
- Service truck;
- Mobile crushing and screening plant;
- Front end loader;
- Tip truck;
- Site office;
- Ablutions.

The commencement of operations is proposed in the second half of 2020 (subject to obtaining all approvals). The estimated construction costs to mobilise the crushing and screening equipment is $139,630 (refer to **Table 1**). The only cost associated with the infrastructure outlined in this works approval application is the hire and mobilisation of equipment to the subject site. Operating hours will be restricted to 7:00am – 6:00pm, Monday to Friday. It should be noted that the quarry will operate on a campaign and as needs basis.

Table 1. Estimated construction costs.

Timing	Details
Category	12 – Screening, etc. of material
Capacity Range	More than 50,000 but not more than 100,000 tonnes per year
Total Cost	Equipment Hire – $138,580.00 Mobilisation to site - $1,050.00 Total Cost - $139,630.00 More than $100,000 but not more than $150,000 - Rate 45
Total Fee	$1,827.00

The key project characteristics associated with the proposal are provided below in **Table 2**.

Table 2. Project characteristics.

Characteristic	Description
Quarry life	Five years
Total resource	Approximately 50,000 tonnes of gravel per annum
Project footprint	9.73 ha
Vegetation clearing	2.8 ha within extraction area (CPS 8746/1). No other vegetation clearing required.
Operating hours	7:00am – 6:00pm, Monday to Friday
Storage shed	A storage container may be located in the fenced compound for the overnight storage of valuable equipment.
Fenced compound	A compound area will be fenced to secure equipment and restrict public access.
Dump truck	A dump truck will be used to transport material within and from the site.
Water Tankers	A 10,000L water tanker or similar will be used for dust suppression on the access road and working floors as required.
Bulldozer (D8)	Topsoil will be stripped using a bulldozer to a maximum depth of 150mm. bulldozers will also be used for the movement of gravel and loading road trucks.
Excavator (325/330)	An excavator may be used for the removal of gravel material.
Loader (938/966)	Loaders will be used for the movement of gravel and loading road trucks.
Terex Finlay I-140 Impact Crusher	Used for the crushing of gravel.
Terex Finlay 693 Supertrak	Used for the screening of crushed gravel.
Anaconda Radial Stockpiler	Used for stockpiling crushed gravel.
Toilets	A portable toilet may be required onsite.
Generator	A generator may be required to provide power to a variety of equipment.
Water usage	Water will be trucked to the subject site as required.
Waste	All waste products will be stored in appropriate rubbish bins (recycling, putrescible, and hydrocarbons will be separated in lidded bins) and removed from site by a contractor at regular intervals and disposed of at the licensed landfill facilities. There will be no landfill on site

Onsite facilities will be kept to a minimum and importantly no fuel or chemicals will be stored onsite.

3.3 Mining Operations

It is anticipated that approximately 50,000 tonnes of gravel will be extracted each year, depending on supply and demand. The above factors suggest an average of seven additional truck movements per day but this will be dependent on demand.

The topsoil (nominally 15 cm of the soil profile) will be stripped and stockpiled behind the excavation face using a bulldozer or loader. Where possible and if the perimeter bunding is already present, topsoil will be

directly transferred to an area being rehabilitated. Overburden, if present, will be removed using a dump truck and stockpiled to the perimeter of the proposed pit area.

3.3.1 Gravel Extraction

The gravel within the subject site can be removed with an excavator or loader without the need for blasting. The material will then be crushed and screened to produce products of the correct size.

A summary of the proposed extraction activities is provided below:

- Prior to excavation commencing the site will be ground surveyed, the excavation footprint marked out and a 1 metre contour plan developed.
- Remove the vegetation cover by pushing it into windrows for use on the batters to minimise soil erosion and assist spreading on the final land surface as part of the final rehabilitation.
- All topsoil will be removed for spreading directly onto areas to be revegetated and screening or perimeter bunds. If direct spreading is not possible the topsoil will be stored in low dumps, for spreading at a later date.
- Soil and overburden will then be removed and either directly transferred to a rehabilitation area or stored in low dumps for later rehabilitation use.
- An excavator or front-end loader will be used to excavate the gravel material.
- The material will then be picked up by a rubber tyred loader and fed to the mobile crusher.
- A loader will then transfer the laterite rock into the crusher where it would be reduced to smaller sizes and transferred to an adjoining screener. The screener then sorts the gravel into various sizes for stockpiling. On an as needed basis, gravel product will be loaded on to road trucks of various configurations for transport off-site.
- All static and other equipment, such as crushers and screens (where used), will be located on the floor of the quarry to provide visual and acoustic screening.
- Upon completion of each section of quarry the section will be reformed and back filled, where subgrade material is available, to achieve the proposed final contours.
- At the end of excavation, the floor of the quarry will be deep ripped, covered by overburden and topsoil, and rehabilitated to a constructed soil.

The likely initial position of plant equipment (crushers, loaders and screeners) will be within the floor of the existing excavation area (refer to **Figure 5**); although as such equipment is mobile it could subsequently be relocated when needed for more effective positioning in relation to areas of excavation.

Stockpiles will be located on the floor of the pit and will be a maximum of 4 metres high, which, with the lowered elevation of the pit floor and perimeter bunding of topsoil, will mean that the stockpiles are not anticipated to be visible from Nuttman Road.

3.3.1 Rehabilitation

During operations, quarrying and rehabilitation will be undertaken progressively. Following quarrying of each stage, rehabilitation will be undertaken.

Upon completion of each cell, the following completion criteria will be achieved:

- A self-sustaining cover of pasture;
- Weed levels that are not likely to impact on the viability of the reconstructed soils; and
- A safe and stable landform suitable for the proposed future land use which will be productive, grazing pasturelands. - As Amended by Condition 3.2 - Rehabilitation Plan to be submitted

3.4 Crushing and Screening Equipment

3.4.1 Installation

Due to the mobile nature of the crushing and screening equipment, installation at the subject site will be very simple. The 'plug and play' equipment does not require earthwork s or significant construction and therefore has a low risk of noise and dust generation during this phase.

3.4.2 Operation

The crusher and screening plant will be located on the pit floor during campaigns when gravel material is being produced. The mobile crushing and screening equipment used is modular and interchangeable. The crusher and screens can be configured differently for the production of several gravel products. The plant is equipped with dust covers for dust management.

3.5 Proposed Operating Times

Operation of the pit will be constrained between the hours of 7am and 6pm Monday to Friday, and it is not proposed to include public holidays. Should individual contracts require operation outside these times, our clients are committed to notifying Council accordingly, outlining the specific details of the contract.

It should also be noted that trucks may not operate on designated school bus routes between 7.30 – 8.40am and 3.20 – 4.20pm, Monday to Friday, during school periods. The pit operators will be careful to ensure compliance with these requirements. - As amended by Condition 6.3 - Revised School Bus Curfew

3.6 Staging of Operation

The site plan shows clearly the proposed areas of excavation. Our clients are committed to rehabilitating the area upon completion of the extraction and this rehabilitation will be commissioned at an appropriate time of the season when the respread topsoil will germinate and stabilise quickly i.e.. during the months of late May to September. No more than 2.0 hectares of extraction area will be exposed at any time prior to rehabilitation commencing.

3.7 Number of Truck Movements Per Day/Week

Assessment of the estimated banked volume of 170,000 cubic metres against the truck movement calculations contained within the Policy, leads to an average removal volume of 131 truck cubic metres per day (five days per week over five years).

Based on the 19 cubic metre capacity of a semi-trailer, this equates to less than 7 additional truck movements per day, on the local road network. Obviously, this is likely to fluctuate however, at this stage, average truck movements are all that can be estimated. - AS amended by Condition 6.5 - Truck Movements

3.8 Haulage Routes and Destinations

The haulage routes and destinations will be subject to specific contracts however for the most part, the resource can be transported anywhere once it reaches the Chapman Hill Road/Busselton Bypass intersection. Our clients are committed to advising Council of specifics as contracts are prepared.

4 ENVIRONMENTAL IMPACTS AND MANAGEMENT

The following factors are considered to represent the potential environmental and amenity impacts associated with the proposal:

- Hydrology;
- Dust;
- Noise
- Dieback and weeds; and
- Uncontrolled discharge of contaminants to land.

These environmental factors are discussed in more detail below, together with the proposed management actions.

4.1 Hydrology

4.1.1 Surface Water

The subject site does not contain any defined wetlands (as defined within the *Geomorphic Wetlands of the Swan Coastal Plain* dataset) and is not located within a 'Public Drinking Water Source' area (SLIP 2019). Furthermore, the subject site is situated on a broad ridgeline well removed from any defined drainage lines or watercourses.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises is not associated with any impacts to surface water, including stormwater runoff.

Operation

The operation of the screening and crushing plant will be a dry operation.

To minimise any potential impacts associated with sedimentation and erosion from stormwater runoff during the operation of the crushing and screening equipment, holding ponds for each Stage will be located at the base of the pits.

These ponds will be designed to retain surface water runoff from the two-hour 10 year average return interval storm event. Cut-off drains running along the base of the pit, parallel to the western boundary, will ensure all runoff is diverted into the detention ponds.

During excavation activities, the surface will be internally drained. A low bund will be installed down slope of any excavation area in the gravel, established from the wall of the pit to the edges of the excavation. The processing area will also be bunded by a low bund to ensure no surface water runoff occurs.

Risk Assessment

A risk assessment relating to surface water and stormwater runoff in consideration of the proposed management measures is provided below. The residual risk associated with sedimentation and erosion from stormwater runoff during the operation of the crushing and screening equipment is considered Low.

Table 3. Risk assessment associated with surface water and stormwater.

Hazard	Source of Hazard	Potential Impacts	Mitigation	Likelihood	Consequence	Residual Risk
Erosion and sedimentation	Uncontrolled and contaminated stormwater runoff	Erosion and sedimentation resulting in poor surface water quality.	Installation of holding ponds to retain surface water. Bunding of the process excavation area to ensure that stormwater is contained within the excavation footprint.	1	2	Low

4.1.2 Groundwater

Groundwater will not be extracted or dewatered during the operation of the quarry and therefore, no impacts to groundwater levels are proposed. There will be no interaction with groundwater given that the proposed maximum depth of excavations will be 2 m below ground level.

The extraction and processing of gravel is a chemically free operation with the liquids used being lubricants for machinery and fuel. There will be no storage of chemicals or fuel on the subject site.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises is not associated with any impacts to groundwater.

Operation

The operation of the screening and crushing plant will be a dry operation and is not associated with any impacts to groundwater.

4.2 Dust

In accordance with the EPA (2005) Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses*, the recommended separation distance between an extractive industry and a residential dwelling is 300-500m. As previously discussed, the closest dwellings are to the east and south at distances of approximately 350m and more than 500m, and they are well screened from the proposed extraction areas by almost continuous remnant vegetation.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises is not associated with any significant dust emissions.

Operation

Potential dust emissions may impact the amenity of nearby residents and the environmental values of the surrounding landscape. An assessment of dust emissions is provided below.

Wind Direction

During the summer months the dominant wind in the mornings is from the south-east at 10-14 knots, swinging to the south-west at 20-25 knots in the afternoon. During winter, the winds are most commonly 10-14 knots with no dominant prevailing direction. During storms, winds from the west and north-west can reach 40 knots (BoM 2020).

Dust Sources

The proposed extraction activities will involve the disturbance of soil and earthen material. Specifically, this may include the following activities:

- Earthworks during extraction activities;
- Topsoil stripping;
- Loading and transportation of material;
- Vehicle movement within the site;
- Crushing and screening of material; and
- Wind erosion of exposed surfaces.

These activities have the potential to generate dust that, if not adequately controlled, can cause nuisance and safety risks. In-pit operations tend to generate less dust than surrounding activities due to the reduced airflow within the pit. The removal and replacement of topsoil material has the highest risk associated with dust generation due to the large volumes of material involved and generally lower levels of soil moisture.

Risk Assessment

In accordance with the DWER's "*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*", a risk assessment for dust emissions has been prepared.

For a site that is generating uncontaminated dust, such as extractive industry sites, the site classification chart in Appendix 1 of the DWER guideline can be used for assessing the site risk. Appendix 1 also details the provisions and contingency arrangements for dust management which apply to each site classification score.

The site classification assessment is provided below.

Part A. Nature of site

Item	**Score Options**				**Score**
1.Nuisance potential of soil when disturbed	Very low - 1	Low – 2 *Soils with a dominant particle size corresponding to gravel size or larger have less potential of becoming airborne than finer particles such as fine sand.*	Medium - 4	High - 6	2

2. Topography and protection provided by undisturbed vegetation	Sheltered and screened - 1	Medium screening – 6 *The extraction area is extensively screened by remnant vegetation.*	Little screening - 12	Exposed and wind prone - 18	6
3. Area of site disturbed by the works	Less than 1ha - 1	Between 1 and 5ha – 3 *Only 2ha will be excavated at any time. Rehabilitation will be progressive denoting that the area of disturbed land will be limited to 2ha.*	Between 5 and 10ha - 6	More than 10ha - 9	3
4. Type of work being done	Roads and trenches - 1	Roads, drains and medium deep sewers - 3	Roads, drains, sewers and partial earthworks - 6	Bulk earthworks – 9 *Gravel extraction*	9
Total score for Part A					20

Part B. Proximity of site to other land uses

Item	**Score Options**				**Score**
1.Distance of other land uses from site	More than 1km - 1	Between 1km and 500m – 6	Between 100m and 500m – 12 *The closest dwellings are to the east and south at distances of approximately 350m and more than 500m.*	Less than 100m - 18	12
2. Affect of prevailing wind direction (easterly) on other land uses	Not affected - 1	Isolated land uses affected by one wind direction – 6 *The closest dwellings are to the east and south.*	Dense land uses affected by one wind direction – 9	Dense/sensitive land uses highly affected by prevailing winds - 12	6
Total score for Part A					18

Based on the risk assessment, a site classification score (A x B) of 360 has been provided. This results in a Classification 2 which is considered a low risk (score between 200 and 399 is considered low risk, DWER 2011). The provisions, contingency arrangements and monitoring requirements as specified by the DWER (2011) associated with a Classification 2 proposal are provided below.

Provisions:

The developer shall supply a contingency plan to the local government, which shall detail the activities to be undertaken should dust impact occur.

Contingency arrangements:

Include an allowance for water-cart operation, wind fencing and surface stabilisation during construction period for the purposes of dust suppression.

All areas of disturbed land should be stabilised to ensure that the disturbed area exposed at any time is kept to a practical minimum.

Monitoring requirements:

Complaints management system in place.

Notice to be erected at the site providing contact details of the person to be contacted.

Management Measures

Based on the results from the risk assessment and in consideration of the separation distances to sensitive receptors, the following dust management measures are proposed.

Exposed Surfaces

Dust from stockpiles, un-stabilised surfaces and access roads will be suppressed with water applied by an onsite watercart with a capacity of 15,000 L. Water will be trucked to the site from an offsite source.

The volumes of water required will be dependent on the prevailing weather conditions. An estimated volume of water required for dust suppression is provided below in **Table 4**.

Table 4. Parameters for estimated water requirements for dust suppression.

Parameter	Volume/Number
Truck movements in summer	Average of 7 movements per day (depending on demand)
Volume of watercart	15 kL
Estimated days of watercart operation	120
Estimated average daily use	45 kL
Estimated annual use	5,400 kL

Material Transport

Material transported from the subject site will be carried in truck bodies of various configurations. During transport of the gravel material, dust can be generated. Accordingly, the proponent will implement the following measures to reduce dust during product transportation:

- Truck loads will be covered with tarpaulin or similar.

Processing Material

Crushing, screening and stockpiling the gravel material has the potential to generate dust. The crushing and screening plant will be fitted with dust covers to prevent dust emissions from this operation.

Crushing and screening will be undertaken in designated areas with the greatest natural protection from winds (concealed at the lowest contours) which simultaneously minimise wind-borne dust emissions and dissipate noise emissions. Excavation and processing will be conducted on the floor of the pit, 2m below natural ground level behind the excavation face.

Rehabilitation

The proposed extractive industry operation is staged. Accordingly, rehabilitation will be undertaken sequentially and as soon as reasonably possible to reduce the exposed areas. Where rehabilitation is delayed (i.e. staged completion occurs in summer), additional dust control measures will be considered. This includes the application of a paper-water mixture to exposed surfaces to create a temporary crust and prevent wind-borne dust lift-off.

Summary

The potential impacts to amenity from dust emissions are considered low with the application of suitable management measures. A summary of these proposed management measures is provided in **Table 5**.

Table 5. Dust management measures.

Timing	Management Measure
Topsoil removal, excavation and rehabilitation activities	Stockpiles, where possible, will be limited to the anticipated cubic volume/vehicle movement for cartage on the following operating day.
	Stockpiles will be configured to accommodate easy access for watering/dust minimisation if required.
	Access roads and immediate extraction areas will be watered as required.
	Topsoil stockpiles and exposed areas will be watered and stabilised as required. Stabilisation techniques that will be considered depending on environmental conditions will include hydro-mulching.
	Timing of earthworks (daily and seasonally) will coincide with periods of low wind velocity as far as practicable. This will especially need to be considered during summer with the prevailing easterly winds.
	Truck loads to be covered by tarpaulins or similar.
	Crushing and screening plant to be fitted with dust covers at all times.
	Visual monitoring of dust will be ongoing throughout the day during operations. When dust emissions are observed, dust suppression measures will be implemented immediately.
	• Erect on-site signage directing public to make complaints to the relevant person. • Maintain a complaints register (refer to **Appendix D**). A Complaints Register will be established to record the date, nature, and resolution action of any complaints. • Complaints will be directed to the site supervisor for resolution. If the complaint is verified as being due to a site source, remedial action will be undertaken within 2 hours. The City will be advised of all complaints as soon as they are received.

Timing	Management Measure
	• If a compliant cannot be resolved within the 2 hour response period, it may be necessary to cease operations.

4.3 Noise

Noise from construction sites in Western Australia is governed by the *Environmental Protection (Noise) Regulations 1997*. The Regulations state that construction work can be carried out between 7.00am and 7.00pm on any day which is not a Sunday or a public holiday provided:

- The construction work is carried out in accordance with control of environmental noise practices set out in Section 6 of *AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- The equipment used on the premises is the quietest reasonably available.
- Construction outside these times and days if approved by the Chief Executive Officer of the Department of Water and Environmental Regulation (DWER).

As previously discussed, the EPA (2005) Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Use*s recommends a separation distance between an extractive industry and a residential dwelling of 300-500m. The closest dwellings are to the east and south at distances of approximately 350m and more than 500m.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises is not associated with any significant noise emissions.

Operation

The construction works will involve the use of machinery and equipment that will generate noise during operation. Sources of noise from the subject site will include:

- Machinery noise from equipment use.
- Noise from safety equipment (beepers on machinery).
- Noise from trucks departing the site.

Reversing alarms can represent significant nuisance noise to sensitive receptors. There are a number of alternatives to alarms that maintain a safe work environment and also comply with occupational health and safety legislation. Reversing alarms alert pedestrians when a vehicle is moving, however, given that no pedestrians will be onsite (private property), the applicant has committed to using flashing lights or a broadband alarm system as an alternative. The sound of a broadband alarm is much less intrusive by nature than the sound of a tonal alarm and tends to be masked by the background noise at a lesser distance. This will eliminate/reduce noise emissions associated with reversing alarms.

Noise Barriers

Noise impacts on sensitive receptors are dependent on distance and line-of-sight. The proximity to residential dwellings has been determined (refer to **Figure 4**). Topography and existing vegetation naturally create screening from noise, dust and visual impacts between the proposed extraction area and sensitive receptors to the subject site.

Distance, obscured landform and vegetation cover (primarily in the form of large trees) over at least 350m indicates that noise impact is expected to be manageable. To further ameliorate potential noise impacts, it is proposed to establish topsoil stockpiles around the periphery of the working pit.

Wind Direction

Annual wind data has been obtained from the Busselton Bureau of Meteorology station (ID: 009603), located approximately 15 km from the proposed extraction area. Speed and direction frequency wind roses indicate winds at Busselton are bimodal, with the two dominant directions of east and west. The land-sea breeze cycle dominates the prevailing winds of the region, particularly over summer, with moderate easterly winds in the morning and stronger southerly sea breezes in the afternoon commencing around noon and weakening during the evening. The sea breeze may occur in all seasons, although it is most frequent and intense during the summer months.

During the summer months the dominant wind in the mornings is from the south-east at 10-14 knots, swinging to the south-west at 20-25 knots in the afternoon. During winter, the winds are most commonly 10-14 knots with no dominant prevailing direction. During storm events, winds from the west and north-west can reach 40 knots.

Wind can carry noise greater distances than expected, or conversely disperse noise more quickly. With noise sensitive premises located in a south and east direction from the proposed extraction area, an analysis of the wind rose data has yielded the following conclusions:

- During the summer months, the morning prevailing easterly wind may direct noise in a westerly direction, whilst the afternoon sea breeze may direct noise in an easterly direction; and
- During the winter months, storm winds are from the west which may direct noise in an easterly direction.

Management Measures

The applicant will ensure that all noise emissions will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times. Management of the operational processes associated with the extractive industry can further reduce any adverse noise impacts.

Crushing and screening will be undertaken in designated areas with the greatest natural protection from winds (concealed at the lowest contours) which simultaneously minimise wind-borne dust emissions and dissipate noise emissions. Excavation and processing will be conducted on the floor of the pit, 2 metres below natural ground level behind constructed perimeter bunds.

Similarly, gravel excavation will occur below natural ground level. The excavation walls will act as a noise insulator for operations in the pits.

In addition, the management measures prescribed within **Table 6** will be implemented to reduce noise emissions as far as practicable.

Table 6. Management actions for noise.

Objectives	Action	Timing
Ensure staff, contractors, and subcontractors are aware of noise impacts.	Ensure all personnel are appropriately inducted prior to any site works.	Prior to construction works
Management of equipment and machinery noise.	• Establish a topsoil bund around the periphery of the working pit.	At all times

Objectives	Action	Timing
	• Use machinery and equipment with minimal noise output levels. • Ensure all machinery is regularly serviced as per the equipment's maintenance schedule. • Use flashing lights/broadband alarms instead of tonal reversing alarms on excavators/loaders. • Apply speed restrictions and a ban on exhaust braking if required.	
Minimise disturbance to local residents.	Maintain levels of noise and vibration in accordance with the *Environment Protection (Noise) Regulations 1997* and the *AS2436-2010 Guide to noise and vibration control on construction, demolition and maintenance sites*. This is to be achieved by implementing the above-mentioned management measures.	At all times
Management of Public Concerns	• Erect on-site signage directing public to make complaints to the relevant person. • Maintain a complaints register (refer to **Appendix D**). A Complaints Register will be established for the site to record the date, nature, and resolution action of any complaints. • Complaints will be directed to the site supervisor for resolution. If the complaint is verified as being due to a site source, remedial action will be undertaken within 2 hours. The City will be advised of all complaints as soon as they are received. • If a compliant cannot be resolved within the 2 hour response period, it may be necessary to cease operations.	At all times

Risk Assessment

A risk assessment to determine the residual risk associated with noise emissions is provided below. The risk assessment indicates that with the application of suitable management measures the potential risk associated with noise emissions is 'Low'.

Table 7. Risk assessment associated with noise emissions.

Hazard	Source of Hazard	Potential Impacts	Mitigation	Likelihood	Consequence	Residual Risk
Noise emission	Excavation machinery and processing	Noise impacts to neighbouring properties	Refer to Actions provided in **Table 6**.	1	2	Low

4.4 Hydrocarbons and Dangerous Goods Management

Hydrocarbons are the only dangerous goods that will be utilised within the proposed extraction area for the operation of machinery. However, storage of hydrocarbons on the subject site will not occur.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises is not associated with any uncontrolled discharges of contaminants to land.

Operation

There is the minor possibility for soil and water contamination as a result of incidental hydrocarbon leakages or spills during the operation/refuelling of machinery. In such instances the management measures specified below will be implemented. It is also noted that there are no watercourses within or in proximity to the extraction area.

Table 8. Hydrocarbon and dangerous goods management measures.

Timing	Management Measure
During quarry operations	Mobile refuelling of equipment and vehicles will be undertaken following set procedures to acceptably minimise the risk of spills and to ensure adequate containment and bunding is in place to contain any spills that may occur.
	Spill kits containing appropriate equipment for control, containment and cleanup of hydrocarbon and chemical spills will be available in appropriate locations onsite and maintained.
	No vehicles or machinery are to be serviced or cleaned within the extraction area.

Risk Assessment

A risk assessment to determine the residual risk associated with the uncontrolled discharge of contaminants is provided below. The risk assessment indicates that with the application of suitable management measures the potential risk associated with uncontrolled discharges is 'Low'.

Table 9. Risk assessment associated with the uncontrolled discharge of contaminants.

Hazard	Source of Hazard	Potential Impacts	Mitigation	Likelihood	Consequence	Residual Risk
Uncontrolled discharge of contaminants to land	Machinery	Contamination of soils and/or water	Refer to Management Measures provided in **Table 8**.	1	2	Low

4.5 Dieback (*Phytophthora cinnamomi*) and Weed Control

Given that native vegetation has largely been altered within the extraction area, dieback indicator species are largely absent and therefore it is not possible to detect whether dieback is present or absent. On this basis, it is reasonable to classify the subject site as 'uninterpretable', denoting that a precautionary management approach should be adopted.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises could be associated with the introduction/spread of dieback and weeds within the subject site. Accordingly, the management measures provided in **Table 10** are proposed.

Operation

The primary objective of dieback management during operations is to minimise the risk of entry of dieback to the subject site. The risk of transportation via vehicles and equipment is low given that sealed roads will be utilised prior to entering the site.

Management Measures

The management measures proposed for dieback and weed control are provided below within **Table 10**.

Table 10. Dieback and weed management measures.

Timing	Management Measure
Topsoil removal, excavation and rehabilitation activities	Training will be provided to all personnel during an initial safety and environment induction course. This will include an explanation of the specific requirements with regard to *Phytophthora* dieback management.
	Fencing and lockable gates will be maintained and used to control unauthorized access to the excavation area.
	Avoid moving surface material or fill material from weed infected areas to non-infested areas.
	As far as reasonable and practicable haulage vehicles are to be cleaned of all loose external soil and plant material prior to entry to and exit from the extraction area.
	Access to the subject site during operation will be restricted to the proposed roads. No other access points should be established. The access location and vehicle inspection point should be clearly sign posted.
	The extraction area will be managed to avoid ponding of surface water where vehicle access is required.
	Trucks will be loaded and covered to ensure there is no spillage of material during transport.

Risk Assessment

A risk assessment to determine the residual risk associated with dieback and weeds is provided below. The risk assessment indicates that with the application of suitable management measures the potential risk associated with dieback/weed introduction and spread is 'Low'.

Table 11. Risk assessment associated with dieback and weeds.

Hazard	Source of Hazard	Potential Impacts	Mitigation	Likelihood	Consequence	Residual Risk
Introduction/spread pf dieback and weeds	Importation of soil/plant material. Onsite movement of soil.	Impacts to the condition of remnant vegetation.	Refer to Management Measures provided in **Table 10**.	1	2	Low

5 CONCLUSION

Leeuwin Civil Pty Ltd is proposing to extract gravel from a 9.73 ha area located on Lots 2 and 3 Nuttman Road, Chapman Hill.

It is anticipated that approximately 50,000 tonnes per annum of gravel will be processed. The proposal involves the crushing and screening of gravel within the subject site. These activities will require a works approval and subsequent licence pursuant to Part V of the *Environmental Protection Act 1986*.

The following factors are considered to represent the potential environmental and amenity impacts associated with the proposal:

- Noise;
- Dust;
- Weeds;
- Stormwater discharge;
- Uncontrolled discharge of contaminants to land.

A risk assessment has been undertaken for the abovementioned factors in consideration of the proposed management measures whereby the potential environmental and amenity impacts are considered 'Low' for the proposal.

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APPENDIX A - Complaints Register

Complaints Register

Ref. No.	Date	Name & Address of Complainant	Time/Date of Complaint	Detail of Complaint	Summary of Actions Taken	Shire Notified	Person Responsible

ENVIRONMENTAL NOISE ASSESSMENT

OF

GRAVEL CRUSHING

23 October 2020

AES-890089-R01-2-23102020

Acoustic Engineering Solutions
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DOCUMENT CONTROL

Environmental Noise Impact Assessment

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EXECUTIVE SUMMARY

Acoustic Engineering Solutions (AES) has been commissioned by Accendo Australia to undertake an environmental noise impact assessment for the proposed gravel-extraction operations at lots 2 and 3 Nuttman Road Chapman Hill WA 6280. The aim of this assessment is to determine whether or not the noise emissions from the proposed operations would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

An acoustic model is created and four operational scenarios are modelled:

Scenario 1: represents the topsoil strip.

Scenario 2: represents the extraction activities.

Scenario 3: represents the crushing and screening of rock.

Scenario 4: represents product loading.

Nine closest residential premises are selected for the assessments. Noise levels are predicted for worst-case meteorological conditions. The predicted worst-case noise levels are adjusted for their dominant characteristics according to the Regulations, and then assessed against the assigned noise levels set by the Regulations. The compliance assessment concludes that full compliance is achieved for the proposed gravel-extraction operations.

Ground vibration (Peak Particle Velocity (PPV)) levels of mobile equipment are predicted from the published data. The predicted vibration levels are below the low limits for protecting buildings from damage and for human perception at any of the residences.

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1.0 INTRODUCTION

Accendo Australia (Accendo) proposes gravel-extraction and production at lots 2 and 3 Nuttman Road Chapman Hill WA 6280. Acoustic Engineering Solutions (AES) has been commissioned by Accendo to undertake an environmental noise impact assessment of the proposed operations. The objective of this assessment is to determine whether or not the noise emissions from the proposed operations would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

Before the extraction and production, topsoil is stripped and stockpiled as water, visual and noise barriers around the pit edges. During this period, three personnel work on site on a day shift between 7am and 3:30pm on Monday to Friday excluding public holidays.

When the extraction and production stops, the gravel is loaded to trucks and then transported away from the site. These trucks run form 7 am to 5.30 pm on Monday to Friday excluding public holidays.

Figure 1 in APPENDIX A presents an aerial view of the subject site and surrounding area while Figure 2 presents the locations of closest residences. Residence UR1 is not approved by the local authority.

2.0 NOISE AND VIBRATION CRITERIA

2.1 NOISE CRITERIA

Noise management in Western Australia is implemented through the Environmental Protection (Noise) Regulations 1997 (the Regulations). The Regulations set noise limits which are the highest noise levels that can be received at noise-sensitive (residential), commercial and industrial premises. These noise limits are defined as 'assigned noise levels' at receiver locations. Regulation 7 requires that "noise emitted from any premises or public place when received at other premises must not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind".

Table 2-1 presents the assigned noise levels at various premises.

Table 2-1: Assigned noise levels in dB(A)

Type of Premises Receiving Noise	Time of Day	Assigned Noise Levels in dB(A)[1]		
		$L_{A\,10}$	$L_{A\,1}$	$L_{A\,max}$
Noise sensitive premises: highly sensitive area	0700 to 1900 hours Monday to Saturday	45 + Influencing factor	55 + Influencing factor	65 + Influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + Influencing factor	50 + Influencing factor	60 + Influencing factor
	1900 to 2200 hours all days	40 + Influencing factor	50 + Influencing factor	60 + Influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + Influencing factor	45 + Influencing factor	55 + Influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial premises	All hours	60	75	80

For highly noise sensitive premises, an "influencing factor" is incorporated into the assigned noise levels. The influencing factor depends on road classification and land use zonings within circles of 100 metres and 450 metres radius from the noise receiver locations.

[1] Assigned level L_{A1} is the A-weighted noise level not to be exceeded for 1% of a delegated assessment period.
Assigned level L_{A10} is the A-weighted noise level not to be exceeded for 10% of a delegated assessment period.
Assigned level L_{Amax} is the A-weighted noise level not to be exceeded at any time.

2.1.1 CORRECTIONS FOR CHARACTERISTICS OF NOISE

Regulation 7 requires that that "noise emitted from any premises or public place when received at other premises must be free of:

(i) tonality;

(ii) impulsiveness; and

(iii) modulation.

when assessed under Regulation 9".

If the noise exhibits intrusive or dominant characteristics, i.e. if the noise is impulsive, tonal, or modulating, noise levels at noise-sensitive premises must be adjusted. Table 2-2 presents the adjustments incurred for noise exhibiting dominant characteristics. That is, if the noise is assessed as having tonal, modulating or impulsive characteristics, the measured or predicted noise levels have to be adjusted by the amounts given in Table 2-2. Then the adjusted noise levels must comply with the assigned noise levels. Regulation 9 sets out objective tests to assess whether the noise is taken to be free of these characteristics.

Table 2-2: Adjustments for dominant noise characteristics

Adjustment where noise emission is not music. These adjustments are cumulative to a maximum of 15 dB.			Adjustment where noise emission is music	
Where tonality is present	Where Modulation is present	Where Impulsiveness is present	Where Impulsiveness is not present	Where Impulsiveness is present
+5 dB	+5 dB	+10 dB	+10 dB	+15 dB

2.1.2 Construction Noise

Regulation 13(1) states that construction work means "(g) the removal or reinstatement of vegetation or topsoil for the purpose of or in relation to a mining operation".

Regulation 13(2) states that Regulation 7 does not apply to noise emitted from a construction site as a result of construction work carried out between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday if the occupier of the premises or public place, shows that

(a) the construction work was carried out in accordance with control of environmental noise practices set out in section 4 of AS 2436-2010 Guide to noise and vibration control on construction, maintenance and demolition sites; and

(b) the equipment used on the premises was the quietest reasonably available.

2.1.3 INFLUENCING FACTORS

Nine (9) closest residential premises surrounding the subject site are selected for detailed assessment, as shown in Figure 2 in APPENDIX A.

No major or secondary roads are located within 450m from any selected residential premises. Neither industrial nor commercial zone is present in the vicinity of the selected residential premises within 450m. The gravel pit (9.73 hectares) is at least 320m from UR1 and more than 500m from the other residences. The gravel pit is zoned as "industrial". Therefore, the influencing factor is zero for all of the closest residential locations.

Table 2-3 presents the day-time assigned noise levels for Monday to Saturday excluding public holidays.

Table 2-3: Day-time assigned noise levels (L_{A10}) in dB(A)

Closest Residents	Influencing Factor in dB	Day-time Assigned Noise Levels (L_{A10}) in dB(A) for Monday to Saturday
All Receivers	0	45

2.2 VIBRATION CRITERIA

2.2.1 Building Structural Integrity

Table 2-4 presents the vibration limits for protecting buildings from damage, which is outlined in the German Standard DIN 4150-3[2].

Table 2-4: Vibration limits to protect building from damage.

Type of Structures	Velocity in mm/s at the Foundation at a Frequency of			Plane of Floor of Uppermost Storey
	< 10 Hz	10-50 Hz	50-100 Hz	All frequencies
Building use for commercial purposes, industrial buildings & buildings of similar design	20	20 - 40	40 - 50	40
Dwelling and buildings of similar design and/or occupancy	5	5 - 15	15 - 20	15
Structures that because of their particular sensitivity to vibration and are of great intrinsic value (e.g. heritage listed structures)	3	3 - 8	8 - 10	8

[2] German Standard DIN 4150:1999, Structural Vibration Part 3: Effects of Vibration on Structures.

2.2.2 Human Comfort Criteria

Humans are capable of detecting vibration at levels that are well below those causing risk of damage to a building. Table 2-5 presents the vibration levels for the degrees of perception of humans, suggested by British Standard 5228-2:2009 Code of practice for noise and vibration Control on construction and open sites – Part 2: Vibration.

Table 2-5: Guidance on effects of vibration levels.

Vibration Levels	Effect
0.14 mm/s	Vibration might be just perceptible in the most sensitive situations for most vibration frequencies associated with construction. At lower frequencies, people are less sensitive to vibration.
0.3 mm/s	Vibration might be just perceptible in residential environments.
1.0 mm/s	It is likely that vibration of this level in residential environments will cause complaint, but can be tolerated if prior warning and explanation has been given to residents.
10 mm/s	Vibration is likely to be intolerable for any more than a very brief exposure to this level.

3.0 NOISE MODELLING

3.1 METHODOLOGY

An acoustic model is developed using SoundPlan v8.0 program, and the CONCAWE[3,4] prediction algorithms are selected for this study. The acoustic model is used to predict worst-case noise levels at the closest residential locations and generate worst-case noise contours for the surrounding area.

The acoustic model does not include noise emissions from any sources other than from the proposed gravel-extraction and production. Therefore, noise emissions from road traffics, aircrafts, animals, etc are excluded from the modelling.

3.2 NOISE MODELLING SCENARIOS

Accendo advised that:

- Gravel extraction comprises three cells in a total area of approximately 9.73 hectares.
- During the gravel extraction period, three personnel work on site on a day shift between 7am and 3:30pm.
- In each cell it is estimated that 100mm of topsoil and overburden will be cleared.
- Maximum depth of extraction will be 2m below the existing surface depending on the depth of gravel.
- Topsoil and overburden are to be pushed to outer limits of cell, creating noise bunds of approximately 2 metres in height along pit boundary edges. The 2m high topsoil bund in the east pit edge, as shown in Figure 2 in APPENDIX A, will stay till the completion of this project.
- In each cell finished product is to be stockpiled to the East, to a height of 4 metres from the bottom of the pit, as shown in Figure 3 in APPENDIX A. This means that stockpiles are about 2m from the natural surfaces.
- In each cell the production will take place towards West.
- The production equipment will be shift as required, but constantly in the order of extraction, crusher, feeding screener, feeding conveyor belt to stockpile.
- Not all equipment operates simultaneously; this is staged due to lack of staff and expense involved.
- Crushing and Screening of rock are undertaken separately from the extraction. This means that no extraction activities occur when crushing and screening happen.
- A 5m L-shaped bund will be built at about 3m away from the crusher and Supertrak, as shown in Figure 4 in APPENDIX A.

[3] CONCAWE (Conservation of Clean Air and Water in Europe) was established in 1963 by a group of oil companies to carry out research on environmental issues relevant to the oil industry.
[4] The propagation of noise from petroleum and petrochemical complexes to neighbouring communities, CONCAWE Report 4/81, 1981.

- After the extraction stops, one personnel works on site to load gravel to trucks on day shift between 7am and 5:30pm. Then trucks transport the gravel away from the site. During the loading truck engine will be switched off.

Four phases are planned:

- Topsoil strip using the following equipment:
  - A CAT 12M Grader; and
  - A D9 Dozer.
- Extraction using the following equipment:
  - A CAT 366FL Excavator; and
  - A CAT 966H Loader.
- Crushing and screening of rock using the following equipment:
  - A CAT 966H Loader to load rock to the crusher;
  - Impact Crusher;
  - Supertrak (Terex Finlay 693+); and
  - Stacker (Terex Finlay 632).
- Loading products into road trains using a CAT 966H Loader. The engines of road trains will be switched off during the loadings.

Based on the provided information and proposed activities, four operational scenarios are modelled:

Scenario 1: represents the topsoil strip.

Scenario 2: represents the extraction activities.

Scenario 3: represents the crushing and screening of rock.

Scenario 4: represents product loading.

UR1 is the residence closest to the pit. Extraction and crushing at cell 1 represent the worst-case operation for scenario 2 to 4. Therefore, the activities for extraction and crushing/screening at cell 1 and transporting products from cell 1 stockpile are modelled and assessed in this study.

The 2m high topsoil bund in the east pit edge, as shown in Figure 2 in APPENDIX A, is assumed to be present for scenarios 2 to 4.

For worst-case operations, all items of the mobile equipment are assumed to operate on the natural surfaces for scenario 1.

For scenario 2, both 366FL Excavator and CAT 966H Loader are assumed to operate at the bottom of the pit and within 50m from the 2m topsoil bund on cell 1 edge. This scenario is for the operations before the 4m product stockpile is built. After the 4m product stockpile is built, both 366FL Excavator and CAT 966H Loader should work within 50m to the west of the 4m product stockpile.

For scenario 3, the 5m L-shaped bund is assumed at 3m away from the Crusher and Supertrak, as shown in Figure 4 in APPENDIX A. The fixed plant is assumed to sit on the pit floor (2m below the natural surface). Cat 966H loader is assumed to load rock to the crusher.

Product stockpile is not included in the acoustic model. If the 4m product stockpile is included, the predicted noise levels will be lower at the stockpile shadow area (for the eastern receivers: R4 to R7 and UR1).

For scenario 4, the loader is assumed to operate at 1m below the natural surfaces.

3.3 INPUT DATA

3.3.1 Topography

The ground contours for the proposed site and surrounding area are provided by Accendo in AUTO-CAD dwg format. The ground is assumed to be absorptive.

Neither buildings nor sheds are considered in the acoustic model.

3.3.2 Noise Sensitive Premises

Nine (9) nearest residential premises are selected for the assessment, as shown in Figure 2 in APPENDIX A.

3.3.3 Source Sound Power Levels

Table 3-1 presents the source sound power levels. The sound power levels of CAT 12M Grader, CAT 366FL Excavator and CAT 966H Loader are calculated from the manufacture data for overall levels and their spectra are obtained from the AES database for similar equipment. The sound power levels of the other equipment were provided by Accendo.

Table 3-1: Sound power levels.

Equipment	Octave Frequency Band Sound Power Levels in dB(lin)								Overall
	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	dB(A)
CAT12M Grader[5]	97	101	108	103	101	101	98	91	**105**
D9 Dozer	108	112	117	115	106	107	103	98	**112**
CAT 366FL Excavator	95	98	110	100	100	102	98	95	**106**
CAT 966H Loader	96	107	106	101	104	103	100	92	**107**
Impact Crusher	110	120	117	111	112	109	106	101	**114**

[5] With sound suppression package.

Equipment	Octave Frequency Band Sound Power Levels in dB(lin)								Overall
	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	dB(A)
Terex Finlay 693+	108	107	107	106	108	106	102	99	**110**
Terex Finlay 632	94	95	93	94	88	93	90	78	**96**

3.4 METEOROLOGY

SoundPlan calculates noise levels for defined meteorological conditions. In particular, temperature, relative humidity, wind speed and direction data are required as input to the model. For this study the worst-case meteorological conditions[6] are assumed, as shown in Table 3-2.

Table 3-2: Worst-case meteorological conditions.

Time of day	Temperature Celsius	Relative Humidity	Wind speed	Pasquill Stability Category
Day (0700 --- 1900)	20° Celsius	50%	4 m/s	E

[6] The worst case meteorological conditions were set by the EPA (Environmental Protection Act 1986) Guidance note No 8 for assessing noise impact from new developments as the upper limit of the meteorological conditions investigated.

4.0 MODELLING RESULTS

4.1 POINT CALCULATIONS

Table 4-1 presents the predicted worst-case A-weighted noise levels. The highest noise level is predicted at UR1 for scenarios 1, 2 and 4 but at R3 for scenario 3.

Table 4-1: Predicted worst-case noise levels in dB(A).

Receivers	Predicted Noise Levels in dB(A)			
	Scenario 1	Scenario 2	Scenario 3	Scenario 4
R1	36.4	32.4	39.9	30.4
R2	36.6	33.5	37.6	32.4
R3	39.7	36.1	40.0	34.7
R4	29.6	20.7	24.2	26.3
R5	40.9	31.8	32.0	32.5
R6	39.2	33.7	31.5	22.4
R7	34.7	31.8	38.6	27.9
R8	30.3	23.6	30.6	10.8
UR1	44.0	37.5	36.7	40.0

4.2 NOISE CONTOURS

Figure 5 to Figure 8 in APPENDIX A present the worst-case noise level contours at 1.5m above the ground. These noise contours represent the worst-case day-time noise propagation envelopes, i.e., worst-case propagation in all directions simultaneously.

5.0 COMPLIANCE ASSESSMENT

5.1 ADJUSTED NOISE LEVELS

Noises from the proposed fixed plant and mobile equipment are expected to exhibit tonality. According to Table 2-2, the predicted noise levels shown in Table 4-1 should be adjusted by adding 5 dB.

Table 5-1 presents the adjusted worst-case noise levels in dB(A).

Table 5-1: Adjusted worst-case noise levels in dB(A).

Receivers	Adjusted Noise Levels in dB(A)			
	Scenario 1	Scenario 2	Scenario 3	Scenario 4
R1	41.4	37.4	44.9	35.4
R2	41.6	38.5	42.6	37.4
R3	44.7	41.1	45.0	39.7
R4	34.6	25.7	29.2	31.3
R5	45.9	36.8	37.0	37.5
R6	44.2	38.7	36.5	27.4
R7	39.7	36.8	43.6	32.9
R8	35.3	28.6	35.6	15.8
UR1	49.0	42.5	41.7	45.0

5.2 COMPLIANCE ASSESSMENT

Scenario 1 (topsoil strip) represents construction activities. As indicated in section 2.1.2, no assigned noise levels apply to scenario 1 as long as "*the construction work was carried out in accordance with control of environmental noise practices set out in section 6 of AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites*" and "*the equipment used on the premises was the quietest reasonably available*".

Scenarios 2 to 4 generate continuous noise emissions. All activities in this project are proposed for the days only (between 7:00am and 5:30pm) on Monday to Friday excluding

public holidays. Therefore, noise emissions should be assessed against the day-time assigned noise levels L_{A10} for Monday to Friday.

Table 5-2 presents the compliance assessment. It is shown that the adjusted worst-case noise levels are not above the day-time assigned noise levels at all of the noise-sensitive premises for scenarios 2 to 4. This means that full compliance is achieved for the proposed operations.

Table 5-2: Compliance assessment.

Receivers	Assigned Noise Levels in dB(A)	Adjusted Noise Levels in dB(A)		
		Scenario 2	Scenario 3	Scenario 4
R1	45	37.4	44.9	35.4
R2	45	38.5	42.6	37.4
R3	45	41.1	45.0	39.7
R4	45	25.7	29.2	31.3
R5	45	36.8	37.0	37.5
R6	45	38.7	36.5	27.4
R7	45	36.8	43.6	32.9
R8	45	28.6	35.6	15.8
UR1	45	42.5	41.7	45.0

6.0 VIBRATION ASSESSMENT

Ground vibration (Peak Particle Velocity (PPV)) between two points at distances Ra and Rb from a source can be calculated using the following equation:

$$Vb = Va \left(\frac{Ra}{Rb}\right)^{1.5} \quad (1)$$

Where Va and Vb are the PPV vibration levels at locations a and b.

The published data for vibration levels of construction equipment show:

- Excavators: 0.2mm/s at 40m[7].
- Graders: 3mm/s at 10m.
- Dozers: 2 – 4mm/s at 10m[8].

No published vibration data are available for FELs and crushers. It is expected FELs generate lower vibration than Dozers.

Table 6-1 presents the predicted vibration PPV levels. It is shown that the predicted vibration PPV levels are less than 0.1mm/s at 300m from operating equipment at the pit. UR1 is the closest residence and more than 300m away from the pit. Therefore, at any of the residences the predicted vibration PPV levels are much lower than the limits for protecting buildings from damage and for human perception, as shown in section 2.2.

Table 6-1: Predicted Vibration PPV Levels in mm/s.

Receivers	Predicted Vibration Levels in mm/s at Different Distances			
	10m	20m	100m	300m
Dozers	2.4 to 4	1.4	0.13	< 0.1
Excavators		0.6	< 0.1	< 0.1
Graders	3	1.1	< 0.1	< 0.1

[7] Management of Noise and Vibration: Construction and Maintenance Activities, Environmental Instruction 21.7, March 2017, Department of Planning, Transport and Infrastructure.
[8] NSW RTA Environmental Noise Management Manual (RTA, 2001).

APPENDIX A AERIAL VIEW

Client: Accendo Australia
Project: ENIA of Gravel Crushing

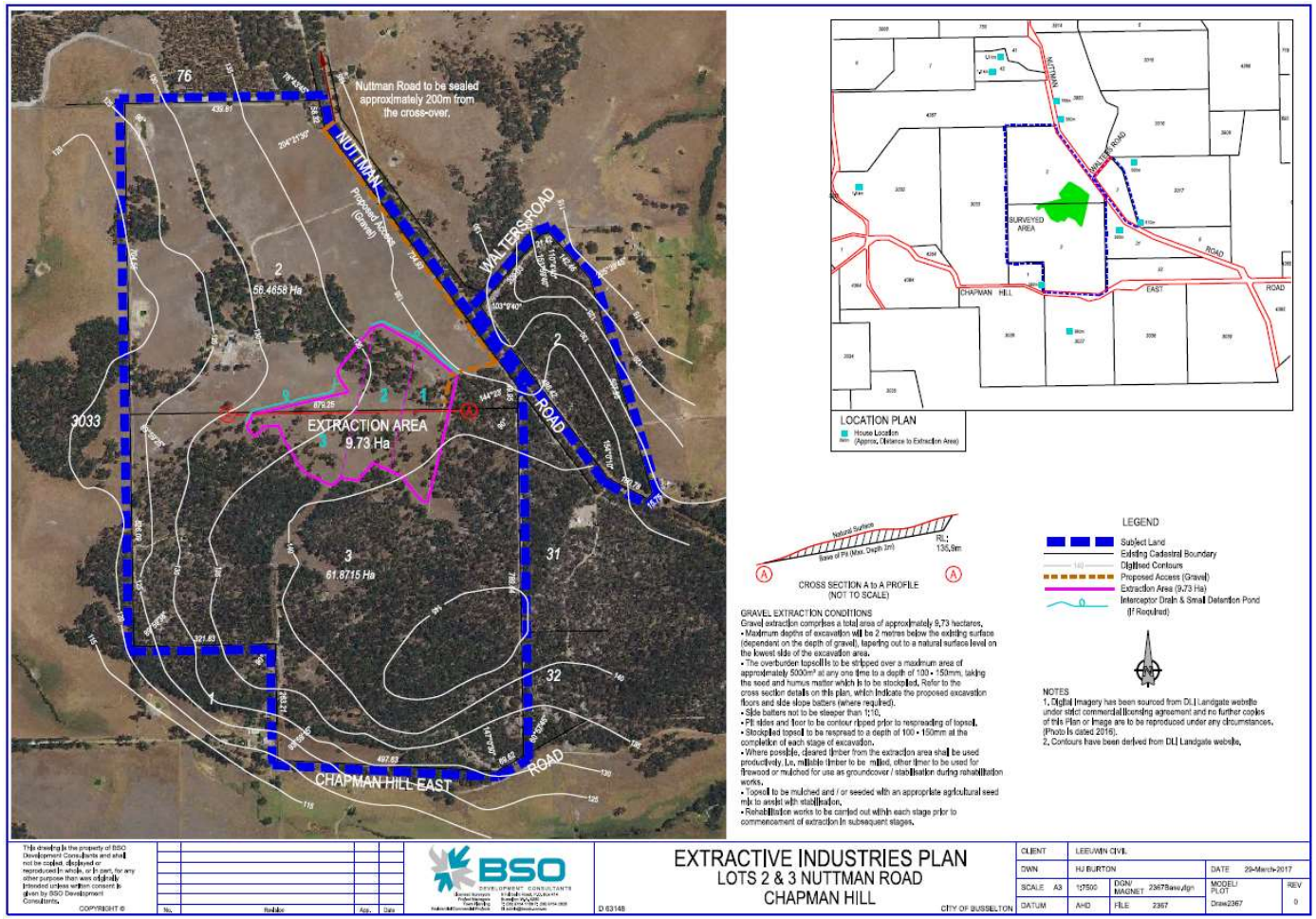


Figure 1: Aerial view of the subject site and surrounding area.

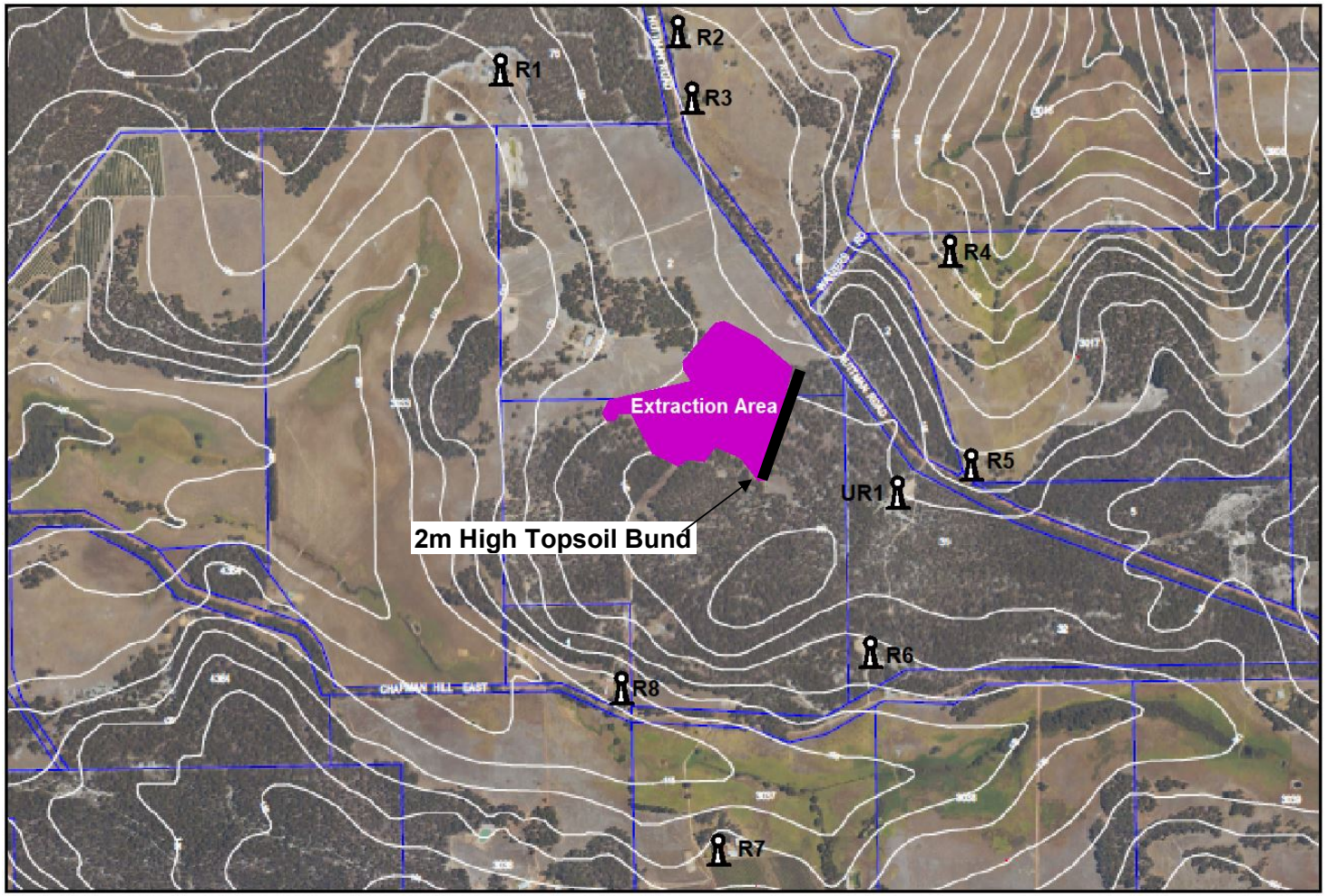


Figure 2: Locations of closest residences.

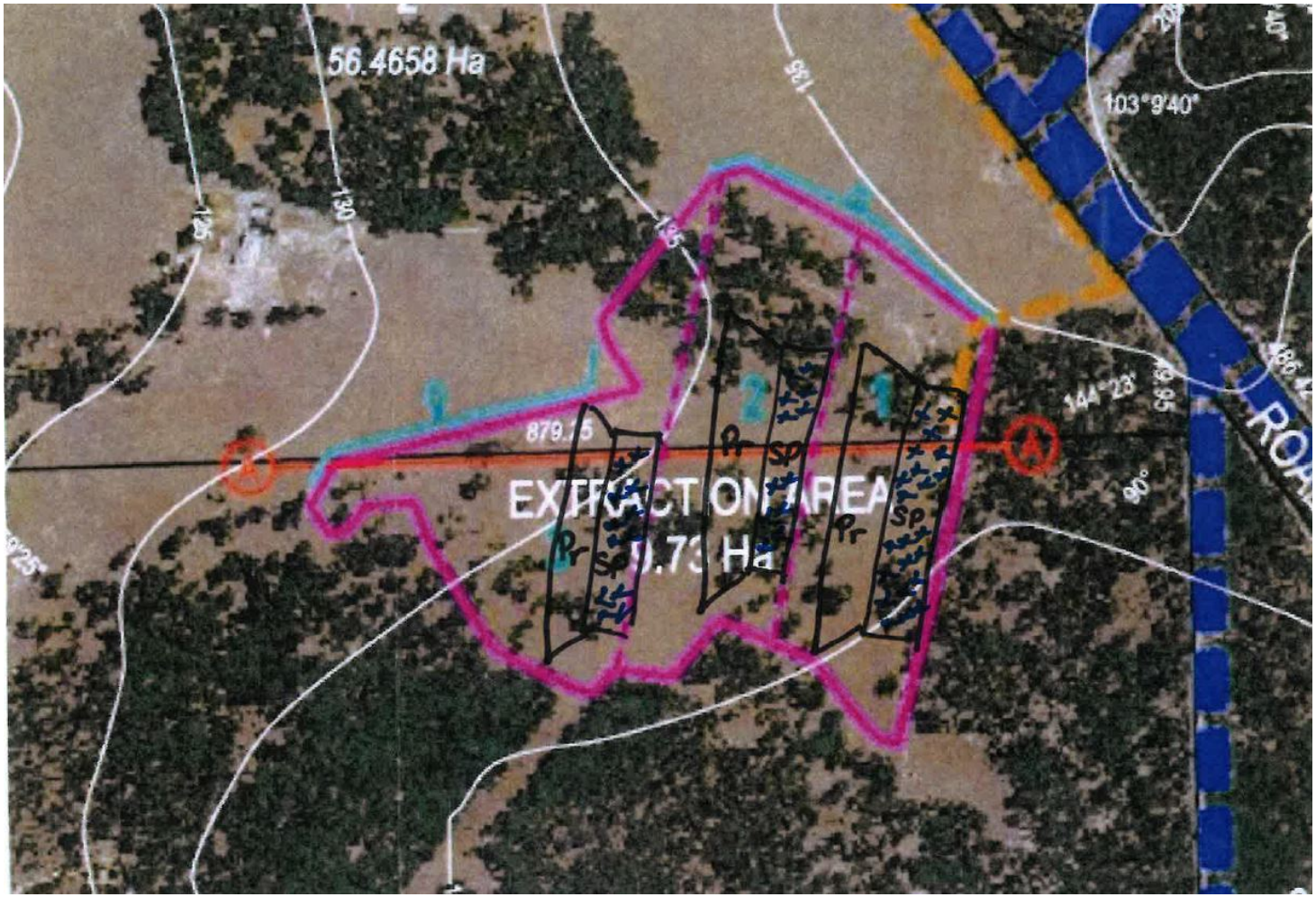


Figure 3: Locations of product stockpiles.

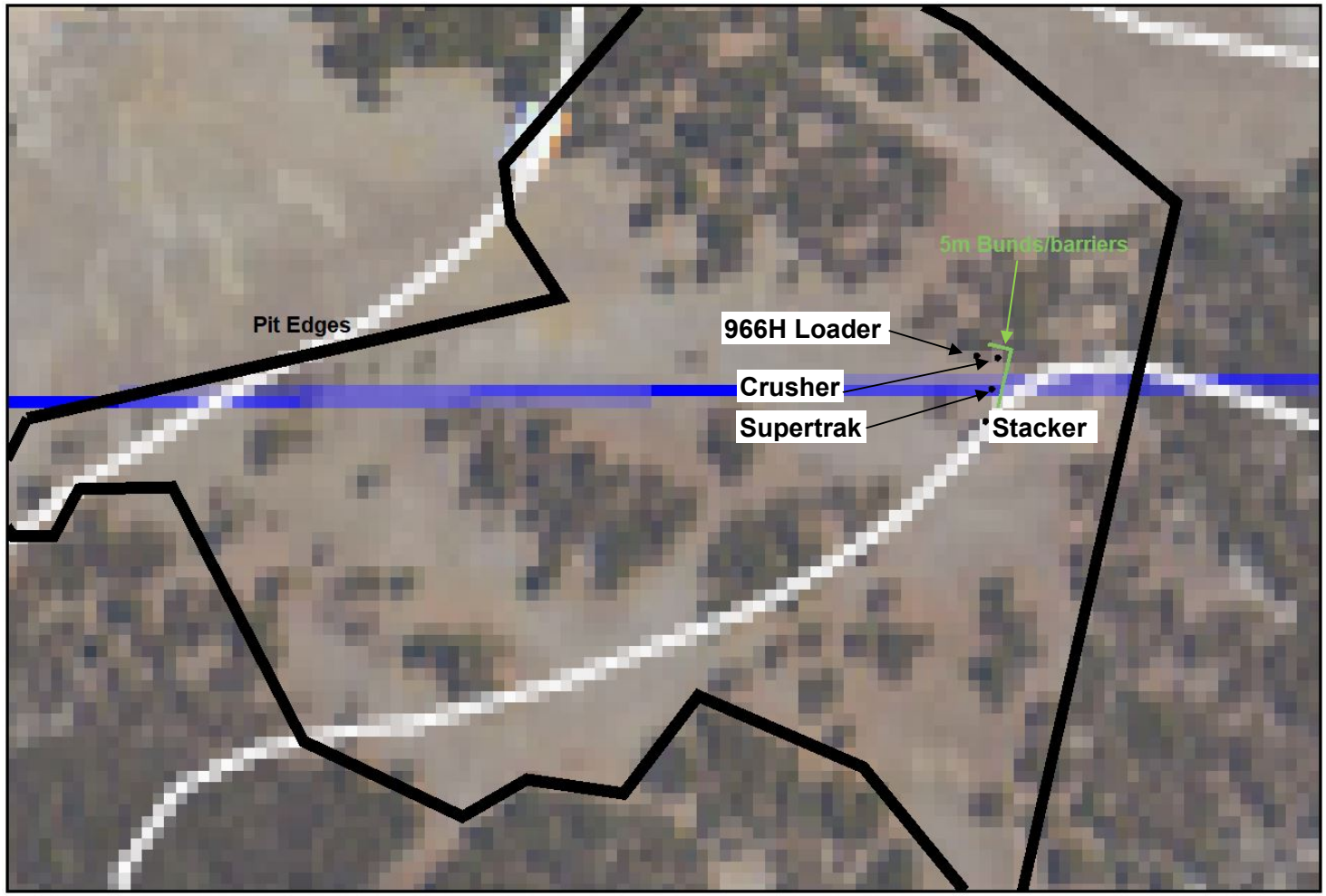


Figure 4: Locations of 5m L-shaped bund.

APPENDIX B NOISE CONTOURS

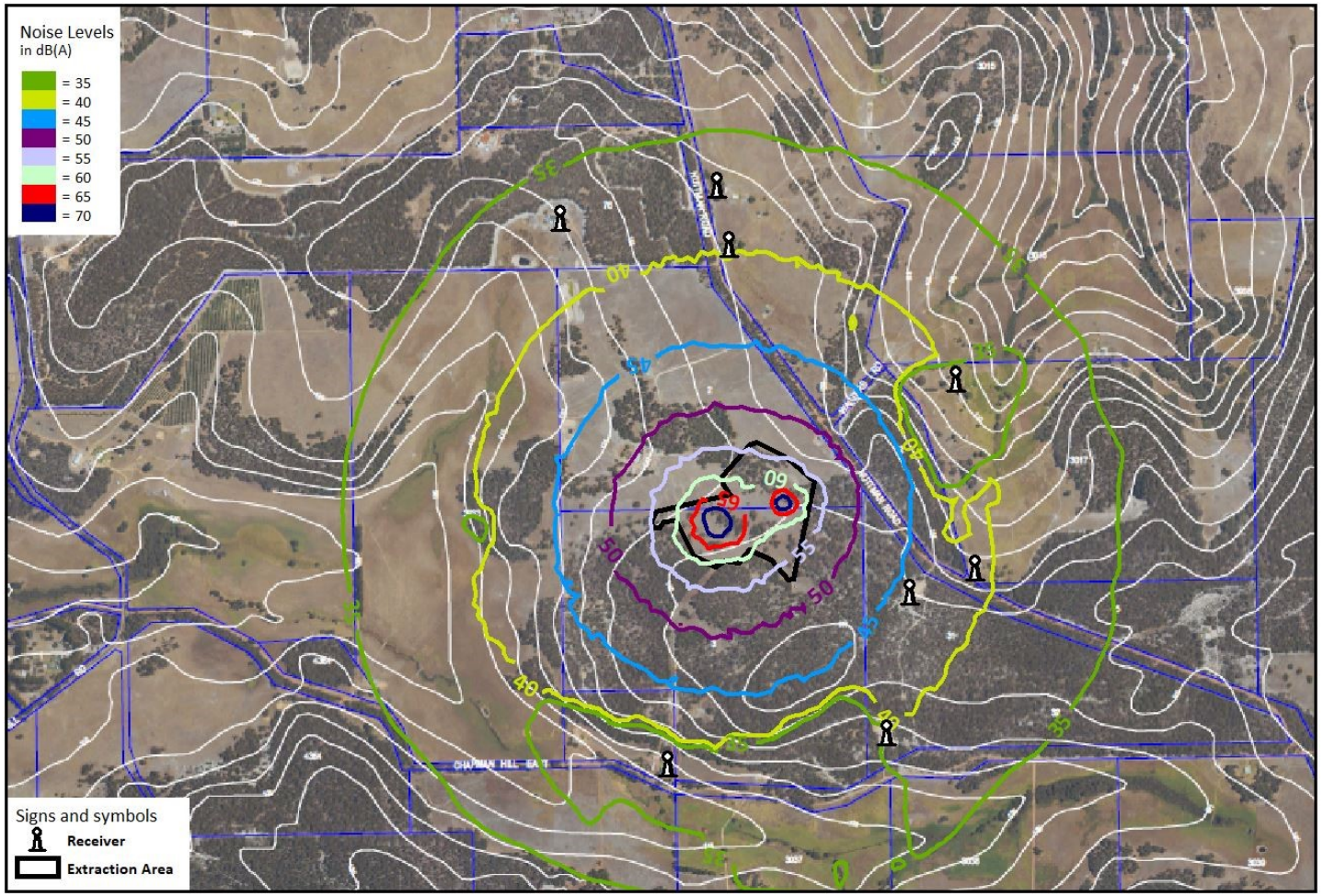


Figure 5: Worst-case noise contours for scenario 1.

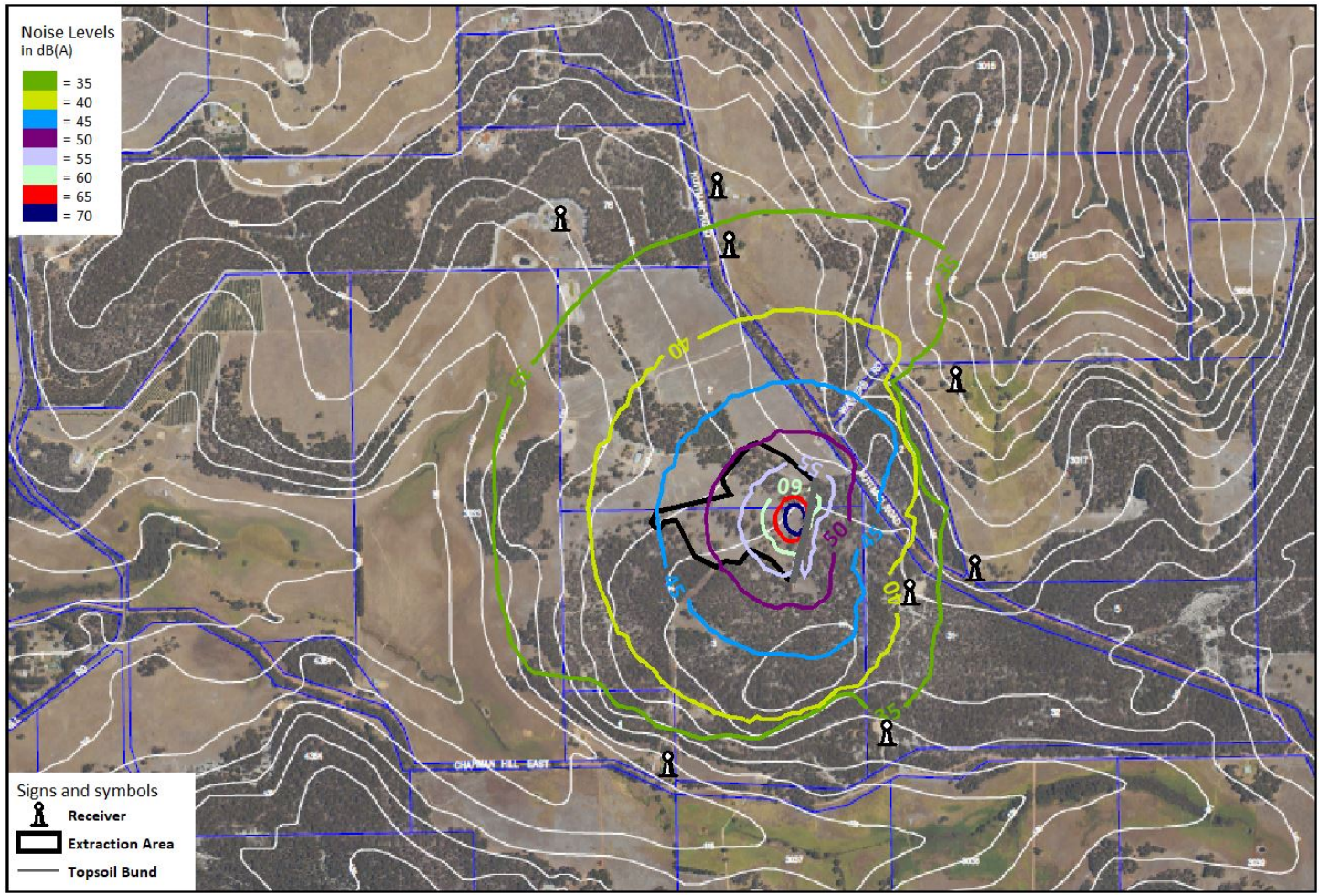


Figure 6: Worst-case noise contours for scenario 2.

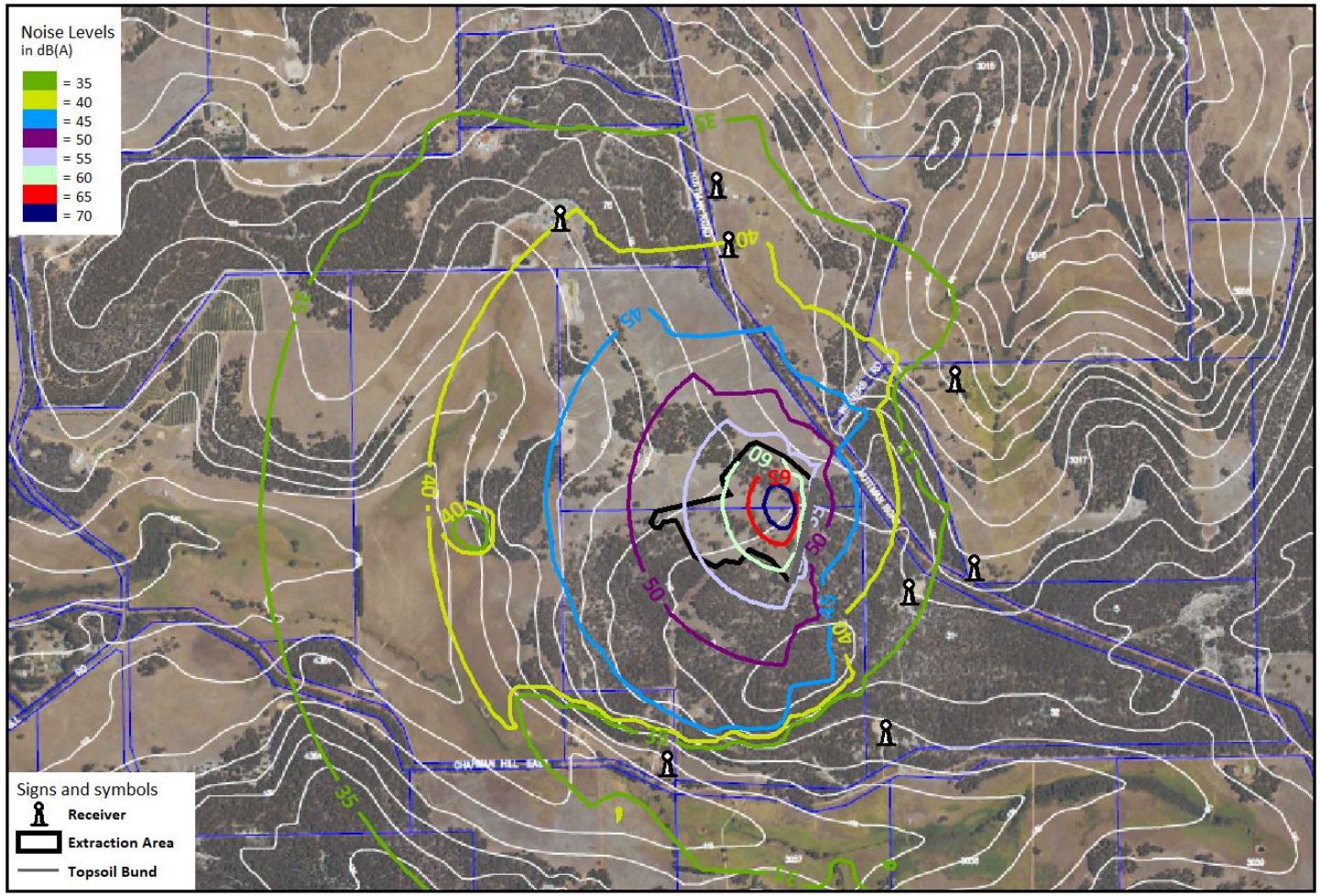


Figure 7: Worst-case noise contours for scenario 3.

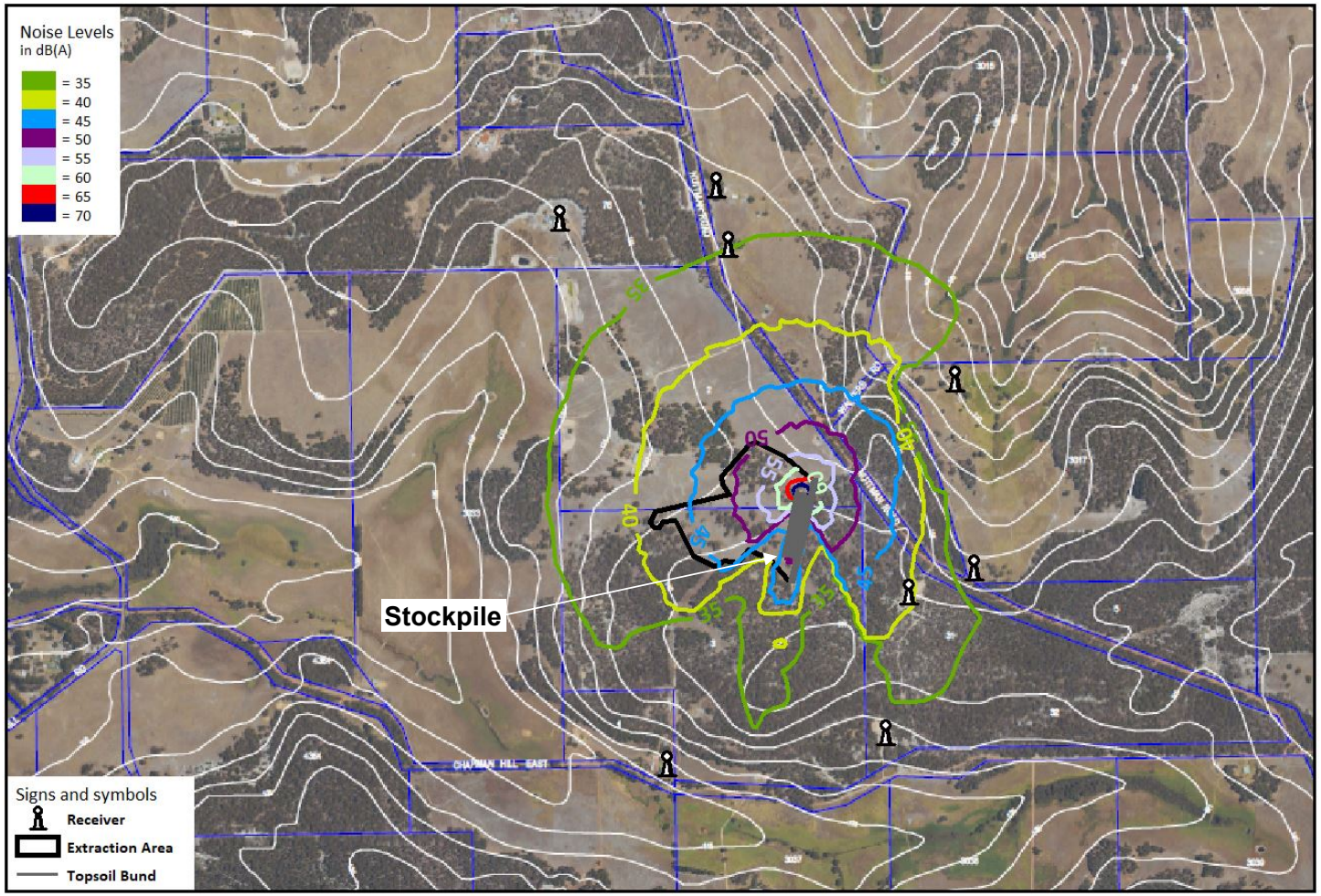
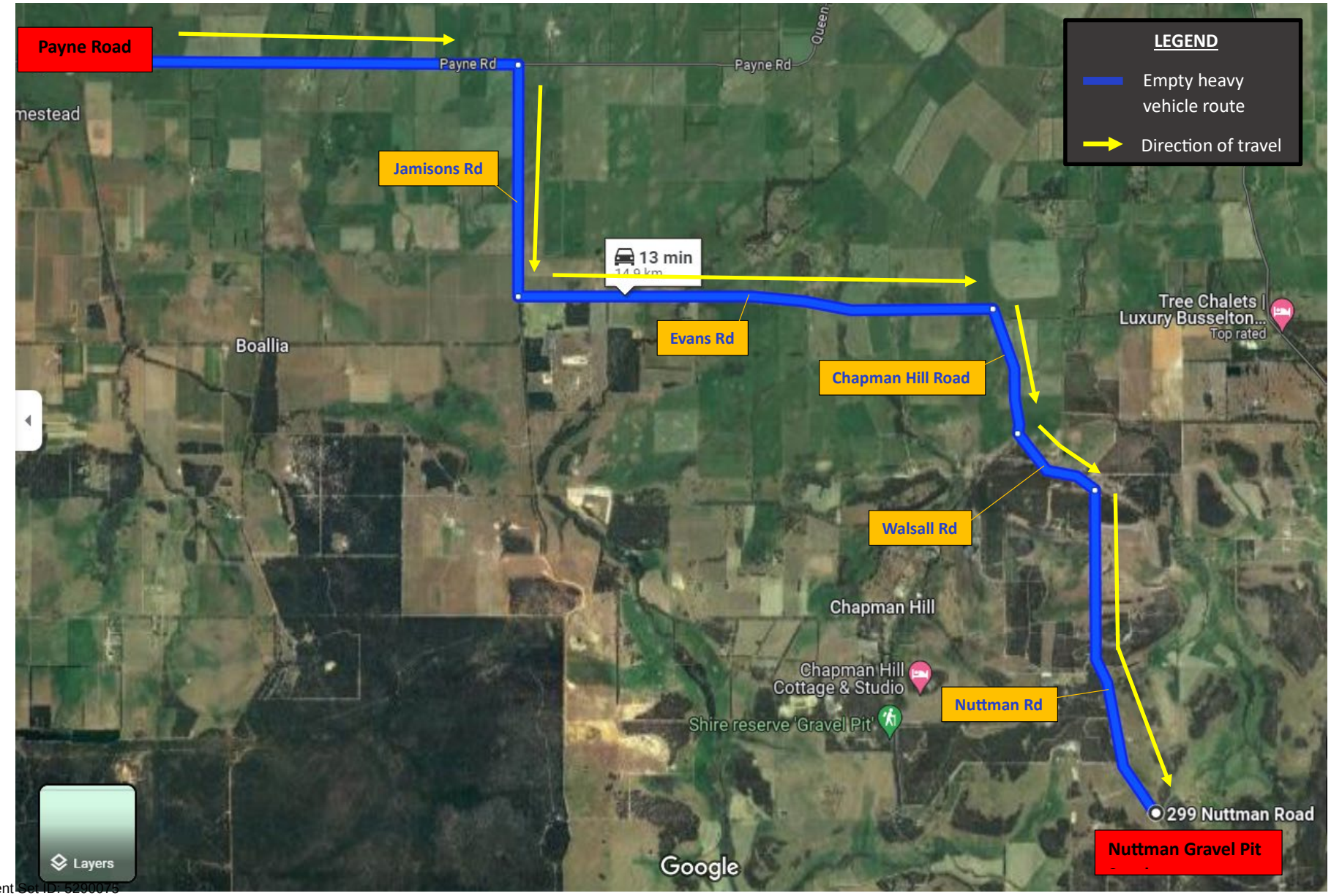
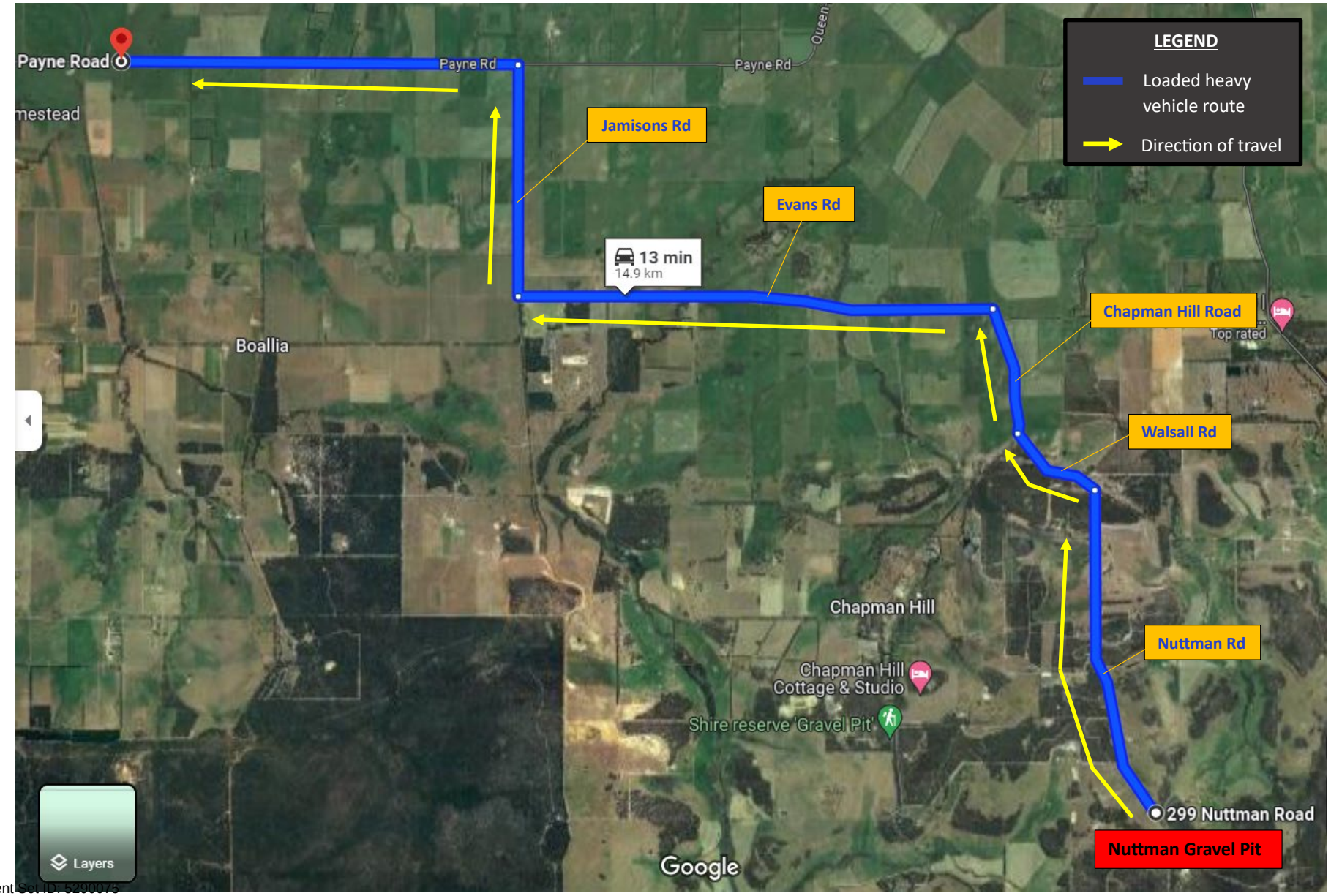


Figure 8: Worst-case noise contours for scenario 4.

HEAVY VEHICLE HAULAGE ROUTE - EMPTY



HEAVY VEHICLE HAULAGE ROUTE - LOADED



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PROPOSAL: INDUSTRY – EXTRACTIVE : LOT 2 NUTTMAN ROAD AND LOT 3 CHAPMAN HILL EAST, CHAPMAN HILL

SUBMISSIONS CLOSE: 14 February 2024

OFFICER: Andrew Watts

No	NAME & ADDRESS	NATURE OF SUBMISSION
1.	Department of Biodiversity Conservation and Attractions	The proponent is seeking to amend the operating hours, add an additional haulage route and increase the maximum daily truck movements to 100 truck movements per day. DBCA provides the following advice pursuant to DBCA's responsibilities under the Biodiversity Conservation Act 2016 (BC Act). **Advice to City** The original Lot 3 extractive industry proposal documents (2018) indicated that there would be less than 7 additional truck movements per day and the proposed haulage route would be northwards along Chapman Hill Road to Busselton. **Operating Times** DBCA has no comments in relation to the proposed amendment to approved operating times. **Additional Haulage route** Properties subject to conservation covenants to protect the biodiversity values within those lots, and occurrences of threatened flora and Threatened Ecological Communities (TEC) are located adjacent to the proposed additional haulage route. Provided no road widening or upgrades are required to the existing roads, DBCA has no objections to the use of an additional haulage route along Nuttman Road to Chapman Hill Road, travelling west to Roy Road and onto the highway. If road widening or upgrades are required along the proposed additional haulage route due to increased truck movements, then DBCA should be consulted in relation to potential impacts to adjacent threatened flora and TEC vegetation. **Truck Movements** The proposed amendment to haulage truck movement numbers is a substantial increase from the original proposal. DBCA notes the original application referred to dust management. If the City considers approving the proposal, dust control measures should consider the avoidance of dust accumulation on threatened flora and TEC vegetation, located adjacent to unsealed sections of the proposed additional haulage route.
2.	Main Roads Western Australia South West Region	Main Roads has no objection to the proposed amended planning application subject to compliance with any requirements of Main Roads Heavy haulage division.
3.	P Repton Chapman Hill	In response to your letter dated the 11th of January I make the following observations. I welcome the changes associated with the proposal being: • Aligning truck movements to the school bus pick-ups

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		• Adding in an additional haulage route. Can you please clarify whether the increase in truck movements relate to fifty trucks moving to and from the gravel pit vs. one hundred trucks moving to and from? The concern for me is that fifty and even more problematically one hundred trucks moving to and from the pit will cause more damage to the road shoulders at my property entrance at 196 Nuttman Road. My property entrance is on the right-hand side of the left-hand bend near the top of Nuttman Road as per the attached photographs. I have noted over the past few months that the gravel shoulder at the side of the road at my entrance is being eroded away and that the step off the bitumen to the gravel is getting more exaggerated. I am expecting this to worsen over Autumn, Winter as rain & water run off will soften the edges more than they currently are. It is my assumption that trucks are havingto move off the road to the shoulder to prepare for any vehicle movement coming up the hill asthey move down, due to the width of the road not allowing two vehicles to occupy the road safely at that point. The more movements, the more wear and tear. Considering the proposed amendment to the Development Approval, this would be a perfect time to assess this and other incidental issues associated with the use of Nuttman Road by large trucks. I am putting forward that as part of the proposals conditions of acceptance that the shoulder on this corner and the other on the other side of the road be bituminised and widened to allow for trucks using these shoulders safely. I would also request that gravel be laid at the entrance to my property to aid in supporting the integrity of the works.
4.	C & N Howard Chapman Hill	It is not clear from the letter provided to us dated 11th January 2024, why the truck movements now have to double to 100 truck movements per day for the remainder of the operation of the extraction site. This is a substantial increase in truck movements on a rural road network, coming in and out of Chapman Hill which has tourist traffic going to Hippo Lakes Café, to our Cellar Door, and to the Heyscape cabins located on our property, as well as the residents who live in Chapman Hill and use the network of roads already being used by the Leeuwin Civil trucks. I would like it noted too, that Leeuwin Civil do have a history of not complying fully with the DA17/0866 conditions, and I have email records that detail these occurrences from when the gravel extraction operation commenced, which included, commencing without a permit to operate from the City of Busselton. As part of my submission objecting to these amendments, I have some questions that I would like answered please: 1. How many cubic metres have been extracted so far from the pit, and why after operating for 2 ½ years do truck movements need to double? 2. Comparing the PDF page of the extraction area approved in DA17/0866, to a satellite photo from November 2023 provided to me by a neighbour, it appears that Leeuwin Civil are extracting gravel outside of the approved extraction area.

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5.	• B Gratte Chapman Hill	Regarding DA1710866.01Amendment to Development Approval - industry- Extractive (Gravel) - Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road Chapman Hill WA 6280. Evans Rd is used for the movement by medium and heavy rigid trucks, semi-trailers and road trains (including milk tankers). There is also situated on a bend a school bus turning area. Many push bike riders also use Evans Rd with limited visibility on these riders as they are often in dark clothes, travelling slowly and 2-4 wide on corners. Vehicles and other road users often travel at maximum speed timit. Many of the driveways on Evans Rd are concealed due to the high amount of undergrowth vegetation. The Driveway at 275 Evans Road has had a request for clearing the vegetation to see oncoming traffic through the Busselton Shire portal but no clearing has been completed. Recently there was a near miss with a vehic(e using the driveway to turn around in and putting out on a very fast-moving utility. Also prior to my purchase of the property I understand there were other near misses. Near the drive is also a single lane bridge where vehicles use the middle of the road to cross and if there are vehicles coming both ways one is required to stop. Whist I have no objections to the Gravel being moved the safety issues of Evans Rd, Jamison's Rd, Chapman Hill Rd with concealed driveways, concealed road junctions, school[bus turning area and a single lane bridge combined with fast moving vehicles - not just trucks are a significant safety issue.
6.	J Walker Chapman Hill	I have tried to go the “have Your Say” portal but not having success in logging in and not clever enough with technology to work it out. WE ALL WANT GOOD ROADS AND WE NEED GRAVEL TO DO THAT - so I am not anti the application. However, I have some concerns. Clearly there is already some sort of agreement about the movement of gravel on these roads as there have been gravel trucks going up and down our road for what seems to be forever. As I am reading this it seems the application is to allow increased movements. Here is the first dilemma: Around September/October 2023 I was gardening and as a sheer matter of curiosity I counted the number of gravel trucks going past our front gate over the course of an hour and in that one hour there were 15 trucks. By my maths that is 90 movements over 6 hours, 105 over 7 hours and 120 over 8 hours. Since this application appears to be seeking increased movements one has to assume that they are not complying with whatever the current agreement allows. HOW OR WHO WILL ENSURE THE AGREEMENT IS COMPLIED WITH? My second concern is that there cannot be that many trucks including the milk tankers and stock trucks along with other delivery trucks going up and down the road without considerable wear and tear, What Contingencies has the City put in place to mitigate wear and tear and maintain these roads while this degree of use is taking place? As previously stated I am not opposed to the gravel being transported along our road but I do want assurances that there are proper processes in place to ensure any agreement is complied with and any wear and tear will be dealt with promptly without undue cost to us as local road users.
7.	R Mildwaters Buselton	Objection 1. Loss of trees and habitat for wildlife. In these times of logging and development our environment has suffered greatly. It’s time to stop destroying the planet. 2. endangering the lives of our schoolchildren as trucks carrying gravel and our school

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		• busses should not share the same road. Impact on rare flora and fauna;
8.	H Lehman Armadale	Do not think it necessary to increase so much traffic with trucks in the area.
9.	M Stewart West Bussellton	Objection. Because it is ridiculously over the top to request that many trucks, and will cause so much inconvenience to local residents, and impact on traffic (as it already has broken restrictions regarding not being on the roads at school pick-up and drop off times.) Please do NOT approve this request. Your co-operation would be extremely appreciated.
10.	V & J Bussell Walsall	This application from Leeuwin Civil is totally unacceptable! It needs modifying and reducing considerably to take account of the adverse effects that such a large-scale proposal would have on immediate pit site neighbours such as us, and the welfare and safely of all the many users of the proposed transport corridor between the Nuttman Road pit site and the Bussell Highway end of Roy Road at Yelverton. Let's not forget Leeuwin Civil have shown clearly over the past two years since extraction from their Nuttman Road pit site commenced, that they pay little, or in many cases no regard for the rules that were put in place before original submissions were called for this project around four years ago. We were never advised for instance that most of the gravel from this site would be trucked by Giant 50-metre-long Road Trains which double the danger and noise levels involved. The dust levels from the unsealed portion of the Transport Corridor have to be seen to be believed. Let's not forget this company has finally decided to apply for a permit to do what they've been doing for the last two years without permission anyway, which is to transport the majority of their gravel from their Nuttman Road pit along Evans and Payne Road using rigs double the size and up to double the numbers of those they stated they would use at the time original submissions were taken. Their lack of compliance with avoiding school bus times by their haulage vehicles and the haulage vehicles of the numerous sub-contractors they sell gravel to, who also pick up from this site, has to be seen to be believed. This Variation proposal in its present form must not proceed! In the light of the above, the daily maximum haulage truck numbers to and from Leeuwin Civils' gravel pit on Mr Brian Bakers Nuttman Road property should be officially limited to a total maximum of 50 truck movements per day. The request for this variation to allow 100 truck movements per day is even more unacceptable in the light of the following: Please bear in mind that most of the haulage [as per current haulage practices from this site] will be carried out using huge 50-metre-long double road trains. These huge road trains should be counted as two truck movements as they carry twice the amount of a standard semi and they represent a far greater road hazard and noise and dust concern to neighbours and haulage route road users than smaller standard size rigs. It should also be noted that a further reason for my objection to this Variation proposal is that my old farm house near the start of the un- sealed section of Leeuwin Civil's Nuttman Road transport corridor, has been made virtually unliveable since transport [especially the early 6:15 am commencing transport] by the heavy haulage trucks from Leeuwin Civil's nearby pit site began just over two years ago. My eldest son Daniel and his wife who is a nurse at Busselton Hospital lived in our old house until fairly recently

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		but the dust and noise issues from the haulage trucks and pit machines finally forced them to move to alternative accommodation in Busselton. Finding new tenants for our house in the light of the present circumstances would be virtually impossible. We really do hope that common sense and fairness will prevail in relation to this Variance application and that a maximum Limit of 50 truck movements per day is officially imposed and that the dust will be properly suppressed as originally promised and that commencement times for haulage trucks into and out of the site and loading and crushing at the site [again as promised when submissions were first called around four years ago] will stipulate that no work at the site or truck movements into or out of the site are to commence prior to 7am. Yours sincerely Vernon J Bussell Walsall 6280. 12/2/2024. PS I note that there has been no mention of a further expansion of Leeuwin Civil's Nuttman Road pit site in their Variation request for my neighbour Mr Brian Bakers farming property, involving the clearing of any further native bushland. However just in case such a proposal is being envisaged I must inform those reading this submission that due to the presence of rare and endangered flora and Fawna in the said native bushland, that any further expansion of this extractive industry on the above property, that requires the clearing of native vegetation, will be very strongly opposed by myself and my family and other like-mindedneighbours.
11.	H Lullfitz Walsall	I don't support the proposal to increase truck movements to 100 a day as I believe this is too many for this residential area. Part of Nuttman Road is a narrow, gravel road - and Walsall Road has a bend whereby the trucks take up the entire road and I have had several near misses narrowly avoiding a collision due to the speed of the trucks and the downward slope of Walsall Road (for reference the bend is located at -33.784474, 115.344604). Increased truck movements will also cause more wildlife deaths on Nuttman Road - endangered cockatoos, reptiles and mammals. In addition I no longer have trust that the operator complies with the conditions on the DA due to having the trucks operating during school bus times and consistently using Evans Road for the past two years thereby breaching their approved haulage route of Chapman Road to the bypass. In conclusion I do not support 100 truck movements a day due to the impact on the wildlife, amenity of the area, • the safety of local residents walking/biking along Nuttman Road and driving to/from their homes.
12	R Gallagher Boallia	Objection As a property owner on the subject route. Payne Road has already become very busy with large truck traffic being greatly increased. Significantly endangering local residents, and fauna. To add up to 100 trucks per day, seems irresponsible, as to the current roads, and significant dangers this presents. I'm especially worried about young children, and local farmers who occasionally will move cattle along the road. Is there an alternative route, or a way to not concentrate all the flow to this route?

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13	J Bussell Walsall	I object to the current amendment as advertised for the gravel pit on Nuttman Rd Chapman Hill. 100 trucks movements for approximately 1 year is too excessive as our house is approximately 20 metres from the road so we get disturbed by all the noise and dust from these trucks which are mostly road trains. As there is No Curfew Times for the trucks put in place under the current arrangement. The trucks and Road trains are arriving at the pit anytime from 6.00am which is happening now already and is of great disturbance to our household. The road is not wide enough for all these trucks and Road Trains and the gravel section is quite narrow with a blind corner. There is a culvert which was never widened and the dust is a constant problem to us as Leeuwin Civil refuse to water the road. Pulling out of our driveway is a hazard when there are so many truck movements (50 movements a day) using this road. To increase these numbers to 100 per day as proposed is totally unacceptable and will make a huge impact on our lives here. The noise from the trucks using air brakes going down the hill and also approaching the blind corners is another disturbance we have to put up with. I object to the new pit times and I would like to see a curfew of NO TRUCKS BEFORE 7am put in place on any working day of the year. The Evans Rd/ Chapman Hill Rd intersection needs to be looked at as a safety issue. It is not a very wide intersection to allow for turning trucks and anyone else using the intersection at the same time. I would like to know how many trucks will be using the new Evans Rd route? Our native flora and fauna need consideration as well as some are quite endangered and some species are getting rarer over the years with clearing of native habitat as there is insufficient protection in place. I am totally opposed to clearing of native bush land for any further expansion of the pit
14	L Clemens Kaloorup	Because speed limit is to high needs to be 80kph leaving our property it is already very dangerous with trucks doing110 kph • or more with increased activity is a accident waiting to happen
15	P Shave Ambergate	It will increase traffic on Chapman Hill Road, the main road from our house into town. Extended use of heavy loads will damage the road, which in turn causes more traffic delays when fixing. School buses will inevitably be affected, causing • delays and safety concerns. The idyllic nature of the area would be lost. •
16	M & T Brannan Walsall	I do not support increased haulage traffic or noise in the rural area. I have had to have 2 windscreens replaced from stone chips flying up from these vehicles. The roads in this area, including Evans and Jamieson Road, are not wide enough to facilitate two way traffic when one of the vehicles is heavy haulage travelling at speed. Furthermore the noise of these • vehicles is intrusive and I would not support lengthening of the times during which they can arrive and depart. The impact from noise and heavy traffic on our property is already excessive. Increasing to 100 trucks per day driving past our property (more than one every 5 minutes) would make the situation significantly worse. Allowing the additional use of Evans Road for additional heavy truck use is not appropriate - the road is not designed for such heavy traffic volumes. Existing restrictions are also not being followed (40km/h on Nuttman Road, use of Evans Road already despite not approved)
17	L Bove	Support. The Quicker they start the quicker they finish. I am not agreeing with the industry being there at all and wish they terminate operations the sooner the better.

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	North Jindong	• Nuttman road not designed or adequate for heavy traffic; • Object to noise generated which will be heard from our home; • Frequently see emus, kangaroos and large lizards. Proposal will be devastating on the wildlife in this area.
18	K & R Russell Chapman Hill	We should all have the right within the law to do as we wish on our properties as long as we are not causing harm without having to bow down to a difficult neibour. As long as the rules are being followed I can't see a reason to disallow the further development considering the original was passed in the first place. Everyone needs gravel for roads etc. The pit is mostly farm land which is not that good for farming any way.
19	M Sharp	I support this as long as the trucks are not on the road in our area from 7am to 8am and 3.45 to 4.45pm during school bus times. In the past the trucks have interacted with the bus drawing attention to themselves causing unrest throughout this area.
20	G Moscardini	Object My concerns are for the local families living in close proximity to the gravel pit as well as the native flora and fauna. Increase in the heavy vehicle services traffic on gravel roads may increase risk of accident or injury to school age children waiting for school buses, or parents waiting to collect children from the buses. I am also concerned that the current road infrastructure is not adequate for two heavy vehicles to fit safely when passing. Being a regular user of the road I have seen that gravel transport trucks are using the road during school bus hours and have witnessed several near misses when trucks pass by buses or children waiting. Large amounts of bird and wildlife have already fallen victim to the trucks currently servicing the existing gravel pit and I am concerned that with an expansion this number will increase also. Increased heavy traffic on the current gravel road will also cause road deterioration and potentially increase the risk of accident or injury to other road users. The local community will also bare the brunt of dust and noise pollution that will disrupt the idyllic environment in which they live. This will also have a negative impact on the value of local residents properties if they choose to relocate due to the expansion of this enterprise. This proposal appears to support financial gain over community and environmental impact in area. I urge you to reconsider any expansion of this gravel pit.
21	F Bear Yallingup	State planning policy for extractive industry says that Extraction for Basic Raw Materials should avoid, minimise or mitigate any adverse impacts on the community, water resources and biodiversity values. Biodiversity Values: The Local Area where this DA currently operates has 11 bushland protection blocks. All 3 endangered cockatoos are known to breed and habit the area (NUTTMAN ROAD). There are also the western ringtail possums in the area. They have been identified in the biodiversity surveys that were done when these blocks were rezoned from farmland into bushland block prior to the approval of the gravel extraction. Heavy traffic is an identified known risk factor for these endangered species. I request that the decision makers strongly consider these unique and important biodiversity factors in not allowing this proposal.
22.	S Parker Perth	Object. Save the black cockatoos
23	I & R McGregor Busselton	We are supportive of this proposal as we think that extractive industry is very important for the development of Busselton and generally support business opportunities in the area. The proposed amendment will have very little impact on the local area as we find the current operators to be considerate and courteous of local needs and expectations and use well known

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		haulage routes. Choosing to live at Chapman Hill is a choice to live alongside agriculture and extractive industry, both essential parts of our community.
24	W Lord Walsall	The proposal gets my support because we need gravel the make roads, roads are necessary for the safe transportation of everything and everyone. There are two things that I would like to bring to the attention of the City and the extractive contractors. 1. School bus curfews be adhered to at all times, the safety of our school busses and the students on them are more than top priority. 2. Notice needs to be taken of residents entrances and the effect these very large trucks have on the safety of landowners gaining entrance onto the haulage routes, especially the entrances on corners. Over the period of the gravel extraction we have found that the truck drivers have been courteous and safety conscious while using our roads.
25	M, F, L & L Goria Walsall	Objection This gravel pit operating next door to us has been causing my family and our community a great deal of stress due to multiple issues related to the operator often not following their consent conditions on their DA. 1. There are already too many trucks, often speeding and operating during school bus hours. This has been extremely stressful. One day after my kids got on the bus, I witnessed a loaded truck overtaking the same bus going downhill speeding on Nuttman road. Nothing was done by the City of Busselton for 2 years on this issue despite several complaints and videos evidence provided by my wife. Also, I nearly got killed driving to work, on Payne Rd one way bridge by a speeding gravel RAV truck that forced me to hit the bridge guard rails. The driver did not stop and I was so shaken I could not drive further and I did not manage to see the number plate. I was not able to work that day, having to cancel a full day of very sick patients as I was very shaken by the incident. My wife has been extremely worried ever since about my safety and that of the kids. Furthermore, she has developed PTSD since these incidents and has panic attacks, flashbacks and nightmares of these events; being a psychiatrist am very concerned about her mental health. We have been forced recently to take our children off the bus and you can imagine that this is a significant inconvenience if you live 20 minutes from Busselton town. 2. Noise pollution. I started noticing a very loud operation noise from January 2022 starting regularly at the early hours of the morning eg from 6 am on some days but regularly at 0630. The reversing beeping sound of their machines goes on often all day, this is very stressful. 3. Dust. Being also a medical doctor, I am particularly worried about the health impact of the fine silica that is produced by these sites and pollution in the air. Silica dust is harmful when inhaled into your lungs. As it is 100 times smaller than a grain of sand, you can be breathing it in without knowing. Exposure to silica dust can lead to the development of lung cancer, silicosis (an irreversible scarring and stiffening of the lungs), kidney disease and chronic obstructive pulmonary disease. There were dust mitigating strategies included in the DA and stipulated by DWER that have not been adhered to. Especially in regard to the stockpiling and the rehabilitation. Again, after several complaints, and with the city having a Dust Law in place nothing has been done about this. In conclusion, I am strongly opposed to these requested amendments by Leeuwin Civil. They do not follow the rules and already caused enough stress to our family. I can not compute why they would be granted 100 truck movement a day after many complaints from several neighbours. It is concerning that they have not been reprimanded for their total disregards to the local community. Why should the City Approve this amendment rewarding their bad behaviour?
26	T & C Newton	We attended both council meeting on the 29th and the 31st January and heard two people asking some very valid questions of council regarding this. (we have attached just some of the points the young lady is concerned about). Their frustration at

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		not being heard by the City was evident. Why are the surrounding families finding it so hard to get legitimate answers from the City? This is clearly having a negative impact on their daily lives. State planning policy for extractive industry says that Extraction for Basic Raw Materials should avoid, minimise or mitigate any adverse impacts on the community, water resources and biodiversity values. Biodiversity Values: The Local Area where this DA currently operates has 11 bushland protection blocks. All 3 endangered cockatoos are known to breed and habit the area (NUTTMAN ROAD). There are also the western ringtail possums in the area. They have been identified in the biodiversity surveys that were done when these blocks were rezoned from farmland into bushland block prior to the approval of the gravel extraction. Heavy traffic is an identified known risk factor for these endangered species. According to Birdlife Australia 90% of cockatoos that are admitted to hospitals are there because of collision with a vehicle. The federal government has made a commitment to the protection of these species. The Baudin Cockatoo's are in fast decline and they are only found in our south west. Allowing 100 trucks on Nuttman Road would be putting extra stress on these majestic birds which the City should be doing everything in its power to avoid further stress on these community of endangered species. The current DA is only approved to use Chapman Hill Road. Wasn't Chapman Hill Road upgraded for this pit? How much did that cost and who paid for it? Leeuwin Civil is now asking for an extra Haulage Route in addition to Chapman Hill Road. They want to go down Evans Road towards Roy Road to Bussell High HWY….to service their "south client" And they want to increase to 100 trucks. Who are the South Clients? Is it the Margaret River Shire? If so shouldn't they should have their own pits down there? Instead of the rates from the community of the city of Busselton going to try and keep these operators compliant to sell gravel to Margaret River? I believe currently that the City of Busselton does not make a profit from the sales of the gravel. But the trucks are using and damaging our roads and putting extra pressure on the staff in the city of Busselton. This is why the state policy does say that these pits are meant to be local for local use. So who are these clients? The City of Busselton and its residents should not have an excessing amounts of extractive industry and trucks so that it goes to another shire who does not want to deal with the issue of regulating or dealing with the complaints that come from having this industry. If the gravel is going to be sold to outside the City of Busselton – than the city should be charging a fee for the roads that are being used and damaged to get the gravel from Busselton to Margaret River. After all, it is our rate payers money that goes into fixing the roads afterwards. Basic Raw Materials are limited Resources and the city should be regulating where it is going and mitigating the impacts it is having in the entire Busselton community for the benefit of a few. Especially when it comes to the safety of local road managed by our local governments. Safety Concerns: They are asking for 100 truck movements a day and new Route. I have been asking for a Traffic Impact Assessment as it is a condition of the original DA - 6.6. I have asked several times for this document from the city staff – I still have not received this. The new Route is quite long from Nuttman Road after it hits Chapman Hill it will turn into Evans than all the way to Roy Road. Doesn't Leeuwin Civil already have pits near Roy Road to access Bussell Hwy way which means they do not need to have all these RAV travelling all over these country roads to reach Bussell Hwy. I thought Lot 2 and 3 Nuttman gravel pit was approved for his 'North costumers'. DWER Crushing limit - I also do not understand why Leeuwin needs 100 truck movements when they are only approved by DWER to crush 50 000

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		a year. Wouldn't a 100 truck movements a day allow them to cart a lot more than they are allowed to crush? Especially if they use the RAVs? There is no mention of an increased output on the DA amendment to match the increase truck movements? City of Busselton should consult with MainRoads if they are going to have 100 trucks on Nuttman Road and Walsall Road to ensure it is safe and meets RAV guidelines….as both road are meant to be a low volume road. These roads do not meet the guidelines for a high volume road. Who will make sure Leeuwin Civil comply with Mainroads requirements of not having RAV enter until the other has exited? Where are these 100 trucks going to sit and wait? Chapman Hill Road? Doesn't seem like a safe option. And who will ensure they comply with the 40km/h? If Mainroads are the ones that have to ensure that RAVs comply with these restrictions than they should be notified of this request to make sure they are comfortable with it and have the resources to be able to monitor the number of trucks being requested.
27.	E & P Howe Walsall	While I am not directly against the proposal, I have some significant concerns regarding the changes. In regard to condition 6.3, is a 45 minute 'window' sufficient to allow for differences in the time(s) of the School bus travelling along the route followed by the trucks, I normally see the School bus pass my property (366 Nuttman Rd) in the mornings at approximately 7:25 am (outbound) and 7:35am (inbound) each morning, but this can be +/- up to 10 min of these times on any given day, in the afternoons the times I have seen the bus pass have been approximately 4:30 (however I don't normally see the bus at this time so I cannot comment on the +/- time, but I would assume that it will be similar to the morning times). In regard to condition 6.4, I have on several occasions followed trucks leaving the site and travelling along the proposed route (at least as far as travelling down Evans Rd), which indicates (to me at least) that some of the trucks from the site are using a route not approved in the initial application (and brings up the question 'what else are they doing without approval?). I have no objection to the changes to the haulage route, the fact that I have observed trucks following this route already leads me to question the integrity of the operation. In regard to condition 6.5, increasing the truck movements to 100 movements per day for the remainder of the pit life. Given the opening time of the site (6:45 in the amended proposal), and the curfew hours for the School bus (1:30), assuming the site is closing at an equivalent time to the opening time (5:15pm), this will give a daily 'operating' time of 9:00 hours, this would give a truck movement (approximately) every 5.5 minutes, if they were spread evenly through the operating time. Is the current road capable of (safely) handling this many truck movements, in addition to the current traffic of residents and visitors, and is the road itself capable of handling the increase in heavy traffic wear and tear?
28	F Salva Cowaramup	We are already experiencing a very heavy traffic on my road
29	G Garcez Margaret River	I live in Margaret River and the road between Busselton and Margaret River is already so busy and dangerous…adding another 100 heavy vehicle passing through Cowaramup will heavily impact our community and the safety of commuters to and from Margs to Busselton everyday. Extractive industry should be kept local to local shires to minimise impact on our already busy dangerous country roads.
30	K Kleinschidt Dunsborough	11 bushland protected blocks. On a road with endangered cockatoos. They're only meant to cart 50,000 m³ a year so why do they need 100 truck movements a DAY. So wrong
31	V Hopkins Chapman Hill	My submission is that the trucks are STRICTLY POLICED so that they are not on the roads during school bus times, morning and afternoons. And that the trucks are spaced apart. My driver, last week, had 5 trucks in a row passing her on the

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		opposite side of the road on Evans road - some doubles and some singles. A lot of my Carers also have small cars, and the truck movements like this are a danger to them, especially on corners where the trucks swing wide towards them and - they have told me - that they have had to back back out of the way. Thanking you.
32	E Minarik Vasse	I don't think these roads are made for this quantity of heavy traffic. Country roads with school buses and heavy trucks don't mix well at 110 km speed limits. It's an accident waiting to happen.
33	P & C Orr Metricup	Whilst we understand Roy Rd is a designated truck route, the road traffic is very busy without the proposed increase. During the day and through the night the truck movements are high with milk tankers, vintage trucks, transport, COB trucks to name a few and our preference is to not increase the number of trucks due to noise and safety. Thanks for your consideration
34	R & S Prudham Cowaramup	This is the craziest idea yet. I live in Cowaramup and the road between Busselton and Margaret River is insane with traffic already. It's really busy and dangerous…adding another 100 heavy vehicle passing through Cowaramup will detrimentally impact our community and the safety of commuters to and from Margs to Busselton everyday. A pit should be kept local to local shires to minimise impact on our already busy dangerous country roads. I think this should be referred to MainRoads for review due to the number of trucks and the distance they will be traveling.
35.	J Hammond Witchcliffe	I am concerned at the number of trucks that will be using the area. I am also concerned at noise and dust especially for the potential impact on the local population of endangered Baudin's that are known to use the area. I am also concerned at the number of trucks that thunder down the road, especially during school bus times. I have a good friend who lives in the area and she is very concerned that trucks are using the road at the same time as the school bus run. I have spent the past two years working to save the black cockatoo. I am the filmmaker behind Black Cockatoo Crisis. I have witnessed first hand the impact of trucks on birds, especially trucks that are unpoliced on back roads. I think this development is out of scale with the area and the people and the wildlife that live there. I understand there will 100 truck movements on Nuttman Road every day. That is very likely to have a detrimental impact on nesting, roosting and foraging black cockatoos that use the bush blocks in the area. This development needs to be declined and an alternative area found for this traffic heavy, extractive industry.
36	L Hutchings Lathlain	Council has a unique opportunity here to preserve habitat and roosting trees for the endangered black cockatoos. State planning policy for extractive industry says that Extraction for Basic Raw Materials should avoid, minimise or mitigate any adverse impacts on the community, water resources and biodiversity values. Biodiversity Values: The Local Area where this DA currently operates has 11 bushland protection blocks. All 3 endangered cockatoos are known to breed and habit the area (NUTTMAN ROAD). There are also the endangered western ringtail possums in the area. They have been identified in the biodiversity surveys that were done when these blocks were rezoned from farmland into bushland block prior to the approval of the gravel extraction. Heavy traffic is an identified known risk factor for these endangered species. According to Birdlife Australia 90% of cockatoos that are admitted to hospitals are there because of collision with a vehicle. The federal government has made a commitment to the protection of these species. The Baudin Coacktoos are in fast decline and they are only found in our south west. Allowing 100 trucks on Nuttman Road increases the risk of vehicle strike and very few cockatoos survive and those that do survive are so badly injured they are inevitably put to sleep In effect you are agreeing to a death sentence on these birds that are protected. The Council should be doing everything in its power to reduce the risk of vehicle strikes and the ever reducing habitat and roost trees for them. This area cannot be viewed in isolation. It's a small part of fractured bushland that is barely enough to feed them. Please watch the movie Black Cockatoo Crisis (on SBS On

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		Demand) if you do not understand what they are facing. The Baudins could be extinct within the next decade. You have the power to save this highly valued piece of property and I urge you most strongly to do that. Do you want that to be your legacy?
37	T Levick-Godwin Walsall	The house at 71 Nuttman Road is quite close to the road and is affected badly by the trucks with engine noise and vibrations which can make the whole house shake including the windows. Unfortunately, I have stage 4 Melanoma and the truck noise and vibration definitely affect my well-being and my ability to rest. Furthermore, I strenuously object to the final point of the amendment, 6.5, to basically double the number of trucks on the roads. Walsall Road in particular, is a small road with blind corners and in the past, I and some of my neighbours and visitors, have had swerve to avoid meeting a truck coming the other way. I have also observed on many occasions trucks struggling to turn onto Walsall Road from Chapman Hill Road as there appears to be inadequate room if a drivers needs to turn right onto Chapman Hill Road. I would be most grateful if you would give my points careful consideration. Thank you.
38	D Alers Quindalup	Road safety is reduced and degradation of roadways increasing risk of accidents. Too many additional truck movements on all roads.
39	T Ealing	**Late letter of submission to Councillors** Dear Councillors, I realize that the opportunity for Public Comment on DA17/0866.01 has closed but I feel it is imperative that I be allowed an opportunity to report my experiences and findings in this matter so that all Councillors can decide on sound and up to date information. When you live next to a gravel Extraction such as this one on Lot 2 and Lot 3 Nuttman Road Chapman Hill East Road unless you have been out to this location it would be hard to imagine what is happening out there. My first encounter on the morning of 27th February,2024 was to pull off the road as an 8-wheeler dump truck turned suddenly left out of a driver way on my right-hand side to travel towards Busselton. I pulled off the road as a full-frontal collision would have been likely as this truck driver had no intention of slowing down as he took up the whole road. To my surprise there was a semi trailered truck right up close behind him as well. He was so close to the first truck he was not visible to me until the White dump truck past my position. If I was not watching what I was doing an accident would have occurred! When you drive into 748 Nuttman Road there is a large gravel extraction pit and stockpile on the left side which seems far too close to the residential home that their amenity and enjoyment of their land would have to be affected without doubt. Over the long weekend we had strong winds from the North East blowing the dust around unabated as the landowners and operator did not employ their water truck to keep the dust down on DA20/0438 on Lot 1758 Gulberti Road Busselton. So as with M Goria we both rely on the requirements of the Development Application to cover all aspects of protecting us the residents near the pit whether in use or not. But that does not occur in our experience. Depending on the wind direction and intensity especially if the rehabilitation is not done by reintroducing trees or even ground cover the top soil becomes dry in the summer and just blows everywhere. This rehabilitation is supposed to be done after every 2-hectare area is exhausted of gravel or sand. There are no Compliance Officers Rostered on to witness these events that cause things like me seriously coughing when lawnmowing on my property. When we notify the City of Busselton no one listens or investigates as by the time our emails are read it is after the weekend and nothing is done. So, when considering the contents of a Development Application and voting on whether to accept it or not as a Councillor it should be now obvious that there is so much more to consider to truly represent the interests of the residents near these operations both in working and non-working hours. To the point that it may be prudent and important to advise the Applicant and Resident to seek legal advice or mediation so that at the time of determination of whether the application is in agreement between all parties so it can be approved or needs to go to arbitration. That would release the Councillors from any adverse reaction to their voting decision! I would consider that the legal costs in this instance should be met by the applicant as it they who are bringing this matter about and the recipient is only protecting their amenity and enjoyment of their property! I would be happy to be given a reasonable amount of time to address the Councillors at the deciding meeting before the vote is taken to approve this matter as it is a decision that infringes on at least 5 years of the resident's life that may stop them from enjoying their amenity and enjoyment of their property as it has done with us! Forwarded for your information and attention.

	Event Name	Category	Event Type	Date of event	Event details	Venue	Total attendance	Estimated visitors	Total event budget	Local Supplier Expenditure	Estimated Economic Impact	Previous CoB Funding	Funding Request MERG 2024/25 (ex GST)	In-kind Request 2024/25	Evaluation Score	Funding Recommendation 2024/25	Value In-kind Recommendation 2024/25	Recommendation for MY Funding	Proposed Use of Funding
1	Coastrek	Community	Charity	25 October 2024	Team charity hiking challenge, running from Yallingup to Dunsborough with 35km and 20km options.	Yallingup to Dunsborough.Event finish village Centennial Park, Dunsborough	1600	1250	115000	$55000		N/A	$15,000	N/A	**11**	**$5,000.00**		**N**	Event marketing and promotion to local, regional and interstate markets
2	Busselton Art Society - Art in the Park	Community	Special Interest	17 - 19 January 2025	66th annual open air art exhibition run by members of the Busselton Art Society, offering a wide selection of hand made and original art for exhibition and sale over 3 days	Mitchell Park Busselton	1800		$4,500	$4,500		N/A	$2,000	$500	**9**	**$1,000.00**	**$500**	**Y**	Advertising Banners Upkeep and maintenance of trailers with stands etc in Donation for venue to hold art in over night Art product to hold children's workshop on the Sunday.
3	White Ribbon Silent March	Community	Charity	26th November 2024	Silent' March honors the memory of individuals who have fallen victim to Family, Domestic and Sexual Violence. Guest Speaker, Performances and art.	Mitchell Park Busselton	150		$4,000	$4,000		N/A	$4,000	n/a	**8**	**$2,000.00**	**$500.00**	**N**	Event application fee Traffic management plan assessment Digital event billboard Food/drink vendor Chair hire Traffic management at event Signage for march
4	Pride Wellbeing Festival	Community	Special Interest	1-10 November 2024	Busselton's Pride Wellbeing Festival celebrates the vibrant diversity of the local community, with a strong focus on community connection, education, mental health and wellbeing for the LGBTQIA+ community.	Busselton Hockey Club, Old Courthouse Complex, Shelter Brewery, Busselton Library, the Undulup Room, High Street Hall, Dunsborough Library	1500		$16,249	$9,812		N/A	$9,812	$1,168	**10**	**$5,000.00**	**$1,000.00**	**N**	Marketing & advertising Speakers/facilitators/performers Equipment hire Catering Event insurance Mental health resources Decorations/consumables
5	Busselton Junior Tennis Tournament	Community	Sporting	19-22 January 2025	The Busselton Junior Tournament is an exciting annual event held over four days.	Busselton Tennis Centre	420		$12,000	$8,000		$2,000	$3,000	n/a	**6**	**$2,000.00**		**Y**	Preparation of grass courts Hard court lighting Tennis West affiliation fees Marketing & promotion
6	March Open Busselton Tennis Tournament	Community	Sporting	1-4 March 2025	Tournament for all levels of tennis players from 16 years of age to 60 plus years of age, in its 76th year.	Busselton Tennis Centre	1100		$40,000	$17,000		$3,500	$6,000	n/a	**6**	**$3,500.00**		**Y**	Preparation of grass courts Hard court lighting Tennis West affiliation fees Marketing & promotion
7	Women's Mental Health Soiree	Community	Special Interest	13th of July 2024	Soiree event for women's mental health. Includes lunch, drinks, guest speakers, educational presentations, and take-home resources. The aim is for attendees to learn more about women-specific mental health issues, feel supported within the community, to promote a healthier community, provide access to resources, and educate attendees how to best look after their well-being and prevent major mental health issues.	Hilton , Rooftop Function Room	100		$10,000	$10,000		N/A	$10,500	n/a	**5**	**$0.00**	**$537**	**N**	Venue (including food + beverage) Photographer Flowers Marketing Take-home resources for attendees Decor hire Guest Speakers
8	South West Japan Festival	Community	Cultural	16-17 August 2024 (TBC)	Multicultural festival inviting people of all cultures to celebrate, appreciate and engage with Japanese culture. Sushi Train & Entertainment - Busselton Jetty Performers at the stage area Local Market Areas	Origins, GLC, Busselton Jetty Train, The Goose, Shelter, Amphitheatre.	1,500		$2,500	$1,000		N/A	$1,000	$500	**10**	**$1,000.00**	**$500**	**N**	Artists Catering Marketing Administration
9	Dunsborough Arts Festival (additional funding, currently receiving $15k under MYA)	Community	Cultural	28 Feb - 4 Mar 2025	A celebration of local arts and culture, music, indoor and outdoor sculpture, artist talks and workshop, culminating with an evening concert and fireworks.	Centennial Park, Seymour Park at the Dunsborough Foreshore	18000		$103,195	$59,640		$15,000	$7,000	$576	**11**	**$5,000.00**		**N**	The extra funding would be towards: Professionally prepared risk management plan Increased fees for sound, lighting and stage Crowd control barriers and increased security required for liquor license Additional lighting towers and generators required for safety Additional toilets for increased numbers of people
10	Taj's Small Fries Yallingup	Community	Sporting	15th - 19th January 2025	Western Australia's biggest, best, and most prestigious junior surfing event. Each year Yallingup attracts some of the best junior surfing talent from across Australasia for an annual celebration of surf culture and competition. 2025 will see the event celebrate it's 20th anniversary.	Yallingup Main Break & surrounding surf breaks	1400		$94,000	$20,000		$10,000	$18,000	$5,000	**6**	**$10,000.00**	**$1,000.00**	**Y**	Event safety - jetski and water safety personnel Event equipment hire Celebration of the 20th anniversary history with guest appearances by surfing legends, and commemorative exhibitions. Comprehensive marketing and promotion campaign
11	Christmas in Mitchell Park	Community	Special Event	13.12.24	Family-friendly Christmas celebration with community performances and entertainment, activities and workshops, food trucks, and stalls	Mitchell Park, Busselton City Centre	450		$22,803	$7,600		$5,610 (included Yoga in the Park also)	$7,600	$1,200	**10**	**$5,000.00**	**$1,200.00**	**Y**	Print advertising, printing of posters/flyers Equipment purchases Sound audio and operator Payment of headline and supporting performers & community group entertainers Inkind support from the City includes provision of sandbags, bollards, event bins, demarcation of services on grass, preparation of Park, promotion opportunities on City platforms including electronic billboard, Bay to Bay e-newsletter and events calendar, use of power, installation of festoon lighting and Santa's sled.
12	Dunsborough Street Party	Community	Community	8th November 2024	Street party in the heart of Dunsborough to bring together people of all ages and from all walks of life, to create a feeling of connection and community in a fun atmosphere. Supporting local businesses both in the town centre and through using them as suppliers and vendors.	Naturaliste Terrace, Dunsborough	2000		$35,700	$35,700		$7,500	$10,000	$900	**12**	**$10,000.00**	**$900.00**	**Y**	Sound, stage, lighting Portable toilets Crowd control Traffic management Security
13	Dunsborough Ladies Classic Bowls Carnival	Community	Sporting	24 - 25 October 2024	2-day lawn bowls carnival which is open to all female bowlers registered with a bowls club within Australia.	Dunsborough & Districts Country Club (DDCC)	150		$6,500	$2,000		N/A	$1,000	n/a	**7**	**$1,000.00**		**N**	Cash prize money for players Catering costs Maintenance and costs of bowling greens and equipment
14	Vasse Community Christmas Festival	Community	Special Event	14th December 2024	Expanded Christmas community fair preceding the carols which will include market stalls, Vasse Bush Fire Brigade demonstration and water play park. For the 2024 event Ausian interpreters will translate the carols and a Quite Zone will be established for those needing some time away from the noise.	Kaloorup Oval, Vasse	1000		$44,007	$21,311		$3,000	$9,200	$500	**10**	**$5,000.00**	**$500.00**	**Y**	Marquee and stage PA system, lighting and screen Toilet hire including disability Hire of an Ausian Interpreter. The 'in-kind' funding request is for the event application fee, billboard, bins.

15	2024 Busselton Show	Community	Community	1-2 November 2024	Showcases many aspects of agricultural life in the region along with having numerous competitions and attractions such as sideshow alley rides, food and beverage options and fireworks in addition to free family entertainment.	Churchill Park Showgrounds, Busselton	6500		$150,000	$100,000		$10,000	$12,000	$2,000	9	**$10,000.00**	**$500.00**	Y	Provision of entertainment in the City of Busselton Free Family Entertainment zone including: Pony rides, bouncy castle, the Instruckta road safety truck, reptile display, ropes course, a climbing wall, face painting, Bluey characters and the Junkadelic band. **INKIND** Billboard hire
16	Down South Mountain Bike Festival	Community	Sporting	31.05 - 01.06 2025	Round 4/5 of the State Cross country mountain bike racing series	Dunsborough and district country club	500		$8,000	$1,500		$3,000	$3,000	n/a	8	**$3,000.00**		Y	First aid costs Professional timing Event promotion Prizes
17	Busselton Fringe Festival 2025	Community	Cultural	01.03 - 30.03 2025	A performance festival incorporating theatre, dance, music, circus and comedy performances as well as free family activities throughout the final weekend.	Fringe Festival Hub at Acting Up Studio, with various locations and venues around the City to showcase the region. We will use venue sponsors such as	2500		$130,000	$91,920		$20,000	$35,000	$4,000	9	**$25,000.00**	**$2,000.00**	Y	Venue hire Marketing & promotio Provision of audio visual infrastructure Free family activities.
18	Dunsborough SongFest	Community	Cultural	8-10 Oct 2024	Dunsborough Songfest is a weekend of concerts, workshops & community singing events held across various community venues in Dunsborough.	Our Lady of the Cape Primary School, Old Dunsborough Hall	1000		$21,000	$14,500		$5,000	$5,000	$0	8	**$5,000.00**		Y	Venue hire Drawcard artist Equipment hire Marketing & promotion
19	South West Jiu Jitsu Championship	Community	Sporting	11th August 2024	The second annual South West Jiu Jitsu Championship - a one day competition for kids (6yr+) and adults.	GLC Stadium	450		$21,110	$99,600		$4,000	$4,000	$680 (GLC hire)	8	**$4,000.00**	**$680.00**	Y	Equipment hire Officials/referees Prizes
20	Busselton Festival of Triathlon	Economic	Sporting	2 - 4 May 2025	Two day event featuring the Busselton 100, Foreshore Triathlon and SunSmart Kids Triathlon, along with a number of functions, plus a community event on the Saturday night.	Barnard Park, Busselton Foreshore	6475	5460	$765,000	$260,000	$ 3,307,400.00	$60,000	$88,000	$5,000	12	**$70,000.00**	**$5,000.00**	Y	Volunteer Program Event Marketing Traffic Management Photography Equipment Hire
21	A'van Club of Aust Inc 2025 National Gathering & AGM Busselton	Economic	Special Interest	28 April 2025 to 5 May 2025 inclusive	National Gathering of the A'Van Club is held annually in various States of Australia. week long event attracting over 200 plus vans. Eight days of organised events and activities within the Region.	RAC Holiday Park Busselton & Discovery Park Busselton	350	350	$27,000	$27,000	$360,000	N/A	$5,000		11	**$3,000.00**		N	Venue hire for AGM and gala dinner Marquee hire
22	Busselton Caravan & Camping Show	Economic	Special Interest	21-22 September 2024	Premier tourism event for the caravan & camping industry in the South-West, with wide array of exhibits and displays, latest innovations in caravans, campers, recreational vehicles, and outdoor equipment. The event will also feature free entertainment including rides, activities and music	Churchill Park	6000	1000	$187,200	$94,000	$1,149,760	N/A	$10,000	$6,787	15	**$10,000.00**	**$2,000.00**	N	Marketing & promotion Security Equipment hire Audio visual hire In Kind: Event application fee, venue hire, electricity and reticulation marking, temporary building permit, bin hire, and digital event signage.
23	Alcohol. Think Again Beach Volleyball Tour Round 9	Economic	Sporting	8-9 March 2025	The Alcohol. Think Again (ATA) Beach Volleyball Tour is a series of volleyball competitions that take place at various locations in Western Australia from October to April.	Busselton Foreshore - Beach 3	250	200	$19,298	$11,000	$103,828	$4,000	$5,000	$650	7	**$2,500.00**	**$500.00**	N	Equipment hire Medals First aid Marketing Photographer
24	Pair'd, Margaret River Region	Economic	Food/Wine	14-17 November 2024	Featuring an extensive and diverse program, the festival offers over 30 unique events held at eight distinctive venues, including enchanting beachfront locales, pristine forest settings, and renowned local wineries.	Various Wineries, COB Central venues, Meelup Beach, Forest.	10,000	10,000	Not Entered	$600,000	$ 8,100,000.00	N/A	$175,000	$25,000	16	**$25,000.00**	**$5,000.00**	N	Marketing & promotion, accommodation, and operational facets of the main program events within the City of Busselton.
25	Yahava KoffeeWorks Cool Water Classic	Economic	Sporting	16th November 2024	A 20km open water swim following the coastline from Dunsborough to Busselton, open to solos, duos or teams (3-5 people).	Geographe Bay Foreshore	1,500	975	$215,000	$100,000	$937,500	$15,000	$30,000	$10,000	15	**$18,750.00**	**$5,000.00**	Y	Promotion of the event at a intrastate and national level. Hire of equipment through local suppliers Venue hire Water safety
26	XTERRA Dunsborough	Economic	Sporting	5th April - 6th April 2025	XTERRA is the ultimate mix of triathlon and adventure racing; featuring ocean swimming, trail running and mountain bike riding conducted in a friendly, welcoming atmosphere for everyone.	Dunsborough & District Country Club	4,809	4,500	$150,000	$60,150	$6,600,000	$10,000	$20,000	n/a	15	**$12,500.00**	**$0.00**	Y	Strategic marketing activities and key initiatives • Social Media specific targeting and significantly greater spend. • Advertising (print and online). • Grassroots marketing and ambassadors. • Filming of the event for future promotion and athlete highlights. • Professional photographer
27	Shelter Garden Party	Economic	Food/Wine	12th October 2024	Dining activations serving fresh local seafood and the region's finest spring lambs ; a wine list celebrating the South West's most innovative winemakers; a marching brass band; and rides, games and live music to keep the festival-goers frolicking past sunset. Shelter's beer influence makes it a mash-up of modern-day Oktoberfest and an English garden party.	Ampitheatre Grassed Area	1000	450	$89,600	$45,000	$202,500	N/A	$20,000	n/a	11	**$5,000.00**	**$1,000.00**	N	Marketing & promotion Event infrastructure hire Entertainment & attractions
28	Trans Cape SwimRun	Economic	Sporting	08.03.25	A single day endurance event incorporating swimming and running from the Cape Naturaliste Lighthouse to the Dunsborough Bay Yacht Club.	Cape Naturaliste Lighthouse to Dunsborough Bay Yacht Club	700	350	$45,000	$24,500	$276,920	$3,500	$5,000	n/a	15	**$4,375.00**		Y	Water safety Event equipment hire Marketing & promotion
29	Yallingup Malibu Classic	Economic	Sporting	1st December 2024	Longboarding Surfing competition held at Yallingup Beach to showcase talented male and female surfers from juniors to veterans and attracts surfers from interstate. 2024 will be the 40th year of this iconic event	Yallingup Main Break, foreshore and Lawn area	400	200	$30,000	$26,000	$ 64,340.00	$4,000	$4,000	n/a	9	**$4,000.00**		Y	Equipment hire Water safety Prizes
30	Australian Women Pilots' Association Annual Conference 2025	Economic	Special Interest	30th April - 4th May 2025	The conference includes an education day with guest speakers and workshops, an air navigation trial our AGM and a formal dinner.	Esplanade Hotel Busselton, Hilton Garden Inn Busselton, Shelter Brewery, Busselton Margaret River Airport, Busselton Aero Club, Jetty Precinct.	200	200	$127,350	$127,350	$239,760	N/A	$7,500	$1,070	10	**$3,000.00**	**$1,070.00**	N	Costs associated with welcome dinner - venue, hire costs etc **City funding request (in-kind)** - Waiving of landing and parking fees waived at the Busselton Margaret River Airport for delegates
31	Tour of Margaret River	Economic	Sporting	31 Oct - 3rd Nov 2024	The Tour of Margaret River (TOMR) is Australia's only Pro-Am cycling event for teams, and is widely recognised as the Australian Team Championships.	Shelter Brewery, Busselton. Busselton Amphitheatre Zone. Margaret River Chocolate Company. (Also Donnybrook Apple Fun Park, Balingup Village Green, Nannup and Greenbushes Thomson Park)	3660	3000	$450,000	$60,000	$2,956,800	$5000 (2015)	$40,000	n/a	13	**$10,000.00**	**$2,000.00**	N	Event infrastructure for the event hub Equipment hire Family activities Marketing & promotion
32	The Beerfarm Rodeo	Economic	Special Interest	28 Feb - 1 Mar 2024	2 days entertainment, with music, rodeo, local food trucks, market vendors, family entertainment and on-site camping.	The Beer Farm	4000	1600	$280,000	$60,000	$838,400	$15,000	$30,000	n/a	15	**$15,000.00**		N	Event infrastructure hire
33	Cape to Cape MTB	Economic	Sporting	17-20 Oct 2024	Cape to Cape MTB(C2C) is Australia's largest, longest running and most popular four-day MTB (mountain bike) stage race.	Various - Day 4 in the City of Busselton Dunsborough and Cape Naturaliste Region	2820	1100	$769,207	$275,000	$ 3,720,000.00	$10,000	$25,000	$5,000	16	**$12,500.00**	**$2,000.00**	Y	Event Marketing and Promotion Event equipment hire Community Engagement Supplier engagement

34	IRONMAN Western Australia FOC Room Nights	Anciliary	Anciliary	1st December 2024	This application for multi-year funding by MRBTA is made in support of the event, to auspice the 150 free of charge room nights required by event organisers per year. Funds requested would be provided directly to participating accommodation operators to underwrite financial costs associated with providing room inventory (linen, cleaning and servicing administration) via ongoing, in-kind support of the event.	Busselton Foreshore (Event Expo, Start & Finish), Busselton Jetty, Saltwater (proposed) Geographe, Ludlow Tuart Forest, several satellite	8500		$20,000	$456,000		$20,000	$20,000	n/a	**10**	**$20,000.00**		**Y**	Secure and coordinate a required 150 free of charge (FOC) room nights per event within 10km of the event centre, across 3-4.5 star accommodation standards. Financial reimbursement or subsidy to accommodation providers involved in providing free room nights, to help them recover service costs or overheads associated with providing the rooms free of charge .
35	2024 IRONMAN Volunteer Program	Anciliary	Anciliary	27.11-02.12 2024	The BLOC objective is to work alongside event organisers to create a community event that enhances Busselton while engaging local volunteers to support an International triathlon event. Thus strengthening our community spirit within many different groups of volunteers.	Busselton Foreshore	15000		$72,000	$72,000		$20,000	$20,000	$0	**10**	**$20,000.00**		**Y**	Feeding volunteers across the five days Volunteer thank you gifts and awards Costs of Volunteer Tent over Event Weekend. Volunteer Insurance
										$2,706,083	**$25,549,808**		**$707,612**	**$71,851**		**$338,125.00**	**$31,850.00**	**$0**	

I am writing to present a proposal on behalf of the Busselton Chamber of Commerce and Industry. I seek funding support from the Business, Development, Events, and Marketing Program (BDEMP) for a multiyear funding agreement. The purpose of this funding is to implement strategic initiatives aimed at fostering economic growth, enhancing community impact, and enabling the BCCI to continue to be the 'Voice' of the business community. The Chamber is a vital conduit between government, stakeholders, businesses, and the community.

Our strategic plan is designed to address the evolving needs of our members and the growth of the broader business community in Busselton and Vasse. These objectives are not only aligned with the BDEMP's mission and the Economic Development Strategy 2022-27, but also contribute significantly to the overall economic vitality and community well-being.

Justification for Funding:
Economic Impact: The proposed initiatives directly contribute to the economic development of Busselton by fostering business growth, attracting investments, creating job opportunities, and assisting established businesses to be sustainable.

Community Engagement: These initiatives enhance community, visitor and tourism engagement by providing valuable resources, support services, and educational programs to local businesses and professionals.

Strategic Alignment: Our plan aligns with the objectives and vision of the BDEMP and the Economic Development Strategy 2022-27, reinforcing a collaborative approach towards achieving shared economic and community development goals - specifically:

- *Support diverse employment opportunities. Work with industry to diversify and deepen employment choices. Investigate attracting decentralised private businesses and government agencies.*
- *Grow, diversify and support Businesses. Deliver business support services in conjunction with industry partners. Facilitate business networking and clustering. Facilitate collaboration, skill-building and shared learning. Foster business resilience. Support business to mitigate economic leakages .*
- *Grow, Diversify and Support Industry. Facilitate value add opportunities. Foster innovation and entrepreneurship. Foster investment in emerging industries.*
  (City of Busselton Economic Development Strategy 2022-27)

Collaboration between local businesses and local, state and federal authorities.

Anticipated Benefits:

- Increased Collaboration with Local Government to Deliver their Strategies
- Enhanced Business Viability
- Economic Development Initiatives
- Business Education and Training Impact
- Strengthened Community, Visitor and Tourism Partnerships

Objectives & Aims:

- Increase the Busselton Business Directory by 30% per year to provide a centralized platform for businesses to showcase their products and services to local and regional visitors.

- Offer consulting services in key areas such as marketing, finance, operations, and technology to local businesses to a minimum of 15 businesses per year.

- Conduct two specialised training programs and six workshops within the year to enhance the skills and capabilities of business owners and employees. (Waiting on grant applications)

- Co-host a minimum of eight BA5's, one Car Rally Day, one Business Excellence Awards, two Budget Conferences, and minimum of eight informal coffee meetings, ten women in business lunches and one sole trader Christmas lunch throughout the year to facilitate networking opportunities and collaborations among local businesses to foster growth and innovation and allowing sponsorship representatives to speak. Co-hosts include DYCCI, MRBTA, members' businesses and CoB.

- Deliver comprehensive business support services in collaboration with industry partners to address the needs of local businesses. (Waiting on a tender application for the Business Local tender in collaboration with BGCCI.)

- Secure sponsorship agreements with at least three local businesses and one government agency in the next six months to implement effective marketing and advertising campaigns to promote local businesses, attract investments, and increase community engagement.

- Actively participate in economic development projects that benefit the local community such as an economic development forum, SEGRA and a trade show.

Funding Request
2024/25 City of Busselton Grant $60 000
2025/26 City of Busselton Grant $60 000
** These prices are subject to change based on evolving costs and will be reviewed annually to ensure alignment with current market conditions and program needs.*

Beneficiaries:
City of Busselton: The City of Busselton will benefit from the project's success through increased economic activity, enhanced community well-being, and a positive reputation as a supportive and business-friendly local government authority. The BCCI strategy is aligned with the city's Economic Development Strategy and will contribute to achieving its long-term goals and objectives for sustainable growth and development.
Local Businesses: Small, medium, and large businesses across various sectors will benefit from the expanded Busselton Business Directory, increased access to consulting services, specialized training workshops, and networking opportunities.
These resources will help businesses showcase their products and services, access expert advice, acquire new skills, and foster collaborations for growth and innovation.
Entrepreneurs and Startups: Entrepreneurs and startups will benefit from comprehensive support services, including mentoring, training, and networking opportunities, to navigate the challenges of starting and growing a business. The expanded Busselton Business Directory will provide visibility and networking opportunities while consulting services and training programs will offer guidance and resources to accelerate their growth.
Employees: Employees of local businesses and Not-For-Profit community organisations will benefit from the training workshops and educational programs offered. These programs will enhance their skills and capabilities, improving job performance, career advancement opportunities, and overall job satisfaction.
Community Members: it will benefit the broader community by fostering economic growth and job creation, leading to improved prosperity and quality of life. A vibrant business community supported by the BCCI will contribute to a thriving local economy, increased community engagement, and a stronger sense of community pride.

KEY PERFORMANCE INDICATORS

Key Performance Indicator	Reporting Frequency
Increase the Busselton Business Directory by 30% per year to work towards being financially sustainable.	Annual report presented at AGM.
BCCI to undertake consultation and seek feedback from the business community on a regular basis and be the 'Voice' of the business community and the outcomes be formally communicated to the CoB.	Biannual Council report and Biannual briefing to economic development and executive team. A presentation to Council to provide feedback on the business climate, current challenges, opportunities and business consultation.
Conduct two specialised training programs and six workshops within the year to enhance the skills and capabilities of business owners and employees.	Reporting at the completion of each program and workshop
Host and co-host a minimum of 31 events throughout the year, collaborating with DYCCI, MRBTA and CoB.	Annual report presented at AGM.
Deliver comprehensive business support services	Reporting as per the guidelines of the Business Local program.
Offer consulting services in key areas such as marketing, finance, operations, and technology to local businesses to a minimum of 15 businesses per year.	Annual report presented at AGM.
Secure sponsorship agreements with at least three local businesses and one government agency in the next six months to implement effective marketing and advertising campaigns to	Ongoing reporting based on analytics and insights from the campaigns.

promote local businesses, attract investments, and increase community engagement.	
Actively participate in economic development projects that benefit the local community such as an economic development forum, SEGRA and a trade show.	Reporting at the completion of each event.
CoB recognised as a major sponsor.	Ongoing. CoB able to distribute information to BCCI's members and wider audience. Be acknowledged as a major sponsor on the website, email communications, in newsletters and at events. Invited to speak at events.

Dunsborough Yallingup
CHAMBER OF COMMERCE
& INDUSTRY

City of Busselton Funding Proposal

To Collaborate, Promote and Advocate on behalf of our members and Stakeholders.

"Business. Play. The down south way"

Dunsborough Yallingup
CHAMBER OF COMMERCE
& INDUSTRY

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Dunsborough Yallingup
CHAMBER OF COMMERCE
& INDUSTRY

Our Mission

To Collaborate, Promote and Advocate on behalf of our members and Stakeholders.

"Business. Play. The down south way"

Our Vision

Be a Recognised and Respected Advocate for Businesses in Collaboration with Strategic Partners in our Region.

Our Purpose

Our purpose is to support the growth and profitability of all our members, through the provision of valuable training workshops, networking events, liaising with local and state authorities and lobbying on behalf of our business base.

Our members know that if they need help with any business, marketing, or compliance challenges, all they have to is pick up the phone and call us. Our committee is vastly experienced in all areas of business management.

Core Values & Commitment to Members

We value diversity, entrepreneurship, enthusiasm and work-life balance. The Dunsborough Yallingup area is noted for its relaxed and attractive atmosphere, and we support all the business owners who strive to provide visitors and locals alike with first-class service and products.

- **Driving sustainable growth**
- **Reducing business obstacles**
- **Planning for tomorrow**
- **Making opportunities a reality**

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CHAMBER OF COMMERCE
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History of the DYCCI

The Dunsborough Chamber of Commerce (later named the Dunsborough Yallingup Chamber of Commerce and Industry Inc.) was formed in 1978, by John Edwards OAM (President) and Claire Guiness OAM (Secretary).

Since its establishment in 1978, the Dunsborough Yallingup Chamber of Commerce and Industry has been instrumental in various achievements, including advocacy for unrestricted trading hours, establishment of essential services, support for local organizations, and input into town planning initiatives.

Our Proposal

The Dunsborough Yallingup Chamber of Commerce and Industry (DYCCI) are a well established and respected entity in the Dunsborough Yallingup region. We are currently in a rebuilding phase, with a new, vibrant committee and positive directions. We have continued to be a voice for business owners, investors and developers through changes in the economic climate and continued growth of the region. We believe the economic development of the City of Busselton is a shared responsibility and is not undertaken in isolation – it is a collaborative and collective effort between levels of government, business owners, investors, workers and residents.

As a Chamber we want to form stronger partnerships with the City of Busselton to have a collective voice to advocate on behalf of business owners in our community. In order to achieve this, we need more resources to build sustainable practices that will enhance growth and development of the Chamber. Funding for the DYCCI will support us in achieving self-sufficiency over the next few years.

As stated in the City of Busselton '*Economic Development Strategy 22-27*':

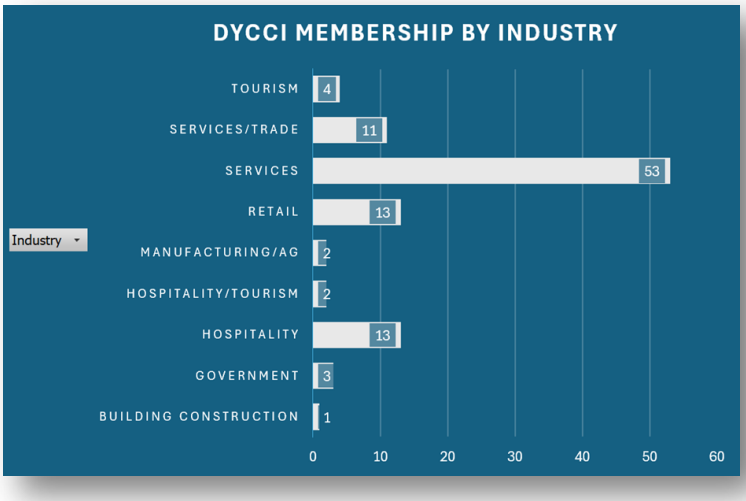
> *"We have many competitive advantages, including a well-established primary industry, premium food and agricultural produce, an international reputation as a first-class tourism destination, and vibrant communities with a quality lifestyle second to none."*

The DYCCI believes in these opportunities of our local businesses and is determined to keep growing the network of support in the business community.

Dunsborough Yallingup
CHAMBER OF COMMERCE
& INDUSTRY

Current Snapshot

DYCCI has a current membership base of 102 members and sponsors. As listed below, the membership base can be broken down into industry types, with 53% of our members offering services to our community. This is an important distinction of the Dunsborough Yallingup business community, with many business owners providing vital services to the region including accounting, finance, property services, banking, and insurance services.



The DYCCI has a newly formed committee, with joint President's Jen McNab and Mitch Baker recently being elected to lead the committee of seven members.

Our committee is vastly experienced in all areas of business management and our mission is to be proactive in representing the voice of the Dunsborough Yallingup business and industry.

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CHAMBER OF COMMERCE
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Rationale

What's coming in 2024

The following events are proposed, however we have numerous other events on the horizon, should we be successful in funding. This would include monthly 'Coffee Mornings', bi-monthly 'Business Working Lunches'. We would be offering these at different times to the BCCI, to ensure that our members have opportunities to attend events at both.

April	Combined Member Mingle with MRBTA Member workshop – Focus: Business Systems
May	DYCCI Sundowner Coffee Catch up
June	Community Event & AGM Golf Day Fundraiser
July	Christmas in July Member Function Member workshop – Focus: Finance
August	Community Event - Sundowner at Member Venue
September	Business Awards with BCCI
October	Coffee Catch Up – Member Premises
November	DYCCI Sundowner
December	Member Christmas Function

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Expected Results

We expect our proposal will yield the following benefits to the City of Busselton and Council. We anticipate financial benefits, increased engagement with the business community, growth in membership and revenue, and enhanced event attendance.

- Result #1: Encourage engagement with the business community.
- Result #2: Grow membership base, therefore increasing revenue for the Chamber.
- Result #3: Increase corporate sponsorship and grant opportunities, allowing the Chamber to increase event and workshops for members.
- Result #4: Increase attendance at events, therefore increasing financial viability of events.

Deliverables

Our proposed deliverables include increasing membership and corporate sponsorship, enhancing event revenue, and seeking additional funding through grants and sponsorships.

Please see Action Plan on the next page.

Dunsborough Yallingup
CHAMBER OF COMMERCE
& INDUSTRY

Goal	Action	Timeframe	Outcome	Measure
Increase Membership Base	• Proactive membership drives • New members sign up promotion • Membership referral drive	6-12 months and then ongoing	Recruit 2-3 new members per month.	Increase base Membership to 120-140 for the 25-2026 year.
Improve Membership Retention	• Regular newsletters • Providing regular networking events • Re-building membership portal and resources on the website • Regular workshops • Regular events – Breakfasts, Coffee, Sundowners etc	6-24 months and ongoing	Monthly newsletters Monthly networking events Bi-Monthly workshops	Workshop attendance to be over 20 per session. Network events to be over 25% of memberbase per event. Increased traffic and use on member website portal.
Sponsorship Drive	• Sponsorship drive via Staff and Committee Members • Ensure agreement is delivered by administration and marketing staff	12-24 months	Increased annual revenue for the Chamber	Sponsorships will grow by $20,000 in the 2025-26 year
Provide Opportunities for the community to engage	• Invite CoB Councillors to all networking events. • Engage with CoB Staff and provide opportunities to speak to important and timely issues within the community. • Share/promote surveys to our networks	6-24 months and ongoing	CoB Councillors and Staff, Local Members to present on timely topics to our members	Increased attendance at DYCCI events by local representatives
Business Engagement	• Regular networking opportunities • Provide feedback from our network to CoB based on issues • Increase feedback opportunities for members	12-24 months	Provide a collection voice for the business community	Increase DYCCI Personnel by 5-10 hours per week.

Dunsborough Yallingup
CHAMBER OF COMMERCE
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Funding Request

We request funding for a three-year period to support our operational activities, aligning with market rates and considering cost-of-living adjustments. The rates requested are based on aligning salaries with market rate, taking into account CPI, indexing and the cost of living in the South West.

YEARS	REQUEST
2024 - 2025	$40,000
2025 – 2026	$40,000 + CPI % Increase

Dunsborough Yallingup
CHAMBER OF COMMERCE
& INDUSTRY

Conclusion

The Dunsborough Yallingup Chamber of Commerce and Industry is committed to supporting the growth and prosperity of our members and the broader business community. With the proposed enhancements outlined in this document, we aim to strengthen our role as advocates for businesses in our region.

We are ready to embrace opportunities and address challenges facing our business community. With a proven history of advocacy and a positive vision for the future, we are committed to fostering collaboration, promoting growth, and advocating tirelessly on behalf of our members.

We recognise the importance of strong partnerships, both within our community and with external stakeholders such as the City of Busselton. By working together, we can amplify our collective voice and effect positive change that benefits businesses, residents, and visitors alike.

The proposed enhancements outlined in this document outlines our dedication to growth and proactive engagement. From increasing membership and corporate sponsorship to expanding event offerings and seeking additional funding opportunities, we are committed to driving tangible results that contribute to the economic vitality and resilience of our region.

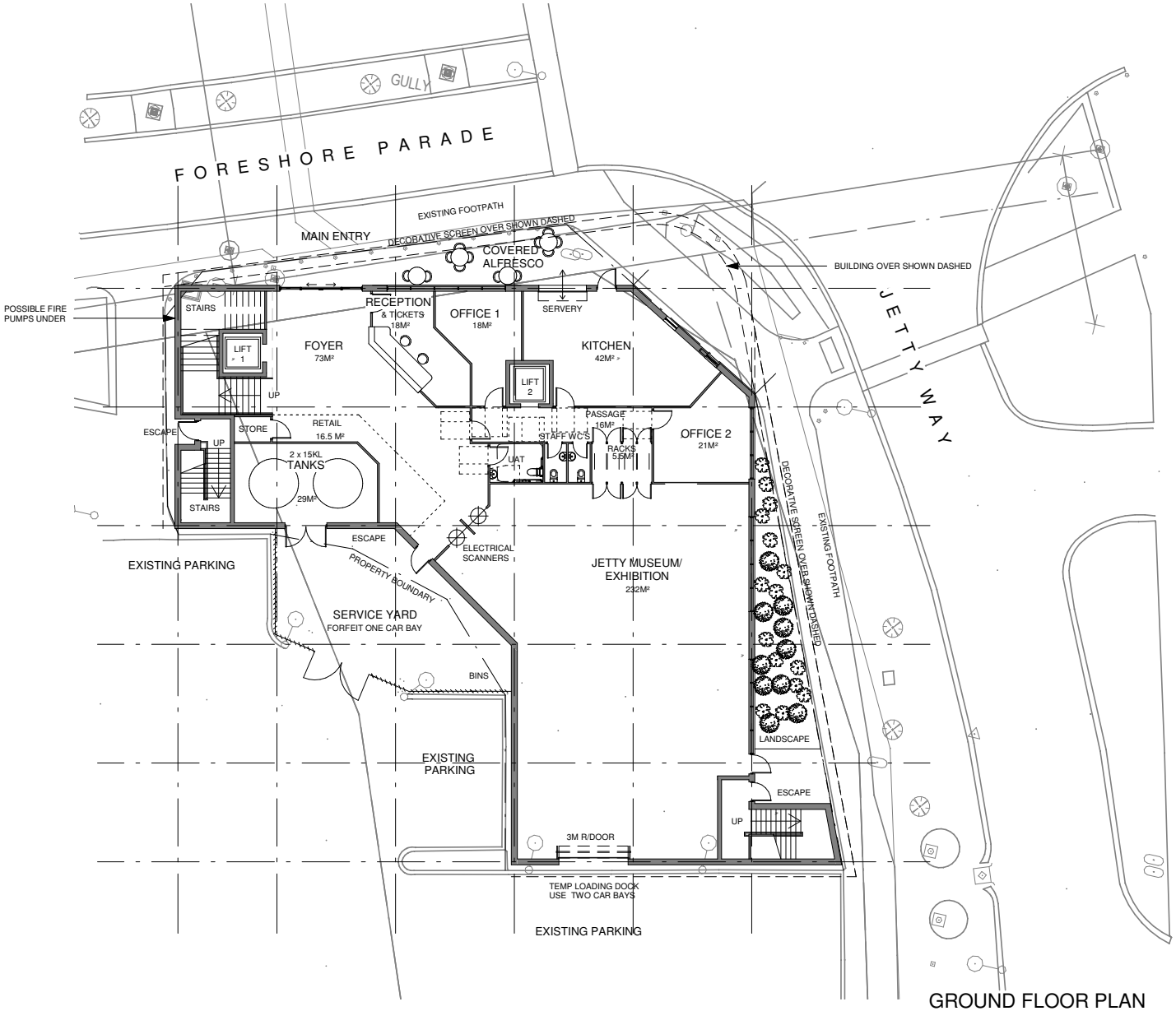
Thank you for your consideration.

Sincerely,

Jen McNab & Mitch Baker

Joint Presidents

Dunsborough Yallingup Chamber of Commerce and Industry



GROUND FLOOR PLAN

Scale 1 : 200 @A3

TOTAL GROSS FLOOR AREA 583M²

BUSSELTON MARINE DISCOVERY CENTRE

LOT 501, JETTY WAY, BUSSELTON

2322 SK01 8/04/24

NORTH

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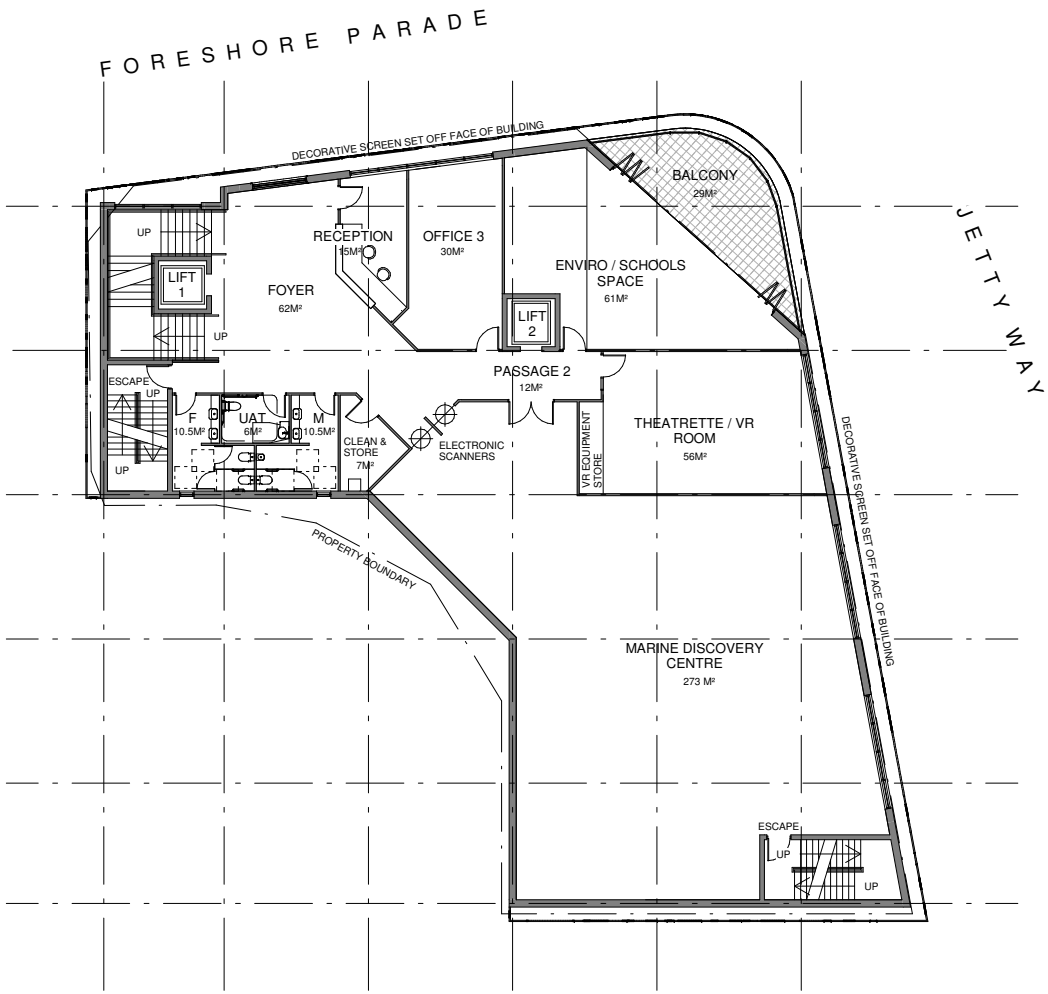

FIRST FLOOR PLAN

Scale 1 : 200 @A3

TOTAL GROSS FLOOR AREA 651M²

BUSSELTON MARINE DISCOVERY CENTRE

LOT 501, JETTY WAY, BUSSELTON

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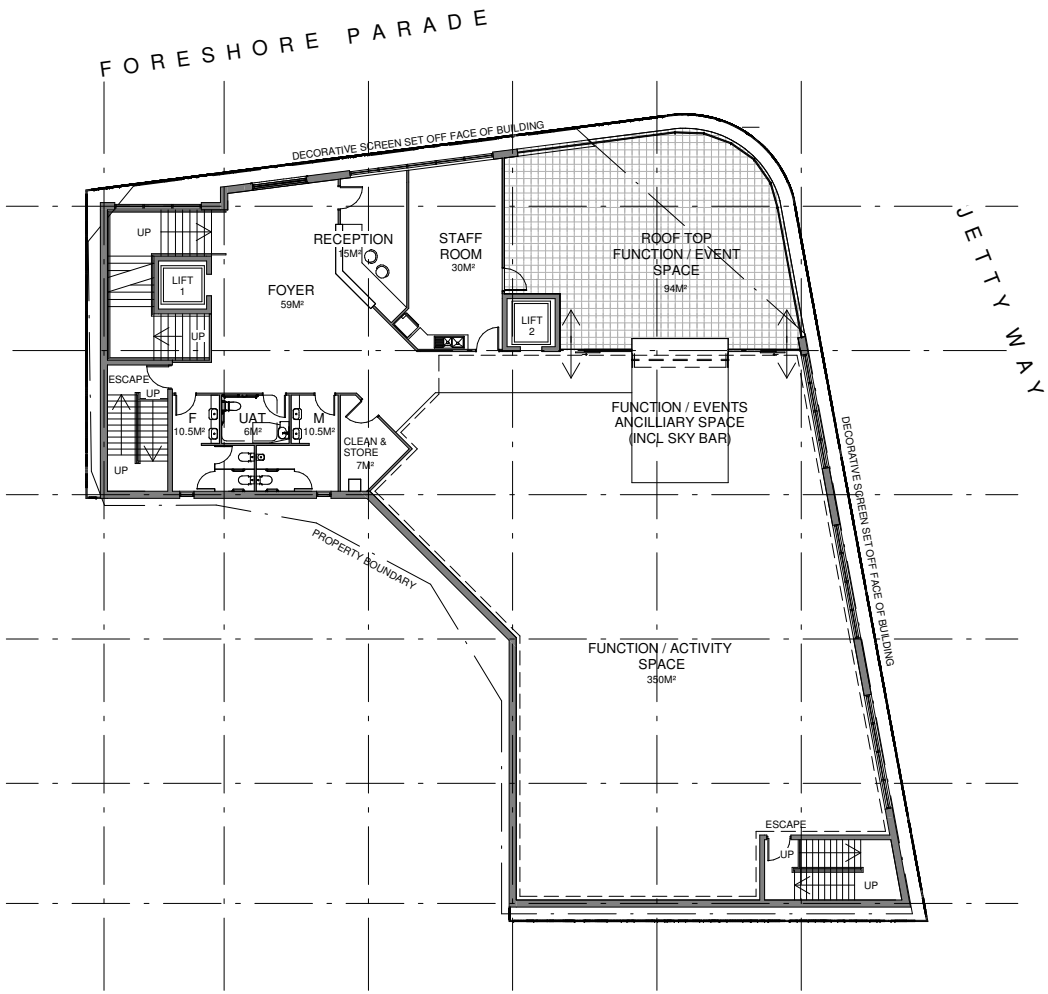

LOFT FLOOR PLAN

Scale 1 : 200 @A3

TOTAL GROSS FLOOR AREA 585M²

BUSSELTON MARINE DISCOVERY CENTRE

LOT 501, JETTY WAY, BUSSELTON

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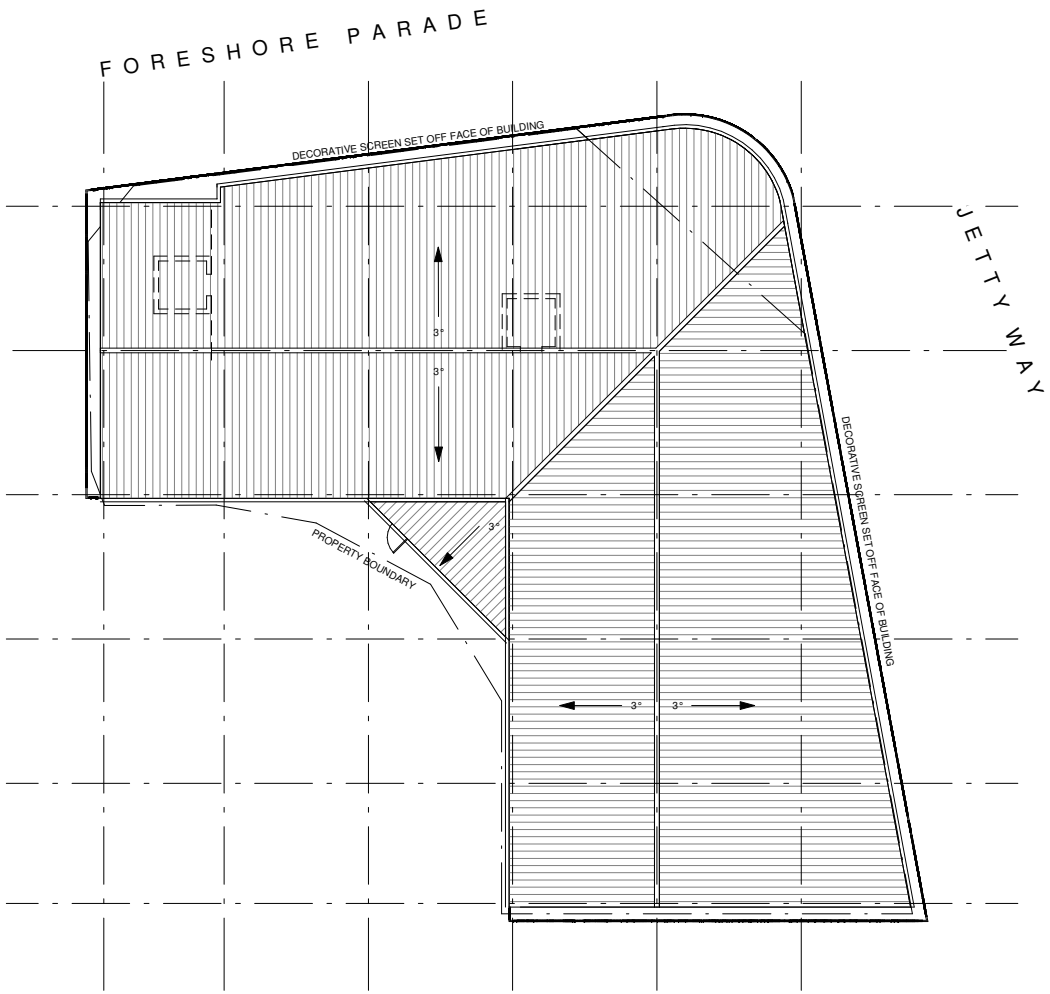

ROOF PLAN
Scale 1 : 200 @A3

BUSSELTON MARINE DISCOVERY CENTRE

LOT 501, JETTY WAY, BUSSELTON
2322 SK04 8/04/24

NORTH

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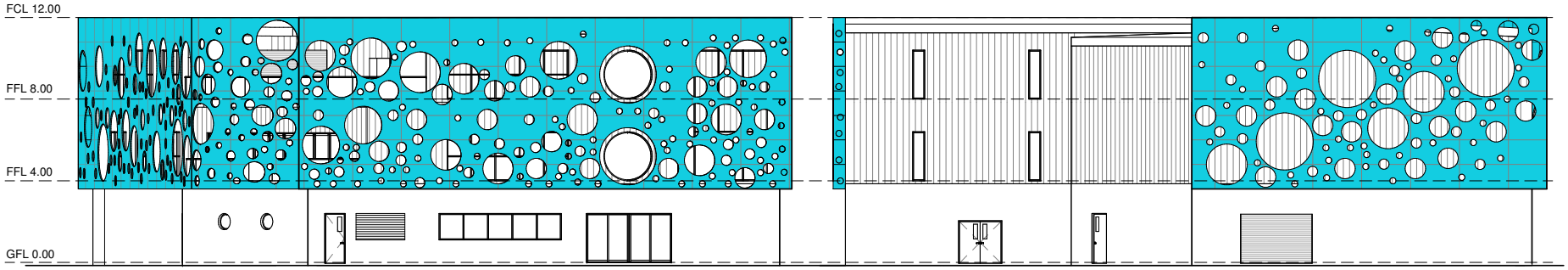
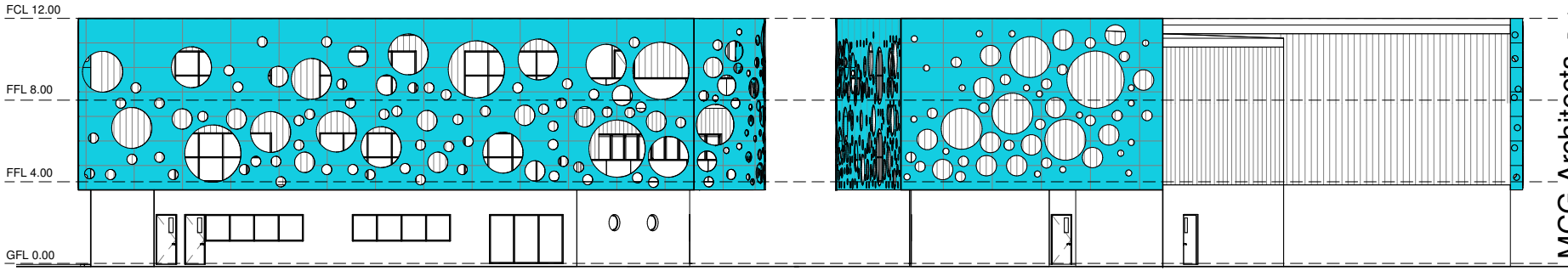
MCG Architects Pty Ltd
The Stage, Old Railway Institute Building
62 Wittenoom Street, Bunbury, WA, 6230
T: (08) 9791 6993 E: reception@mcgarchitects.com.au



NORTH ELEVATION

SOUTH ELEVATION



EAST ELEVATION

WEST ELEVATION

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62 Wittenoom Street, Bunbury, WA, 6230
T: (08) 9791 16993 E:reception@mcgarchitects.com.au

ELEVATIONS WITH SCREENS

Scale 1 : 200 @A3

BUSSELTON MARINE DISCOVERY CENTRE

LOT 501, JETTY WAY, BUSSELTON

2322 SK05 8/04/24

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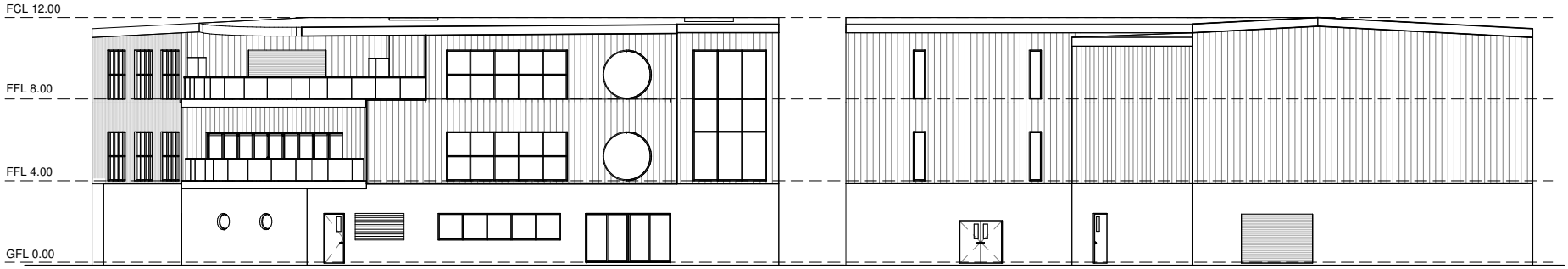
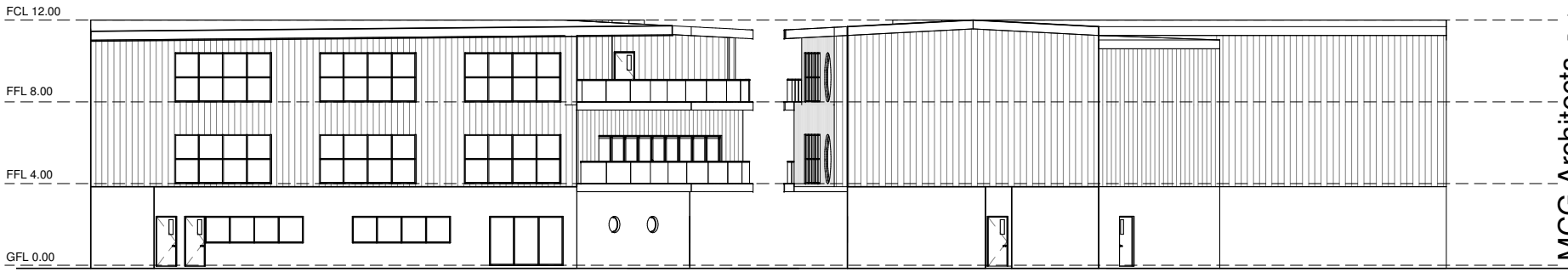


NORTH ELEVATION

SOUTH ELEVATION



EAST ELEVATION

WEST ELEVATION

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62 Wittenoom Street, Bunbury, WA, 6230
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ELEVATIONS WITHOUT SCREENS

Scale 1 : 200 @A3

BUSSELTON MARINE DISCOVERY CENTRE

LOT 501, JETTY WAY, BUSSELTON

2322 SK06 8/04/24

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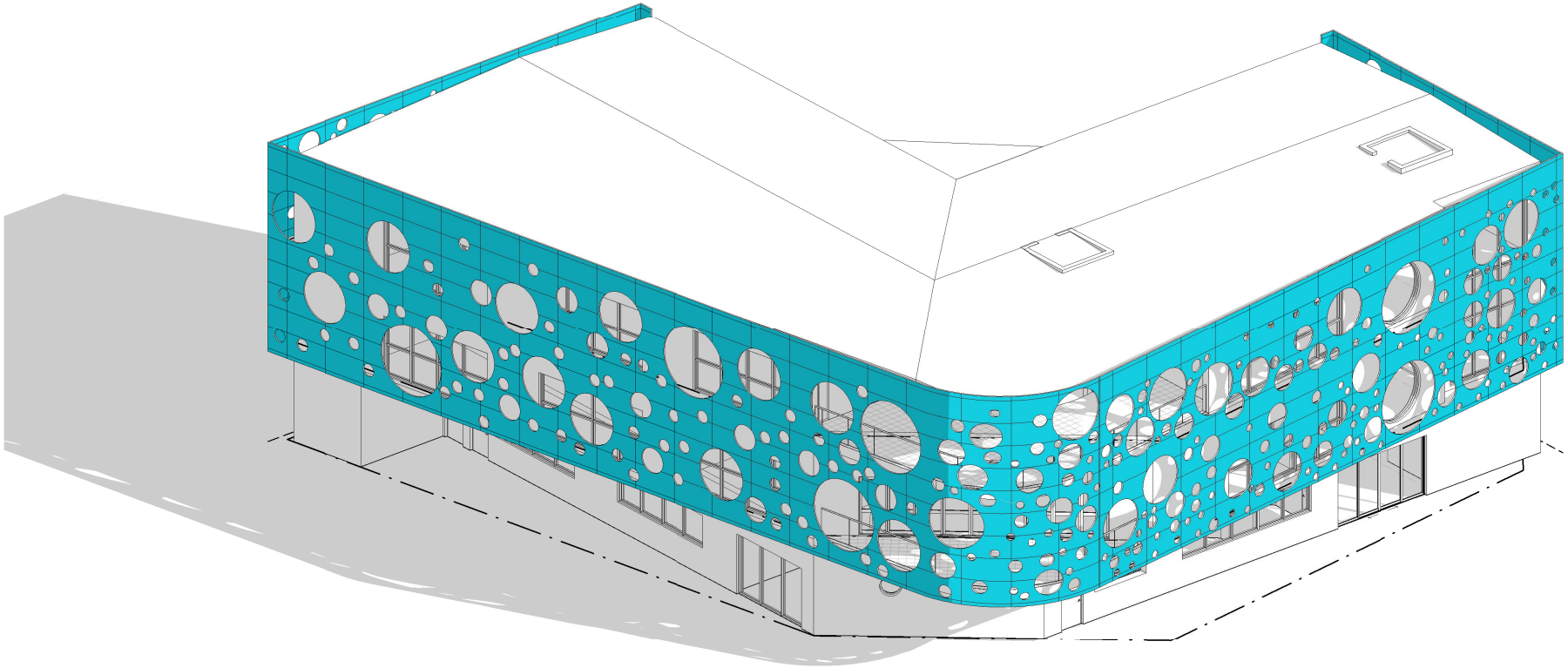

INDICATIVE 3D

NOT TO SCALE

BUSSELTON MARINE DISCOVERY CENTRE

LOT 501, JETTY WAY, BUSSELTON

2322 SK10 8/04/24

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11
Lot 561
Foreshore Pde
Foreshore Pde
Lot 578
20.8 m
11.0 m
13.4 m
Area: 700.4 sq m
26 m
17.5 m
Jetty Way
4
Lot 600

As at 22 April 2024

TENDER INFORMATION	COUNCIL OR CEO DECISION	STATUS
RFT17/23 – Changing Places Design and Construction Requirement - design and construction of a new Changing Place facility at Signal Park on the Busselton foreshore.	CEO Delegated Authority	• An evaluation panel completed its assessment of the submissions. • A report to CEO for a decision on the acceptance of a tender was submitted 16 April 2024 • Letter of acceptance issued 22 April 2024
RFT02/24 Sediment Removal – Vasse River Requirement - removal of nutrient rich organic sediments that have accumulated throughout the bed of the Lower Vasse River.	Council	• A request for tender was advertised on 6 April 2024, closing on 8 May 2024
RFT04/24 Dunsborough Park Shopping Centre toilet block Requirement - Upgrade and renewal works for the Dunsborough Park Shopping Centre toilet Block.	CEO Delegated Authority	• A request for tender was advertised on 13 March 2024 and closed on 10 April 2024 • Four submissions were received. • An evaluation panel is currently assessing the submissions
RFT06/24 – Provision of Security Access Facilities to City Facilities Requirement - Provision of services to undertake reactive maintenance repairs and monitor the City's current security access to City owned buildings and facilities	CEO Delegated Authority	• A request for tender was advertised on 17 April 2024, closing on 15 May 2024
RFT07/24 Dunsborough Lakes Estate Landscape Maintenance Requirement - the provision of landscape maintenance services in the Dunsborough Lakes Estate.	Council	• A request for tender was advertised on 6 March and closed on 10 April 2024 • Five submissions were received • A report to the Council is included in the agenda for the May 2024 ordinary meeting

As at 27 March 2024

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON						
Amber Cloud Pty Ltd v City of Busselton (DR 231/2021)	Lot 101 Wilyabrup Road, Wilyabrup	November 2021	Review of a decision to refuse or conditionally grant an application under a planning scheme (Single House)	• Refer to previous versions of this report for historical information. • Directions hearing on 2 February 2024 was vacated and the matter is listed for a directions hearing on 31 May 2024.	Listed for a directions hearing on 31 May 2024	
Silverlodge Pty Ltd v City of Busselton (CC 1225/2023)	585 Caves Rd Marybrook	September 2023	Review of a decision under the Caravan Parks and Camping Grounds Act 1995.	Refer to previous versions of this report for historical information • Directions hearing on 2 February 2024 was vacated and the matter to be listed for mediation on 11 March 2024. • Directions hearing on 11 March 2024 was vacated and the matter to be listed for mediation on 16 April 2024. • Directions hearing on 16 April 2024 was vacated and the matter to be listed for mediation on 24 May 2024.	Mediation listed for 24 May 2024	
Happ & Anor v City of Busselton (DR 159/2022) (DR 197/2022) (DR 152/2023)	575 Commonage Road Quindalup	November 2022	1. Review of directions under s214(2) and s214(3) by the City 2. Review of decision to refuse application under a planning scheme	Refer to previous versions of this report for historical information • Directions hearing on 2 February 2024 it was ordered: - Respondent to file conditions by 23 February 2024; - Applicant to file evidence by 26 April 2024; - Applicant to file a document identifying the conditions it objects, reasons for objection and alternative conditions by 26 April 2024; - Final hearing listed for 13 – 15 May 2024.	Final hearing listed for 13 – 15 May 2024	
Forrest v City of Busselton (DR 101/2023)	Ludlow Park Road, Ludlow	June 2023	Review of a decision to refuse or conditionally grant an application under a planning scheme (Industry - Extractive)	Refer to previous versions of this report for historical information • Directions hearing on 19 February 2024, it was ordered to proceed to a compulsory conference on 6 March 2024. • Compulsory conference on 6 March 2024, it was ordered that: - Parties file agreed statement of issues by 13 March 2024; - Respondent file and serve conditions to be imposed by 10 April 2024; - Respondent may file and serve amended statement of issues, facts and contentions by 17 April 2024; and - Directions hearing take place on 19 April 2024. • Directions hearing on 19 April 2024, it was ordered that: - The Parties file and serve any signed statement of witness evidence by 31 May 2024; and - The matter is listed for a directions hearing on 3 May 2024.	Directions hearing on 3 May 2024	
REGIONAL JOINT DEVELOPMENT ASSESSMENT PANEL						
NIL						

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED

Action Register

Search Criteria

Showing Completed Items: Yes
Include Items Completed From: 01/10/2023

Generated By: Jo Barrett-Lennard
Generated On: 02/05/2024 at 2:04pm

<table>
<tr><th>Meeting Date</th><th>Item</th><th>Status</th><th>Action Required</th><th>Action Taken</th><th>Completed (Overdue)</th></tr>
<tr>
<td>16/08/2023</td>
<td>Amendment 54 to Local Planning Scheme 21 Lot 2883 Puzey Road, Wilyabrup</td>
<td>Completed</td>
<td>Please action as per resolution.

COUNCIL DECISION

C2308/88 Moved Cr Paul Carter, seconded Cr Phill Cronin

That the Council:

1. In pursuance of the Planning and Development Act (Local Planning Schemes) Regulations 2015 (the Regulations) adopts Amendment 54 to the City of Busselton Local Planning Scheme 21 (the Scheme) for final approval, for the purposes of:

a)Inserting a new ‘Special Provision Area 76’ as follows:
<table>
<tr><th>No.</th><th>Particulars of Land</th><th>Zone</th><th>Special Provisions</th></tr>
<tr><td>SP76</td><td>Strata Lots 20, 21, 31, 37, 46 and 47 on Survey-Strata Plan 54626 (Lot 2883) Puzey Road, Wilyabrup</td><td>Viticulture and Tourism</td><td>For Lots 20, 21, 31, 37, 46 and 47, as shown on the current Strata Plan 54626 (approved on 24 December 2021), one Chalet per lot is permitted as unrestricted length of stay.</td></tr>
</table>
b)Amending the Scheme Map accordingly.

2. In accordance with Regulation 35 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 54 of the City of Busselton Local Planning Scheme No. 21 is a ‘complex amendment’ in accordance with r.34 of the Regulations as it is:

(a) an amendment that is not consistent with a Local Planning Strategy for the Scheme that has been endorsed by the Commission.

3. Pursuant to r. 53 of the Regulations, endorses the Schedule of Submissions at Attachment 5, which has been prepared in response to the public consultation process.
4. Upon preparation of the necessary documentation, refers the adopted Amendment 54 to the WAPC for consideration and determination in accordance with the Planning and Development Act 2005.

5. Pursuant to r. 56 of the Regulations, should directions be given that modifications to Amendment 54 are required, direct these modifications to be undertaken accordingly, on behalf of the Council, unless they are considered by officers to significantly affect the purpose and intent of the Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination

CARRIED 7 / 0
EN BLOC</td>
<td>07/09/2023 David Sands

Letter drafted CEO approval required prior to documentation being sent to WAPC.

08/02/2024 Tegan Robertson

Awaiting Gazettal - expected imminently.

08/04/2024 Tegan Robertson

Amendment 54 was Gazetted on 2 Feb 2024.</td>
<td>08/04/2024</td>
</tr>
<tr>
<td>16/08/2023</td>
<td>Proposed Amendment 56 to Local Planning Scheme 21 Special Character Area</td>
<td>On Hold</td>
<td>Please action as per resolution.

COUNCIL DECISION

C2308/90 Moved Cr Phill Cronin, seconded Cr Anne Ryan

That the Council:

1. In pursuance of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) initiates Amendment 56 to the City of Busselton Local Planning Scheme No. 21 (the Scheme) for community consultation for the purposes of:
(a) Amending clause 5.7.3 to read as follows:
(i) 5.7.3 Where such objectives, provisions and/or controls are specified in Schedule 4 in relation to a designated Special Character Area, those objectives, provisions and/or controls act in conjunction with the other provisions of this Scheme relevant to that area.
2. Pursuant to r.35(2) determine that Amendment 56 is a ‘standard amendment’ as it is:
(a) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
(b) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and
(c) Any other amendment that is not a complex or basic amendment.</td>
<td>01/09/2023 Justin Biggar

Amendment report signed and forwarded to EPA for advice and the Minister for consent to advertise.

Advice received of no further action from EPA (DOC ID 5223763) and Minister granted consent to advertise (DOC ID 5221999).

Advertising of amendment currently on hold until further consultation with affected communities is undertaken.</td>
<td></td>
</tr>
</table>

Meeting Date	Item	Status	Action Required	Action Taken	Completed (Overdue)
			3. That as the amendment is in the opinion of Council, consistent with Part V of the *Planning and Development Act 2005* (the Act) and the Regulations made pursuant to the Act, that upon preparation of the necessary documentation, refer the amendment to the Environmental Protection Authority (EPA) and upon receipt of a response that the amendment is not subject to formal environmental assessment, advertise the proposal for a period of 42 days. Where the EPA determines the amendment is to be subject to formal environmental assessment, the assessment is to be prepared prior to advertising of the draft amendment. **4. Council note that the City will proceed within 12 months the following further stages for review of the Special Character Areas:** **(a) Undertake a broader review of the Special Character Area framework which includes the related Scheme provisions and suite of local planning policies.** **(b) As part of the review, the City will engage with the community to inform the preparation of revised planning controls consistent with the contemporary planning framework.** **(c) Incorporate the findings of the stage 2 review within the planning framework.** **5. Amend Delegation DA7 - 01 by adding the following as point 2 in the Conditions section (with subsequent points being renumbered accordingly) -** **<u>Applications in Special Character Areas requiring the exercise of discretion</u>** **All applications for development approval affecting land within the Special Character Areas, as identified in Schedule 4 of the Scheme, and which involve the exercise of discretion, must be brought to Council for determination, unless the application has been refused under delegated authority.** **CARRIED 6 / 0** **BY ABSOLUTE MAJORITY**		
16/08/2023	APPLICATION FOR DEVELOPMENT APPROVAL (DA21/0822) - PROPOSED EXTRACTIVE (SAND) - LOT 4205 GALE ROAD KALOORUP	Completed	Please action as per resolution. **COUNCIL DECISION** **C2308/92** Moved Cr Paul Carter, seconded Cr Phill Cronin **That the Council:** **1. That application DA21/0822 submitted for development of Industry – Extractive (Sand) at Lot 4205 Gale Road Kaloorup is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located.** **2. That Development Approval is granted for the proposal referred to in (1) above subject to the following conditions:** **removed for brevity* **CARRIED 7 / 0** **EN BLOC**	**07/09/2023 Kellie Woodcoe-Bryant** DA Issued 30/8/2023	20/12/2023

<table>
<tr>
<td>20/09/2023</td>
<td>Finance Committee - 06/09/2023 - List of Payments Made - July 2023</td>
<td>Completed</td>
<td>Please action as per resolution.

<u>COUNCIL DECISION</u>

C2309/107 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Council notes payment of voucher numbers for the month of July 2023 as follows:

<table>
<tr><td>CHEQUE PAYMENTS</td><td>119717 - 119736</td><td>111,510.18</td></tr>
<tr><td>ELECTRONIC FUNDS TRANSFER PAYMENTS</td><td>96756 - 97224</td><td>5,535,583.15</td></tr>
<tr><td>TRUST ACCOUNT PAYMENTS</td><td>EFT# T1 - T3</td><td>56,110.69</td></tr>
<tr><td>PAYROLL PAYMENTS</td><td>01.07.23 - 31.07.23</td><td>1,750,327.57</td></tr>
<tr><td>INTERNAL PAYMENT VOUCHERS</td><td>DD# 5350 - 5383</td><td>136,904.92</td></tr>
<tr><td>TOTAL PAYMENTS</td><td></td><td>7,590,436.51</td></tr>
</table>

CARRIED 8 / 0
FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine
AGAINST: Nil
EN BLOC</td>
<td>04/10/2023 Jo Barrett-Lennard
Noted</td>
<td>04/10/2023</td>
</tr>
<tr>
<td>20/09/2023</td>
<td>DA22/0817 - Bed and Breakfast (Change of Use of Existing Single House and New Development)</td>
<td>Completed</td>
<td>Please action as per resolution.
Prior to the meeting, Cr Riccelli foreshadowed a motion that was different to the officer recommendation. In accordance with clause 10.18(6) of the City of Busselton Standing Orders Local Law 2018, it was taken to be an alternative recommendation and moved first.

The motion was put, there was opposition and debate ensued. The alternative recommendation was carried.

<u>COUNCIL DECISION</u>

C2309/110 Moved Cr Sue Riccelli, seconded Cr Anne Ryan

That the Council determines:

That application DA22/0817 submitted for development of Bed and Breakfast (Change of Use of Existing Single House and New Development) on Lot 301 (No. 29) Carnarvon Castle Drive, Eagle Bay, is considered by the Council to not be consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located.

B. To refuse to grant development approval, for the following reasons:

Uncertainty exists around whether lawful discretion exists.

1. The proposal is considered to have excessive landscape and visual elements particularly in relation to:

a) Dwelling is proposed to reach a height of 8.45m, inclusive of a chimney height, in lieu of the development standard permitted height of 7.5m.

b) Upper store floor area covers 89% of the ground floor footprint in lieu of 50% permitted by the Development Standard.

c) Outbuilding wall height (shed) of 3.34m in lieu of permitted Residential Design Codes - 2.4m, LPS 21 - 2.7m and LPP 4.10 - 3.1m.

CARRIED 5 / 3
FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin and Cr Sue Riccelli
AGAINST: Cr Grant Henley, Cr Paul Carter and Cr Ross Paine

Reasons: There is a lack of certainty around whether lawful discretion is able to be used for this proposal because of the issue of which setback standards apply is critical to the determination of the application. There appears to be overdevelopment of the built form on site.</td>
<td>04/10/2023 Jo Barrett-Lennard
Decision notice issued 27/9/23</td>
<td>04/10/2023</td>
</tr>
</table>

20/09/2023	Application for Development Approval (DA23/0270) - Single House (Outbuilding) - Lot 43 (9) Campion Way Quindalup	Completed	Please action as per resolution. **COUNCIL DECISION** **C2309/111** Moved Cr Anne Ryan, seconded Cr Paul Carter **That the Council:** **1. Consider that the application for a Single House (Outbuilding) is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and** **2. Grant development approval for the proposal subject to the following conditions:** **removed for brevity* **CARRIED 8 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine** **AGAINST: Nil** **EN BLOC**	**03/10/2023 Justin Biggar** Approval notice issued	03/10/2023
20/09/2023	Application for Development Approval (DA23/0194) - Single House (Drive Way Addition) - Lot 61 (40) Campion Way, Quindalup	Completed	Please action as per resolution. **COUNCIL DECISION** **C2309/112** Moved Cr Anne Ryan, seconded Cr Paul Carter **That the Council:** **1. Consider that the application for a Single House (Driveway Addition) DA23/0194 is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and** **2. Grant development approval for the proposal subject to the following conditions:** **removed for brevity* **CARRIED 8 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine** **AGAINST: Nil** **EN BLOC**	**04/10/2023 David Sands** Issued decision letter.	04/10/2023
20/09/2023	Application for Development Approval (DA23/0133) - Grouped Dwelling (Alterations and Additions) - Lot 1 (17A) Gibney Street Dunsborough	Completed	Please action as per resolution. **COUNCIL DECISION** **C2309/113** Moved Cr Anne Ryan, seconded Cr Paul Carter **That the Council:** **1. Consider that the application for a Grouped Dwelling (Alterations/Additions) is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and** **2. Grant development approval for the proposal subject to the following conditions:** **removed for brevity* **CARRIED 8 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine** **AGAINST: Nil** **EN BLOC**	**04/10/2023 Jo Barrett-Lennard** approved and issued	04/10/2023
20/09/2023	Youth Plan	Completed			17/10/2023

<table>
<tr>
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COUNCIL DECISION

C2309/114 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Council adopt the Youth Plan 'What's up in your world' (Attachment 1) as a guiding document for the delivery of youth services for the City of Busselton.

CARRIED 8 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine

AGAINST: Nil

EN BLOC

Please action as per resolution.
</td>
<td>

17/10/2023 Angela Griffin

Youth Plan published in hard copy and online
</td>
<td></td>
</tr>
<tr>
<td>20/09/2023</td>
<td>2023/2024 Community Assistance Program Round 1 Outcomes</td>
<td>Completed</td>
<td>

Please action as per resolution.

COUNCIL DECISION

C2309/115 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Council endorses the following funding allocation, to be funded from the 2023/2024 Community Assistance Program budget:

<table>
<tr><th>Applicant</th><th>Requested</th><th>Recommendation</th></tr>
<tr><td>Cape Mountain Bikers</td><td>$30,000</td><td>0</td></tr>
<tr><td>Advocacy WA</td><td>$10,000</td><td>0</td></tr>
<tr><td>Busselton City Football Club</td><td>$6,000</td><td>$6,000</td></tr>
<tr><td>West Busselton Primary School</td><td>$9,600</td><td>0</td></tr>
<tr><td>RSPCA WA</td><td>$5,400</td><td>$3,500</td></tr>
<tr><td>TOTAL</td><td>$61,000</td><td>$9,500</td></tr>
</table>

CARRIED 8 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine

AGAINST: Nil

EN BLOC
</td>
<td>

02/10/2023 Jessica Watts

Grant agreements drafted.
Council Resolution number entered into agreements from most recent Council minutes.
</td>
<td>30/10/2023</td>
</tr>
<tr>
<td>20/09/2023</td>
<td>Adoption of Corporate Business Plan 2023-2027</td>
<td>Completed</td>
<td>

Please action as per resolution.
Prior to the meeting, officers foreshadowed an amendment to the officer recommendation. The amended recommendation was moved first and carried.

COUNCIL DECISION

C2309/116 Moved Cr Ross Paine, seconded Cr Anne Ryan

That the Council adopts the Corporate Business Plan 2023-2027 in the form attached to this report, subject to:

1. the following action being added to Key Theme 2 Lifestyle:

<table>
<tr><th rowspan="2">Action</th><th rowspan="2">Strategic Priority Link</th><th rowspan="2">Supporting Plans and Strategies</th><th rowspan="2">Action Owners</th><th rowspan="2">Action Type / Budget</th><th colspan="4">Delivery</th></tr>
<tr><th>23-24</th><th>24-25</th><th>25-26</th><th>26-27</th></tr>
<tr><td>Holiday Homes Regulations
Further to outcomes of the State Government's review, consider further changes to the City's Holiday Homes Regulatory Framework.</td><td>2.8</td><td></td><td>Strategic Planning</td><td>Program Operational</td><td>X</td><td></td><td></td><td></td></tr>
</table>

2. the retiring action 'Holiday Homes Regulations' being removed.

CARRIED 8 / 0
</td>
<td>

04/10/2023 Sarah Pierson

Corporate Business Plan finalised and published post adoption. Available in hard copy format and on the City's website.
</td>
<td>04/10/2023</td>
</tr>
</table>

			FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine **AGAINST: Nil** BY ABSOLUTE MAJORITY Reasons: Council indicated a desire to retail an action associated with the regulation of holiday homes, with stage 3 of the initiated review pending State Government action.		
20/09/2023	Notice of Motion - Recognition of Nina Kennedy	Completed	Please action as per resolution. **COUNCIL DECISION** **C2309/118** Moved Cr Grant Henley, seconded Cr Anne Ryan **That the Council requests the CEO to prepare a report outlining potential recognition of Nina Kennedy.** **CARRIED 8 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine** **AGAINST: Nil**	**04/10/2023 Sarah Pierson** Report presented for Council's consideration at October ordinary Council meeting	05/10/2023
20/09/2023	Notice of Motion - Introduction of Recreation Facilities Reserve	In Progress	Please action as per resolution. **COUNCIL DECISION** **C2309/119** Moved Cr Grant Henley, seconded Cr Anne Ryan **That Council requests the CEO to prepare a report that considers the introduction of a dedicated Recreation Facilites Reserve as part of budget preparations and review of the Long-Term Financial Plan.** **CARRIED 8 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine** **AGAINST: Nil**	**03/04/2024 Tegan Robertson** The establishment of a reserve is being explored as part of the review of the LTFP, with a report on the LTFP (including the introduction of a new reserve if determined to be required) to be presented to the Council by the end of June 2024.	
18/10/2023	Audit and Risk Committee - 13/09/2023 - CEO Review of Systems and Procedures (REG 17) - Update on Recommendations	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/123** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council acknowledge the status update in relation to the recommendations of the Regulation 17 Review (as at the beginning of September 2023) and note that the next update will be provided to the Audit and Risk Committee post the conclusion of the December 2023 quarter.** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**06/03/2024 Tegan Robertson** Status update on progress of the Regulation 17 Review recommendations has been provided in a report to the Audit and Risk Committee for the 13 March 2024 meeting.	06/03/2024
18/10/2023	Policy and Legislation Committee - 13/09/2023 - Bush Fire Brigades Local Law	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/124** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council:**	**01/11/2023 Briony McGinty** Gazetted on 31 October 2023.	03/04/2024

			1. **Resolves to make the *City of Busselton Bushfire Brigades Local Law 2023* in accordance with section 3.12(4) of the *Local Government Act* 1995.** 2. **Authorises the Chief Executive Officer to carry out the processes required to make the *City of Busselton Bushfire Brigades Local Law 2023* in accordance with section 3.12(5) and section 3.12(6) of the *Local Government Act 1995*.** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**		
18/10/2023	Policy and Legislation Committee - 13/09/2023 - Council Policy Review - Compliance and Enforcement Policy	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/125** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council:** 1. **Rescind the following Council policies:** **a. Compliance Policy (Attachment 1)** **b. Ranger and Emergency Services – Approach to Regulatory Functions Policy (Attachment 2)** 2. **Adopt the Compliance and Enforcement Policy (Attachment 3).** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**01/11/2023 Jo Barrett-Lennard** Policies rescinded and new policy published to City website.	01/11/2023
18/10/2023	Policy and Legislation Committee - 13/09/2023 - Council Policy Review - Portable Advertising Signs in Public Places	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/126** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council readopt the Portable Advertising Signs in Public Places Policy (Attachment 1).** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**01/11/2023 Jo Barrett-Lennard** Policy re-adopted	01/11/2023

18/10/2023	Policy and Legislation Committee - 13/09/2023 - Proposed Local Planning Policy: Identification of Complex Development Applications - Consideration for Final Adoption after Advertising	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/127** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council, pursuant to clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proceeds with Local Planning Policy: Complex Development Applications (Attachment 1) without modification.** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**18/01/2024 Joanna Wilson** The adoption of the Policy has been advertised in the newspaper and published on the website. Procedures and templates have been updated.	18/01/2024
18/10/2023	Policy and Legislation Committee - 13/09/2023 - Various Council Policy Reviews - Environment, Investment, Loan Facilities, Payment and Presentations on Termination, Misconduct, Fraud and Corruption	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/128** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council adopts the following policies to replace the current council policies, with the policies having been reviewed as part of the City's ongoing policy review cycle:** 1. **Environment (Attachment 1)** 2. **Investment (Attachment 2)** 3. **Loan Facilities (Attachment 3)** 4. **Payment and Presentation on Termination (Attachment 4)** 5. **Misconduct, Fraud and Corruption (Attachment 5)** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**01/11/2023 Jo Barrett-Lennard** Polices updated as required	01/11/2023
18/10/2023	Policy and Legislation Committee - 13/09/2023 - Statutory Review of Delegations of Authority	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/130** Moved Cr Grant Henley, seconded Cr Phill Cronin **That the Council adopts the City of Busselton Delegations of Authority as per the Committee Recommendation, with the exception of delegation *DA 7 – 01 Development Control* which be amended as set out below:** **Delete the current condition 2:** ***2. Applications in Special Character Areas requiring the exercise of discretion*** ***All applications for development approval affecting land within the Special Character Areas, as identified in schedule 4 of the Scheme, and which involve the exercise of discretion, must be brought to the Council for determination, unless the application has been approved under delegated authority.*** **Replace the current condition 2 with the following new condition:** **removed for brevity* **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**01/12/2023 Tegan Robertson** Updated delegations issued and Delegations of Authority register published on City website	01/12/2023
18/10/2023	Finance Committee - 04/10/2023 -	Completed	Please action as per resolution.	**01/11/2023 Paul Sheridan** Completed	01/11/2023

Budget Amendment - Reserve Closures

COUNCIL DECISION

C2310/131 Moved Cr Anne Ryan, seconded Cr Sue Riccelli

That the Council:

1. **Closes the following reserves:**

Reserve Name	Purpose of the Reserve
Commonage Precinct Infrastructure Road Reserve	To be utilised for the purpose of road infrastructure and road safety upgrades within the Commonage Contribution Area in accordance with the Commonage Contributions Area policy provisions.
Community Facilities - City District	To hold development contributions received by the City for the provision of new or upgraded community infrastructure within the District.
Community Facilities – Broadwater	To hold development contributions received by the City for the provision of new or upgraded community infrastructure within the Precinct as per the adopted contributions plan.
Community Facilities – Busselton	To hold development contributions received by the City for the provision of new or upgraded community infrastructure within the Precinct as per the adopted contributions plan.
Community Facilities – Dunsborough	To hold development contributions received by the City for the provision of new or upgraded community infrastructure within the Precinct as per the adopted contributions plan.
Community Facilities - Dunsborough Lakes Estate	To hold development contributions received by the City for the provision of new or upgraded community infrastructure within the Precinct as per the adopted contributions plan.
Community Facilities – Geographe	To hold development contributions received by the City for the provision of new or upgraded community infrastructure within the Precinct as per the adopted contributions plan.
Community Facilities - Port Geographe	To hold development contributions received by the City for the provision of new or upgraded community infrastructure within the Precinct as per the adopted contributions plan.
Community Facilities – Vasse	To hold development contributions received by the City for the provision of new or upgraded community infrastructure within the Precinct as per the adopted contributions plan.
Community Facilities - Airport North	To hold development contributions received by the City for the provision of new or upgraded community infrastructure within the Precinct as per the adopted contributions plan.
Commonage Precinct Bushfire Facilities Reserve	For the purpose of the provision of fire protection facilities in accordance with the Commonage Contributions Area policy provisions.
Commonage Community Facilities Dunsborough Lakes South Reserve	For the purpose of the provision of future recreational facilities at Dunsborough Lakes South in accordance with the Dunsborough Lakes Developer Contributions Plan.
Commonage Community Facilities South Biddle Precinct Reserve	To be utilised for the provision of community facilities within the South Biddle Precinct in accordance with the Commonage Area Implementation Policy provisions.
Public Art Reserve	To hold development contributions received by the City for the commissioning, purchase and enhancement of public art works within the District.

2. **Acknowledges that funds held in these reserves are also held in restricted fund accounts, with restrictions on use of the funds that mirror the reserve purposes listed at 1 above, and that the funds will continue to be held in restricted fund accounts.**

CARRIED 9 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine

AGAINST: Nil

18/10/2023	Proposed Amendment 57 To Local Planning Scheme No. 21 - Lots 1 (No 45A) and 2 (No 45B) Clydebank Avenue West Busselton	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/134** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council:** **1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, (the Regulations) adopts Amendment 57 to the City of Busselton Local Planning Scheme 21 for final approval, in accordance with the modifications proposed in the 'Schedule of Modifications' shown at Attachment 5, for the purposes of:** **a) Amending the zoning of Lot 1 (No 45A) Clydebank Avenue, West Busselton from 'Local Centre' to 'Reserve for Public Purposes' (Water Authority); and** **b) Amending the zoning of Lot 2 (No 45B) Clydebank Avenue, West Busselton from 'Local Centre' to 'Residential' (R30).** **2. Advise the Western Australian Planning Commission (WAPC) that Amendment 57 is considered a standard amendment pursuant to the Regulations for the following reasons:** **a) An amendment that is consistent with a Local Planning Strategy for the Scheme that has been endorsed by the Commission.** **3. Pursuant to r. 53 of the Regulations, endorses the Schedule of Submissions at Attachment 4 which has been prepared in response to the public consultation process** **4. Upon preparation of the necessary documentation, refers Amendment 57 to the WAPC for consideration and determination in accordance with the *Planning and Development Act 2005.*** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**01/11/2023 Justin Biggar** Amendment documentation forwarded to the WAPC on 31/10/2023	01/11/2023
18/10/2023	Development Application - DA20/0437.01 - Industry - Extractive - 157 Haag Road, Yelverton	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/137** Moved Cr Sue Riccelli, seconded Cr Paul Carter **That the Council determines:** **A. That application DA20/0437.01 submitted for 'Amendment to Development Approval - Industry – Extractive' (sand) at Lot 75 (157), Haag Road, Yelverton is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located.** **B. That the conditions of Development Approval for the proposal referred to in (A) above be amended as follows –** **removed for brevity* **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**04/12/2023 Jo Barrett-Lennard** Action Completed	01/11/2023
18/10/2023	Application for Development Approval - DA23/0359 – Holiday Home (Single House) 8 People – Lot 101 (18) Eagle Crescent, Eagle Bay	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/138** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council:** **1. Consider that the application for a Change of Use Holiday Home (Single House) 8 People is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and** **2. Grant development approval for the proposal subject to the following conditions:** **removed for brevity* **CARRIED 9 / 0**	**03/04/2024 Tegan Robertson** Decision notice issued 20 October 2023	03/04/2024

			FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine **AGAINST: Nil**		
18/10/2023	Bushfire Notice Review	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/139** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council, with respect of the review of the City's Bushfire Notice:** **1. Notes that this report satisfies point 3 of the previous resolution (C2209/228); and** **2. Supports the planned consultation approach and timeline as described within the officer comment section of this report.** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**06/12/2023 Rachel Runco** Consultation planning underway, with Community engagement planned for 9 weeks from mid January 2024 - end of March 2024.	08/01/2024
18/10/2023	Surf Lifesaving Services 2023/24 Season	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/140** Moved Cr Kate Cox, seconded Cr Phill Cronin **That the Council enter into the optional third season Surf Lifesaving WA (SLSWA) contract to provide professional beach lifeguarding services for 2023/24 Season 3: (15 December 2023 to 30 January 2024).** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**02/11/2023 Adrian Fisher** Letter of Award to SLSWA for season 15 December 2023 to 30 January 2024: - Draft Letter of Award sent to egal and approved - Letter of Award and General conditions sent to Paul Needham for signing - Signed Letter of Award and General conditions sent to Cam Robbins SLSWA for signing	02/11/2023
18/10/2023	Application for Development Approval (DA23/0434) - Single House (Outbuilding) - Lot 6 (4) Wilson Avenue Quindalup	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/141** Moved Cr Jodie Richards, seconded Cr Paul Carter **1. Consider that the application for a Single House (Outbuilding) is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and** **2. Grant development approval for the proposal subject to the following conditions:** ***removed for brevity*** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**01/11/2023 Jo Barrett-Lennard** Issued decision notice 26 October 2023	01/11/2023
18/10/2023	RFT12/23 Jalbarragup Rd Shoulder Widening and Reseal	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/142** Moved Cr Jodie Richards, seconded Cr Paul Carter	**01/11/2023 Kevin Bowser** Contract awarded	01/11/2023

			That the Council endorses the outcome of the evaluation panel's assessment of RFT12/23 Jalbarragup Rd Shoulder Widen and Reseal and accepts the tender from Leeuwin Civil Pty Ltd with as most advantageous. **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**		
18/10/2023	Relinquish management over portion of Holgate Reserve 41550	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/143** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council endorses excision of an area up to 629m from Lot 4896 on Crown Reserve 41550 as shown hatched on Attachment 1 to enable the adjoining landowner to acquire the land from the State, to facilitate continuity of use.** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**15/12/2023 Ann Strang** The proposed excision of land from the Reserve was advertised for public comment. Submissions closed 13 December 2023. No submissions where received. The City wrote to the Department of Planning, Lands and Heritage confirming consent to the excision.	15/12/2023
18/10/2023	2023 Review of Committees, Working Groups and Terms of Reference	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/147** Moved Cr Sue Riccelli, seconded Cr Kate Cox **That the Council,** 1. **Pursuant to s. 5.8 of the *Local Government Act 1995,* retains the following Committees:** **removed for brevity* **CARRIED 8 / 1** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Phill Cronin, Cr Sue Riccelli , Cr Mikayla Love and Cr Ross Paine** **AGAINST: Cr Kate Cox**	**01/11/2023 Jo Barrett-Lennard** Completed.	22/12/2023
18/10/2023	Recognition of Nina Kennedy	Completed	Please action as per resolution. **COUNCIL DECISION** **C2310/148** Moved Cr Jodie Richards, seconded Cr Paul Carter **That the Council supports the provision of a letter from the Mayor on behalf of the City of Busselton, recognising and congratulating Nina Kennedy on her achievements at the 2023 World Athletics Championships, and exploring the opportunity for Ms. Kennedy to attend the upcoming City of Busselton Sports Awards.** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil**	**01/11/2023 Tegan Robertson** Letter of congratulations sent to Ms Kennedy, with invitation to attend the City of Busselton Sports Awards.	01/11/2023
18/10/2023	Budget Amendment Bussell Highway Resurfacing SLK 0 to 3.8	Completed	Please action as per resolution **COUNCIL DECISION** **C2310/151** Moved Cr Kate Cox, seconded Cr Paul Carter **That the Council endorse the following requested budget amendments:** **Amendment Description**	**02/11/2023 Paul Sheridan** Processed by Finance **02/11/2023 Matthew Twyman** Physical works have begun on Bussell Highway and intersection works will follow.	02/11/2023

Item #	Project Description				
	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	New capital project				
	Project 15108 - Bussell Highway Resurfacing SLK 0 to 3.8 (C)				
	-	-	181,000	-	(181,000)
2	Remove capital project				
	Project 14857 West Street - Rehabilitation SLK 1.02 to 1.15 (C)				
	-	-	(181,000)	-	181,000
TOTALS	-	-	-	-	-

CARRIED 9 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine

AGAINST: Nil

15/11/2023 | Budget Amendments - Infrastructure and Environment | Completed | 03/04/2024

Please action as per resolution.

COUNCIL DECISION

C2311/169 Moved Cr Jodie Richards, seconded Cr Andrew Macnish

Amendment Description					
Project Description					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Increase Captial Budget				
	Project 15103 - Prince Street Laneway (C)				
	-	-	28,003	-	(28,003)
2	Reduce Capital Budget on Existing Project				
	Project 14859 Kershaw Street – Asphalt Overlay SLK 0 to 0.25 (C)				
	-	-	(18,825)	-	18,825
3	Reduce Capital Budget on Existing Project				
	Project 14858 Artisan Street – Asphalt Overlay SLK 0.02 to 0.16 (C)				
	-	-	(9,178)	-	9,178
4	Remove Capital Project				
	Project 14875 – Eagle Bay Boat Ramp Parking off Fern Road (C)				
	-	-	(30,000)	-	30,000
5	Add Budget to Existing Capital Project				
	Project 14876 Eagle Crescent on Road Parking – Footpath Alignment (C)				
	-	-	23,000	-	(23,000)
6a	Add Budget to Existing Capital Project				

	Project 11986 – Causeway Road Shared Path (C)					
	-	-	30,000	-	(30,000)	
6b	**Add Grant Revenue for Existing Capital Project**					
	Project 11986 – Causeway Road Shared Path (C)					
	-	-	75,000	(75,000)	-	
7	**Increase Captial Budget**					
	Project 11998 – Kaloorup Road Reseal SLK 0.82 to 8.76 (C)					
	-	-	60,000	-	(60,000)	
8	**Reduce Capital Budget**					
	Project 14850 – Cook Street Asphalt Overlay SLK 0.39 to 1.25 (C)					
	-	-	(60,000)	-	60,000	
Totals	-	-	98,000	(75,000)	(23,000)	

CARRIED 7 / 0

FOR: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Mayor Phill Cronin and Cr Sue Riccelli

AGAINST: Nil

BY ABSOLUTE MAJORITY

15/11/2023 | Application for Development Approval (DA22/0806) - Single House - Lots 41 & 42 Caves Road, Marybrook | Completed | Please action as per resolution.

COUNCIL DECISION

C2311/170 Moved Cr Kate Cox, seconded Cr Anne Ryan

That the Council determines:

1. That application DA22/0806 submitted for development of a Single House on Lots 41 and 42 Caves Road, Marybrook is considered by the Council to not be consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located: and

2. To refuse to grant development approval for the following reasons:

a. **It can be reasonably demonstrated that this proposal does not meet the following Design Principles 3.1 – Building Setbacks of the R-Codes. This application fails to satisfy the deemed to comply criteria of the R-Codes by requesting a significant reduction in the East boundary (1.5m instead of the required 7.5m) and West boundary (1.6m instead of the required 7.5m) setbacks. This will result in the bulk of the buildings being located far too close to the neighbouring boundaries and further, the loss of significant areas of native vegetation on these lots which are located wholly within an area of high landscape value.**

b. **This site is zone residential R2.5 which subsequently allows for the construction of a single dwelling (1 dwelling per 4000m2). This development application could not be considered to be a single dwelling and is therefore inconsistent with the minimum area required per dwelling.**

c. **This application does not comply with cl.5.4.2 of LPS 21 as the size and location of the building footprint will require the removal of a substantial amount of native WA Peppermint Tree's (Agonis Flexuosa) which will adversely impact the WRP habitat. In addition the requirement of additional siteworks and fill of up to 1.4m to achieve the finished floor of 3.4 AHD will also have a significantly detrimental effect on the flora located within these lots.**

CARRIED 7 / 0

FOR: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Mayor Phill Cronin and Cr Sue Riccelli

AGAINST: Nil

03/04/2024 Tegan Robertson Refusal communicated to applicant 27 November 2023	03/04/2024

15/11/2023 | DA21/0659 - Vacant Land (Bulk Fill of Future Subdivision) | Completed | Please action as per resolution.

COUNCIL DECISION

C2311/171 Moved Cr Anne Ryan, seconded Cr Kate Cox

18/01/2024 Jo Barrett-Lennard Action completed	18/01/2024

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<td>Special Control Area</td>
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That the Council determines:

A. That application DA21/0659 submitted for Use Not Listed (Bulk Fill) Special Control Area at Lot 9003 Broadwater Boulevard, Broadwater is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located; and

B. Grant development approval for the proposal subject to the following conditions:

**removed for brevity*

CARRIED 7 / 0

FOR: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Mayor Phill Cronin and Cr Sue Riccelli

AGAINST: Nil
En Bloc

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<td>15/11/2023</td>
<td>2023/2024 Community Assistance Program Round 2 Outcomes</td>
<td>Completed</td>
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Please action as per resolution.

COUNCIL DECISION

C2311/172 Moved Cr Sue Riccelli, seconded Cr Kate Cox

That the Council endorses the following funding allocation, to be funded from the 2023/2024 Community Assistance Program budget:

Applicant		Allocation
1	Busselton Hospice Care	$9,680.88
2	Busselton Squash Club	$10,000.00
3	Dunsborough Community Men’s Shed	$1,977.00
4	Dunsborough Cricket Club	$5,912.00
5	Dunsborough Greenfield Community Group	$5,591.97
6	Dunsborough Towners Football Club	$8,342.28
7	Geographe Bay Yacht Club	$10,000.00
8	Get Skilled Access	$10,000.00
9	Smiths Beach Surf Lifesaving Club	$10,000.00
10	Southwest Junior Windsurf School	$5,000.00
11	The People Place Busselton	$4,728.00
12	Therapy Focus	$7,000.00
13	Vasse Community Garden	$9,486.00
	TOTAL	$97,718.13

CARRIED 7 / 0

FOR: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Mayor Phill Cronin and Cr Sue Riccelli

AGAINST: Nil

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<td>30/11/2023</td>
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<td>15/11/2023</td>
<td>Business Development, Events and Marketing Program Outcomes</td>
<td>Completed</td>
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Please action as per resolution.

COUNCIL DECISION

C2311/173 Moved Cr Jodie Richards, seconded Cr Jarrod Kennedy

That the Council:

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01/12/2023 Peta Pulford

All events have been notified of the outcome from Council. Funding agreements are currently being prepared and will be completed by end of December 2023.

03/01/2024 Peta Pulford

All successful funding recipients have received agreements for execution.

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1. Endorses the single year cash allocations towards the following economic focused events as per Column A to be funded from the 2023/2024 Events Budget, and notes the estimated in-kind support in Column B:

*removed for brevity

2. Endorses the single year cash allocations towards the following community focused events as per Column A to be funded from the 2023/2024 Events Budget, and notes the estimate in-kind support in Column B:

*removed for brevity

3. Endorses single year funding allocation towards the following economic focused event, to be funded from the 2024/2025 Events Budget:

*removed for brevity

Combination of cash/in-kind to be determined based on venue availability

CARRIED 7 / 0

FOR: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Mayor Phill Cronin and Cr Sue Riccelli

AGAINST: Nil

BY ABSOLUTE MAJORITY

15/11/2023 | 2024 Council and Committee meeting dates | Completed

Please action as per resolution.

COUNCIL DECISION

C2311/174 Moved Cr Andrew Macnish, seconded Cr Anne Ryan

That the Council adopts the following schedule for Ordinary Meetings of Council and Committees of Council in the 2024 calendar year:

	Ordinary Meeting of Council	Finance Committee*	Airport Advisory Committee*	Audit and Risk Committee*	Policy & Legislation Committee*	CEO Performance Review Committee*	Meelup Regional Park Committee*
Jan	31-Jan-24				24-Jan-24		
Feb	21-Feb-24	07-Feb-24	07-Feb-24				
Mar	20-Mar-24	06-Mar-24		13-Mar-24	20-Mar-24		06-Mar-24
Apr	17-Apr-24	03-Apr-24	03-Apr-24			10-Apr-24	
May	15-May-24	01-May-24		08-May-24	15-May-24		
June	19-Jun-24	05-Jun-24	05-Jun-24				
July	31-Jul-24	24-Jul-24		24-Jul-24	31-Jul-24	31-Jul-24	
Aug	21-Aug-24	07-Aug-24	07-Aug-24				
Sept	18-Sep-24	04-Sep-24			18-Sep-24		
Oct	16-Oct-24	02-Oct-24	02-Oct-24			09-Oct-24	
Nov	20-Nov-24	06-Nov-24		13-Nov-24	20-Nov-24		06-Nov-24
Dec	11-Dec-24	04-Dec-24	04-Dec-24				

* The meeting dates represent the minimum number to be held as prescribed in the Terms of Reference for each committee. Clause 3.4 of the City of Busselton *Standing Orders Local Law 2018* allows for additional meetings to be convened throughout the year as required.

CARRIED 7 / 0

FOR: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Mayor Phill Cronin and Cr Sue Riccelli

AGAINST: Nil

28/11/2023 Jo Barrett-Lennard

Internal calendar for staff use drafted - currently in review process.

11/12/2023 Jo Barrett-Lennard

Advertising complete

11/12/2023

13/12/2023 | Policy and Legislation Committee - 8 | Completed

18/01/2024 Joanna Wilson

18/01/2024

	November 2023 - Local Planning Policy Review: Adoption following consultation - LPP 1.5 Coastal Setbacks		**COUNCIL DECISION** **C2312/195** Moved Cr Anne Ryan, seconded Cr Kate Cox **That the Council pursuant to Clause 4, Part 2 of Schedule 2, 4 (3) (iii) – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve not to proceed with draft LPP 1.5 Coastal Setbacks, as set out at Attachment A and retain existing policy LPP1.5 (Policy number changed from LPP 18 on 11/5/2020) adopted by Council on 10/3/2010 C1003/069.** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil**	Letters have been sent to all submitters that commented on the revised Local Planning Policy and the current Policy remains in effect for assessment of applications.	
13/12/2023	Policy and Legislation Committee - 8 November 2023 - Dogs Local Law	Completed	**COUNCIL DECISION** **C2312/196** Moved Cr Anne Ryan, seconded Cr Jodie Richards **That the Council:** **1. Resolves to make the City of Busselton Dogs Local Law 2023 in accordance with section 3.12(4) of the *Local Government Act 1995*.** **2. Authorises the Chief Executive Officer to carry out the processes required to make the City of Busselton Dogs Local Law 2023 in accordance with section 3.12(5) and section 3.12(6) of the *Local Government Act 1995*.** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** BY ABSOLUTE MAJORITY	**15/01/2024 Briony McGinty** Gazetted Local Law. Copy sent to Minister 15/1/24.	15/01/2024

13/12/2023	Policy and Legislation Committee - 8 November 2023 - Council Policy Review - Bush Fire Brigade Management Policies	Completed	**COUNCIL DECISION** **C2312/197** Moved Cr Anne Ryan, seconded Cr Kate Cox **That the Council:** **1. Rescind the following Council policies:** **a. Bushfire Brigades – Bushfire Accounting (Attachment 1)** **b. Bushfire Brigades – Bushfire Brigade Grievance Process Disciplinary Action (Attachment 2)** **c. Bushfire Brigades – Code of Conduct, Bush Fire Brigade Objectives and Values (Attachment 3)** **d. Bushfire Brigades – Meetings of Bush Fire Brigades (Attachment 4)** **e. Bushfire Brigades – Membership of Bush Fire Brigades (Attachment 5)** **f. Bushfire Brigades – Qualifications of Bush Fire Brigade Officers (Attachment 6)** **g. Bushfire Brigades – Roles of Bush Fire Brigade Officers (Attachment 7)** **2. Adopt the Bush Fire Brigade Management Policy (Attachment 8).** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** BY ABSOLUTE MAJORITY	**22/12/2023 Jo Barrett-Lennard** Policies rescinded, new policy uploaded to website 21 December 2023	22/12/2023
13/12/2023	Policy and Legislation Committee - 8 November 2023 - Council Policy Review - Media and Public Statements	Completed	**COUNCIL DECISION** **C2312/198** Moved Cr Anne Ryan, seconded Cr Andrew Macnish **That the Council adopts the amended Council Policy 'Media and Public Statements' (Attachment 1) to replace the current policy, with the policy having been reviewed as part of the City's ongoing policy review cycle.** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** EN BLOC	**22/12/2023 Jo Barrett-Lennard** Policy Updated 21 December 2023	22/12/2023
13/12/2023	Policy and Legislation Committee - 8 November 2023 - Council Policy Review - Elected Member Training and Professional Development	Completed	**COUNCIL DECISION** **C2312/199** Moved Cr Anne Ryan, seconded Cr Jodie Richards **That the Council adopts the amended Council Policy 'Elected Member Training and Professional Development' (Attachment 1) to replace the current policy, with the policy having been reviewed as part of the City's ongoing policy review cycle.** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** BY ABSOLUTE MAJORITY	**22/12/2023 Jo Barrett-Lennard** Policy Updated 21 December 2023	22/12/2023

13/12/2023	Policy and Legislation Committee - 8 November 2023 - Council Policy Review - Waste Management Facility and Plant Reserve	Completed	**COUNCIL DECISION** **C2312/200** Moved Cr Anne Ryan, seconded Cr Andrew Macnish **That the Council adopts the amended Council Policy 'Waste Management Facility and Plant Reserve' (Attachment 1) to replace the current policy, with the policy having been reviewed as part of the City's ongoing policy review cycle.** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** EN BLOC	**22/12/2023 Jo Barrett-Lennard** Policy updated 21 December 2023	22/12/2023
13/12/2023	Policy and Legislation Committee - 8 November 2023 - Various Council Policy Reviews - Early Clearance of Subdivisions, Reinstatement Works in Road Reserves, Crossovers, Defects Liability Bonds for Subdivisions and Management and Removal of Asbestos	Completed	**COUNCIL DECISION** **C2312/201** Moved Cr Anne Ryan, seconded Cr Andrew Macnish **That the Council adopts the following policies to replace the current council policies, with the policies having been reviewed as part of the City's ongoing policy review cycle:** **1. Early Clearance of Subdivisions (Attachment 1)** **2. Reinstatement Works in Road Reserves (Attachment 3)** **3. Crossovers (Attachment 3)** **4. Defects Liability Bonds for Subdivisions (Attachment 4)** **5. Management and Removal of Asbestos (Attachment 5)** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** EN BLOC	**22/12/2023 Jo Barrett-Lennard** All Policies updated 21 December 2023	22/12/2023
13/12/2023	Audit and Risk Committee - 29 November 2023 - 2022/23 Annual Financial Statements, Audit Report and Management Letter	Completed	**COUNCIL DECISION** **C2312/202** Moved Cr Andrew Macnish, seconded Cr Kate Cox **1 That the Council highlights the difficulty in discerning the actual real, up to date measure of the gap between the current replacement value of the City's total assets and their written down value and the City's reserves to replace them and the ability of the City to annually cashback its depreciation. Accordingly, the ARC requests the Auditor to make a special report of this as soon as possible.** **2 That the Council acknowledges receipt of the 2022/23 Annual Financial Statements including Auditors Opinion and Audit Management Letter as per the attached documentation, per section 7.12A(3)(aa) of the Local Government Act 1995.** **3 That the Council notes that it has met with the requirements of section 7.12A(2) of the Local Government Act 1995 with the Audit and Risk Committee, on behalf of the Council, having met with a representative of the Office of the Auditor General on 29 November 2023.** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** BY ABSOLUTE MAJORITY	**03/04/2024 Tegan Robertson** Complete. Report provided to the Council to address part 1 of the recommendation on 20 March 2024 (item 14.1) Action superseded by Council resolution C2403/66.	03/04/2024

13/12/2023	Capital Programs of Works	Completed	**COUNCIL DECISION** **C2312/205** Moved Cr Anne Ryan, seconded Cr Andrew Macnish **That the Council:** **1. Endorse the programs of works to guide long term financial planning and development of future capital budgets; and** **2. Acknowledge that this item and recommendation 1 meets the requirements of CEO Performance Criterion #6.** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** EN BLOC	**03/04/2024 Tegan Robertson** Program of works endorsed by the Council December 2023.	03/04/2024
13/12/2023	Busselton Jetty Inc Short Term Lease of Ballaarat Room as Interim Marine Discovery Centre	Completed	Please action as per resolution. **COUNCIL DECISION** **C2312/206** Moved Cr Anne Ryan, seconded Cr Val Kaigg **That the Council :** **1. Resolves to enter into a Lease and Licence with Busselton Jetty Inc (BJI) in respect of a portion of the 'Ballaarat Room' which forms part of 'Railway House' situated within Reserve 38558 on the following terms and conditions:** **removed for brevity* **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** Part 2 was moved and carried. **COUNCIL DECISION** **C2312/207** Moved Cr Jodie Richards, seconded Cr Andrew Macnish **That the Council :** **2. Delegates power and authority to the Chief Executive Officer to negotiate and enter into a variation of the Lease granted to the Margaret River Busselton Tourism Association (MRBTA) to remove the portion of Ballaarat House currently licenced and managed by MRBTA on behalf of the City and allocate responsibility for outgoings between the users.** **ABSOLUTE MAJORITY REQUIRED** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** BY ABSOLUTE MAJORITY	**11/01/2024 Sharon Woodford-Jones** working through responsibilities in terms of relocation and removal of items within the Ballaarat Room, signage and practicalities of who does what **04/04/2024 Tegan Robertson** The lease of the space within the Ballaarat Room to BJI has been approved by the parties and the Minister for Lands. It is due to commence on 10 April 2024. The variation to the lease to MRBTA has been agreed in an exchange of emails and will be dealt with in the form of a side letter as the lease in favour of BJI is temporary.	01/04/2024

13/12/2023	Annual Report 2022-2023	Completed	**COUNCIL DECISION** **C2312/208** Moved Cr Anne Ryan, seconded Cr Jodie Richards **That the Council:** 1. **Accepts the 2022-2023 Annual Report (Attachment 1);** 2. **Determines that the Annual Electors' meeting is to be held in the 'Undalup Room' at 2 Southern Drive, Busselton on Monday, 29 January 2024 at 5:30 pm.** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** BY ABSOLUTE MAJORITY	**16/01/2024 Tegan Robertson** Local public notice of the availability of the 2022/23 annual report and notice of the Annual General Meeting of Electors has been provided pursuant to s5.55A and s5.29 of the Local Government Act 1995. **06/03/2024 Tegan Robertson** The Annual General Meeting of Electors was held on 29 January 2024, and the 2022/2023 Annual Report was received by Electors.	06/03/2024
13/12/2023	CEO Performance Criteria Reporting: Local Procurement	Completed	Please action as per resolution. **COUNCIL DECISION** **C2312/209** Moved Cr Anne Ryan, seconded Cr Andrew Macnish **That the Council:** 1. **Note the current levels of local procurement and the existing and potential measures outlined in this report to assist in increasing the City's level of local procurement;** 2. **Acknowledge that this item and recommendation 1 meets the requirements of CEO Performance Criterion #3.** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox** **AGAINST: Nil** EN BLOC	**07/01/2024 Ben Whitehill** Acknowledge report has been noted. Officers will continue to work on measures to improve the levels of local procurement.	07/01/2024
13/12/2023	Audit and Risk Committee - 29 November 2023 - Saltwater Project	In Progress	Please action as per resolution. **COUNCIL DECISION** **C2312/214** Moved Cr Andrew Macnish, seconded Cr Anne Ryan **That the Council endorse the alternative recommendation contained in confidential attachment 2.** **CARRIED 4 / 2** **FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg and Cr Andrew Macnish** **AGAINST: Mayor Phill Cronin and Cr Kate Cox**	**16/01/2024 Maxine Palmer** Actioned as per Council resolution **02/04/2024 Maxine Palmer** Action is in progress as per Council resolution.	

31/01/2024	Busselton Margaret River Airport Update	Completed	Please action as per resolution. **COUNCIL DECISION** **C2401/7** Moved Cr Andrew Macnish, seconded Cr Anne Ryan **That the Council:** **1. Receives and notes the Busselton Margaret River Airport Update report.** **2. Authorises and requires the CEO to publish the periodical BMRA Update report one week after the publication of the Airport Advisory Committee (AAC) meeting minutes should the AAC endorse the BMRA Update report.** **3. That the Council adopt the final BMRA Master Plan (version 2024) as a guide for future planning, and henceforth it is termed the Final Airport Master Plan Busselton Margaret River Airport (2023-2043) and replaces the existing BMRA Master Plan (2016-2036).** **4. Requests the CEO undertake a broader review of the terms of reference of the AAC to clarify the purpose and function of the committee, and meeting frequency and processes, to provide a report to Council at the March 2024 Ordinary Council meeting.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Sue Riccelli** **AGAINST: Nil**	**02/05/2024 Tegan Robertson** Final Airport Master Plan Busselton Margaret River Airport 2023-2043 adopted. Review of AAC terms of reference has been completed, and a report was provided to the Council at its March 2024 ordinary Council meeting.	02/05/2024
31/01/2024	Development Application - DA22/0817 - Bed and Breakfast (Change of Use and New Development) - Special Control Area at Lot 301 (No. 29) Carnarvon Castle Drive Eagle Bay	Completed	Please action as per resolution. **COUNCIL DECISION** **C2401/9** Moved Cr Sue Riccelli, seconded Cr Mikayla Love **That the Council:** **1. Notes that the development application for Bed and Breakfast (Change of Use of Existing Single House and New Development) on Lot 301 (No. 29) Carnarvon Castle Drive, Eagle Bay was previously refused by the City on 20 September 2023 ("the decision").** **2. Notes that, pursuant to review proceedings under the *State Administrative Tribunal Act* 2004 (the SAT Act), the Applicant has provided amended plans to the City, responding to concerns raised in the decision.** **3. Notes further, that the Tribunal has now invited the City to reconsider its decision.** **4. Pursuant to section 31(2)(a) of the SAT Act, sets aside the decision and substitutes its new decision as follows:** **removed for brevity* **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Sue Riccelli** **AGAINST: Nil** Reasons: To ensure sufficient landscaping to provide screening to the western Carnarvon Castle Street frontage.	**03/04/2024 Tegan Robertson** Decision notice issued 14 February 2024	03/04/2024

31/01/2024	Development Application - DA23/0327 - Single House (Swimming Pool, Gym & Garage) - Special Character Area at Lot 16 (No. 6) Seaview Rise, Eagle Bay	Completed	Please action as per resolution. **COUNCIL DECISION** **C2401/10** Moved Cr Anne Ryan, seconded Cr Val Kaigg **That the Council determines:** **1. That application DA23/0327 submitted for a Single House (Swimming Pool, Gym and Outbuilding) on Lot 16 (No. 6) Seaview Rise, Eagle Bay is generally consistent with *Local Planning Scheme No. 21* and the objectives of the zone within which it is located; and** **2. Grant development approval for the proposal subject to the following conditions:** **removed for brevity* **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Sue Riccelli** **AGAINST: Nil** EN BLOC	**03/04/2024 Tegan Robertson** Decision notice issued	03/04/2024
31/01/2024	Audit and Risk Committee: Terms of Reference and Independent Member	Completed	Please action as per resolution. **COUNCIL DECISION** **C2401/13** Moved Cr Andrew Macnish, seconded Cr Jodie Richards **That the Council:** **1. Adopts the amended Audit and Risk Committee Terms of Reference in Attachment 4.** **2. Accepts the CEO's responses to the request in Council Resolution C2311/178.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Sue Riccelli** **AGAINST: Nil** Reasons: Officers included amendments to clarify the internal auditors reporting relationships, the timing of notice of meeting and agenda papers and the types of matters that will be considered on the committee's agenda	**01/03/2024 Ben Whitehill** Expressions of Interest for the Independent External Member have closed and a report with a recommended appointment will be presented to the April ordinary meeting. A report on risk management and internal audit will be presented to the March Audit and Risk Committee meeting. **29/04/2024 Tegan Robertson** An independent external member was appointed to the Audit and Risk Committee at the April 2024 Council meeting.	29/04/2024
21/02/2024	Policy and Legislation Committee – 24 January 2024 – Council Policy Review: Naming of City Roads and Assets	Completed	Please action as per resolution. **COUNCIL DECISION** **C2402/28** Moved Cr Anne Ryan, seconded Cr Kate Cox **That the Council adopts the amended Council Policy: Naming of City Roads and Assets (Attachment 3) to replace the current policy, with the policy having been reviewed as part of the City's ongoing policy review cycle, inclusive of the removal of proposed point 5.10, and Committee amendments so that the below points read as follows, with subsequent renumbering as required:** **5.8: A proposal to name a significant City Asset can be put forward by:** **a. an Elected Member by way of a notice of motion;** **b. an employee via a report to the Council;** **c. a member of the public via a submission to the CEO who will then provide a report to the Council; or** **d. users of a facility via a submission to the CEO who will then provide a report to the Council.** **5.9: Following initial assessment, proposals will be advertised for public comment for a period of 21 days.** **5.10: Proposals to name significant City Assets will be presented to the Council for approval, including the results of public consultation.**	**07/03/2024 Jo Barrett-Lennard** Policy updated on website 6 March 2024	07/03/2024

			CARRIED 7 / 0 **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft** **AGAINST: Nil** EN BLOC		
21/02/2024	Policy and Legislation Committee – 24 January 2024 – Council Policy Review: Recording and Livestreaming of Meetings	Completed	Please action as per resolution. **COUNCIL DECISION** **C2402/31** Moved Cr Anne Ryan, seconded Cr Richard Beecroft **That the Council adopts the amended Council Policy 'Recording and Livestreaming of Council Meetings' (the Policy) (Attachment 3) to replace the current policy (Attachment 2):** **a) inclusive of the Committee amendment to point 5.2, removing reference to 'YouTube' and replacing with 'streaming service'; and** **b) subject to amending point 5.1 to read: *'All Ordinary and Special Council meetings, the Annual General Meeting of Electors, and Electors meetings will, wherever technically possible, be recorded on an audio device and will be made available by Livestream.'*** **c) *Subject to amending point 5.2 to read: 'Recordings of a meeting will be available on the City's streaming service with a link available on the meetings schedule section of the City's website for a period of five years after the meeting date.'*** **CARRIED 6 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft** **AGAINST: Nil**	**07/03/2024 Jo Barrett-Lennard** Policy updated on website 6 March 2024	07/03/2024
21/02/2024	Policy and Legislation Committee – 24 January 2024 – Council Policy Review: Legal Representation for Elected Members and Employees	Completed	**COUNCIL DECISION** **C2402/32** Moved Cr Anne Ryan, seconded Cr Kate Cox **That the Council adopts the revised Council Policy 'Legal Representation for Elected Members and Employees' (the Policy) (Attachment 1) to replace the existing policy (Attachment 2).** **CARRIED 7 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft** **AGAINST: Nil** EN BLOC Please action as per resolution.	**07/03/2024 Jo Barrett-Lennard** Policy updated on website 6 March 2024	07/03/2024
21/02/2024	Policy and Legislation Committee – 24 January 2024 – Amendment to delegation DA 3 - 03: To Institute a Prosecution, or to Issue an Infringement (Bushfires Act 1954)	Completed	Please action as per resolution. **COUNCIL DECISION** **C2402/33** Moved Cr Anne Ryan, seconded Cr Kate Cox **That the Council adopts the amended delegation of authority *DA 3 – 03: To Institute a Prosecution, or to Issue an Infringement*, as per Attachment 1.** **CARRIED 7 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft** **AGAINST: Nil** EN BLOC	**06/03/2024 Tegan Robertson** Updated delegation DA 3-03 issued, delegated authority register updated and published to the City's website.	06/03/2024

<table>
<tr>
<td>21/02/2024</td>
<td>Finance Committee - 7 February 2024 - Naturaliste Community Centre Capital Funds</td>
<td>Completed</td>
<td>Please action as per resolution.

<u>COUNCIL DECISION</u>

C2402/36 Moved Cr Kate Cox, seconded Cr Jodie Richards

That the Council endorse the following requested budget amendment:

<table>
<tr><th rowspan="2">Item #</th><th>Budgeted Municipal Net Current Position</th><th>Operational Expenditure Budget</th><th>Capital Expenditure Budget</th><th>Grant</th><th>Reserves or Restricted Assets</th></tr>
<tr><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>(Increase) / Decrease</th><th>Increase / (Decrease)</th></tr>
<tr><td rowspan="3">1</td><td colspan="5">Move capital budget project #12878</td></tr>
<tr><td colspan="5">Naturaliste Community Centre (NCC) – Purchase Office Furniture</td></tr>
<tr><td>-</td><td>-</td><td>(11,150)</td><td>-</td><td>-</td></tr>
<tr><td rowspan="3">2</td><td colspan="5">To capital budget project #10839</td></tr>
<tr><td colspan="5">Naturaliste Community Centre (NCC) – AMP</td></tr>
<tr><td>-</td><td>-</td><td>11,150</td><td>-</td><td>-</td></tr>
<tr><td>TOTALS</td><td>-</td><td></td><td>0</td><td>-</td><td>-</td></tr>
</table>
CARRIED 7 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft

AGAINST: Nil

BY ABSOLUTE MAJORITY</td>
<td></td>
<td>29/04/2024</td>
</tr>
<tr>
<td>21/02/2024</td>
<td>DA23/0230 Building Envelope Modification, Single House and Swimming Pool: 37 Koorabin Drive, Yallingup</td>
<td>Completed</td>
<td>Please action as per resolution.

<u>COUNCIL DECISION</u>

C2402/37 Moved Cr Anne Ryan, seconded Cr Kate Cox

That the Council determines:

1. That application DA23/0230 submitted for development approval for Building Envelope Modification, Single House and Swimming Pool on Lot 99 (No. 37) Koorabin Drive, Yallingup, is considered by the Council to be generally consistent with the Local Planning Scheme No. 21 and the objectives of the zone within which it is located.

2. To grant development approval for the proposal subject to the following conditions:

*removed for brevity

CARRIED 7 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft

AGAINST: Nil

EN BLOC</td>
<td>03/04/2024 Tegan Robertson

Decision notice issued 7 March 2024.</td>
<td>03/04/2024</td>
</tr>
<tr>
<td>21/02/2024</td>
<td>RFT16/23 Bussell Highway Stage 2</td>
<td>Completed</td>
<td>Please action as per resolution.

<u>COUNCIL DECISION</u>

C2402/38 Moved Cr Val Kaigg, seconded Cr Jodie Richards</td>
<td>06/03/2024 Matthew Twyman

Tender awarded as per Council resolution.</td>
<td></td>
</tr>
</table>

1. **That the Council endorse the outcome of the evaluation panel's assessment of the tender submissions received in response to RFT 16/23 Bussell Highway Upgrade Stage 2 and accept the tender submission from Carbone Bros Pty Ltd for $1,268,246.16 (exclusive of GST) as the most advantageous to the City.**

2. **That the Council endorse the following requested budget amendments:**

	Amendment Description				
	Project Description				
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Increase capital project				
	Project 11199 - Bussell Highway (C)				
	-	-	184,401	-	(184,401)
2	Reduce capital project				
	Project 12005 Payne Road (C)				
	-	-	(184,401)	-	184,401
TOTALS	-	-	-	-	-

CARRIED 7 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft

AGAINST: Nil

BY ABSOLUTE MAJORITY

21/02/2024 | Customer Service and Communications (CEO KPI) | In Progress

Please action as per resolution.

Prior to the meeting, Cr Andrew Macnish foreshadowed a motion that was different to the officer recommendation. In accordance with clause 10.18(7) of the City of Busselton *Standing Orders Local Law 2018,* it was taken to be an alternative recommendation, was moved first and carried.

COUNCIL DECISION

C2402/39 Moved Cr Andrew Macnish, seconded Cr Anne Ryan

That the Council:

1. **Observes the report providing measures and opportunities increasing community engagement and understanding of City processes and decisions addressing the relevant CEO KPI deliverable, but also notes the strategy to be a collection of process inputs NOT outcomes (which are yet to be fully assessed in terms of successfully delivering the desired customer service experience levels).**

2. **Accordingly, refers the matter of consideration of the CEO's performance meeting KPI criterion #4 to the next CEO Performance Committee meeting for its advice to the Council.**

3. **Refers the opportunity identified in the officer's report of a risk-based approach to communications and capitalising on the value offered primarily from complaints to its Audit and Risk Committee (ARC) to consider (but not be limited to) the following options moving forward:**
   a. **the CEO undertake a review of the City's complaint handling process and provide a report to the ARC outlining the risks and opportunities for improvement of the current process as it relates to customer service.**

   b. **the CEO to engage an independent auditor to undertake a review of the City's complaint handling processes and provide a report to the ARC outlining the risks and opportunities for improvement.**

02/05/2024 Tegan Robertson

A report and recommendation pertaining to the City's Complaint Handling Process has been provided to the Audit and Risk Committee on the agenda for its May 2024 meeting.

			c. the CEO include complaints handling as an area for audit in any future internal audit plan (noting that there is a report scheduled for the March ARC meeting that will address an internal audit plan). **CARRIED 7 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft** **AGAINST: Nil** Reasons: The purpose of setting CEO KPIs is to drive desired operational outcomes. Establishing a strategy/approach to a matter does not in itself, deliver desired outcomes. The monitoring of an outcome means measuring, understanding, and reporting factual data. Excellent customer service can be assured if informed customers rate it as such. There is valuable information to be derived through assessment of customer issues / complaints. For this reason it is recommended the Council require its Audit and Risk Committee (ARC) examine how best to derive the implicit value of complaints and assess risk within its complaints handling process		
21/02/2024	Committee and Working Group Appointments	Completed	Please action as per resolution. **COUNCIL DECISION** **C2402/41** Moved Cr Jodie Richards, seconded Cr Anne Ryan **That the Council:** **1. Appoint Councillor Richard Beecroft to the following committees pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*:** **a. Audit and Risk Committee; and** **b. Airport Advisory Committee (second deputy).** **2. Appoint the following elected members to the following committees pursuant to section 5.8 and 5.11A of the *Local Government Act 1995,* to fill the vacancy created by the resignation of (former) Councillor Sue Riccelli:** **CEO Performance Review Committee** **a. Member** **Cr. Val Kaigg** **Finance Committee** **a. Member** **Cr Val Kaigg** **3. Appoints elected members to the newly established Waterways Management Committee pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*:** **a. Members** **Cr Anne Ryan** **Cr Jarrod Kennedy** **Cr Val Kaigg** **Cr Mikayla Love** **b. Deputy Members** **Cr Jodie Richards** **4. Appoints Dr Bob Jarvis, Lyndon Miles, Albert Haak, Shirley Fisher, Tony Smurthwaite, Kelly Paterson, Kerry Grist, Kerry Stewart and Danae Plowman to the Meelup Regional Park Committee pursuant to section 5.8 of the *Local Government Act 1995*.** **CARRIED 7 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft** **AGAINST: Nil** The recommendation was put in two parts, with part 1 requiring an Absolute Majority.	**07/03/2024 Jo Barrett-Lennard** Committee and working group appointments published. Meeting dates for Meelup Regional Park Committee advertised.	03/04/2024

<table>
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<u>COUNCIL DECISION</u>

C2402/42 Moved Cr Anne Ryan, seconded Cr Jodie Richards

That the Council:

5. Appoint the following elected members to the Busselton Jetty Reference Group.
a. Member
Cr Anne Ryan

b. Deputy member

6. Amend the meeting dates for the Meelup Regional Park Committee from 6 March 2024 and 6 November 2024 to 25 March 2024 and 25 November 2024.
CARRIED 7 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft

AGAINST: Nil
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<tr>
<td>20/03/2024</td>
<td>Finance Committee - 6 March 2024 - 2023/24 Mid-Year Budget Review</td>
<td>Completed</td>
<td>
Please action as per resolution.

<u>COUNCIL DECISION</u>

C2403/46 Moved Cr Andrew Macnish, seconded Cr Richard Beecroft

That the Council, pursuant to Regulation 33A of the Local Government (Financial Management) Regulations, adopts the 2023/2024 Annual Mid-Year Budget Review as presented within this report.
CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

BY ABSOLUTE MAJORITY
</td>
<td>03/04/2024 Tegan Robertson

Mid year budget review adopted. Report and minutes lodged with the Department.</td>
<td>03/04/2024</td>
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<tr>
<td>20/03/2024</td>
<td>Finance Committee - 6 March 2024 - Infrastructure and Environment Budget Amendments</td>
<td>Completed</td>
<td>
Please action as per resolution.

<u>COUNCIL DECISION</u>

C2403/49 Moved Cr Val Kaigg, seconded Cr Kate Cox

That the Council endorses the following requested budget amendments:
<table>
<tr><th colspan="6">Amendment Description</th></tr>
<tr><th colspan="6">Project Description</th></tr>
<tr><th rowspan="2">Item #</th><th>Budgeted Municipal Net Current Position</th><th>Operational Expenditure Budget</th><th>Capital Expenditure Budget</th><th>Grant</th><th>Reserves or Restricted Assets</th></tr>
<tr><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>(Increase) / Decrease</th><th>Increase / (Decrease)</th></tr>
<tr><td rowspan="3">1</td><td colspan="5">Add Grant Revenue to Existing Capital Project</td></tr>
<tr><td colspan="5">Project 14943 – Changing Places Accessible Ablutions (C)</td></tr>
<tr><td>-</td><td>-</td><td>150,000</td><td>(150,000)</td><td>-</td></tr>
</table>
</td>
<td>04/04/2024 Tegan Robertson

Budget amendments completed.</td>
<td>04/04/2024</td>
</tr>
</table>

2	Remove Capital Project				
	Project 12331 - Smiths Beach New Public Toilet (C)				
	-	-	(250,000)	-	250,000
3	New Capital Project				
	Project West Busselton Coastal Stabilisation CERMP2223-010				
	-		160,000	(120,000)	(40,000)
4	New Capital Project				
	State Blackspot Program – Chapman Hill Road (C)				
	-	-	48,000	(32,000)	(16,000)
5	Increase Budget to Existing Capital Project				
	Project 12821 - Churchill Park Main Oval Redevelopment (C)				
	-	-	40,880	-	(40,880)
6	Add Budget to Existing Project (C)				
	Project 11034 - Dunsborough Non-Potable Water Network				
	-	-	29,183	-	(29,183)
Totals	-		178,063	(302,000)	123,937

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

BY ABSOLUTE MAJORITY

20/03/2024 | Finance Committee - 6 March 2024 - Busselton Margaret River Airport Budget Amendment | In Progress

Please action as per resolution.

COUNCIL DECISION

C2403/50 Moved Cr Anne Ryan, seconded Cr Jarrod Kennedy

That the Council endorse the following requested budget amendment:

Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	From the Airport Infrastructure Reserve				
	To new capital project code to be created				
	-	-	40,000	-	(40,000)
2	To SWDC Airport Development Business Case (O) project # 15086				
	-	160,000	-	(127,000)	(33,000)
TOTALS	-	160,000	40,000	(127,000)	(73,000)

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

BY ABSOLUTE MAJORITY

30/03/2024 Jennifer May

An RFQ will be issued for the purchase of a new ETD machine with delivery planned before the end of the FY.

20/03/2024	Audit and Risk Committee - 13 March 2024 - Capability development: risk management and internal audit	In Progress	Please action as per resolution. **COUNCIL DECISION** **C2403/51** Moved Cr Jarrod Kennedy, seconded Cr Val Kaigg **That the Council:** **1. Pursuant to the Terms of Reference of the Audit and Risk Committee, supports the proposed implementation program for the improvement of the City's risk management capabilities and the introduction of an internal audit function.** **2. Approve the allocation of $110,000 in the draft 2024/2025 budget for a new risk officer plus $35,000 consultancy to fund the engagement of a consultant to undertake the internal audit function.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** **EN BLOC**	**02/05/2024 Tegan Robertson** Officers have commenced internal processes for relevant recruitment and RFQ.	
20/03/2024	Audit and Risk Committee - 13 March 2024 - 2023 Compliance Audit Return	Completed	Please action as per resolution. **COUNCIL DECISION** **C2403/52** Moved Cr Jarrod Kennedy, seconded Cr Val Kaigg **That the Council adopts the Compliance Audit Return for the period 1 January 2023 to 31 December 2023, as per Attachment 1.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** **EN BLOC**	**27/03/2024 Ben Whitehill** Compliance Audit Return submitted to DLGSC on 27 March 2024	27/03/2024
20/03/2024	Audit and Risk Committee - 13 March 2024 - CEO Review of Systems and Procedures Recommendations - Implementation status	Not yet started	Please action as per resolution. **COUNCIL DECISION** **C2403/53** Moved Cr Jarrod Kennedy, seconded Cr Val Kaigg **That the Council acknowledge the status update in relation to the recommendations of the Regulation 17 Review (as at the end of February 2024) and note that the next update will be provided to the Audit and Risk Committee at the meeting on 24 July 2024.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** **EN BLOC**		

20/03/2024	Community Sport Recreation Facilities Fund - Application	Completed	Please action as per resolution. **COUNCIL DECISION** **C2403/54** Moved Cr Kate Cox, seconded Cr Jarrod Kennedy **That the Council:** **1. Endorses the priority rankings of the application to the Department of Local Government Sport and Cultural Industries' Community Sport and Recreation Facilities Fund as ranking 1 of 1, priority rating B, Geographe Bay Yacht Club – Male and Female Change Room Upgrades.** **2. Endorses an application to the Department of Local Government Sport and Cultural Industries' Community Sport and Recreation Facilities Fund for Geographe Bay Yacht Club – Male and Female Change Room Upgrades.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil**	**02/04/2024 Adrian Fisher** CSRFF submission completed with the Geographe Yacht Club and submitted to DLGSC.	03/04/2024
20/03/2024	Dunsborough Lakes Sports Precinct Pavilion	In Progress	Please action as per resolution. **COUNCIL DECISION** **C2403/58** Moved Cr Val Kaigg, seconded Cr Jarrod Kennedy **That the Council:** **1. Endorse the northern perimeter location (Option 1) as the preferred location to build the Dunsborough Lakes Sporting Precinct Pavilion.** **2. Authorise the CEO to proceed to detailed design for the pavilion, in conjunction with the sporting groups, and to final costing.** **CARRIED 8 / 1** **FOR: Mayor Phill Cronin, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Cr Anne Ryan**	**02/04/2024 Dave Goodwin** A PCG meeting on Tuesday 2nd April will discuss the procurement approach to this project and expect to go out to tender in the next few weeks.	
20/03/2024	Development Application - DA23/0565 - Single House (Outbuilding) - Special Control Area at Lot 5 (No. 60) Adelaide Street, Busselton	Completed	Please action as per resolution. **COUNCIL DECISION** **C2403/59** Moved Cr Kate Cox, seconded Cr Andrew Macnish **That the Council resolve to grant approval for DA23/0565 Single House (Outbuilding) - Special Control Area at Lot 5 (No. 60) Adelaide Street, Busselton subject to the following conditions :** **GENERAL CONDITIONS:** **1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.** **2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City.** **PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:** **3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and approved in writing:**	**03/04/2024 Tegan Robertson** Development approval issued 3 April 2024.	03/04/2024

a) Details of stormwater and surface water drainage. Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m³ per 65m² of impervious area.

ONGOING CONDITIONS:

4. The works undertaken to satisfy Condition 2 and 3 shall be subsequently maintained for the life of the development.

CARRIED 8 / 1

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Richard Beecroft

AGAINST: Cr Jarrod Kennedy

20/03/2024 | RFT01/24 Coastal Shared Path Construction | Completed

Please action as per resolution.

22/04/2024 Matthew Twyman

Tender awarded as per Council resolution.

COUNCIL DECISION

C2403/60 Moved Cr Val Kaigg, seconded Cr Richard Beecroft

1. **That the Council endorse the outcome of the evaluation panel's assessment of the tender submissions received in response to RFT 01/24 Coastal Shared Path Construction and accept the tender submission from ES100 Pty Ltd as trustee for the ES100 Trust t/a Earth and Stone WA for separable portions 1, 2 and 3, for a total of $1,090,773 (exclusive of GST) as the most advantageous to the City.**

2. **That the Council endorse the following requested budget amendments:**

	Amendment Description				
	Project Description				
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Increase capital project				
	Project 14887 Coastal Shared Path - Forth St to Holgate (C)				
	-	-	344,633	-	(344,633)
2	Reduce capital project				
	Project 14895 Vincent Street to Geographe Bay Road (Reserve 44343) (C)				
	-	-	(32,272)	-	32,272
3	Reduce capital project				
	Project 14893 Bay View Cresent - Curtis Bay Lot 62 to Lot 4 (C)				
			(13,433)		13,433
4	Reduce capital project				
	Project 14891 Adelaide Street - Lot 11 to Stanley St (C)				
			(51,838)		51,838
5	Withdraw from reserve				
	Footpath and Cycleway Reserve [1035]				
					(247,090)
TOTALS	-	-	**247,090**	-	**(247,090)**

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

			AGAINST: Nil **BY ABSOLUTE MAJORITY**		
20/03/2024	Review of infrastructure asset renewal requirements	Not yet started	Please action as per resolution. **COUNCIL DECISION** **C2403/61** Moved Cr Andrew Macnish, seconded Cr Anne Ryan **That the Council:** **1. Requires the CEO to incorporate the outcomes of the review of infrastructure asset renewal funding as reported in the Asset Classes of Table 3 in the Summary of this report based on up-to-date (unit) construction rates, into the City's draft LTFP.** **2. Refers the matter of consideration of the CEO KPI #4 to its CEO Performance Review Committee for assessment consideration and subsequent recommendation to the Council.** **CARRIED 5 / 4** **FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Mayor Phill Cronin, Cr Val Kaigg, Cr Mikayla Love and Cr Kate Cox**		
20/03/2024	Business Development, Events and Marketing Program Outcomes - February 2024	Completed	Please action as per resolution. **COUNCIL DECISION** **C2403/64** Moved Cr Jodie Richards, seconded Cr Val Kaigg **That the Council:** **1. Endorses the following multi-year funding allocations towards the following economic focused events, to be funded from the 2023/2024 – 2025/2026 Events Budgets:** **removed for brevity* **2. Endorses the following single year funding allocations towards the following community focused events, to be funded from the 2023/2024 Events Budget:** **removed for brevity* **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** BY ABSOLUTE MAJORITY	**02/04/2024 Peta Pulford** All applicants advised of outcomes.	15/04/2024

20/03/2024	Hireable e-Scooter Trial Results	In Progress	Please action as per resolution. **COUNCIL DECISION** **C2403/65** Moved Cr Jarrod Kennedy, seconded Cr Mikayla Love **That the Council** **1. Extends the current trial agreement with Neuron Mobility (Australia) Pty Ltd to 30 November 2024 subject to:** **a) the provision of optimal designated parking locations across the City that do not block thoroughfares and are not of a visual nuisance;** **b) the identification of single use, narrow paths adjacent to the coast and the appropriate application of speed restrictions to these areas.** **2. Notes the results of the community survey undertaken through Your Say, "Hireable e- scooters in the City of Busselton", that 62.4% of local residents to the Your Say survey are opposed to continuing the trial of hireable e-scooters in the City of Busselton and that approximately 50% of those opposing would change their mind if improvements were made, potentially shifting the results to approximately 65% in favour.** **3. Require the CEO to gauge the effectiveness of the improvement measures to address matters of concern raised by the community as a result of the survey, and provide a report to the Council reassessing the trial agreement prior to the peak summer season November 2024 to April 2025.** **CARRIED 6 / 3** **FOR: Mayor Phill Cronin, Cr Jodie Richards, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy** **AGAINST: Cr Anne Ryan, Cr Andrew Macnish and Cr Richard Beecroft**	**27/03/2024 Tracey Whyte** Request sent to City legal team to progress letter to Neuron Mobility regarding extension of agreement for trial until November 2024. ED Coordinator consulting with Neuron Mobility for identification and strategy of optimal designated parking areas. Consultation commenced with both City Open Spaces team and Civil Works teams for review of proposed locations and strategy. **02/05/2024 Tracey Whyte** Extension of Agreement sent 22 April 2024 and agreed to by Neuron Mobility A meeting held in Busselton 16 April 2024 with Neuron's State Operations Manager and Technical Officer with the Manager ED and Property and ED Coordinator to discuss implementation of improvement measures as follows: Optimal Parking Stations: An initial 12 key prominent parking locations have been identified for installation of Parking decals in consultation with CoB Parks and Open Spaces teams. Neuron to advise CoB date of installation, in coming days. A review of existing designated parking stations underway, consideration of feedback from community for single use path networks, sandy patches where e-scooters can easily topple, to be avoided. Speed on single use, narrow paths adjacent to coast: Neuron has agreed to share mapping system with CoB Officers to audit of coastal paths and identification of areas that are yet to have reduced speed zones implemented. Untidy parking, response time to misparked scooters: Neuron has recently employed a full time Operations Manager based in Busselton to oversee existing grounds staff team to improve timeliness of response times to toppled / misparked e-scooters. Dangerous riding / Rider Behaviour improvements: Neuron will conduct monthly "Scoot Safe" workshops for community, engage with Youth Team and community groups for any identified targeted education session. CoB to be advised of dates of workshops Neuron has agreed will provide a monthly report to CoB on key statistics on reported incidents by which improvement actions can be measured.	
20/03/2024	Asset Management Funding and Depreciation - Response to Council Decision	Completed	Please action as per resolution. **COUNCIL DECISION** **C2403/66** Moved Cr Andrew Macnish, seconded Cr Anne Ryan **That given the OAG is not prepared to prepare a report as outlined, the CEO to distil the following figures from the 2022/3 Annual Financial Audit and report these to the first workshop of the review of the LTFP:**	**03/04/2024 Tegan Robertson** Closed. LTFP workshop held with Elected Members on 3 April 2024.	03/04/2024

- **The total value of the City's assets;**
- **The total accumulated depreciation booked for all assets;**
- **The total funds held in Reserve for the capital improvement of all assets;**
- **The total funds held in Reserve for the maintenance of all assets (if different from the above);**
- **The total contribution of funds to such Reserves in 2022/3;**
- **The total expenditure of funds from such Reserves in 2022/3;**
- **The total depreciation cost for 2022/3; and**
- **The total asset management upgrade/maintenance expenditure for 2022/3.**

CARRIED 7 / 2

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Cr Mikayla Love and Cr Kate Cox

20/03/2024 | You Choose | In Progress

Please action as per resolution.

COUNCIL DECISION

C2403/68 Moved Cr Jarrod Kennedy, seconded Cr Val Kaigg

That the Council:

1. **Endorses the funding distribution of $96,272 to the following preferred projects as chosen by the community through the You Choose community funding program:**

1	Please Help Pets of Older Persons (POOPS) Support Vet Care for Beloved Pets	$8,500
2	Save our Snake-Neck Turtles! Citizen Science Busselton Turtle Tracker Team	$11,000
3	Radiance Network's Outreach 1:1 In-Home Support (Pilot Project)	$13,800
4	Dunsborough Community Repair CoOp	$2,660
5	Underwater Observatory Evacuation Wheelchair	$8,802
6	St Mary's Anglican Church Footpath Gardens - A beautiful introduction to the City of Busselton	$12,410
7	Vasse Community Garden	$20,000
8	FireWise Garden Demonstration – Are you bushfire ready?	$19,100

2. **Endorses the return of the remaining unallocated funds of $3,728 to the Community Assistance Program budget;**
3. **Confirms its commitment to delivery of a third You Choose community funding program in 2025/26.**

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

EN BLOC

27/03/2024 Stephanie Addison-Brown

Grant agreements issued to successful applicants on 21 March 2024.
Grant payments are pending, awaiting receipt of invoices from applicants.
Projects are to be completed by 30 June 2025 and acquitted by 31 July 2025.

17/04/2024	Policy and Legislation Committee - 20 March 2024 - Council Policy Review: Purchasing	Completed	Please action as per resolution. **COUNCIL DECISION** **C2404/84** Moved Cr Mikayla Love, seconded Cr Andrew Macnish **That the Council adopts the amended Council policy: 'Purchasing Policy' (Attachment 1) to replace the current policy.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** EN BLOC	**01/05/2024 Jo Barrett-Lennard** Policy has been updated on City's website, inclusive of resolution number and Council endorsement date.	01/05/2024
17/04/2024	Policy and Legislation Committee - 20 March 2024 - Council Policy Review: Regional Price Preference	Completed	Please action as per resolution. **COUNCIL DECISION** **C2404/85** Moved Cr Mikayla Love, seconded Cr Andrew Macnish **That the Council:** **1. having reviewed the Regional Price Preference Policy as part of the City's policy review cycle, resolves not to make any amendments; and** **2. acknowledges that the CEO will make administrative updates to the strategic context and the name of the responsible directorate.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** EN BLOC	**01/05/2024 Jo Barrett-Lennard** Policy has been updated reflecting administrative changes (Directorate name change)	01/05/2024
17/04/2024	Policy and Legislation Committee - 20 March 2024 - Council Policy Review: Building Insurance and Waste Collection Services	Completed	Please action as per resolution. **COUNCIL DECISION - PART 1** **C2404/87** Moved Cr Andrew Macnish Seconder Cr Jodie R **The Council adopts its Building Insurance Policy (Attachment 1).** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** **COUNCIL DECISION** **C2404/88** Moved Mayor Phill Cronin Seconder Cr Andrew Macnish **That the Waste Collection Service Policy (attachment 2) be referred back to the P+L committee at its next meeting of 15 May 2024.**	**01/05/2024 Jo Barrett-Lennard** Council Policy: Building Insurance has been updated on the City's website, inclusive of Directorate name change, endorsement date and resolution number. Council Policy: Waste Collection Services has been listed for inclusion on the agenda for the Policy and Legislation Committee meeting scheduled for 15 May 2024.	01/05/2024

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

17/04/2024 | Budget Amendments - Infrastructure and Environment | Not yet started

Please action as per resolution.

COUNCIL DECISION

C2404/91 Moved Cr Val Kaigg, seconded Cr Jarrod Kennedy

That the Council:

1. Endorse the following requested budget amendments:

Amendment Description					
Project Description					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Increase Budget of Existing Capital Project to be funded from the Other Infrastructure Reserve				
	Project 12815 - North Street Drainage Works (C)				
	-	-	80,176	-	(80,176)
2	Reduce Budget of Existing Capital Project from the Other Infrastructure Reserve				
	Project 14884 - Depuch Close - Eagle Bay (C)				
	-	-	(7,617)	-	7,617
3	Reduce Budget of Existing Capital Project from the Other Infrastructure Reserve				
	Project 14885 - Heppingstone & Hale Street Intersection (C)				
	-	-	(26,068)	-	26,068
4	Reduce Budget of Existing Capital Project from the Other Infrastructure Reserve				
	Project 14886 Hester Street Drainage Renewal SLK 0.33 (C)				
	-	-	(8,737)	-	8,737
5	Increase Budget of Existing Capital Project from the Road Reserve				
	Project 12827 - Commonage Road (C)				
	-	-	830,500	-	(830,500)
6	Remove Capital Project which was to be funded from the Road Reserve				
	Project 14864 - Sugarloaf Road - Second Coat Seal (C)				
	-	-	(66,521)	-	66,521
7	Reduce Budget of Existing Capital Project from the Road Reserve				
	Project 14850 Cook Street Asphalt Overlay SLK 0.39 to 1.25 (C)				
	-	-	(109,082)	-	109,082
8	Reduce Budget of Existing Capital Project from the Road Reserve				
	Project 12005 – Payne Road (C)				
	-	-	(161,374)	-	161,374

9	**Reduce Budget of Existing Capital Project from the Road Reserve**				
	Project 12611 – North Jindong Road (C)				
	-	-	(268,637)	-	268,637
10	**Reduce Budget of Existing Capital Project from the Road Reserve**				
	Project 14854 – Boallia Road (C)				
			(85,819)		85,819
11	**Reduce Budget of Existing Capital Project from the Road Reserve**				
	Project 14858 - Artisan Street Asphalt Overlay SLK 0.02 to 0.16 (C)				
			(11,075)		11,075
12	**Reduce Budget of Existing Capital Project from the Road Reserve**				
	Project 14865 - Yallingup Beach Road Reseal SLK 0 to 0.19 (C)				
			(5,894)		5,894
13	**Reduce Budget of Existing Capital Project from the Road Reserve**				
	Project 12842 – Nuttman Road (C)				
			(4,298)		4,298
14	**Reduce Budget of Existing Capital Project from the Road Reserve**				
	Project 15108 - Bussell Highway Resurfacing SLK 0 to 3.8 (C)				
			(2,232)		2,232
15	**New Captial Project to be funded from the Road Reserve**				
	Metricup-Yelverton Road				
			138,134		(138,134)
Totals	**-**	**-**	**291,456**	**-**	**(291,456)**

2. Note these amendments will completed by the end of the financial year.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

BY ABSOLUTE MAJORITY

17/04/2024 | 2023/2024 Community Assistance Program Round 3 Outcomes | Not yet started

Please action as per resolution.

COUNCIL DECISION

C2404/92 Moved Cr Jodie Richards, seconded Cr Anne Ryan

That the Council endorses the following funding allocation, to be funded from the 2023/2024 Community Assistance Program budget:

Applicant		Allocation
1	**Busselton Community Garden**	**$4,337.16**
2	**Busselton Hockey Association**	**$6,000.00**
3	**Busselton Jetty Inc.**	**$10,000.00**

4	Busselton Men's Shed	$4,080.00
5	Radiance Network South West	$9,500.00
6	Waratah Support Centre	$10,000.00
	TOTAL	$43,917.16

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

17/04/2024	Busselton Jetty - s43 Prohibition on Fishing (Wire Trace) Order	Completed	Please action as per resolution. **COUNCIL DECISION** **C2404/93** Moved Cr Mikayla Love, seconded Cr Jodie Richards **That the Council requests the CEO to provide advice to the Minister for Fisheries on the positioning of boundaries for the proposed inclusion of the Busselton Jetty and surrounds within the s43 Prohibition on Fishing (Wire Trace) Order, as per Attachment 1.** **CARRIED 6 / 3** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Mikayla Love, Cr Kate Cox and Cr Richard Beecroft** **AGAINST: Cr Val Kaigg, Cr Andrew Macnish and Cr Jarrod Kennedy**	**02/05/2024 Tegan Robertson** Officers have advised DPIRD of the Council's decision. DPIRD representatives have confirmed they have noted the position of the Council on its recommended location for wire trace restrictions in the City of Busselton area, following the outcome of community consultation. DPIRD will be engaging Recfishwest to provide comment on the proposal from the City of Busselton. Following discussions with Recfishwest, DPIRD will provide consolidated advice to the Minister on this matter. Any decisions made by the Minister will then be communicated to the City of Busselton.	02/05/2024
17/04/2024	Review of Bush Fire Advisory Committee Terms of Reference	Not yet started	Please action as per resolution. **COUNCIL DECISION** **C2404/94** Moved Cr Mikayla Love, seconded Cr Andrew Macnish **That the Council endorses the attached Terms of Reference for the Bush Fires Advisory Committee (attachment 1).** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** EN BLOC		
17/04/2024	Albert Street Bus Shelter	Not yet started	Please action as per resolution. **COUNCIL DECISION** **C2404/95** Moved Cr Val Kaigg, seconded Cr Jodie Richards **That the Council:** **1. Include $40,000 in the draft annual budget for the 2024/2025 financial year for the design and implementation of a bus shelter for TRANSWA bus services; and**		

			2. Request that the CEO investigate the location and bus shelter design options available, and provide a report on the suitability of available options and expected costs to the Council in the 2024/25 financial year, prior to commencing detailed design and implementation works. **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil**		
17/04/2024	Redevelopment of Old Tennis Club - Headlease and Sublease of Lot 448 Marine Terrace, Busselton	Not yet started	Please action as per resolution. **COUNCIL DECISION** **C2404/96** Moved Cr Jodie Richards, seconded Cr Mikayla Love **That the Council:** **1. Resolves to enter into a lease with the State of WA in relation to Lot 448 on Deposited Plan 193977 (25 Marine Terrace) Busselton (the Old Tennis Club Building) and delegates power and authority to the Chief Executive Officer to negotiate and agree the lease on the following terms and conditions:** **a. Term: no less than 30 years** b. **Rent: $1000 + GST per year** **c. Permitted purpose: Development and operation of a Café, Gelato and Chocolate Retail Outlet** **d. Such further terms and conditions as required by the CEO.** **2. Resolves to sublease the Old Tennis Club Building to Left Coast Chocolate Pty Ltd, subject to the consent of the Minister for Planning, Lands and Heritage and there being no objections raised through the required section 3.58 (of the Local Government Act 1995) advertising, and delegates power and authority to the Chief Executive Officer to negotiate and agree the sublease on the following terms and conditions:** **a. Term: same as Headlease term (less one day)** **b. Rent:** **Year 1 - $100 + GST** **Year 2 - $16,250 + GST** **Year 3 - $32,500 + GST** **Year 4 - $48,750 + GST** **Year 5 - $65,000 + GST (subject to market rent review)** **Year 6 and onwards – previous year's rent annually reviewed and adjusted in accordance with CPI each year and market reviews to be undertaken on the 5th anniversary of the term and every 5 years thereafter;** **c. Permitted Purpose: Family restaurant/cafe, chocolatier and retail outlet for the sale of chocolate and gelato or other merchandise approved from time to time by the City;** **d. Such further terms and conditions as required by the CEO.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** BY ABSOLUTE MAJORITY		

17/04/2024	Busselton Jetty Reference Group Terms of Reference	Completed	Please action as per resolution. **COUNCIL DECISION** **C2404/97** Moved Cr Anne Ryan, seconded Cr Jodie Richards **That the Council:** **1. Adopt the amended Terms of Reference for the Busselton Jetty Reference Group at attachment 1;** **2. Appoint an additional Elected Member to the Busselton Jetty Reference Group;** **a) Member** **Cr Val Kaigg** **b) Deputy** **Cr Mikayla Love** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil**	**01/05/2024 Jo Barrett-Lennard** Terms of Reference has been updated, inclusive of Council endorsement date and resolution number. Updated Terms of Reference have been circulated to Economic and Business Development.	01/05/2024
17/04/2024	Proposed Hangar Lease at Busselton Margaret River Airport	Not yet started	Please action as per resolution. **COUNCIL DECISION** **C2404/98** Moved Cr Anne Ryan, seconded Cr Jodie Richards **That the Council resolves to advertise the proposed disposition of property in accordance with section 3.58 of the Local Government Act 1995 for the terms and conditions outlined in this report and, if there are no objections, delegates power and authority to the Chief Executive Officer, to negotiate and enter into a lease with Mader Valley Investments Pty Ltd as trustee for Helo Trust for the occupation of a portion of Lot 1974, Deposited Plan 411016, Volume 2931, Folio 507, 86 Neville Hyder Drive, Yalyalup as referred to as D4 on Attachment 1, on the following terms and conditions:** **1. The term of the lease to be 21 years commencing on 14 May 2024 and expiring on 14 May 2045 with a further 21 year option.** **2. The annual rent to commence at $20,790 plus GST with a rent free period from the date of commencement of the Term until the date of Practical Completion or 18 months from the date of commencement of the Term, whichever is earlier.** **3. Rent to be reviewed annually on each anniversary in accordance with CPI, with market rent reviews to be undertaken every 5 years** **4. Permitted purpose aircraft storage and maintenance** **5. Such further terms and conditions as determined by the CEO.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** BY ABSOLUTE MAJORITY		

17/04/2024	Behaviour complaints framework	Not yet started	Please action as per resolution. **COUNCIL DECISION** **C2404/102** Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy **That the Council disband the Behaviour Complaints Committee (and have complaints dealt with by the Council as a whole). Consequential documents to be re-worded to reflect this.** **CARRIED 7 / 2** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Cr Mikayla Love and Cr Kate Cox**		
17/04/2024	Future of Busselton-Sugito Relationship	Not yet started	Please action as per resolution. **COUNCIL DECISION** **C2404/104** Moved Cr Jodie Richards, seconded Cr Kate Cox **That the Council:** **1. Authorises a delegation comprising the Mayor, CEO and President of Busselton and Sugito Sister Cities Association (BASSCA) to travel to Sugito in Japan in August 2024 to discuss future proposals for the Busselton-Sugito Sister City relationship.** **2. Approves expenditure of $10,000 from the CEO's 2023/24 contingency budget to fund the cost of the delegation to travel to Sugito for this purpose.** **CARRIED 8 / 1** **FOR: Mayor Phill Cronin, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Cr Anne Ryan**		
17/04/2024	Appointment of an Independent External Member - Audit and Risk Committee	Completed	Please action as per resolution. **COUNCIL DECISION** **C2404/107** Moved Cr Andrew Macnish, seconded Cr Mikayla Love **That the Council:** **1. Appoint Mr Ben Townend as the independent external member of the Audit and Risk Committee.** **ABSOLUTE MAJORITY** **2. Pursuant to section 5.100 of the Local Government Act 1995 set the fee for the independent external member of the Audit and Risk Committee at $415 per meeting.** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** BY ABSOLUTE MAJORITY	**01/05/2024 Ben Whitehill** Mr Ben Townend has been appointed to the Audit and Risk Committee.	01/05/2024

17/04/2024	Appointment of Independent External Members - Waterways Management Committee	Completed	Please action as per resolution. **COUNCIL DECISION** **C2404/111** Moved Cr Anne Ryan, seconded Mayor Phill Cronin **That the Council** **1. appoint the following independent external members to the Waterways Management Committee:** **a. Mr Steve Disley** **b. Ms Vikki Viela** **2. Pursuant to section 5.100 of the *Local Government Act 1995* set the fee for the independent external member of the Waterways Management Committee at $415 per Meeting** **CARRIED 9 / 0** **FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft** **AGAINST: Nil** BY ABSOLUTE MAJORITY	**01/05/2024 Danielle Halliday** Appointees informed by digital letter on 26 April 2024 via Director of Infrastructure and Environment.	01/05/2024
15/02/2023	RESERVE 46187 LOT 448 MARINE TERRACE: OLD TENNIS CLUB BUILDING PREFERRED PROPONENT EXTENSION	Completed	**COUNCIL DECISION** **C2302/024 Moved Councillor P Carter, seconded Councillor K Cox** **That the Council extends the 'preferred proponent' status for Geographe Bay Brewing Co. as potential lessee of Reserve 46187 – Lot 448 Marine Terrace, Busselton until 31 December 2023** **CARRIED 9 / 0** **FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine** **AGAINST: Nil** Please action as per resolution.	**03/08/2023 Tiffany Sweatman** Working with DLPH with regards to terms of the headlease and proposed commercial use. Further information has been requested to justify our request for a nominal rent headlease on the basis of placing the income from the sublease into the Jetty Maintenance Reserve. Teams meeting has been sent up, which had to be rescheduled due to absence. **26/10/2023 Sharon Woodford-Jones** DPLH have confirmed a nominal rent headlease can be offered. The proponent is due to meet with City officers next week to discuss the terms of the sublease. An up to date valuation will be required to determine rent and meet the statutory advertising requirements. Once the parties have agreed the heads of terms a report will be presented to Council requesting authority be given to the CEO to enter into a development agreement and sublease. **02/05/2024 Tegan Robertson** Complete. See C2404/98.	02/05/2024

CIVIL LITIGATION REPORT

(as at 30 April 2024)

MATTER NAME AND REFERENCE	JURISDICTION	DATE COMMENCED	STAGE COMPLETED	NEXT STEPS
BCP Contractors Pty Ltd v City of Busselton (PER CIV 1797 2020)	Supreme Court of Western Australia	July 2020	Matter was referred to the City's insurer, LGIS, who have instructed lawyers. The proceedings are being managed by the City's insurers.	Listed for a Case Management Conference on 28 May 2024
Eichenberg v City of Busselton & Anor (PER CIV 2226 2020)	Supreme Court of Western Australia	December 2020	Matter was referred to the City's insurer, LGIS, who have instructed lawyers. The proceedings are being managed by the City's insurers.	Listed for a Case Management Conference on 4 June 2024
Stacey Rouse v City of Busselton and others (CIV 2717 of 2021)	District Court of Western Australia	July 2021	Matter was referred to the City's insurer, LGIS, who have instructed lawyers. The proceedings are being managed by the City's insurers.	Awaiting programming

Hon David Templeman MLA
Minister for Culture and the Arts; Sport and Recreation; International Education; Heritage

Our Ref: 66-24862

Mr Tony Nottle
CEO
City of Busselton
city@busselton.wa.gov.au

Dear Mr Nottle

Thank you for taking the time to meet to discuss the motorsport industry in Western Australia.

The recent Motorsports Roadshow undertaken on behalf of the State Government has provided insight into your club's challenges, goals and aspirations. During the meeting, we saw firsthand the importance and impact of local volunteers in the upkeep of facilities to the necessary standards and welcomed the discussion of several funding opportunities.

To support the City of Busselton in its endeavours, a summary of the funding available through the Department of Local Government, Sport and Cultural Industries and regional office contact information is at **Attachment 1**.

In addition, Tourism WA also has the following initiatives that you may wish to consider:

- Regional Events Scheme – annual funding of between $5,000 and $40,000 https://www.tourism.wa.gov.au/industry-support-and-events/resources-for-event-holders/Funding-for-regional-events/Pages/Regional-Events-Scheme-funding.aspx#/
- Regional Events Program – supports medium-to-large regional events across WA that require funding of $40,000 or more https://www.tourism.wa.gov.au/industry-support-and-events/resources-for-event-holders/Funding-for-regional-events/Pages/Regional-Events-Program-funding.aspx#/

Thank you once again for your commitment to motorsport.

Yours sincerely

HON DAVID TEMPLEMAN MLA
MINISTER FOR SPORT AND RECREATION

03/04/2024

HON KYLE MCGINN MLC
PARLIAMENTARY SECRETARY TO THE MINISTER FOR REGIONAL DEVELOPMENT; DISABILITY SERVICES; FISHERIES; SENIORS AND AGEING; VOLUNTEERING

10th Floor, Dumas House, 2 Havelock Street, West Perth Western Australia 6005
Telephone: +61 8 6552 5400 Email: Minister.Templeman@dpc.wa.gov.au
www.premier.wa.gov.au ABN: 61 313 082 730

Department of
Local Government, Sport
and Cultural Industries

GOVERNMENT OF WESTERN AUSTRALIA

Sport and recreation funding for regional WA

Community Sporting and Recreation Facilities Fund

Funding for community groups and local governments to develop infrastructure that increases participation in sport and recreation.

Club Night Lights Program

Funding for community groups and local governments to develop sports floodlighting infrastructure.

Regional Athlete Support Program

State-wide network of academies and talent development centres supporting talented athletes and coaches.

Regional Athlete Travel Subsidy Scheme

Supports talented young athletes to compete at championships or events by offsetting travel and accomodation costs.

Active Regional Communities Grants

Increases opportunities for regional communities to participate in sport and recreation through:

- major regional sporting events
- initiatives that support capacity building or increase participation

Recreation Grants

Increasing participation in outdoor active recreation activities.

- outdoor hiking participation grants
- outdoor active recreation grants

KidSport

Enables children to participate in community sport with $300 vouchers towards club fees.

Community Place Based Grants

Targeted projects to support out-of-school programs for young people.

Regional Servicing Grants

Funding for State Sporting Associations to improve capacity and grow participation of their sport within a region.

Events Funding Program

Provides vital financial support to organisations to plan, secure and execute a diverse range of sports and mass participation events.

Every Club Grant Scheme

Provides 3-year funding to enable organisations to support clubs to build their organisational capacity and capability with a focus on governance, planning and management practices.

Every Club Hub

Online hub for all WA clubs with access to online resources, guides, training opportunities and information to support members and volunteers.

Department of Local Government, Sport and Cultural Industries
GOVERNMENT OF WESTERN AUSTRALIA

Kimberley office

Unit 2A, 23 Coghlan Street, Broome WA 6725
PO Box 1476, Broome WA 6725
Telephone 61 8 9195 5749
Email kimberley@dlgsc.wa.gov.au

Kununurra Youth Hub, Rod Hodnett Drive, Kununurra WA 6743
PO Box 534, Kununurra WA 6743
Telephone 61 8 9195 5750

Regional Manager - Tom Chapman
Email – tom.chapman@dlgsc.wa.gov.au

Pilbara office

Karratha Leisureplex, Dampier Highway, Karratha WA 6714
PO Box 941, Karratha WA 6714
Telephone 61 8 9182 2100
Email pilbara@dlgsc.wa.gov.au

Regional Manager – Toby Cotterell
Email – toby.cotterell@dlgsc.wa.gov.au

Gascoyne office

15 Stuart Street, Carnarvon WA 6701
PO Box 135, Geraldton WA 6531
Telephone 61 8 9941 0900
Telephone 0437 664 710
Email gascoyne@dlgsc.wa.gov.au

2 Truscott Crescent Exmouth WA 6707
PO Box 135, Geraldton WA 6531
Telephone 61 8 9949 3015
Telephone 0437 664 710

Regional Manager – Craig Vinci
Email – craig.vinci@dlgsc.wa.gov.au

Mid West office

Level 1, 268-270 Foreshore Drive, Geraldton WA 6530
PO Box 135, Geraldton WA 6531
Telephone 61 8 9956 2100
Email midwest@dlgsc.wa.gov.au

Regional Manager – Craig Vinci
Email – craig.vinci@dlgsc.wa.gov.au

Goldfields office

Suite 1, 349-353 Hannan Street, Kalgoorlie WA 6430
PO Box 1036, Kalgoorlie WA 6430
Telephone 61 8 9022 5800
Email goldfields@dlgsc.wa.gov.au

Regional Manager – Kelly Waterhouse
Email – kelly.waterhouse@dlgsc.wa.gov.au

Wheatbelt office

298 Fitzgerald Street, Northam WA 6401
PO Box 55, Northam WA 6401
Telephone 61 8 9690 2400
Email wheatbelt@dlgsc.wa.gov.au

Regional Manager – Samantha Cornthwaite
Email – sam.cornthwaite@dlgsc.wa.gov.au

Peel office

Suite 94, 16 Dolphin Drive, Mandurah WA 6210
PO Box 1445, Mandurah WA 6210
Telephone 61 8 9550 3100
Email peel@dlgsc.wa.gov.au

Regional Manager – Brendan McNally
Email – brendan.mcnally@dlgsc.wa.gov.au

South West office

80A Blair Street, Bunbury WA 6230
PO Box 2662, Bunbury WA 6231
Telephone 61 8 9792 6900
Email southwest@dlgsc.wa.gov.au

Regional Manager – Brendan McNally
Email – brendan.mcnally@dlgsc.wa.gov.au

Great Southern office

22 Collie Street, Albany WA 6330
Telephone 61 8 9892 0100
Email greatsouthern@dlgsc.wa.gov.au

Regional Manager – Mel Eastough
Email – mel.eastough@dlgsc.wa.gov.au

Office of the Mayor

City of Busselton
Geographe Bay

12 April 2024

Hon Chris Bowen MP
Minister for Climate Change and Energy
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600
By email: minister.bowen@dcceew.gov.au
Cc: *Belinda.Wilson@dcceew.gov.au*

Dear Minister Bowen,

EXTENSION OF SUBMISSION PERIOD FOR PROPOSED OFFSHORE WIND AREA IN THE INDIAN OCEAN OFF BUNBURY

Dear Minister Bowen,

As the Mayor of the City of Busselton, I write to you on behalf of our community regarding the proposed offshore wind area in the Indian Ocean off the Bunbury region, Western Australia. We appreciate the Australian Government's commitment to renewable energy and recognize the significance of this initiative.

I write to advise that the electors of the City of Busselton have called for a Special Electors Meeting regarding this particular matter which is scheduled for April 24, 2024. During this meeting, our community members will discuss the proposed offshore wind project and its potential impact on our region. However, due to procedural timelines, the City Council will not be able to consider submissions or recommendations arising from this meeting until early to mid-May 2024.

I therefore respectfully request that you approve an extension to the closing date to allow appropriate community and agency feedback and submissions. Specifically, we propose extending the deadline until May 31, 2024. This additional time will allow the key community of Busselton and the City of Busselton —the largest and most populated local authority affected by the proposal—to provide comprehensive feedback and submissions.

We appreciate your attention to this matter. The proposed offshore wind area represents a significant opportunity for clean energy generation, economic growth, and job creation. By granting an extension, you empower our community to actively participate in shaping our shared future, and to provide you with genuine and considered feedback for the proposal.

Thank you for your consideration, and we look forward to continued collaboration.

Yours sincerely,

Phill Cronin
MAYOR

All Communications to:

T (08) 9781 0444
E city@busselton.wa.gov.au

Locked Bag 1 Busselton WA 6280
www.busselton.wa.gov.au

Where environment, lifestyle and opportunity meet!