



ITEMS FOR DEBATE

COUNCIL MEETING 11 DECEMBER 2024

ADOPTION BY EXCEPTION RESOLUTION

<u>RECOMMENDATION</u>	
That the Committee Recommendations for items 10.1, 10.3, 10.5, 10.6, 10.7, 10.8 and 10.9 and the Officer Recommendations for items and 13.1, 15.1 and 15.2 be adopted en bloc:	
10.1	Council policy review: Shark hazard response
10.3	Council policy review: Applications for exploration or mining / extraction licences for coal or gas extraction
10.5	2023/24 Annual Financial Statements, Audit report and management letter
10.6	Adoption of internal audit charter and strategic internal audit plan
10.7	Compliance and audit: Action implementation status
10.8	List of payments made - October 2024
10.9	Monthly financial report - Year to date 31 October 2024
13.1	Business Development, Events and Marketing Program Outcomes – November 2024
15.1	Stakeholder Advocacy Plan
15.2	Elected Member Information Bulletin

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION

Item No.	Item Title	
14.1	Annual Report 2023 - 2024 <i>Absolute Majority Required</i>	Moved: Second: Opposition? Put:

ITEMS FOR DEBATE

Item No. 10.2	COUNCIL POLICY REVIEW: ASSET MANAGEMENT	Pulled by Cr Cox	Page 17
<p><u>AMENDED/ ALTERNATIVE RECOMMENDATION</u></p> <p>That the Council adopts the Council Policy: Asset Management as per attachment 1 to replace the current policy, inclusive of the following amendments:</p> <ol style="list-style-type: none">1. Amend point 1.1 to read: <i>The City recognises its role in effective asset management which is critical for the delivery and maintenance of infrastructure now and into the future.</i>2. Amend point 1.2 to read: <i>The purpose of this Policy is to outline the principles which guide the City in the management of its infrastructure assets, with the objective being to ensure they are managed in a sustainable and cost effective manner throughout their lifecycle whilst aligning with the Council Plan.</i>3. Amend point 5.3(d) to read:<ol style="list-style-type: none">d. <i>the City will continuously develop its asset management capability through:</i><ol style="list-style-type: none">i. <i>the development and implementation of appropriate resourcing allocations; and</i>ii. <i>implementation of systems and practices that enable effective data collection and evaluation.</i>4. Insert a new point 5.7 to read:<p><i>Asset management plans will be developed for the following key infrastructure asset classes:</i></p><ol style="list-style-type: none">a) <i>Roads and Transport</i>b) <i>Buildings and Facilities</i>c) <i>Parks and Open Space</i>d) <i>Stormwater Drainage</i>e) <i>Coastal and Marine Infrastructure</i>f) <i>Busselton Jetty</i>g) <i>Airport</i>h) <i>Bridges</i>			
<p><u>REASONS FOR AMENDMENT/ ALTERNATIVE</u></p> <p>Effective and efficient asset management is fundamental to the economic and social wellbeing of a community. Clear and consistent plans and policies relating to asset management promotes transparency and accountability in how the City is allocating ratepayer funds towards the cost-effective life-cycle management of our existing, and future assets. It is imperative for the community to be able to easily understand the objectives outlined in the asset management policy and their role in determining these objectives, which includes effective stakeholder engagement. I believe that the amended wording in the policy provides clarity and certainty for community with regard to the key elements of infrastructure asset management and service delivery.</p>			

OFFICER COMMENT

Officers are supportive of the proposed amendments to the Policy.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

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

Item No. 10.4	COUNCIL POLICY REVIEW: SPONSORSHIP POLICY	Pulled by Officers	Page 25
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ALTERNATIVE RECOMMENDATION

That the Council adopts the Council Policy: Sponsorship Arrangements (attachment 1) to replace the current policy inclusive of the following amendments:

5.2. The primary benefits for the provision of City Sponsorships is to support community programs, ~~to~~ which meet the City’s ~~social responsibility~~ goals and objectives and/or to bring benefit to the City and the broader community. The City may have additional requirements, including:

- a. acknowledgement of the City’s Sponsorship;
- b. reports and data related to the Sponsorship Activity.

5.3. The primary benefits for Persons providing External Sponsorships is to reach key target audiences and/or meet generally accepted corporate social responsibility goals. The City may provide such a Person additional benefits, including:

- a. use of the City’s logos, content and imagery;
- b. branding (including naming rights) on infrastructure and event marketing;
- c. opportunities to develop co-branded marketing and/or promotional initiatives;
- d. acknowledgement of the sponsors contribution; and/or
- e. ceremonial involvement, including attendance at events, functions or programs.

REASONS FOR ALTERNATIVE

The question around the status of the City’s corporate social responsibility goals was raised at the agenda briefing session with respect to point 5.2 of the policy. While the reference to corporate social responsibility goals was intended to be general in nature and not to refer to explicitly stated corporate social responsibility goals, on review officers agree that amendments are appropriate to point 5.2 to better align with the intent, which is to note the primary benefit of the City providing sponsorship is to meet the City’s goals and objectives broadly (as outlined in the City’s Council Plan) and to bring benefit to the City and broader community.

With respect to point 5.3 a minor amendment is proposed to clarify that a benefit for a Person providing sponsorship to the City is to meet generally accepted corporate social responsibility goals.

OFFICER COMMENT

As above.

Item No. 11.1	CONSENT TO ADVERTISE LOCAL PLANNING SCHEME NO. 22	Pulled by Cr Macnish	Page 39
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ALTERNATIVE RECOMMENDATION

That the Council

- 1. Does not support, at this time, the forwarding of the draft TPS22 for Ministerial consent to advertise.**
- 2. Requires the CEO to schedule a workshop for elected members that clearly identifies what has been required by the State for inclusion into the new TPS22 and also what other matters have been proposed by staff that is in addition to the state's specific requirements. Workshop material shall be distributed at least 1 week prior to the scheduled workshop and at least two week's notice shall be given for the workshop. Elected members will be asked ahead of time what topics they would like discussed.**
- 3. The Council acknowledges the welcomed input of the various parties to this juncture and asks for their forbearance to allow particular consideration especially of the more strategic elements of their input awaiting general advertising for theirs (and other's) specific/comprehensive informed comments.**

REASONS FOR ALTERNATIVE

- Sentiment exists suggesting the aims of the Scheme are incomplete (refer DRG re CI 9 comment). The officer comment points out the TPS is district-wide so therefore the different character of the various settlement nodes must be appreciated (and secured for implementation. It would not be appropriate to advertise a draft Scheme when such high order and directionally determining aims are incomplete.
- Reliance on the purported security of discretion under policy gives insufficient certainty. More than just height protection and the ability to vary the R-Codes for SCAs (via Scheme provisions) needs to be shored up in the draft TPS22 before being sent to the Minister.
- The initial process urgency has lapsed given the timing and State caretaker mode. This pause in the process should be capitalised upon to allow the elected members to fully familiarise themselves with both the state requested changes and the other discretionary changes and indeed, what has driven all of those proposed.
- It is not acceptable to be supporting (significant) Scheme changes without appropriate and defensible context, (Smiths Beach Advertising, Density Bonus, blanket minimum lot size,...)
- The proposed workshop eliminates the need to debate every specific clause that each elected member might want to challenge or amend in a Council meeting (which would be unworkable). This workshop has received the benefit of community feedback already from those who were fortunate enough to see the agenda item. As opposed to merely a briefing session, the workshop will allow full and frank discussion on the (values-based) drivers for a new TPS (especially where discretion will be fundamental).

- Cr Ryan's NoM (16.4) is generally supported but specifies detail that might not be what the elected member group wish workshopped. It is felt best at this juncture to note her sentiment but leave the workshop scope somewhat broader (and to be predominantly set by the elected member request items).
- The officer recommendation in the report is not necessarily extinguished but its consideration (for advertising consent) is delayed (for the Christmas break) pending any amendments identified through a workshopping process. The proposed workshop will shed light on a realistic timeframe to progress the new Scheme.
- The workshop will prove an investment because in polishing up the draft, it will save more work in the next stage. Responders (to the advertising) will be able to understand why changes were made to the initial draft (and elected members will be better able to converse with potential responders armed with those reasons).
- In the meantime, TPS21 continues to apply as does the State's Planning Policies and as such, the proper and orderly planning of the district is conserved (albeit becoming outdated) in a macro context by the continuation of the status quo.
- The City understands the need to prepare the new Scheme to comply with the state's request and it has been delayed from the end of October (due to the significant focus on Saltwater) and only now in the last 8 days (since Agenda issue) can the proper headspace be devoted to its consideration of suitability to advertise. There has been some briefing sessions but no workshopping time which at least one is required.
- The role of the elected member is to facilitate communication between the community (and its dedicated informed representative groups) and the Council. The Council resolved to give the community a first look at the draft Scheme so as the elected members could gauge a feel as to its suitability to be forwarded to advertising. The convincing result is that it needs more polish AND for the elected member collective to best understand why the draft contains some elements and not others. This understanding of what has driven the Scheme to this point and what will be needed in future will be important for each elected member to communicate to their constituents. Planning is an art, not a science and as such, the interpretation is in the eye of the beholder.
- Most of the elected members have expressed concerns or had questions or relayed sentiment about the first public look at the draft TPS22 and will need an appropriate forum to voice and discuss these. The facilitated workshop is that forum.
- If a workshop was scheduled for immediately after the Christmas break, I think the WAPC and the Minister would understand (everyone deserves a break for Christmas including the planning staff!).

OFFICER COMMENT

As outlined in the council report, the key drivers of the new Scheme were to both align with the state framework and to create a more streamlined and navigable planning system. In doing so, major provisions in LPS21 were transferred across to the new Scheme and while these provisions may be presented in a different manner and form they still have the same intent and purpose.

All major changes proposed in the new Scheme have been discussed in previous Council briefings and in the officer report, with a rationale provided for each. All changes were informed by the overarching goals of simplifying where possible and strengthening where necessary. For example, peppermint tree protections are proposed to be introduced to prevent further erosion of urban canopy and habitat for the critically endangered Western Ringtail possum. Similarly, the density bonus was updated to simplify the assessment process whilst also protecting lower density areas such as Yallingup (R10) and Quindalup (R12.5) from further subdivision.

It is at the discretion of the Council to determine whether the proposed actions and the Scheme more broadly are supported or whether further modifications and changes are required.

While it is considered the appropriate forum to address these issues is through the formal consultation process, a workshop will provide a further opportunity for the Council to seek additional clarity/explanation and further input into the process if that is so required.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

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

Item No. 11.1	CONSENT TO ADVERTISE LOCAL PLANNING SCHEME NO. 22	Pulled by Cr Love	Page 39
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ALTERNATIVE RECOMMENDATION

That Council:

- 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 subject to the modifications listed below.
- Resolve to advertise the applicable draft Local Planning Policies for the identified Special Characters Areas within the City concurrently with the Scheme.
- Prior to advertising and in accordance with regulation 21 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolve to –
- 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;
- 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; and
- Make any modifications as required by the Commission prior to commencement of advertising.

Modifications (modified text in blue)

8. Purpose of Scheme

Amend (b) set aside land as local reserves for public purposes *and conservation*; and

9. Aims of Scheme

Delete (d) 'To recognise, protect and enhance the environmental values present in the City,' and replace with (d) and (e) as below and renumber subsequent clauses accordingly.

(d) To ensure, that biodiversity values are recognised, protected and, where possible, enhanced and to arrest any further decline in biodiversity by ensuring that future land use and development does not diminish environmental values.

(e) To regulate development to ensure that it is sensitively located and constructed in a way that maintains the rural and natural landscape and visual qualities of the Scheme Area.

Amend 9 (f) as per below —

(f) To provide for the preservation and protection, *conservation and enhancement* of areas, places and objects of heritage significance.

Amend 9 (g) as per below —

(g) To facilitate sustainable community growth that responds to the physical and social needs of the community *and maintains the existing character and sense of place*.

Amend 9 (i) as per below —

To manage the process and effects of land use and development *by protecting ecological and cultural values* in a manner that applies the precautionary principle and principle of intergenerational equity.

14. Local Reserves, Table 1 – Reserve Objectives

Amend Foreshore objectives (point 3) as per below —

- To accommodate a range of *recreational, cultural and community uses that are compatible with and support the amenity of the reservation* and low impact commercial activity that would be capable of relocation or rehabilitation.

16. Zones, Table 3 – Zone Objectives

Amend Rural objectives (point 3) as per below —

- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas, especially the natural valley and watercourse systems, from damage and *include provision to increase ecological linkages*.

Amend Rural Residential objectives (point 3) as per below —

- To set aside areas for the retention of vegetation and landform or other features which distinguish the land *and for the provision of increased ecological linkages*.
- *Maintain the character and amenity of established residential areas and ensure that new development, including alterations and additions, is sympathetic with the character and amenity of those areas*.

Amend Environmental Conservation objectives (point 3) as per below —

- To provide for the preservation, maintenance, restoration or sustainable use of the natural environment *and for the provision of increased ecological linkages*.

Amend Residential objectives (point 2) as per below —

- To facilitate and encourage high quality design, built form and streetscapes *and retention of vegetation* wherever possible throughout residential areas.

Amend Residential objectives by including the following objective —

- *Maintain the character and amenity of established residential areas and ensure that new development, including alterations and additions, is sympathetic with the character and amenity of those areas*.

Schedule E – Additional Site and Development Requirements, Table A General Development Standards,

Amend Development Standard No. 2 (Car parking) as per the following —

- Any new development in the Regional Centre, District Centre, Local Centre, Mixed Use or Service Commercial zone is required to provide parking in accordance with the following rates —
 - for ground floor development – ~~4~~ 3 car bays per 100m² of net lettable area for all commercial land uses;
 - for first floor development and above – 2.5 car bays per 100m² of net lettable area for all commercial land uses
 - for residential development – in accordance with the R-Codes; and
 - loading bays – as deemed necessary by the local government.
- Notwithstanding clause (1), the local government shall not require the provision of car parking for any new development in the Regional or District Centre of ~~500~~ 200m² net lettable area or less, subject to satisfying any applicable R-Codes requirements for residential parking.
- Where a new development within the Regional or District Centre is greater than ~~500~~ 200m² net lettable area, parking shall be provided for the area in excess of ~~500~~ 200m² only, in accordance with the car parking rates set out at clause (1).
- Where a shortfall is proposed the local government must, on a case by case basis, consider the proposed type of land use and floor area, the proximity and availability of public car parking, and any reciprocal or shared car parking arrangements.
- Where it is desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values of a place included on the Heritage List, payment in lieu of car parking may be provided up to a maximum of 100 per cent of the vehicle parking requirements.
- Where a property is not on the Heritage List, any proposed payment in lieu shall be in accordance with the requirements set out in the applicable local planning policy.
- In all other zones, car parking is to be provided on-site in accordance with the rates set out in the applicable local planning policy.
- Where the required number of car parking bays calculated for a development is not a whole number, the minimum number required shall be rounded up to the next whole number.
- Car parking at ground level shall not exceed the requirements set out in this Scheme or applicable local planning policy.
- *Where on-site bicycle parking is provided, the local government may discount the on-site car parking requirements by one bay accordingly. This clause shall not be used to forego adequate car parking bays being provided on-site, and the discount shall be calculated on the basis that each car parking bay will yield seven bicycle bays.*
- *The local government may, at its discretion, reduce the standard parking requirement by 10%, up to a maximum of 5 bays if the developer provides a dedicated car/bike charging station.*

Schedule E – Additional Site and Development Requirements, Table B – Additional development requirements that apply to zones in the Scheme area

Amend Centre Zones – Landscaping by inserting the following —

In considering the landscaping requirement of any application for development approval, the following shall apply:

- *Landscaping may be required to be fully reticulated and maintained to the satisfaction of the local government;*
- *Except for a change of land use of an existing development, on-site car parking areas within new developments are to be landscaped with shade trees planted at a rate of no less than 1 tree per 5 car parking bays. Species and sizes of trees are to be to the specifications of the local government.*

Local Centre

- 1. Landscaping should be designed and located to improve the visual amenity of the development and should generally be located to the front of the development site to enhance the streetscape.*
2. A minimum of 15% of the site shall be set aside as deep soil area for landscaping purposes.
3. Landscaping within deep soil areas shall be provided as a mix of trees, shrubs and ground covers.
4. A minimum dimension of 3 metres shall be provided for any deep soil area.
5. Site planning should seek to co-locate deep soil areas with existing trees on and adjacent to the site where possible.

Amend Mixed Use – Landscaping by inserting the following —

- 3. Landscaping should be designed and located to improve the visual amenity of the development and should be generally located to the front of the development site to enhance the streetscape;*
- 4. Landscaping may be required to be fully reticulated and maintained to the satisfaction of the local government;*
- 5. Except for a change of land use of an existing development, on-site car parking areas within new developments are to be landscaped with shade trees planted at a rate of no less than 1 tree per 5 car parking bays. Species and sizes of trees are to be to the specifications of the local government.*

Amend Service Commercial – Landscaping by inserting the following —

- 3. Except for a change of land use of an existing development, on-site car parking areas within new developments are to be landscaped with shade trees planted at a rate of no less than 1 tree per 5 car parking bays. Species and sizes of trees are to be to the specifications of the local government.*

Clause 17, Table 4 – Zoning Table

Amend Zoning Table by modifying permissibility for Ancillary dwelling to 'D' in the Environmental Conservation zone.

Table 4 – Zoning Table

Zone / Use Class	Residential	Regional Centre	District Centre	Local Centre	Mixed Use	Service Commercial	Tourism	Light Industry	General Industry	Rural	Rural Residential	Environmental Conservation	Cultural and Natural Resource Use	Private Community Purposes	Special Use	Urban Development	Industrial Development
Abattoir	X	X	X	X	X	X	X	X	D	A	X	X	X	X	<i>Refer to clause 21</i>	<i>Refer to clause 18 (7)</i>	<i>Refer to clause 18 (7)</i>
Agriculture – Extensive	X	X	X	X	X	X	X	X	X	P	A	D	X	X			
Agriculture – Intensive	X	X	X	X	X	X	X	X	X	P	X	X	X	X			
Aircraft landing area	X	X	X	X	X	X	A	X	X	A	X	X	X	X			
Ancillary Dwelling	P	D	D	X	P	X	X	X	X	P	P	P D	X	X			
Animal Establishment	X	X	X	X	X	X	X	X	X	D	A	X	A	X			

REASONS FOR ALTERNATIVE

I have made several amendments to strengthen further/enhance our environmental considerations throughout the Local Planning Scheme 22. This aligns with our community's values towards the environment which recent community survey data from Catalyst supports.

A lot of commentaries that related responsible growth and development within the survey data stated the community's desire to impose stricter guidelines on new developments – ensure retention of trees and green space, minimum block sizes, sustainable design principles etc. I believe with the several amendments I have made throughout has helped to address these concerns.

Car Parking

Until we have done our Car Parking Strategy, I believe it is best to err on the side of caution with requiring the provision of car parking for new developments within Regional or District Centres to provide car parking per clause 1. for developments exceeding 200m², as we constantly have complaints over the lack of car parking. I acknowledge that we do not want our Regional and District Centres to be too car eccentric, so that is why I have come to a compromise of not requiring any developments under 200m² to provide car parking. With the amendments I have made, it will still reduce the required car parking from what is in our current Local Planning Scheme, however, it still allows for more provision of car parking than the officer's recommendation.

I have included clause 10 as we have been encouraging community members to use other modal transport methods outside of driving to get to their destination.

Clause 11 is to try and encourage private developers to provide electric car/bike charging facilities.

Zoning Table

I have serious concerns over the state government having dismissed Bushland Protection as a zone within the planning legislation, and have now rebranded both the Bushland Protection and Conservation zones into one zone called the Environmental Conservation zone. The Bushland Protection zone had stringent requirements on the restrictions on the clearing, draining, filling or grazing of wetlands and restricted the land uses and type and scale of development that will be considered on lands possessing special biodiversity values.

Now this Bushland Protection terminology has been scrapped and replaced by Environmental Conservation which is

- To identify land set aside for environmental conservation purposes.
- To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.

This has severely reduced the protections that were afforded to our natural areas zoned under the Bushland Protection zoning. Which is why I have made the minor amendment to the zoning table for an Ancillary Dwelling located within Environmental Conservation from being classed as a 'P' use to a 'D' use which it had been in the previous LPS for both Conservation and Bushland Protection.

OFFICER COMMENT

The proposed changes are broadly considered to have merit and align with the overall intent of the new Scheme to align with the state direction and establish a streamlined planning framework.

As discussed in the officer report, the drafting of a new Scheme is a complex and ongoing process with the current Scheme being draft only at this stage. While the proposed changes in the alternative motion are generally supported, the consultation process will offer further opportunity for the community to provide detailed input and recommended changes where desired.

It is noted some of the modifications contained in the alternative motion propose to alter model scheme text as per the Regulations (i.e – purpose of scheme, reserve objectives and zone

objectives). From previous advice received from the DPLH during the drafting of the Scheme, it is uncertain whether changes to standard wording will be supported, however officers raise no objection to those proposed changes.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

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

Item No. 11.2	REVIEW OF HOLIDAY HOME LOCAL PLANNING POLICY	Pulled by Cr Cox	Page 53
<p><u>ALTERNATIVE RECOMMENDATION</u></p> <p>That the Council resolves to —</p> <ol style="list-style-type: none"> 1. 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). 2. Amend the non-preferred areas provided at Appendix 1 of Local Planning Policy 4.1 to include Dunsborough Lakes, being the ‘Residential’ zoned land bounded by Caves Road, Commonage Road and the Rural Residential zone. 			
<p><u>REASONS FOR ALTERNATIVE</u></p> <p>Incorporating the area of Dunsborough Lakes into the exclusion area for unhosted short stay accommodation will alleviate a number of issues that have been consistently brought to the attention of Council in recent years. Due to a large proportion of small lot sizes throughout Dunsborough Lakes, amenity issues arising from short term unhosted accommodation can have a significant affect on local residents. Noise, carparking and barking dogs left unattended on properties all contribute to this loss of amenity. Amending the non-preferred area to include Dunsborough Lakes may also have the affect of increasing the availability of longer term rental properties. This will assist in providing much needed housing for the local community.</p>			
<p><u>OFFICER COMMENT</u></p> <p>The proposed alternative motion aligns with the intent of introducing the Special Control Area, i.e. - preventing unhosted short-term rental accommodation in areas typically featuring larger numbers of owner-occupiers so as to minimise amenity impacts and assist with the provision of long-term housing.</p> <p>Dunsborough Lakes was initially not included in the non-preferred areas due to the high number of properties currently being used for unhosted short-term rental accommodation and the position to exclude the use would likely be harder to defend if appealed by an applicant.</p> <p>However, officers do not object to the area being included and note that any existing unhosted short-term rental accommodation will be granted non-conforming use rights and allowed to continue to operate.</p>			
<p><u>LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT</u></p> <p>Pursuant to regulation 11(da) of the <i>Local Government (Administration) Regulations</i> 1996, if the amended recommendation is adopted by Council, reasons will be recorded in the Minutes.</p>			

Item No. 11.2	REVIEW OF HOLIDAY HOME LOCAL PLANNING POLICY	Pulled by Cr Kennedy	Page 53
<p><u>AMENDED/ ALTERNATIVE RECOMMENDATION</u></p> <p>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), subject to the amendment below:</p> <p>Adding clause: A2.2 a) to section 5.2 Utility Servicing to read: <i>Where the maximum number of occupants is 8 or more, an additional domestic rubbish bin is required.</i></p>			
<p><u>REASONS FOR AMENDMENT/ ALTERNATIVE</u></p> <p>Holiday makers and higher occupancy dwellings generally consume and throw away more items. Requiring one more waste bin will ensure bins do not overflow and litter the city's immediate environment and that recycling bins are not contaminated with waste.</p>			
<p><u>OFFICER COMMENT</u></p> <p>While this could be included as requirement which is included in the Holiday Home Local Planning Policy, enforcement would be difficult. If supported by the Council, officers recommend including this provision as a note, rather than inserting a new clause.</p> <p>By including this amendment, the Policy would require unhosted Short Term Rental Accommodation with a capacity of 8+ occupants to apply and pay for additional waste collection services. However, on a practical level it would not be possible for waste officers to identify and police which homes meet this criteria when conducting waste pick up</p>			
<p><u>LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT</u></p> <p>Pursuant to regulation 11(da) of the <i>Local Government (Administration) Regulations</i> 1996, if the amended recommendation is adopted by Council, reasons will be recorded in the Minutes.</p>			

Item No. 11.3	SHORT TERM RENTAL ACCOMMODATION SCHEME AMENDMENT	Pulled by Cr Kate Cox	Page 61
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ALTERNATIVE 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 **as per attachment 2 and to include Dunsborough Lakes, being the 'Residential' zoned land bounded by Caves Road, Commonage Road and the Rural Residential zone.**

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.

REASONS FOR ALTERNATIVE

Incorporating the area of Dunsborough Lakes into the exclusion area for unhosted short stay accommodation will alleviate a number of issues that have consistently been brought to the attention of Council in recent years. Due to a large proportion of small lot sizes throughout Dunsborough Lakes, amenity issues arising from short term unhosted accommodation can have a significant affect on local residents. Noise, carparking and barking dogs left unattended on properties all contribute to this loss of amenity. Amending the non-preferred area to include Dunsborough Lakes may also have the affect of increasing the availability of longer term rental properties. This will assist in providing much needed housing for the local community.

OFFICER COMMENT

The proposed alternative motion aligns with the intent of introducing the Special Control Area, i.e. - preventing unhosted short-term rental accommodation in areas typically featuring larger numbers of owner-occupiers so as to minimise amenity impacts and assist with the provision of long-term housing.

Dunsborough Lakes was initially not included in the non-preferred areas due to the high number of properties currently being used for unhosted short-term rental accommodation and the position to exclude the use would likely be harder to defend if appealed by an applicant.

However, officers do not object to the area being included and note that any existing unhosted short-term rental accommodation will be granted non-conforming use rights and allowed to continue to operate.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

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

Item No. 11.4	PROPOSED 'SPRINGFIELD' STRUCTURE PLAN, LOT 3965 (NO. 796) COMMONAGE ROAD, YALLINGUP – CONSIDERATION FOR FINAL APPROVAL	Pulled by Cr Kate Cox	Page 70
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ALTERNATIVE 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 at attachment 4 with the addition to modification 1 dot point 4 to read *'increase the average lot size to 3ha in accordance with the existing Commonage Consolidated Structure Plan.'*

REASONS FOR ALTERNATIVE

The Commonage Consolidated Structure Plan is the most significant document guiding development in the Commonage area. It underpins a comprehensively researched, assessed and co-ordinated approach towards future development in this area. To date, the City of Busselton have not recommended the approval of any additional lots over what the Commonage Structure Plan allows. The fundamental aim has been to adhere to the current provisions of the Commonage Structure Plan until such time as an overall review of the Plan or the preparation of a Local Planning Strategy is able to be undertaken, which would result in logical and coordinated approach to planning in the commonage area. This would further identify areas of rural residential land in proximity to local centres suitable for further subdivision and consolidation. It was never envisaged for 2-4 hectare lots to be further subdivided to the minimum 1ha lot size and for the Scheme to be used to default to a 1ha subdivision size which is inconsistent with the intent of the CCSP and grants a subdivision right that does not currently exist. It sets a very dangerous precedent. The LPS21 has provisions that allow for rural residential lots generally in the range or 1-4ha, however it also clearly states that where a structure plan exists it would be given 'due regard' in any subdivision application, yet his applicant is asking the Council to disregard a "due regard" document.

The minimum/average lots sizes detailed in the CCSP establishes the desired subdivision pattern and predominate lot size in the 2-4ha range. These lot sizes are important in establishing the character and sense of place, characterised by high quality vegetation, generous separation from neighbours and low-key rural ambience. Further subdivision will not deliver critical housing opportunities, but potentially erode the existing character of the area, particularly where 1ha lot sizes are delivered in an ad-hoc manner. There is no compelling town planning and/or community justification that has been provided to completely abandon the average 4ha lot size for the Springfield site and replace that with a majority of 1ha lots, which will result in 3 times the number of rural residential lots on this site. 51 Submissions were received by the community relating to this proposal. The overwhelming majority of these were objections raised by the community. The issues raised in the objections included; the density, loss of rural and visual amenity, loss of high value, remnant vegetation (46 mature tree's with a truck diameter of 50cm and above are proposed to be removed), traffic impacts, bushfire risk/safety, and emergency access. Ironically these views are supported by City officers where they have specified in their report that the creation of smaller lots on rural residential land results in extensive removal of vegetation, the erosion of existing amenity and it also contributes to low density sprawl.

OFFICER COMMENT

CPACSP

The Commonage Policy Area Consolidated Structure Plan (CPACSP) has played an important role in guiding the detailed planning and development of the Commonage area for nearly two decades, and is scheduled to expire in 2025. However, as the CPACSP is a 'due regard' document it can be varied. For example, several lots on Butterly Road directly adjoining the proposed Springfield SP are ~1.5 Ha in size, where the CPACSP specifies a minimum lot size of 2 Ha and an average of 3 Ha.

It is noted that the Local Planning Scheme determines the objectives, planning requirements and lot sizes for Rural Residential zoned land, which is the predominate zone in the Commonage area. Where there are inconsistencies between the CPACSP and the Scheme, the Scheme prevails.

State Government planning policies such as SPP 6.1 (Leeuwin-Naturaliste Ridge) and SPP 3.7 (Bushfire) also play significant roles in shaping the planning outcomes of Rural Residential zoned land in the Commonage, such as certain setback requirements and road design parameters.

In 2023 the City requested permission from WAPC to prepare a new structure plan for the Commonage however this request was not supported. The WAPC indicated that planning matters such as lot sizes in the Commonage (and Rural Residential zoned land more broadly) should be addressed in the preparation of the new Local Planning Scheme. The WAPC stated that local structure plans could still be considered based on individual merit for undeveloped areas in the in the Commonage (such as the proposed Springfield SP).

Local Planning Strategy 2019

It is noted that the City of Busselton Local Planning Strategy 2019 includes a presumption against the creation of new Rural Residential areas as follows:

2.3 Rural Residential

- In accordance with the South West Regional Planning and Infrastructure Framework (2015) no new rural residential areas are proposed and the strategy provides the scope to consider limited further subdivision and consolidation within the existing rural-residential areas of Commonage and Dunbarton, where there is seen to be a demonstrable community benefit and having regard to environmental, landscape/visual amenity and biodiversity values, as well as bushfire risk. This will contribute to the more efficient use of land, services and infrastructure and will maximise the number of rural residential lots without needing to alienate additional areas of rural land.

2.4.2 Dunsborough Urban Area

- *The strategy limits new rural residential areas to contain low density urban sprawl and supports rural residential consolidation where appropriate.*
- *7.2(g) Support and pro-actively plan to identify suitable areas for re-subdivision/consolidation of existing rural-residential development in both the Commonage and Dunbarton rural residential areas.*

Springfield SP

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 lot sizes specified in the CPACSP. The Scheme specifies 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 setting a specific precedent. However, it is acknowledged that lot sizes of ~1 ha are not appropriate for a significant majority of Rural Residential zoned land in the Commonage due to potential environmental impacts, extreme bushfire risk, and potential impacts on character.

The proponent has worked to address these matters and to incorporate modifications to the proposed SP developed by City officers in response to matters raised in the 51 submissions (7 agency and 44 public). It is noted that the proposal would retain the significant majority of existing vegetation on site and would likely result in a net increase in vegetation through the provision of additional street trees and visual landscape buffer planting.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

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

Item No. 11.4	PROPOSED 'SPRINGFIELD' STRUCTURE PLAN, LOT 3965 (NO. 796) COMMONAGE ROAD, YALLINGUP – CONSIDERATION FOR FINAL APPROVAL	Pulled by Cr Ryan	Page 70
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ALTERNATIVE RECOMMENDATION

That the Council:

Decline the adoption for approval of the proposed Structure Plan until such time as the Draft Scheme has been workshopped, along with this proposal, to ensure the community has a fair input into its Local Planning Scheme and specifically the Commonage.

REASONS FOR ALTERNATIVE

44 surrounding landholders submitted their concerns and justifiably were of the opinion that the CPACSP was a current and valid document.

The notion that the CPACSP, legally valid until 19 October 2025, can now be usurped by a structure plan, prepared by the landowners, that is completely at odds with the proposal by officers in the suggested Draft LPS at agenda item 11.1. is gobsmacking. To wait for a review of the LPS before supporting ad hoc applications like Springfield would be prudent.

There are currently no town planning and/or community merits/justification that has been provided to completely abandon the average 4 ha lot size for the Springfield site and replace that with mainly 1 ha sites apart from the developer maximising profits at the expense of local residents. A proposed circa 20 lot subdivision would become 66 lots, trebling the dwellings.

Consideration must surely also be given to (11.2 also on tonight's agenda in relation to holiday home exclusion areas) noise amenity and all associated issues which relate to holiday home rental in a valley of this kind. Would this proposal not be subject of a future exclusion zone?

Staff have indicated in correspondence that:

*The provisions of Precinct 3 contained within the Commonage Consolidated Structure Plan (CCSP) does not grant an automatic right to subdivide to 1ha, but rather indicated that **Council** would be "prepared to support a concept where a minimum lot size of 1ha is retained and where in its opinion such a concept warrants support after receipt of a proper planning submission outlining the merits of the concept."* (wording taken from CCSP). It should then be obvious that Council has the control to approve or deny this excessive trebling of lots as clearly pointed out by staff. But I would argue it is for the wider community to decide the fate of the Commonage; once again this proposal is at odds with the draft LPS 11.1.

Further *"The minimum/average lot sizes **detailed on CCSP establishes the desired subdivision pattern and a predominant lot size in the 2ha-4ha range**. These lot sizes are important in establishing the character and sense of place, characterised by high quality vegetation, generous separation from neighbours and a low key rural ambience. It was never envisaged for these 2ha-4ha lots to be further subdivided to the minimum 1ha lot size, and for the Scheme to default to a 1ha subdivision size would be considered broadly inconsistent with the intent of the CCSP and would grant a subdivision right that currently does not exist".* – why then is there support for this

Structure Plan? Why has there been an indication to current landholders that an average 4 ha lot size was the norm?

Once again item 11.1 recommendation is at odds with this comment and it could be argued that the community (the adjoining landholders to this site) have spoken already in their submissions. Staff comment: *“If there is considerable support for the City supporting 1ha subdivision, this can rightly form a modification to the Scheme, rather than such a change being driven by a small group of landowners at this early stage”*. What is so special about Springfield to be considered outside these parameters? Aren't 44 landowners significant?

5.4 of the current Scheme (Landscape Value Area, only recently amended in July 2021) states “the local government shall not grant development approval for the clearing or development of any land identified in a Landscape Value area on the Scheme map, unless it has considered –

- a. Whether the development will be compatible with the maintenance and enhancement as far as is practicable, of the existing rural and scenic character of the locality;
- b. Whether the development will materially affect any wildlife refuge, significant wetland, coastal environment or any identified site containing Aboriginal archaeological relics; and
- c. Disturbance to the natural environment, including –
 - i. visual effects of clearing for development;
 - ii. maintenance of rural character; and
 - iii. habitat disturbance.

The current Commonage Policy Area Consolidated Structure Plan states:

*“1. Subdivision shall be generally in accordance with a development guide plan adopted by the Council and approved by WAPC from time to time for the land. Development guide plans and subdivision/development proposals shall be generally in accordance with the CSP. The Council and the WAPC may approve minor modifications to the SP. **No further subdivision of lots will be permitted beyond that provided for by the SP or an endorsed GP**”*

Leeuwin Nat SPP6.1, which the City is required to be consistent within the framework states “As a result, the Leeuwin-Naturaliste Ridge Planning Review was conducted as a cooperative effort between the WAPC and the two shires. ***It has resulted in the Leeuwin-Naturaliste Ridge Statement of Planning Policy (LNRSP) to provide clear direction on future land use for the policy area***”. Now seemingly being tossed out!

“The purpose of the LNRSP is to provide the strategic planning framework for the policy area for the next 30 years by providing greater vision, guidance and certainty of land use. It promotes sustainable development, conservation, and land and resource management. It seeks to provide assistance to those managing land use change, enable greater consistency between the two local governments, **give clear regional-level advice to proponents of development, and provide a reference to guide development and conservation by improving the information available to the community**”. This I would argue is important because those that have submitted objections have had "certainty" which is now being suggested to be eroded under their very eyes.

4.1 Settlement Statement of Intent Settlement Pattern. A range of innovative settlement options to accommodate population growth and ensure a choice of accommodation types will be based on— • major urban growth within the Principal Centres; • other urban growth focused on inland centres; • designated Coastal and Tourist Nodes; • clustered rural settlement in Enclaves; and •

limiting Rural Residential living to existing designated areas. Settlement Design Settlement design will incorporate— • innovative building styles which enhance the area’s unique character; • the reinforcement of townscape principles; • the principle of commercial (especially retail) development being located within designated commercial zones, with major retail development being located in the Principal Centres; • provision for tourist development; • integration within its local environment; • water-sensitive urban design; • efficient servicing and energy use; • identity and sense of place; • effective fire protection measures; and • **encouragement of a participative design approach which includes the local community**. Settlement Servicing (Infrastructure) The settlement objectives will be achieved by— • promoting the primary settlement function of Principal Centres, the expansion of nominated inland settlements, and the efficient and innovative servicing of identified rural settlement nodes; • supporting the use of non-conventional servicing solutions particularly in towns and other settlements and rural locations; • providing required infrastructure in a timely manner that has regard for development needs of the settlements; • establishing infrastructure programs that provide for cost sharing between developers and the community; and • maintaining and upgrading the existing road network.

Policies 3.2 Development must be responsive to local values, and be compatible with the natural characteristics and traditional settlement patterns of the area”.

A category of land use under the Land Use Strategy that provides an alternative residential lifestyle in a rural setting. Normally, Rural Residential subdivisions occur within Special Rural zones under the special provisions of a local government town planning scheme that seek to preserve the amenity of such areas and control land use impacts. **Rural Residential subdivisions comprise lot sizes ranging from one to 10 hectares, with two to three hectares being most common.** The theme and purpose of **Rural Residential subdivisions vary from bush blocks to hobby farms and small-scale intensive agriculture, although the primary use has frequently been large-lot residential.**

This Structure Plan must be referred to the Workshop along with the Draft Local Planning Scheme no 22 at 11.1.

OFFICER COMMENT

Planning for Rural Residential Areas

If approved the Springfield SP would supersede the CPACSP for the subject area, which would otherwise expire in 2025 and have no structure plan in place to guide development.

In 2023 the City requested permission from WAPC to prepare a new structure plan for the Commonage however this request was not supported. The WAPC indicated that planning matters such as lot sizes in the Commonage (and Rural Residential zoned land more broadly) should be addressed in the preparation of the new Local Planning Scheme. The WAPC stated that local structure plans could still be considered based on individual merit for undeveloped areas in the in the Commonage (such as the proposed Springfield SP).

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 intention of the 3 Ha minimum is to maintain the general pattern of development established by the CPACSP by preventing 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 would 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.

Submissions

It is noted that not all of the submissions objected to the proposal, and that a significant number of submissions did not include an opinion on the CPACSP.

Proponent Justification for Smaller Lot Sizes

The proponent has cited the efficient use of scarce Rural Residential zoned land as the primary justification for the provision of smaller lots.

CPACSP Lot Sizes

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. Other areas in the Commonage feature a range of different lot sizes, including 1 Ha lots.

It is acknowledged that lot sizes of ~1 ha are not appropriate for a significant majority of Rural Residential zoned land in the Commonage due to potential environmental impacts, extreme bushfire risk, and potential impacts on character. As such draft LPS22 includes a proposed 3 Ha minimum lot size for any subdivision or land zoned Rural Residential outside of structure plan areas.

The proposal is supported only with modifications which include the following:

- Reconfiguration and/or amalgamation of lots 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.
- Vegetated buffers
- Reduced building envelopes to increase setbacks from neighbouring properties.

It is considered that the modifications would result in improvements to the SP that would mitigate the potential negative impacts of smaller lot sizes regarding visual management, vegetation removal, and impacts on adjoining properties, while still achieving the objectives of the planning framework and efficient use of Rural Residential land.

Again, it is noted that not all submissions objected to the proposal, and many only objected to specific aspects of the proposal. The modifications proposed by officers have been developed in response to the matters raised in submissions. The Springfield SP was lodged by the proponent prior to Council consideration of the draft LPS22.

If approved the Springfield SP would supersede the CPACSP and DGP (Precinct 5B) for the subject area, which would otherwise expire in 2025 and have no structure plan or DGP in place to guide development.

Holiday Home Exclusion Zone

The subject site is not within a proposed exclusion zone.

Landscape Value Area

Noted. The proposal would retain the significant majority of existing vegetation on site and would likely result in a net increase in vegetation through the provision of addition street trees and visual landscape buffer planting.

SPP 6.1

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.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

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

Item No. 11.5	AMENDMENT 60 TO LOCAL PLANNING SCHEME 21 AND VASSE NORTH STRUCTURE PLAN - CONSIDERATION FOR ADOPTION FOR ADVERTISING	Pulled by Cr Kate Cox	Page 81
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ALTERNATIVE RECOMMENDATION

That the Council:

- 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 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 proposals to be pursued.**
 - c) The Amendment not considered urgent from an operational point of view 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.**

REASONS FOR ALTERNATIVE

1. 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 Area 4 - Vasse and is not a city prepared amendment.
2. The Amendment to Scheme 21 could have the effect of delaying the gazettal of Scheme 22 and provide a precedent for additional proposals to be pursued.
3. The Amendment not considered urgent from an operational point of view of strategic importance.

There are a number of compelling reasons not to support the adoption of the proposed Vasse North Structure Plan. Firstly and most fundamentally, 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. Further reasons include but are not limited to; drainage, flood risk, landscape value protection and visual landscape separation between Vasse and Busselton. It is also important to note that the identification of Vasse North for for urban development did not form part of the draft Leeuwin Naturaliste Sub-regional Strategy (LNSRS), when the LNSRS was subject of community 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 residential development at Vasse North.

OFFICER COMMENT

Officers provided this alternative recommendation reflecting the adopted Council Policy for a Partial Moratorium on Scheme Amendments (19 April 2023) for new Local Planning Scheme 22.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

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

Item No. 14.2	LONG TERM FINANCIAL PLAN 2025/26 – 2024/35	Pulled by Cr Ryan	Page 12 (Supp Agenda)
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ALTERNATIVE RECOMMENDATION

That the Council adopts the Long-Term Financial Plan 2025/26 to 2034/35 as provided at Attachment 1 as a strategic guiding document for future planning, with the following amendment:

That any funds required to be transferred from the Business Development, Events & Marketing Program (BDEMP) Reserve 1045 to Saltwater in any year must first be applied for, and approved, via a resolution of the Council under the Event Sponsorship Program Guidelines (as does any other applicant) to ensure probity.

REASONS FOR ALTERNATIVE

Having just adopted the Council Plan 2024-34 wherein we state “*We actively engage with community to deliver visionary, collaborative and accountable leadership*”, and to deliver on our promise that we are listening, I am concerned we are not being accountable and transparent in this particular instance. All losses for Saltwater need to be clearly articulated.

The LTFP in effect is an omnibus proposal (from the dictionary – “*an omnibus bill is a single document that is accepted in a single vote by a legislature but packages together several measures into one or combines diverse subjects*”) and we are expected to understand every line item and approve them in this document.

This amount has been touted for a number of years and I have vociferously argued it. Simply stating in our Long Term Financial Plan in a line item that \$100,000 (to \$150,000 in following years) is to be transferred from Reserve 1045 (Page 15 of the LTFP) is not acceptable. This Project is already the subject of scrutiny and to expect funding from this Reserve, as a given, is not palatable.

The Objectives of the BDEMP Terms of Reference are clear, along with the Event Sponsorship Program Guidelines which states “**Every proposal for an event seeking sponsorship** from the City of Busselton is required to complete an Events Sponsorship Application. The Event Sponsorship Application format has been designed to ensure that:

- a. **Planning for every event is rigorous, transparent and comprehensive;**
- b. **Annual events use the Event Sponsorship Application as a planning tool to continually improve the quality of the event; and**
- c. The City’s Business Development, Events & Marketing Program (BDEMP) group can assess each **proposal fairly and equitably, and make recommendations to Council for funding**”.

Terms of Reference 2.2 The BDEMP achieve these objectives by:

- a) making recommendations to Council on the sponsorship of events and activities as part of the BDEMP Funding Program;

- b) ensuring that the sponsorship of events in the City provides the best possible return on investment;
- c) supporting the strategic development and sustainability of existing events and multi-year funded activities within the City of Busselton;
- d) facilitate formal and informal communication and consultation processes regarding events and activities considered to be funded from the funding program BDEMP;
- e) maintain strong links with the private sector, government, and the local community to achieve high levels of stakeholder investment and activity required to realise the events potential of the City of Busselton;
- f) building on opportunities to promote community and economic outcome focussed events, and a range of economic development and marketing initiatives aimed to attract increased visitation and investment to the region.

Whilst there is no suggestion that this fund cannot be used for the purpose of marketing, it is simply suggesting that funds be applied for in the manner every other applicant and possible recipient will.

OFFICER COMMENT

The Long-Term Financial Plan (LTFP) is a strategic guiding document, to assist the Council in their strategic decision making about future priorities and to guide the development of the budget for year 1 of the LTFP. It is a high-level financial plan and is not a budget and is also not as detailed as a budget. The Council is not bound by the LTFP (with reference to it being an omnibus proposal) and may adopt a budget that is different to the LTFP; and is sometimes required to based on changed circumstances at the time of budget adoption.

As outlined in elected member briefings, the LTFP has been modelled from an operating perspective off the 2024/2025 budget, with the inflationary factors applied across the ten-year period. There are a few exceptions to this (as noted on page 7 of the plan), with the operational modelling of Saltwater being one of those, this has been based on the Saltwater operational forecasts. This does include a transfer from the BDEMP reserve to the Saltwater operations for the purposes of Saltwater programming, that is sourcing shows and conferences to generate visitation for which income from ticket sales is then generated. This is also reflected in the 2024/2025 budget.

Ultimately, the decision as to whether to transfer funding from the BDEMP to the Saltwater operational budget (which does have its own cost centre) is made by the Council each time it adopts its annual budget. Therefore, the most appropriate place for the matter to be considered each year is through the budget adoption, as opposed to through a separate process (such as through Event Sponsorship) or through amending the LTFP. The budget is adopted by an absolute majority of the Council each year and so provides the highest level of Council resolution. For this reason, officers do not support the alternative motion, as there is already a mechanism for the Council to consider this which is stronger than the LTFP.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

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

