



Ordinary Council Meeting

Agenda

11 December 2024



Our Vision

Where environment, lifestyle and opportunity meet

Community Aspirations



KEY THEME 1

Environment

An environment that is valued, conserved and enjoyed by current and future generations.



KEY THEME 2

Lifestyle

A place that is relaxed, safe and friendly, with services and facilities that support positive lifestyles and wellbeing.



KEY THEME 3

Opportunity

A vibrant City with diverse opportunities and a prosperous economy.



KEY THEME 4

Leadership

A Council that connects with the community and is accountable in its decision making.

NOTICE OF MEETING

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on 11 December 2024, commencing at 5:30pm.

Your attendance is respectfully requested.

DISCLAIMER

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



TONY NOTTLE

CHIEF EXECUTIVE OFFICER

28 November 2024

BEHAVIOUR PROTOCOLS

The City of Busselton values are:

- Listening
- Considered Decision Making
- Appreciation
- Respect
- Teamwork

In accordance with these values, the following outlines the behaviour expectations while attending a Council meeting, Committee meeting, Community Access Session, or Public Agenda Presentation:

- Listen respectfully through the meeting or presentation
- Respect the Council process and comply with directions from the Presiding Member
- Use respectful language when addressing Council, staff, and other members of the public
- Behave in a manner that is respectful and non-confrontational
- Do not use offensive language or derogatory language towards others

The City values the diverse input of the community and seeks to ensure that all members of the community can attend a meeting and have their say.

Elected Members, Committee members and Candidates are bound by the City's Code of Conduct and agree to uphold the values of the City of Busselton and principles of good behaviour, maintaining and contributing to a harmonious, safe, and productive environment.

Anyone who does not behave in accordance with the above values and behaviours may be asked by the Presiding Member to leave the gallery.

CITY OF BUSSELTON

Agenda for the Council Meeting to be held on Wednesday 11 December 2024

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1. OFFICIAL OPENING

The City of Busselton welcomes Elected Members, staff, guests and members of the public to the Ordinary Council Meeting of 11 December 2024.

The City of Busselton acknowledges the Wadandi and Bibbulmun people as the traditional custodians of this region and pay respects to Elders past and present.

This meeting will be audio recorded for minute taking purposes and will also be live streamed on the City of Busselton YouTube channel.

A prayer will be read out as part of the opening of this meeting.

2. ATTENDANCE

PRESIDING MEMBER	MEMBERS
Mayor Phill Cronin	Cr Anne Ryan (Deputy Mayor)
	Cr Val Kaigg
	Cr Jodie Lee
	Cr Kate Cox
	Cr Mikayla Love
	Cr Richard Beecroft
	Cr Andrew Macnish
	Cr Jarrod Kennedy

OFFICERS
Chief Executive Officer
Director Infrastructure and Environment
Director Community Planning
Director Economic and Business Development
Director Corporate Strategy and Performance
Governance and Risk Coordinator
Governance Officer

APOLOGIES
Nil at time of publishing

LEAVE OF ABSENCE
Nil

APPLICATION FOR LEAVE OF ABSENCE
Nil

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

4. DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

A declaration under section 5.65 of the *Local Government Act 1995* requires that the nature of the interest must be disclosed. An elected member or employee who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter on which the subject of the declaration without the approval of the Council in accordance with the Act.

DISCLOSURES OF IMPARTIALITY INTEREST

Elected members and employees are required, in addition to declaring any financial interest, to declare an interest that might cause or perceive to cause a conflict. If the elected member or employee declares that their impartiality will not be affected then they may participate in the decision-making process.

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1. Special Council Meeting 30 October 2024

RECOMMENDATION

That the minutes of the special Council meeting on 30 October 2024 be confirmed as a true and correct record (as published at 11 December 2024 on the City of Busselton's [website](#), inclusive of any confidential material published on the restricted internal Docs on Tap application).

5.2. Ordinary Council Meeting 20 November 2024

RECOMMENDATION

That the minutes of the ordinary Council meeting on 20 November 2024, be confirmed as a true and correct record (as published at 11 December 2024 on the City of Busselton's [website](#), inclusive of any confidential material published on the restricted internal Docs on Tap application).

6. PUBLIC QUESTION TIME

Public question time allows members of the public to participate in local government by asking questions of the Council in relation to issues affecting the City.

6.1. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

6.2. QUESTION TIME FOR PUBLIC

Public question time procedures and guidance

- The City will allocate a minimum of 15 minutes and a maximum of 30 minutes per Council meeting for public question time.
- Members of the public should register their intent to ask a question at a Council meeting by completing and submitting the [Public Question Time form](#) before 4pm the day prior to the relevant meeting.
- Members of the public will be invited to ask their question in order of registration.
- Questions will be limited to three per person. Additional questions may be permitted by the Presiding Member where time permits.
- Where a person is not present to ask their submitted question it will be responded to administratively as general correspondence.
- Questions may be taken on notice, to be responded to at a later time by the CEO in accordance with clause 6.7 of the Standing Orders.
- Public question time is for the tabling of questions, not for members of the community to make statements. For context, the Presiding Member may allow a short preamble.
- Questions containing defamatory remarks or offensive language, or that question the competency or personal affairs of Elected Members or employees may be ruled inappropriate by the Presiding Member subject to the Presiding Member taking reasonable steps to assist the member of the public to rephrase the question.
- There will be no debate or discussion on the response provided.

For further information, please see the [Meetings, Information Sessions and Decision Making Processes Policy](#).

7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

7.1. PETITIONS

Extract from City of Busselton Standing Orders Local Law 2018

6.9 Petitions

- (1) A petition, in order to be considered by the Council, is to –
 - (a) be addressed to the Mayor;
 - (b) be made by the electors of the district;
 - (c) state the request of each page of the petition;
 - (d) contain the name, address and signature of each elector making the request;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person whom, and an address at which, notice to the petitioners can be given;
 - (g) be respectful and temperate in it's language.
- (2) Despite subclause (1), the Presiding member may allow a petition to be considered in circumstances where the petition complies with the majority if the requirements in subclause (1).
- (3) In response to a petition presented to it, the Council may determine –
 - (a) that the petition be received;
 - (b) that the petition be rejected;
 - (c) that the petition be received and referred to the CEO to prepare a report to Council or a committee; or
 - (d) that the petition be received and referred to the CEO for action.
- (4) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented at that meeting, unless –
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

7.2. PRESENTATIONS BY PARTIES WITH AN INTEREST

Extract from *City of Busselton Standing Orders Local Law 2018*

6.10 Presentations by parties with an interest

- (1) Once an agenda of a meeting of the Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose.
- (2) A person must demonstrate that they are a party with an interest in an item on the agenda by stating their name, the item to which they wish to speak, whether or not they are in agreement with the recommendation in the agenda and they are—
 - (a) the applicant or one duly authorised representative of the applicant;
 - (b) an adjoining neighbour sharing a common length of boundary or directly opposite neighbour of the affected property;
 - (c) one person duly representing a community-based organisation where an item on the agenda has broad community impact and is associated with the objectives of the organisation; or
 - (d) such other person as in the opinion of the presiding member has a significant direct interest or is duly representing those that have a significant direct interest in the item.
- (3) A person addressing the Council on an agenda item will be limited to a period of 5 minutes unless the person is granted an extension by the presiding member.
- (4) Where multiple parties wish to present on an item, the applicant (or their duly authorised representative) is to be given the opportunity to give the final presentation on the item.
- (5) Members may, through the presiding member, question a person addressing the Council on the item but no debate or general discussion will be permitted.

8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil

9. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

ADOPTION BY EXCEPTION RESOLUTION EN BLOC

Extract from the *City of Busselton Standing Orders Local Law 2018*

5.10 Adoption by exception resolution

- (1) In this clause adoption by exception resolution means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or employee recommendation as the Council resolution.
- (2) The Council may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter—
 - (a) that requires a 75% majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that is a matter on which a member wishes to ask a question;
 - (d) that is a matter on which a member wishes to make a statement; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.
- (4) A member who wishes to ask a question or make a statement in relation to a matter that would otherwise be within an adoption by exception motion should, as far as practicable, notify the CEO by 3pm on the day before the meeting.
- (5) A member who wishes to move a motion that is different to the recommendation in a matter that would otherwise be within an adoption by exception resolution should, as far as practicable, give notice of the motion that –
 - (a) is in writing;
 - (b) identifies the matter and gives the reason or reasons for the motion; and
 - (c) is given to the CEO by 3pm on the day before the meeting.
- (6) Where a member intends to move a motion referred to in sub-clause (5), the CEO must be given an opportunity to provide advice to the Council prior to consideration of the motion, in accordance with section 5.41 (b) of the Act .

10. REPORTS OF COMMITTEE

10.1. Council Policy Review: Shark Hazard Response

Strategic Theme:	Key Theme 4: Leadership 4.4 Govern a professional organisation that is healthy, capable and engaged.
Directorate:	Community Planning
Reporting Officer:	Manager Community Safety - Rachel Runco
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Shark Hazard Response [10.1.1 - 2 pages]

This item was considered by the Policy and Legislation Committee at its meeting held on 20 November 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council rescind Council Policy: Shark Hazard Response (attachment 1), effective immediately.

OFFICER RECOMMENDATION

That the Council rescind Council Policy: Shark Hazard Response (attachment 1), effective immediately.

EXECUTIVE SUMMARY

This report recommends the rescission of Council Policy: Shark Hazard Response (the Policy), with the Policy having been reviewed as part of the City's periodic review of its Council policies. The matters set out in the Policy are considered largely operational in nature, hence the recommendation for rescission.

STRATEGIC CONTEXT

The regular review of Council policies ensures strategic guidance remains relevant and appropriate, and aids in the good governance of the City.

BACKGROUND

It is the function of the Policy and legislation Committee to consider and review new and existing Council policies. The City's Policy Framework sets out an ongoing cycle of policy review, aiming to review policies every 3 years to determine the ongoing strategic importance and applicability of the policy.

The policy was initially adopted October 2015 and last reviewed October 2020 following adoption of the City Shark Hazard Response Operational Practice (OP). The OP was approved by the City's Chief

Executive Officer and came into force in March 2019 providing step by step detail for the implementation of the functions described in the policy.

OFFICER COMMENT

Under the City's policy framework and structure, a Council policy should provide a strategic statement of the Council's direction. Following a review of the Policy, it has been determined by officers that much of its content provides information more aligned to the operational functions of responding to shark attacks or shark sightings.

The City has a Risk Management Policy, reviewed in October 2024, that sets out the City's commitment to risk management and alignment to the Australian Standard AS ISO 31000 Risk Management Guidelines. As required by the Risk Management Policy, the City has adopted a Risk Management Framework which sets out the City's approach for the ongoing management of risk.

A review of the Policy, with consideration to the principles that are defined in the Risk Management Policy and Framework, has determined that an individual policy related to the risks associated with sharks is unnecessary as the operational components of the existing Policy are encompassed by the OP and the strategic principles of the approach are covered by the Risk Management Policy.

It is proposed a review of the OP is also undertaken following the rescinding of the Policy.

Statutory Environment

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

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Risk Management](#)

[Shark Hazard Response](#)

The officer recommendation aligns to the City's Policy Framework. The Framework sets out the strategic intent of Council policies, as opposed to operational documents such as operational practices and work procedures.

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could decide not to rescind the Policy and retain it in its current format or require amendments to be made.

CONCLUSION

This report recommends that Council Policy: Shark Hazard Response is rescinded as part of the City's ongoing review of policies, with the Policy provisions adequately dealt with by the Risk Management Policy or being operational in nature.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Policy removed from the City's website	Within two weeks of Council decision

10.2. Council Policy Review: Asset Management

Strategic Theme:	Key Theme 2: Lifestyle 2.12 Provide well maintained community assets through robust asset management practices.
Directorate:	Infrastructure and Environment
Reporting Officer:	Asset Planning Coordinator – Trent Van Beem
Authorised By:	Director Infrastructure and Environment – Oliver Darby
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Council Policy: Asset Management [10.2.1 - 2 pages] 2. Council Policy: Asset Management - tracked changes [10.2.2 - 2 pages]

This item was considered by the Policy and Legislation Committee at its meeting held on 20 November 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council adopts the Council Policy: Asset Management as per attachment 1 to replace the current policy.

OFFICER RECOMMENDATION

That the Council adopts the Council Policy: Asset Management as per attachment 1 to replace the current policy.

EXECUTIVE SUMMARY

The Policy and Legislation Committee (the Committee) considered at its September meeting a revised Asset Management Policy, with the Policy having been referred to the Committee for further consideration by the Council at its Ordinary Council meeting in August. The Committee then referred the Policy to officers requesting greater reference to the City’s Council Plan and the role of asset management in supporting the delivery of community objectives. This report presents a further revised Policy for consideration and adoption.

STRATEGIC CONTEXT

An Asset Management Policy is a key component of an Asset Management Framework as set out in the Department of Local Government, Sport and Cultural Industries (DLGSC) Integrated Planning and Reporting Framework (IPRF). The aim of the Framework is “to enhance the sustainable management of local government assets by encouraging ‘whole of life’ and ‘whole of organisation’ approaches and the effective identification and management of risks associated with the use of assets”. A robust Asset Management Framework can assist the City in planning and managing its assets to achieve long-term aspirations of the community and has direct linkages with the City’s Long Term Financial Planning.

BACKGROUND

An asset management policy was first adopted by the Council on 8 October 2008 (C0810/303) and subsequently reviewed and updated in 2016 (C1609/233). In November 2019, the policy was further reviewed and resolved upon by the Council (resolution C1911/235), considering the results of the Governance System Review conducted in 2017. This review recommended that the Council's policies should be revised to eliminate operational details and serve as strategic guidance documents.

In July 2024 the Policy and Legislation Committee considered, as part of the City's policy review cycle, a recommendation from officers to re-adopt an asset management policy with amendments to reflect the City's evolving approach to asset management. The Committee recommended to the Council:

That the Council adopts the Asset Management Policy as per Attachment 1 to replace the current policy, inclusive of Committee amendments so that the following points read as follows:

- 1.1 *The purpose of this Policy is to outline the principles which guide the City of Busselton in the management of its infrastructure assets, with the objective being to ensure they are well maintained, and responsibly and sustainably managed.*
- 5.5 *The Chief Executive Officer has overall responsibility for developing an asset management strategy to be adopted by the Council and advising the Council of the status and effectiveness of asset management within the City.*

At its ordinary Council meeting on 21 August 2024 the Council resolved (C2407/230):

That the Council refer item 10.6 Council Policy Review: Asset Management to the Policy and Legislation Committee for further consideration at its next meeting on 18 September 2024 at 10am.

A revised Policy inclusive of previous Committee amendments was presented to the September 2024 Policy and Legislation Committee meeting, with discussion ensuing around the strength of the Policy content with respect to asset management and its role in the delivery of Council Plan objectives. As a result, the Policy was referred to the CEO by the Committee for further review.

OFFICER COMMENT

The Policy is considered of ongoing relevance and strategic importance, providing overarching guidance and direction for the development of an asset management strategy and asset management plans. The Policy as presented aligns with the City's Policy Framework, which sets out the strategic (the 'what' and the 'why'), as opposed to operational ('the how') nature of a Council policy.

The Policy has the primary objective of outlining strategic principles to guide the City in the management of infrastructure assets, such that they are well maintained and responsibly managed. The primary guiding principle is that the acquisition, maintenance and renewal of assets to meet current community expectations should not pass a burden to future generations in terms of maintenance and renewal backlogs, and that whole of life costs are considered when making decisions in relation to assets.

The policy scope is management of all infrastructure assets owned and / or directly managed by the City, with infrastructure assets being the focus of asset management planning.

In response to feedback from the Finance Committee members, an opening purpose statement has been added to articulate the importance of effective asset management to the delivery of community objectives outlined in the Council Plan. Additionally, the principles referred to above have been strengthened through reference to the City taking a coordinated and integrated approach to its asset management and planning.

The policy most directly supports and can be applied to the following objectives of the Council Plan:

1. Plan and deliver sport and recreation facilities to support healthy and active lifestyles.
10. Provide well maintained public facilities, open space, parks and playgrounds.
11. Provide safe roads and transport networks.
12. Facilitate an innovative and diversified economy that supports investment and employment growth.
16. Provide effective governance and organisational leadership.

Policy statement 5.2 recognises the City's responsibility to provide and maintain infrastructure services that meet the needs of the community whilst being economically and environmentally responsible; this particularly relates to the current strategic focus around the provision of future sport and recreation infrastructure.

Policy statement 5.3a requires that assets are to be acquired, maintained and renewed to adequately meet present day community objectives, which aligns with Council Plan objective 10 and 11.

Policy statements 5.1 and 5.2 support Council Plan objective 12, robust asset management systems can ensure assets are fit for purpose and provide the level of service required to support economic and employment growth.

Policy statements 5.3c and 5.4, 5.5 and 5.6 all align with Council Plan objective 16 in supporting the effective governance and organisation leadership by identifying the requirement to consider whole of life costs for new and upgraded infrastructure, linking the Integrated Planning framework to asset management strategy and plans and also identifying responsibilities of the Chief Executive Officer and Council.

Currently asset management and project planning is undertaken (as stated above) under the IPRF, with a team of 5.2 FTE. The Policy references the need to continually develop and implement appropriate resourcing and systems to improve overall asset management capabilities, as part of broad organisational budgeting and planning.

Other minor amendments have been made to streamline the Policy's readability (as previously presented to the Committee and to the Council) – for instance removing defined terms where something has a common meaning or can be described in the body of the Policy and to better align with the recommendations of the DLGSC Integrated Planning and Reporting Asset Management Framework Guidelines.

Statutory Environment

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

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

[Corporate Business Plan 2022-2026](#)

[Asset Management Plan](#)

Policy:

[Footpaths and Cycleways Funding](#)

Financial Implications

There are no direct financial implications with the adoption of the Policy.

External Stakeholder Consultation

Not applicable

Risk Assessment

An assessment of the potential implications has been undertaken using the City's risk assessment framework, with risks associated considering any controls already in place. There are no direct risks of a medium or greater level.

Options

As an alternative to the proposed recommendation the Council could:

1. Choose not to adopt the amended Policy; or
2. Adopt the Policy with further amendments.

CONCLUSION

The Policy reflects and guides the City's strategic asset management approach, with an ongoing focus on continuous improvement and development of its asset management capability. Re-adoption of the Policy will reaffirm the Council's commitment to the long-term sustainability of its infrastructure assets.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Adopted Council Policy updated on the City's website	Within two weeks of adoption

10.3. Council Policy Review: Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Director Community Planning - Gary Barbour
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none">1. Council Policy: Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing [10.3.1 - 2 pages]2. Council Policy: Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing - tracked changes [10.3.2 - 2 pages]

This item was considered by the Policy and Legislation Committee at its meeting held on 20 November 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council adopts the Council Policy: Applications for Exploration or Mining Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing as per attachment 1.

OFFICER RECOMMENDATION

That the Council adopts the Council Policy: Applications for Exploration or Mining Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing as per attachment 1.

EXECUTIVE SUMMARY

This report presents for the Council's readoption Council Policy: Applications for Exploration or Mining Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing (Policy), with the Policy having been reviewed as part of the City's ongoing review process. No substantive changes are recommended.

STRATEGIC CONTEXT

The regular review of Council policies ensures strategic guidance remains relevant and appropriate, and aids in the good governance of the City.

BACKGROUND

It is the function of the Policy and Legislation Committee to consider new and review existing Council policies. The City's Policy Framework sets out an ongoing cycle of policy review, whereby all policies of the Council will be reviewed every 3 years, with the aim of determining the ongoing strategic importance and applicability of the policy.

The Policy relates to applications made under the Mining Act 1978 for the purposes of coal and related materials extraction for all land within the district of the City of Busselton. It was last reviewed in May 2020.

The Policy is considered relevant and applicable to officers in the assessment of applications for the exploration of coal. Before this type of licence is granted, the applicant is required to undergo a consultation process and notify the relevant local government of the application. The local government may object to the application; however the grounds of any objection are limited, particularly if the subject area lies outside a designated townsite (as defined by the Land Administration Act 1997). The Policy provides some guidance as to the grounds on which the City of Busselton may object to an application.

It should be noted that there are some gas reserves in the Whicher Range, and there has been exploratory drilling undertaken at times over the last few decades. At this stage, there has not been, and nor is there any active proposal for, commercial gas extraction. The current tenement owners have also indicated that, were they to proceed to commercial extraction, they would not use 'hydraulic fracturing' to do so.

OFFICER COMMENT

Having reviewed the Policy, no changes are recommended. Although it is rare for such applications to be made in the City of Busselton district, the Policy considered to be of continuing relevance. Minor administrative updates have been made to reflect alignment to the City's new Council Plan.

Statutory Environment

In accordance with section 2.7(2)(b) of the Local Government Act 1995 (Act), it is the role of the Council to determine the local government's policies.

The Policy relates to applications made under section 8A of the Mining Act, as well as to applications made under applicable State petroleum legislation, which relates to onshore gas extraction. Offshore gas extraction is generally regulated under Federal law, and at this stage there have not been any proposals for offshore gas extraction within the region, although exploration permits have been sought in the past.

Relevant Plans and Policies

Not Applicable.

Financial Implications

Not Applicable.

External Stakeholder Consultation

Not Applicable.

Risk Assessment

An assessment of the potential implications has been undertaken using the City's risk assessment framework, with risks associated considering any controls already in place. There are no risks identified of a medium or greater level associated with the officer recommendation.

Options

As an alternative to the proposed recommendation the Council could:

1. Choose to rescind the Policy; or
2. Adopt the Policy with further amendments.

CONCLUSION

A review of the Policy has been undertaken, with no substantive changes proposed. The Policy is recommended for re-adoption by the Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, as per the following table:

Milestone	Completion Date
Adopted Council Policy updated on the City's website	Within two weeks of adoption

10.4. Council Policy Review: Sponsorship Policy

Strategic Theme:	Key Theme 3: Opportunity 3.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice. 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Director Economic and Business Development - Maxine Palmer
Authorised By:	Director Economic and Business Development - Maxine Palmer
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Council Policy: Sponsorship Arrangements [10.4.1 - 3 pages] 2. Council Policy: Sponsorship Arrangements - tracked changes [10.4.2 - 3 pages]

This item was considered by the Policy and Legislation Committee at its meeting held on 20 November 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council adopts the Council Policy: Sponsorship Arrangements (attachment 1) to replace the current policy.

OFFICER RECOMMENDATION

That the Council adopts the Council Policy: Sponsorship Arrangements (attachment 1) to replace the current policy.

EXECUTIVE SUMMARY

This report presents a revised Council Policy: Sponsorship Arrangements (the Policy) (attachment 1) to outline the circumstances in which the City will enter into sponsorship arrangements through the provision of a sponsorship to a person or organisation or through accepting sponsorship from external persons. It follows a request from the Council to provide further consideration to paragraphs 5.5(b) and (g). The Policy establishes a policy framework for the establishment of Sponsorship arrangements that support achievement of strategic objectives.

STRATEGIC CONTEXT

The provision of sponsorship supports Council's ability to maximise opportunities for collaboration with external persons or entities to meet objectives outlined in the City's strategic community planning. The policy ensures good governance regarding the provision and acceptance of sponsorship.

BACKGROUND

The City has a current policy entitled Sponsorships Arrangements, last reviewed and adopted by the Council in 2020. This policy is focused on the City's various community and events funding rounds, where the City provides funding to an external person or organisation; currently facilitated through the following programs:

- Event Sponsorship – to assist in the funding and attraction of year-round events to the region. This is guided by the Council policy Events.
- Community Bids (inclusive You Choose) – to provide financial assistance to organisations that provide services or activities to the community, of a value greater than that provided under the Minor Donations program; and
- Minor Donations – to provide minor grants of financial assistance to eligible groups and individuals for the pursuit of personal endeavours which may have benefit to the broader community.

From time to time, the City is also presented with an opportunity to receive sponsorship from an external person or organisation. This could take the form of sponsorship of an event, a contribution to a capital works project or provision of in-kind services for the delivery of a program. In the absence of an endorsed policy covering this, officers do not have clear guidelines governing how to manage these opportunities.

Rather than create a new policy governing sponsorship received from external persons, given the synergies, officers are recommending that the current policy be amended / expanded to outline principles for both incoming and outgoing sponsorship arrangements.

The revised Policy was considered by the Policy and Legislation Committee on 18 September 2024 (PL2409/34) and by the Council on 16 October 2024 (C2410/270) where it resolved to:

“refer the draft Sponsorship Policy to the Policy and Legislation Committee to consider the merits and implications of the following matters and reasons:

- 1. cl. 5.5 b. rewrite the clause to be more specific about what is to be excluded and why.*
- 2. cl. 5.5 g. remove ‘or their friends and/or family’ and replace with ‘or closely associated persons.’”*

OFFICER COMMENT

The revised Policy presented with this report incorporates the committee recommendations from the 18 September 2024 meeting. This report considers the further requests made by the Council at the 16 October 2024 meeting.

The first request relates to paragraph 5.5(b) which deals with endorsements. The intent of paragraph 5.5(b) was to state that sponsorship will not be accepted where it requires the City to provide explicit endorsement of the sponsor or the sponsor's activities, products or services. The term, endorsement, is widely used in sponsorship policies and is understood to mean something that goes beyond an acknowledgement and could for example be a request for a public recommendation or show of support. Concerns were raised that the previous paragraph 5.5(b) could be perceived a unlawfully discriminatory. As a consequence, paragraph 5.5(b) has been amended to attempt to alleviate any concerns relating to unlawful discrimination.

The second request relates to paragraph 5.5(g) which prohibits the provision of sponsorship or receipt of sponsorship in circumstances where it personally benefits City employees, or their friends or family. The intent of this paragraph was deal with conflicts of interest associated with sponsorship arrangements. Rather than amending clause 5.5(g) it is proposed that it is removed and that a separate conflicts of interest section is included in the Policy (see new paragraphs 5.10, 5.11 and 5.12).

A marked-up version of the Policy is attached at Attachment 2 comparing the Policy to the previous committee recommendation.

Statutory Environment

Pursuant to section 2.7 of the Act, the Council, as governing body, is to determine the City's policies. Council established pursuant to section 5.8 of the Act a Policy and Legislation Committee to make recommendations to Council in relation to the City's policies.

Officers have reviewed statutory requirements to ensure the policy aligns with the *Local Government Act 1995* (the Act).

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

[City of Busselton Community Development Plan 2022-2027](#)

Policy:

[Events](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

Officers have reviewed the sponsorship policies of other local governments who provide and / or receive funding from sponsors to ensure alignment with industry peers.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Request changes to the Policy prior to endorsing it; or
2. Choose not to endorse the Policy.

CONCLUSION

This report seeks endorsement of an amended Sponsorship Arrangements Council policy that governs both incoming and outgoing sponsorship arrangements.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Policy updated on City's website	Within two weeks of adoption

10.5. 2023/24 Annual Financial Statements, Audit Report and Management Letter

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Financial Services - Paul Sheridan
Authorised By:	Director of Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Noting: The item is simply for information purposes and noting.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none">1. Management Representation Letter 2024-25 - City of Busselton - Signed [10.5.1 - 6 pages]2. Signed & Stamped Financial Report & Audit Opinion - City of Busselton - 30 June 2024 [10.5.2 - 69 pages]3. Final Management Letter - City of Busselton - For the year ending 30 June 2024 [10.5.3 - 2 pages]

This item was considered by the Audit and Risk Committee at its meeting held on 20 November 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council:

1. **Acknowledges receipt of the 2023/24 Annual Financial Statements including Auditors Opinion and Audit Management Letter with Attachments A & B, as per the attached documentation, per section 7.12A(3)(aa) of the *Local Government Act 1995*; and**
2. **Resolves that it has met the requirements of section 7.12A(2) of the *Local Government Act 1995* with the Audit & Risk Committee, on behalf of Council, having met with a representative of the Office of the Auditor General on 20 November 2024.**
3. **Acknowledges the findings outlined in the Audit Management Letter Attachments A & B.**

OFFICER RECOMMENDATION

That the Council:

1. Acknowledges receipt of the 2023/24 Annual Financial Statements including Auditors Opinion and Audit Management Letter with Attachments A & B, as per the attached documentation, per section 7.12A(3)(aa) of the *Local Government Act 1995*; and
2. Resolves that it has met the requirements of section 7.12A(2) of the *Local Government Act 1995* with the Audit & Risk Committee, on behalf of Council, having met with a representative of the Office of the Auditor General on 20 November 2024.
3. Acknowledges the findings outlined in the Audit Management Letter Attachments A & B.

EXECUTIVE SUMMARY

The signed Independent Auditors Report and Management Letter (with attachments A & B), in relation to the audit of the 2023/24 Annual Financial Statements, as well as the audit of the City's Information Systems were received from the Office of the Auditor General (OAG) on 8 November 2024, and are provided as attachments to this report, along with the final audit stamped version of the 2023/24 Annual Financial Statements, in accordance with section 7.12A(3) of the *Local Government Act 1995* (the Act).

Pursuant to its Terms of Reference, it is relevant that the Audit and Risk Committee considers the 2023/24 Annual Financial Statements, Auditors Opinion and Management Letter with Attachments and, where appropriate, makes recommendation/s in respect of these documents.

In addition, the local government is required to meet with its auditor at least once every year in accordance with section 7.12A(2) of the *Local Government Act 1995* (the Act).

STRATEGIC CONTEXT

Financial and Information System auditing of the City by the OAG contributes to the good governance of the City and financial management of ratepayer funds.

BACKGROUND

Pursuant to Section 7.9 of the Act, an Auditor is required to examine the accounts and annual financial report submitted by a local government for audit. The Auditor is also required, by 31 December following the financial year to which the accounts and report relate, to prepare a report thereon and forward a copy of that report to:

- (a) The Mayor or President
- (b) The Chief Executive Officer; and
- (c) The Minister

Further, in accordance with Regulation 10 (4) of the *Local Government (Audit) Regulations 1996*, (the Regulations) where it is considered appropriate to do so, the Auditor may prepare a Management Letter to accompany the Independent Auditor's Report, which is also to be forwarded to the persons specified in Section 7.9 of the Act.

The Management Letter provides an overview of the audit process and outcomes, and also identifies any matters that, while generally not material in relation to the overall audit of the financial report, are nonetheless considered relevant to the day-to-day operations of the City.

A representative of the Audit and Risk Committee and City officers met with the OAG at an entrance meeting, held on 17 April 2024. At this meeting, the OAG outlined the process for the annual audit (including interim and final). The official final audit took place between 30th September 2024 and 18th October 2024 (although on-going audit discussions occurred right up into the week commencing 4th November). An exit meeting was held with the chairman of the Audit and Risk Committee, CEO and relevant officers on 8th November 2024. The OAG has since provided their signed audit report, including the opinion and management letter with attachments, attached to this report.

OFFICER COMMENT

The City has again been provided by the OAG with an unqualified audit opinion (clear audit).

As part of the Financial Statement component of the 2023/24 Audit, the Auditor made one finding, deemed as moderate, outlined below:

“Payroll Reconciliation

Finding:

We noted that the monthly payroll reconciliation to general ledger have not been prepared for the months of July 2023 to February 2024. Although reconciliations for March 2024 to April 2024 have been prepared, no evidence of a review by an independent senior finance officer could be provided.”

Full details of the finding and the City’s management comment can be seen in the 2023/24 Audit Management Letter attached to this report.

Further, as part of the Information Systems component of the 2023/24 Audit, the Auditor identified 13 findings of which 3 were rated minor and 10 moderate (compared with 15 findings from the previous year’s audit of which 2 were minor, 12 moderate and 1 significant). There is a separate item on the Audit and Risk Committee agenda in relation to this component of the Audit.

The Audit and Risk Committee Terms of Reference determines that the Audit and Risk Committee is responsible and has the duty to formally meet with the auditor in accordance with the Act on behalf of the local government. Mr Louis De Robillard, Director Financial Audit, from the OAG, representing the Auditor General is attending the Audit and Risk Committee meeting and will respond to any queries arising.

The presence of Mr De Robillard meets the requirements of 7.12A (2) of the Act.

Statutory Environment

Matters pertaining to the financial audit of a local government authority are detailed within:

- *Local Government Act 1995 - Section 7.9 and Section 7.12A.*
- *Local Government (Financial Management) Regulations 1996.*
- *Local Government (Audit) Regulations 1996 – Regulation 16*

Relevant Plans and Policies

Not applicable.

Financial Implications

Not applicable.

Stakeholder Consultation

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

There is a requirement to include the audited financial statements within the City of Busselton Annual Report, which will be advertised to the public following its consideration by Council in December 2024.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

The Audit and Risk Committee may determine, given the operational nature of the one issue that arose, and noting the management comments in the response, officers are not of the view that specific resolutions are necessary.

CONCLUSION

The City achieved a clear audit for the financial year ending 30 June 2024 with only one moderate finding reported in the Audit Management Letter.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

10.6. Adoption of Internal Audit Charter and Strategic Internal Audit Plan

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Legal, Governance and Risk - Ben Whitehill
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Internal Audit Charter [10.6.1 - 7 pages] 2. Strategic Internal Audit Plan [10.6.2 - 30 pages]

This item was considered by the Audit and Risk Committee at its meeting held on 20 November 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council adopt the Internal Audit Charter (Attachment 1) and Strategic Internal Audit Plan (Attachment 2) subject to the following amendments:

1. Amending point 5.4 of the Internal Audit Charter to read:

“The Internal Audit Service Provider (if appointed) reports functionally to the ARC, and administratively to the Chief Executive Officer and these relationships are facilitated by the Chair of the ARC (functionally) and Manager Legal, Governance and Risk or such other position as may be designated by the CEO (administratively).”

2. Amending point 5.2 of the Internal Audit Charter to read:

“The internal audit function, facilitated by the Chair of the ARC (functionally) and the Manager Legal, Governance and Risk (administratively)...”

3. Renumbering points 5.1 through to 5.6 of the Internal Audit Charter to correct misnumbering.

4. Amending section 6, point b. of the Strategic Internal Audit Plan to read:

“identify the City’s potential audit areas and proposed audit coverage over five financial years from 1 July 2024 to 30 June 2029.”

OFFICER RECOMMENDATION

That the Council adopt the Internal Audit Charter (Attachment 1) and Strategic Internal Audit Plan (Attachment 2).

EXECUTIVE SUMMARY

This report recommends that the Council adopt the Internal Audit Charter (Attachment 1) and Strategic Internal Audit Plan (Attachment 2), developed by Moore Australia, appointed to provide an internal audit function for the City of Busselton.

STRATEGIC CONTEXT

The provision of the internal audit function is identified in the Council Plan 2024-2034 under Objective 16 to provide effective governance and organisation leadership.

BACKGROUND

As part of the City's program to develop capability in risk management and internal audit the Council resolved to approve the allocation of \$35,000 for consultancy to fund the engagement of a consultant to undertake the internal audit function (C2403/51). Following this decision the Council resolved to appoint Moore Australia to provide the City's internal audit function (C2407/211).

Moore Australia conducted a workshop with Audit and Risk Committee members (elected members and the City's independent member) on 23 October 2024. The purpose of the workshop was to introduce the internal audit function and workshop potential audit topics for inclusion the Strategic Internal Audit Plan.

OFFICER COMMENT

Moore Australia have worked with City officers to develop the Internal Audit Charter and Strategic Internal Audit Plan following the workshop with committee members. The Internal Audit Charter provides the framework for the conduct of the internal audit function at the City. This document is to be reviewed by the Council biennially on the recommendation of the Audit and Risk Committee (every two years).

The Strategic Internal Audit Plan sets out the scope of the planned internal audit activities for the City for the period 1 July 2024 to 30 June 2029. The Strategic Internal Audit Plan also includes the Annual Internal Audit Plan which provides a detailed scope for the current year internal audit topics. The Strategic Internal Audit Plan will be reviewed annually by the Council (on the recommendation of the Audit and Risk Committee).

The Internal Audit Workshop was used to determine the future internal audit topics. A summary of the program set out in the Strategic Internal Audit Plan is provided below:

Audit Year	Internal Audit Topic
FY24/25	Policy Framework
	Complaints Management
FY25/26	Community Engagement
	Timeliness of Development Applications
FY26/27	Conflicts of Interest
	Information Management
FY27/28	Workforce Management
FY28/29	Business Continuity, Emergency Management, Incident Management and Disaster Recovery

The topics for the FY24/25 year are two smaller audit topics due to the reduced time available to complete the audits.

As the plan is reviewed annually, there is flexibility to adjust the identity or timing of future internal audit topics. The Strategic Internal Audit Plan will next be presented to the Audit and Risk Committee in May 2025 ahead of the 25/26 financial year.

Statutory Environment

Not Applicable

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

[Corporate Business Plan 2022-2026](#)

Policy:

[Risk Management](#)

Financial Implications

The City has allocated an annual budget of \$35,000 for the provision of internal audit services. For the current financial year, the budget for undertaking internal audit activities is reduced because a workshop has been held with committee members and for the development of the charter and plan.

External Stakeholder Consultation

Not Applicable.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could choose not to adopt the Internal Audit Charter and Strategic Internal Audit Plan.

CONCLUSION

To meet its strategic objectives, it is recommended that the Council adopt the Internal Audit Charter and Strategic Internal Audit Plan.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

10.7. Compliance and Audit: Action Implementation Status

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Governance and Risk Coordinator - Tegan Robertson
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Noting: The item is simply for information purposes and noting.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Audit Actions Register Nov 24 [10.7.1 - 3 pages]

This item was considered by the Audit and Risk Committee at its meeting held on 20 November 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council receives the quarterly report on the status of open compliance and audit actions.

OFFICER RECOMMENDATION

That the Council receives the quarterly report on the status of open compliance and audit actions.

EXECUTIVE SUMMARY

This report provides a quarterly update to the Council on the implementation status of recommendations and actions identified through compliance reviews, and internal and external audit activities.

STRATEGIC CONTEXT

Regular reporting to the Council on the status of compliance and audit actions ensures that items raised through internal and external audits are appropriately recorded, tracked and resolved, supporting the good governance of the organisation.

BACKGROUND

The City is required to undertake various compliance and audit activities to comply with the requirements of the *Local Government Act 1995* (Act). Additionally in 2024, the Council established the City's internal audit function with the appointment of Moore Australia for the provision of internal audit services.

OFFICER COMMENT

Moving forward, it is intended that any actions identified through compliance reviews, internal audits and external audits be captured on the Audit Actions Register (attachment 1) for monitoring

and reporting. When audit findings are received by the Audit and Risk Committee, any recommendations will be assigned an action item, responsible officer and a timeline for completion. The action item will remain on the register until it is reported as closed to the Council via the Audit and Risk Committee. Findings, recommendations and actions determined to be confidential under s5.23 of the Act will continue to be reported separately (i.e. Information Systems audit items).

The recommendations and actions identified by the 2023 Regulation 17 Review and 2024 Financial Management Systems Review, undertaken for the City by AMD Chartered Accountants and previously tabled with the Audit and Risk Committee, have been captured in the Audit Actions Register at attachment 1.

The August – October 2024 period (Period) opened with 19 open items. Six items were completed, and no new actions were added during the Period. The status of audit actions at the conclusion of the Period is summarised in the tables below.

Table 1: Open audit actions

Open actions – period start	19
Actions added	0
Actions completed	6
Open actions – period close	13

Table 2: Status of actions by audit

Audit name	Findings	Previously closed	Completed this period	Open
2023 Regulation 17 Review	12	4	2	6
2024 Financial Management System Review	12	1	4	7

Statutory Environment

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires the local government to carry out a compliance audit for each calendar year, to be reviewed by the Audit Committee and adopted by the Council.

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires the Chief Executive Officer to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to risk management, internal control and legislative compliance at least once every 3 financial years and report the results of that review to the Audit Committee

Regulation 5 of the *Local Government (Financial Management) Regulations 1996* outlines the areas a CEO is to establish efficient systems and procedures over. Regulation 5(2)(c) requires that a review of the appropriateness and effectiveness of those systems be undertaken and reported to the local government at least once every 3 financial years.

Matters pertaining to the financial audit of a local government are detailed within:

- *Local Government Act 1995* - Section 7.9 and Section 7.12A.
- *Local Government (Financial Management) Regulations 1996*.
- *Local Government (Audit) Regulations 1996* – Regulation 16

Relevant Plans and Policies

Not Applicable

Financial Implications

There are no financial implications associated with the officer recommendation. Progression of all audit recommendations in full, however, is likely to have financial implications.

Any financial impacts of implementing changes to resources, systems or processes recommended in audit findings will be considered through business as usual budget preparation and amendment processes.

External Stakeholder Consultation

No external stakeholder consultation was required in relation to the officer recommendation.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

The Council may choose not to receive the quarterly Compliance and Audit Action Implementation Status report.

CONCLUSION

This report provides a quarterly update on the implementation status of recommendations and actions identified through compliance reviews, and internal and external audit activities for the Council's information.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

11. COMMUNITY PLANNING REPORTS

11.1. Consent to advertise Local Planning Scheme No. 22

Strategic Theme:	Key Theme 2: Lifestyle 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices. Key Theme 3: Opportunity 3.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice.
Directorate:	Community Planning
Reporting Officer:	Senior Strategic Planner – Justin Biggar
Authorised By:	Director Community Planning – Gary Barbour
Nature of Decision:	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. City of Busselton Local Planning Scheme No 22 [11.1.1 - 139 pages] 2. Local Planning Scheme No 22 - Scheme Maps [11.1.2 - 43 pages]

This item was considered by the Council at its ordinary meeting on 16 October 2024. At this meeting the Council resolved to defer the item until the 11 December 2024 ordinary Council meeting (C2410/275).

OFFICER RECOMMENDATION

That the Council:

1. Pursuant to Section 72 of the *Planning and Development Act 2005* (the Act) and Regulation 21 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to advertise the draft City of Busselton Local Planning Scheme No. 22 (LPS22 or the Scheme).
2. Prior to advertising and in accordance with regulation 21 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to –
 - a) Refer LPS22 to the Environmental Protection Authority (EPA) in accordance with section 81 of the Act to consider whether formal environmental assessment is required pursuant to section 48A of the *Environmental Protection Act 1986*;
 - b) Refer LPS22 to the Western Australian Planning Commission (WAPC) to seek approval from the Minister to advertise the proposed Scheme pursuant to section 83A of the Act;
 - c) Make any modifications as required by the Commission prior to commencement of advertising.

EXECUTIVE SUMMARY

Following a directive issued by the Western Australian Planning Commission (WAPC) in 2019 and the subsequent resolution of Council in April 2023 (C2304/065), the City has finalised the preparation of a new local planning scheme to replace Local Planning Scheme No. 21 (LPS21).

Local Planning Scheme No. 22 (LPS22 or the Scheme) has been drafted to align with State direction and to establish a streamlined planning framework that best reflects modern practice and terminology. The draft Scheme is accordingly presented to Council for consent to advertise.

STRATEGIC CONTEXT

LPS22 is a statutory document that guides and manages development across the entire local government area and accordingly aligns with all four of the key strategic themes. In particular, the planning scheme will facilitate open and transparent decision making (4.8), encourage an innovative and diversified economy (3.2), provide for diverse housing choices (2.8), and ensure the protection and enhancement of environmental values (1.1).

BACKGROUND

LPS21 was gazetted on 15 October 2014 and applies to the whole district of the City of Busselton. Following enactment of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), elements of LPS21 became redundant as they were superseded by the state framework.

To address this issue, Council resolved in 2017 to progress a series of omnibus amendments to better align LPS21 with the new state planning framework, a decision further supported by the City's 2019 'Report of Review' which found the current Scheme was fit for purpose. However, the WAPC did not support the proposed approach and directed a new scheme be prepared to fully implement the state mandated framework. Since this time, officers have been engaged in the preparation of LPS22.

While a one-size-fits-all approach as adopted by the State is useful for consistency and simplicity, it can result in the loss of local nuance in addressing specific issues, particularly for a local government area as large and varied as the City. As such, the drafting of the new Scheme has been a complex and ongoing process that will require further input from Council and the local community through the consultation period prior to finalisation.

OFFICER COMMENT

The current local planning scheme is approaching ten years of age and does not comply with the state planning framework which has sought to standardise planning schemes. These requirements are set out in the Regulations, which establishes a Model Scheme Text (MST) to be adopted by all new planning schemes.

LPS22 is not intended to be a root and branch reform document but to rather update existing provisions to reflect latest terminology and standards. Within this narrow scope, the City has also sought to simplify existing development requirements, delete redundant elements and streamline the approval process, with an overarching aim to simplify where possible and strengthen where necessary.

Zoning changes

Zones	Commentary
Existing zones removed from LPS22	
Viticulture and Tourism	Inconsistent with MST standard zones, required to be removed. All lots to be incorporated into 'Rural' zone.
Bushland Protection	Inconsistent with MST standard zones, required to be removed. All lots to be incorporated into 'Environmental Conservation' zone.
Rural Landscape	Inconsistent with MST standard zones, required to be removed. All lots to be incorporated into 'Environmental Conservation' zone.
New zones included in LPS22	
Mixed Use	<p>It is proposed to introduce the 'Mixed Use' zone to replace the following zoned land parcels –</p> <ul style="list-style-type: none"> • Residential (Additional Use 74) • Residential (Additional Use 86) • Urban Development (Northerly St, Vasse) <p>AU74 and AU86 applies to the 'Residential' zoned land that frames the 'Regional Centre' (Busselton) and 'District Centre' (Dunsborough) respectively and permits low intensity commercial development, such as 'offices,' 'shop – small,' and 'medical centre.'</p> <p>Replacing the additional use with the 'Mixed Use' zone will remove a planning layer and simplify the planning framework. The development standards that applied to the Additional Use have been broadly incorporated into the Mixed Use zone standards.</p> <p>The previous Vasse commercial centre located along Northerly St is currently zoned Urban Development with a Special Provision overlay and an R-AC3 density. Noting the lack of development, the imminent expiry of the applicable structure plan and its inconsistency with the current planning framework, it is intended to remove the Special Provision overlay and rezone the area 'Mixed Use' with an R60 density.</p> <p>The proposed zoning and density is consistent with the edge of centre location and will simplify the planning framework for the subject land.</p>
Private and Community Purpose	<p>The Private Community Purpose zone is to accommodate such sites as private schools, religious establishments, and community service providers (e.g. – Salvation Army).</p> <p>The zone will predominantly be used to replace the 'Special Use' zone that currently applies to a number of these sites.</p>

Land use term changes

In aligning with the MST, the City has been required to delete and replace a number of existing land use terms. These are generally unproblematic and involve minor changes in land use titling and description or consolidation of land use terms. For example, 'art gallery' is deleted and incorporated into the 'exhibition centre' definition.

However, for several land uses, the standardisation process would result in potentially inappropriate land use outcomes that would impinge on existing amenity. As such, additional development standards have been drafted to address the unintended consequences of standardisation, as discussed below.

Land Use Term	Commentary
Aircraft landing area	<p>New definition proposed to be introduced to LPS22.</p> <p>To better manage the impacts of scenic flights operating from existing tourist businesses in the 'Rural' zone.</p> <p>The land use applies to commercial operations and is not intended to control the operation of personal aircraft, including where used for farming purposes.</p>
Brewery Winery	<p>Inconsistent with MST, required to be removed.</p> <p>Replaced with 'beverage production facility.'</p> <p>The consolidation of the different alcohol production types into one land use term is problematic, particularly as a brewery generates significant amounts of wastewater and is typically disconnected from any rural use of the subject land.</p> <p>Breweries built at scale for wholesale purposes in the Rural zone are generally inappropriate and more suitably located in the industrial zones in the City.</p> <p>Breweries with a tourism function (i.e. – restaurant, tavern) will still be permitted and encouraged in the Rural zone, subject to appropriate management of on-site impacts.</p> <p>Accordingly, additional development standards have been included for the 'beverage production facility' land use to guide scale and encourage relocation to the industrial zones over a certain threshold size.</p>

<p>Chalet Guesthouse Rural Holiday Resort Tourist Accommodation</p>	<p>All land use terms are inconsistent with MST and required to be removed.</p> <p>Replaced with 'tourist and visitor accommodation.'</p> <p>Consolidation into one land use term is problematic as the City was previously able to utilise the zoning table to set appropriate levels of permissibility for the different accommodation types.</p> <p>For example, while a chalet is permitted in the 'Environmental Conservation' zone, a larger scale rural holiday resort is not. Of particular concern is that 'tourist accommodation,' which is typically an urban tourist offering provided for in the Centre zones has been incorporated into a broad based land use. Such consolidation has implications for zoning table permissibility.</p> <p>Accordingly, additional development standards have been included for the 'tourist and visitor accommodation' land use to guide the appropriate scale and permissibility for the respective zones.</p> <p>The rural tourist accommodation framework provided for in the existing policy has been utilised to develop these standards, including guidance around minimum lot size, number of accommodation units permitted and protection of environmental values.</p>
<p>Lunch bar Takeaway food outlet</p>	<p>Both land use terms are inconsistent with MST and required to be removed.</p> <p>Replaced with 'food outlet' and 'food outlet with drive through facility.'</p> <p>The introduction of 'food outlet with drive through facility' allows the City to remove the Drive Through Facility Special Control Area with permissibility now addressed through the zoning table.</p> <p>Noting there are only two distinct areas of 'Service Commercial' zoned land, it is intended to make 'food outlet with drive through facility' an X across all zones to prevent the current and future 'Service Commercial' zoned land along Commonage Road from becoming a car-centred urban corridor of low amenity.</p> <p>It is proposed to provide an Additional Use land right for the 'Service Commercial' zoned land along Bussell Highway and identified 'Regional Centre' zoned lots which currently accommodate several drive-through food outlets.</p>

Revised and new planning provisions

While the main purpose of the new Scheme is to align with State direction, it also provides an opportunity to update and/or introduce new standards where there is a demonstrated need to protect identified values.

Where new standards are proposed to be introduced, they adopt a 'development management' rather than 'development control' approach, with the aim of encouraging and incentivising positive development outcomes.

Revised and new planning provisions	
LPS22 New/Revised Element	Commentary
Building envelopes	<p>To simplify the planning process, it is proposed to remove building envelopes in rural and peri-urban areas.</p> <p>Under the current planning framework, any changes to a building envelope, even where compliant with setback controls, requires a development application, leading to delays in approval times and increased officer workload.</p> <p>The siting and scale of buildings will be managed through a combination of existing setback controls, vegetation retention provisions and bushfire protection requirements. This simplified approach will remove an additional planning control layer.</p>
Density bonus framework	<p>It is proposed to up-code selected R15 land to the R20 density. This will maintain the current subdivision potential allowed under clause 4.3.1(a) in LPS21 but simplify the assessment and approval process.</p> <p>Further, it is intended to increase the permitted density bonus for 1500m² plus lots from R30 to R40, to better accommodate a wider range of housing types.</p> <p>Providing a variety of housing types, as well as being an objective of the 'Residential' zone, will better accommodate different demographics in the City's established suburbs, such as couples, singles and retirees.</p> <p>Where R30 or R40 development is proposed, recent updates to the Residential Design Codes (the R-Codes) for medium density housing along with urban canopy retention requirements will assist in achieving built form outcomes that respect existing character and amenity.</p> <p>Low density R10 and R12.5 areas will be removed from the density bonus to protect these areas from further subdivision, as they are typically located further from services and walkable catchments.</p>

<p>Peppermint tree protection</p>	<p>Under the current planning framework, the removal of trees in the 'Residential' zone does not require development approval, resulting in the gradual erosion of tree cover in the City's urban areas. The loss of mature peppermint trees is of particular concern as they provide habitat for the critically endangered Western Ringtail Possum (WRP). To protect against canopy decline and further WRP habitat loss, it is proposed to require development approval for the removal of significant existing peppermint trees in the 'Residential' zone, significant being defined as any peppermint tree over 4m in height and/or canopy width.</p> <p>The adoption of peppermint tree protection provisions aligns with the Local Planning Strategy (2019) recommendation for <i>"a possum habitat protection strategy that provides for the long-term protection and enhancement of habitat whilst also supporting the consolidation and expansion of urban development."</i></p> <p>Rather than adopting a punitive or prohibitive approach, the provisions grant increased flexibility in design standards to incentivise development that responds to and incorporates existing peppermint trees on site.</p> <p>As well as protecting WRP habitat, it is considered peppermint tree retention will provide public benefit through reduced urban heat island effect, increased biodiversity and contributing to neighbourhood character and amenity.</p>
<p>Reduced car parking requirement</p>	<p>It is proposed to reduce the car parking requirement for new development in the Regional and District Centre by exempting the first 500m² of net lettable area, with parking only to be provided for any area in excess of 500m².</p> <p>The provision of excessive car parking is a substantial expense and barrier to development as well as resulting in poor urban design outcomes. The removal of car parking minimums is becoming standard practice for many urban centres to encourage walkability, increased economic activity and greater urban amenity.</p> <p>As a regional town it is acknowledged there is an increased reliance on private vehicle transport due to greater distances and poorer public transport options. The 500m² figure is considered a common-sense middle ground option that will reduce the car parking rate while still ensuring a base level of parking to meet demand.</p> <p>Car parking reductions have been applied in the past on an ad-hoc basis within the Regional Centre, including Rocky Ridge tavern, Yoonderup House mixed use development and Saltwater (nil parking provided). Applying a standard reduction in the Scheme will provide consistency and surety for owners and will ideally incentivize well designed developments that contribute to a walkable urban core.</p>

<p>Rural Residential consolidation</p>	<p>Consistent with the Local Planning Strategy (LPS), the Scheme will seek to minimise further subdivision of 'Rural Residential' zoned land. Due to high value remnant vegetation, extreme bushfire risk and the existing character of these areas, increased subdivision is considered generally inappropriate.</p> <p>With a majority of the structure plans that guided previous Rural Residential subdivision due to expire in 2025, including the Commonage Consolidated Structure Plan, the restriction on further subdivision contained in these planning documents will fall away.</p> <p>As such, it is proposed to introduce a 3ha minimum lot size for any subdivision, subject to the retention of all remnant vegetation on site.</p> <p>The 3ha minimum will prevent the widespread subdivision of smaller Rural Residential lots (<6ha), which would result in extensive vegetation removal, the erosion of existing amenity and low density sprawl.</p> <p>Subdivision under the recommended 3ha minimum size and/or involving vegetation removal will only be supported where there is a demonstrable wider community benefit, such as improved bushfire safety through the provision of road access.</p>
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Special Control Areas

The purpose of Special Control Areas (SCA's) are to provide bespoke development controls to address a specific issue, such as flood mitigation, visual amenity or wetland protection. A number of changes are proposed to the SCA framework with the intent of both simplifying and to strengthen where required to protect identified values.

Several new or modified SCA's are proposed in LPS22, each accompanied by a supporting local planning policy to provide additional guidance on implementation and use of discretion. These are discussed in the confidential attachment.

Special Control Areas (SCA)	Commentary
Existing SCA's deleted from LPS22	
Designated Bushfire Prone Areas	<p>SCA deleted.</p> <p>The controls set out in the SCA are contained in the Regulations and State Planning Policy 3.7 – Planning in Bushfire Prone Areas.</p>
Development Investigation Area	<p>SCA deleted.</p> <p>The purpose of the Development Investigation Area is to identify areas that require structure planning. This has been replaced by the 'Urban Development' zoning as per the Regulations.</p>
Drive Through Facility Control Area	<p>SCA deleted.</p> <p>As discussed previously in the report, due to the introduction of the 'food outlet with drive through facilities' land use, permissibility can be set through the zoning table.</p> <p>Deletion will remove an additional planning layer.</p>

<p>Port Geographe Development Area</p>	<p>SCA deleted.</p> <p>As the area is largely developed, the provisions are largely redundant. Built form requirements with an ongoing purpose and application (e.g. – canal wall setbacks) have been transferred to LPS22 at Schedule E.</p> <p>Deletion will remove an additional planning layer.</p>
<p>Special Provision Area</p>	<p>SCA deleted.</p> <p>The SCA is inconsistent with the Model Scheme Text with relevant provisions able to be addressed through a different mechanism in the updated planning framework.</p> <p>In removing the SCA and the related schedule, the City has undertaken a review of all existing Special Provisions with the majority being deleted. Where there are requirements with an ongoing purpose and application (e.g. – building height or setback requirements), these have been transferred to LPS22 at Schedule E or F.</p> <p>Deletion will remove an additional planning layer.</p>
<p>New SCA's included in LPS22</p>	
<p>SCA8 - Extractive Industry Prohibition Area</p>	<p>The consolidation of the 'Viticulture and Tourism' zone into the 'Rural' zone results in 'industry – extractive' becoming a permitted land use in areas where it was previously prohibited.</p> <p>It is proposed to implement the SCA to both carry over the current prohibition as well as extending protection to other areas of 'Rural' zoned land which are similarly constrained.</p> <p>The SCA largely takes as its boundary the existing 'Viticulture and Tourism' zone however extends to Bussell Highway as the eastern boundary. The extended area will accommodate key tourist routes and existing tourism land uses.</p> <p>It is considered any 'industry – extractive' in this wider area would be heavily constrained by proximity to sensitive land uses as well as being inconsistent with the existing character and amenity.</p> <p>Further, a discrete area of 'Rural' zoned land in the Wonnerup locality adjacent to the Ramsar listed wetlands is intended to be incorporated into the SCA. Due to the high water table and fragility of the neighbouring wetland ecosystem, this area is considered unsuitable for 'industry – extractive' operations.</p> <p>All state significant deposits of basic raw materials, as identified in State Planning Policy 2.4, are located outside of the SCA area and are capable of extraction if proposed.</p>

<p>SCA9 - Cape to Cape Track Visual Protection Area</p>	<p>The Leeuwin-Naturaliste National Park (LNNP) forms part of the Leeuwin-Naturaliste Ridge and has long been a popular destination for residents and tourists. The Cape to Cape Track traverses the LNNP with one third of the track located within the City's boundaries.</p> <p>To best protect the LNNP, the City has identified a need for contemporary Scheme planning controls that complement and reinforce the requirements contained within State Planning Policy 6.1 – Leeuwin-Naturaliste Ridge. The proposed controls seek to facilitate future development that responds and enhances the existing natural scenic character of the LNNP and Cape to Cape Track.</p> <p>The natural landscapes of the national park, particularly along the track, are under increasing pressure from adjacent landowners wishing to maximise the development potential of their land, often at the expense of the existing visual amenity and the natural setting of the track.</p> <p>The SCA will be accompanied by a supporting local planning policy (LPP) that will provide detailed guidance on assessment and the exercise of discretion.</p>
<p>Modified SCA's</p>	
<p>SCA10 - 13 Special Character Areas</p>	<p>The current Special Character Area framework applies to a several identified residential areas in the City, being Eagle Bay, Old Dunsborough, Quindalup and Yallingup.</p> <p>The applicable controls and policies are of considerable age and in many respects do not align with the planning framework. Further, as a consequence of the 2021 Supreme Court decision in <i>Pennock vs City of Busselton</i>, the applicable controls have become less workable, leaving many applications unable to be progressed.</p> <p>The new Scheme has provided an opportunity to review the controls that apply, noting the inconsistency with the state framework and the Pennock decision outcome. In consultation with the affected communities, the SCA's have been revised to provide a clear and concise set of controls that better protect the identified character of the subject areas.</p> <p>The SCA's provide for detailed built form standards such as building height, setbacks and vegetation retention. Each Special Character Area will be accompanied by a supporting LPP providing detailed guidance on assessment and the exercise of discretion.</p>

General corrections

Drafting of the new Scheme has provided the opportunity to correct irregularities in LPS21 that have occurred over time due to modifications to the state and local planning framework.

Proposed Changes	Commentary
<p>Additional Uses Restricted Uses Special Uses</p>	<p>A comprehensive review has been undertaken of the respective schedules with provisions either being deleted or updated to reflect the current land use terminology and/or development standards.</p> <p>Entries in the respective schedules were deleted if addressed by another section of the planning framework. For example, several additional uses granted under TPS20 have since become broadly permissible under the current planning framework.</p>
<p>Development Guide Plans Structure Plans</p>	<p>All development guide plans (DGP's) and structure plans (SP's) approved prior to 2015 are due to expire in 2025. As part of the Scheme review process, the City undertook an audit of the 300+ existing DGP's and SP's to determine which were still relevant and required.</p> <p>Those with relevant and ongoing requirements, such as building height restrictions or setback controls, have been transferred to the new Scheme (e.g. – Enterprise Park, Dunsborough).</p> <p>Where development has occurred or the planning framework has since moved in an alternate direction, the SP or DGP will be allowed to lapse, and the general controls provided for in the Scheme to be applicable.</p>
<p>Reserves</p>	<p>LPS21 only features two reserve types – Public Purpose and Recreation, while there are several specific reserve types as per the MST.</p> <p>All reserves currently identified in the Scheme (1200+) have been reviewed and updated to reflect the most appropriate reserve type as per the MST.</p> <p>Further, a significant number of reserves and publicly owned lots were incorrectly zoned under LPS21. These parcels have been identified and reserved under LPS22 to reflect the nature of their ongoing use.</p>
<p>Urban development zone</p>	<p>'Urban Development' zoned lots where development has occurred will be rezoned through the Scheme review process.</p> <p>The 'Urban Development' zone is a transitional zoning used to identify land areas requiring additional planning prior to development. Once development has occurred, standard practice is for the transitional zoning to be replaced with a hard zoning through a basic scheme amendment. The Scheme review has been used to undertake this process rather than through separate scheme amendments.</p>
<p>Zoning changes</p>	<p>Various zoning updates have been implemented either to correct mapping errors or for the zoning to better reflect the nature of the development and/or land use on a site, consistent with the MST.</p>

Consolidation of local planning policies

Important development standards (e.g. setback requirements, built form and car parking) have been included in the Scheme to provide greater weight with supplementary and supporting provisions to be contained in the updated suite of local planning policies (LPP's).

The primary purpose of LPP's are to provide parameters for the exercise of discretion as well as providing guidance on meeting specific design outcomes identified for an area or type of development. To manage the scope and ensure the timely delivery of draft LPS22, a review and redrafting of relevant policies will be undertaken as LPS22 progresses through the consultation and review process in 2025.

The LPP review will be informed by submissions received during Scheme consultation with a suite of revised LPP's finalised at such time as there is a level of certainty around the final status and form of the Scheme provisions.

Statutory Environment

The *Planning and Development Act 2005*, section 72, provides for a local government to prepare a local planning scheme with reference to any land within its district. Once a scheme has been prepared, regulation 21 of the Regulations requires the local government to either proceed to advertise the Scheme with or without modifications or to not advertise the scheme.

Following a resolution to advertise, the local government must seek the consent of the Minister to commence advertising, pursuant to section 83A of the Act. At this stage, the Minister may request modifications be made to the Scheme prior to consent being granted.

Once consent is granted, the Scheme will be advertised for a period of 90 days.

Relevant Plans and Policies

The local government is required to prepare a new scheme that is consistent with the planning framework. Key elements of the framework include the following –

- Leeuwin-Naturaliste Sub Regional Strategy;
- City of Busselton Local Planning Strategy; and
- Suite of state planning policies.

Financial Implications

There are no financial implications associated with the officer recommendation.

External Stakeholder Consultation

Following Council decision for consent to advertise, the draft Scheme will be forwarded to the Commission and the Environmental Protection Authority (EPA) for review.

The Commission has 90 days, or a longer period if authorised by the Minister, to review the Scheme and provide a recommendation to the Minister. Following review, the Commission may require modifications to the Scheme prior to public consultation. Concurrently, the EPA will assess the Scheme within 28 days as required under section 48A of the *Environmental Protection Act 1986* to

determine whether environmental assessment is required. It is noted that while the EPA has 28 days to issue a formal recommendation, the review process may take longer if the EPA requests further information to facilitate their assessment.

Pending an EPA decision and consent from the Minister to advertise, the City will commence formal consultation with the community and state agencies. An engagement plan is currently being finalised to support the roll-out of the consultation process which is envisaged to include the following –

- Your Say page containing all relevant documents, including draft Scheme and mapping;
- Notification via weekly newspaper advertisement;
- Notification via City’s newsletter and social media channels;
- Online mapping system with property search results to be hyperlinked to explanatory documents;
- General letters to all land-owners within the City advising of draft Scheme;
- Targeted letters to land-owners affected by specific changes (e.g. – change of zoning, removal of Additional Use land right);
- Suite of explanatory documents, including FAQ’s and infographics detailing key changes; and
- Several in-person community access sessions in key identified locations (e.g. – Vasse, Dunsborough and Busselton).

The engagement strategy will utilise several different channels and methods to broaden community outreach as effectively as possible.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City’s risk management framework, with risks assessed taking into account any controls already in place. The following risks have been identified:

Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level
Reputational	Minor	Possible	Medium

Reputational risk arises as landowners may object to changes in the planning framework that affect their property. Risk will be mitigated through an extensive consultation program advising owners of the proposed changes and the underlying rationale. The submission process will allow owners to raise issues of concern to be addressed by the City in the final formulation of the Scheme.

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve to proceed to advertise the draft local planning scheme with modifications; or
2. Seek further information before making a decision.

CONCLUSION

Draft LPS22 is state planning framework compliant and will provide a modern and flexible planning document to guide the development of the City for the near future. As a regional local government of significant size, the preparation of the Scheme presents a complex challenge and the City

welcomes the opportunity to engage with the community to produce a Scheme that both enables growth and best protects the values that make the City such a special place to live and work.

It is recommended that Council resolve to proceed to advertise draft LPS22.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following resolution of Council in accordance with the officer recommendation, the Scheme documentation will be forwarded to the WAPC and EPA for review and consent to advertise.

The timeframe for WAPC review is 90 days, or longer where authorised by the Minister and 28 days for EPA review, though this may be longer subject to EPA request for further information. Based on statutory timeframes, it is anticipated the Scheme will be released for public consultation in May 2025 for a period of 3 months.

11.2. Review of Holiday Home Local Planning Policy

Strategic Theme:	Key Theme 2: Lifestyle 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices. Key Theme 3: Opportunity 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth. Key Theme 4: Leadership 4.1 Provide opportunities for the community to engage with Council and contribute to decision making.
Directorate:	Community Planning
Reporting Officer:	Senior Planner (Major Development) - Emma Craddock
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies.
Voting Requirements:	Simple Majority
Disclosures of Interest:	Yes - Impartiality Interest
Attachments:	<ol style="list-style-type: none"> Proposed Local Planning Policy 41 - Unhosted Short- Term Rental Accommodation [11.2.1 - 17 pages] Current Local Planning Policy 4.1 - Holiday Homes [11.2.2 - 5 pages]

OFFICER RECOMMENDATION

That the Council, pursuant to clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts for public consultation the draft Local Planning Policy 4.1 Unhosted Short Term Rental Accommodation (Attachment 1 refers).

EXECUTIVE SUMMARY

The Council is asked to consider adopting, for the purposes of public advertising, draft *Local Planning Policy 4.1 Unhosted Short-Term Rental Accommodation* (LPP4.1). As outlined in Attachment 1, Draft LPP4.1 seeks to review and modify the existing *LPP4.1 Holiday Homes* to align with amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations)

LPP4.1 provides operational guidance for dwellings looking to seek development approval for ‘Unhosted short-term rental accommodation’, formally known as ‘Holiday Homes’. It supports and aligns with amendments made to the Regulations and recently introduced short-term accommodation framework. It also supports an amendment to *Local Planning Scheme No. 21* (LPS21) that forms item 11.3 of this agenda.

It is recommended that Council supports the revised draft *Local Planning Policy 4.1 Unhosted Short-Term Rental Accommodation* for the purposes of public advertising for a period of 21 days.

STRATEGIC CONTEXT

In accordance with the City's *Strategy Community Plan*, the draft LPP4.1 is considered in the context of:

- 2.8 Plan and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.
- 3.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice.
- 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business investment and employment growth.
- 4.1 Provide opportunities for the community to engage with Council and contribute to decision making.

BACKGROUND

LPP4.1 was last reviewed and adopted by Council at its meeting of 11 March 2020 (C2003/084 refers) where modifications were made to the policy to address requirements following the adoption of *Local Planning Policy 4.2 Bushfire* (LPP4.2). The current LPP4.2 is provided as Attachment 2.

At its meeting of 9 June 2021 (C2106/119 refers), Council resolved to review key aspects of the City's Holiday Home Framework which consists of the *Holiday Homes Local Law 2012* (the local law), development provisions within LPS21 and a local planning policy. Council considered the subsequent review at its meeting of 23 March 2022 (C2203/058 refers) following community consultation on a number of potential changes to the overall framework. It was resolved at that meeting that the Holiday Home review would progress in the following three stages:

- Stage 1: Introduce changes to the Conditions of Registration that apply to all approved Holiday Homes and introduce a Code of Conduct for occupants and their guests.
- Stage 2: Initiate amendments to the City's *Holiday Home Local Law 2012*.
- Stage 3: Initiate formal changes to the land use and development standards in LPS21 and local planning policy. This was to be initiated once further direction had been set by the State Government regarding Holiday Homes.

Stage 1 and 2 changes were implemented and amendments to the local law gazetted in 2022.

In September 2024 the State Government released its short-term rental accommodation amendments to the Regulations which include various new land use definitions, terms and exemptions. The amendments are a response to the 2019 Parliamentary Inquiry – *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia* as well as the direction set in *Position Statement – Tourism and Short-Term Rental Accommodation*. Local Governments have until January 2026 to ensure all local planning schemes align with the amendments.

The State Government additionally released in September 2024 a new *State Planning Policy 3.7 Bushfire* (SPP3.7) and associated guidelines, with the policy becoming operational from 18

November 2024. Under the new bushfire framework, STRA will no longer be considered a vulnerable land use.

OFFICER COMMENT

Revised draft LPP4.1 has been prepared to align the existing LPP4.1 with the new framework around STRA and to provide clear guidance on the assessment of applications for development approval for unhosted STRA.

General modifications have been made to LPP4.1 to:

- Include objectives that provide a high-level framework for proposals that require the exercise of discretion.
- Alignment of definition and terms with the Regulations.
- Removal of irrelevant clauses.
- Updates to align provisions with current local law conditions.

The following key changes have been made to the policy as discussed in greater detail below.

Terminology

In accordance with the amendments to the Regulations the land use definitions "Holiday Home (Single House)" and "Holiday Homes (Multiple/Grouped Dwelling)" have been replaced with the model definition "unhosted short-term rental accommodation". The definition relies on LPP4.1 including definitions for "hosted short term rental accommodation", "short-term rental accommodation" and "short-term rental arrangement".

Definitions listed within the revised LPP4.1 are the same as the terms included within the Regulations.

Non-preferred areas

The City in reviewing the Holiday Home Framework in 2021 undertook community consultation on a Directions Paper which included the option of introducing possible Holiday Home exclusion areas within either the local planning scheme or within the local planning policy. The exclusion areas were considered as one way to address issues pertaining to:

- Conflict between holiday homes and the amenity of long-term residential dwellings as a result of issues with noise, parking, waste, behavior, safety and security.
- The local sense of community.
- Housing availability and affordability.

The consultation outcomes report at that time indicated majority support for the re-introduction of exclusion areas.

The introduction of non-preferred areas for unhosted STRA will provide for clear direction on the City's preference for the location of unhosted STRA and the long-term desire to ensure an appropriate mix of tourist accommodation whilst ensuring the provision of long-term housing supply for permanent residents. It is understood that there is a preference of the Council to include 'non-

preferred areas' through a Special Control Area within the Scheme rather than via policy. Officers support this view and have proposed to include a new Special Control Area for this purpose through Scheme Amendment No.61. Notwithstanding this, a Scheme Amendment will take some time to come into effect, so officers have proposed to include 'non-preferred areas' within this draft policy in order to have a level of control until such time as the Scheme is amended. The policy can be modified at a later date to align with the gazettal of Amendment No. 61.

Whilst the inclusion of 'non-preferred areas' within a local planning policy provides the flexibility for unhosted STRA to still be considered outside of these areas, the objectives of the policy would still need to be met, and it would be contrary to both the Accepted Standard and Performance Criteria within the policy for an unhosted STRA to be approved within a "non-preferred area" as designated under the LPP.

Five (5) non-preferred areas for unhosted STRA have been proposed and identified within Appendix 1 to LPP4.1 and include:

- Parts of Dunsborough - Cape Rise estate located west of Cape Naturaliste Road and Dunsborough East.
- Parts of Vasse and Kealy - south of Bussell Highway/Busselton Bypass.
- Parts of Abbey and Broadwater - south of Bussell Highway and Caves Road and north of the Busselton Bypass.
- Parts of West Busselton and Busselton - south of Bussell Highway and north of the Busselton Bypass.
- Parts of Bovell, including Country Road Estate, and Yalyalup, including Provence and Willow Grove.

The non-preferred areas generally align with the exclusion areas advertised as part of the City's Directions Paper 2021 and seeks to further include land that is zoned either 'Residential' or 'Urban Development' within those areas.

Strata Consent

The current LPP4.1 requires that where a Holiday Home is located within a Grouped or Multiple Dwelling, written support is provided from the majority of owners of properties within the complex. The *Planning for Tourism and Short-Term Rental Accommodation Guidelines* clarify that a planning approval does not override the need for an approval of the strata company under the *Strata Titles Act 1985* and that the onus is on the owner to confirm the permissibility of the use under the relevant by-laws. Given this, it is considered duplicitous to require written support as part of the development application process. The City proposes to delete this requirement within the revised draft LPP4.1.

Operational Management Plan

The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has successfully launched its STRA registration scheme under the *Short-Term Rental Accommodation Act 2024*. The scheme effectively requires all hosted and unhosted STRA accommodation to register the details of their STRA property with DEMIRS annually, with the registration becoming mandatory on 1 January 2025.

The City's current registration process under the *Holiday Home Local Law 2012* regulates the registration and management of holiday homes, complementing the existing planning framework. It is intended that the revised draft LPP4.1 be modified to require an operational management plan that will primarily capture conditions of registration that apply under the current Local Law.

It is intended that the operational management plan will require the following detailed information:

- Contact details of the property manager.
- Arrival and departure procedures.
- The location and details of any signage identifying the premises and manager contact details.
- Location of all on-site parking and alternative transport options (i.e. public transport, e-scooter information).
- Noise management.
- Complaint management procedure.
- Pet permissions and requirements.
- Waste Management procedure.
- Emergency Evacuation procedure.

A code of conduct will additionally be required and must be displayed in a prominent position within the dwelling to reinforce the expectations of all occupants and their guests.

Bushfire

The current LPP4.1 requires that holiday homes satisfy the provisions of *Local Planning Policy 4.2 Bushfire* which outlines that all vulnerable land uses must submit a bushfire management plan in accordance with the *Guidelines for Planning in Bushfire Prone Areas – December 2021*. Changes to SPP3.7 and the Regulations have meant that STRA will not be considered a vulnerable land use with the *Planning in Bushfire Guidelines – September 2024* explicitly exempting STRA from the requirements of the bushfire framework.

A Bushfire Emergency Plan (BEP) is considered a suitable alternate mechanism for addressing bushfire emergency procedures and will be required to be communicated to occupiers of an unhosted STRA. A BEP consists of preparedness, prevention and response activities and is to be prepared by a level two or three bushfire practitioner. LPP4.1 has subsequently been updated to require that all unhosted STRA located in a bushfire prone area provide a BEP.

Approval period

The draft revised LPP4.1 proposes to provide for an initial development approval period of 24 months. Following the initial approval period, the City in considering an application for renewal on a permanent basis will have due regard to any valid complaints made to the City and any changes made to the operation of the unhosted STRA.

The City's current Holiday Home registration system will be replaced by DEMIRS STRA registration scheme which came into effect on 1 July 2024. The City will be advised by DEMIRS on a monthly basis of any new registrations made. The registration scheme will additionally allow the public to

check if a property has an approval from the relevant local government. The City's registration scheme allowed the City to monitor and minimise the risk of causing a nuisance to adjoining properties. Where a property failed to meet the conditions of the local law and development approval, the City had the ability under the *Holiday Home Local Law* to cancel registration.

The introduction of an initial 24-month approval period will provide the City with an opportunity, in the absence of a City registration scheme to review and ensure that development approvals are continuing to operate in accordance with their conditions of approval and that the amenity of adjoining and nearby properties is being maintained.

Consultation

Clause 4.18.5 of LPS21 currently requires that where 'Holiday Homes (Single Houses)' accommodate greater than nine (9) occupants, the use be considered as an 'A' use, requiring public advertising pursuant to Clause 64 of the Deemed Provisions. 'Holiday Homes (Multiple/Grouped Dwellings)' are listed as an 'A' use in Table 1 – Zoning Table of LPS21 meaning that the use is always subject to public consultation. The amendments to the scheme are proposing to delete Clause 4.18.5 and that 'Unhosted STRA' will be a 'D' use in all zones where a dwelling can be considered as outlined in item 11.3 of this agenda.

Current community consultation for Holiday Homes as required under LPS21 provides adjoining owners with an opportunity to review the proposal and provide any feedback, in particular where the use is likely to have an impact on the amenity of adjoining or nearby properties. It is recommended that the current consultation requirements of LPS21 be captured within the revised draft LPP4.1 and consultation will be required where nine (9) or more occupants are proposed within a Single House and any Grouped or Multiple Dwelling.

Community consultation will be in accordance with clause 64(4) of the deemed provisions of the Regulations.

Statutory Environment

Legislation

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Short-Term Rental Accommodation Act 2024.

Holiday Home Local Law 2012.

State Government Policies

State Planning Policy 3.7 Bushfire

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

[City of Busselton Local Planning Scheme No. 21](#)

[City of Busselton Local Planning Strategy 2019](#)

Policy:

State Planning Policy 3.7 Bushfire ([SPP 3.7](#))
[Regulation of Holiday Homes](#)

Financial Implications

The introduction of an initial 24-month approval period and subsequent permanent approval will see approximately 200 additional applications lodged from 2027 onwards for permanent approval, generating an approximate additional annual revenue of \$59,000. This cost excludes staff costs for registration and assessment of applications for permanent approval.

External Stakeholder Consultation

The consultation requirements for proposed amendments to a local planning policy are stipulated in the Regulations. Clause 5 of the deemed provisions of the Regulations require amendments to a policy be advertised for a period of not less than 21 days. The local government may make an amendment to a local planning policy without advertising if, in the opinion of the local government, the amendment is minor.

Advertising is proposed in accordance with the Regulations for a period of 21 days and will include:

- A notice on the City's 'Your Say' Busselton website.
- A notice within the local community newspaper.
- Notices on the City's social media platforms and media release.
- Notices at the City's administration building and libraries.
- Letters to Industry bodies -
 - Australian Hotels Association.
 - Busselton Chamber of Commerce and Industry.
 - Dunsborough Yallingup Chamber of Commerce and Industry.
 - Margaret River Busselton Tourism Association.
 - Real Estate Institute of Western Australia (SW).
- Letters to Incorporated Community Groups -
 - Dunsborough Progress Association.
 - Injidup Residents' Association.
 - Port Geopraphe Landowners Association.
 - Residents of Eagle Bay Association.
 - Yallingup Residents' Association.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Advertise the draft revised LPP4.1 with modifications; or
2. Not support the advertising of the draft revised LPP4.1.

CONCLUSION

The revised draft LPP4.1 will support the planning framework for short-term rental accommodation introduced through amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015*. It provides clear guidance and direction in line with current legislative requirements.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Consultation of the draft revised <i>Local Planning Policy 4.1 Unhosted Short-Term Rental Accommodation</i> .	Within one month of decision.
Adoption of the revised <i>Local Planning Policy 4.1 Unhosted Short-Term Rental Accommodation</i> .	Within three months of decision.

11.3. Short Term Rental Accommodation Scheme Amendment

Strategic Theme:	Key Theme 2: Lifestyle 2.2 Work with key partners to facilitate a safe, healthy and capable community. Key Theme 3: Opportunity 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
Directorate:	Community Planning
Reporting Officer:	Senior Strategic Planner – Justin Biggar
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Planning Bulletin 115/2024 [11.3.1 - 7 pages] 2. Unhosted Short Term Rental Accommodation Exclusion Area [11.3.2 - 1 page] 3. AMD21 0061 Amendment Report [11.3.3 - 18 pages]

OFFICER RECOMMENDATION

That the Council:

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), initiates Amendment No. 61 to the City of Busselton Local Planning Scheme No. 21 (the Scheme) for community consultation for the purposes of amending the Scheme text as follows:
 - a) In Schedule 1 (Interpretations) and/or Table 1 (Zoning Table) delete the following land use terms;
 - Bed and Breakfast;
 - Chalet;
 - Guesthouse;
 - Holiday Home (Multiple/Grouped Dwelling);
 - Holiday Home (Single House);
 - Rural Holiday Resort;
 - Rural Tourist Accommodation;
 - Tourist Accommodation;

- b) In Schedule 1, Division 1, insert the following definition for cabin —
means a building that;
- (a) is an individual unit other than a chalet; and*
 - (b) forms part of*
 - (i) tourist and visitor accommodation; or*
 - (ii) a caravan park;**and*
 - (c) if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12 month period.*
- c) In Schedule 1, Division 1, insert the following definition for chalet —
means a building that;
- (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and*
 - (b) forms part of;*
 - (i) tourist and visitor accommodation; or*
 - (ii) a caravan park;**and*
 - (c) if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12 month period.*
- d) In Schedule 1, Division 2, insert the following definition for tourist and visitor accommodation;
- (a) means a building, or a group of buildings forming a complex, that;*
 - (i) is wholly managed by a single person or body; and*
 - (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12 month period; and*
 - (iii) may include on-site services and facilities for use by guests; and*

(iv) in the case of a single building – contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;

and

(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but

(c) does not include any of the following;

(i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);

(ii) a caravan park;

(iii) hosted short-term rental accommodation;

(iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);

(v) a park home park;

(vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);

(vii) a road house;

(viii) workforce accommodation.

e) In Table 1 – Zoning Table, insert in alphabetical order the following land uses and permissibility;

(i) Hosted short term rental accommodation; designate as a 'P' use in zones where a dwelling is permissible and 'X' in all other zones.

(ii) Unhosted short-term rental accommodation; designate as 'D' use in zones where a dwelling is permissible and 'X' in all other zones.

(iii) Tourist and visitor accommodation; designate as 'D' use in the Centre and Tourism zones, 'A' use in the Rural, Viticulture and Tourism, Rural Landscape and Conservation zones and 'X' use in all other zones.

- f) Amending clause 3.5 “Exceptions to the Zoning Table” by inserting clause 3.5.3 (e) to read as follows;

“within the Rural, Viticulture and Tourism, Rural Landscape and Conservation zones, any serviced apartments as defined at clause (b) of the tourist and visitor accommodation land use definition.”

- g) Amending clause 3.12 “Discontinuance of a Non-Conforming Use” by replacing references to ‘holiday home (single house)’ and ‘holiday home (multiple/grouped dwelling)’ with ‘unhosted short-term rental accommodation.’

- h) Delete clause 4.18 “Bed and Breakfast and Holiday Homes”.

- i) Insert new clause 4.18 “unhosted short-term rental accommodation” by inserting new clause 4.18.1 to read as follows;

The maximum occupancy rate of an unhosted short-term rental accommodation shall be either;

(a) six occupants in a grouped or multiple dwelling; or

(b) eight occupants in a single house in the Residential or Rural Residential zone; or

(c) 12 occupants in a single house in any other zone where unhosted short-term rental accommodation is permitted.

(d) Notwithstanding the above, the maximum occupancy rate for unhosted short-term rental accommodation may be limited to a lesser amount, having had regard to the relevant local planning policy.

- j) Delete clause 4.20.1.

- k) Amend clause 4.20.2 by renumbering to 4.20.1 and deleting text, ‘Notwithstanding the provisions of clause 4.19.1 and.’

- l) Amend relevant entries within Schedule 2 - 5 by replacing superseded land use terms with new land use terms as necessary.

- m) In Part 5 – Special Control Areas, insert clause 5.16 – Unhosted Short-Term Rental Accommodation Exclusion Area, to read as follows;

“5.16.1 Notwithstanding Table 1 – Zoning Table, unhosted short-term rental accommodation shall be considered an ‘X’ use where located within the exclusion area as identified on the Scheme maps.”

- n) Amend the Areas table at clause 5.1.1 to include ‘Unhosted Short-Term Rental Accommodation Exclusion.’

- o) Amend Scheme maps to delineate boundary of Special Control Area – Unhosted Short-Term Rental Accommodation Exclusion Area.

2. Pursuant to Regulation 35(2) determine that Amendment No.61 is a ‘standard amendment’ as:
- a) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - c) The amendment is not considered a complex or basic amendment.

EXECUTIVE SUMMARY

The purpose of Amendment No. 61 is to implement the State government’s planning reforms for short term rental accommodation (STRA). The amendment is required to ensure alignment with the new ‘deemed’ and ‘model’ land use classes introduced into the state planning framework through the *Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024*.

Most significantly, it includes amendments to reflect deemed land use classes for ‘hosted short term rental accommodation’ and ‘unhosted short term rental accommodation,’ along with the removal of superseded land uses, including ‘chalet’ and ‘rural holiday resort.’ As the proposed land use terms have been drafted to primarily suit the circumstances of the Perth and Peel region, the City has recommended several further text amendments beyond the scope of the state mandated changes. These additional amendments are designed to protect the rural zones from urban type development, in respect to the tourist and visitor accommodation land use definition – a consideration absent from the state mandated changes.

The amendment is recommended to be adopted for consent to advertise.

STRATEGIC CONTEXT

The proposed amendment aligns with the state mandated direction and will facilitate an innovative and diversified economy (3.2).

BACKGROUND

Short-term rental accommodation (STRA) refers to the practice of renting out a property for a relatively short period of time, usually on a nightly basis. This type of accommodation is usually booked through online platforms and is popular among travellers and visitors seeking temporary lodging. In November 2023, the Western Australian Planning Commission (WAPC) released the *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* (Position Statement) and associated Guidelines. The release of the Position Statement complemented other whole-of-government reforms relating to STRA, including development of a state-wide registration scheme for STRA.

Alongside the registration scheme, which sits separately to the planning system and is mandatory for all STRA, amendments to the Regulations were flagged as a key part of the State Government’s changes. The planning changes have triggered the need for the City to amend its scheme to align with the state framework, including the *Short-Term Rental Accommodation Act 2024* (STRA Act

2024). As detailed in the accompanying Planning Bulletin 115/2024, the local government has been recommended to implement the proposed changes by mid-2025, with a deadline of January 2026.

OFFICER COMMENT

While a one-size-fits-all approach as adopted by the State is useful for consistency and simplicity, it can result in the loss of local nuance in addressing specific issues, particularly for a local government area as large and varied as the City. For some land uses, the standardisation process would result in potentially inappropriate land use outcomes that would impinge on existing amenity.

The below table lists the mandated changes to the Scheme and where required, further recommended amendments and/or local planning policy responses to address the implications of those changes.

Superseded land use	New land use	Commentary
Bed and Breakfast	Hosted short term rental accommodation	Land use term is inconsistent with the updated Regulations and required to be removed. Replaced with ‘hosted short-term rental accommodation’ with the zoning table to be updated to make a ‘P’ use wherever a dwelling is permitted, as opposed to current ‘D’ use.
<p>Hosted Short-Term Rental Accommodation - Recommended Action: Hosted short-term rental accommodation is typically a low impact land use as owners are present on-site to manage any issues as they arise. The STRA amendment reforms are recommended to be adopted.</p>		
Chalet Guesthouse Rural Holiday Resort Tourist Accommodation	Tourist and visitor accommodation	All land use terms are inconsistent with the updated Regulations and are required to be removed. Replaced with ‘tourist and visitor accommodation.’ Consolidation into one land use term is problematic as the City was previously able to utilise the zoning table to set appropriate permissibility for the different accommodation types. For example, while a ‘chalet’ is permitted in the ‘Conservation’ zone, a larger scale ‘rural holiday resort’ is not. This presents the City with the difficulty of trying to set appropriate zoning permissibility for a land use term which essentially incorporates several different accommodation types, each of differing scale, purpose and land use intensity. Of particular concern is that the current ‘tourist accommodation,’ land use in LPS21 (which aligns with the definition of a ‘serviced apartment’) will be incorporated into the much broader definition of ‘tourist and visitor accommodation.’ Serviced apartments are an urban tourism product provided for in the Centre zones and are inappropriate in rural settings, as reflected in the current zoning table.

Tourist and Visitor Accommodation - Recommended Action:

Expressly prohibit ‘serviced apartments’ in the rural zones via an amendment to clause 3.5 ‘Exemptions to the zoning table.’

The proposed amendment is provided at clause (f) of the officer recommendation.

Inclusion in the Scheme will provide certainty for owners and residents and is considered more robust than a policy led approach which is vulnerable to variation and appeal.

It is proposed that the existing rural tourist accommodation policy will be used to further guide assessment of ‘tourist and visitor accommodation’ in the short term until new standards are introduced through the proposed Local Planning Scheme No. 22.

<p>Holiday Home (Multiple/Grouped Dwelling) Holiday Home (Single House)</p>	<p>Unhosted short term rental accommodation</p>	<p>Both land use terms are inconsistent with the updated Regulations and are required to be removed. Replaced with ‘unhosted short-term rental accommodation.’</p> <p>The consolidation of the two land use terms does not allow the City to differentiate between a holiday home in a single house or within a grouped or multiple dwelling. Where located in a grouped or multiple dwelling, there is potential for increased amenity impacts due to the typically smaller land size and proximity to neighbours.</p> <p>Further, the current definitions within the Scheme establish maximum occupancy numbers for each use, being six (6) for multiple/grouped dwellings and twelve (12) for single houses with this nuance removed in the adoption of the new state standards.</p>
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Unhosted Short-term Rental Accommodation - Recommended Action 1:

Insert maximum occupancy numbers, being 6 people for multiple/grouped dwellings and twelve people for a single house or reduced to 8 where located in the Residential or Rural Residential zone.

The proposed amendment is provided at clause (j) of the officer recommendation.

Inclusion in the Scheme will provide certainty for owners and residents and is considered more robust than a policy led approach which is vulnerable to variation and appeal.

The amendment text will insert a level of nuance that is absent from the state mandated changes and allow the local government to better consider the existing amenity of residential areas. A supporting local planning policy (LPP) will provide greater detail on the requirements for varying occupancy limits, including dwelling size, location and neighbour consultation.

The details of the LPP are contained in a separate report to Council.

Unhosted Short-term Rental Accommodation - Recommended Action 2:

Prohibit unhosted short-term rental accommodation (unhosted STRA) in identified Residential zoned areas through the introduction of Special Control Area – Unhosted Short Term Rental Accommodation Exclusion Area.

The proposed amendment is provided at clause (m) of the officer recommendation.

Inclusion in the Scheme will provide certainty for owners and residents and is considered more robust than a policy led approach which is vulnerable to variation and appeal.

Unhosted short-term rental accommodation (unhosted STRA) in established residential areas has the potential to impact the provision of long term housing supply for permanent residents. The City’s recent participation in a short term rental impact study by the University of Sydney found that unhosted STRA equated for 7.8% of Busselton’s available housing stock, compared to the 1.6% national average. While

unhosted STRA is an important component of the tourism product range, it must not be at the expense of accommodation for full-time residents, including essential workers and families. The amendment provides the opportunity to implement a robust framework to secure long term housing in identified residential areas, while still providing for unhosted STRA in areas of higher tourism amenity. The identified exclusion areas are predominately located south of Bussell Highway/west of Cape Naturaliste Road and typically feature a greater ratio of permanent owners and long term rentals. Existing unhosted STRA in the exclusion areas would be granted non-conforming use rights and allowed to continue to operate. The Residential zoned land to the north of Bussell Highway accommodates the majority of the City's unhosted STRA, owing to its proximity to tourist attractions, such as beaches and town centres. These areas would not be impacted by the proposed amendment.

Statutory Environment

The local government is required to maintain a local planning scheme that is consistent with the state planning framework, with amendments undertaken as required. The *Planning and Development Act 2005*, section 75, provides for a local government to amend a local planning scheme with reference to any land within its district. Once an amendment has been prepared and following a resolution to advertise by Council, the local government must seek the consent of the Minister to commence advertising, pursuant to section 83A of the Act.

At this stage, the Minister may request modifications be made to the amendment prior to consent being granted. Once consent is granted, the amendment will be advertised for a period of 42 days in accordance with the requirements of regulation 76A.

Relevant Plans and Policies

Key elements of the state and local framework in relation to the proposed amendment include —

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas;
- Planning for Tourism and Short-term Rental Accommodation Guidelines; and
- City of Busselton Local Planning Strategy.

Financial Implications

There are no direct financial implications associated with the officer recommendation.

External Stakeholder Consultation

Following Council decision for consent to advertise, the draft amendment will be forwarded to the Commission and the Environmental Protection Authority (EPA) for review.

The Commission has 42 days, or a longer period of authorised by the Minister, to review the amendment and provide a recommendation to the Minister. Following review, the Commission may require modifications to the amendment prior to public consultation. Concurrently, the EPA will assess the amendment within 28 days as required under section 48A of the Environmental Protection Act 1986 to determine whether environmental assessment is required.

Pending consent from the Minister, the City will commence formal consultation for a period of 42 days in accordance with regulation 76A, with consultation to involve the following —

- Your Say page containing all relevant documents;
- Notification via weekly newspaper advertisement; and
- Notification via City's newsletter and social media channels;

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve to decline the request to initiate the Amendment in its entirety and provide a reason for such a decision; or
2. Resolve to seek further information before making a decision; or
3. Resolve to initiate the Amendment subject to further modification(s) as required and justified.

It is not considered that any of the above options would be warranted in this instance.

CONCLUSION

Amendment No. 61 has been drafted to both align with the STRA framework and introduce new provisions designed to address the implications of standardisation. As recommended in discussions with the DPLH, the amendment will be accompanied by a local planning policy to provide detailed assessment guidance specific to the local government area. The recommended approach will align with the state framework while still allowing for protection of identified values.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented within 28 days of Council resolution.

11.4. Proposed ‘Springfield’ Structure Plan, Lot 3965 (No. 796) Commonage Road, Yallingup – Consideration for Final Approval

Strategic Theme:	Key Theme 1: Environment 1.1 Ensure protection and enhancement of environmental values is a central consideration in land use planning Key Theme 2: Lifestyle 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.
Directorate:	Community Planning
Reporting Officer:	Senior Strategic Planner - Noah Scott-McDonald
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Aerial Photograph [11.4.1 - 1 page] 2. Advertised Springfield Structure Plan [11.4.2 - 41 pages] 3. Schedule of Submissions [11.4.3 - 38 pages] 4. Schedule of Modifications [11.4.4 - 3 pages] 5. Revised Structure Plan Map [11.4.5 - 1 page]

OFFICER RECOMMENDATION

That the Council pursuant to Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), adopts the Springfield Structure Plan at Attachment 2 for final approval, in accordance with the modifications proposed in the Schedule of Modifications at Attachment 4.

EXECUTIVE SUMMARY

Council is requested to consider adopting for final approval the Proposed ‘Springfield’ Structure Plan, as it relates to Lot 3965 (No. 796) Commonage Road, Yallingup (the subject site). The key purpose of the proposed ‘Springfield’ Structure Plan (Springfield SP) is to provide a basis for the future subdivision and development of the site as Rural Residential lots.

The Springfield SP was adopted for advertising (Delegation S7-01F of the Council) on 5 August 2024 and was advertised for 42 days, closing on 18 September 2023. 51 submissions were received with several matters raised requiring consideration.

The purpose of this report is to set out the recommendations relating to the final adoption of the Springfield SP, following consideration of the submissions received through the advertising process. Modifications to the Springfield SP are being recommended in response to some of the matters raised in submissions and are included at Attachment 4.

Officers are recommending that the Springfield SP is adopted for final approval, subject to recommended modifications, and referred to the Western Australian Planning Commission for endorsement.

STRATEGIC CONTEXT

The site is zoned 'Rural Residential' under the City of Busselton Local Planning Scheme No. 21 (LPS21) and forms part of the Commonage Policy Area Consolidated Structure Plan area (CPACSP) which is one of the one of the City's principal Rural Residential living areas.

The proposal seeks to facilitate the subdivision and development of the SP area in a manner that is broadly consistent with the applicable State and Local level strategic planning frameworks, with a notable departure being a proposed increase in the density of development (i.e., the number of lots) when compared to the current CPACSP.

BACKGROUND

The subject site is located in Yallingup, approximately 7.6km to the south-southwest of the Dunsborough town centre and is 104.6 hectares (ha) in area (see Attachment 1) and is generally bound by Rural Residential lots to the north, Commonage Road to the east, Rural Residential lots to the south, and Butterly Road to the west.

The majority of the site has been cleared and has historically been used for agricultural purposes including livestock grazing and viticulture. Remnant vegetation covers approximately 15 ha of the site and provides the principal fauna habitat on the subject site.

Adjacent properties generally comprise Rural Residential properties (some with viticulture and low-key agricultural pursuits), cottage industries and tourist-related activities including a nearby local café and produce sales. Rows of eucalyptus trees are present along the northern and southern boundaries of the site and were likely planted as wind breaks and/or visual buffers to the adjoining Rural Residential lots.

The Proposal

The proposed Springfield SP features a subdivision of 66 Rural Residential lots. The key features are summarised as follows:

- An average lot size of 1.42 ha (Two lots that directly adjoin Commonage Road are a minimum of 5 ha).
- Retention of 15 ha of remnant vegetation within road reserves and within privately owned lots.
- Improved road and emergency access way connections to the broader road network.
- Retention of existing dwellings and dams within privately owned lots.
- Large setbacks and vegetation screening to reduce visual impacts.

The key elements of the proposed Springfield SP are further described below under appropriate subheadings. The Structure Plan document (as advertised) is provided at Attachment 2.

Lots & Staging

The proposal comprises 66 lots and is expected to accommodate an estimated population of ~172. The average lot size is 1.42 ha, while lots adjoining Commonage Road are a minimum of 5 ha. The majority of lots proposed are between 1 ha and 1.2 ha in size.

It is proposed that the SP will be developed in 5 stages as follows:

- Stage 1A and 1B - 20 lots
- Stage 2 - 13 lots
- Stage 3 - 6 lots
- Stage 4 - 8 lots
- Stage 5A and 5B - 19 lots

Public Open Space and Remnant Vegetation

Public Open Space (POS) is not required in the Rural Residential zone unless deemed necessary to protect specific landscape or environmental features. The existing CPACSP requires a minimum 20m-wide landscape buffer adjacent Commonage Road, which has been reflected in the proposed SP.

The proposal provides for the retention of 15 ha of remnant vegetation within road reserves and within privately owned lots. Limited clearing is proposed to accommodate the development of roads and the identification of building envelopes/building exclusion zones on lots is proposed to limit clearing within lots. The proposed development would result in the clearing of 46 trees with diameter at breast height (DBH) of greater than 50cm.

Landscape planting is proposed along the full Commonage Road frontage and adjacent waterway and drainage lines, as well as street tree planting across the subdivision.

Drainage Reserve and Dams

Two non-perennial creeks flow across the site into neighbouring properties. A drainage reserve in the north-western portion of the subject land is to be created at the subdivision stage to formalise the existing waterway and provide a connection from a landscape drainage swale. Local native rush and sedge species are proposed to stabilise drainage basins and conveyance swales within road verges, and to enhance nutrient stripping.

There are three existing dams that are proposed to be retained within private lots. Two small dams would be retained at the rear of Lots 17 and 18, while the large dam previously used for irrigation purposes would be retained on Lot 16 as a landscape feature (this would be fenced for safety purposes).

Movement Network & Emergency Access

Primary access to SP area is proposed from an existing cross-over connecting to Commonage Road at the Eastern end of the site. The Commonage intersection is proposed to be upgraded to a 'Rural Basic Left Turn' and 'Rural Basic Right Turn'.

It is proposed that internal movements will be accommodated by a local road network providing access from east to west across the length of the site. Butterly Road would provide two secondary connection points at the western and southern ends of the site. Footpaths are not typically provided in Rural Residential areas. Low volumes of vehicular traffic on local roads typically allow for comfortable use of the street for walking and cycling.

Two emergency access ways (EAW) are also proposed – one linking northward to the existing EAW at the end of Moriarty Place and one linking southward to the existing EAW at the end of Bayfield Court.

Community Consultation & Public Advertising

The proponent organised a community information session for adjoining landowners that was held on 18 July 2024, and which was attended by a City of Busselton representative. Following formal lodgement, the Springfield SP was adopted for advertising (Delegation S7-01F of the Council) for 42 days commencing on 5 August 2024 and closing on 18 September 2023.

Public advertising of the proposal generated a good response via public submissions, primarily from nearby/adjoining landowners. 51 submissions were received (7 agency and 44 public) and are included in Attachment 3. It is noted that a significant number of submissions raised objections to aspects of the proposal, primarily regarding the following key issues:

- Concerns that a majority of the lots are too small, are not in keeping with the lot sizes required in the CPACSP, and that the development would detract from the character of the area.
- The density of the development will have negative visual, amenity and privacy impacts.
- Environmental impacts including clearing of remnant vegetation and the potential impact on fauna.
- Traffic impacts on existing road networks emergency access, and concerns regarding the internal road network configuration.

The key issues raised are addressed in the following section of this report. Additional matters that were raised in submissions and considered to be minor in nature or outside the scope of the proposed SP have been addressed in the comment section of the schedule of submissions.

OFFICER COMMENT

The proposed Springfield SP will guide the subdivision and development of the site in a manner that is broadly consistent with the overall intent and direction of relevant state and local level strategic planning frameworks, namely the City's Commonage Policy Area Consolidated Structure Plan (CPACSP) and the WAPC's *State Planning Policy 6.1 Leeuwin-Naturaliste Ridge* (SPP6.1). However, it is noted that the proposal includes a notable increase in the density of development (i.e., the number of lots) when compared to the CPACSP.

Lot Yield, Lot Sizes & Building Envelopes

The key issue raised in public submissions is that the proposed lot sizes are too small, and that the average lot size is inconsistent with the adopted planning framework, particularly the CPACSP. Further concerns were raised regarding the impact on the privacy and views of adjoining properties, the visual character of the area, and the potential negative environmental impact.

The proponent has justified the provision of smaller lots stating that it achieves an "efficient design and layout that respects the limited supply of Rural Residential land". The proposal includes a range of measures to minimise the potential impact of the development on the character of the landscape including increased setbacks, screening vegetation, and street trees. Further, a Visual Impact Assessment and Landscape Management Plan have been developed in support of the SP to demonstrate how these issues will be addressed.

It is noted that the SP area is zoned 'Rural Residential' and accordingly does not have a feature R-Code/density code. Rather, lot sizes and building envelopes are the primary determinant of the density of development. LPS21 requires a minimum lot size of 1 ha for Rural Residential lots,

whereas the CPACSP designates a minimum lot size of 2 ha with an average lot size of 4 ha for the majority of the SP area. Lots adjoining Commonage Road are required to be a minimum of 5 ha.

The lot sizes proposed in the SP are therefore consistent with LPS21, but not the CPACSP. However, the proposed SP would effectively supersede the CPACSP, which is currently due to expire in the latter half of 2025. Structure plans usually have a lifespan of 10 years and can be amended and reviewed as required. Accordingly, the proposed Springfield SP would constitute a new planning framework for the site.

In situations where the Scheme and a Structure Plan contain conflicting provisions, the Scheme prevails. This is because Local Planning Schemes are statutory planning instruments that sit above and overrule planning instruments such as structure plans and local planning policies.

Notwithstanding the above, the SP must still balance the potential negative impacts of smaller lot sizes regarding visual management, vegetation removal, and impacts on adjoining properties. Most of the adjoining properties are typically 2 ha – 3 ha in size, however it is also noted that there currently exist 50+ lots in the 1 ha to 1.5 ha size range in the immediate vicinity of the SP area.

City Officers consider that a number of modifications are required to address matters raised in submissions. The modifications would result in additional improvements while still achieving the objectives of the planning framework and efficient use of scarce Rural Residential land. The modifications are included in full at Attachment 4, and in part at Attachment 5: Revised Structure Plan Map.

It is noted that a large majority of the site has previously been cleared for agricultural uses. Remnant vegetation should be retained wherever possible as it provides valuable habitat and character value. The small size of the majority of the lots ~ (1 ha) that are currently proposed would require removal of some remnant vegetation (predominantly large trees) to achieve planning setback/BHL requirements.

Further, lot boundaries that transect significant areas of vegetation may be prone to the construction of fencing (prohibited in the Scheme) and the associated unauthorised removal of remnant vegetation. It is considered that smaller Rural Residential lots on cleared land are more likely to be fenced to demarcate boundaries as they lack the privacy afforded by larger lots and/or established vegetation. Similarly, the construction of driveways traversing areas of significant remnant vegetation would also result in the unnecessary clearing of remnant vegetation.

These above impacts would be avoided entirely if the lot sizes specified in the CPACSP were adhered to in its current form. As such it is considered appropriate that certain lots be reconfigured and/or amalgamated to avoid unnecessary impacts to remnant vegetation. It is noted that this would result in a reduction of ~6 lots, depending on the final lot layout. Finally, additional screening vegetation, smaller building envelopes, and increased setbacks are recommended to reduce the visual impact of the proposal.

Considering the above, the following modifications are recommended:

1. Reconfigure and/or amalgamate lots in order to:
 - Avoid lot boundaries/fence lines transecting areas of remnant vegetation.
 - Reduce clearing of remnant vegetation.
 - Reduce the occurrence of driveways transecting areas of significant remnant vegetation.
 - Increase the average lot size.
2. Reduce building envelope size to a maximum of 2000sqm in alignment with LPS21, and increase setbacks to neighbouring properties where possible, to further reduce vegetation removal and increase physical and visual separation between buildings.
3. Provide a 5 metre wide landscape planting (visual screening buffer) comprised of native species along the boundary of the SP area, excluding areas on the boundary that feature:
 - Remnant vegetation.
 - Existing or proposed screening vegetation (that is not remnant vegetation).
 - A road or EAW directly abutting the SP area.

Planting shall be undertaken by the proponent at the subdivision stage. The extent of the planting may be reasonably modified following consultation with the owners of neighbouring properties and to achieve appropriate BAL compliance.

Precedent for small lot sizes

A number of submissions raised concerns that the proposal would set a new precedent that would allow a proliferation of 1 ha lot sizes in Rural Residential zoned land. As previously highlighted, LPS21 requires a range of lot sizes generally in the range of 1 ha to 4 ha, with a minimum lot size of 1 ha for Rural Residential lots. Accordingly, there is no issue with a specific precedent.

However, it is acknowledged that lot sizes of ~1 ha are not appropriate for the significant majority of Rural Residential zoned land in the City. This is due to high value remnant vegetation, extreme bushfire risk, and the existing character of these areas. This position is further reflected in the draft Local Planning Scheme No.22 (LPS22) which will seek to minimise further subdivision of Rural Residential zoned land, excluding areas that are subject to a detailed structure planning process which must be approved by the City and the WAPC.

Draft LPS22 includes a proposed 3 ha minimum lot size for any subdivision or land zoned Rural Residential, subject to the retention of all remnant vegetation on site. The 3 ha minimum will prevent the widespread subdivision of smaller Rural Residential lots (<6 ha), which would potentially result in extensive vegetation removal, the erosion of existing amenity and low-density sprawl. Subdivision under the recommended 3 ha minimum size and/or involving vegetation removal will only be considered via the structure planning process, and where there is a demonstrable wider community benefit, such as improved bushfire safety through the provision of road access.

Retention of Large Trees

The proposed retention of 15 ha of vegetation is strongly supported and it is noted that the potential impact on black cockatoo habitat is expected to be minimal. Development of the proposed Springfield SP would require the removal of 46 trees with diameter at breast height (DBH) of 50cm

or greater. The majority of these trees do not appear to have any hollows, except for three trees that do feature hollows that are considered to be unsuitable for black cockatoos.

It is noted that several of the trees that are proposed to be removed could potentially be retained if the previously identified modifications 1-3 relating to lot sizes and building envelopes are implemented. It is further noted that the protection of vegetation within larger lots is easier to achieve because there is more room to accommodate development and APZ's without impacting the vegetation.

Road Network Configuration & Emergency Access

Several submissions raised concerns with the potential increase in traffic associated with the proposal, as well as specific issues regarding the alignment/location of certain roads.

The proposed road network is broadly supported, and the TIA demonstrates that the impact of the traffic generated by the development can be sufficiently accommodated by the existing road network. Local access roads can carry up to 3000 vehicles per day and accordingly the City is satisfied that the roads are designed to safely and efficiently carry the expected vehicle traffic.

The proposal also provides for improvements for emergency access/egress despite concerns raised in submissions that it could worsen access. These improvements comprise new connections and EAWs which would improve emergency access/egress for both new and existing residents.

A number of submissions proposed two minor road realignments that would improve the proposed road network. These proposals are considered to have merit and accordingly modifications are recommended as follows:

4. Modify road layout as follows:
 - Relocate the southern road connection to/from Butterly Road. Modify the layout to re-align the north-south road to connect with Butterly Road between proposed Lots 34 and 50 as shown in Attachment 5: Revised Structure Plan Map.
 - Relocate the eastern road connection to/from Butterly Road. Modify the layout to re-align the east-west road to connect with Butterly Road between proposed Lots 28 and 29 as shown in Attachment 5: Revised Structure Plan Map.

Drainage

Based on technical advice received from DWER, additional reserves are proposed for drainage purposes as follows:

5. Modify drainage layout as follows:
 - Provide additional drainage reserves adjacent proposed Lots 19 and 28 to accommodate drainage basins/swales and associated access as shown in Attachment 5: Revised Structure Plan Map.
 - Provide expanded sections of road reserve to accommodate drainage requirements Attachment 5: Revised Structure Plan Map.

Statutory Environment

The key components of the statutory environment for the proposal are set out in the City of Busselton Local Planning Scheme No. 21 and the Planning and Development (Local Planning Schemes) Regulations 2015. Each is discussed below under appropriate subheadings.

Planning and Development (Local Planning Schemes) Regulations (2015)

The Regulations came into operational effect on 19 October 2015 and introduced deemed provisions for the preparation, advertising, and approval of structure plans. The deemed provisions are adopted into LPS21 and define the process for receiving and assessing proposed structure plans and/or modifications to the same. Local governments are to have 'due regard' to approved structure plans when making decisions relating to subdivision and development.

The structure plan application has been prepared in accordance with the requirements of the Regulations 2015 and the Structure Plan Framework (August 2015).

City of Busselton Local Planning Scheme No. 21

LPS21 sets out the aims for the Scheme area, and controls, regulates, and guides orderly and proper land use and development. A local planning scheme is to be read in conjunction with the Planning and Development (Local Planning Schemes) Regulations 2015.

The subject site is zoned 'Rural Residential' and is located within a 'Landscape Value Area' Special Control Area. The objectives of the 'Rural Residential' zone are:

- a) To provide for lots primarily for residential purposes generally in the range of 1 ha to 4 ha.
- b) To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.
- c) To set aside areas for the retention of vegetation and landform or other features which distinguish the land.

The proposed Springfield SP is generally consistent with the zone objectives.

A Landscape Value Area is land identified as a 'Special Control Area' in LPS21 and comprises areas that have a high level of natural and visual amenity and therefore additional provisions under Clause 5.4 of LPS21 apply to ensure proposed development does not compromise the amenity or scenic character of the area.

The proposed Springfield SP would facilitate subdivision and development in areas of the site that are visible from Commonage Road and would result in change to the landscape character. The proposal includes management strategies and measures to minimise the impact of the changes, including a 20m landscape buffer and larger 5 ha lots fronting Commonage Road.

The West Commonage Special Rural Zone – Precinct 5B Development Guide Plan (2002)

The West Commonage Special Rural Zone – Precinct 5B Development Guide Plan (Precinct 5B DGP) was endorsed by the WAPC in 2002. No development has occurred within the Precinct 5B DGP, which will expire in October 2025. The proposed Springfield SP would supersede the Precinct 5B DGP.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

1. State Planning Policy 6.1 Leeuwin-Naturaliste Ridge

State Planning Policy 6.1 Leeuwin-Naturaliste Ridge (SPP6.1) is the highest-order regional policy for the Leeuwin-Naturaliste area. The Land Use Strategy map of SPP6.1 shows the subject land as 'Rural Residential'.

The proposed Springfield SP would facilitate subdivision and development in areas of the site that are visible from Commonage Road and would result in change to the landscape character. Accordingly, the proposal includes management strategies and measures to minimise the impact of the changes, including a 20m landscape buffer and larger 5 ha lots fronting Commonage Road.

The proposed Springfield SP broadly accords with the vision, purpose and policies of SPP6.1. It incorporates and protects significant remnant vegetation, includes measures to minimise the impact of development on the character of the landscape, and provides for the efficient development of the land.

2. Commonage Policy Area Consolidated Structure Plan

The Commonage Policy Area Consolidated Structure Plan (CPACSP) is the overarching planning framework for subdivision, land use and development throughout the Commonage Rural Residential area. The subject site is identified as forming part of Precinct 5B.

The CPACSP indicates a requirement for a minimum lot size of 2 ha with an average lot size of 4 ha for the majority of the site. The CPACSP also states the following requirements in relation to Commonage Road within Precinct 5B:

- Min 20m-wide parkland revegetation.
- 100m building setback.
- Restricted access.
- Tree planting area/revegetation buffer/habitat corridor/non-development area.

The proposed Springfield SP is broadly consistent with the CPACSP except that it proposes substantially smaller minimum and average lot sizes across the majority of the subject site. However, as noted in the body of the report the proposed Springfield SP would constitute a new planning framework for the site, superseding the CPACSP which is currently due for expiry in 2025.

3. City of Busselton Local Planning Strategy

The Local Planning Strategy (LPS) sets out the long-term planning direction for the City and provides an overarching, strategic rationale for decisions related to the planning and development of the district.

The LPS limits new Rural Residential areas to contain low density urban sprawl and supports Rural Residential consolidation where appropriate. This includes support to pro-actively plan for and identify suitable areas for re-subdivision/consolidation of existing rural-residential development in the Commonage Rural Residential area.

4. State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas

State Planning Policy 3.7 Planning in Bush Fire Prone Areas (SPP3.7) and the associated Guidelines assist in reducing the risk of bushfire to people, property and infrastructure by encouraging a conservative approach to strategic planning, subdivision, development and other planning proposals in bushfire-prone areas.

The results of a bushfire hazard level assessment to determine the applicable hazard(s) across the land the subject of a structure plan proposal is required to inform design outcomes and demonstrate that compliance with the bushfire protection criteria in the SPP3.7 Guidelines can be achieved in subsequent planning stages. This is to be in the form of a Bushfire Management Plan or an amended Bushfire Management Plan where one has been previously endorsed.

The proposal has had due regard to SPP 3.7 and demonstrates that bushfire risk can be managed within the subject land.

Financial Implications

Not Applicable

External Stakeholder Consultation

The proposal was advertised for 42 days and closed on 17 March 2023. A total of 51 written submissions were received (7 agency and 44 public).

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place.

No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Seek further information from the proponent before making a decision.
2. Request that the proponent modify the proposal before advertising.
3. Decline the adoption of the proposed Structure Plan for final adoption for reasons to be identified.

CONCLUSION

It is recommended that the Council adopt the SP for final approval (subject to the recommended modifications) and forward it to the WAPC for consideration.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Referral of the SP to the WAPC	Within one month of Council decision

11.5. Amendment 60 to Local Planning Scheme 21 and Vasse North Structure Plan - Consideration for Adoption for Advertising

Strategic Theme:	Key Theme 2: Lifestyle 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.
Directorate:	Community Planning
Reporting Officer:	Principal Strategic Planner - Louise Korovesi
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Legislative: adoption of "legislative documents" such as local laws, local planning schemes and local planning policies.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Aerial photograph [11.5.1 - 1 page] 2. Scheme Amendment and Structure Plan Application for Vasse North - Hatch [11.5.2 - 649 pages] 3. Vasse North Structure Plan map [11.5.3 - 1 page] 4. Existing zoning [11.5.4 - 1 page] 5. Proposed zoning [11.5.5 - 1 page] 6. Schedule of modifications [11.5.6 - 2 pages]

OFFICER RECOMMENDATION

That the Council:

1. In pursuance of Part 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) adopts the Vasse North Structure Plan (Attachment 3) for consultation, subject to the modifications set out in the Schedule of Modifications (Attachment 6), to be advertised concurrently with Amendment No. 60, as set out below.
2. Requests confirmation from the Western Australian Planning Commission (WAPC) that a Structure Plan may be prepared for Vasse North in accordance with Schedule 2, cl.15 of the Regulations.
3. Considers the recommendations of the South West Design Review Panel (SWDRP) on the Vasse North Structure Plan after advertising.
4. Requires the following modifications to Amendment No. 60 of the City of Busselton Local Planning Scheme No. 21 prior to advertising:
 - a) Inserting Special Provision Area No. 78 in Schedule 3 - Special Provision Areas to read as follows:

No.	Particulars of Land	Zone	Special Provisions
SP78	Lots 9001, 9010, S19 and S20 Bussell Highway, Abbey	Urban Development	<ol style="list-style-type: none"> 1. A single structure plan is to be prepared for the entire Special Provision Area. 2. In addition to the information to be included in a structure plan outlined in Clause 16 of the Deemed Provisions, the structure plan is to address the following: <ol style="list-style-type: none"> i. Detailed consideration of the future urban form and land uses, its character and relationship to the existing urban and rural environment, particularly when viewed from the regional road network (i.e. avoid a 'sea of roofs'). ii. A Local Water Management Strategy that addresses water-related matters relevant to the proposal, including consideration of the land to the north and measures to manage risk from coastal inundation. iii. Incorporating multi-function vegetated buffers of an adequate width to ensure sufficient screening of view corridors from Bussell Highway and the Busselton Bypass.

5. Subject to the modifications detailed in Part 4 above, in accordance with Section 75 of the *Planning and Development Act 2005*, adopts Amendment No. 60 to the City of Busselton Local Planning Scheme No. 21 for advertising, for the purposes of:

- a) Rezoning Lot 9010 and portion of Lot 9010 Bussell Highway, Abbey from 'Rural' to 'Urban Development' and portion of Lots S19 and S20 Bussell Highway, Abbey from 'Conservation' to 'Urban Development'
- b) Rezoning a portion of Lot 9001 Bussell Highway, Abbey from 'Rural' to 'Conservation'
- c) Rezoning portions of Fox and Bovell Road reserves from 'Rural' and 'No Zone' to 'Urban Development'
- d) Amending Schedule 10 - Development Contribution Area to include Vasse North in DCA 4 - Vasse to read as follows:

"The Developer Contribution Plan operates in association with the endorsed Vasse Structure Plan, the endorsed Vasse Townsite Structure Plan, the endorsed Heron Lake Structure Plan, the endorsed Vasse Village Centre Structure Plan and the endorsed Vasse North Structure Plan and generally conforms to the Long-Term Financial Plan."

- e) Amending the boundary of the Landscape Value Area to align with the southern boundary of the 'Conservation' zone.
 - f) Amending the Scheme map accordingly.
6. In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No. 55 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 an amendment to amend a development contribution area and a development contribution plan.
 7. In accordance with Regulation 37(2) submits Amendment No. 60 to the WAPC for consent to advertise in accordance with r.38(1).
 8. Note that, as the Amendment is in the opinion of the Council consistent with Part V of the *Planning and Development Act 2005 (Act)* and Regulations made pursuant to the Act, upon preparation of necessary documentation, the Amendment be referred to the Environmental Protection Authority (EPA) as required by the Act, and on receipt of a response from the EPA indicating that the Amendment is not to be subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Regulations. In the event that the EPA determines that the Amendment is to subject to formal environmental assessment, this assessment is to be prepared prior to advertising of the proposal.

EXECUTIVE SUMMARY

Council is requested to consider adopting for advertising the Vasse North Structure Plan (SP) and Amendment No. 60 (the Amendment) to the City of Busselton Local Planning Scheme No. 21 (LPS21). The proposal seeks to facilitate the subdivision and development of Vasse North (the Site), a 52.5 hectare parcel of land located on the north-western side of the Busselton Bypass and Bussell Highway intersection in Vasse.

The proposal is generally consistent with the strategic planning framework as set out in the Western Australian Planning Commission (WAPC) *Leeuwin Naturaliste Sub-regional Strategy* and the *City of Busselton Local Planning Strategy*.

Officers are recommending that Amendment 60 and the Vasse North Structure Plan are adopted for advertising, subject to modifications, and referred to the Western Australian Planning Commission (WAPC).

BACKGROUND

The Amendment area is located north of the Vasse Village Centre at the north-western intersection of the Busselton Bypass and Bussell Highway, approximately 8km west of Busselton City Centre and 16km east of the Dunsborough Town Centre (Attachment 1: Aerial Photograph).

The Amendment area comprises Lots 9001, 9010, S19 and S20 Bussell Highway, Abbey and includes several gazetted, unconstructed road reserves. The area is bound by the Busselton Bypass to the south, Bussell Highway and Public Recreation reserves to the east, the Buayanyup Drain to the west and the Abbey South urban development area to the north.

Pursuant to *Local Planning Scheme 21*, the area is zoned 'Rural', 'Conservation' and 'No Zone' (the gazetted road reserves) and is partially within the following Special Control Areas: 'Landscape Value Area'; 'Floodway Area'; and 'Wetland Area'.

The Busselton Bypass separates the area from the Vasse Estate, which has been planned and developed over the past 17 years since identification as a 'Village' in *State Planning Policy 6.1 – Leeuwin Naturaliste Ridge* (SPP 6.1). The Vasse Estate comprises both established and future residential, education, recreation, commercial and industrial areas.

The majority of the Amendment area has been historically cleared of native vegetation, other than scattered paddock trees and a large stand of remnant vegetation near the south-eastern boundary of Lot 9001. A watercourse traverses Lots S19 and S20 and has connection with the Broadwater wetlands to the east of Bussell Highway.

The WAPC *Leeuwin Naturaliste Sub-regional Strategy* and the City of Busselton *Local Planning Strategy* refer to the Amendment area as 'Vasse North'.

City of Busselton Partial Moratorium on Scheme Amendments

The City adopted a Council Policy for a Partial Moratorium on Scheme Amendments on 19 April 2023, which applies until the finalisation of draft Local Planning Scheme No.22. The date for finalisation of the draft Scheme is not known.

The partial moratorium provides scope to consider amendments in some circumstances:

- A standard amendment that meets the criteria set out in the Council Policy. For example, these amendments may be considered urgent from an operational standpoint, or of strategic importance consistent with the intent and strategies of the Local Planning Strategy
- A complex amendment, prepared by the City, relating to a development contribution area or development contribution plan
- A basic amendment of any type, which would generally be administrative in nature or relate to the zoning of land so that it becomes consistent with an approved structure plan.

In accepting an amendment during the moratorium, the Council would need to be conscious of the potential impact of that on the progress of Scheme 22 (and subsequently on other landowners and the community as a whole).

The local government has the final decision on whether it prepares or adopts an amendment, as s.75 of the *Planning and Development Act 2005* outlines the local government may prepare or adopt an amendment to the local planning scheme. If the local government resolves not to proceed with a proposed amendment, the process stops at that point.

Vasse North Planning Investigation Area

The LNSRS was released by the WAPC in May 2019 to *“provide guidance to help the respective local governments implement State strategic priorities and inform local planning strategies and schemes so that robust planning decisions are made.”*

The LNSRS identified five Planning Investigation Areas (PIAs), including Vasse North and the adjacent Abbey South PIA, as land requiring *“further investigation as part of the strategic reconsideration of land use in the sub-region.”*

In 2021 the Department of Planning, Lands and Heritage (DPLH), on behalf of the WAPC, undertook detailed investigation of the PIAs identified in the Strategy to determine their suitability for a possible change of use.

The Strategy was amended in December 2021 to reflect the outcomes of these investigations and, in relation to the Vasse North PIA, the WAPC resolved to amend the LNSRS as follows:

1. Designate the following lots as ‘Urban’:
 - Lot 9001 on DP 69783
 - Lot 9010 on DP 409834
2. Designate the following lots as ‘Open Space Investigation’:
 - Lot S19 on DP 230941
 - Lot S20 on DP 230941
3. Remove the Vasse North Planning Investigation Area from the Strategy Plan.
4. Require the preparation of a single structure plan over the entirety of the land identified above. In addition to the information to be included in a structure plan outlined in Clause 16 of the Deemed Provisions, the structure plan is to set out the following:
 - A water management report that takes into consideration the land to the north and addresses all water-related matters relevant to the proposal
 - Measures to minimise the impact on visual landscape values
 - Measures to manage risk from coastal inundation
 - Open space requirements.

The Scheme Amendment and accompanying Structure Plan propose to give effect to the WAPC determination consistent with the purpose of the Strategy to guide local decision-making and inform local planning schemes.

At its meeting on 15 March 2023 the Council considered the WAPC assessment of the PIAs, in particular the identification of Vasse North for urban development instead of Vasse South. The PIAs were assessed against 10 criteria and City officers outlined concerns about the findings for the assessment of Vasse North against five of those criteria, being:

1. Drainage;
2. Flood risk;
3. Landscape value protection;
4. Visual landscape separation between Vasse and Busselton; and
5. Basic raw materials demand (land fill to raise ground level).

For the purposes of this report and consideration of proceeding with the Amendment and SP the following extract is provided from the 15 March 2023 report:

Vasse North Issue

A number of concerns with the assessment of Vasse North have already been set out above in considering Vasse South. In particular, that additional urban land at Vasse South is not needed to meet future land supply requirements, and that forms part of the rationale for removing Vasse South from the LNSRS - but that issue is not considered for Vasse North, and City officers consider there is no reason to consider that Vasse North is any more necessary than Vasse South to meet future land supply requirements. There are, however, further specific concerns with the Vasse North assessment.

With respect to criteria 1, 2 and 5 above, it is noted that, according to publicly available datasets, most of the land at Vasse North is at less than 2.0 metres AHD, with some areas at less than 1.5 metres AHD. The City's CHRMAP identifies, however, that the area may be subject of coastal flooding risk, and that consideration should be given to setting minimum finished floor levels to a minimum of 2.7 metres AHD in this area. The report asserts that the area is not included in the CHRMAP area.

Also, the recommendation of the CHRMAP that proposes a 2.7 metre AHD minimum finished floor level assumes that the eastern bank of the Buayanyup Drain can be upgraded/managed to prevent larger coastal flooding events impacting Vasse North. In the absence of that investment- which at this stage has not been subject of any design, feasibility or costing work - then the minimum finished floor level may need to be higher, perhaps 3.4 metres AHD.

The report does not appear to contain any consideration of these issues. Instead, it references a 'consultant report', a copy of which was not attached and the details of which have been redacted, which apparently set out that "approximately 900mm of fill is likely to be required".

Not specifically considered in the report, however, is that the Vasse Bypass involves a bridge over the Buayanyup Drain, the land to the north of the Vasse Bypass is visible when crossing that bridge. Whilst a reasonable job has been done managing the visual impact of the residential component of the existing Vasse development to the south of the Vasse Bypass, it is visible when crossing the bridge but, at this stage, urban development is only visible on one side of the road.

If Vasse North is developed for predominantly residential purposes, Vasse will be the only location in the City of Busselton where a 'sea of roofs' may be visible on both sides of the regional road network- undermining decades of consistent and fairly successful policy to encourage and maintain a rural or natural character to the land on at least one side of the regional road network, and there is nowhere where a 'sea of roofs' effect has been created. If Vasse North were developed for lower density development, in terms of built form density, including institutional uses such as schools, hospitals or other similar facilities, in a 'campus-like' setting, the visual and landscape impacts would be lower and more easily managed. Such uses could also be accommodated within the current zoning applicable to the land.

Also noteworthy is the fact that identification of Vasse North for urban development did not form part of the draft LNSRS, when the LNSRS was subject of community consultation. Vasse North was only added after consultation. That fact, combined with the more recent identification of Vasse North for urban development as part of the LNSRS modifications, means that the community has not at any stage been invited to comment on the concept of urban/residential development at Vasse North. Landowners in that area now, however, essentially have a right to progress more detailed planning, and, provided the various detailed/technical issues that must be addressed can be, rezoning, subdivision and subsequent development can occur.

In summary, there are significant concerns that the WAPC has identified Vasse North for urban development in the LNSRS on the basis, at least in part, of incorrect or unsupported assumptions, and that the principles applied to the assessment of Vasse North have been inconsistent with those applied to the assessment of Vasse South.

Scheme Amendment No. 60

The principal purpose of the Amendment is to rezone the subject land generally in accordance with the direction set out in the LNSRS to facilitate the subdivision and development of Vasse North through the SP. The Amendment and SP report is provided at Attachment 2. Specifically, the Amendment proposes to:

1. Replace the 'Rural' zone over Lots 9001 and 9010 with the 'Urban Development' zone, with an additional 1,813m² portion in the north-east corner of Lot 9001 being replaced by the 'Conservation' zone
2. Replace the 'Conservation' zone over the portion of Lots S19 and S20 south of the wetland area with the 'Urban Development' zone
3. Amend the boundary of the 'Landscape Value Area' to align with the southern boundary of the modified 'Conservation' zone
4. Include the relevant portions of Fox and Bovell Roads within the 'Urban Development' zone
5. Include the new 'Urban Development' zone in Development Contribution Area No. 4 and Special Provision Area No. 78, with related modifications to Schedules 3 and 10 of the LPS21.

The existing and proposed zoning maps are provided at Attachments 4 and 5.

Vasse North Structure Plan

The Structure Plan (SP) seeks to guide the subdivision and future development of Vasse North. If fully implemented, it is estimated that the proposal would accommodate 448 dwellings with a population of 1,157 persons. The technical reports submitted in support of the SP comprise the following:

- Environmental Assessment Report (SLR Consulting Australia)
- Local Water Management Strategy (JDA Consulting Hydrologists)
- Bushfire Management Plan (JBS&G)
- Traffic and Transport Assessment (Uloth & Associates)
- Transportation Noise Assessment (Lloyd George Acoustics)
- Landscape Strategy Report (Emerge Associates)
- Infrastructure Engineering Report (Stantec)

The following section provides an overview of the key elements of the proposal. The SP map is provided at Attachment 3.

Zones and Reserves

The majority of the SP is zoned Residential (20.19ha) and has the potential to yield approximately 448 dwellings at full development. A density code range of R20-R40 is applied to the area of the SP approximately 600m or further away from the Vasse Village and a density code range of R20-R60 for the area of the SP in closer proximity. An average lot size of 450m² is anticipated.

The SP identifies a 0.42ha Service Commercial zone (1,300m² net lettable area) adjacent to the entry road intersection with Bussell Highway. The Service Commercial site is cited as being suitable for large format activities, such as a garden centre, and the zone would exclude the establishment of shop retail land uses that should be located in existing centres. Part One of the SP includes a requirement for local development plan for the Service Commercial zone. This would manage development matters such as the presentation of buildings to Bussell Hwy, frontage and setback controls, fencing, vehicle access, screening and landscaping and the location and screening of car parking areas.

The SP design is also capable of accommodating a potential 2.5ha educational or community purpose facility in the street blocks on the southern side of the site's entry road.

Total Public Open Space provision is 3.56ha and meets the required 10% contribution. The SP proposes retaining 17.6ha of the currently zoned 'Conservation' which is listed as a deduction from the site area and POS contribution calculations. The balance of the 'Conservation' zoned land includes the Broadwater Swamp and much of this area is within Special Control Areas 'Wetland Area', 'Floodway Area' and 'Landscape Value Area' under LPS21. The area functions as an ecological link (see section 3 below). POS identified on the SP would be ceded free of cost at subdivision stage, however the SP is silent on the 'Conservation' zoned land and, unless addressed, would remain in private ownership. This is discussed further under the Officer Comment section of this report.

Open space is generally aligned with areas of remnant vegetation and trees would be retained where possible, combined with landscaping and revegetation to support fauna species.

The POS provision also includes a landscape buffer (to respond to visual mitigation, drainage and noise attenuation) along the interface with Bussell Highway and the Busselton Bypass, part of which would include a 1-2m high vegetated acoustic bund.

A Reserve for Public Purposes is also depicted on the SP to accommodate the existing Water Corporation Sewer Pump Station in the south-west corner of the site.

Road and Pedestrian Network

The SP features a modified street grid layout with north-south and east-west linkages. Internal access is to be provided by a network hierarchy of local roads and footpaths, with links indicated to the existing dual use path along the Bussell Highway/Busselton Bypass and the underpass on the Bypass. No internal link with the dual use path along the Buayanyup Drive is provided on the SP.

It is proposed that the SP area will be linked to the regional road network via Bussell Highway (in one location) via a roundabout. The final configuration would be subject to further planning and detailed design, and approval from Main Roads WA.

An emergency accessway (EAW) is proposed linking northwards through the Conservation zone and Broadwater Swamp to the Abbey South urban development area.

The SP proposes repurposing various portions of undeveloped road reserves for inclusion in the road network and residential and landscaped areas.

The SP seeks to integrate the existing pedestrian and cycle infrastructure, including the north-south shared path along the Buayanyup Drain, and linkages to the path network along the Bypass/Bussell Hwy and the underpass to the Vasse Village Centre.

i. Traffic Impact Assessment

The Structure Plan is accompanied by a Traffic Impact Assessment (TIA) prepared by Uloth and Associates which describes future traffic flows, intersection and access requirements to the proposed development. The TIA demonstrates that the proposed development can effectively be integrated into the existing transport network and that post development the overall road network will continue to operate effectively.

The assessment concludes the following:

- a. The proposed Vasse North Urban Development Area is expected to accommodate an overall yield of approximately 400 to 450 residential dwellings based on existing development densities within the existing Vasse development areas. If areas of higher density are developed to maximum potential this overall yield could increase to an estimated 630 residential dwellings
- b. It is estimated that the proposed Vasse North development area will generate a total of 4,050 vehicle trips per day (for the expected maximum yield of 450 dwellings). However, for analysis purposes, a 'worst-case' trip generation of approximately 4,700 vehicle trips per day has been adopted (accommodating the theoretical maximum yield of 630 dwellings)
- c. Access to Vasse North is proposed via a single local road intersection (4-way single lane roundabout) off Bussell Highway which can accommodate the theoretical maximum development yield of 4,700 vehicles per day
- d. The EAW has the potential for future conversion to a future local road at some future time, but this is not required for the adequate function of access to and from the Vasse North development
- e. If converted to a public road, the EAW connection is anticipated to slightly decrease vehicle trips to Bussell Highway to 4,100 vehicles per day. The option is not proposed as part of the Structure Plan
- f. The TIA also provides a preliminary assessment for a potential TAFE Facility to be located within the site. For an assumed capacity of 800 to 1,000 students, it is estimated that the TAFE site could generate approximately 1,300 to 1,500 vehicle trips per day. However, with a corresponding reduction of residential development, the nett traffic increase is expected to be a maximum of perhaps 1,300 vehicles per day
- g. This would increase the total future traffic flows on the single entry road to approximately 6,000 vehicles per day, which is still within the acceptable range for a Neighbourhood Connector A. Additional analysis has also been carried out for the proposed Bussell Highway – entry road roundabout under this possible alternative scenario, with results confirming that the recommended roundabout design would continue to operate at high Levels of Service A and B during the future AM and PM peak hours.

ii Transportation Noise

The site adjoins Bussell Highway and the Busselton Bypass, which are considered 'Major Traffic Routes' and therefore require preparation of a Transportation Noise Assessment (TNA) pursuant to State Planning Policy No. 5.4 Road and Rail Noise. The objectives of SPP 5.4 are to achieve specified indoor noise levels in noise sensitive areas (e.g. bedrooms and living rooms) and a reasonable degree of acoustic amenity for outdoor living areas on each residential lot.

The noise modelling undertaken for the development indicates that the outdoor noise target will be exceeded at some lots and therefore noise mitigation is to be considered in future subdivision design.

Due to the geometry of the road in relation to the proposed ground levels of future development, it is not practical to reduce traffic noise levels to below the required exposure Levels. It is therefore proposed to use a combination of an earth noise bund and building facade protection packages to achieve compliance with the requirements of the Policy.

In addition to the facade packages, where the backyards of lots are affected by traffic noise exceeding the outdoor noise targets the TNA specifies that they must also be protected by a fence or similar structure to achieve reasonable noise levels in the outdoor living area, as described at Appendix A of the TNA.

The TNA recommends the inclusion of a restriction on two-storey residential development within 150m of Bussell Highway and Vasse Bypass to be imposed as a condition of subdivision. This is included as a requirement at Part One of the Structure Plan.

Environmental and Site Conditions

i) Topography

The subject land is generally flat and low lying with scattered trees set in open pasture. Natural surface elevation is approximately 1m AHD in the north to approximately 2m AHD in the south of the site. The Buayanyup Drain forms the western boundary of the site. A surface drainage channel runs east-west across the site.

ii) South West Regional Ecological Linkages

The site is part of the South West Regional Ecological Linkages Project (SWREL) the purpose of which is to link protected natural areas with other areas of mapped vegetation. An ecological link traverses the site recognising the ecological importance of the Locke Nature Reserve to the west and the Broadwater Nature Reserve to the east. The balance of the 'Conservation' zone on the SP would continue to contribute to this ecological link.

iii) Vegetation and Fauna

The environmental values of the site have been impacted by past land use practices and is predominantly cleared of native vegetation. Remaining vegetation being classified as being Degraded to Completely Degraded. No conservation significant flora or vegetation was identified during surveys. Five conservation significant for a species were identified as having a medium likelihood of occurring within the site, however due to the modified nature of the site and its current use for grazing, it is considered unlikely that these species exist on the site.

Database searches were conducted and 57 threatened, priority and/or migratory fauna species were identified as potentially occurring within 10 km of the site. Scattered trees and the degraded wetland area are not expected to provide important or significant habitat for conservation significant species such as black cockatoos, Western Ringtail Possums (WRP) or migratory birds. The majority of the site is unlikely to meet important or critical habitat requirements for WRP due to the lack of canopy connection to adjacent areas of native vegetation. The scattered trees within the site are unlikely to support roosting or breeding by black cockatoos and would be considered low quality foraging habitat. The wetland area is unlikely to be important or critical habitat for migratory birds due to the degraded nature of the wetland and the lack of fringing vegetation.

iv) Aboriginal and European Heritage

The buffer of one Aboriginal Heritage place occurs within the site, being ID 676 Busselton Fringe Camp, 'stored data/not a site'. The buffer of this Aboriginal Heritage place occurs 13m across the southern boundary of the site. There are no state or locally listed European heritage places within the site.

v) Floodway and Wetland Areas

Broadwater Swamp, a minor, perennial watercourse, intersects the northern portion of the site, flows in an east-west direction and connects with the Broadwater Nature Reserve to the east.

Lots S19 and S20 are classified under the geomorphic wetland dataset as part Palusplain and part Estuary-Peripheral multiple use wetlands. The majority of the southern portion of the Study Area (Lots 9001 and 9010) is mapped as a Palusplain multiple use wetland. A Resource Enhancement sumpland buffer intersects the site.

Local Water Management

The Local Water Management Strategy (LWMS) for Vasse North includes retention of the first flush of rainfall within the development area and the attenuation of runoff from minor and major storm events in swales and basins prior to discharge from the area to Broadwater Swamp at flow rates similar to or less than pre-development.

The first flush of rainfall from residential lots will be retained and infiltrated within soak wells at-source and from roads will be retained, treated and infiltrated within vegetated treatment areas within basins underlain with amended soils and swales along development perimeter. The use of these bio-retention swales, inclusive of reed and fringing vegetation to provide a nutrient stripping function, will improve water quality conveyed to the receiving areas.

Stormwater runoff in the minor event will be conveyed via the stormwater pipe network (sized for the minor event) to the downstream basins and interconnected swale systems prior to discharging to Broadwater Swamp. Stormwater runoff in the major event will be conveyed via the road network with roads graded to the downstream receiving environment (Broadwater Swamp).

To minimise public risk and protect infrastructure from flooding and waterlogging, the LWMS recommends finished floor levels adjacent the Buayanyup River Main Drain and Broadwater Swamp, will be a minimum 500 mm above the major event peak flow levels and there will be a minimum 1.5 m separation from finished lots levels to pre-development average annual maximum groundwater levels (AAMGL). Subsoil drainage will provide further protection against any potential rise in groundwater levels due to development. The LWMS recommends finished floor levels at a minimum 2.70 m AHD to protect dwellings from coastal storm surge.

Bushfire Management

The site is designated as bushfire prone by the state-wide Map of Bushfire Prone Areas prepared by the Office of Bushfire Risk Management (OBRM). The predominant bushfire risk to the site is from the intact native vegetation within Locke Nature Reserve to the north-west and the vegetation within the Reserve to the east.

A Bushfire Management Plan has been prepared for the site and asserts that the risk of bushfire is readily manageable through the adoption of acceptable solutions outlined in the Guidelines and

compliance with AS 3959 mitigation measures which will result in suitable levels of defensible space, compliant APZs, suitable access provisions, appropriate firefighting water supply and increased building construction standards.

The post-development BHL assessment map suggests that all proposed development areas will be located on land with either a Low or Moderate bushfire hazard level in compliance with Element 1 of the bushfire protection criteria of the Guidelines.

A Bushfire Attack Level assessment has not been prepared as part of the BMP. It is therefore not possible to undertake a proper assessment of the impact of a BAL assessment on the SP design - in particular the premise of the BMP that the internal road network, landscaping treatments within POS and R-Code setbacks within individual lots will achieve BAL-29 or lower. This is discussed further under the Officer Comment section.

An Emergency Access Way linking Vasse North with Abbey South through the 'Conservation' zone and the Broadwater Swamp is indicated on the SP to provide secondary access for compliance with SPP3.7.

Servicing and Earthworks

Urban services are available and can be extended to service Vasse North, including reticulated sewer; reticulated water; power; telecommunications; and gas.

OFFICER COMMENT

The proposed SP and Amendment seek to facilitate and guide the subdivision and development of the Site in a manner that is consistent with the State and local level strategic planning frameworks that apply to the Vasse North, namely the City's *Local Planning Strategy 2019* and the WAPC's LNSS. The proposal has been prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 - Structure Plan Framework*.

Structure Plan Design

Given the attributes of the site, its location on the regional road network and proximity to the Vasse Village, officers feel there is value in having the SP assessed by the South West Design Review Panel (SWDRP) at its forthcoming meeting on Friday 29 November 2024. The outcome of that referral is not available for reporting purposes at this time and the Officer Recommendation includes scope to consider of any design matters raised and recommend modification(s) to the SP when it is presented to the Council for final approval following advertising.

Notwithstanding the above, officers are of the view that both the Amendment and the SP should be modified prior to advertising to address the following matters.

Service Commercial

The SP proposes a Service Commercial site on Bussell Highway. The SP suggests that the site would be suitable for large format land uses such as a garden centre, however the zone would allow for a range of permitted and discretionary commercial uses such as a service station, bulky goods showroom, motor vehicle sales, motor vehicle wash and the like.

The City of Busselton Local Planning Strategy does not support the further commercialisation of land use and development visible from regional roads within the District i.e. Bussell Highway in order to protect and enhance the visual character of the City. Given the proximity of Vasse North to the Vasse

Village (the planned neighbourhood centre for Vasse) there is not seen to be a sound planning reason to support commercialisation outside of the Vasse Village. The LPS does not support industrial/service commercial areas outside of the established activity centre framework, which is the Vasse Village. Support for the Service Commercial site would undermine consistent and reasonably successful policy to avoid the unattractive commercialisation of regional roads.

Given the above, it is recommended that the Service Commercial site be removed from the SP.

Conservation Zone

The balance of the 'Conservation' zoned land includes the Broadwater Swamp and much of this area is within Special Control Areas 'Wetland Area', 'Floodway Area' and 'Landscape Value Area' under LPS21. The area is identified as an ecological link by the South West Ecological Linkages Project.

POS identified on the SP would be ceded free of cost at subdivision stage, however the SP is silent on the 'Conservation' zoned land and, unless addressed, would remain in private ownership. The 'Conservation' zone provides scope to consider further subdivision (in this case one additional lot) and development opportunities (such as Single House, Ancillary Dwelling, Bed & Breakfast, Holiday Home and Chalet).

Considering the above, the following modifications to the SP are recommended:

- Designate the area zoned 'Conservation' as a 'Reserve for Conservation'.
- Include in Part One of the SP the requirement to prepare a Foreshore Management Plan prior to subdivision for the Reserve for Conservation.

Bushfire Management Plan

A Bushfire Attack Level assessment has not been prepared as part of the BMP. It is therefore not possible to undertake a proper assessment of the impact of a BAL assessment on the SP design - in particular the premise of the BMP that the internal road network, landscaping treatments within POS and R-Code setbacks within individual lots will achieve BAL-29 or lower.

Given this, the following modification to the SP is recommended:

- Revise the Bushfire Management Plan (JBS&G – May 2024) to include a Bushfire Attack Level assessment and BAL contour map.

Urban Land Uses

If Vasse North is developed for predominantly residential purposes as proposed, Vasse will be the only location in the City of Busselton where a 'sea of roofs' may be visible on both sides of the regional road network - undermining decades of consistent and fairly successful policy to encourage and maintain a rural or natural character to the land on at least one side of the regional road network, and there is nowhere where a 'sea of roofs' effect has been created.

If Vasse North were developed for lower density development, in terms of built form density, including institutional uses such as schools, hospitals or other similar facilities, in a 'campus-like' setting, the visual and landscape impacts would be lower and more easily managed. Such uses could also be accommodated within the current zoning applicable to the land.

Considering the above, the following modifications to Special Provision Area 78 of Amendment 60 are recommended:

- Detailed consideration of the future urban form and land uses, its character and relationship to the existing urban and rural environment, particularly when viewed from the regional road network (i.e. avoid 'sea of roofs')
- Incorporating multi-function vegetated buffers of an adequate width to ensure sufficient screening of view corridors from Bussell Highway and the Busselton Bypass.

Partial Moratorium on Scheme Amendments

The partial moratorium on amendments to Scheme 21 is intended to ensure orderly and proper planning outcomes so planning processes are streamlined, timely, and focussed on progressing Scheme 22. The key aim is to finalise Scheme 22 as efficiently as possible, such that the moratorium can be ended upon gazettal of Scheme 22.

Any new amendments to Scheme 21 could have the effect of delaying the gazettal of Scheme 22 and as such, it was considered necessary for Council to set a date at which time it would effectively cease initiating new amendments to Scheme 21. Fewer amendments in the system would also enable greater resources to be allocated to the progression of Scheme 22.

Officers are aware of wider interest from other proponents in progressing scheme amendments during the partial moratorium period. The potential initiation of Amendment 60 could provide momentum for this, and lead to additional amendments in the system that could delay Scheme 22.

Notwithstanding the above, consideration of Scheme 22 for 'Consent to Advertise' by the DPLH/WAPC is now likely to be put back until mid-2025 due to the likelihood of a state election.

The proponent has submitted the Amendment as a 'standard' amendment pursuant to the Regulations. Under the Regulations, a complex amendment means: *'an amendment to identify or amend a development contribution area or to prepare or to amend a development contribution plan.'* The proponent argues that the Amendment is a standard amendment, principally because it meets the criteria for a standard amendment set out in the partial moratorium. Officers are of the view that the Amendment does not meet all the criteria for a standard amendment set out in the partial moratorium (i.e. not considered urgent from an operational point of view or of strategic importance) and is a complex amendment by virtue of proposed changes to Development Contribution Area 4 - Vasse.

The partial moratorium provides that a complex amendment may be allowed where it is prepared by the City and relates to a development contribution area or development contribution plan. Proposed Amendment 60 does not meet this test as it is proponent-driven and is not a City-prepared complex amendment.

Statutory Environment

The key components of the statutory environment for the proposal are set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *City of Busselton Local Planning Scheme No. 21*.

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations came into operational effect on 19 October 2015 and introduced deemed provisions for the preparation, advertising and approval of structure plans (which term includes precinct structure plans). Local governments are to have 'due regard' to approved structure plans when making decisions relating to subdivision and development.

The Regulations identify three different levels of amendments – basic, standard and complex. The resolution of the local government is to specify the level of the amendment and provide an explanation justifying this choice.

The Scheme Amendment application has been submitted and justified as a 'standard' amendment by the proponent. The proposed Amendment does however seek to modify a Development Contribution Area and a Development Contribution Plan, and the Regulations define such amendments as 'complex'.

The structure plan application has been prepared in accordance with the requirements of the Regulations 2015 and the *Structure Plan Framework* (August 2015).

City of Busselton Local Planning Scheme 21

LPS21 sets out the aims for the Scheme area, and controls, regulates and guides orderly and proper land use and development. A local planning scheme is to be read in conjunction with the Planning and Development (Local Planning Schemes) Regulations 2015.

At present LPS21 zones Lots 2001 and 9010 as 'Rural'. The Rural zoned portion of the Structure Plan area is not affected by any special control areas or similar. The northern portion of the site, comprising Lots S19 and S20, is zoned 'Conservation' and within Special Control Areas (SCA) 'Landscape Value Area', 'Floodway Area', 'Wetland Area' and 'Development Contribution Area'. The SCAs set out development controls and requirements in addition to those required by the underlying zone.

The Amendment proposes to rezone the area to the 'Urban Development' zone; thereby providing a head of power for the SP to be prepared and be determined.

Relevant Plans and Policies

The key plans and policies most relevant to the proposal include:

1. *State Planning Policy 6.1 Leeuwin Naturaliste Ridge (1998)*
2. *Leeuwin Naturaliste Sub-regional Strategy (2019)*
3. *City of Busselton Local Planning Strategy (2019)*
4. *Liveable Neighbourhoods (2009)*
5. *State Planning Policy 3.7 Planning in Bush Fire Prone Areas & Guidelines for Planning in Bushfire Prone Areas (v1.4 2021)*
6. *State Planning Policy 5.4 – Road and Rail Noise (2019)*
7. *City of Busselton Coastal Hazard Risk Management and Adaptation Plan (2022).*

Each is discussed below under appropriate subheadings.

State Planning Policy 6.1 Leeuwin Naturaliste Ridge

State Planning Policy 6.1 Leeuwin-Naturaliste Ridge (SPP 6.1) provides the strategic planning framework for the Leeuwin-Naturaliste Region establishing the greater vision and guidance for land use distribution. The policy promotes sustainable development, conservation and land and resource management. Lots 9001, S19 and S20 are identified as 'Wetland Amenity Area' under SPP 6.1. Wetland Amenity Area policies relevant to the proposal include:

- LUS 3.30 Rural landscape and coastal reserve buffers between Abbey and Vasse, and Dunsborough and Abbey will be maintained to avoid urban sprawl and to create distinct communities
- LUS 3.33 The landscape separation of Abbey, Vasse and Dunsborough will be maintained.

Lot 9010 is designated 'Principal Agriculture (Horticulture and Grazing). Bussell Highway adjacent to the site is a designated 'Travel Route Corridor'.

The proposal would facilitate subdivision and development on a site that is highly visible from the regional road network and would decrease the extent of natural area separating Abbey and Vasse. The proposal includes measures to minimise the impact, including multi-function buffers along three frontages of the site.

Leeuwin Naturaliste Sub-regional Strategy

The Leeuwin-Naturaliste Sub-Regional Strategy is an overarching strategic land use planning document outlining the WAPC approach to future planning and development within the City of Busselton and Shire of Augusta-Margaret River for the next 20 years. The Strategy was amended in 2021 to reflect the outcomes of the WAPC assessment of the PIAs, with the site being designated 'Urban' and 'Open Space Investigation'.

The SP responds to this strategic direction.

City of Busselton Local Planning Strategy (2019)

The City of Busselton Local Planning Strategy (LPS) sets out the long-term planning direction for the City and provides an overarching, strategic rationale for decisions related to the planning and development of the district. The LPS identifies the Site as a Planning Investigation Area (PIA), subject to PIA assessment via the WAPC process.

The WAPC process did not reflect the PIA process set out by the LPS (i.e. the preparation of a Town site Strategy for Vasse ahead of detailed investigation of to the suitability of the Vasse North PIA for urban development). The SP responds to the LNSRS as amended by the WAPC through its PIA assessment process.

Strategy 10.2(j) of the LPS does not support the further commercialisation of land use and development visible from regional roads within the district i.e. Bussell Highway in order to protect and enhance the visual character of the City.

Strategy 8.2p(ii) of the LPS does not support industrial/service commercial areas outside of the established activity centre framework, which is the Vasse Village.

The proposal of the SP for a Service Commercial site within Vasse North and on Bussell Highway is inconsistent with the LPS.

Liveable Neighbourhoods (2009)

Liveable Neighbourhoods is the primary policy for the design and assessment of structure plans and subdivision for new and infill urban areas. The policy promotes an urban structure of walkable neighbourhoods. Community facilities and services are accessed by walking, cycling and public transport through an efficient, interconnected movement network. Employment opportunities and economic sustainability are facilitated through a coherent hierarchy of activity centres.

The SP has been designed to address the principles of *Liveable Neighbourhoods* including the urban form, road hierarchy, public open space distribution and urban water management.

State Planning Policy 3.7 Planning in Bush Fire Prone Areas & Guidelines for Planning in Bushfire Prone Areas

State Planning Policy 3.7 Planning in Bush Fire Prone Areas (SPP3.7) and the associated Guidelines assist in reducing the risk of bushfire to people, property and infrastructure by encouraging a conservative approach to strategic planning, subdivision, development and other planning proposals in bushfire-prone areas.

The results of a bushfire hazard level assessment to determine the applicable hazard(s) across the land the subject of a structure plan proposal is required to inform design outcomes and demonstrate that compliance with the bushfire protection criteria in the SPP3.7 Guidelines can be achieved in subsequent planning stages. This is to be in the form of a Bushfire Management Plan or an amended Bushfire Management Plan where one has been previously endorsed.

The SP has had due regard to SPP 3.7 and contends that bushfire risk can be managed within the site.

State Planning Policy 5.4 – Road and Rail Noise (WAPC, 2019)

The purpose of State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4) is to minimise the adverse impact of road and rail noise on noise-sensitive land-use and development within the specified trigger distance of strategic freight and major traffic routes and other significant freight and traffic routes. As Bussell Highway and the Busselton Bypass both qualify as ‘other significant traffic routes’ a traffic noise assessment is required as portion parts of the site fall within the specified 200 metre trigger distance for assessment and review.

The SP identifies measures to ensure the community is protected from unreasonable levels of transport noise in accordance with policy requirements, including building height limits within 150m of Bussell Highway and the Busselton Bypass.

City of Busselton Coastal Hazard Risk Management and Adaptation Plan (CHRMAP)

The purpose of the CHRMAP is to identify the current and projected extent of risk to private assets, public infrastructure and environmental/social/ cultural values from coastal hazards including those arising from projected sea level rise, and to provide a meaningful framework for responding to those hazards over a 100-year timeframe.

The CHRMAP Study Area is divided into 19 Management Units, each defining a section of the City coastline sharing similar characteristics. The Management Units include MU11 Abbey which extends from Buayanyup River Drain in the west to Holgate Road groyne, Broadwater Resort in the east. The planning response is to establish minimum finished floor levels (FFL) for habitable floorspace within the CHRMAP Study Area at 3.0 m AHD. For new development in areas where medium to long term protection strategy for inundation is proposed (which includes Vasse North) a minimum FFL of 3.4m AHD is recommended. Reduction to 3.0m AHD could be considered, subject to specified building standards being met.

The infrastructure/coastal management current response includes constructing a coastal seawall and then the response beyond 2043 is maintaining and extending the coastal seawall to a height of approximately 3.5 – 4.0 m AHD for protection against the 1 in 500 AEP storm surge, taking into account sea level rise. An additional response for beyond 2043 is to engage with State Government and Water Corporation to advocate for the upgrade of the eastern bank of the Buayanyup River Main Drain to 3.5 to 4.0 m AHD and to be structurally sufficient to protect the land to the east in the event of a coastal storm surge event. This area includes Vasse North.

The SP includes a Local Water Management Strategy that recommends minimum finished floor level of 2.7m AHD.

Financial Implications

There are considered to be no financial implications arising from the Officer Recommendation.

External Stakeholder Consultation

If the Council resolves to initiate the Amendment and support the SP proposal for advertising, the relevant Amendment documentation would be referred to the Environmental Protection Authority (EPA) for consideration of the need for formal assessment under Part IV of the Environmental Protection Act 1986. Should the EPA resolve that the Amendment does not require formal assessment, then the Amendment document and the SP will be advertised for 42 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

To facilitate consultation, the following actions will be undertaken:

- Targeted notices to property owners within and abutting the site, and relevant local stakeholder groups
- Notices in the local newspaper and through the Bay to Bay e-newsletter
- A notice on the City's website, including a portal to be created using the City's Your Say platform for the online lodgement of submissions.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. In accordance with Regulation 37(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, refuse to initiate Amendment No. 60 to Local Planning Scheme No. 21 and proceed to advertising for the following reasons:
 - a) The Amendment does not meet the exemptions set out in the partial moratorium as it is considered to be a ‘complex’ amendment due to proposals to amend Development Contribution Area 4 –Vasse and is not a City-prepared amendment.
 - b) The Amendment to Scheme 21 could have the effect of delaying the gazettal of Scheme 22 and provide a precedent for additional rezoning proposals to be pursued.
 - c) The Amendment not considered urgent from an operational point of view or of strategic importance.
2. In accordance with Regulation 37(5) of the Regulations provide a copy of the resolution of the Council to the Western Australian Planning Commission.
3. In accordance with Regulation 15(a)(i) do not adopt the proposed Vasse North Structure Plan for advertising, as without Scheme Amendment No. 60 to facilitate the rezoning of the land to urban development, there is no head of power to prepare a structure plan for the subject land pursuant to the Regulations.

CONCLUSION

It is recommended that the Council adopts Amendment 60, subject to the recommended modifications, and forward it to the WAPC for consent to advertise.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Referral of the Amendment to the WAPC	Within one month of the Council decision

12. INFRASTRUCTURE AND ENVIRONMENT REPORTS

Nil

13. ECONOMIC AND BUSINESS DEVELOPMENT REPORTS

13.1. Business Development, Events and Marketing Program Outcomes - November 2024

Strategic Theme:	Key Theme 2: Lifestyle 2.5 Facilitate events and cultural experiences that provide social connection. Key Theme 3: Opportunity 3.3 Continue to promote the District as the destination of choice for events and unique tourism experiences.
Directorate:	Economic and Business Development
Reporting Officer:	Events Coordinator - Peta Fussell
Authorised By:	Director Economic and Business Development - Maxine Palmer
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

OFFICER RECOMMENDATION

That the Council:

1. Endorse the following funding allocations to the below community focused events to be funded from the 2024/25 Events Budget:

Event Name	Event Date	Officer Recommendation (cash)
The Sou'West Vintage Fest	18 January 2025	\$0
Between The Lines Literature Festival - Noongar Storytelling Day	29 March 2025	\$2,000
Busselton Women's Triathlon	30 March 2025	\$3,000
The Golden Fleece 50th Anniversary Exhibition	24 May – 03 June 2025	\$0
Go Blue for June 2025	1-30 June 2025	\$2,000
TOTALS		\$7,000

2. Endorse the following funding allocations to the below economic focused events to be funded from the 2024/2025 Events Budget:

Event Name	Event Date	Officer Recommendation (cash)
Electrotechnology Training Institute Ltd 2025 ECA WA Business Retreat	20 – 23 February 2025	\$0
Nautical Drive Festival 2025	22 – 23 February 2025	\$2,000
Reptile Rampage 2025	28 – 29 March 2025	\$0
Riley Motor Club National Rally 2025	30 March – 04 April 2025	\$2,000
Busselton GC Legends Pro-am	12 – 13 April 2025	\$2,000
Cape 2 Cape Ultra	21 – 22 June 2025	\$0
TOTALS		\$6,000

EXECUTIVE SUMMARY

A meeting of the Business Development, Events and Marketing Program (BDEMP) was held on Wednesday 13 November 2024. This report presents the recommendations to be considered at this meeting.

STRATEGIC CONTEXT

Recommendations of this report furthers achievement of the City’s strategic community plan aspirations and priorities, through continuing to facilitate events and cultural experiences that provide social connection and promote the District as the destination of choice for events and unique tourism experiences.

BACKGROUND

At the Ordinary Meeting of Council held 13 April 2011, Council resolved (C1104/114) to endorse the implementation of a differential rating system whereby properties rated industrial and commercial across the City would directly contribute toward the City’s continued support of tourism, marketing and event activities.

The City also established a key stakeholder’s reference group, now known as the ‘Business Development, Events and Marketing Program’ (BDEMP) – formerly ‘Marketing and Events Reference Group’ (MERG), to make recommendations to Council with respect to the marketing and events budget allocations.

The Events Strategy was adopted in 2012 to support the vision to become the ‘Events Capital of Regional WA.’ Strategies identified to support this vision were as follows:

- Ensure identified gaps in the range and seasonality of current events were addressed
- Establish the City as number one regional destination for events
- Provide support to venue providers and organisers
- Provide support to individuals and organisations to grow and manage community events
- Have efficient internal processes
- Measure impact of events socially, economically, and environmentally
- Ensure appropriate infrastructure is available to support events

The current Events Strategy was adopted by Council in 2022. The City supports the identified strategies by structuring funding allocation to:

- Retain existing strong events
- Attract new events to address identified gaps in the variety and distribution of the events calendar
- To preference events that provide high quality, local, unique experiences
- Leverage outcomes to support other strategic projects such as the Busselton Margaret River Airport, Busselton Foreshore upgrades, the Busselton Jetty and Saltwater performing arts and convention centre.

At its meeting of 22 June 2011, Council resolved (C1106/201) to introduce a 3% Differential Rate on industrial and commercial rated properties which has increased over time to currently stand at 10%. The proceeds from the differential rate were allocated towards funding events and marketing, which has expanded over time to include supporting business development initiatives.

The adopted 2024/2025 budget for events, marketing and economic development initiatives totals \$1,441,618:

- \$ 1,039,137– Events budget
- \$ 383,770– Marketing and Economic Development initiatives budget
- \$ 18,711 – City led events

OFFICER COMMENT

A BDEMP meeting was held on Wednesday 11th November 2024, with the following matters presented:

- Update on events held since last BDEMP meeting on 16 October 2024, and new upcoming or proposed events; and
- Continued consideration of funding applications received through the Events Sponsorship Program 2024/2025 Round 2.

Requests for funding

Supporting the development and attraction of new events throughout the year, the City's Events Sponsorship Program promotes the City of Busselton as an attractive event tourism destination. A range of requests for events considered for funding are outlined below.

Requests for Funding –2024/2025 Events Sponsorship Program Round 2

Round 2 of the 2024/2025 Events Sponsorship Program opened on 1 September 2024, closing 30 September 2024. A total of twenty (20) eligible applications for funding through the Events Budget were received, of which seven (7) were assessed at the meeting of 16 October 2024 and endorsed by Council at the meeting of 20 November 2024.

A further eleven (11) applications were assessed at the meeting of 13 November 2024, comprising of the following:

- Five (5) applications for community focused events in 2024/2025, requesting a total of \$43,000.
- Six (6) applications for economic focused events in 2024/2025, requesting a total of \$75,500

Two (2) applications were also received for hallmark economic focused events in 2025/2026, requesting a total of \$240,000. These were unable to be considered, as officers have not yet received post event reports from their recent 2024 events. A strategic discussion around these events has been deferred to the December BDEMP meeting.

Applications are separated into funding streams for the purpose of evaluation:

- Community focused events - Provide social benefit and promote community connection, promote cultural diversity and inclusion, provide place making adding vibrancy and activation.
- Economic focused events – aim to attract visitation to the region, bring economic return in the form of visitor and event spend with local business, attract significant media exposure, attract funding from other sources,

The Events team evaluated all funding applications against criteria derived from the identified Diversity, Localise, Hallmark and Venues strategies. An overall score was allocated by event officers and funding recommendations based on this.

Funding recommendations are allocated on the following basis:

Community focused events

Events that score:

11 or more are to be considered for event sponsorship funding

6 - 10 funding to be considered if funds available in that round, potential partial funding

5 or less are not to be considered at all.

Economic Focused events

Events that score:

13 or more are to be considered for event sponsorship funding

8 - 12 funding to be considered if funds available in that round, potential partial funding

7 or less are not to be considered at all.

Applicants that have held their event for two or more years and been funded by the City, have demonstrated that they meet requested KPI's, and have indicated that they intend to continue holding the event in future years, may request or be offered a multi-year agreement. This allows them to plan effectively for future events and reduces administration for both the event organiser and City staff. They will however still be required to meet KPI's and provide a post event report for each year of the event before any further funding is released in future years.

Applications for funding increases of more than 25% on previous funding levels will not be considered, unless it is demonstrated that the event will substantially diversify their event offerings

to meet the City's strategic outcomes or dramatically increase their event attendance or economic outcomes as a result of increased funding.

The following requests have been received for funding for community focused events from the 2024/2025 Events Budget:

The Sou'West Vintage Fest – Swings & Roundabouts – 18 January 2025

Vintage markets, classic car show and entertainment including live music, family friendly activities and a Pin-Up Girl contest. This event was previously hosted pre-covid at Clancy's Dunsborough and Caves House Hotel.

- Event organiser: Swings and Roundabouts
- Venue: Swings and Roundabouts, Yallingup
- Estimated total attendance: 1065
- Previous funding: Nil
- Funding request: \$20k
- Proposed use of funding: Marketing & collateral, event infrastructure, staffing and community engagement
- Evaluation score: 4

Recommendation: \$0

Justification: Did not meet funding criteria due to event being held in peak summer period and activations isolated to one well-established private venue.

Between The Lines Literature Festival - Noongar Storytelling Day – Mitchell Park – 29 March 2025

Third instalment of an annual school-based festival that celebrates literature and a love of reading, aimed primarily at increasing youth literacy. Previously hosted at St Mary McKillop College, the event brings guest authors and activations for 2025 with a focus on Noongar storytelling and Southwest writers & illustrators.

- Event organiser: Dymocks Busselton
- Venue: Mitchell Park, Busselton
- Estimated total attendance: 445
- Previous funding: \$2,600
- Funding request: \$8,000
- Proposed use of funding: Author fees & accommodation
- Evaluation score: 6

Recommendation: \$2k cash + up to \$500 in-kind

Justification: Due to limited funds and medium scoring, the full requested amount is not supported, however some support is recommended due to the potential for town centre activation and meeting outcomes of the diversity strategy.

Busselton Women's Triathlon – Busselton Foreshore – 30 March 2025

Locally operated short-course triathlon targeted beginner level women and children (aged 6 to 12), encourages newcomers to the sport, promotes general fitness in an inspiring setting.

- Event organiser: Busselton Triathlon Club
- Venue: West Busselton Foreshore
- Estimated total attendance: 345
- Previous funding: \$5k
- Funding request: \$9k
- Proposed use of funding: Traffic management, fencing, PA, timing & equipment hire, trophies, photography
- Evaluation score: 6

Recommendation: \$3k cash + up to \$500 in-kind

Justification: This event scores well for community social benefits and inclusivity in a shoulder period but due to limited funds, the requested amount is not recommended.

Busselton Spinners and Weavers – Busselton Cultural Precinct - The Golden Fleece 50th Anniversary Exhibition – 24 May – 03 June 2025

Celebrating the 50th Anniversary of the Busselton Spinners and Weavers with a 'spin-in' and fibre festival at the Busselton Cultural Precinct and an exhibition of their works under the theme of *The Golden Fleece*.

- Event organiser: Busselton Spinners and Weavers
- Venue: Busselton Cultural Precinct
- Estimated total attendance: 238
- Previous funding: Nil
- Funding request: \$1k + in-kind venue hire
- Proposed use of funding: Marketing & venue hire
- Evaluation score: 7

Recommendation: \$0 cash and In-kind venue hire up to \$1k only

Justification: Due to limited funds, the requested amount is not supported but to assist in celebrating a significant community organisation milestone and activation of unique community spaces, in-kind venue hire is recommended.

Go Blue for June 2025 – Various locations – 01 – 30 June 2025

The flagship annual fundraising campaign for Busselton Hospice involving a variety of community and business led events and activations over the month of June, culminating in the Geographe Bay Winter Solstice Plunge.

- Event organiser: Busselton Hospice
- Venue: Various business & public locations across Busselton, Dunsborough & Vasse
- Estimated total attendance: 1695 (across all events)
- Previous funding: \$4k
- Funding request: \$4k
- Proposed use of funding: Marketing, event supplies and admin not covered in other partnerships

- Evaluation score: 8

Recommendation: \$2k cash + up to \$1k in-kind

Justification: This locally-owned event engages with and activates multiple local businesses during a period of sustained low visitation and high community outbound travel, whilst also raising funds and awareness for a valued community service. Due to limited funds, the full requested amount is not recommended.

The following requests have been received for economic focused events from the 2024/2025 Events Budget:

Electrotechnology Training Institute Ltd - 2025 ECA WA Business Retreat – Bunker Bay Resort – 20 – 23 February 2025

A retreat and conference hosted at Pullman Bunker Bay for businesses/individuals and industry leaders in the electrical industry to support upskilling, innovation, talent retention and safety.

- Event organiser: Electrotechnology Training Institute
- Estimated economic impact: \$225,000
- Estimated total attendance: 152
- Estimated visitors (outside of region): 152
- Previous funding: Nil
- Funding request: \$15,000
- Proposed use of funding: Marketing and collateral, promoting events and activities, paying for vendors/suppliers, printing, stationery and supplies
- Evaluation score: 4

Recommendation: \$0

Justification: Did not meet funding criteria due to event not aligning with relevant strategic outcomes or target audience.

Nautical Drive Festival 2025 – Various locations – 22 – 23 February 2025

The third instalment of an annual weekend of car related activities for the more youthful car enthusiast, complete with show & shine, car olympics and an Amazing Race style scavenger hunt exploring the region and visiting several attractions.

- Event organiser: Nautical Drive Festival
- Estimated economic impact: \$509,640
- Estimated total attendance: 1855
- Estimated visitors (outside of region): 500
- Previous funding: \$2k
- Funding request: \$7.5k
- Purpose: Equipment hire, event promotion and advertising
- Evaluation score: 8

Recommendation: \$2k cash + up to \$1,800 in-kind

Justification: Due to limited funds, the requested increase is not supported but the event period and audience aligns with strategic priorities.

Discover Deadly Reptile Rampage 2025 – Carburnup – 28 – 29 March 2025

An expo to celebrate all things local reptile and amphibian related with expert guest speakers to raise awareness of the Herpetology Industry or those with a keen interest (or fear) of this type of wildlife.

- Event organiser: Discover Deadly
- Estimated economic impact: \$545,000
- Estimated total attendance: 1045
- Estimated visitors (outside of region): 750
- Previous funding: Nil
- Funding request: \$5k
- Proposed use of funding: Marketing, equipment hire & VIP packs
- Evaluation score: 3

Recommendation: \$0

Justification: Did not meet funding criteria by aligning with the required key outcomes in the event strategy.

Riley Motor Club National Rally 2025 – Various locations – 30 March – 04 April 2025

The 2025 National Rally bringing regional, national and international motoring enthusiasts and their historic Riley Motor cars to the City of Busselton and the South West Region for a four day, five night event that includes daily itineraries of touring across the region's regional highlights.

- Event organiser: Riley Motorclub of Australia
- Estimated economic impact: \$172,400
- Estimated total attendance: 594
- Estimated visitors (outside of region): 80
- Previous funding: Nil
- Funding request: \$3k
- Proposed use of funding: Printing costs (rally book)
- Evaluation score: 10

Recommendation: \$2k cash + up to \$150 in-kind

Justification: Due to limited funds, the requested amount is not recommended, however the event program and scheduling aligns with many strategic priorities in terms of visitor demographic and extended visitation as well as showcasing a number of regional venues, therefore a reduced amount is recommended.

Busselton GC Legends Pro-am – Busselton Golf Club – 12 – 13 April 2025

The best PGA Legend Golf Players (Pro-am = professionals and amateurs) will travel to Busselton to join members, guests, spectators and sponsors in a 36-hole, weekend long tournament which will also include golf workshops and guest talks.

- Estimated economic impact: \$430,375
- Estimated total attendance: 285
- Estimated visitors (outside of region): 75
- Previous funding: Nil
- Funding request: \$20,000
- Proposed use of funding: Prize money, event promotion, catering

- Evaluation score: 8

Recommendation: \$2k cash + up to \$500 in-kind

Justification: Due to limited funds in this round, the requested amount is not supported. Event scored across several strategic criteria, and therefore reduced support is recommended.

Cape 2 Cape Ultra Marathon – Eagle Bay to Augusta – 21 – 22 June 2025

A new Ultra Marathon boutique-sized event that runs the entire length of the Cape to Cape Track plus some additional distance on either end, to make for a 50 mile and 100 mile course option run over 36 hours. Course participation will be capped to around 300 individual entrants (no teams) to preserve the integrity of the track.

- Event organiser: Fuzzy Balls Pty Ltd
- Estimated economic impact: \$1,548,750
- Estimated total attendance: 1000
- Estimated visitors (outside of region): 910
- Previous funding: Nil
- Funding request: \$20,000
- Proposed use of funding: Event branding including marquees and signage, advertising, traffic management, Starlink, truck hire
- Evaluation score: 7

Recommendation: \$0

Justification: Did not meet funding criteria through the evaluation score to align with strategic outcomes. Concerns were held around the event's ability to proceed given the potential environmental impact and approvals required through DBCA managed land.

Statutory Environment

The Officer Recommendation supports the general function of a local government under the *Local Government Act 1995* to provide for the good government of persons in its district.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Events](#)

The Officer Recommendation aligns with the City's Events Policy which specifies that the attraction, development, and approval of Events will be in accordance with the following objectives:

- a. generation of direct and indirect economic benefits to the community.*
- b. generation of social benefit, vibrancy, and promotion of cultural diversity and inclusion.*
- c. creation of a calendar of Events which brings visitors to the District year round and provides broad activation across the District and*
- d. positive promotion of the District and the South West region of WA.*

Financial Implications

The adopted budget for 2024/2025 for marketing and events totals \$1,441,618:

- \$ 1,039,137– Events budget
- \$ 383,770– Marketing and Economic Development initiatives budget
- \$ 18,711 – City led events

The adopted budget allocates \$1,039,137 towards the 2024/2025 Events Budget.

Funds currently committed for 2024/2025:

A total of \$1,028,125 is currently committed through multi-year sponsorships and Rounds 1 and 2 (partially completed), leaving a balance of \$11,012. If all recommendations within this report are supported, this will leave a balance of -\$1,988. No further funding rounds remain for 2024/2025. Due to strong BDEMP support for all recommended events, this has resulted in a recommended overspend of the 2024/2025 Events Budget. A budget amendment from the Economic Development and Marketing Initiatives budget will be undertaken should all events proceed.

External Stakeholder Consultation

Consultation was undertaken with BDEMP members, with representatives comprising the Busselton and Dunsborough Yallingup Chambers of Commerce and Industry, Margaret River Busselton Tourism Association and the City of Busselton.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. The officer recommendation does not introduce any risks identified as being of a high or medium level.

Options

Council may choose not to support the recommendations made by the BDEMP reference group and resolve not to endorse all or part of the recommendations.

CONCLUSION

The BDEMP reference group has been established by Council to make recommendations on the way in which funds raised through the industrial and commercial differential rate for the purposes of events and marketing are allocated. This report contains the recommendations made at the 13 November 2024 BDEMP reference group meeting, which if endorsed by the Council, will result in the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support the Council's vision of being recognised as the 'Events Capital WA.'

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Applicants advised of outcome of funding decision	12 December 2024
Fully executed grant funding agreements completed	30 January 2025

14. CORPORATE STRATEGY AND PERFORMANCE REPORTS

14.1. Annual Report 2023 - 2024

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager People, Culture and Strategy - Shannon Pettengell
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Annual Report 23-24 [14.1.1 - 126 pages]

OFFICER RECOMMENDATION

That the Council:

1. **Accepts the 2023-2024 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 3 February 2025 at 5.30 pm.**

EXECUTIVE SUMMARY

This report presents the City of Busselton 2023-2024 Annual Report (Annual Report) for the Council's acceptance in accordance with s.5.54 of the *Local Government Act 1995* (the Act), and seeks endorsement of a date for the holding of the Annual General Meeting of Electors, being 3 February 2025 in the 'Undalup Room' at 2 Southern Drive, Busselton at 5.30 pm.

STRATEGIC CONTEXT

The Annual Report provides the community with details of services and activities undertaken and achievements and financial performance during the financial year. The Annual Report is a key reporting document that helps to achieve the various strategic priorities of Key Theme 4 – Leadership.

BACKGROUND

The City provides an annual report of activities at the conclusion of each financial year, in accordance with the requirements of the Act and the Local Government (Administration) Regulations 1996 (the Regulations).

The 2023-2024 results in respect of Council's 11 Corporate Performance Indicators, including a report against the Corporate Business Plan actions, were presented at a Council briefing on 28 August 2024, the details of which have helped to inform the Annual Report.

A draft of the Annual Report (exclusive of financials) was provided to Council members for review.

Feedback has been incorporated into the final production of the report. The Annual Financial Report was presented to the Audit and Risk Committee at their 20 November committee meeting and is recommended for adoption at this same Council meeting.

OFFICER COMMENT

The City's Annual Report provides information about the City's progress over the financial year in respect of its priority actions, as outlined in the Corporate Business Plan (adopted by Council in September 2023) - which in turn contribute to achievement of the goals and objectives contained in the Strategic Community Plan 2021 - 2031.

Aligned to Key Themes of the City's Strategic Community Plan 2021-2031, the Annual Report provides a snapshot of achievements across key actions, projects, and core service delivery. It also outlines prescribed statutory information and includes the full suite of the City's audited financial statements along with the independent auditor's report. The forward planning section provides an overview of the City's new Council Plan 2024- 2034 and the major review undertaken of the City's Strategic Community Plan 2021 – 2031 and Corporate Business Plan 2023.

The Annual Report records Council membership as it is currently and, acknowledging that elections were held during the year, also records meeting attendance and remuneration of Council members who retired during the year.

Upon adoption of the Annual Report, hard copies will be produced for public distribution and a digital version posted to the City's website. The Annual Report will be presented at the Annual General Meeting of Electors, which, in accordance with s.5.27 of the Act, is proposed to be held on 3 February 2025.

Statutory Environment

Sections 5.53, 5.54, 5.55, and 5.55A of the Act describe the required content of a local government's annual report and how to prepare, accept, give notice of, and publish the report.

In accordance with Section 5.53 the annual report is to contain:

- A report from the Mayor or President; and
- A report from the CEO; and
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
- The financial report for the financial year; and
- Such information as may be prescribed in relation to the payments made to employees; and
- The auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
- A matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- Details of entries made under section 5.121 during the financial year in the register of complaints.

Regulations 19B(2) of the Regulations prescribes that the annual report include a range of things such as:

- Information on the annual salary range of the CEO and employees over \$130,000;
- Remuneration and allowances paid by the local government under Schedule 5.1 clause 9 during the financial year;

- Any amount ordered under section 5.110(6)(b)(iv) to be paid by a person against whom a complaint was made under section 5.107(1), 5.109(1) or 5.114(1);
- The number of Council and Committee meetings attended by each council member during the financial year;
- If available, the gender, linguistic background, country of birth and age range of council members, plus the number of Council members who identify as Aboriginal or Torres Strait Islander;
- Details of modifications made to a local government's strategic community plan and corporate business plan during the financial year;

Section 5.54 of the Act requires the Annual Report to be accepted by an absolute majority of Council before 31 December each year and published on the City's website within 14 days of acceptance.

Section 5.27 of the Act requires an annual general electors meeting be held within 56 days of acceptance of the annual report, upon the provision of 14 days' notice.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

[Corporate Business Plan 2022-2026](#)

Policy:

Not applicable.

The Annual Report provides a report of progress against the City's Corporate Business Plan for the 2023-2024 financial year and the City's Strategic Community Plan 2021-2031.

Financial Implications

There are no financial implications associated with the officer recommendation.

External Stakeholder Consultation

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

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Not accept the Annual Report noting that Council is required to accept this report no later than 31 December 2024.
2. Request changes to the Annual Report.

CONCLUSION

The City of Busselton 2023-2024 Annual Report is presented to the Council for adoption. It must be accepted by an absolute majority of the Council before being publicly released and presented at the Annual General Meeting of Electors.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Local Public Notice Given	20 December 2024
Annual General Meeting of Electors held	3 February 2025

15. CHIEF EXECUTIVE OFFICER REPORTS

15.1. Stakeholder Advocacy Plan

STRATEGIC THEME	Key Theme 4: Leadership 4.3 Make decisions that respect our strategic vision for the District. 4.4 Govern a professional organisation that is healthy, capable and engaged.
DIRECTORATE	Office of the CEO
REPORTING OFFICER	Manager Stakeholder Relations - Stephanie Addison-Brown
AUTHORISED BY	Chief Executive Officer - Tony Nottle
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
VOTING REQUIREMENTS	Simple Majority
DISCLOSURES OF INTEREST	No officers preparing this item have an interest to declare.
ATTACHMENTS	<ol style="list-style-type: none"> 1. STAKEHOLDER ADVOCACY PLAN 2024-2025 [15.1.1 - 8 pages] 2. ADVOCACY FRAMEWORK TABLE V4 [15.1.2 - 6 pages] 3. Economic and Social Profile to support advocacy - December 2024 [15.1.3 - 4 pages] 4. Position Paper 1 - Sport and Recreation - December 2024 [15.1.4 - 2 pages] 5. Position Paper 2 - Rivers and Waterways - December 2024 [15.1.5 - 1 page] 6. Position Paper 3 - Responsible Development and Housing - December 2024 [15.1.6 - 2 pages] 7. Position Paper 4 - BMRA - December 2024 [15.1.7 - 4 pages] 8. Position Paper 5 - Coastal Protection - December 2024 [15.1.8 - 1 page] 9. Position Paper 6 - Telecommunications Connectivity - December 2024 [15.1.9 - 2 pages] 10. Position Paper 7 - Community Safety - December 2024 [15.1.10 - 1 page] 11. Position Paper 8 - Major Transport Infrastructure - December 2024 [15.1.11 - 1 page]

OFFICER RECOMMENDATION

That the Council:

- 1. Endorses the Stakeholder Advocacy Plan 2024-2025**
- 2. Authorises the CEO to implement the actions within the Stakeholder Advocacy Plan 2024-2025**

EXECUTIVE SUMMARY

At the October 2024 Ordinary Council Meeting, the Council endorsed a CEO Performance Agreement 2024-2025 which included a requirement to:

Develop a stakeholder advocacy plan that sets out the Council's position in relation to strategic priorities where assistance is sought from other stakeholders such as state and federal government.

A Stakeholder Advocacy Plan has been prepared in line with this Key Focus Area and is being presented to Council for endorsement.

The CEO will provide a quarterly report to the CEO Performance Review Committee commencing in 2025 where completion of this Performance Criterion will be considered.

STRATEGIC CONTEXT

Under the Local Government Act 1995, the CEO must undergo an annual performance review, at which time negotiated deliverables are set for the year ahead.

The CEO Performance Plan 2024-2025 requests the CEO to prepare a Stakeholder Advocacy Plan as part of Key Result Area 1 - Communication.

In addition to this, reviews of the City's Community Engagement Policy and Community Engagement Framework are also underway and will be presented to Council in February 2025 in line with the CEO Performance Plan 2024-2025.

BACKGROUND

The City's Council Plan 2024-2034 contains a number of strategic projects and priorities which require support from other government agencies and/or politicians. Advocacy is therefore necessary to assist the City to achieve its goals and deliver the outcomes in the Council Plan.

There is a State Government election scheduled for March 2025, with a federal election likely to follow in May 2025. It is therefore imperative that the City directs resources to advocating to various candidates running in these elections in an effort to secure funding and support for key strategic projects and priorities.

Liaison with government agencies and politicians has already been occurring on an ongoing basis, with the Mayor, CEO and Directors all actively meeting with various external representatives about a range of matters. The Stakeholder Advocacy Plan demonstrates transparency with regard to the City's advocacy efforts and shows the community what City leaders are doing to pursue government support for key strategic priorities.

A decision from Council is now sought to ensure a proactive and streamlined advocacy effort can be undertaken from now onwards which will focus lobbying efforts on the Council's most important priorities.

OFFICER COMMENT

Following extensive community consultation and elected member workshops, a new Council Plan 2024-2034 was adopted at the October 2024 Ordinary Council Meeting. When developing this, the Council considered local community needs, along with the role of local government, existing service delivery, and resource capacity to determine six strategic priorities for the City of Busselton to focus on over the next 10 years. Advocacy will be critical to enabling the City to achieve these priorities, and key agencies and stakeholders for each have been identified in the Stakeholder Advocacy Plan.

Six Strategic Priorities

The six strategic priorities as detailed in the Council Plan 2024-2034 are as follows:

Sport and Recreation

With increasing demand for facilities, the community would like a new district sports and recreation facility with a 50m pool, indoor courts, and gym facilities, along with upgrades to existing sporting facilities, reserves and ancillary infrastructure. The key actions the City will be undertaking are:

- Finalise a review of the Sport and Recreation Facilities Strategy and progress identified priorities.
- Identify a site for a new multi-sports district sport and recreation facility and undertake feasibility analysis to confirm the scope, cost and funding sources for construction and operation.

Rivers and Waterways

The community would like the health of the Lower Vasse River, Toby Inlet and wetlands restored for environmental conservation and improved recreation. The key actions the City will be undertaking are:

- Complete the Lower Vasse River Sediment Removal Program (stage 3).
- Investigate further stages of sediment removal and the Living Streams approach for the Lower Vasse River

Responsible Development and Housing

The community would like sustainable growth and responsible development, aligned with local character. More housing diversity and stock is required to meet different needs, with adequate supporting infrastructure and amenities. The key actions the City will be undertaking are:

- Finalise and seek Ministerial approval for Local Planning Scheme No.22, with consideration for an appropriate mix of development and housing densities. Scheme 22 is a statutory document that outlines how land may be used and developed within the City of Busselton.
- Review the Local Planning Strategy; an integrated strategy that considers key planning elements, including housing diversity and density, transport, economic development and the natural environment, to guide the region's growth, development and overall character and liveability over the next 10-15 years.

Airport Services

The community would like the airport terminal upgraded with runway extensions, improved facilities, more flights to more destinations, better parking and more taxis and shuttle buses. The key actions the City will be undertaking are:

- Partner with the South West Development Commission to prepare a business case to attract funding for long-term terminal infrastructure needs at Busselton Margaret River Airport.
- Implement Phase 1 of the Busselton Margaret River Airport Master Plan; constructing a new permanent passenger terminal to accommodate forecast passenger demand.
- Investigate partnering with private suppliers to provide an airport shuttle bus, or alternative transport options, to connect with local towns and facilities.

Community Safety

The community would like more police, CCTV, lighting and mental health support services to alleviate concerns with anti-social behaviour, crime and homelessness. The key actions the City will be undertaking are:

- Collaborate with key stakeholders to develop a Community Safety Action Plan.
- Advocate for improved access to locally available specialist and mental health services and helplines, including drug and alcohol counselling and rehabilitation services, and domestic violence, family violence and sexual abuse.
- Collaborate with relevant agencies to monitor regional homelessness trends, and advocate for the State Government to respond with appropriate access to accommodation and support services.

Communication and Engagement

Find more effective ways to reach and engage with community members to listen, understand and respond to their needs, to inform people about what is happening and to explain the reasons behind the Council's decisions. The key action the City will be undertaking is:

- Review the Community Engagement Framework. The framework will consider how to reach, inform and engage with people of all ages and abilities, using an appropriate mix of digital and non-digital channels to improve the effectiveness of communication, community consultation and Council decision making.

Additional Advocacy Actions

There are also a number of additional advocacy actions listed in the Council Plan 2024-2034:

Objective 3.

Facilitate access to inclusive services, places and spaces to support community members to connect and thrive at every stage of life.

- Advocate for improved access to locally available specialist and mental health services and helplines, including drug and alcohol counselling and rehabilitation services, and domestic violence, family violence and sexual abuse.

Objective 7.

Respond to climate impacts including coastal erosion and accretion, extreme weather events and fire.

- Advocate to and work with state government agencies, as well as other key partners, to plan and implement ongoing coastal protection.

Objective 9.

Promote planning and development that supports responsible growth, diverse and affordable housing choices, and attractive, functional, well-connected neighbourhoods.

- 9.6 - Advocate for the State Government to provide sewerage and power in key locations to support population growth and economic development.

Objective 11.

Provide safe roads and transport networks.

- Advocate with business and industry and support commercial opportunities for alternative modes of transport to improve social and economic outcomes.
- 11.1 - Advocate for planning of future transport infrastructure linking Busselton and Dunsborough with Bunbury and Perth.

Objective 12.

Facilitate an innovative and diversified economy that supports investment and employment growth.

- 12.2 - Advocate for improved telecommunications infrastructure across the district.

Objective 15.

Collaborate with key partners to strengthen opportunities for education and life-long learning.

- 15.1 - Advocate for expanded higher education offerings.

Objective 18.

Provide effective marketing, communications, and community and stakeholder engagement.

- 18.2 - Develop an advocacy approach to seek government support and funding to address local community priorities, including:
 - District Sport and Recreation Facilities
 - Lower Vasse River
 - Housing
 - Busselton Margaret River Airport and Terminal
 - Coastal protection and management
 - Telecomms connectivity

Advocacy Position Papers

A number of initial Position Papers have been developed to assist City representatives with advocacy discussions. Further Position Papers may be developed as required and when further information is available (eg Expanded Higher Education Offerings – this will require further discussion with various higher and tertiary education providers to confirm the specific needs).

Should the Stakeholder Advocacy Plan be endorsed, the various Position Papers will be published on the City's website and used to support advocacy activities. It should be noted that these Position Papers will be updated regularly as information changes and projects progress, so each Position Paper will have a date applied before publication to ensure the reader can understand that the information is relevant in the context of the time it was published. In addition, Position Papers will also contain links to various web pages as appropriate, and these may also change in time as necessary. The most recent versions will be available on the website, with older versions archived to avoid confusion.

Other Advocacy Approaches

The City may also partner with the Western Australian Local Government Association (WALGA) and other local governments from time to time to collectively advocate for matters which either directly or indirectly support the City's strategic priorities within the Council Plan 2024-2034.

Statutory Environment

Under the Local Government Act 1995, the Council must undertake an annual performance review for the CEO. To enable the CEO's performance to be measured and assessed, a CEO Performance Plan 2024-2025 was prepared and endorsed by the Council in October 2024.

This agenda item presents a Stakeholder Advocacy Plan as required under Key Focus Area 1 – Communication within the CEO Performance Plan 2024-2025.

The CEO will provide a quarterly report to the CEO Performance Review Committee commencing in 2025 where completion of this Performance Criterion will be considered.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

[Council Plan 2024-2034](#)

Policy:

[City Promotion – Government Partnerships](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

Advocacy to date has involved numerous meetings and discussions with key government agencies and politicians over an extended period of time. This new Stakeholder Advocacy Plan sets out the priorities to enable the City’s representatives to advocate clearly with regard to key priorities and ensure resources are allocated in line with these.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City’s risk management framework, with risks assessed taking into account any controls already in place.

No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could amend the Stakeholder Advocacy Plan.

CONCLUSION

The attached Stakeholder Advocacy Plan details the approach to be taken to advocating for the City’s priorities as outlined in the recently endorsed Council Pan 2024-2034. This Plan demonstrates transparency with regard to the City’s advocacy efforts and shows the community what City leaders are doing to pursue government support for key strategic priorities.

The Stakeholder Advocacy Plan has been developed to satisfy one of the requirements within the CEO Performance Plan 2024-2025 Key Focus Area 1 - Communication. The CEO will provide a quarterly report to the CEO Performance Review Committee commencing in 2025 where completion of this Performance Criterion will be considered.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Council decision	11 December 2024
Implementation of approach	Advocacy activities to occur during 2025

15.2. Elected Member Information Bulletin

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Executive Assistant to Council - Katie Banks
Authorised By:	Chief Executive Officer - Tony Nottle
Nature of Decision:	Noting: The item is simply for information purposes and noting.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none">1. Council Tender Status Update Report November 2024 [15.2.1 - 2 pages]2. Current Running SAT Reviews November 2024 [15.2.2 - 2 pages]3. Council Resolution Status Update November 2024 [15.2.3 - 46 pages]4. Civil Litigation Report November 2024 [15.2.4 - 1 page]5. Busselton Jetty Reference Group meeting minutes 15 November 2024 [15.2.5 - 2 pages]6. Correspondence from the Office of Hon Hannah Beazley MLA [15.2.6 - 2 pages]

OFFICER RECOMMENDATION

That the items from the Elected Member Information Bulletin be noted*:

- Minutes of Committee Meetings
- Minor Donations Program
- Current Active Tenders
- State Administrative Tribunal Reviews Update
- Council Resolution Status Update
- Civil Litigation Update
- Busselton Jetty Reference Group meeting minutes
- Correspondence: Office of Hon. Hannah Beazley – Local Government Amendment Bill

**Shall not be in any way read that the Council endorses or supports or agrees with the matter being 'noted'. In addition, this 'noting' form of communication does not excuse any party from any obligation or responsibility in relation to the matter/s being 'noted'. It is simply a recognition that the CEO has authorised the placing of the information (being 'noted') on the public Council agenda (as opposed to other media or not at all).*

EXECUTIVE SUMMARY

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

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

INFORMATION BULLETIN

Minutes of Committee Meetings

Minutes of the Committee meetings listed in the table below are to be noted as received:

Committee	Meeting Date	Minutes
Finance Committee	6 November 2024	Minutes
Policy and Legislation Committee	20 November 2024	Minutes
Audit and Risk Committee	20 November 2024	Minutes

Minor Donations Program – November

There were no new minor donations applications approved in November 2024. The total minor donations approved as at 28 November 2024 totals \$9,050.

Current Active Tenders

The Tender update for November 2024 is provided at Attachment 1.

State Administrative Tribunal Reviews Update

The current running State Administrative Tribunal reviews is at Attachment 2.

Council Resolution Status Update

The Council Resolution Status update for November 2024 is at Attachment 3.

Civil Litigation Update

The Civil Litigation Update is at Attachment 4.

Busselton Jetty Reference Group meeting minutes

Minutes of the Busselton Jetty Reference Group meeting on 15 November 2024 are at attachment 5.

Correspondence from the Office of Hon Hannah Beazley MLA

Correspondence from the Office of Hon Hannah Beazley MLA regarding the Local Government Amendment Bill 2024 is at Attachment 6.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1. Saltwater Project Learning

MOTION

That the Council seeks a report from the CEO in September 2025 detailing the organisational learning from the Saltwater project (including its various other historical project names). The report's scope shall include but not be limited to matters the City must consider via its ARC, staff resourcing/capability plan and LTFP for any similar projects and its internal processes generally. If and where the 'learning' is deemed of a confidential nature by the CEO, then the CEO is to bring that (part of the) report separately so as not to compromise the needed transparency of the balance of the learning.

NOTICE OF MOTION

Cr Andrew Macnish has given notice that at the meeting on 11 December 2024, he will move the above motion.

REASONS

No one could reasonable believe the City cannot learn from having chosen to undertake this project. I even venture there is an obligation to learn what can be learned given what has been spent in time and effort to date. I also venture that a learning feedback loop (to better inform the future) becomes part of a high-functioning Council and City practise.

It is best practice to have a defensible timeframe on a (notice of) Motion. Timing is important on this matter because it is necessary for the requirement (for a report) to be known now so that drafting notes can be made over the Council recess on the immediate past and also made next year, as the project steams towards its finalisation. Presumably, there is a host of internal management meeting minutes that can be readily accessed to identify learning issues. The hope is that there is not a flurry of memory required come the month of September next year but simply a 'top and tailing' of the report that has been drafted along the journey.

Virtually every month, something else is learned from this project -the largest by far as a ratepayer exercise. Again, I think the community has a reasonable expectation the City commits to a learning exercise regarding this project (and in doing so, invites it into that process).

By September next year, the CEO will have completed his 2024/5 KPIs. The 2025/6 budget and end of financial year audit material will have been prepared and the report will serve as an excellent reference resource for the new Council in October 2025.

This report shall provide the basis for discussion on general and specific risk, identification, evaluation, reporting, monitoring and redressing. It shall form an important resource to inform future decision-making on (commercial) project management including expertise, extent, back-up, reference checking, outsourcing protection....

'Organisational learning' does not restrict the CEO's scope and it shall necessarily include governance and risk assessment and the provision of timely information to the community (including the ability to report to the Council publicly and confidentially simultaneously).

The published learnings might also be v useful to the public to understand the realities of governing. It is human nature to think the worst of whatever one can't see (why do you think kids are afraid of the dark?)

The purpose of the report perhaps should not be limited to just organisational learning but learning for leadership responsibility purposes, (leadership is for everyone in the Act who has a leadership role- ie, all the elected members and the CEO).

Finally, this NoM has been submitted to the Council as it was not admitted when submitted to the November ARC. This matter should also be discussed in due course.

OFFICER COMMENT

City officers will, regardless of this Notice of Motion, undertake a project closure review at conclusion of the Saltwater project, looking at the project delivery process, outcomes and learnings. Officers therefore can, if this Notice of Motion is supported, provide a report to the Council documenting the outcomes of the review and any recommendations for the future management of projects (of the size and complexity of Saltwater).

It is currently difficult to accurately forecast an appropriate timing for the completion of this review (pending completion of the project) however officers anticipate September to be the earliest achievable timeframe for a report to Council. To ensure the review can be completed as thoroughly as possible an alternate timeframe of by the end of December 2025 would be preferred by officers.

With respect to the presentation of the report to the Council and any potential confidentiality, it is the responsibility of the CEO to prepare and release meeting agendas and to determine (under the *Local Government (Administration) Regulations 1996* (Reg. 14)) whether it is likely that the meeting, or part of the meeting to which the information in the agenda refers, is to be closed to members of the public.

16.2. Protection of Railway Heritage

MOTION

That the Council prioritises the identification, celebration and ongoing future promotion of the railway heritage of the 'Rails to Trails' corridor (recently re-badged the Wadandi Track) from the Busselton Jetty to Flinders Bay, in any and all inputs/involvement the City of Busselton has regarding this land, its liaisons, promotion, management and its governance. This shall necessarily include (but not be limited to) all signage, interpretations (written and vocal) and site identifications for sidings and other rail related activities and structures.

NOTICE OF MOTION

Cr Andrew Macnish has given notice that at the meeting on 11 December 2024, he will move the above motion.

REASONS

In a recent briefing session to elected members, the new marketing of this heritage land seemed completely devoid of any railway history (1884 to 1957) when in fact, the corridor would not even exist had it not been for the establishment of the railway to serve the developing local economy* including the global market for karri and jarrah. This particular corridor also linked to other rail routes of distinction^ . As such, this vital connective settler history cannot ever be forgotten and the City of Busselton, as one of its lead custodians, must ensure this.

*In the early 1900's, the MC Davies timber company's strategy for mills situated near harbours with railways to transport the timber from its source – with iron rails, not wooden, to bear the wear and tear and not rot was instrumental in establishing Karridale and its population swelling to 1000.

*Since the earliest days of settlement, enormous volumes of Jarrah have been exported, where the streets of London, Berlin, Paris and other great European cities used Jarrah cobbles to pave the streets. Railway sleepers were shipped to Africa and Asia in the millions, where the timber was highly resistant to local termites and borers.

<https://wahwp.com/history/#:~:text=The%20British%20started%20logging%20Jarrah,covers%20with%20asphalt%20for%20roads.>

^WA's first railway was built by The Western Australian Timber Company, a privately owned company who built the line from its timber mill at Yokonup, inland from Geographe Bay, to its jetty at Lockeville, 7 kms north east of Busselton. The Lockeville-Yokonup line was 12 miles (19.3km) of narrow-gauge, 3 foot 6 inches (107cm) track and was opened in June 1871. For the first three months the rail line was worked by horses until the first steam locomotive arrived. It travelled at 25km/hour on iron rails. W.A. Timber Company was a syndicate of Victorian investors granted a timber concession of 181,500 acres on Geographe Bay in the south west of Western Australia in 1870. The locomotive ordered for the mill railway, named Ballarat, was the first steam locomotive to operate in Western Australia, and the first to be built in Australia for 1067 mm (3 ft 6 in) narrow gauge.



<https://nla.gov.au/nla.obj-256867503/view>

OFFICER COMMENT

At a meeting held 11 December 2013, the Council resolved to name the Busselton to Flinders Bay Rail Trail the "Wadandi Track" (C1312/335).

Fundamental to the interpretation of the trail is placement of the rail-trail on the original alignment of the former WA Government Railway, recognizing the significance of the railway history to the region. Additionally, it is important that recognition of the Aboriginal, European and Natural Heritage associated with the trail form part of the interpretation strategy for the Wadandi Track. Once this strategy is finalised we will present it to the Council for adoption.

In short, the intention is for all history associated with the Wadandi Track (Track) to be included in the story and interpretation. While the railway heritage will be the key focus, there are other elements that should also be promoted.

It is noted that the State Government is offering \$17.5 million to the City of Busselton and the Shire over the next 3 years to complete the remaining sections of the Wadandi Track. The City will be required to work with the Shire and the State Government as the funding body to determine and finalise plans for the works and the promotion of the track.

16.3. Phoebe Abbey Cottage Tree

MOTION

That the Council request the CEO, further to Resolution C2410/276, install a suitable sign as soon as possible on City of Busselton Road Reserve at 42 Seymour Street, West Busselton to indicate to the public that this tree is in the process of Heritage Listing by the City of Busselton, following advertising.

NOTICE OF MOTION

Cr Anne Ryan has given notice that at the meeting on 11 December 2024, she will move the above motion.

REASONS

It became obvious last week that the owner was willing to cut down a heritage significant tree. This was unconscionable as no DA has been submitted for development of the property.

Correspondence was sent to the owner to notify him of the listing and he engaged an Arborist who went through the appropriate channels. It was only because of the due diligence of community members that the tree was saved. This Notice of Motion is to ensure the tree's future whilst the process is being undertaken.

Details of previous Council decision:

*Resolution C2410/276 Moved Cr Anne Ryan, seconded Cr Jodie Lee
Request the CEO commence the process to enter the Fraxinus Excelsior (commonly known as a European Ash tree) on the grounds of Phoebe Abbey House at Lot 151 (No. 42) Seymour Street, West Busselton (PN038) individually onto the Heritage List by notifying each owner/occupier of Phoebe Abbey House (the place) and provide each of them with a description of the place and the reasons for the proposed entry.*

Reasons: Horticultural inspection has determined that the Fraxinus Excelsior on the grounds of Phoebe Abbey House at Lot 151 (No. 42) Seymour Street, West Busselton (PN038) is likely an original planting and may therefore be appropriate for inclusion on the Heritage List.

OFFICER COMMENT

The erection of a sign in the road reserve at 42 Seymour Street, Busselton is not recommended for the following reasons:

1. It will have no legal effect and merely provides information to people who are not included in the consultation process; and
2. it is not consistent with the statutory requirements or the City's existing practices for heritage listing and it is not apparent why this proposed listing should be treated differently.

Clause 1A of the Deemed Provisions (set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*) defines a heritage-protected place as a place that (amongst

other things) is included on a heritage list as defined in clause 7. A place that is under consideration for inclusion on the local government's heritage list is not a heritage-protected place.

Clause 8(3) of the Deemed Provisions states that a local government must not enter a place in the heritage list unless the prescribed consultation process has been completed. Therefore, until such time as the Fraxinus Excelsior tree on the grounds of Phoebe Abbey House is on the local government's heritage list it will not be afforded any of the protections that may apply to a heritage-protected place.

In accordance with clause 8(3) of the Deemed Provisions and Council Resolution C2410/276 the owner of the land was notified of the intention to include the tree on the heritage list and that the owner has 21 days in which to provide a submission. As at the date of the agenda being released, the City had not received a submission from the owner.

16.4. Local Planning Scheme

MOTION

That the Council resolves:

1. The CEO schedule a town planning workshop for Elected Members to enable staff to establish/explain what drivers have been used to draft the LPS to this point as soon as possible.

The workshop to be informed where draft LPS content has not been driven by any Council identified values.

The workshop will discuss the district's over-arching Local Planning Strategy and any sub-district planning strategies as a priority before discussion commences on particular LPS matters. This shall include the managing of expected population growth in parallel with existing community lifestyle expectations. All LPS discussion shall be cognisant of Council resolution of January 2024: C2401/23.

2. All attempts to certainty in the LPS as far as practicable, especially in Special Character Areas (SCA), (using the result of the Pennock case as to what takes priority in planning law application).

The LPS drafted for Ministerial consent to advertise, must clearly articulate the uniqueness of the district and accordingly, position SCA and other district-specific policies to be read in conjunction with R-Codes so the unique local character can be preserved in the unambiguous implementation of the TPS once adopted.

Any and all City of Busselton contact with the West Australian Planning Commission (WAPC) shall clearly articulate determinations of the Council at all times. Where any values-based direction has not been established, such is to be brought to the attention of the Council.

3. The following specific matters (but not limited to) will be incorporated into the workshop material in readiness for an item to return to the Council for its endorsement to seek Ministerial consent to advertising:

- More than one dwelling in the rural zone to provides accommodation for family members and workers where this does not affect the agricultural viability of farm land in any way;
- Ancillary accommodation options to be explored (responding to the housing 'crisis');
- New or renovation houses to be developed on suburban lots shall not require redesign around vegetation;
- Car parking requirements will be required for development over 200m² in Dunsborough town centre;
- Resolve the current group dwelling issue on R10/20 land;
- Lots of 1 Ha will be supported in the rural residential zone where it can be demonstrated there is appropriate street frontage (no new battle-axing to a rear lot) and none or minor vegetation clearing or there is demonstrable community benefit (such as significantly improving emergency access or undergrounding powerlines).

NOTICE OF MOTION

Cr Anne Ryan has given notice that at the meeting on 11 December 2024, she will move the above motion.

REASONS

- The draft LPS has been developed with little to no input from the Elected Members. In previous years, Elected Members have been excluded by State Government's desire to override our communities concerns with a number of changes to planning. To that end it is vital that we are able to articulate the communities concerns/wants/desires (where possible) into this Draft LPS; a document that should give clear direction to the community, staff, and Elected Members. The argument that the document will go out for public advertising after Ministerial Consent is unpalatable. We are constantly told we need to be strategic!
- It must be clearly understood we are a unique place. The LPS is not a one size fits all. We are not Mandurah, Joondalup, or Collie; we are Busselton with a unique sense of place and a vibrant, engaged community.
- This NoM has been submitted at this time to assure the community it has been heard to date in sending a clear message the community is very invested in its LPS.
- Early submission of this NoM allows all Elected Members the opportunity to consider the high level caveating best applied to the new LPS process. Basically, the community's (town planning-related) values, as expressed in recent contact/liaison with Elected Members, needs effective translation through the LPS process.
- Typically, planning strategies emanate from values, ie, how much value is placed on protecting the environment, preventing sprawl and/or high-rise densification of existing areas, traffic volumes, distances to local facilities, the siting of a future population and impacts of population growth will, at some stage, all boil down to the basic values implicit in the various positions proposed. It is the Council's role to determine the values from its interpretation of what the community will need moving forward. If values drive the strategy which frames the LPS, then the collective of Elected Members need to understand and resolve what those basic values are and ensure they are used in underpinning the development of the new LPS. As such, a workshop is required to both explain the context of how the LPS has been drafted and ensure that draft is supported by the collective Elected Members perception of community values.
- At this point, an informed cohort of passionate community members, have stated of the previously proposed process of obtaining Ministerial Consent to advertise without getting the LPS as far advanced as the community values allows; '...will be akin to "pushing back a freight train in motion" to get the City's Planning Department to seriously consider (or debate) any suggested changes that the City of Busselton's community put forward, once it gets issued for a public consultation period (following the WAPC preliminary review)...'
- Another invested cohort has suggested of the draft LPS's approach to Dunsborough.

Some issues with the current LPS Draft which have been supplied via a community forum:

- 9(a). of the LPS states; The LPS must be interpreted in accordance with the "intentions and desired outcomes" of the Local Planning Strategy. How can this be done before the Strategy is approved or does it refer to the existing out of date Strategy? The existing strategy is said to be due for review in 2024.

- Clauses 67(2) (a), (fa), (m) and (n) of the Deemed provisions in the planning Regulations all point to the need to ensure that the aims of the Scheme and the Strategy are up to date and compatible.
- 9. The Statement of Aims should include reference to and descriptions of the existing and desired characters of different parts of the City which are just as significant as environmental and heritage characteristics which are listed as parts of the aims.
- 16(2) The purposes of the District Centre (ie Dunsborough) zone are said to include the provision of “high density” residential accommodation when the maximum allowance is six storeys which is generally considered, at least by the development industry and the government, to be medium density.
- 34. This clause would allow the City, in its discretion, to grant development approval for a development that does not comply with scheme requirements. Bearing in mind that most development application for major buildings come under the jurisdiction of DAP’s now, the grant of discretions in this clause effectively allow the DAP to ignore provisions of the scheme in its discretion. It would be preferable not to allow that discretion, at least against the recommendation of the City.
- Schedule E Table A 1. Building height – the Scheme should be far more specific in its definition of the character and desired character of the District Centre of Dunsborough and thereby require the DAP to observe the character that the local community seeks to preserve.

2. Commercial Development – the allowable uses in the District Centre specifically exclude light industry such as motor vehicle servicing. The question arises – what provision should now be made for light industry in the Dunsborough area. It is unacceptable to the Dunsborough community to suggest that it should go to Vasse or Busselton for day to day services such as vehicle servicing.

- Schedule E Table B Peppermint Tree retention requirement is generally welcomed. The questions arise – what about other notable trees and environmental issues should also be considered and what zones other than residential should be covered.
- Schedule D ASR 6 1. The proposed site on Lot 6 for a Service Commercial use must be required to include light industrial uses such as motor repairs as stated above. One of the stated requirements for the development of Lot 6 and also the PIA land is the inclusion of some light industrial designations. It is insufficient to simply require service commercial uses.

2. The allowance of residential lots between the creek line and Commonage Road is opposed
Schedule G SCA 7 Dunsborough Town Centre – the height limit provisions appear to contradict the recent scheme amendment imposed by the Minister for Planning in Amendment 52.

- Schedule G SCA 10-13 Special Character areas - Without relevant policies it is not possible to determine the intent or effect of these provisions but at least in the case of Old Dunsborough the Schedule does not even attempt to define or describe the character sought to be protected.
- In light of the reality that the Council now has virtually no capacity to comment on, let alone decide, development applications for single houses, and generally speaking, the exercise of discretion in dealing with those development applications is permitted, it is vitally important for the Council to state, in planning policies that must be observed by planning officers, the critical features of the special character that it requires to be protected.
- Statements of principle in this respect should be included in the Local Planning Strategy but are not included in the existing strategy. The Council should require that the new Planning Strategy incorporates them.
- The specific requirements listed in the controls for each special character area in respect of which no discretion is allowed or the discretion is significantly limited, should also be defined in the relevant parts of schedule G of the draft scheme, with instructions as to the exercise of the discretion

OFFICER COMMENT

The City was instructed in 2019 by the WAPC to prepare a new local planning scheme for the following reasons:

1. To ensure timely compliance and consistency of the City's scheme with relevant State legislation, planning policies, and contemporary planning and development controls.
2. To address complex planning issues and inefficient operation of Scheme 21, which are best resolved through the preparation of a new scheme.

In response to this directive staff engaged in preliminary work to inform the preparation of Scheme 22 and in April 2023 (C2304/065) the Council resolved to prepare a new planning scheme. The agenda item for this decision included the following comment;

Scheme 22 will seek to achieve alignment with the State planning framework, with minimal substantive change to planning and development outcomes. However, some planning issues that are unique to Scheme 21 and/or the broader Leeuwin-Naturaliste sub-regional area are required to be addressed. For example:

1. *The zoning and/or designation of reserves over private land, for example east of Causeway Road, broadly surrounding Molloy Street.*
2. *Lot density bonuses for some Residential zoned lots, that are greater than density bonuses permitted through the Residential Design Codes.*
3. *Provisions set out in Statement of Planning Policy 6.1 Leeuwin-Naturaliste Ridge Policy that have been incorporated into zones unique to Scheme 21, noting that those 'unique' zones are required to be renamed and/or consolidated, to be consistent with the current State planning framework, and some provisions unique to those zones will be lost.*

To inform potential changes to the new scheme, officers will engage in a series of meetings with key government agencies. An assessment of bushfire risk is also required, and a study has been commissioned to assess that risk for the parts of the District that are under-developed and/or of high environmental value.

The new scheme was always intended to be largely 'policy neutral' in that it was translating the existing scheme into the contemporary format required by the current State Planning legislation. It is not intended that the Scheme incorporates large scale changes as this would logically follow the review of the Local Planning Strategy, which is scheduled as per the City's recently endorsed Council Plan to begin in 2025/26 (subject to budget).

Staff have held a number of briefings with elected members on the drivers of the new scheme and the proposed changes. In addition, a planning workshop was held with elected members on 1 May 2024 in accordance with Council resolution of January 2024: C2401/23. This workshop covered the State strategic framework, the City strategic planning priorities for 2024/25 and future planning priorities. A Gant chart was also provided for the LPS22 review covering the process for the new scheme, community consultation program, and local planning policy review schedule. This included a proposal to advertise the revised Special Character Area Policies in conjunction with the new Scheme. This is still intended to occur and will be presented formally in the new year to Council.

It should be noted that many of the existing structure plans within the Scheme will fall away in October 2025 due to State regulation changes. Staff have worked hard to translate the required controls from some 300 structure plans and Development Guide Plan's into the new Scheme in order to retain control over these important development areas. As such, and given that the new Scheme is not intended to propose wholesale changes, there is some level of urgency in advertising the new Scheme.

In relation to the specific items listed in point 3 of the NoM staff provide the following comments;

More than one dwelling in the rural zone to provide accommodation for family members and workers where this does not affect the agricultural viability of farmland in any way;

LPS22 allows for both ancillary accommodation and workforce accommodation in the Rural zone to accommodate family members and/or workers as required. It is likely that a policy will need to be established during the consultation for LPS22 to clarify the requirements around this. The ability to have a second dwelling was previously removed from LPS21 by the Council in 2019 as it was subject to mis-use, essentially seeking a grouped dwelling arrangement unconnected to the actual working requirements of the property.

Ancillary accommodation options to be explored (responding to the housing 'crisis');

Ancillary accommodation is available across all lots where a single dwelling is permitted. The requirements in the Rural Residential zone have been further loosened/simplified in draft LPS to make the process easier (e.g. attachment to main dwelling not required, not required to be family member, slightly increased size). The R-Codes have also changed the requirements to allow ancillary housing on grouped dwelling lots, which was previously prohibited.

New or renovation houses to be developed on suburban lots shall not require redesign around vegetation;

This position appears to be inconsistent with previous indications from elected members and the community requesting greater protection for vegetation. Such a stance would see the continued erosion of peppermint trees and other vegetation in urban areas.

Car parking requirements will be required for development over 200m² in Dunsborough town centre;

This is at Council's discretion if they wish to take this approach.

Resolve the current group dwelling issue on R10/20 land;

If this relates to the density bonus that exists in the current scheme, it is proposed that this be removed in LPS22.

Lots of 1 Ha will be supported in the rural residential zone where it can be demonstrated there is appropriate street frontage (no new battle-axing to a rear lot) and none or minor vegetation clearing or there is demonstrable community benefit (such as significantly improving emergency access or undergrounding powerlines);

LPS22 is currently worded to allow 1ha lots where there is demonstrable community benefit.

While it is acknowledged that there may have been some community interest to date in the proposed new Scheme, it is important that the whole community has an informed input through the structured consultation process that is planned and staff would caution making changes to the draft Scheme based on individual comments prior to broader community consultation.

Notwithstanding this, it is open to elected members to move amendments to the draft Scheme (listed at Item 11.1 of the current agenda) prior to it being adopted for advertising.

It is noted that the draft Scheme is included at Item 11.1 in accordance with the Council's decision C2410/275, which deferred the item until the December 2024 Council meeting.

17. URGENT BUSINESS

18. CONFIDENTIAL MATTERS

OFFICER RECOMMENDATION

That the Council close the meeting to the public to consider the items below which are confidential under section 5.23 of the *Local Government Act 1995*.

18.1. OAG Information Security Audit 2024

Section 5.23(2)(f)(ii)

This report contains information relating to a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property.

18.2. Cultural Diagnostic Survey Results

Section 5.23(2)(a)

This report contains information relating to a matter affecting an employee or employees.

19. CLOSURE