



City of Busselton
Geographe Bay

Council Agenda

25 September 2019

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 25 SEPTEMBER 2019

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 25 September 2019, 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.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

13 September 2019

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 25 SEPTEMBER 2019

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1. **DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

2. **ATTENDANCE**

Apologies

Nil

Approved Leave of Absence

Nil

3. **PRAYER**

4. **APPLICATION FOR LEAVE OF ABSENCE**

5. **DISCLOSURE OF INTERESTS**

6. **ANNOUNCEMENTS WITHOUT DISCUSSION**

Announcements by the Presiding Member

7. **QUESTION TIME FOR PUBLIC**

Response to Previous Questions Taken on Notice

Public Question Time For Public

8. **CONFIRMATION AND RECEIPT OF MINUTES**

Previous Council Meetings

8.1 **Minutes of the Council Meeting held 11 September 2019**

RECOMMENDATION

That the Minutes of the Council Meeting held 11 September 2019 be confirmed as a true and correct record.

9. **RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS**

Petitions

Presentations





Deputations

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

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

12. REPORTS OF COMMITTEE

12.1 Policy and Legislation Committee - 10/09/2019 - REVIEW OF COUNCIL POLICY - CONVENING OF THE COUNCIL FOLLOWING AN ORDINARY ELECTION

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Executive Assistant to Council - Lisa Haste
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Proposed Policy - Swearing In of Elected Members   Attachment B Current Policy - Convening of the Council Following an Ordinary Election  

This item was considered by the Policy and Legislation Committee at its meeting on 10 September 2019, the recommendations from which have been included in this report.

OFFICER RECOMMENDATION

That the Council adopts the Council Policy 'Swearing In of Elected Members' as per Attachment A, to replace the current Council Policy entitled 'Convening of the Council Following an Ordinary Election' (Attachment B).

COMMITTEE RECOMMENDATION

That the Council adopts the Council Policy 'Swearing In of Elected Members' as per Attachment A, to replace the current Council Policy entitled 'Convening of the Council Following an Ordinary Election' (Attachment B) inclusive of Committee requested amendments and additional officer amendments, as detailed within:

COUNCIL POLICY		
		
Council Policy Name:	Swearing In of Elected Members	
Responsible Directorate:	Finance and Corporate Services	Version: Draft

1. PURPOSE

- 1.1. This Policy outlines the guidelines for the official swearing in ceremony to enable newly elected members to make a declaration in accordance with the provisions of the *Local Government Act 1995*.

2. SCOPE

- 2.1. This Policy applies to the elected member declaration and the ~~first~~ Special Council ~~Meeting~~ of new and returning elected members following a local government election.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy entitled "Swearing in of Elected Members"

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 6 - Leadership of the City's Strategic Community Plan 2017 and specifically the following Community Objective 6.1: Governance systems, process and practices are responsible, ethical and transparent

5. POLICY STATEMENT

- 5.1. It is recognised that those successfully elected through a local government election cannot participate in the transaction of business until they have made the elected member declaration, which is undertaken at a swearing in ceremony.
- 5.2. The swearing in ceremony ~~is to should~~ be held in the Council Chambers on the first Monday following an ordinary election.
- 5.3. The swearing in ceremony ~~is to should~~ be conducted in accordance with Section 2.29 of the *Local Government Act 1995*.
- 5.4. The swearing in ceremony is to be the first item of business at the Special Council Meeting with the following items to be considered in this order:
- a. the election of the Mayor and Deputy Mayor;
 - b. the appointment of membership of Council's ~~Standing~~ Committees; and
 - c. the appointment of membership of elected member delegates to various other groups, including working parties and informal groups.
- 5.5. The Special Meeting of Council is to be conducted in accordance with the provisions of Section 5.8 and Schedule 2.3, Division 1 of the *Local Government Act 1995*.

- 5.6. At the conclusion of the Special Meeting of Council, an informal function will be held for elected members and their immediate partners and/or families, with invitations extended to the Chief Executive Officer, Directors and other relevant employees.
- 5.7. Where an extraordinary election for the Council is conducted or an extraordinary Mayoral or Deputy Mayoral vacancy occurs, due regard should be given to the significance of the required ceremonies and a special meeting or ceremony be arranged where practicable.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1 *Local Government Act 1995*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	8 April 2015	Resolution #	C1504/081
Previous Adoption	DATE	10 March 2010	Resolution #	C1003/075

Reasons: The Committee requested the inclusion of the words ‘Special Council Meeting’ in the scope of the policy to ensure it is clear that the policy is inclusive of not only the elected member declaration, but also the Special Council Meeting that follows; and replacing ‘is to be’ with ‘should be’ in paragraphs 5.2 and 5.3 to allow for flexibility should the need arise.

The officer amendment included the removal of the word ‘Standing’ from paragraph 5.4 in reference to Council’s Committees as there is no reference to ‘Standing Committee’s’ in the *Local Government Act 1995*.

EXECUTIVE SUMMARY

This report presents for adoption a revised ‘Convening of the Council Following an Ordinary Election’ Council Policy (Attachment B), proposed to be renamed ‘Swearing In of Elected Members’ (Attachment A). The revised Policy better outlines the requirements of an Elected Member declaration and the first meeting following an Ordinary Local Government Election.

BACKGROUND

Council policy ‘Convening of the Council Following an Ordinary Election’ was initially adopted by Council in March 2010 (C1003/075) and reviewed and updated in April 2015 (C1504/081). This current policy provides information in regards to the ceremony to follow an election and explicitly recognises the special significance of the business to be conducted at the Council’s first meeting.

The City has developed and implemented a Policy Framework, which sets out the intent of Council policies, as opposed to operational documents such as Operational Practices. Upon reviewing the current policy, it was felt that the title did not accurately convey the intent of the policy; the scope described a number of different processes, and overall, the policy wasn’t as clear and succinct as it could be.

OFFICER COMMENT

Local government elections are held on the third Saturday in October every two years. Each Councillor whose term will cease at the election, retires from their position as Councillor on election night at 6pm in accordance with Section 2.28 of the *Local Government Act 1995* (days on which terms begin and end).

It is recognised that those successfully elected or re-elected through a local government election cannot participate in the transaction of business until they have made the Elected Member declaration. The Policy stipulates that the Elected Member declaration is to be made at a swearing in ceremony on the first Monday following the ordinary election.

The swearing in ceremony is to be the first order of business once the Special Meeting of Council has been declared open. Following this item will be the election of the Mayor and Deputy Mayor; appointment of members to Council's Standing Committees; and appoint membership of Elected Member delegates to various other groups, working parties and other informal groups.

Election to Council is a momentous occasion and as such, the Policy provides for the holding of an informal function for newly Elected Members and their immediate family members to mark the event, with invitations extended to the Chief Executive Officers, Directors and other relevant staff.

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 that Act.

A number of sections of the *Local Government Act 1995* are relevant to the proposed policy, including:

- Section 2.29 which provides for the declaration of elected members before acting in the office;
- Section 5.8 of the *Local Government Act 1995* provides for the establishment of committees; and
- Schedule 2.3, Division 1 of the *Local Government Act 1995* provides for when and how mayors, presidents, deputy mayors and deputy presidents are elected by the Council.

Relevant Plans and Policies

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). The GSR made a number of recommendations with respect to the City's policy and procedure framework. In response the City developed a policy framework which sets out the intent of Council policies, as opposed to operational documents such as Operational Practices.

Financial Implications

There are no financial implications associated with the officer recommendation.

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. Decide to retain the Policy in its current form.
2. Decide to make additional amendments.

CONCLUSION

In accordance with City's Policy Framework, a review of Council policy 'Convening of the Council Following an Ordinary Election' has identified that it does not clearly convey the requirements for an Elected Member declaration or set out the order of business for the first Council meeting following an election.

The policy as proposed, more clearly articulates those requirements for the swearing in ceremony and Special Meeting of Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be implemented immediately on adoption and will be ready to use following the 2019 election.

COUNCIL POLICY



Council Policy Name: Swearing In of Elected Members

Responsible Directorate: Finance and Corporate Services Version: Draft

1. PURPOSE

- 1.1. This Policy outlines the guidelines for the official swearing in ceremony to enable newly elected members to make a declaration in accordance with the provisions of the *Local Government Act 1995*.

2. SCOPE

- 2.1. This Policy applies to the elected member declaration and the first meeting of new and returning elected members following a local government election.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy entitled "Swearing in of Elected Members"

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 6 - Leadership of the City's Strategic Community Plan 2017 and specifically the following Community Objective 6.1: Governance systems, process and practices are responsible, ethical and transparent

5. POLICY STATEMENT

- 5.1. It is recognised that those successfully elected through a local government election cannot participate in the transaction of business until they have made the elected member declaration, which is undertaken at a swearing in ceremony.
- 5.2. The swearing in ceremony is to be held in the Council Chambers on the first Monday following an ordinary election.
- 5.3. The swearing in ceremony is to be conducted in accordance with Section 2.29 of the *Local Government Act 1995*.
- 5.4. The swearing in ceremony is to be the first item of business at the Special Council Meeting with the following items to be considered in this order:
 - a. the election of the Mayor and Deputy Mayor;
 - b. the appointment of membership of Council's Standing Committees; and
 - c. the appointment of membership of elected member delegates to various other groups, including working parties and informal groups.
- 5.5. The Special Meeting of Council is to be conducted in accordance with the provisions of Section 5.8 and Schedule 2.3, Division 1 of the *Local Government Act 1995*.

- 5.6. At the conclusion of the Special Meeting of Council, an informal function will be held for elected members and their immediate partners and/or families, with invitations extended to the Chief Executive Officer, Directors and other relevant employees.
- 5.7. Where an extraordinary election for the Council is conducted or an extraordinary Mayoral or Deputy Mayoral vacancy occurs, due regard should be given to the significance of the required ceremonies and a special meeting or ceremony be arranged where practicable.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1 *Local Government Act 1995*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	8 April 2015	Resolution #	C1504/081
Previous Adoption	DATE	10 March 2010	Resolution #	C1003/075

Last updated 08/04/2015

014	Convening of the Council Following an Ordinary Election	V2 Current
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1. PURPOSE

This policy is to provide for the timely conduct of ceremonies following an election and to recognise the special significance of the business to be conducted at the Council's first meeting.

2. SCOPE

This policy applies following any Ordinary Election for the Council, recognising that it is after this election that a Mayoral election is to occur. Where any extraordinary election for the Council is conducted or an extraordinary Mayoral vacancy occurs, due regard should be given to the significance of the required ceremonies and a special meeting or ceremony should be arranged where practicable.

3. POLICY CONTENT

It is recognised that the first meeting following an Ordinary Election has special significance and should therefore be convened as a Special Meeting of Council to allow the business of the Council to be transacted at its ordinary meetings in as timely a manner as practicable.

Newly elected members cannot participate in the transaction of Council business until they have made a declaration before an authorised person. Once the newly elected members have made the declaration, the first order of business for the newly convened Council must be the Election of a Mayor and a Deputy Mayor.

It is impracticable for this to occur at an ordinary meeting of the Council and a Special Meeting of the Council shall be convened for this purpose. It is important for this meeting to be scheduled for the first suitable occasion following the elections and wherever possible it shall occur on the Monday evening immediately following the ordinary election day.

The proceedings shall commence with the "Swearing In" ceremony for new Councillors to be followed by the Special Meeting for the election of the Mayor and Deputy Mayor and consideration of Council's Committees, membership of the Committees and the appointment of Council delegates to various other groups.

In recognition of the significance of the occasion, the Special Meeting shall usually be followed by a meal to which Councillors, partners and executive staff and partners will be invited.

Policy Background


Policy Reference No. - 014
Owner Unit – Governance
Originator – Manager, Governance Services
Policy approved by – Council
Date Approved - 10 March, 2010

History

Council Resolution	Date	Information
C1504/081	8 April, 2015	Version 2
C1003/075	10 March, 2010	Date of implementation Version 1

13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.1 DRAFT AMENDMENT 36 TO LOCAL PLANNING SCHEME 21 - 'VASSE EAST' - CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL

STRATEGIC GOAL	2. PLACE AND SPACES Vibrant, attractive, affordable
STRATEGIC OBJECTIVE	2.1 Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
SUBJECT INDEX	Structure Plans
BUSINESS UNIT	Strategic Planning
REPORTING OFFICER	Principal Strategic Planner - Louise Korovesi
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Legislative: to adopt legislative documents e.g. local laws, local planning schemes, local planning policies
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Location Plan/Aerial Photograph   Attachment B Scheme Amendment Map   Attachment C Flora and Vegetation Assessment   Attachment D Public Open Space Concept Plan   Attachment E Schedule of Modifications   Attachment F Local Planning Strategy   Attachment G Schedule of Submissions  

OFFICER RECOMMENDATION

That the Council:

1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts Amendment 36 to Local Planning Scheme 21 for final approval, in accordance with the modifications proposed in the Schedule of Modifications shown at Attachment E, for the purposes of:
 - (a) Rezoning Lots 1445, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'.
 - (b) Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development'.
 - (c) Amending the Development Investigation Area by excluding Lots 1445, 178, 501, 9000, 201, 176 and 224 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse.
 - (d) Amending 'Special Provision Area No. 4' to read as follows –

No	Particulars of Land	Zone	Special Provisions
SP4	As identified on the Scheme map	Urban Development	<ol style="list-style-type: none"> 1. Notwithstanding the requirement for a structure plan for land in a Development Zone a single integrated Structure Plan shall be required for the whole of Special Provision Area 4. 2. No subdivision (including strata or survey strata subdivision) or other development shall be carried out in Special Provision Area 4 until a Structure Plan has been prepared and adopted under the provisions of Part 4 of the deemed provisions. 3. Where land is specifically zoned the provisions of the

			<p>zone shall prevail over the Structure Plan.</p> <p>4. Structure planning is to identify developable and non-developable areas based on comprehensive environmental assessment that investigates, but is not limited to, the following matters -</p> <ul style="list-style-type: none"> a) Identification of vegetation having conservation significance. b) Approved measures to ensure the retention, protection and ongoing management of those remnant vegetated areas having recognised environmental values within 'public open space' and/or conservation areas (as identified on an endorsed Structure Plan). Such measures are required to also address linkages and connectivity with contiguous areas of similarly important remnant vegetation on land adjoining the special provision area as well as management measures to ensure the habitat functions of these areas are maintained and where possible enhanced. c) Determination of boundaries of geomorphic wetlands including identification of appropriate buffers to development to the satisfaction of the Department of Biodiversity, Conservation and Attractions. d) A Local Water Management Strategy to establish a framework to ensure that the quality and quantity of surface and groundwater is maintained post-development and is to address (but not be limited to): <ul style="list-style-type: none"> i. flood management (major events); ii. measures to ensure that existing hydrological and ecological functions of the geomorphic wetlands are not impacted by future development; iii. establish groundwater conditions, based on monitoring, and management requirements; iv. identify and describe proposed measures to capture and treat the minor events; and v. outline monitoring and management requirements. <p>5. Areas identified as having conservation significance (such as wetlands & buffers) are to be identified on a Structure Plan as 'Reserve for Conservation' and ceded free of cost to the Crown at the time of subdivision in addition to any public open space land required as a condition of subdivision for residential purposes.</p> <p>6. Prospective conditions of subdivision requiring the requisite preparation of vegetation, fauna, wetland and ASS management plans (e.g.), the primary objective of which would be to ensure the protection and ongoing management of significant</p>
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			<p>environmental, biodiversity, habitat and/or cultural values.</p> <p>7. Prior to subdivision or development the proponent is to prepare a Development Contribution Plan to the satisfaction of the City of Busselton and WAPC to ensure appropriate and timely contributions towards community facilities, public open space and civil infrastructure on a progressive and staged basis.</p>
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(e) Amending the Scheme Map accordingly.

2. Advise the Western Australian Planning Commission that the proposed Amendment is considered by the Council to be a 'standard' amendment pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - i. The Amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
 - ii. The Amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
3. Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, endorses the Schedule of Submissions at Attachment G, which has been prepared in response to the public consultation process undertaken in relation to Amendment 36.
4. Upon preparation of the necessary documentation, refers the adopted Amendment 36 to the Western Australian Planning Commission for consideration and determination in accordance with the *Planning and Development Act 2005*.
5. Pursuant to r.56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should directions be given that modifications to Amendment 36 are required, direct these modifications to be undertaken accordingly, on behalf of the Council, unless they are considered by Officers likely to significantly affect the purpose and intent of the draft Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.

EXECUTIVE SUMMARY

The Council is requested to consider adopting draft Amendment 36 to Local Planning Scheme 21 (LPS21) for final approval. Draft Amendment 36 proposes to rezone Lots 1445, 178, 501, 9000, 201 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development' and Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' (collectively referred to as 'Vasse East').

Advertising of the Amendment resulted in 12 external agency submissions and 14 public submissions. The public submissions included 7 objections and matters raised focussed on perceived loss of amenity and property values, potential environmental impacts and inconsistency with the *Leeuwin Naturaliste Sub-Regional Strategy 2019*.

Officers are recommending that draft Amendment 36 be adopted for final approval, in accordance with changes proposed on advice from the Environmental Protection Authority (EPA), as well as submissions received from the Department of Water and Environmental Regulation (DWER) and Department of Biodiversity, Conservation and Attractions (DBCA), and as set out in the Schedule of Modifications provided at Attachment E, and referred to the Western Australian Planning Commission (WAPC) and Hon. Minister for Planning for final approval.

BACKGROUND

'Vasse East' is located immediately east of existing residential development at Vasse and Heron Lake (Attachment A: Location Plan/Aerial Photograph). Immediately to the east and all the way through to Queen Elizabeth Avenue, land is zoned, subdivided and mostly developed for rural residential purposes. To the north and the south, the amendment area is bound by the Busselton Bypass and Rendezvous Road respectively. The subject land is generally flat and consists of mostly cleared agriculture and grazing land and includes residential buildings and outbuildings. The subject land also contains wetlands and native remnant vegetation.

The proposal comprises a Scheme Amendment that proposes to rezone Lots 1445, 178, 501, 9000, 201 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development' and Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development'. Amendments to the boundary and provisions of Special Provision Area 4 are also proposed to ensure that future structure planning for the subject land includes comprehensive environmental investigations and assessment.

Draft Amendment 36 was initiated by the Council for public consultation on 24 April 2018. The Scheme Amendment map is provided at Attachment B.

The rationale behind draft Amendment 36 relates to the identification of the subject land as a long term urban growth area by the City's *Draft Local Planning Strategy* and the objective of preventing the sterilisation of the land for future urban development through rural residential subdivision and development (there exists the ability for landowners to seek approval to a structure plan to facilitate subdivision under the *current* planning framework).

Of relevance to this proposal, draft Amendment 28 ('Omnibus 3') was initiated by the Council for public consultation on 24 April 2018. Draft Amendment 28 received consent to advertise from the WAPC on 29 June 2019 subject to modifications (prospective advertising should commence by late September). Included in a range of matters considered by draft Amendment 28 is the introduction of consolidated and Regulation compliant development zone provisions into LPS21, including the introduction of a new 'Urban Development' zone. It was originally intended that draft Amendment 28 would include zoning proposals for 'Vasse East'. In response to preliminary advice received from the EPA that a comprehensive structure plan may need to be progressed concurrently with draft Amendment 28, proposed changes concerning 'Vasse East' were detached from that amendment, to be progressed via a separate, stand-alone amendment.

It should also be noted that the City is in receipt of a structure plan application relating to Lots 9000, 176 and 201 Rendezvous Road, Vasse that proposes the creation of 37 lots with a minimum lot size of 2,000m². Assessment of the structure plan application and its suitability for consideration for adoption for advertising has not yet been completed and it is not necessarily supported by officers in its current form. A submission objecting to Amendment 36 has been received from the proponent and this is further discussed under the 'Stakeholder Consultation' section of this report.

Environmental Considerations

Draft scheme amendments require examination by the EPA pursuant to S48A of the *Environmental Protection Act 1986* to determine if formal assessment is required, and if not, advice and recommendations may be provided to the local government.

Environmental values within the subject land include; remnant native vegetation; threatened ecological communities (TECs); Swan Coastal Plain geomorphic wetlands and terrestrial fauna. The EPA requested additional information to enable assessment under S48A of the *Environmental Protection Act 1986* in relation to flora and vegetation, terrestrial fauna and inland waters and advised that further scheme mechanisms (such as text provisions) are required to mitigate impacts to these values.

In response the City provided the EPA with the following information –

1. Proposed modified Scheme provisions to strengthen requirements for environmental assessments to be undertaken as part of the future structure planning process.
2. A targeted flora and vegetation assessment for Lot 1445 Rendezvous Road, Vasse (Attachment C).
3. A public open space *concept plan* (Attachment D) that captures spatially the environmental features identified on the City's GIS database (i.e. those values mentioned above) and recommendations from the vegetation assessments (remnant vegetation and ecological linkages within Lot 1445 Rendezvous Road). Areas proposed to be included in public open space by a subsequent structure plan would be further investigated by hydrological, geotechnical, environmental and local water management assessments and recommendations as part of the structure planning process.

The EPA issued its decision on draft Amendment 36 on 27 May 2019, concluding that the Amendment can be managed to meet the EPA's environmental objectives through the implementation of the proposed modified local planning scheme provisions and structure planning requirements.

OFFICER COMMENT

The land subject of Amendment 36 is strategically identified as a future urban growth area 'Vasse East (11)' in the City's *Draft Local Planning Strategy* and was identified for 'Urban Expansion' in the advertised version of the WAPC *Leeuwin Naturaliste Sub-Regional Strategy*.

A significant purpose of Amendment 36 is to prevent the sterilisation of the land within 'Vasse East' for future urban development through rural residential subdivision/development. Placement of the land in a 'Development' zone will trigger the requirement for comprehensive structure planning that will include, amongst other things, the targeted environmental assessments contained in the recommended special provisions, as set out in the Schedule of Modifications at Attachment E, and relevant matters/concerns raised in the public submissions.

Having considered the submissions received, officers consider that draft Amendment 36 is an appropriate outcome consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*, key local and State strategic planning documents and the orderly and proper planning within the City of Busselton.

Statutory Environment

The key elements of the statutory environment in relation to draft Amendment 36 are set out in the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Each is discussed under appropriate subheadings.

Planning and Development Act 2005

The *Planning and Development Act 2005* outlines the relevant considerations when preparing and amending local planning schemes. The relevant provisions of the Act have been taken into account in preparing and processing this amendment.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015*, which came into operational effect on 19 October 2015, identifies 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. Draft Amendment 36 is considered to be a 'standard' amendment.

Relevant Plans and Policies

The key policy implications with respect to the proposal are set out in the following documents –

- *State Planning Policy 3 – Urban Growth and Settlement;*
- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas & Planning Bulletin 111/2016 Planning in Bushfire Prone Areas;*
- *Leeuwin Naturaliste Sub-Regional Strategy 2019; and*
- *Draft City of Busselton Local Planning Strategy 2016.*

Each is discussed below under appropriate subheadings.

State Planning Policy 3 - Urban Growth and Settlement

SPP 3 sets out the principles and considerations which apply to planning for urban growth and settlement in Western Australia. The overall aim of the policy is to facilitate sustainable patterns of urban growth and settlement and effective protection of the environment. The policy cites five objectives to achieve this outcome. The following objectives of the policy are relevant to the consideration of draft Amendment 36 –

- *To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demands whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*

Consolidation of development around Vasse which has existing and planned community services and infrastructure (e.g. reticulated sewer and water), through a higher and better use of the land, is considered to be more consistent with SPP 3 than low density rural residential subdivision.

State Planning Policy 3.7 Planning in Bushfire Prone Areas 2017 & Planning Bulletin 111/2016 Planning in Bushfire Prone Areas

SPP 3.7 directs how strategic planning proposals should address bushfire risk management in Western Australia. It applies to all land which has been designated as being bushfire prone on the State Map of Bushfire Prone Areas.

Planning Bulletin 111/2016 also assists with the interpretation and implementation of SPP 3.7, the associated *Guidelines for Planning in Bushfire Prone Areas 2017* and the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 10A – Bushfire Risk Management. The Planning Bulletin also sets out exemptions from the requirements of SPP 3.7 and the deemed provisions, to be applied pragmatically by the decision maker, for proposals that do not result in –

- the intensification of development (or land use);
- an increase in the number of residents; or
- does not involve the occupation of employees on site for any considerable amount of time.

Draft Amendment 36, in and of itself, will not result in any of the outcomes listed above and is therefore exempt from the requirements of SPP 3.7. Pursuant to Part 4 r.15 of the Regulations, land identified as being in a 'Development' zone requires the preparation of a structure plan before subdivision and development can occur, and the assessment of bushfire risk and management measures would be comprehensively addressed at that stage.

Leeuwin Naturaliste Sub-Regional Strategy 2019

The *Leeuwin Naturaliste Sub-Regional Strategy 2019* (LNSRS) is an overarching strategic land use planning document outlining the approach of the WAPC to future planning and development in the City of Busselton and Shire of Augusta-Margaret River.

The LNSRS identifies 'Vasse East' as 'Rural Living' and 'Rural' which simply reflects the current zoning of the land under LPS21. The advertised version of the draft LNSRS, however, identified 'Vasse East' for urban expansion, reflective of the strategic direction set out by the draft LPS. City officers understand that the exclusion of the area in the final LNSRS was probably unintentional, and the document may be amended to be consistent with the draft document.

As the decision of the Council to initiate draft Amendment 36 was consistent with the (then) draft LNSRS and the draft LPS, officers are of the view that progression of the proposal is warranted. Support (or otherwise) for the draft Amendment and a final decision rests with the WAPC and the Minister for Planning respectively.

Draft Local Planning Strategy 2016

The draft LPS was adopted by the Council in September 2016 and is pending endorsement by the WAPC. The draft LPS sets the long term broad planning direction for the whole of the District of the City of Busselton and provides the strategic rationale for decisions related to the progressive review and amendment of the Scheme. The draft LPS also sets out four 'frameworks' relating to: settlement; urban growth areas; activity centres; and industrial/service commercial growth areas. 'Vasse East' is identified as a long term urban growth area (reference number 11 on the draft LPS map provided at Attachment F) for the following key reasons –

- i. Currently zoned 'Rural Residential' but not structure planned;
- ii. Proximity to Vasse would suggest a higher and better use than (potentially) unsewered rural residential subdivision and development; and
- iii. Consolidate settlement around Vasse where commercial, retail, education and other community infrastructure and service infrastructure has been developed (and will continue to do so in accordance with the local planning framework).

'Vasse East' was also included in the draft LPS so that the land would not be prejudiced by existing rural residential subdivision and development opportunities.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

Draft Amendment 36 was advertised for 42 days ending 31 July 2019. A total of 26 submissions were received (12 government agency and 14 public submissions). A Schedule of Submissions is provided at Attachment G. The public submissions included 7 objections to the Amendment and matters raised are summarised as follows –

- i. Loss of amenity (views/rural outlook, peace and quiet, expectation of adjacent rural residential subdivision not urban).
- ii. Impacts on the environmental attributes of the subject land (wetlands, native vegetation, fauna).
- iii. Inconsistent with the identification of the land for 'Rural Living' by the LNSRS and Lots 9000, 176 and 201 Rendezvous Road, Vasse should be excluded from Amendment 36 to enable subdivision into 2,000m² lots in accordance with the structure application currently before the City.

With respect to the first two matters, future structure planning for the Amendment area would address relevant matters raised in public submissions. Structure planning proposals for the land would be advertised for public comment and adjoining landowners would be notified and have an opportunity to put forward their views. The structure planning process would consider the interface with, and transition to, adjoining residential and rural residential areas, and comprehensive environmental assessments to identify areas to be set aside for public open space (i.e. waterways and wetlands and appropriate foreshore buffers and vegetation having environmental values).

With respect to item iii) officers have discussed the matter further with the proponents who have since advised that Amendment 36 and the placement of the land in the Urban Development zone would potentially be beneficial to their aspirations for the land. The proponent has, however, aired concerns regarding the requirement for a single integrated structure plan for the whole of Special Provision Area 4, as recommended in the Schedule of Modifications, and has requested that consideration be given to amending that provision to enable a separate integrated structure plan to be progressed for Lots 9000, 176 and 201 Rendezvous Road.

A key consideration arising is what impact might 'decoupling' these lots from inclusion in an overall structure plan in favour of potentially progressing a separate integrated structure plan, ahead of the balance of the Amendment area, have on the orderly and proper planning of Vasse East. Whilst there is not a particularly compelling argument in favour of the request, the following points are provided for consideration –

- a) Servicing – the Water Corporation has indicated in its submission that it has long term wastewater (reticulated sewer) conceptual planning in place for the Amendment area. It is, however, too early to draw conclusions as to how sewer (or other infrastructure) would be delivered to the Amendment 36 area as a whole, if the area was planned and developed in an integrated fashion (and the timeframe for that is unknown). It does appear, however, that at present it would be uneconomic to secure these lots in isolation.
- b) Road/pedestrian network – a separate integrated structure plan for Lots 9000, 176 and 201 could allow for future road and pedestrian connectivity to the land to the east and the existing Heron Lake/Birchfields subdivisions. Not so critical is road connection to the land to the west (i.e. Lots 224 & 634) and this is discussed further below.
- c) Bushfire Planning - it would benefit the adjoining Heron Lake residential subdivision by providing secondary escape access, thus bringing it in line with contemporary bushfire planning standards as it currently an island of development serviced by a cul-de-sac.
- d) Location – it could be argued that Lots 9000, 176 and 201 form a discrete cell adjacent to Heron Lake, and the two largest landholdings (being Lots 1445 and 178 – combined size approximately 70ha), along with Lot 501 make up the eastern balance of the Amendment area. Should structure planning for Lots 9000, 176 and 201 progress early, it would not prejudice the structure planning for, or staged development of, Lots 1445 and 178.

- e) Lots 634 & 224 – are adjacent to the future ‘Armstrong Village’ within the Vasse Overall Structure Plan (VOSP) area and Heron Lake. The VOSP identifies the land within the ‘Armstrong’ area (i.e. Lot 250 Rendezvous Road and Lots 221 & 461 Northerly Street) as being subject to future detailed design and this could provide for road connection into Lot 634 if required. The small size of Lot 224 (4ha) and its frontage to Rendezvous Road would suggest that it would not necessarily depend on access being provided via adjoining lots. The characteristics of these lots suggests also that they might be suited to specialised land uses such as aged persons accommodation or a school (particularly in light of the identification of ‘Vasse South’ for consideration for urban land uses by the *Leeuwin Naturaliste Sub-Regional Strategy*). It would not prejudice planning considerations for Vasse East if these lots also formed a separate integrated structure plan area within Vasse East.

With respect to the last dot point above, officers are recommending a modification to Amendment 36 to allow for this consideration. While the lots present some constraints, subject to the environmental assessment requirements for Special Provision Area 4 as set out in the Schedule of Modifications.

If Lots 9000, 176 and 201 were excluded from Amendment 36 and remained zoned ‘Rural Residential’ there would be the following considerations for structure planning:

- 2,000m² lots (as proposed by the current structure plan application) can no longer be supported under the existing zoning as has been previously advised by both the City and the DPLH;
- transitional lot sizes/interface with existing residential subdivision;
- bushfire safety;
- on-site effluent disposal;
- environmental values;
- lower lot yield; and
- less impact on the local road network.

It should also be noted that irrespective of the above scenarios, Lots 9000, 176 and 201 would remain subject to the provisions of Special Provision Area 4 and structure planning for the land would have to satisfactorily address the environmental and planning requirements set out therein.

Having carefully considered the matters raised in the public submissions, modifications to Amendment 36 are being recommended as set out in the Schedule of Modifications at Attachment E.

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 implementation of the Officer Recommendation will involve adopting the Amendment for final approval and referral to the Western Australian Planning Commission and Minister for Planning for final approval. In this regard, there are no significant risks identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve not adopt the Amendment for final approval (and provide a reason for such a decision). It should be noted that under the relevant legislation there is no right of appeal against a Council decision not to adopt an amendment for final approval.
2. To seek further information before making a decision.

Officers can assist with the drafting of a suitable alternative motion if required.

CONCLUSION

As a result of the assessment detailed above, City officers recommend that the Council provides a recommendation to the Western Australian Planning Commission to support draft Amendment 36, in accordance with the Schedule of Modifications (Attachment E).

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will involve the referral of draft Amendment 36 to the Western Australian Planning Commission for final approval and this will occur within one month of the resolution.

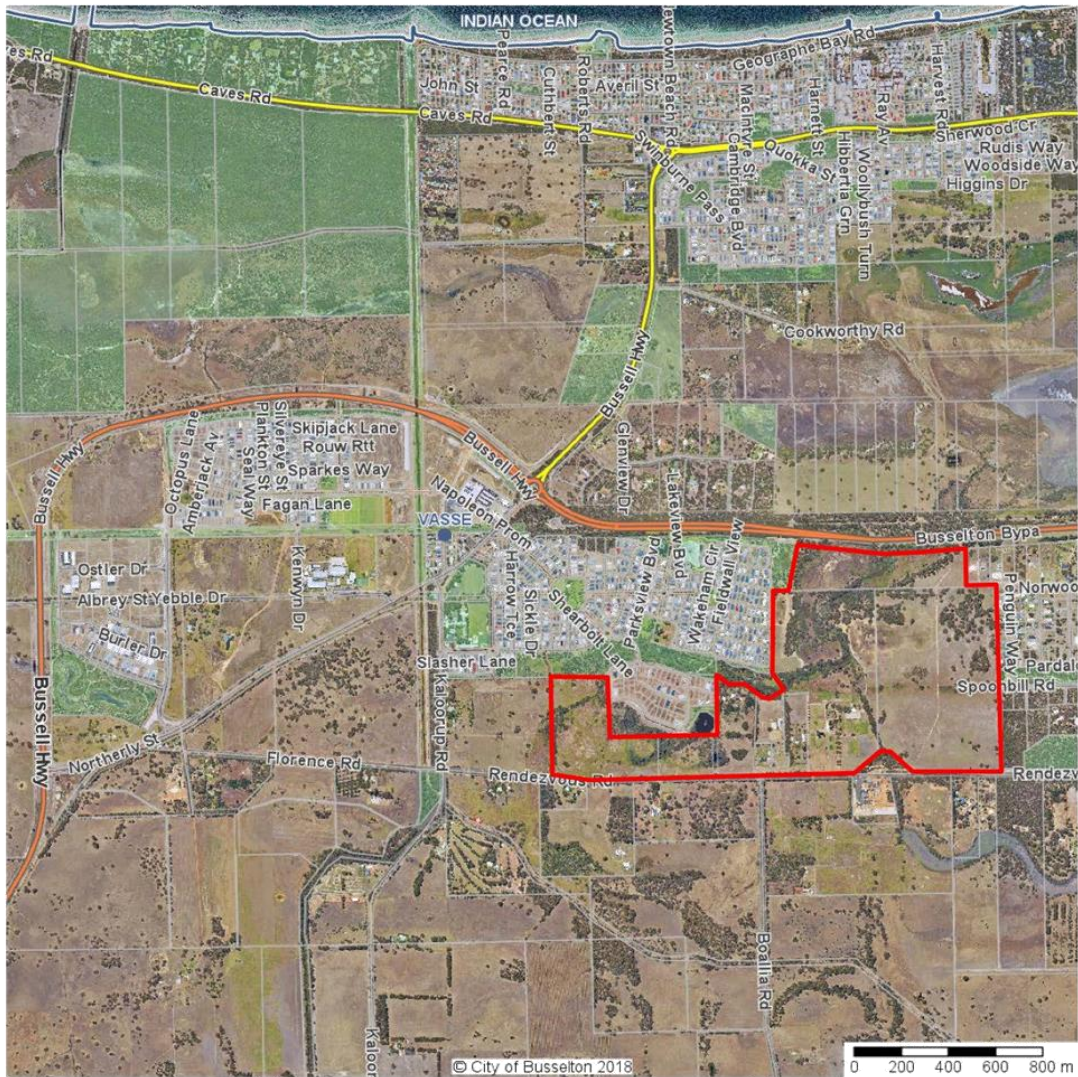
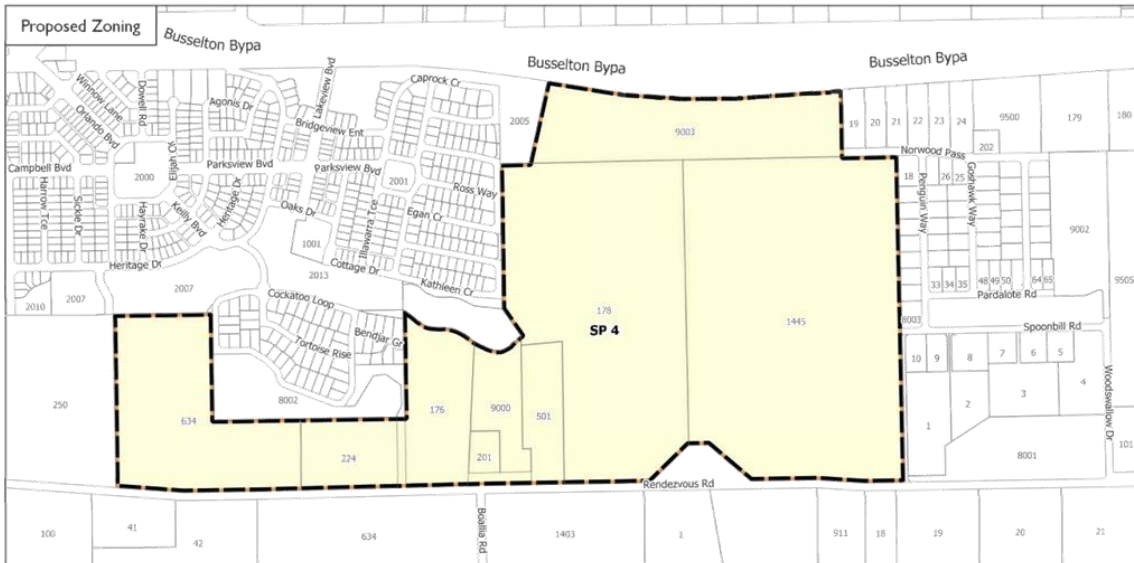
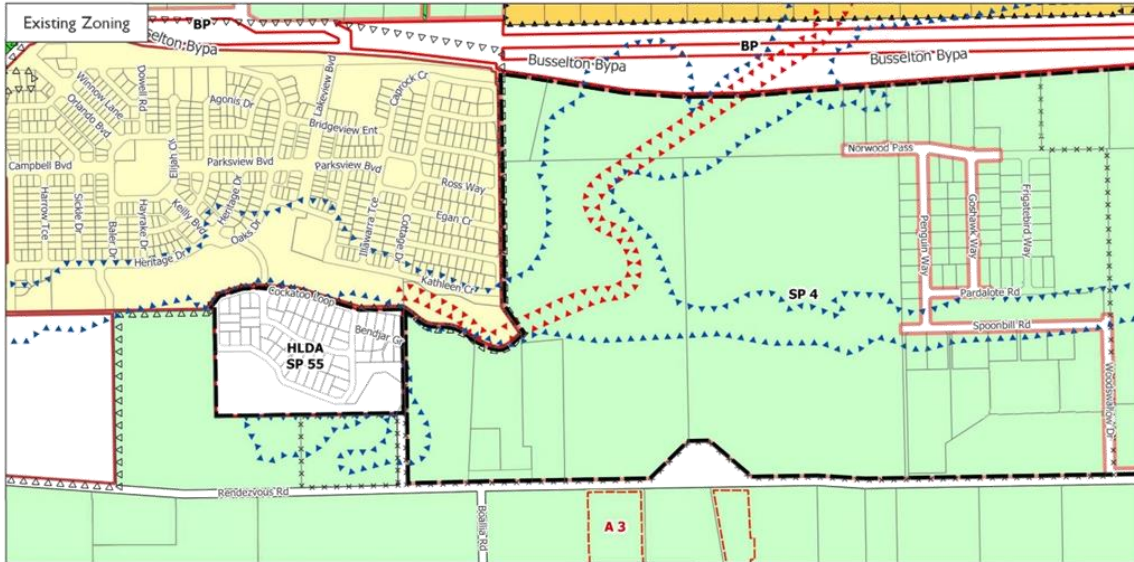


Figure 2 Aerial Photograph

SCHEME AMENDMENT MAP

City of Busselton
Local Planning Scheme No.21 Amendment No.36
Sheet 20 & 22: Vasse East



Zone	Reserve	Area
Agriculture	Public Purposes	Development Investigation
Conservation	Recreation	Environmental Conditions
Deferred Vasse Development		Floodway
Rural Residential		Landscape Value
Special Purpose		Wetland
Vasse Development		
Additional Use		
Urban Development		
Special Provision		

ID: 29
BP - Bypass
HLDA - Heron Lake Development Area



Disclaimer
The City of Busselton does not guarantee that this map is without errors and accepts no responsibility for consequences of actions that rely on this map.
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Map Produced on 17/5/2018
GIS Section, City of Busselton



VEGETATION ASSESSMENT, LOT 1445, RENDEZVOUS ROAD,
VASSE

Prepared for: Environmental Protection Authority

Prepared by: Kay Lehman, City of Busselton

Report Date: 26/02/19

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ABBREVIATIONS

BC Act	Biodiversity Conservation Act 2016
DoEE	Department of Environment and Energy
DPaW	Department of Biodiversity, Conservation and Attractions
DRF	Declared Rare Flora
EPA	Environmental Protection Authority
<i>EPBC Act</i>	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
GPS	Global Positioning System
TEC	Threatened Ecological Community

1 INTRODUCTION

1.1 Background

The City of Busselton received advice from the Environmental Protection Authority EPA (dated 18 July 2018- ref. CMS17270 DWERA-001134) regarding environmental assessment of Amendment 36 to Local Planning Scheme 21 and a request for further information to enable assessment under S48A of the Environmental Protection Act 2005. This report has been prepared to provide some of this required environmental assessment including a flora and vegetation assessment (and general comments on fauna habitat) within Lot 1445 Rendezvous Road, Vasse.

The EPA identified that locations within the Vasse East/Amendment 36 area contain under-represented vegetation (less than 10% of vegetation and 10% - 30% of vegetation recorded within the Interim Biogeographic Regions of Australia region). Some of these areas are a Commonwealth listed TEC (endangered) and a Priority 3 State listed PEC (Banksia dominated woodlands of the Swan Coastal Plain). The EPA requested a flora survey compliant with the EPA's *Technical Guidance, Flora and Vegetation Surveys for EIA (2016)*.

1.2 Objectives

The objectives of the Vegetation Assessment were to provide the following information:

- A reconnaissance Flora and Vegetation Assessment (EPA, 2013) of the site;
- A description and mapping of vegetation units present including vegetation structure and condition;
- General comments on potential fauna habitat; and
- Results and conclusions

2. FLORA AND VEGETATION SURVEY METHODOLOGY

2.1 Survey Methodology

The vegetation survey of the project area was undertaken by Ms Kay Lehman an experienced botanist and Environment Officer from the City of Busselton. The vegetation survey of the study area involved a reconnaissance survey in accordance with Environmental Protection Authority's (EPA) Technical Guidance- Flora and Vegetation Survey (EPA, 2016).

A reconnaissance survey involves a site visit by an experienced botanist to undertake a low intensity sampling of flora and vegetation, to describe the general vegetation characteristics and condition at an appropriate scale. The reconnaissance survey is undertaken to clarify whether the area may support any significant flora or vegetation. If significant flora or vegetation is located or considered likely to be present, a targeted or detailed survey may be required in spring.

The major vegetation types were initially delineated using recent colour aerial photography supplemented by on-ground vegetation surveys to ground truth. The survey was conducted by systematically traversing the study area on foot.

2.1.1 Vegetation Description

Vegetation types were described and mapped according to the structure and species composition of the dominant stratum using the system adapted from Muir (1977) and Aplin (1979) (Table 1).

Table 1: Vegetation Structural Classes

Stratum	Canopy Cover (adapted from Muir, 1977 and Aplin, 1979)				
	70-100%	30-70%	10-30%	2-10%	<2%
Trees over 30m	Tall Closed Forest	Tall Open Forest	Tall Woodland	Tall Open Woodland	Scattered Tall Trees
Trees 10-30m	Closed Forest	Open Forest	Woodland	Open Woodland	Scattered Trees
Trees under 10m	Low Closed Forest	Open Forest	Woodland	Open Woodland	Scattered Low Trees
Shrubs over 2m	Tall Closed Scrub	Tall Open Scrub	Tall Shrubland	Tall Open Shrubland	Scattered Tall Trees
Shrubs 1-2m	Closed Heath	Open Heath	Shrubland	Low Open Shrubland	Scattered Low Shrubs
Shrubs under 1m	Low Closed Heath	Low Open Heath	Low Shrubland	Low Open Shrubland	Scattered Low Shrubs
Grasses	Closed Grassland	Grassland	Open Grassland	Very Open Grassland	Scattered Grasses
Herbs and Sedges	Closed Sedgeland/Herbland	Sedgeland/Herbland	Open Sedgeland/Herbland	Very Open Sedgeland/Herbland	Scattered Sedges/Herbs

2.1.2 Vegetation Condition

Vegetation condition was assessed using the condition rating scale in accordance with EPA (2016), adapted by Keighery 1994 and Trudgen 1998 as described on the following page.

Table 2: Vegetation Condition Ratings

Pristine	Pristine or nearly so, no obvious signs of disturbance or damage caused by human activities since European settlement.
Excellent	Vegetation structure intact, disturbance affecting individual species and weeds are non-aggressive species. Damage to trees caused by fire, the presence of non-aggressive weeds and occasional vehicle tracks.
Very Good	Vegetation structure altered, obvious signs of disturbance. Disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and grazing.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate. Disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. Disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and grazing.
Completely Degraded	The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

2.1.3 Database Search

Threatened and Priority Flora Species Search

Prior to conducting the flora and vegetation survey, a DBCA online NatureMap search was undertaken to review potential species of conservation significance within a 10km radial of the study area (DBCA, 2019a).

While all native flora are protected under the Biodiversity Conservation Act 2016 (BC Act), some Threatened species are afforded additional protection under the Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC Act). An Online EPBC Act 1999 Protected Matters Report was undertaken of the study area in the vicinity of 10 kms (DoEE, 2019). The results of the database searches, for each study area are summarized below.

The database searches found that 24 threatened species and 37 priority-listed species have been recorded in the vicinity of the study area. Refer to Table 3.

Table 3: Species Listed on DBCA's NatureMap and Online EPBC Act 1999 Protected Matters Report Recorded in the vicinity of the study area

Species	DBCA Conservation and Priority Codes	EPBC Act 1999
<i>Acacia flagelliformis</i>	P4	
<i>Acacia lateriticola</i> var. <i>Glabrous variant</i> (B.R.Maslin 6765)	P3	
<i>Acacia semitrullata</i>	P4	
<i>Amanita walpolei</i>	P2	
<i>Amperea micrantha</i>	P2	
<i>Andersonia barbata</i>	P2	
<i>Andersonia gracilis</i>	T	Endangered
<i>Banksia nivea</i> subsp. <i>uliginosa</i>	T	Endangered
<i>Banksia squarrosa</i> subsp. <i>argillacea</i>	T	Vulnerable
<i>Boronia capitata</i> subsp. <i>gracilis</i>	P3	
<i>Boronia tetragona</i>	P3	
<i>Bracyscias verecundus</i>	T	Critically Endangered
<i>Caladenia busselliana</i>	T	Endangered
<i>Caladenia huegelii</i>	T	Endangered
<i>Caladenia procera</i>	T	Critically Endangered
<i>Caladenia viridescens</i>	T	Endangered
<i>Calothamnus quadrifidus</i> subsp. <i>teretifolius</i>	P4	
<i>Calystegia sepium</i> subsp. <i>roseata</i>	P2	
<i>Chamelaucium</i> sp. <i>S coastal plain</i> (R.D.Royce 4872)	T	Vulnerable
<i>Chamelaucium</i> sp. <i>Yoongarillup</i> (G.J. Keighery 3635)	P4	
<i>Chordifex gracilior</i>	P3	
<i>Chorizema carinatum</i>	P3	
<i>Cyathochaeta teretifolia</i>	P3	
<i>Daviesia elongata</i>	T	Vulnerable
<i>Drakaea elastica</i>	T	Endangered
<i>Drakaea micrantha</i>	T	Vulnerable
<i>Diuris micrantha</i>	T	Vulnerable
<i>Franklandia triaristata</i> (Lanoline Bush)	P4	
<i>Gastrolobium papilio</i>	T	Endangered
<i>Gastrolobium</i> sp. <i>Yoongarillup</i> (S.Dilkes s.n. 1/9/1969)	P1	
<i>Grevillea brachystylis</i> subsp. <i>brachystylis</i>	P3	
<i>Grevillea brachystylis</i> subsp. <i>grandis</i>	T	Critically Endangered
<i>Grevillea bronwenae</i>	P3	
<i>Grevillea elongata</i>	T	Endangered
<i>Hakea oldfieldii</i>	P3	

<i>Isopogon formosus</i> subsp. <i>dasylepis</i>	P3	
<i>Jacksonia gracillima</i>	P3	
<i>Johnsonia inconspicua</i>	P3	
<i>Lambertia echinata</i> subsp. <i>occidentalis</i>	T	Endangered
<i>Lambertia orbifolia</i> subsp. <i>Scott River Plains</i> (L.W. Sage 684)	T	
<i>Lasiopetalum laxiflorum</i>	P3	
<i>Leptomeria furtiva</i>	P2	
<i>Lepyrodia heleocharoides</i>	P3	
<i>Leucopogon</i> sp. <i>Busselton</i> (D. Cooper 243)	P2	
<i>Loxocarya magna</i>	P3	
<i>Ornduffia submersa</i>	P4	
<i>Petrophile latericola</i>	T	Endangered
<i>Pimelea ciliata</i> subsp. <i>longituba</i>	P3	
<i>Puccinellia vassica</i>	P1	
<i>Pultenaea pinifolia</i>	P3	
<i>Schoenus benthamii</i>	P3	
<i>Schoenus</i> sp. <i>Jindong</i> (R.D. Royce 2485)	P1	
<i>Synaphea hians</i>	P3	
<i>Synaphea petiolaris</i> subsp. <i>simplex</i>	P3	
<i>Synaphea</i> sp. <i>Fairbridge Farm</i> (D.Papenfus 696)	T	Critically Endangered
<i>Tetralia australiensis</i>	T	Vulnerable
<i>Thysanotus glaucus</i>	P4	
<i>Verticordia densiflora</i> var. <i>pedunculata</i>	T	Endangered
<i>Verticordia lehmannii</i>	P4	
<i>Verticordia plumosa</i> var. <i>ananeotes</i>	T	Endangered
<i>Verticordia plumosa</i> var. <i>vassensis</i>	T	Endangered

The following definitions outline DBCA's Conservation Codes and Categories of Threatened Species under the *EPBC Act 1999*:

DBCA Conservation Codes

T: Threatened (Declared Rare Flora) - Extant Taxa

Schedule 1 of the Wildlife Conservation (Rare Flora) Notice under the *Wildlife Conservation Act 1950*.

Taxa which have been adequately searched for and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such.

X: Declared Rare Flora - Presumed Extinct Taxa

Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice and Wildlife Conservation (Rare Flora) Notice under the *Wildlife Conservation Act 1950*. Taxa which have

been adequately searched for and there is no reasonable doubt that the last individual had died, and have been gazetted as such.

Taxa that have not yet been adequately surveyed to be listed under Schedule 1 or 2 are added to the Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened flora. Taxa that are adequately known, are rare but not threatened, or meet criteria for Near Threatened, or that have been recently removed from the threatened list for other than taxonomic reasons, are placed in Priority 4. These taxa require regular monitoring. Conservation Dependent species are placed in Priority 5.

1: Priority One - Poorly known Taxa

Taxa that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, Westrail and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Taxa may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.

2: Priority Two - Poorly Known Taxa

Taxa that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. Taxa may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.

3: Priority Three - Poorly Known Taxa

Taxa that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Taxa may be included if they are comparatively well known from several localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.

4: Priority Four – Rare, Near Threatened and other taxa in need of monitoring

(a) Rare. Taxa that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands. (b) Near Threatened. Taxa that are considered to have been adequately surveyed and that do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable. (c) Taxa that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

5: Priority Five: Conservation Dependent taxa

Taxa that are not threatened but are subject to a specific conservation program, the cessation of which would result in the taxa becoming threatened within five years.

*Taxa = plural of taxon (a classificatory group of any taxonomic rank, e.g. a family, genus, species or any infraspecific category i.e. subspecies, variety or forma).

Categories of Threatened Species as defined in Section 179 of the EPBC Act 1999

- (1) A native species is eligible to be included in the **extinct** category at a particular time if, at that time, there is no reasonable doubt that the last member of the species has died.

- (2) A native species is eligible to be included in the **extinct in the wild** category at a particular time if, at that time:
- (a) it is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or (b) it has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- (3) A native species is eligible to be included in the **critically endangered** category at a particular time if, at that time, it is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- (4) A native species is eligible to be included in the **endangered** category at a particular time if, at that time:
- (a) it is not critically endangered; and (b) it is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- (5) A native species is eligible to be included in the **vulnerable** category at a particular time if, at that time:
- (a) it is not critically endangered or endangered; and (b) it is facing a high risk of extinction in the wild in the medium term future, as determined in accordance with the prescribed criteria.
- (6) A native species is eligible to be included in the **conservation dependent** category at a particular time if, at that time:
- (a) the species is the focus of a specific conservation program the cessation of which would result in the species becoming vulnerable, endangered or critically endangered; or (b) the following subparagraphs are satisfied:
- (i) the species is a species of fish; (ii) the species is the focus of a plan of management that provides for management actions necessary to stop the decline of, and support the recovery of, the species so that its chances of long term survival in nature are maximised; (iii) the plan of management is in force under a law of the Commonwealth or of a State or Territory; (iv) cessation of the plan of management would adversely affect the conservation status of the species.

Threatened and Priority Ecological Community Search

The DBCA's listed Threatened Ecological Community (TECs) and Priority Ecological Community (PECs) (DBCA 2019b and 2019c) were reviewed in relation to the vegetation types recorded from the study area.

The *EPBC Act* online Protected Matters Report (DoE, 2019) within a 10km radius of the study area recorded two TECs including:

- Banksia Woodland of the Swan Coastal Plain ecological community (Endangered; and
- Clay Pans of the Swan Coastal Plain (Critically Endangered).

2.1.4 Botanical Survey Limitations

The potential limitations of the January 2019 flora and vegetation surveys of the study area are presented in Table 4 below.

Table 4: Statement of Botanical Survey Limitations

Potential Limitations	Constraints (Yes/No); Significant, Moderate or Negligible	Comment
Availability of contextual (e.g. bioregional) information for the survey area	No constraints	Beard (1990), McKenzie et al., (2002), Mattiske and Havel (1998), Havel (2002).
Proportion of the flora identified	Moderate	Reconnaissance survey undertaken only.
Competency/experience of the team carrying out the survey, including experience in the bioregional surveyed	No constraints	Experienced botanist
Sources of information (historic/recent or new data)	No constraints	Relatively well documented.
Proportion of the task achieved and further work that may need to be undertaken	Moderate	Further survey may be considered necessary due to timing of survey.
Timing/weather/season/cycle	Moderate- significant constraints	A portion of the species of conservation significant potentially in the study area would have been identifiable. However, the timing was not optimal to record annual and ephemeral species developing in Spring.
Intensity of survey (e.g. In retrospect was to intensity adequate)	No constraints	All remnant vegetation area were mapped and searched comprehensively on foot.
Completeness (e.g. was relevant area fully surveyed)	No constraints	All remnant vegetation area were mapped and searched comprehensively on foot.
Resources (e.g. degree of expertise available for plant identification)	No constraints	Experienced botanist undertook plant identification using regional botanical keys, and DBCA Florabase.
Remoteness and/or access problems	No constraints	Vehicle access was available to the perimeter of lot and all areas of vegetation were traversed on foot.
Disturbance that may have affected the results of survey such as fire, flood or clearing	No constraints	All of the study area was in degraded condition due to past clearing, grazing and weed invasion.

Fungi and nonvascular flora (e.g. algae, mosses and liverworts) were not specifically surveyed during the survey. No numerical analysis of floristic data collected was conducted.

3. FLORA AND VEGETATION RESULTS

3.1 Vegetation

3.1.1 Vegetation Types

A total of two discrete native vegetation types (plus scattered, isolated trees,) were recorded from the January 2019 site assessment. The vegetation types are described below and mapped on Figure 1. Refer to Appendix 1 for a list of species recorded from the study area.

Open Forest/Woodland

OWCcAf- Open Woodland of *Corymbia calophylla* and *Agonis flexuosa* over pasture grass.

Degraded.

Woodland

WAF- Woodland of *Agonis flexuosa* with scattered *Corymbia calophylla* over pasture grasses.

Degraded condition

Scattered Trees

ScErCcAf- Scattered *Eucalyptus rudis*, *Corymbia calophylla* and *Agonis flexuosa* over scattered sedges of *Juncus kraussii* and pasture grasses.

Completely Degraded.

ScCcAf- Scattered *Corymbia calophylla* and *Agonis flexuosa*.

Completely Degraded.

ScCc- Scattered *Corymbia calophylla*

Completely Degraded.

ScAf- Scattered *Agonis flexuosa*

Completely Degraded.

ScEr- Scattered *Eucalyptus rudis*

Completely Degraded.

Isolated Trees

IsCc- Isolated *Corymbia calophylla*

Completely Degraded

IsMr- Isolated *Melaleuca raphiophylla*

Shrubland

LOSPe- Low Open Shrubland of *Pteridium esculentum*

Sedgeland/Herbland

OSJk- Open Sedgeland/Very Open Sedgeland of *Juncus kraussii*

Completely Degraded

ScMp- Scattered herbs of **Mentha pulegium*

Completely Degraded

3.1.2 Vegetation Condition

The condition of the vegetation was assessed using the condition rating scale in accordance with EPA (2016), adapted by Keighery 1994 and Trudgen 1998. Refer to Table 2 for the Vegetation Condition Ratings and Figure 1. The vegetation rating scale ranges from Very Good to Completely Degraded.

The vegetation condition in the study area was recorded to be in a Degraded and Completely Degraded condition. The basic vegetation structure has been severely impacted by grazing with most areas recorded as 'parkland cleared' with mature trees over pasture grasses.

3.1.3 Vegetation Significance

Threatened Ecological Communities (TECs) and Priority Ecological Communities (PECs)

A desktop assessment of the City's Geographic information database identified a Commonwealth listed Threatened Ecological Community (TEC) (Endangered) and a Priority 3 State listed Priority Ecological Community (PEC) (Banksia dominated woodlands of the Swan Coastal Plain) within the study area. The onsite flora and vegetation assessment did not record any *Banksia* species or *Banksia* woodland. The corresponding areas where the Banksia woodland was mapped were recorded to be an Open Forest/Woodland of *Agonis flexuosa* (Peppermint) and *Corymbia calophylla* (Marri).

The DBCA's listed Threatened Ecological Community (TECs) and Priority Ecological Community (PECs) (DBCA, 2019b and 2019c) were reviewed in relation to the vegetation types recorded from the study area. The vegetation types recorded within the study area do not appear to be representative of any the listed TECs and PECs.

The *EPBC Act* online Protected Matters Report (DoEE, 2019) within a 10km radius of the study area recorded two TECs including:

- Banksia Woodland of the Swan Coastal Plain ecological community (Endangered; and
- Clay Pans of the Swan Coastal Plain (Critically Endangered).

The above listed TEC vegetation community were not recorded within the study area.

3.2 Flora

3.2.1 General

A total of 7 flora species (excluding introduced pasture grasses) from 4 families were recorded from the study area during the survey. This included 6 native species and 1 introduced species. The dominant family represented were the Myrtaceae family (four native species).

A complete list of the flora species recorded within the study area during the assessment is provided in Appendix 1.

3.2.2 Conservation Significance of Flora

A search of the DBCA's Threatened and Priority Flora database (DBCA, 2019a), and the Online *EPBC Act 1999* Protected Matters Report (DoEE, 2019) was conducted within a 10 kilometre radius of the study area. The search records identified 24 Threatened and 37 Priority Species that have previously been recorded in the vicinity of the study area (Refer to Section 2.1.3).

Given the Degraded and Completely Degraded condition of the native vegetation, species of conservation significant are unlikely to be present in the study area. However, the timing was not optimal to record annual and ephemeral species developing in spring.

No Threatened (Declared Rare Species) species, as listed in the Biodiversity Conservation Act (BC Act) or under the Commonwealth *Environmental Protection and Biodiversity Act 1999* (EPBC) were recorded within the study area during the site assessment.

Given the highly disturbed nature and degraded condition of the native vegetation in the study area, it is considered unlikely that significant threatened flora including the threatened orchid species would be present.

4. FAUNA HABITAT OBSERVATIONS

The fauna habitat assessment of the study area was of a general nature only, involving noting fauna habitat features and was not undertaken in accordance with EPA Technical Guidance Statement No. 56 *Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia* (2004).

The City's geographic information database identifies potential habitat for rare and threatened fauna listed under the EPBC Act. The *EPBC Act* online Protected Matters Report (DoEE, 2019) within a 10km radius of the study area recorded 39 fauna species including Western Ringtail Possums, Carnaby, Baudin and Red- tailed Black Cockatoo species.

The native vegetation mapped in the study area of Open Forest /Woodland of *Agonis flexuosa* (peppermint) and *Corymbia calophylla* (Marri) provide potential habitat for the Western Ringtail Possum and Black cockatoos species. A possum drey and numerous tree hollows in mature Marri trees were recorded during the field visit.

5. CONCLUSIONS

Based on the results of the Flora and Vegetation Assessment the following conclusion and recommendations have been made:

Database Search

- Prior to conducting the flora and vegetation survey, a DBCA online NatureMap search was undertaken to review potential species of conservation significance within a 10km radial of the study area (DBCA, 2019a). While all native flora are protected under the Biodiversity Conservation Act 2016 (BC Act), some Threatened species are afforded additional protection under the Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC Act). An Online EPBC Act 1999 Protected Matters Report was undertaken of the study area in the vicinity of 10 kms (DoEE, 2019). The database searches found that 24 threatened species and 37 priority-listed species have been recorded in the vicinity of the study area.
- A desktop assessment of the City's Geographic information database identified a Commonwealth listed Threatened Ecological Community (TEC) (Endangered) and a Priority 3 State listed Priority Ecological Community (PEC) (Banksia dominated woodlands of the Swan Coastal Plain) within the study area. The DBCA's listed Threatened Ecological Community (TECs) and Priority Ecological Community (PECs) (DBCA, 2019b and 2019c) were reviewed in relation to the vegetation types recorded from the study area. The vegetation types recorded within the study area do not appear to be representative of any the listed TECs and PECs. The EPBC Act online Protected Matters Report (DoEE, 2019) within a 10km radius of the study area recorded two TECs including:
 - Banksia Woodland of the Swan Coastal Plain ecological community (Endangered); and
 - Clayed Pans of the Swan Coastal Plain (Critically Endangered).

The above listed TEC vegetation community were not recorded within the study area.

Survey Results

- A total of 7 flora species (excluding introduced pasture grasses) from 4 families were recorded from the study area during the survey. This included 6 native species and 1 introduced species. The dominant family represented were the Myrtaceae family (four native species).
- The vegetation condition in the study area was recorded to be in a Degraded and Completely Degraded condition. The basic vegetation structure has been severely impacted by grazing with most areas recorded as 'parkland cleared' with mature trees over pasture grasses.
- The onsite flora and vegetation assessment did not record any *Banksia* species or *Banksia* woodland. The corresponding areas where the Banksia woodland was mapped were recorded to be an Open Forest/Woodland of *Agonis flexuosa* (Peppermint) and *Corymbia calophylla* (Marri).
- The vegetation types recorded within the study area do not appear to be representative of any the DBCA listed or EPBC Act listed TECs and PECs.

- Given the highly disturbed nature and degraded condition of the native vegetation in the study area, it is considered unlikely that significant threatened flora including the threatened orchid species would be present. However, the timing was not optimal to record annual and ephemeral species developing in spring.

Conclusion

Areas of remnant vegetation including the Open Forest/Woodland vegetation in the north-east and the low lying /wetland vegetation running east west through the central part of the study area are providing important ecological linkages through to remnant vegetation areas on adjacent lots. These larger areas of remnant vegetation should be retained and included in Public Open Space. There are also smaller pockets of scattered trees that can be incorporated into adjacent larger remnant areas to also be protected in POS areas.

6. REFERENCES

Aplin, T.E.H (1979) *The Flora*. In: O'Brien B.J. (ed.) Environment and Science, University of Western Australia, Nedlands, Western Australia.

Department of Biodiversity, Conservation and Attractions (2019a) DPaW's NatureMap online database search-NatureMap species report.

Department of Biodiversity, Conservation and Attractions (2019b) List of Threatened Ecological Communities for Western Australia endorsed by the Western Australian Minister for the Environment, (Correct to 28 June 2018) Species and Communities Branch, Department of Parks and Wildlife. www.dpaw.wa.gov.au.

Department of Biodiversity, Conservation and Attractions (2019c) List of Priority Ecological Communities for Western Australia (17 January 2019) Species and Communities Branch, Department of Parks and Wildlife. www.dpaw.wa.gov.au

DoEE (2019) Department of Environment, *EPBC Act Protected Matters Report*. Accessed February 2019.

Environmental Protection Authority (2004) Guidance Statement No. 56 *Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia* (EPA 2004).

Environmental Protection Authority (2016) Technical Guidelines- Flora and Vegetation Surveys for Environmental Impact Assessment, Western Australian Government. EPA December 2016.

Havel, J.J. and Matiske, E.M. (2002) Review of Management Options for Poorly Represented Vegetation Complexes. December, 2002, Perth.

Keighery, B.J. (1994) Bushland Plant Survey: a Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc.), Nedlands, Western Australia.

Matiske, E.M. and Havel, J.J (1998) Vegetation Complexes 1:250,000 Vegetation Mapping in the South West of Western Australia for Environment Australia and the Department of Environment and Conservation, Perth.

McKenzie, N.L., May, J.E. and McKenna, S., (2003) Bioregional Summary of the 2002 Biodiversity Audit for Western Australia, Department of Conservation and Land Management, Perth.

Muir, B.G. (1977) Biological Survey of Western Australian Wheatbelt. Part II: Vegetation and habitat of Bending Reserve. Records of the Western Australian Museum, Supplement No. 3.

Trudgen, M.E. (1988) A report on the Flora and Vegetation of the Port Kennedy Area. Unpublished report prepared for Bowman Bishaw and Associates, West Perth.

Plates



Open Forest of *Corymbia calophylla* (Marri) and *Agonis flexuosa* (Peppermint)



Woodland of *Agonis flexuosa* and *Corymbia calophylla*



Mature Marri with hollows



Scattered trees

Figure 1
Vegetation Types and Condition

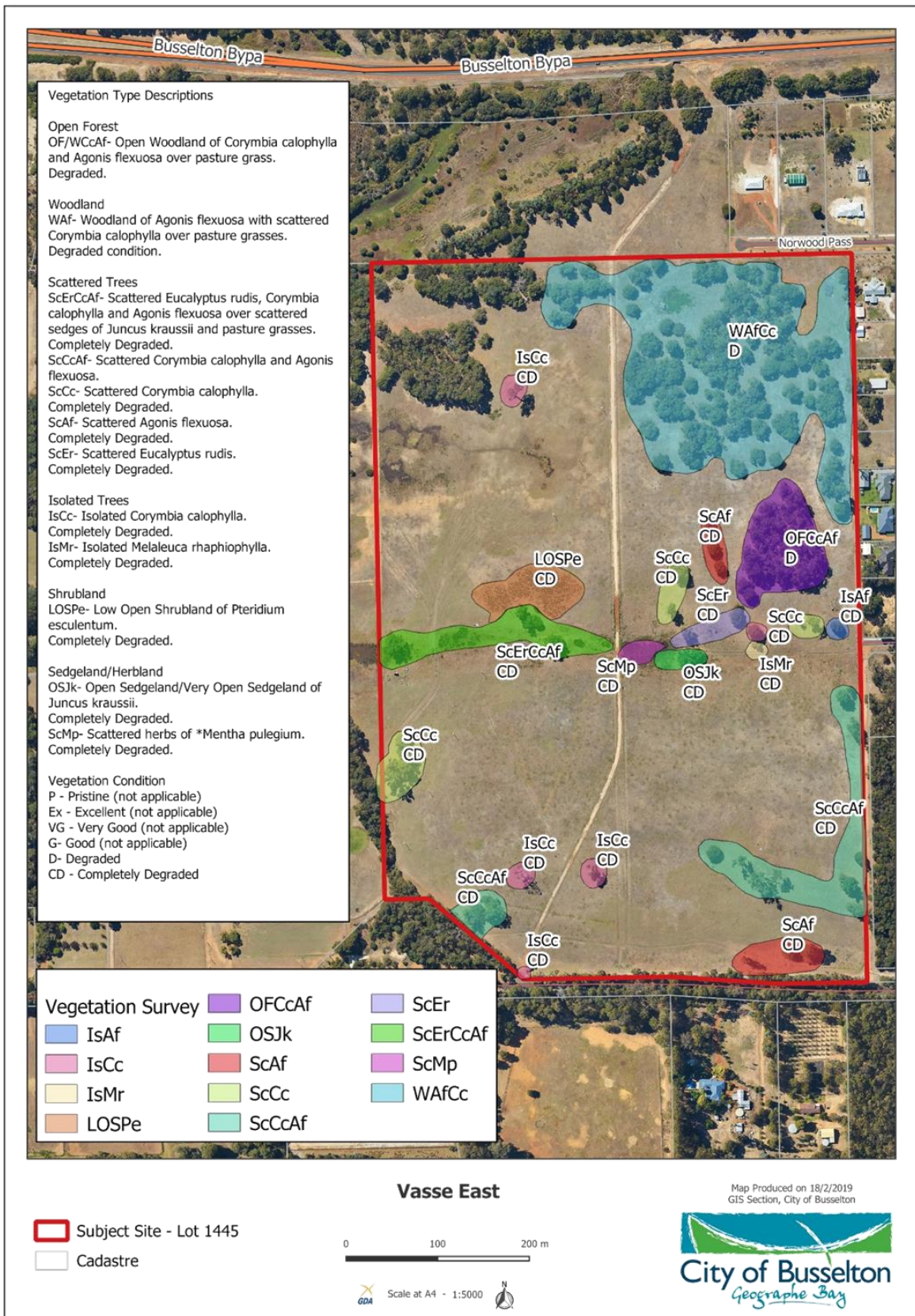


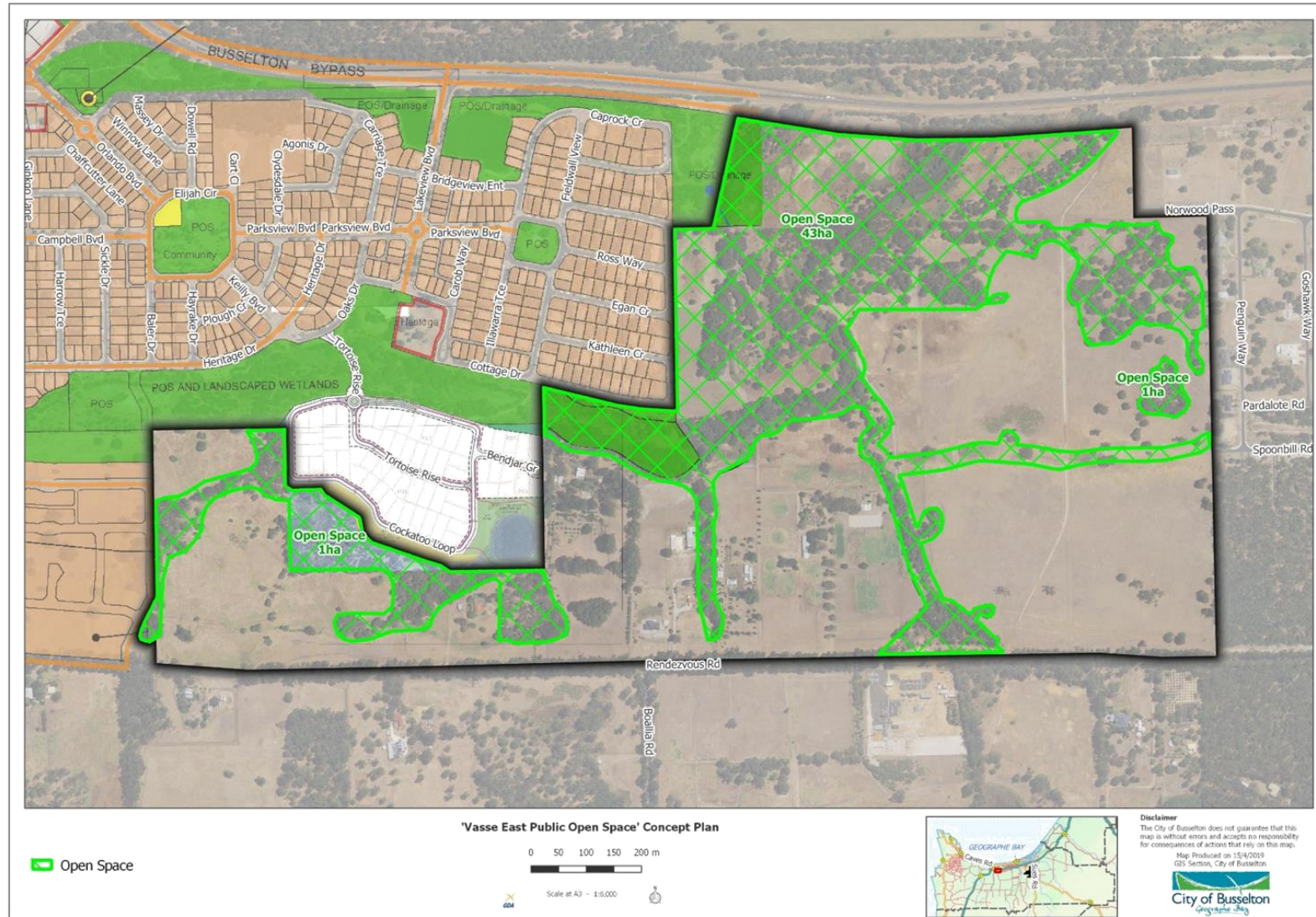
Figure 1 - Vegetation Types and Condition

Appendix 1
Flora Species List

FLORA SPECIES LIST

FAMILY	SPECIES
DENNSTAEDTIACEAE	<i>Pteridium esculentum</i>
JUNCACEAE	<i>Juncus kraussii</i>
LAMIACEAE	* <i>Mentha pulegium</i>
MYRTACEAE	<i>Agonis flexuosa</i>
	<i>Corymbia calophylla</i>
	<i>Eucalyptus rudis</i>
	<i>Melaleuca raphiophylla</i>
POACEAE	Note: introduced pasture grasses- not listed
	Native species- 6
	Introduced species- 1
	Total Number of Species - 7

* denotes introduced species/weed



**ATTACHMENT E
AMENDMENT 36 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF MODIFICATIONS**

No.	Amendment 36 as advertised	Recommended Modification	Reason
1.	Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development'.	Change 'Agriculture' zone to 'Rural' zone in the Scheme text and on the Scheme Map.	The Gazettal of Amendment 29 to Local Planning Scheme 21 on 7 June 2019 aligned the Scheme zones with the Model Scheme Text. The 'Agriculture' zone is now the 'Rural' zone.
2.	Rezoning Lots 1445, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'.	Include Lot 201 Rendezvous Road, Vasse.	Text error.
3.	<p>SP4 Special Provisions -</p> <ol style="list-style-type: none"> 1. Notwithstanding the requirement for a structure plan for land in a Development Zone a single integrated Structure Plan shall be required for the whole of Special Provision Area 4. 2. No subdivision (including strata or survey strata subdivision) or other development shall be carried out in Special Provision Area 4 until a Structure Plan has been prepared and adopted under the provisions of Part 4 of the deemed provisions. 3. Where land is specifically zoned the provisions of the zone shall prevail over the Structure Plan. 	<p>Special Provisions to read as follows –</p> <ol style="list-style-type: none"> 1. Except for Lots 9000, 176, 201, 224 and 634 Rendezvous Road, a single integrated Structure Plan shall be required for the whole of Special Provision Area 4. A separate integrated structure plan shall be required for Lots 9000, 176 and 201 Rendezvous Road. A separate integrated structure shall be required for Lots 224 and 634 Rendezvous Road. 2. Lots 1445, 178, 501, 9000, 176, 201, 224 and 634 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse contain important environmental values including remnant vegetation, potential habitat for Commonwealth and State listed threatened fauna species, ecological linkages and wetlands. Structure planning shall require these 	<p>To reflect –</p> <ol style="list-style-type: none"> 1. The modified Scheme provisions proposed by the City of Busselton to assist EPA with its assessment of Amendment 36; 2. The decision and advice of the EPA; 3. Recommendations set out in the submission from the Department of Water and Environmental Regulation; and 4. Removal of provisions that are either deemed provisions or inconsistent with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.

**ATTACHMENT E
AMENDMENT 36 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF MODIFICATIONS**

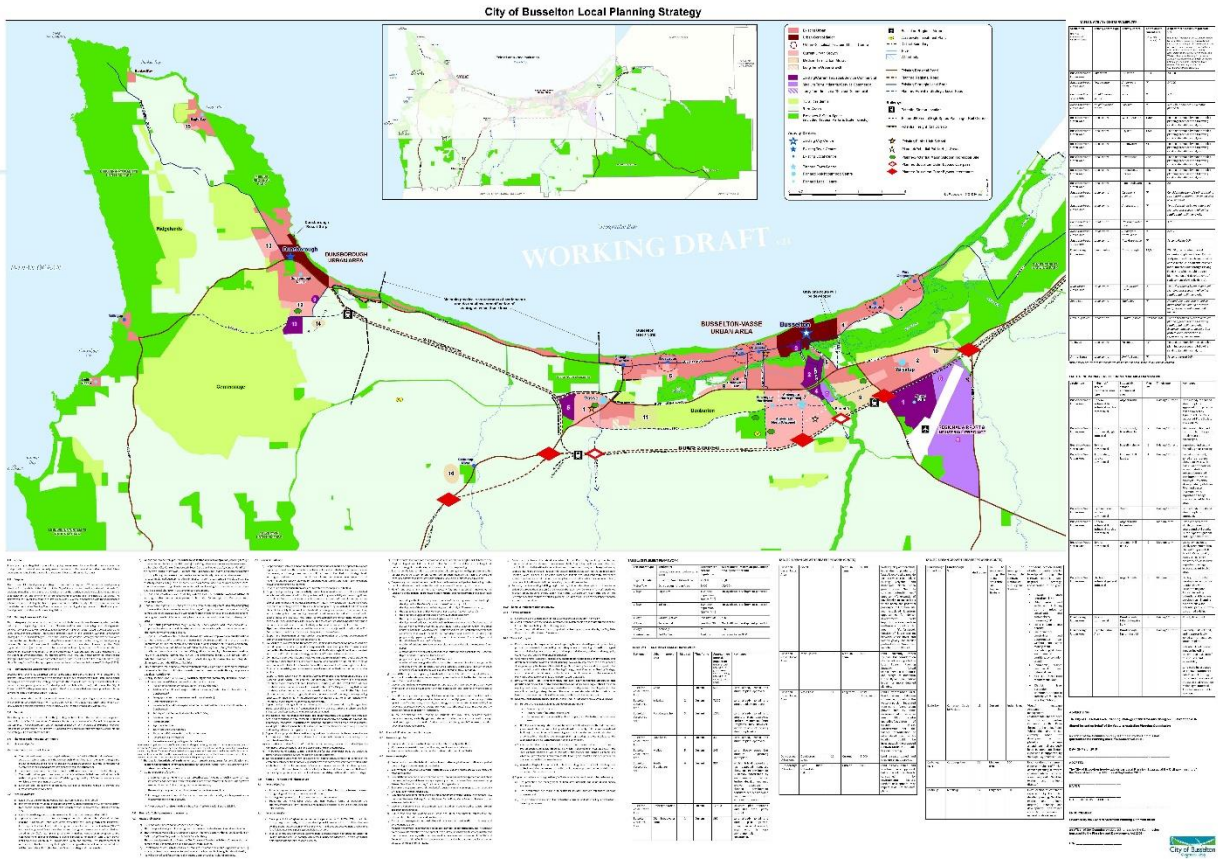
	<p>4. Structure planning is to identify developable and non-developable areas based on comprehensive environmental assessment that investigates, but is not limited to, the following matters -</p> <ul style="list-style-type: none"> a) Identification of vegetation having conservation significance. b) Approved measures to ensure the retention, protection and ongoing management of those remnant vegetated areas having recognised environmental values within 'public open space' and/or conservation areas (as identified on an endorsed Structure Plan). Such measures are required to also address linkages and connectivity with contiguous areas of similarly important remnant vegetation on land adjoining the special provision area as well as management measures to ensure the habitat functions of these areas are maintained and where possible enhanced. c) Determination of boundaries of geomorphic wetlands including identification of appropriate buffers to development to the 	<p>values to be retained, managed and protected for conservation purposes. Structure planning is to undertake comprehensive environmental assessment that investigates, but is not limited to, the following matters on advice from the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation and to the satisfaction of the City of Busselton –</p> <ul style="list-style-type: none"> a) Identification of vegetation having conservation significance, including survey(s) for Threatened Ecological Communities undertaken in the appropriate flowering season. b) Approved measures to ensure the retention, protection and ongoing management of those remnant vegetated areas having recognised environmental values within 'public open space' and/or conservation areas (as identified on an endorsed Structure Plan). Such measures are required to also address linkages and connectivity with contiguous areas of similarly important remnant vegetation on land adjoining the special provision area as well as management measures to ensure the habitat functions of these areas are maintained and, where possible, enhanced. 	
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**ATTACHMENT E
AMENDMENT 36 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF MODIFICATIONS**

	<p>satisfaction of the Department of Biodiversity, Conservation and Attractions.</p> <p>d) Local Water Management Strategy to establish a framework to ensure that the quality and quantity of surface and groundwater is maintained post-development and is to address (but not be limited to):</p> <ul style="list-style-type: none"> i. flood management (major events); ii. measures to ensure that existing hydrological and ecological functions of the geomorphic wetlands are not impacted by future development; iii. establish groundwater conditions, based on monitoring, and management requirements; iv. identify and describe proposed measures to capture and treat the minor events; and v. outline monitoring and management requirements. <p>5. Areas identified as having conservation significance (such as wetlands & buffers) are to be</p>	<ul style="list-style-type: none"> c) Determination of boundaries of geomorphic wetlands and waterways foreshore areas, including identification of appropriate buffers. d) Preparation of a Foreshore Management Plan that includes hydrologically connected wetlands. e) A Local Water Management Strategy is required that establishes a framework to ensure that the quality and quantity of surface and groundwater is maintained post-development and is to address (but not be limited to): f) flood management (major events); g) measures to ensure that existing hydrological and ecological functions of the geomorphic wetlands are not impacted by future development; h) mitigation of nutrient loads in surface and groundwater flows into connected waterways and wetlands such as the Broadwater Wetlands (Conservation Category Wetland); i) establish groundwater conditions, based on monitoring, and management requirements; j) development and implementation of a drainage system that addresses upstream stormwater conveyance and flood management; k) identify and describe proposed measures to capture and treat the minor events; and l) outline monitoring and management requirements. 	
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**ATTACHMENT E
AMENDMENT 36 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF MODIFICATIONS**

	<p>identified on a Structure Plan as 'Reserve for Conservation' and ceded free of cost to the Crown at the time of subdivision in addition to any public open space land required as a condition of subdivision for residential purposes.</p> <p>6. Prospective conditions of subdivision requiring the requisite preparation of vegetation, fauna, wetland and ASS management plans (e.g.), the primary objective of which would be to ensure the protection and ongoing management of significant environmental, biodiversity, habitat and/or cultural values.</p> <p>7. Prior to subdivision or development the proponent is to prepare a Development Contribution Plan to the satisfaction of the City of Busselton and WAPC to ensure appropriate and timely contributions towards community facilities, public open space and civil infrastructure on a progressive and staged basis.</p>	<p>3. Areas identified as having conservation significance (such as wetlands & buffers) are to be identified on a Structure Plan as 'Reserve for Conservation' and ceded free of cost to the Crown at the time of subdivision in addition to any public open space land required as a condition of subdivision for residential purposes.</p> <p>4. Prospective conditions of subdivision shall require the preparation of vegetation, fauna, wetland and ASS management plans, the primary objective of which would be to ensure the protection and ongoing management of significant environmental, biodiversity, habitat and/or cultural values.</p> <p>5. Prior to subdivision or development the proponent is to prepare a Development Contribution Plan to the satisfaction of the City of Busselton and WAPC to ensure appropriate and timely contributions towards community facilities, public open space and civil infrastructure on a progressive and staged basis.</p>	
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ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Koroveshi ADVERTISING CLOSED: 31st JULY 2019**

No.	SUBMITTOR	SUBMISSION	COMMENT	RECOMMENDATION
<i>External Agency Submissions</i>				
1.	Main Roads PO Box 6202 BUNBURY WA 6230	No objection subject to no road access to the subject land from the Busselton Bypass.	Noted.	That the submission be noted.
2.	Water Corporation PO Box 100 LEEDERVILLE WA 6902	The Corporation has long term wastewater conceptual planning in place for the subject land. Both vacuum and gravity wastewater systems will potentially serve the area. The vacuum system is planned to include land west of Lot 9000 and will require structure planning to inform the Corporation on potential flows and impacts on overall capacity of the existing vacuum system. Land to the west of Lot 9000 will be serviced by a gravity system.	Noted.	That the submission be noted.
3.	Department of Health PO Box 8172 Perth Business Centre WA 6849	The proposal is supported on the basis that that all future development is connected to reticulated water and sewerage.	Noted.	That the submission be noted.
4.	Department of Primary Industries and Regional Development PO Box 1231 BUNBURY WA 6230	No objection.	Noted.	That the submission be noted.
5.	Department of Mines Industry Regulation and Safety	The proposal does not raise significant issues relating to mineral and petroleum	Noted.	That the submission be noted.

ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Korovesi ADVERTISING CLOSED: 31st JULY 2019**

	100 Plain Street EAST PERTH WA 6004	resources, geothermal energy and basic raw materials.		
6.	Department of Water and Environmental Regulation PO Box 261 BUNBURY WA 6230	<p>Proposal is supported and it is recommended that Special Provision Area 4 be modified to ensure the following matters are addressed as part of the structure planning process -</p> <ol style="list-style-type: none"> 1. Identification of waterway foreshore areas. 2. Preparation of a foreshore management plan that includes hydrologically connected wetlands. 3. Upstream stormwater conveyance and flood management. 4. Nutrient management in surface and groundwater flows relative to the Conservation Category Wetland – Broadwater Wetland 5. Water supply requirements for public open space. 	<ol style="list-style-type: none"> 1. The recommended change would facilitate the identification of, and management measures for, waterway foreshore areas potentially at risk from land use changes, with the aim of ensuring that foreshore areas maintain or improve environmental and social values of waterways and adjoining land. 2. The preparation and approval of a foreshore management plan that addresses the protection and management of environmental values associated with waterways and wetlands (including the hydrologically connected Resource Enhancement wetland within the Amendment area) is warranted. 3. The Nash Drive subdivision situated to the east, and upstream, of the Amendment area was required to install lowered drainage inverts to avoid back-flooding from trapped stormwater flowing from even further upstream. Although a Local Water Management Strategy is 	That the submission be noted and modifications to draft Amendment 36 are recommended (refer to Attachment E Schedule of Modifications).

ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Korovesi ADVERTISING CLOSED: 31st JULY 2019**

			<p>normally required to investigate and address stormwater inputs from outside catchments, drainage of the Nash Drive subdivision has been problematic and specific mention of this requirement in Special Provision Area 4 provisions is warranted. It would require the development and implementation of a drainage system to enable the upstream system to freely drain and not exacerbate the incidence of back-flooding events.</p> <p>4. The structure planning process would require a Local Water Management Plan for the whole of Special Provision Area 4. Better Urban Water Management (2008) sets out the actions to be addressed at each level of structure planning (i.e. regional, district, local), subdivision and development including detailed monitoring and modelling of surface water and groundwater quality and quantity to be provided by a Local Water Management Strategy. Notwithstanding this, the Amendment area is located within the Vasse Diversion Drain reporting</p>	
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ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Koroveshi ADVERTISING CLOSED: 31st JULY 2019**

			sub-catchment of DWER's Vasse Wonnerup Wetlands and Geographe Bay Water Quality Improvement Plan 2010 (WQIP). The WQIP classifies this sub-catchment in the 'recovery' water quality objective category due to high nutrient levels. Recovery catchments have the highest priority for nutrient load reduction. The waterways and wetlands within the Amendment area are also connected to the downstream Broadwater Wetlands (Conservation Category Wetland) and an emphasis should be placed in the Local Water Management Strategy to manage/reduce nutrient loads in surface and groundwater flows. 5. A matter for consideration at subdivision stage.	
7.	Department of Education 151 Royal Street EAST PERTH WA 6004	No objection on the basis that a structure plan is required to be prepared and approved prior to subdivision and development.	Noted.	That the submission be noted.
8.	Department of Fire and Emergency Services Level 1 Albert Facey House 469 Wellington Street PERTH WA 6000	No comment as the proposal is exempt from State Planning Policy 3.7 Planning in Bushfire Prone Areas.	Noted.	

ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Koroveshi ADVERTISING CLOSED: 31st JULY 2019**

9.	Department of Planning, Lands and Heritage Locked Bag 2506 PERTH WA 6001	No objection. There are no heritage places within the proposed Scheme Amendment area.	Noted.	That the submission be noted.
10.	Department of Planning, Lands and Heritage Locked Bag 2506 PERTH WA 6001	No objection. There are no heritage places within the proposed Scheme Amendment area.	Noted.	That the submission be noted.
11.	ATCO Gas 81 Princep Street JANDAKOT WA 6164	No objection.	Noted.	That the submission be noted.
12.	Department of Biodiversity, Conservation and Attractions PO Box 1693 BUNBURY WA 6280	Advice. The scheme Amendment area contains remnant native vegetation and wetland areas and habitat for the Western Ringtail Possum and Black Cockatoo species. DBCA supports the advice of the EPA. The area may also contain the Threatened Ecological Community (TEC) claypans of the Swan Coastal Plain and subtropical and temperate saltmarsh. Future structure planning should be informed by a spring flora and vegetation survey. Survey work would need to be undertaken over multiple site visits to capture the annual herb flowering period between claypan inundation and dessication.	The requirement that future structure planning is informed by a survey for Threatened Ecological Communities undertaken in the appropriate flowering season was also recommended by the EPA as part of its decision and advice on draft Amendment 36. The inclusion of this requirement as a new special provision for proposed Special Provision Area 4 is warranted.	That the submission be noted and a modification to the Amendment is recommended (refer Attachment E – Schedule of Modifications).
<i>Public Submissions</i>				

ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Koroveshi ADVERTISING CLOSED: 31st JULY 2019**

1.	KD Power 16 Bussell Highway WEST BUSSELTON WA 6280	Support the proposal so the land can form an extension of Vasse and not be underutilised as rural residential lots.	Noted.	That the submission be noted.
2.	M McDermott 27 Penquin Way, VASSE WA 6280	The land in the Amendment area should remain zoned Rural Residential. We chose to build here on the basis that the adjoining land would be subdivided for large lots, not urban development. It will negatively affect the amenity of The Woods estate and we would not have bought here if we knew an expansion of urban development could occur next to our property.	Future structure planning would address amenity of existing neighbouring subdivisions, including consideration of transitional lot sizes adjacent to these areas.	That the submission be noted.
3.	P Ognenis 629 Rendezvous Road, VASSE WA 6280	Various questions put forward in relation to what the Urban Development zone means and would it allow for subdivision.	The change in zoning, in and of itself, will not have an immediate or substantive effect on landowners or the current use of their land. Land identified as being in a Development zone requires the preparation of a structure planning before subdivision and development for urban purposes can occur.	That the submission be noted.
4.	M Ognenis 629 Rendezvous Road, VASSE WA 6280	Support for draft Amendment 36 as it will benefit the area.	Noted.	That the submission be noted.
5.	J Thorn 8 Bendjar Grove VASSE WA 6280	Objection. I purchased my block for the view and beautiful outlook that I was assured by the developer I would not lose. If the zoning changes I will not be looking	The submittor's property is located within the Heron Lake subdivision and is adjacent to land set aside as a reserve. The reserve contains a	That the submission be noted.

ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Koroveshi ADVERTISING CLOSED: 31st JULY 2019**

		at trees, just houses. My property will devalue as a result.	wetland and associated vegetation that is excluded from the Amendment area. Remnant vegetation in the vicinity of the Heron Lake subdivision has environmental values and the proposed special provisions for Special Provision Area 4 have the objective of protecting, maintaining and managing those environmental values through the structure planning process. Perceived effect on property value is not a valid planning argument.	
6.	N Hall 15 Egan Crescent VASSE WA 6280	Support environmental considerations being included in the planning proposal. Bushfire management requirements should not impact on local wetlands. Traffic and access to the Amendment area should be via Rendezvous Road and Bussell Highway rather than through established local residential subdivision (Heron Lake and Birchfields).	The structure planning process would consider and address the matters raised in this submission.	That the submission be noted.
7.	D Madden 18 Egan Crescent VASSE WA 6280	I would like to have a say into the lot sizes and location of future urban development opposite my property. How will the wetlands be protected? I request that a park be established around the wetland directly opposite my property.	A structure plan proposal for land within the Amendment area would be advertised for public comment and adjoining landowners would be notified and have an opportunity to put forward their views. The	That the submission be noted.

ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Koroveshi ADVERTISING CLOSED: 31st JULY 2019**

			structure planning process would consider the interface with, and transition to, adjoining residential and rural residential areas, and comprehensive environmental assessments to identify areas to be set aside for public open space (i.e. waterways and wetlands and appropriate foreshore buffers and vegetation having environmental values).	
8.	J Longbottom 174 Norwood Pass VASSE WA 6280	Objection because I live adjacent to the proposed Amendment area. When we built our house last year we were advised that no development was planned for this area. Lot 9003 has a vast flooded area so how can it be used for urban development?	The structure planning process would consider the interface with, and transition to, adjoining residential and rural residential areas. The process would also include comprehensive environmental and hydrological assessments to determine which areas would be suitable for development, with non-developable areas to be set aside as public open space (i.e. waterways/floodways and wetlands, foreshore buffers and remnant vegetation).	That the submission be noted.
9.	T Longbottom 174 Norwood Pass VASSE WA 6280	Objection as per submission 8.	As per comment in response to submission 8.	That the submission be noted.

ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Korovesi ADVERTISING CLOSED: 31st JULY 2019**

10.	S Whiteland 11 Penguin Way VASSE WA 6280	Objection. We bought our block because it was adjacent to farmland and for the view. The proposal will devalue our property and we will lose our outlook.	The structure planning process would include consideration of the interface between, and transition to existing residential and rural residential areas. Perceived effect on property value is not a valid planning argument.	That the submission be noted.
11.	J Grasso 56 Cockatoo Loop VASSE WA 6280	Concerned. Our property is surrounded by current grazing activity, native bush, wetlands and farmland that contributes to the privacy and uniqueness of the Heron Lake subdivision. Our property overlooks Lot 634 that consists of native flora and fauna, wetlands and streams that feed into the Broadwater wetland system. By spring parts of Lot 634 form a lake that attracts native bird life and attracts wildlife year-round. We would be disappointed to see the unique qualities of the land surrounding Heron Lake and the identity of our subdivision lost through urban development.	The structure planning process would address the environmental matters raised in the submission. The process would also consider the interface with, and transition to, adjoining residential and rural residential areas.	That the submission be noted.
12.	Abel Planning 29 New River Ramble, WEST BUSSELTON WA 6280 on behalf of Banyanda Investments P/L (Lot 176 Rendezvous Road) and K.J. Bell (Lot 9000 Rendezvous Road)	Objection. Amendment 36 is inconsistent with the identification of east Vasse as 'Rural Living' by the Leeuwin Naturaliste Sub-Regional Strategy 2019. Lots 176 and 9000 are not within a 'sewerage sensitive area' under the draft Government Sewerage Policy or within the Water	The draft Local Planning Strategy identified the land the subject of Amendment 36 as a long term urban growth area. The Amendment as proposed is consistent with the strategic planning direction set out for the land by the draft Local	That the submission be noted and modification to the Amendment is recommended (refer Attachment E – Schedule of Modifications).

ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Korovesi ADVERTISING CLOSED: 31st JULY 2019**

		Corporation's planned sewer catchments from Vasse or Busselton. It is therefore appropriate that these lots be excluded from the Amendment area to retain the Rural Residential zoning and to enable subdivision into 2,000m ² lots (as per the structure plan proposal currently before the City).	Planning Strategy. Officers have discussed the matter further with the proponents who have since advised that Amendment 36 and the placement of the land in the Urban Development zone would potentially be beneficial to their aspirations for the land. The proponent has, however, aired concerns regarding the requirement for a single integrated structure plan for the whole of Special Provision Area 4, as recommended in the Schedule of Modifications, and has requested that consideration be given to amending that provision to enable a separate integrated structure plan to be progressed for Lots 9000, 176 and 201 Rendezvous Road. This is discussed under the 'Stakeholder Consultation' section of this report. Notwithstanding this, the structure plan proposal for Lots 9000, 201 and 176 will ultimately be determined by the WA Planning Commission.	
13.	L McDermott 27 Penguin Way VASSE WA 6280	Objection. We specifically chose to live in The Woods estate due to its location, quiet, peaceful and safe. We know the potential for subdivision of this land but	Future structure planning can consider these matters.	That the submission be noted.

ATTACHMENT G - SCHEDULE OF SUBMISSIONS

PROPOSAL: AMD21/0036 Amendment No. 36 - Rezoning Lots 1445, 201, 178, 501, 9000 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Agriculture' to 'Urban Development' **OFFICER: Louise Korovesi ADVERTISING CLOSED: 31st JULY 2019**

		were under the impression it would be similar to our rural residential subdivision. The amenity of our subdivision would negatively change if small urban housing development occurred next door.		
14.	M Rynvis 497 Rendezvous Road VASSE WA 6280	Preference for subdivision of the Amendment land to be rural residential. Main concerns are: 1. the existing tree canopy within Rendezvous Road is not changed or cleared; and 2. that access roads are not planned opposite either of our driveways for safety reasons.	Future structure planning can consider these matters.	That the submission be noted.

13.2 AMENDMENT NO. 38 TO LOCAL PLANNING SCHEME NO. 21 – INTRODUCTION OF ADDITIONAL USE (A82) TO LOT 61 (No. 400) METRICUP ROAD, METRICUP INCLUDING ASSOCIATED STRUCTURE PLAN (INCORPORATING LOT 60 (No. 310) METRICUP ROAD, METRICUP)

STRATEGIC GOAL	3. ENVIRONMENT Valued, conserved and enjoyed
STRATEGIC OBJECTIVE	3.1 Development is managed sustainably and our environment valued.
SUBJECT INDEX	Local Planning Scheme 21 Amendments
BUSINESS UNIT	Statutory Planning
REPORTING OFFICER	Planning Officer - Joanna Wilkinson
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Legislative: to adopt legislative documents e.g. local laws, local planning schemes, local planning policies
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	<p>Attachment A Attachment A Location Plan ↓ </p> <p>Attachment B Attachment B Aerial Photograph ↓ </p> <p>Attachment C Attachment C Scheme Amendment Map ↓ </p> <p>Attachment D Attachment D Structure Plan Map ↓ </p> <p>Attachment E Attachment E Existing Development Guide Plan ↓ </p> <p>Attachment F Attachment F Vegetation Types, Complexes and Condition Map ↓ </p> <p>Attachment G Attachment G Schedule of Submissions ↓ </p> <p>Attachment H Attachment H Schedule of Modifications ↓ </p>

OFFICER RECOMMENDATION

That the Council:

1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts Amendment No. 38 to the City of Busselton Local Planning Scheme No. 21 for final approval, in accordance with the modifications proposed in the 'Schedule of Modifications' shown at Attachment H, for the purposes of:
 - a) Introduction of Additional Use (A82) to a portion of Lot 61 (No. 400) Metricup Road, Metricup; and
 - b) Amending the Scheme Map accordingly.
2. Advises the Western Australian Planning Commission that Amendment No. 38 is considered a 'standard' amendment pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve.
 - b) It is an amendment that would have minimal impact on land in the Scheme area that is not the subject of the amendment.
 - c) It is an amendment that does not result in significant environmental, social, economic or governance impacts on land in the Scheme area.

3. **Adopts the draft 'Structure Plan' for Lot 61 (No. 400) and Lot 60 (No. 310) Metricup Road, Metricup, depicted at Attachment D for final approval, in accordance with the modifications proposed in the 'Schedule of Modifications' shown at Attachment H, pursuant to Part 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
4. **Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, endorses the Schedule of Submissions at Attachment G, which has been prepared in response to the public consultation process undertaken in relation to Amendment No. 38 and the associated 'Structure Plan'.**
5. **Upon preparation of the necessary documentation, refers the adopted Amendment No. 38 and the associated 'Structure Plan' to the Western Australian Planning Commission for consideration and determination in accordance with the *Planning and Development Act 2005*.**
6. **Pursuant to r.56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should directions be given that modifications to Amendment No. 38 and/or the associated 'Structure Plan' are required, direct these modifications to be undertaken accordingly, on behalf of the Council, unless they are considered by officers likely to significantly affect the purpose and intent of the Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.**

EXECUTIVE SUMMARY

The Council is requested to consider adopting for final approval Amendment No. 38 (the Amendment) to Local Planning Scheme 21 (the Scheme). The Amendment would facilitate the introduction of an Additional Use (A82) to Lot 61 (No. 400) Metricup Road, Metricup.

The Amendment includes an associated draft 'Structure Plan' for Lot 61 (No. 400) Metricup Road, which will supersede the existing 'Development Guide Plan' over the site and adjoining property to the east, Lot 60 (No. 310) Metricup Road, Metricup.

The purpose of this report is to recommend to the Council that the subject proposals be adopted for final approval (in accordance with recommended modifications) and forwarded to the Western Australian Planning Commission (WAPC).

BACKGROUND

The subject land (Lot 61) is 32.16 hectares in area and is located at the intersection of Metricup and Carter Roads in Metricup. The site originally formed part of a larger parcel of land that included Lot 60, and was created in 2013 under subdivision incentives provided in the City of Busselton 'Biodiversity Incentive Strategy'. Prior to the approval of the subdivision, Amendment 167 to Town Planning Scheme No. 20 was approved by Council at its meeting of 13 June 2012 and gazetted on 6 November 2012. Amendment 167 resulted in rezoning of the land from 'Agriculture' to 'Bushland Protection,' and subsequent subdivision resulted in the protection and management of a large portion of remnant vegetation, via conservation covenant, to protect a range of biodiversity values on the two sites. A location plan and aerial photograph of the subject site and Lot 60 are provided at Attachments A and B, respectively.

Approximately 19 hectares of the subject land is protected by conservation covenant. The remaining 13 hectares is maintained primarily in a parkland cleared state with pockets of remnant and riparian vegetation. A creek line flows through the lot from the north-western boundary into an excavated dam. Existing development consists of a rural outbuilding and water tank that is located adjoining and with constructed access to Metricup Road.

The Amendment proposes to introduce Additional Use (A82) to allow for commercial, tourism based development on the non-vegetated portions of the site. The Amendment contemplates the following land uses, which are currently prohibited in the zone, to be discretionary (“D”) land uses on the site:

- Winery
- Brewery
- Café/Restaurant
- Produce Sales
- Chalet

The Scheme Amendment map is provided at Attachment C. The above mentioned land uses would have been discretionary (“D”) or discretionary pursuant to advertising (“A”) land uses under the previous ‘Agriculture’ zoning of the property, however they are prohibited (“X”) land uses in the ‘Bushland Protection’ zone.

The Amendment has been prepared together with an associated draft ‘Structure Plan’. A copy of the ‘Structure Plan’ is provided at Attachment D. The draft ‘Structure Plan’ will supersede the ‘Development Guide Plan’ currently in place for the subject site and adjoining Lot 60, which was adopted by Council in conjunction with Amendment 167. A copy of the existing ‘Development Guide Plan’ is provided at Attachment E. The draft ‘Structure Plan’ is largely consistent with the ‘Development Guide Plan’, except that the building envelope will be removed and a Building Exclusion Area will be introduced to Lot 61.

OFFICER COMMENT

The main issues considered relevant for detailed discussion in this report are the recommended addition of a portion of land to the existing conservation covenant area, and the permissibility and scale of Additional Uses. Each of these issues is addressed below.

Recommended Increase to Conservation Covenant Area

The objective of rezoning the subject site to ‘Bushland Protection’ was to ensure that the biodiversity values on the site were established and protected. The approved subdivision of the parent lot resulted in the creation of Lots 60 and 61 and provided for approximately 19 hectares of Lot 61 being preserved by conservation covenant, thereby dedicating this portion of the land to establishing and protecting the existing biodiversity values.

A Vegetation Type, Complex and Condition Map is provided at Attachment F, showing an area of remnant and riparian vegetation that is not currently protected by the conservation covenant. Due to the fact that the Vegetation Type, Complex and Condition Map was prepared in 2010, a recent aerial view (January 2019) of the unprotected vegetation is included as Inset A on Attachment F. This unprotected vegetation is located within the Additional Use area and is approximately 3 hectares in area. The Vegetation Assessment and Condition Report attached to the Amendment Report describes this vegetation as being in Good condition, and the Department of Biodiversity, Conservation and Attractions (DBCA) has commented that it is likely to have similar floristic and threatened fauna habitat value as the existing conservation covenant area. It is connected to the existing conservation covenant area and the nearby Yelverton National Park via road reserve vegetation.

Comments received from DBCA (the covenanting agency) recommend that this 3-hectare portion of vegetation would be suitable to be included in the existing conservation covenant area to protect biodiversity values. It is considered that such an inclusion of the non-covenanted area is consistent with the Scheme objectives of the zone, as well as the provisions of clause 4.40. It is also consistent with the provisions of the ‘Local Environmental Planning Strategy’, including the following relevant Biodiversity objectives:

1. *Maintain and enhance the quality and quantity of remnant vegetation throughout the [City].*
2. *Ensure that protection and enhancement of biodiversity assets in the [City] is considered early in the planning process.*

Furthermore this recommendation is consistent with the 'Local Rural Planning Strategy' precinct 4 environment objective:

To protect and encourage re-establishment of environmental corridors and buffers particularly in proximity to the Yelverton National Park and linking conservation reserves with the Park.

An extension of the covenanted area would contribute to the biodiversity values of the site as well as the broader locality, including the Yelverton National Park. As such, the inclusion of the non-covenanted area into the existing conservation covenant area is supported, and it is recommended that the 'Structure Plan' be modified accordingly.

Additional Uses

The land uses (Additional Uses) contemplated are prohibited ("X") uses within the Bushland Protection zone, however it is noted that the uses 'Winery', 'Restaurant/Café', 'Produce Sales' and 'Chalet' would have been discretionary ("D") uses under the previous 'Agriculture' zoning (now referred to as 'Rural' zoning following Amendment 29, gazetted 7 June 2019), and the land use 'Brewery' would have been a discretionary use requiring advertising ("A").

The proposed Additional Uses are considered to be consistent with and complementary to the surrounding locality; adjoining lots to the north-west, south and east are primarily zoned 'Rural' and a range of similar land uses occur within the locality, including land uses such as 'Tourist Accommodation', 'Winery' and 'Brewery'.

Such development would be positioned within a clearly defined development area on the lot, outside of the conservation covenant area, and outside of a defined Building Exclusion Area. As development within these defined areas will result in little to no clearing, it is anticipated that the biodiversity values of the site will not be adversely affected by the proposed land uses.

It is noted that clause 4.33.5 of the Scheme requires that all development must be located within an approved building envelope not greater than 1,500m². In this instance it is considered that the Building Exclusion Area will ensure that the location of any future development is suitably sited, and also allow for greater flexibility in location and design, without having to modify the building envelope at any subsequent development application stage.

However in order to ensure that development does not occur at a scale that is inconsistent with the objectives of the zone or the rural amenity of the surrounding locality, it is recommended in the Schedule of Modifications shown at Attachment H that the Additional Uses be limited to an aggregate Net Lettable Area of 1,500m². Without such a control, quite significant development could conceivably occur, and could be at a scale which would create risks to the biodiversity values of the site.

Statutory Environment

The key elements of the statutory environment with respect to this proposal are set out in the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015* and the relevant objectives and provisions of the City of Busselton Local Planning Scheme No. 21. Each is discussed below under appropriate subheadings.

Planning and Development Act 2005

The *Planning and Development Act 2005* outlines the relevant considerations when preparing and amending local planning schemes. The relevant provisions of the Act have been taken into account in preparing and processing this Amendment.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), which came into operational effect on 19 October 2015, identifies 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. This Amendment is considered to be a ‘standard’ amendment.

The Regulations provide separate processes for the approval of Scheme amendments and structure plans, adherence to which would advance the draft ‘Structure Plan’ ahead of the Amendment. However as the ‘Structure Plan’ is reliant upon the change in zoning proposed in the Amendment and the nature of the proposal supports their assessment in parallel, the ‘Structure Plan’ and Amendment are being progressed concurrently. Progression of the draft ‘Structure Plan’ will therefore assume the process and timeframes associated with the Amendment.

Local Planning Scheme No. 21

The site is zoned ‘Bushland Protection’, and is not currently subject to any Special Control Area designation, or any Additional Use or Special Provision.

Amendment No. 38 was initiated by the Council prior to the gazettal of Scheme Amendment No. 29, which modified the title of the ‘Agriculture’ zone to ‘Rural’, and revised the ‘Bushland Protection’ zone objectives. Amendment No. 29 also introduced additional clauses to Part 4 of the Scheme which have resulted in a change in numerical value to some clauses relevant to this proposal. As such, the Schedule of Modifications recommend appropriate modifications to the Amendment Report and ‘Structure Plan Report’.

Special provisions relating to the Bushland Protection zone are provided for in Clause 4.40. Clause 4.40.5 provides an exemption to the Zoning Table:

4.40.5 Agriculture – Extensive, Agriculture – Intensive or Rural Pursuit/Hobby Farm may be undertaken on cleared areas of a lot in the Bushland Protection zone only with development approval which, in the determination of the application, the local government shall ensure –

- a) there is no adverse or potential impact on watercourses, wetlands, river or estuary systems or groundwater; and*
- b) adequate buffers are provided between the agricultural use and vegetated areas, wetlands and watercourses. Where Declared Rare Flora is present, advice from the Department of Parks and Wildlife shall be sought in determining an adequate buffer distance.*

It is noted that as well as the Additional Uses proposed, the Amendment Report discusses development of the lot for Agriculture – Intensive (vineyard). This is an “X” use in the Bushland Protection zone under Table 1 – Zoning Table of the Scheme, however clause 4.40.5 above provides an exemption to the Zoning Table. In order to reinforce the provisions of clause 4.40.5, it is recommended in the Schedule of Modifications that the ‘Building Exclusion Zone’ be renamed as the ‘Development Exclusion Zone’.

In all other regards the proposal is considered to be consistent with the relevant provisions relating to the zoning of the subject land under the Scheme.

Relevant Plans and Policies

The key policies relevant to the proposal are:

- i. State Planning Policy 3.7: Planning in Bushfire Prone Areas and accompanying Guidelines;
- ii. State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy;
- iii. Leeuwin-Naturaliste Sub-Regional Strategy;
- iv. Draft City of Busselton Local Planning Strategy;
- v. Local Environmental Planning Strategy; and
- vi. Local Rural Planning Strategy.

Each is addressed below under appropriate subheadings.

State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) and associated Guidelines

The intent of SPP 3.7 is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. SPP 3.7 directs how land use should address bushfire risk management, and applies to all land which has been designated as bushfire prone by the Office of Bushfire Risk Management. The accompanying 'Guidelines for Planning in Bushfire Prone Areas' provide supporting information to assist in the interpretation of the objectives and policy measures contained within SPP 3.7, providing advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

The majority of the subject site is designated bushfire prone, and a Bushfire Management Plan (BMP) has been submitted as part of the proposed Amendment. The BMP finds that the subject land is suitable for the proposed Amendment consistent with SPP 3.7 and the accompanying Guidelines.

State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy (SPP 6.1)

SPP 6.1 seeks to achieve creative, vital and sustainable communities that achieve a balance between economic development and the unique landscape and environmental values of the Leeuwin-Naturaliste Ridge policy area.

Under the provisions of SPP 6.1, the subject site is identified as 'General Character' and 'Travel Route Corridor within Rural Landscape Significance'; and has a designated land use of 'Principal Agriculture (Viticulture and Grazing)'. The policies relevant to the 'General Character' and 'Travel Route Corridor within Rural Landscape Significance' include:

PS 3.7 In areas of General Character, as identified in Figure 3, development or change of use should protect the rural character and conform with policies and guidelines for Travel Route Corridors.

The visual impact of development is therefore relevant to subsequent proposals. It is noted that 'Local Planning Policy 3F Reflective Building Materials' is in place to assess the visual impact of development in the Travel Route Corridor.

The policies relevant to the 'Principal Agriculture (Viticulture and Grazing)' land use area include:

LUS 4.1 In areas designated as Principal Agriculture (Viticulture and Grazing), the predominant use of land will be agriculture. Other uses, including uses of interspersed lands with lesser agricultural potential, will be compatible with and not jeopardise, agricultural use of adjoining Prime Agricultural Land.

LUS 4.2 Agriculture (including viticulture) is to remain the predominant economic land use, within the constraints of protecting remnant vegetation and landscape values.

Given that the site was previously subdivided under the provisions of the City's 'Biodiversity Incentive Strategy', with 19 hectares protected by conservation covenant, it is recognised that the remaining 13 hectare portion, which is subject to this Amendment proposal, is not large enough to be considered viable for agricultural or viticultural purposes. The addition of the proposed uses are generally seen to be complementary to, and will not jeopardise, the agricultural use of surrounding 'Principal Agriculture (Viticulture and Grazing)' land.

Furthermore, the proposal is consistent with SPP 6.1 policy topic 4.2 'Nature Conservation'. The relevant statement of intent includes:

The nature conservation values will be conserved through—

- *fostering strategic environmental corridors and preserving biological diversity;*
- *protecting and maintaining remnant vegetation.*

The Building Exclusion Area proposed as part of the draft 'Structure Plan' will ensure that any development on the site will not have an adverse effect on the existing biodiversity values of the site, and further seeks to protect any remnant vegetation that is not included in the existing bushland protected by conservation covenant.

Leeuwin-Naturaliste Sub-Regional Strategy (LNSRS)

The relevant purposes of the LNSRS are to manage and plan for growth in the sub-region, to respond to environmental landform change, and to guide planning for the development of rural land uses. The subject site is designated as 'Rural and Landscape Protection', and the WAPC strategic directions relevant to the site include:

15. Balance bushfire risk, biodiversity conservation and economic growth.

17. Support identification in planning instruments or regional ecological corridors for biodiversity and wildlife, to connect environmental assets.

20. Balance the protection of high value rural landscapes with the need for agricultural land uses to adapt and evolve.

The Amendment and draft 'Structure Plan' achieve a balance between bushfire risk, biodiversity conservation and localised economic growth. Ecological corridors linking the site with the Yelverton National Park to the north will be retained, and the density and scale of the proposed development aims to protect the landscape value while adapting to land uses that are considered to be suitable for the primarily rural locality.

Draft Local Planning Strategy (LPS)

The Draft LPS sets out the long term planning direction for the City and provides a strategic rationale for decisions relating to planning and development of the district. The Draft LPS provides that the subject site is located in a 'Rural Area.' Draft LPS strategies relevant to the site include:

7.2 g) Continue to support low-key, small-scale tourism accommodation in rural areas, but do not permit any further strata title subdivision of tourism accommodation or unrestricted length of stay component outside of the Busselton-Vasse Urban Area and the Dunsborough Urban Area.

9.2 h) Ensure that management of bush fire risk is a central consideration in planning and development decisions.

The Amendment and draft 'Structure Plan' are considered to be broadly consistent with the strategies identified in the draft LPS. The proposed tourist accommodation is small-scale and does not seek any further subdivision; and the bushfire risk has been considered as a central component of the draft 'Structure Plan Map'.

Local Environmental Planning Strategy (LEPS)

The LEPS aims, within the planning framework, to identify and protect areas of environmental and cultural significance, resulting in land use and development that is environmentally sensitive. The Biodiversity objectives relevant to this proposal include:

3. *Maintain and enhance the quality and quantity of remnant vegetation throughout the [City].*
4. *Ensure that protection and enhancement of biodiversity assets in the [City] is considered early in the planning process.*

The key Biodiversity recommendations relevant to this proposal include:

BD1 Protect and enhance biodiversity values as part of the town planning scheme amendment, development guide plan, subdivision and development application processes by:

ii. requiring applicants to assess biodiversity values and potential development impacts (including impacts arising from development of services and infrastructure) as part of town planning scheme amendment, development guide plan, subdivision and development application processes.

BD5 Minimise development being located so that it will result in the need for clearing or thinning of vegetation to establish bush fire hazard and building protection zones.

The Amendment and draft 'Structure Plan' are considered to be broadly consistent with the objectives and recommendations identified in the LEPS. The identification of a Building Exclusion Area on the 'Structure Plan Map' ensures that the remnant vegetation on the site will be maintained with little or no requirement to clear vegetation to establish a bush fire hazard or building protection zone.

Local Rural Planning Strategy (LRPS)

The LRPS identifies eight rural precincts for the purposes of the strategy, and sets out objectives and desirable, conditional or undesirable land use allocations for each precinct. The subject site is located within 'Precinct 4 – Western Rural'. The precinct comprises a mix of rural/agricultural type land uses and tourist-based land uses. The precinct has high levels of environmental values and includes significant remnant vegetation throughout. It is considered that the proposed Amendment is consistent with the vision and objectives of the precinct and it is noted that 'Winery' and 'Rural Enterprise' are considered desirable land use allocations, while 'Chalet' development is considered conditional provided it is consistent with the 'Rural Tourist Accommodation Policy' (LPP 5B).

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

The Amendment and 'Structure Plan' were advertised for 42 days ending 14 August 2019. Whilst no public submissions were received, three government agency responses were submitted. A Schedule of Submissions is provided at Attachment G.

The most substantive matters were raised by DBCA and were in relation to the inclusion of 3 hectares of remnant vegetation on the site, not protected by conservation covenant, to be included in the existing conservation covenant area. DBCA also recommend that a Weed and Pest Management Plan is prepared for the unprotected 3 hectares of remnant vegetation. The officer assessment supports the inclusion of these modifications and they are therefore provided for within the recommended Schedule of Modifications at Attachment H.

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

Should the Officer Recommendation not be supported, the following options could be considered:

1. Resolve to not adopt the Amendment and 'Structure Plan' for final approval (and provide a reason for such a decision). It should be noted that under the relevant legislation there is no right of appeal against a Council decision not to adopt an amendment for final approval.
2. To seek further information before making a decision.

The assessment has not revealed any substantive issue or reasonable grounds that would support any of the above options.

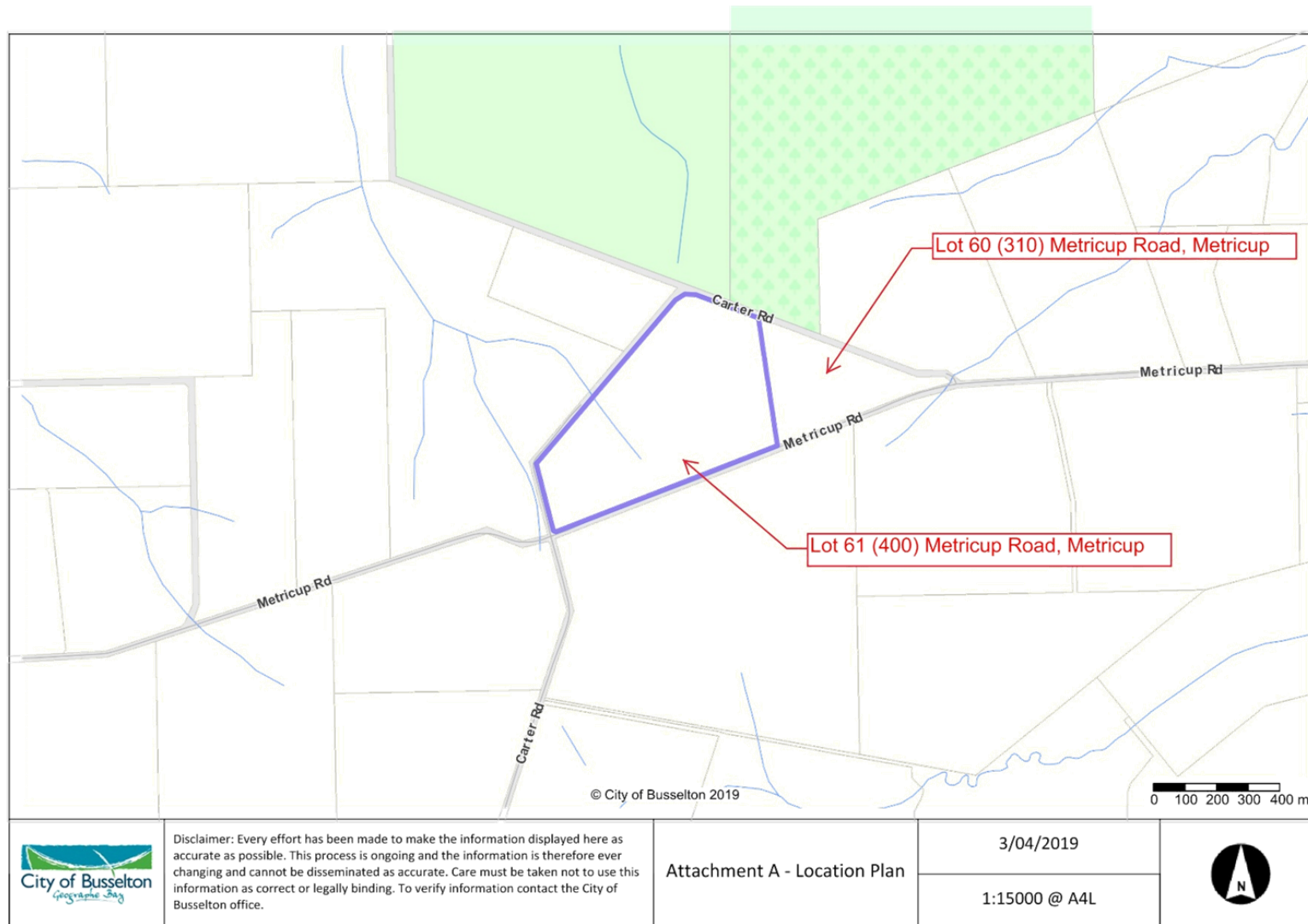
CONCLUSION

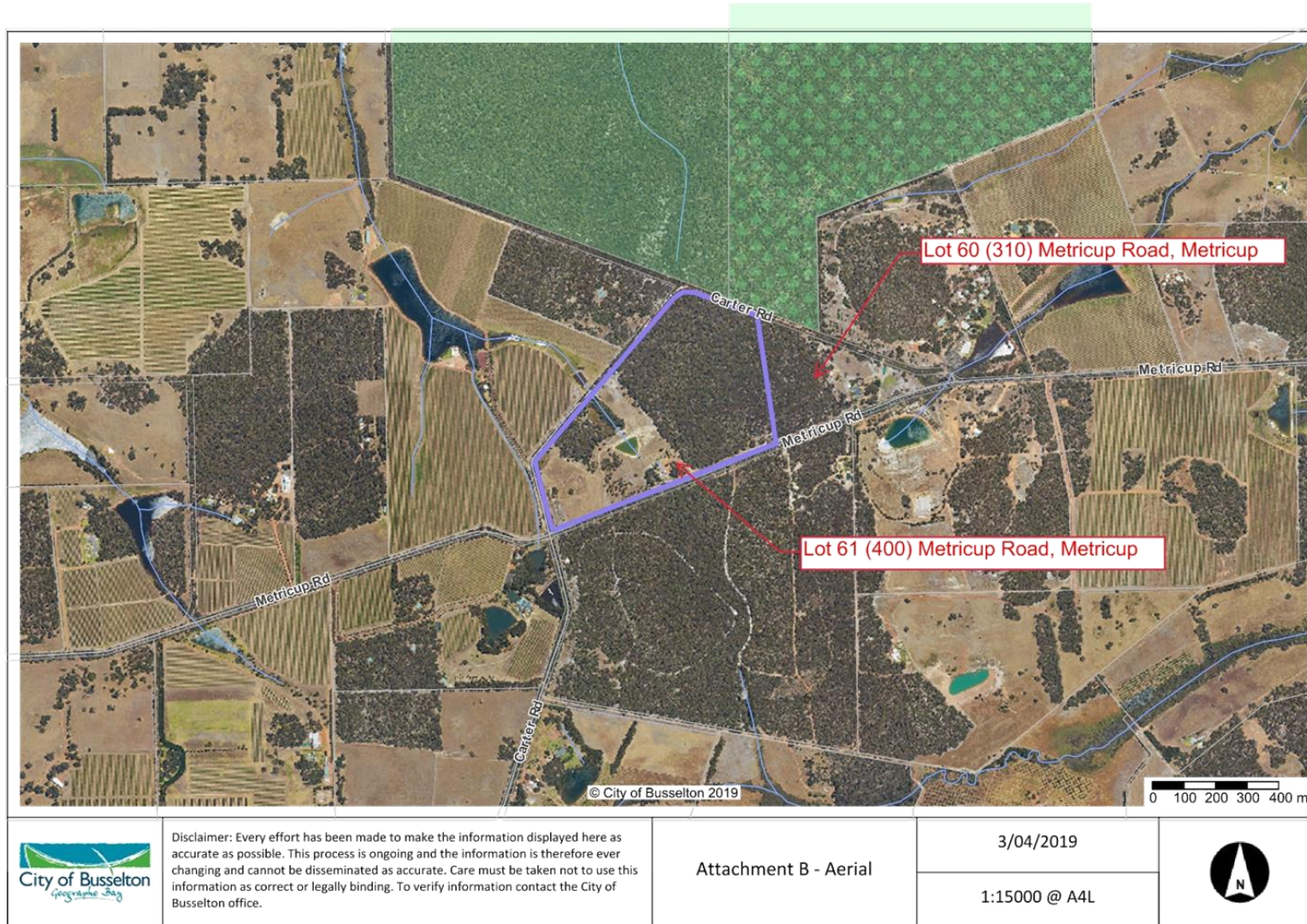
The Amendment and draft 'Structure Plan' provide for the development of land generally in accordance with the objectives of the 'Bushland Protection' zone in the Scheme.

As a result of the assessment detailed above, City officers recommend that the Council provides a recommendation to the Western Australian Planning Commission to support the proposed Amendment and 'Structure Plan' subject to the modifications detailed in the Schedule of Modifications provided at Attachment H.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

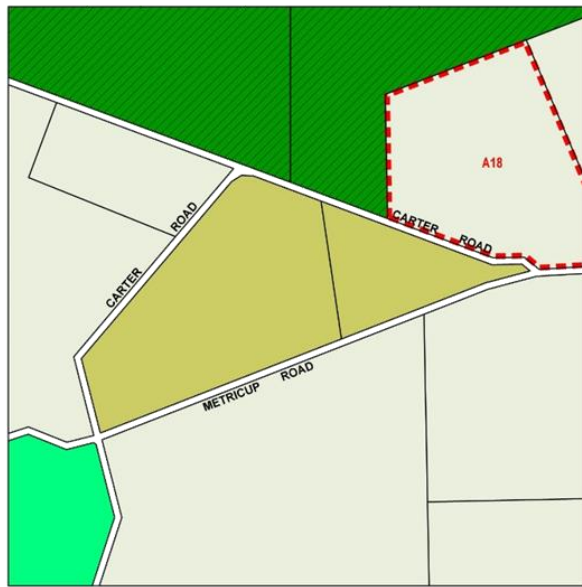
The implementation of the Officer Recommendation will involve the referral of Amendment No. 38 and the 'Structure Plan' to the Western Australian Planning Commission for final approval and this will occur within one month of the resolution.





SCHEME AMENDMENT MAP

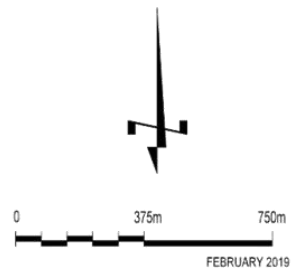
CITY OF BUSSELTON LOCAL PLANNING SCHEME No.21 AMENDMENT No. 38



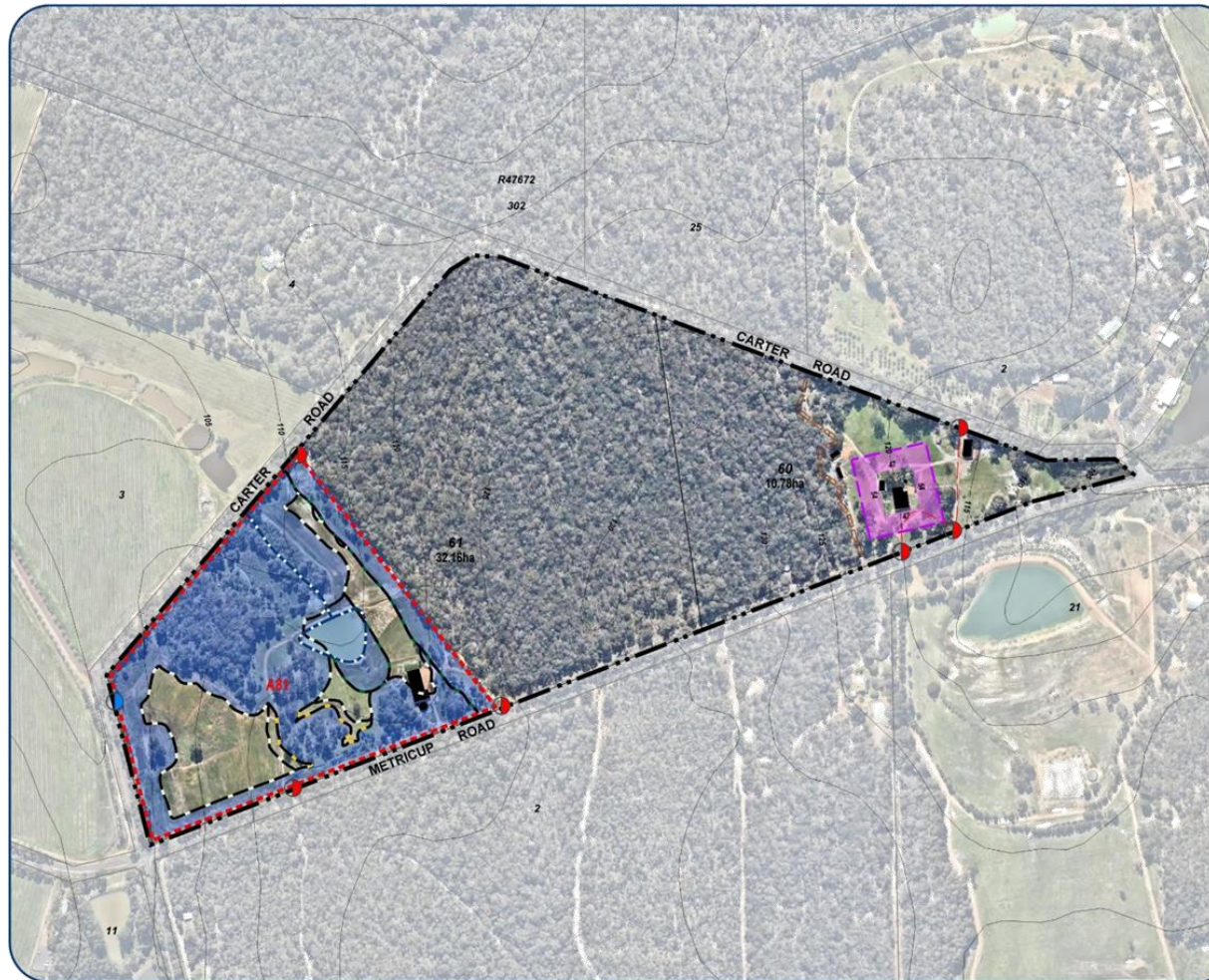
EXISTING ZONING



PROPOSED ZONING



FEBRUARY 2019



LEGEND

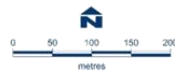
- APPLICATION BOUNDARY
- ASSET PROTECTION ZONE
- EXISTING ACCESS POINT
- EXISTING ACCESS TRACK
- EXISTING STRUCTURE
- EXISTING WATER FEATURE
- EXISTING CREEKLINE
- PROPOSED ACCESS POINT
- PROPOSED ACCESS TRACK
- BUILDING EXCLUSION AREAS
- 30m CONSERVATION SETBACK
- BAL-29 SETBACK - CURRENT
- BAL-29 SETBACK - IF MANAGED TO APZ STANDARDS

OTHER CATEGORIES

- ADDITIONAL USE RIGHT - A81

This document has been prepared for the purpose of providing information only. It does not constitute an offer of any financial product or service. Although care has been taken in the compilation of this document by Halsall & Associates, all parties associated with the proposed project development, including any responsible parties for any errors or omissions, are responsible for the accuracy of the information. Liability is expressly disclaimed by Halsall & Associates for any loss or damage arising from the use of any material or information shown on this drawing or any visual impression gained from the drawing.

All areas and dimensions shown on this drawing are subject to final survey.



LEIGHTON Engineering & Architecture

Survey Data supplied by Landgate. Areas and dimensions shown are subject to final survey calculations.
Datum - GDA84
Projection - MGA84

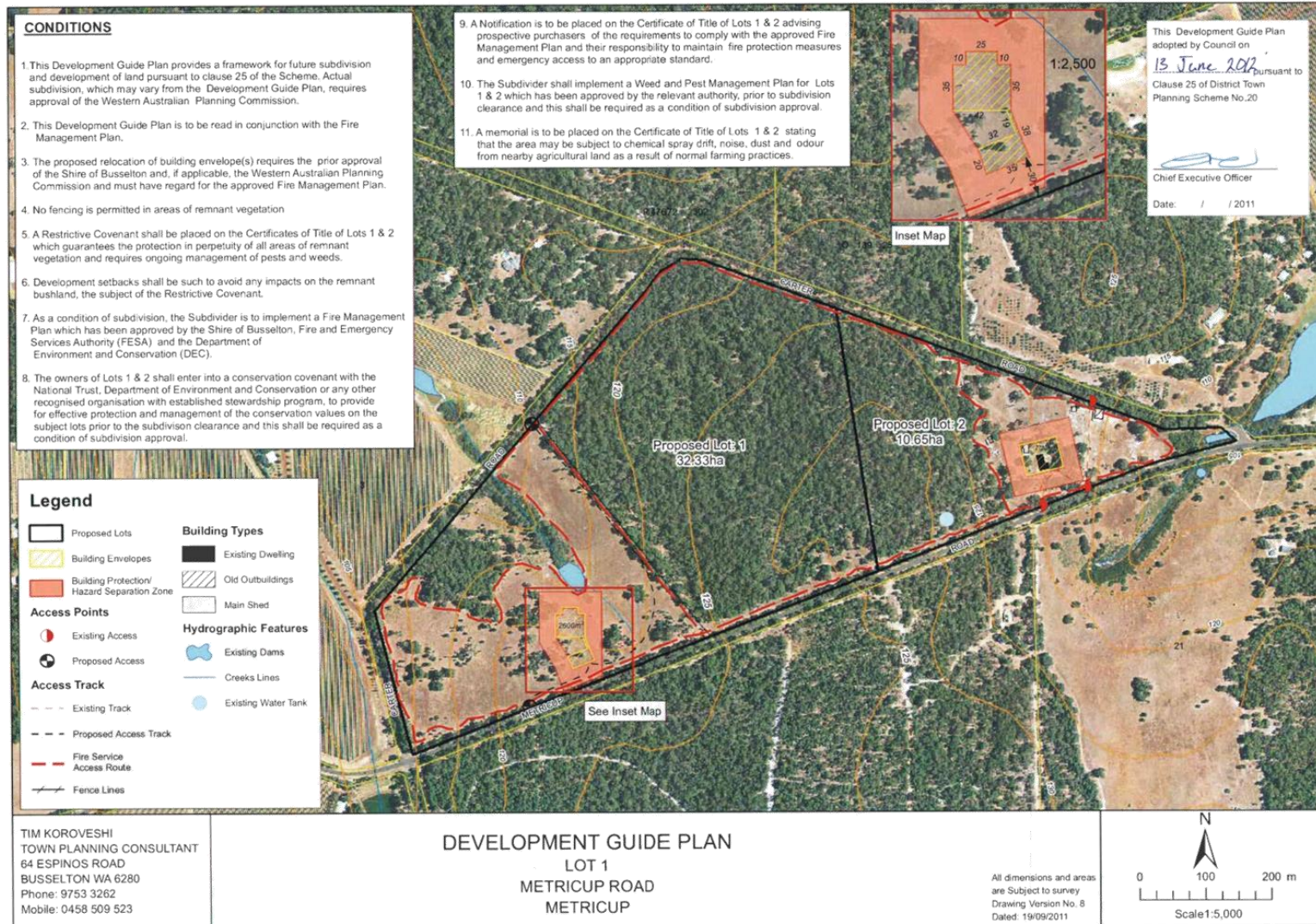
Attachment D Structure Plan Map

PROPOSED STRUCTURE PLAN

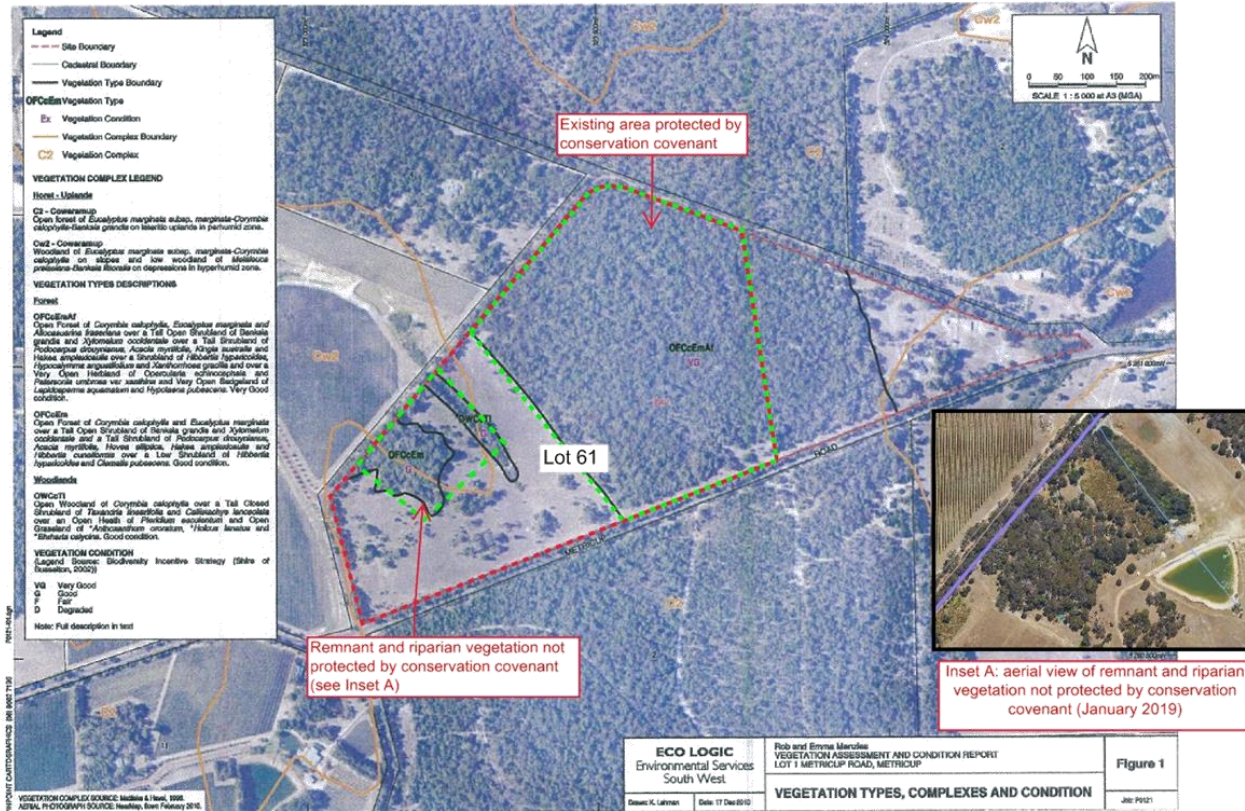
Location: LOTS 60 & 61 METRICUP ROAD, METRICUP
Date: APRIL 2019
Scale: 1:5,000@A3
Revision No: B

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Attachment F Vegetation Types, Complexes and Condition Map



Attachment G – Schedule of Submissions
PROPOSAL: AMD21/0038 – Amendment No. 38 – Introduction of Additional Use (A82) to Lot 61 (no. 400) Metricup Road Metricup
Including associated structure plan (incorporating Lot 60 (no. 310) Metricup Road, Metricup
SUBMISSIONS CLOSE: 15 August 2019
OFFICER: Joanna Wilkinson

No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
1.	Environmental Protection Authority Prime House 8 Davidson Terrace Joondalup DC WA 6027	<p>The proposed scheme should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i>.</p> <ol style="list-style-type: none"> 1. The scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment. 2. The amendment area is adjacent to bushland protected by conservation covenant with specific environmental values. The covenanted area is subject to restrictions and management actions. 3. The amendment area contains a section of remnant vegetation that is not protected by the conservation covenant however is likely to contain the same environmental values as those in the covenanted area. The amendment area also contains an intermitted creek line that supports riparian vegetation in "good" condition. 4. The provisions proposed into Schedule 2 for Amendment 38 are noted however the EPA considers that there is still potential to impact the environmental values of the site. 5. Recommended that the scheme text should be modified to include: <ul style="list-style-type: none"> • Limited development to cleared areas only; • The development and implementation of a bushfire management plan; and • The development and implementation of a flora and vegetation management plan on advice from the DBCA to the satisfaction of the City. 	<p>Noted.</p> <p>The matters raised under point 5 are discussed in further detail within the submission from DBCA.</p>	That the submission be noted.

Attachment G – Schedule of Submissions
PROPOSAL: AMD21/0038 – Amendment No. 38 – Introduction of Additional Use (A82) to Lot 61 (no. 400) Metricup Road Metricup
Including associated structure plan (incorporating Lot 60 (no. 310) Metricup Road, Metricup
SUBMISSIONS CLOSE: 15 August 2019
OFFICER: Joanna Wilkinson

		6. The amendment can be managed through implementation of the proposed scheme text provisions to mitigate potential impacts to flora and vegetation, terrestrial fauna and inland waters.		
2.	Department of Biodiversity, Conservation and Attractions (DBCA) Parks and Wildlife Service PO Box 1693 Bunbury WA 6230	<p>No objection to proposal. Advice given:</p> <ol style="list-style-type: none"> 1. It is very important that the provisions of LNRSP 6.1 are not compromised in terms of the Land Use Policies and Strategies that provide protection of nature conservation values. 2. Lot 61 is subject to a nature conservation covenant (NCC) to protect conservation values within the lot. 3. The EPA provided advice on the proposed amendment noting that Lot 61 contains areas of remnant vegetation not protected by the NCC, which are likely to contain the same vegetation and fauna habitat values as the protected NCC vegetation. 4. The EPA recommended that development be limited to existing cleared areas and for a flora and fauna vegetation management plan to be prepared and implemented on advice from DBCA to protect the poorly reserved remnant vegetation and threatened western ringtail possum and black cockatoo habitat values, and to manage the spread of weeds, dieback and fire. 5. The 3ha bushland patch within the northern portion of Lot 61 contains the creek line, has been identified as containing “Good” condition remnant vegetation and is connected, via road reserve vegetation, to 	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. Noted. 4. Recommended modification to the Structure Plan map to include as a condition the 3ha area of remnant and riparian vegetation (as described in the Vegetation Assessment and Condition Report – see Attachment F for Vegetation Types, Complexes and Conditions Map) be added to the existing covenanted bushland. The NCC contains provisions relating to Management Guidelines for the covenanted area. 5. Recommended modification to the Structure Plan map to include as a condition the 3ha area of remnant and riparian vegetation (as described in the Vegetation Assessment and Condition Report – see Attachment F for Vegetation Types, Complexes and Conditions Map) be added to the existing covenanted bushland. 6. Proposal to amend the existing NCC area to include the 3ha area of remnant and riparian vegetation is supported. 	That the submission be noted and modifications to the Amendment and draft Structure Plan in relation to submission 4 – 7 are being recommended (refer to Attachment G – Schedule of Modifications).

Attachment G – Schedule of Submissions

PROPOSAL: AMD21/0038 – Amendment No. 38 – Introduction of Additional Use (A82) to Lot 61 (no. 400) Metricup Road Metricup Including associated structure plan (incorporating Lot 60 (no. 310) Metricup Road, Metricup

SUBMISSIONS CLOSE: 15 August 2019

OFFICER: Joanna Wilkinson

		<p>the existing covenanted bushland. The DBCA Nature Conservation Covenant Program (NCCP) advised that this 3ha portion of bushland would be suitable for a DBCA conservation covenant extension to protect the biodiversity values.</p> <p>6. In lieu of preparing a management plan, it is recommended that the City of Busselton supports the idea that the existing Lot 61 NCC be amended to include this 3ha bushland patch to protect the vegetation and threatened fauna habitat values, and the creek line, as per the EPA advice.</p> <p>7. Lot 61 contains smaller patches of remnant vegetation which DBCA considers should be protected by clauses in the 'Additional Use Zone' as a way of satisfying this aspect of the EPA advice. The additional clauses should include:</p> <ol style="list-style-type: none"> a. Ensure the retention and protection of native bushland on the property; b. A fence surrounding covenanted bushland is to be constructed and maintained to minimise disturbance from adjacent future grazing stock, vehicles, tourism activities and other approved developments; c. The bushland protection fencing should enclose a firebreak, to be maintained around the bushland; d. Chemical application on the property should avoid spray drift or runoff that will impact on the bushland or creek system; 	<p>7. Proposal to amend the existing NCC area to include the 3ha area of remnant and riparian vegetation is supported. The NCC contains provisions relating to Management Guidelines for the covenanted area.</p>	
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Attachment G – Schedule of Submissions

PROPOSAL: AMD21/0038 – Amendment No. 38 – Introduction of Additional Use (A82) to Lot 61 (no. 400) Metricup Road Metricup Including associated structure plan (incorporating Lot 60 (no. 310) Metricup Road, Metricup

SUBMISSIONS CLOSE: 15 August 2019

OFFICER: Joanna Wilkinson

		<p>e. Structures should be setback at least 30m from the covenant areas and comply with bushfire planning requirements;</p> <p>f. Any development should avoid impacts to the NCC bushland and creek line vegetation;</p> <p>g. Any new fire management measures related to development, including access tracks and/or firebreaks, required to support any new development within the Lot 61 cleared areas, must not impact on the conservation covenant bushland; and</p> <p>8. Any amendments to the approved bushfire management plan should be in consultation to the NCCP.</p>		
3.	<p>Department of Fire and Emergency Services Rural Fire Division Level 1, Albert Facey House 469 Wellington Street Perth WA 6000</p>	<p>Compliance with the Bushfire Protection Criteria A4.3 Water – not demonstrated</p> <p>- The BMP states that an existing tank will reserve 10,000L for firefighting purposes. This is not supported – a dedicated tank should be installed for firefighting purposes for the following reasons:</p> <ul style="list-style-type: none"> • In the event of an emergency incident firefighters may drain the entire domestic tank in suppression efforts. Until the tank is refilled residents cannot return to their homes. • When a tank, used mainly for domestic purposes, is entirely emptied the sediment at the bottom of the tank may be disturbed when refilling which can make the water unpotable. 	<p>Noted.</p> <p>Relevant to subsequent development processes. The provision of a dedicated 10,000L tank will be assessed at development application stage.</p>	<p>That the submission be noted.</p>

Attachment G – Schedule of Submissions

**PROPOSAL: AMD21/0038 – Amendment No. 38 – Introduction of Additional Use (A82) to Lot 61 (no. 400) Metricup Road Metricup
Including associated structure plan (incorporating Lot 60 (no. 310) Metricup Road, Metricup**

SUBMISSIONS CLOSE: 15 August 2019

OFFICER: Joanna Wilkinson

		<ul style="list-style-type: none">• There is no guarantee that the tank will have the reserve of 10,000L as this is at the discretion of the land owner.- Modification required. Please demonstrate compliance. <p>Recommendation – supported subject to modifications</p> <p>DFES has assessed the BMP for the proposed scheme amendment and associated structure plan, and has identified an issue that needs to be addressed prior to support of the proposal.</p>		
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Attachment H SCHEDULE OF MODIFICATIONS

AMD21/0038 & DP19/0003: Amendment No. 38 – Introduction of Additional Use (A82) to Lot 61 (No. 400) Metricup Road, Metricup Including Associated Structure Plan (Incorporating Lot 60 (No. 310) Metricup Road, Metricup

No.	Proposed Modification	Reason
1.	That it be stated within Part One, section 1.3 Staging of the Structure Plan Report that the Structure Plan supersedes the existing Development Guide Plan, adopted by Council on 13 June 2012.	The Structure Plan Map introduces an Additional Use (A82) over a portion of Lot 61, and a Building Exclusion Area to replace the building envelope and hazard protection zone.
2.	That the Structure Plan Map be modified such that 'A81' is changed to 'A82.'	To ensure that the Additional Use number is correctly referenced in accordance with the Local Planning Scheme.
3.	That the Structure Plan Map be modified such that 'Building Exclusion Zone' is changed to 'Development Exclusion Area.'	In addition to the uses included in the Amendment Document, the applicant is also proposing to develop the land as a vineyard (use class 'Agriculture – Intensive'). The modified wording will ensure that adequate buffers are maintained around remnant and riparian vegetation, and the creek line, and that no development of any sort occurs within the Development Exclusion Area. Change of the word 'Zone' to 'Area' to ensure the Structure Plan Map and Amendment report are consistent.
4.	That the Structure Plan Map be modified to show the existing and additional (approx. 3ha) conservation covenant area. The additional area is to include the remnant and riparian vegetation classified as vegetation types OFCcEm and OWCcTI in the Vegetation Assessment and Condition Report (exact area to be determined in consultation with the DBCA).	As per advice from Department of Biodiversity, Conservation and Attractions (DBCA), the additional area has similar floristic and threatened fauna habitat value as the existing covenanted area, and is connected to the covenanted area via road reserve vegetation. The extension of the conservation covenant area is consistent with the LPS21 objectives and Part 4 special provisions relating to the zone, which aim to protect the biodiversity values of the site in perpetuity.
5.	That the Structure Plan Map and section 1.4 Development Requirements of the Structure Plan Report be modified to include the following conditions as per the superseded Development Guide Plan, including: 1. Revise Condition 1 to state "No further subdivision shall be supported."	1. To ensure that no further fragmentation of land occurs in a predominantly rural area. 2. To ensure the relevant Bushfire Management Plan is referenced rather than the Fire Management Plan approved for the superseded Development Guide Plan. 3. As per the updated Structure Plan map, which removes the building envelope, and to ensure that no development occurs within 30m of areas of remnant or

No.	Proposed Modification	Reason
	<ol style="list-style-type: none"> 2. Revise Condition 2 to state "This Structure Plan is to be read in conjunction with the Bushfire Management Plan (Revision B)." 3. Revise Condition 3 to state "No development shall occur within the Development Exclusion Area." 4. Retain Condition 4. 5. Revise Condition 5 to state "Prior to development approval, and in consultation with the Department of Biodiversity, Conservation and Attractions, the existing area subject to a nature conservation covenant shall be extended to include the (approx.) 3 hectare portion of remnant and riparian vegetation, identified as vegetation types OFCcEm and OWCcTI in the Vegetation Assessment and Condition Report dated 18 December 2010, within the northern portion of the Lot. The area of restriction is to be included on the diagram or plan of survey (deposited plan)." 6. Delete Condition 6. 7. Delete Condition 7. 8. Delete Condition 8. 9. Delete Condition 9. 10. Revise Condition 10 to state "Prior to development approval, a Weed and Pest Management Plan which has been approved by the relevant authority shall be implemented for the additional (approx.) 3 hectare portion of conservation covenant area." 11. Revise Condition 11 to state "All applications submitted for development approval are to be referred to the Department of Biodiversity, Conservation and Attractions for comment." 	<ol style="list-style-type: none"> riparian vegetation, or the creek line, or in areas identified in the Bushfire Management Plan as having a rating of BAL-40 or higher. 4. As per advice from DBCA, and in accordance with clause 1m) of the Restrictive Covenant (see below). 5. A Restrictive Covenant has been registered on the Certificate of Title, as per advice from DPaW dated 2 December 2013. DBCA submitted that the additional area has similar floristic and threatened fauna habitat value as the existing covenanted area, and is connected to the covenanted area via road reserve vegetation. The extension of the conservation covenant area is consistent with the LPS21 objectives and Part 4 special provisions relating to the zone the zone, which aim to protect the biodiversity values of the site in perpetuity. 6. The Development Exclusion Area establishes setbacks from remnant and riparian vegetation, as well as lot boundaries. The Development Exclusion Area incorporates indicative BAL ratings identified in the Bushfire Management Plan so that no clearing of conservation covenanted vegetation to establish an asset protection zone will be required. 7. As per point 1 above, no further subdivision will be supported. A Bushfire Management Plan has been prepared for this Amendment, and the Additional Uses will require the preparation of a Bushfire Emergency Evacuation Plan at development stage. 8. A Restrictive Covenant (conservation covenant) has been registered on the Certificate of Title, as per advice from DPaW dated 2 December 2013. 9. A notification has been registered as per Condition 5 of subdivision approval (deposited plan 70425 dated 23 August 2013). 10. A Weed and Pest Management Plan for the existing conservation covenant area was approved and implemented as per Condition 10 of subdivision approval but does not include the proposed area to be included. 11. To ensure that the proposed additional 3 hectares of conservation covenant area for Lot 61, and any future development, is reviewed by the Covenancing agency as per the provisions of the Restrictive Covenant.
6.	<p>That the Amendment Document be modified such that Schedule 2 – Additional Uses of the Scheme Text include the following particulars of land: Portion Lot 61 Metricup Road, Metricup</p>	<p>To ensure that development can only occur in within the portion of the lot that is approved for the Additional Uses, and not within the area that is restricted by conservation covenant.</p>

No.	Proposed Modification	Reason
7.	<p>That the Amendment Document be modified such that Schedule 2 – Additional Uses of the Scheme Text include the following conditions:</p> <ol style="list-style-type: none"> 1. Development of the land shall be in accordance with the Structure Plan adopted by the local government and endorsed by the Western Australian Planning Commission pursuant to Part 4 of the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 2. All additional uses shall be deemed to be 'D' uses for the purpose of Part 4 of the Scheme. 3. Development is restricted to the Additional Use area depicted on the Scheme map. 4. The Land Uses specified within the Additional Use area shall be limited to an aggregate NLA of 1,500m², other than – <ol style="list-style-type: none"> a. Development associated with the use (but not expansion) of existing buildings on the land (as at 1 January 2019); or b. Development of a Single House or development ancillary to a Single House. 5. Application(s) submitted for the development of the property shall be referred to the Department of Biodiversity, Conservation and Attractions for comment. 	<ol style="list-style-type: none"> 1. To ensure that the Structure Plan has the force and effect of the Scheme. 2. To ensure that the proposed uses are not permitted unless the local government has exercised its discretion by granting development approval. 3. To ensure that no development is proposed outside of the defined Additional Use area, particularly in the area restricted by conservation covenant. 4. To ensure that development does not occur at a scale that is inconsistent with the objectives of the zone or the rural amenity of the surrounding locality. 5. To ensure that proposed development is reviewed by the Covenanting agency of the conservation covenant.
8.	<p>That the Amendment Document and Structure Plan Report be modified where appropriate such that all references to zone titles, zone objectives, use classes and Part 4 clauses are consistent with Local Planning Scheme No. 21.</p>	<p>To reflect a recent Amendment (Scheme Amendment No. 29, gazetted 7 June 2019) to the Scheme that modified the title of the subject zones, altered zone objectives, and introduces additional clauses to Part 4 altering the numerical value of the subject clauses.</p>
9.	<p>That the Amendment Document and Structure Plan Report be modified where appropriate such that all references to the Draft Leeuwin Naturaliste Subregional Planning Strategy are consistent with the adopted Leeuwin Naturaliste Sub-Regional Strategy.</p>	<p>To ensure that the reporting documents reference the most current provisions and standards in place.</p>
10.	<p>That the Bushfire Management Plan be modified such that 'A81' is changed to 'A82.'</p>	<p>To ensure that Additional Use number is correctly referenced in accordance with the Local Planning Scheme.</p>

13.3 BUSH FIRE ADVISORY COMMITTEE – APPOINTMENT OF DEPUTY CHIEF BUSH FIRE CONTROL OFFICER – BUSH FIRES ACT 1954

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Emergency Management
BUSINESS UNIT	Environmental Services
REPORTING OFFICER	Community Emergency Services Manager - Blake Moore
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Advocacy: to advocate on its own behalf or on behalf of its community to another level of government/body/agency
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Nil

COMMITTEE AND OFFICER RECOMMENDATION

That the Council endorse:

- 1. The appointment of Mr Todd Johnson to the position of Deputy Chief Bush Fire Control Officer; and**
- 2. The appointment is to be issued with a certificate of appoint pursuant to Section 38 (2E) of the Act**

EXECUTIVE SUMMARY

The purpose of this report is to seek the appointment of Mr Todd Johnson as a Deputy Chief Bush Fire Control Officer pursuant to Section 38 of the *Bush Fires Act 1954* (the Act) and in accordance with the recommendation of the Bush Fires Advisory Committee from the meeting of Tuesday 10 September 2019.

BACKGROUND

Due to an aging volunteer base, the City and the Chief Bush Fire Control Officer are working to ensure that there is a sufficient level of experience in positions to manage the operational requirements of the City's bush fire brigades.

At the meeting of Tuesday 10 September 2019, the Bush Fires Advisory Committee recommended that Council appoint Mr Todd Johnson as a Deputy Chief Bush Fire Control Officer for the City of Busselton, in accordance with Section 38 of the Act.

OFFICER COMMENT

To ensure the City is meeting its obligations under the Act, to regulate the issue of permits, reduce the impact of bushfire and manage the City's fifteen bush fire brigades, the Bush Fires Advisory Committee is seeking to appoint an additional Deputy Chief Bush Fire Control Officer.

Careful consideration has been given to ensure that the selected person will be able to make key decisions whilst under substantial pressure and be able to effectively manage the brigade's requirements.

With the City's rapidly developing landscape, expanding population and tourist influx an increase in fire incidents across the City has been observed. In order to manage and support these incidences, the Bush Fires Advisory Committee are looking to appoint an additional Deputy Chief Fire Control Officer to mentor, develop and support the ongoing requirements of the City.

Formal consultation has been undertaken with City's Chief Bush Fire Control Officer, Mr Allan Guthrie to identify a suitable person to be appointed as an additional Deputy Chief Bush Fire Control Officer.

Mr Todd Johnson is currently a Bush Fire Control Officer and has been identified as the most suitable person to be appointed a Deputy Chief Fire Control Officer.

Statutory Environment

Pursuant to section 38 of the Act, a local government may appoint bush fire control officers, and of those officers shall subject to section 38A (2) appoint two as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer.

The Chief Executive Officer has delegated authority to appoint a person to act as a Bush Fire Control Officer pursuant to Section 48 of the Act, however in accordance with condition 3 of that delegation:

3. *The delegation does not extend to the appointment of Chief or Deputy Chief Bush Fire Control Officers.*

Therefore, a Council resolution is required to appoint a Deputy Chief Bush Fire Control Officer.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

Consultation with the Bush Fires Advisory Committee is detailed under the Officer Comment section of this report. No further 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 choose not to appoint Mr Johnson as a Deputy Chief Bush Fire Control Officer. Mr Johnson would then remain a Fire Control Officer and the matter referred back to the Bush Fires Advisory Committee for further discussion.

CONCLUSION

Council to recommend appointing Mr Todd Johnson as a Deputy Chief Bush Fire Control Officer pursuant to Section 38 of the Act for the City of Busselton.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Effective immediately as of publication of Council minutes.

14. ENGINEERING AND WORK SERVICES REPORT**14.1 AWARD OF TENDER RFT11/19 ROAD NETWORK UPGRADE - CITY CENTRE EASTERN LINK STAGE 1 AND STAGE 2A + 2B**

STRATEGIC GOAL	5. TRANSPORT Smart, connective and accessible
STRATEGIC OBJECTIVE	5.2 Road networks that provide for a growing population and the safe movement of all users through the District.
SUBJECT INDEX	Infrastructure Works
BUSINESS UNIT	Engineering and Facilities Services
REPORTING OFFICER	Manager, Engineering and Facilities Services - Daniell Abrahamse
AUTHORISING OFFICER	Director, Engineering and Works Services - Oliver Darby
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Published Under Separate Cover Confidential Attachment A Confidential RFT11/19 Tender Recommendation Report, Evaluations and Panel Consensus Score Sheet

Attachment A is confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with “a contract entered into or which may be entered into, by the local government”. Copies have been provided to Councillors, the Chief Executive Officer and Directors Only.

OFFICER RECOMMENDATION

That the Council:

1. Pursuant to *RFT 11/19 Road Network Upgrade – City Centre Eastern Link (RFT11/19)* endorse the tender from Leeuwin Civil Pty Ltd for \$5,123,493 (exclusive of GST) as the preferred tender for Stage 1 (second north-south road into the Busselton City Centre between Rosemary Drive and Cammilleri Street via a new bridge across Vasse River).
2. Pursuant to RFT11/19 endorse the tender from Leeuwin Civil Pty Ltd for \$2,286,283.53 (exclusive of GST) as the preferred tender for Stage 2 Option 1 (southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a “roundabout” design for the Causeway Road/Strelly Street intersection).
3. In accordance with Regulation 18(5) of the *Local Government (Functions and General) Regulations 1996* decline to accept any tender in respect to RFT11/19 Stage 2 Option 2 (“gull-wing” design for the Causeway Road/Strelly Street intersection).
4. In accordance with Regulation 18(5) of the *Local Government (Functions and General) Regulations 1996* decline to accept any tender in respect to RFT11/19 Stage 3 (north-eastern extension of the Stage 1 works, including upgrading the Peel Terrace/Brown Street intersection with a new roundabout).
5. In respect to RFT11/19 Stage 1 delegate power and authority to the Chief Executive Officer to:
 - a) Negotiate and agree with the preferred tenderer variations in accordance with Regulations 20 and 21A of the *Local Government (Functions and General) Regulations 1996* subject to such variations not exceeding the overall project budget;
 - b) Negotiate and agree with the preferred tenderer the final terms and conditions of the contract (including rates/contract prices); and
 - c) Subject to and conditional upon all environmental approvals having been obtained, enter into a contract with the preferred tenderer for supply of the relevant goods and services.
6. In respect to RFT11/19 Stage 2 Option 1 delegate power and authority to the Chief Executive Officer to:
 - a) Negotiate and agree with the preferred tenderer variations in accordance with Regulations 20 and 21A of the *Local Government (Functions and General) Regulations 1996* subject to such variations not exceeding the overall project budget;
 - b) Negotiate and agree with the preferred tenderer the final terms and conditions of the contract (including rates/contract prices); and
 - c) Subject to and conditional upon the City of Busselton securing sufficient funding for RFT11/19 Stage 2 Option 1 by 30 June 2020, enter into a contract with the preferred tenderer for supply of the relevant goods and services.

EXECUTIVE SUMMARY

The Council is requested to consider the tenders received in response to Request for Tender RFT11/19 Road Network Upgrade – City Centre Eastern Link Stages 1, 2 and 3 (RFT11/19).

Tenders closed 20 August 2019 and tender submissions have been evaluated. This report summarises the submissions received and recommends that Council endorse the outcome of the evaluation panel's assessment and delegate power and authority to the CEO to negotiate and agree final terms and conditions with the preferred tenderer, Leeuwin Civil Pty Ltd and, subject to relevant environmental approvals being obtained, enter into a contract(s) for construction of:

- Stage 1 - second north-south road into the Busselton City Centre between Rosemary Drive and Cammilleri Street via a new bridge across Vasse River; and
- Stage 2 Option 1 - southern extension of the Stage 1 works, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a "roundabout" design for the Causeway Road/Strelly Street intersection, subject to and conditional upon the City securing the necessary funding to undertake the works as part of the 20/21 Financial Years Budget.

It is further recommended that:

- Due to the proposed "gull-wing" design for the Causeway Road/Strelly Street intersection (Stage 2 Option 2) not being as effective as a "roundabout" design, this design no longer being considered to be an option;
- Due to the overall cost of the project and the associated budget constraints, Stage 3 (north-eastern extension of the Stage 1 works, including upgrading the Peel Terrace/Brown Street intersection with a new roundabout), the City does not undertake these works at this stage; and
- Council subsequently decline to accept any tenders in respect to Stage 2 Option 2 and Stage 3.

BACKGROUND

Council at their ordinary meeting held on 14 November 2018 resolved as follows (C1811/230):

That the Council:

1. *Receives the City Centre Road Network Community Survey Report provided by Catalyse Pty Ltd as an informing document.*
2. *Subject to environmental approval and municipal funding resources being available in the City's annual budget and Long-term Financial Plan progress with Option 5. This involves:*
 - a. *construct City Centre Eastern Link (Stage 1);*
 - b. *upgrade the intersection of Albert and Queen Street from lights to a roundabout;*
 - c. *upgrade the Albert and West Street intersection; and*
 - d. *upgrade the intersection at Strelly Street and Causeway Road.*
3. *Subject to ongoing municipal funding, continues to progress environmental approval for the future development of Ford Road noting that this will require a new and different application to be lodged with the EPA (as per Ministerial advice 14 August 2018).*
4. *Continue to lobby Main Roads WA for improved directional signage on Busselton Bypass.*

As part of implementing the above-mentioned Council decision, public tenders have been invited for construction of the various stages of the proposed City Centre Eastern Link road network. In addition to the Stage 1 works, tenders were also invited for continuous completion of Stages 2 and 3 of this project. The objective was to inform future budget decisions, to assess and determine whether, through economies of scale, any savings could be achieved and in general whether such a strategy would be most advantageous to the City.

Another consideration for testing the market by inviting tenders for all three stages of this project, is the noticeable increase in traffic congestion in this area over recent times. In particular the right hand turn from Strelly Street onto Causeway Road has been experiencing significant traffic build up during peak times.

Under RFT11/19 suitably qualified and experienced contractors were invited to submit tenders for undertaking the following works:

Stage 1 (referred to in RFT11/19 as “Task 1”)

Referred to as City Centre Eastern Link Stage 1 in the *City Centre Road Network Community Survey Report* – a new north-south entry road into the Busselton City Centre between Rosemary Drive and Camilleri Street via a new bridge across Vasse River – coloured in yellow in Map 1 below.

Stage 2 (referred to in RFT11/19 as “Task 2”)

Referred to as City Centre Eastern Link Stage 2A in the *City Centre Road Network Community Survey Report* - southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with either a “roundabout” design (Option 1) or a “gull wing” design (Option 2) for the Causeway Road/Strelly Street intersection – coloured in red in Map 1 below.

Stage 3 (referred to in RFT11/19 as “Task 3”)

Referred to as City Centre Eastern Link Stage 2B in the *City Centre Road Network Community Survey Report* – north-eastern extension of Stage 1, including upgrading the Peel Terrace/Brown Street intersection with a new roundabout – coloured in green in Map 1 below.

Tenderers were also invited to submit tenders for undertaking and completing all Stages/Options or (any combination thereof) continuously.

The location, alignment and the extent of these works are indicatively shown on the following plan:



City Centre Eastern Link – Stage 1 (Yellow), Stage 2 (Red) and Stage 3 (Green)

OFFICER COMMENT

The invitation to tender was advertised in the West Australian, on the City’s TenderLink procurement platform and in the Council for the Community Page, with 20 August 2019 as the tender closing date.

The City received tender submissions from the following contractors:

Company	Location
APH Contractors Pty Ltd	Picton WA
BCP Contractors Pty Ltd	Yalyalup WA
Civcon Civil Project Management Pty Ltd	Subiaco WA
Densford Civil Pty Ltd	Osborne Park WA
Ertech Pty Ltd	Wangara WA
Leeuwin Civil Pty Ltd	Busselton WA
Monford Group Pty Ltd	Canningvale WA

Assessment Process

In accordance with the City's procurement practices and procedures tender assessments were carried out by a tender evaluation panel comprising City officers with relevant skills and experience.

The tender assessment process included:

- Assessing tenders received against relevant compliance criteria. The compliance criteria were not point scored. Each submission was assessed on a *Yes/No* basis as to whether each criterion was satisfactorily met. All tenders were deemed compliant.
- Assessing tenders against the following qualitative criteria:

Criteria	Weighting
Relevant Experience	10%
Local benefit	5%
Key Personnel Skills and Experience	10%
Respondent's Capacity and Resources	10%
Demonstrated Understanding	25%
Price	40%

A scoring and weighting system was used to assess the tenders against these qualitative criteria.

The extent to which a tender demonstrated greater satisfaction of each of the qualitative criteria resulted in a greater score. The tendered prices were then assessed together with the weighted qualitative criteria and the tenders scored and ranked to determine the most advantageous outcome to the City, based on principles of best value for money. That is, although price was a consideration, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria.

Summary of Assessment Outcomes

The outcome of the evaluation panel's assessment was as follows:

- Stage 1 (new north-south road into the Busselton City Centre between Rosemary Drive and Camilleri with a new bridge across the Vasse River)

The tender from Leeuwin Civil Pty Ltd achieved the highest score (and ranked first).

- Stage 2 Option 1 (southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a "roundabout" design for the Causeway Road/Strelly Street intersection)

The tender from Leeuwin Civil Pty Ltd achieved the highest score (and ranked first).

- Stage 2 Option 2 (southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a "gull wing" design for the Causeway Road/Strelly Street intersection)

The tender from Leeuwin Civil Pty Ltd achieved the highest score (and ranked first).

- Stage 3 (north-eastern extension of Stage 1, including upgrading the Peel Terrace/Brown Street intersection with a new roundabout)

The tender from Leeuwin Civil Pty Ltd achieved the highest score (and ranked first).

- Combined Stage 1 and Stage 2 (combined road and bridge works)

Tenderers were received for undertaking continuously (as a single project) Stage 1 (new north-south road between Rosemary Drive and Cammilleri and a bridge across the Vasse River) and continuous construction of Stage 2 (southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a “roundabout” design for the Causeway Road/Strelly Street intersection).

The tender from Leeuwin Civil Pty Ltd achieved the highest score (and ranked first).

- Combined Stage 1, Stage 2 and Stage 3

Tenders were also received for undertaking continuously (as a single project) Stage 1, Stage 2 and Stage 3 (north-eastern extension of Stage 1, including upgrading the Peel Terrace/Brown Street intersection with a new roundabout).

The tender from Leeuwin Civil Pty Ltd achieved the highest score (and ranked first).

The attached confidential Tender Evaluation and Recommendation Report (Attachment A) contains the evaluation panel’s detailed assessment of the tenders received. The findings in the Tender Evaluation and Recommendation Report can be summarised as follows:

(Note all amounts/figures in this report are exclusive of GST)

Stage 1 and Stage 2 Option 1 combined

Weighing up available funding for the project against practical and efficiency considerations, City officers are of view that it would be most advantageous for the City to proceed continuously with Stage 1 and Stage 2 Option 1 of the project. This comprises construction of a new north-south road into the Busselton City Centre between Rosemary Drive and Cammilleri Street (including construction of a new bridge over the Vasse River) and, should sufficient funding be obtained, subsequent construction of the southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a recommended “roundabout” design for the Causeway Road/Strelly Street intersection.

The tender from Leeuwin Civil Pty Ltd achieved the highest score on the qualitative criteria for these combined works, offers the lowest price and therefore was ranked first [\$5,123,493 for Stage 1 plus \$2,286,283.53 for Stage 2 Option 1 = \$7,409,776.67]. A comparison between this tender from Leeuwin Civil Pty Ltd (for the “combined” Stages 1 and 2 works) and all other tenders received in respect to the various different stages, also shows that overall this tender offers the best value for money and, subject to availability of funding for these works, would be most advantageous for the City to accept. The City’s options for funding Stage 1 and Stage 2 Option 1 combined works are discussed in the Financial Implications section of this report.

Combining the Stage 1 and Stage 2 works will also achieve certain practical efficiencies. As part of the project, some of the poplar trees along Causeway Road will have to be relocated. Combining the Stage 1 and Stage 2 works is considered to be the most effective way of ensuring correct location and alignment of these trees and also for allowing transplanting to occur at the optimum time of the year. It should also limit public inconvenience associated with road construction works, as such an approach will condense the construction timeframe for Stages 1 and 2 and as such cause the least interruption and impact on traffic flows into town.

For the following reasons it is recommended that the City does not accept any tenders received in respect to the Stages mentioned below:

Stage 1

The tender from Leeuwin Civil Pty Ltd achieved the highest score on the qualitative criteria, offers the lowest price and therefore was ranked first. However for the reasons discussed above it is considered that it would be most advantageous for the City to proceed at this stage continuously with Stage 1 and Stage 2 Option 1 of the project. Therefore it is recommended that the City declines to accept any tenders for a “standalone” construction of Stage 1 only.

Stage 2 Option 2 – “gull wing” design

Tenderers were invited to submit separate tenders for the construction of a southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a “gull wing” design (Option 2) for the Causeway Road/Strelly Street intersection, as an alternative to a “roundabout” design (Option 1). The tender from Leeuwin Civil Pty Ltd achieved the highest score on qualitative criteria and was also the best priced for the Option 2 work and therefore ranked first for this part of the project.

However based on Austroads *Guide to Traffic Management – Part 6: Intersections, Interchanges and Crossings* (Austroads 2017) which provides guidance on traffic management aspects of intersection design, City officers formed a view that a “roundabout” design is preferred to “gull wing” (seagull) design. This is based on the fact that roundabouts can be used at a wide range of sites and improve safety by simplifying conflicts, reducing speeds and providing clear indication of priority. As a result City officers have recommended to proceed with Stage 2 Option 1 instead of Stage 2 Option 2, consequently it is recommended that the Council decline to accept any tender for Stage 2 Option 2.

Stage 3

Stage 3 comprised the upgrading of Peel Terrace between Camilleri and Brown Streets, including a new roundabout at the Peel Terrace/Brown Street intersection. All tenders received in respect to Stage 3 exceeded the available budget, including tenders for a combination of Stages 1, 2 and 3. With very limited ability to increase external (grant) funding) and/or to fund these works from the next financial year’s (20/21) budget, City officers recommend that the City at this stage does not proceed with these works and that Council consequently decline to accept any tenders for Stage 3.

Environmental approvals

A number of Federal and State environmental approvals are required for the project. The current status of the environmental approvals required for the Officer Recommendation (Stage 1 and Stage 2 Option 2) is as follows:

Federal Government Approvals

- Causeway Road – approval received 4 April 2019.
- City Centre Eastern Link – approval received 7 July 2019.

State Government Approvals

- Causeway Road - clearing permit – approved, awaiting final advice.
- City Centre Eastern Link – clearing permit – approval pending – currently subject to appeal period that ended 7 June 2019.
- Department of Water and Environment Regulation approval for dewatering - licence to take water received 3 May 2019.

Statutory Environment

In terms of Section 3.57 of the *Local Government Act 1995* (the Act), a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services. Part 4 of the *Local Government (Functions and General) Regulations 1996*:

- requires that tenders be publicly invited for such contracts where the estimated cost of providing the required goods and/or service exceeds \$150,000; and
- under Regulations 11, 14, 18, 20 and 21A provides the statutory framework for inviting and assessing tenders and awarding contracts pursuant to this process.

With regard to RFT11/19 City officers have complied with abovementioned legislative requirements.

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 City's purchasing policies, regional price preference, occupational health and safety, asset management, engineering technical standards and specifications were all relevant to RFT11/19, and have been adhered to in the process of requesting and evaluating tenders.

Financial Implications

Funding within the City's 2019-2020 budget for the project is from a combination of sources including Busselton Traffic Study Reserve; and grant funding from both State Government under the Regional Road Group funding and Federal Government under the Bridge Renewal Program.

The project cost to deliver individual and combinations of the separable portions of RFT11/19 can be summarised as follows:-

Stage 1

Stage	Description	Tender Price	Budget	Variance
Stage 1 A+B	City Centre Eastern Link Stage 1 – a second north-south entry point into the Busselton City Centre via a new link road and a new bridge across Vasse River	\$5,123,493.14	\$4,332,592	-\$790,901.14

The current budget break down for Stage 1A+B is listed below:-

Cost Code	Description	Budget
S0051	Causeway Road – Carry - Over	\$656,680
S0051	Causeway Road – RRG – City of Busselton - funding	\$250,000
S0064	Peel Terrace (Stanley PI/ Cammilleri Street Intersection Upgrade	\$425,912
V0002	Eastern Link – Busselton Traffic Study	\$2,500,000
V0003	Roundabout to Eastern Link Bridge	\$300,000
V0004	Eastern Link Shared Path & Environmental Offsets	\$200,000
TOTAL		\$4,332,592

City officers proposes that the variance of **-\$790,901.14** could be funded as follows:-

Description	Budget
Department of Infrastructure, Transport and Regional Development – Bridge Renewal Grant - Additional Funding Grant Funding (note 1)	\$500,000
Transfer additional funding from the Major Traffic Improvements Reserve (note 2)	\$250,000
Funding from the Roads Asset Reserve (note 2)	\$40,901.14
TOTAL	\$790,901.14

Notes:

1. City officers have been in contact with Department of Infrastructure, Transport and Regional Development and have verbally been advised that the funding pool for Bridge Renewal Program for Western Australia has sufficient funding available to consider a request of an additional \$500,000. This will be subject to approval and the City co-funding an additional \$500,000. This co-funding can be achieved in terms of expenditure retrospectively incurred for relocation of services, environmental approvals and design cost involved to deliver the bridge.
2. City officers are also proposing that the amounts shown above, be drawn from both the Major Traffic Improvements and Road Assets Reserves. These amounts are currently available in these reserves.

Stage 2 – Option 1 or Option 2

Stage	Description	Tender Price	Budget (LTFP)	Variance
Stage 2 – Option 1	Southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a “roundabout” design for the Causeway Road/Strelly Street intersection.	\$2,286,283.53	\$2,200,000.00	-\$86,283.53
Stage 2 – Option 2	Southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a “gull wing” design for the Causeway Road/Strelly Street intersection	\$2,135,258.82	\$2,200,000.00	+\$64,741.18

This separable stage is currently unfunded and only listed in the 20/21 FY – of the City of Busselton’s Long Term Financial Plan, a breakdown of this is listed below:-

No	Description	Estimated Budget
1	Dual lane roundabout at Causeway Road and Strelly Street (note 3)	\$1,000,000
2	Duplication of Causeway Road from Rosemary Street to Molloy Street (note 3)	\$1,000,000
3	Relocation of services adjacent to the new Strelly Street / Causeway Road roundabout and new dual lanes	\$200,000
4	Environmental offsets – Landscaping and Drainage Works	to be determined
TOTAL		\$2,200,000

Note:

- Items 1 and 2 above are listed with a projected income of \$1 million from MRWA – Regional Road Group (RRG). The City has received \$500,000 from the RRG in this current FY for the Duplication of the Causeway Road – Cost Code S0051. City officers have also submitted another grant application to RRG for an additional \$500,000 for the continuation of the duplication of the Causeway Road for 2020/21 FY. If this grant funding application is successful there will be \$1 million grant funding available to implement Stage 2 – Option 1 - Roundabout at Causeway Road and Strelly Street. The balance of \$1,286,283.53 for Stage 2 would be funded from the proceeds generated in the 2020/21 municipal transfer to Major Traffic Improvements Reserve.

City officers propose that the variance of **-\$86,283.53** for Stage 2 – Option 1 could be funded as follows:-

Description	Budget
Funding from the Roads Asset Reserve (note 4)	\$86,283.53
TOTAL	\$86,283.53

Note:

- City officers propose that the amount shown above be drawn from the Road Assets Reserves. The budget amount is currently available in the reserve.

Stage 3

Stage	Description	Tender Price	Budget	Variance
Stage 3	City Centre Eastern Link Stage 3 – north-eastern extension of Stage 1, including upgrading the Peel Terrace/Brown Street intersection with a new roundabout.	\$372,180.52	\$245,849.00	-\$126,331.52

As a result of the tender prices received being in excess of the available budget for this separable Stage, City officers recommend that Stage 3 is not awarded. This stage could be undertaken by the City, or the funding may be redistributed to fund a shortfall on either of the separable portions.

Stage 1 and Stage 2 (combined)

Stage	Description	Tender Price	Budget	Variance
Stage 1A+B and Stage 2 – Option 1	City Centre Eastern Link Stage 1 – a second north-south entry point into the Busselton City Centre via a new link road and a new bridge across Vasse River. Southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a “roundabout” design for the Causeway Road/Strelly Street intersection.	\$7,409,776.67	\$6,532,592.00	-\$877,184.67

This option is considered to be most advantageous to the City. However it must be noted that the City will only be able to proceed with Stage 2 once sufficient funding has been secure as part of the 20/21 Financial Year Budget. Subsequently any contract in respect to these works should be subject to these funding requirement being satisfied. The works for this separable portion could potentially commence in September 2020 and be completed by mid-December 2020.

Stage 1 + Stage 2 + Stage 3 combined

Stage	Description	Tender Price	Budget	Variance
Stage 1A+B, Stage 2 – Option 1 and Stage 3	City Centre Eastern Link Stage 1 – a second north-south entry point into the Busselton City Centre via a new link road and a new bridge across Vasse River. + Stage 2 – Option 1 - Southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a “roundabout” design for the Causeway Road/Strelly Street intersection. + City Centre Eastern Link Stage 3 – north-eastern extension of Stage 1, including upgrading the Peel Terrace/Brown Street intersection with a new roundabout.	\$7,781,957.19	\$6,778,441.00	-\$1,003,516.19

All tenders received exceed the available budget. With very limited ability to increase funding (both internally and externally) it is recommend that the City at this stage does not proceed with these works.

Stakeholder Consultation

This scope of works specified in this tender forms part of the Busselton Local Road Network Upgrades project that has been subject to numerous workshops with the Council, public meetings, design meetings with Main Roads Western Australia (MRWA), targeted meetings with key stakeholders and directly affected land owners over the last two (2+) plus years.

City officers will implement the following communication activities as part of the pre-construction, construction and post-construction stages:-

Project Fact Sheets, FAQs, social media posts, updates on the Your Say Busselton, Media releases, meetings – community & key stakeholders, advertorial and/or advertising and letter drops to the directly affected residents and stakeholders.

RFT11/19 was advertised in the West Australian newspaper 13 July 2019, Council for Communities Page in the local press on 17 July 2019 and the City of Busselton tenders website (TenderLink) on 11 July 2019. The closing time and date for lodgement of a response was 2.00pm (AWST) on Tuesday 20 August 2019.

Officers have undertaken reference checks of the preferred tenderer.

Risk Assessment

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework, with the intention being to identify risks which, following implementation of controls, are identified as medium or greater.

There are no such risks identified, with the preferred tender assessed as being capable of delivery the project on time and within budget to the specified standards.

Options

As an alternative to the Officer Recommendation Council may consider the following options:

Option 1

Pursuant to the tender evaluation process prescribed in RFT11/19 the tenders from Leeuwin Civil Pty Ltd (**Leeuwin Civil**) and BCP Contractors Pty Ltd (**BCP**) in respect to both Stage 1A+B (**Stage 1**) and Stage 2 Option 1 (**Stage 2**) scored significantly higher than the other tenders. This resulted in these tenders respectively ranking first and second in respect to Stage 1 and Stage 2.

Both Leeuwin Civil and BCP are local businesses. Given the challenges in the current economic environment and the relative significant value of this project, Council may want to consider whether there is merit in spreading the awarding of the tender and the consequential financial benefit of this project between Leeuwin and BCP.

Based on the City's tender evaluation matrix the tenders from Leeuwin Civil and BCP achieved a very similar score in respect to the qualitative selection criteria (that is Relevant Experience, Key Personnel, Tenderer's Resources and Demonstrated Understanding).

However there are some material differences in the nett tendered prices of these tenders. The scoring and price differences can be summarised as follows (note this summary is based on nett pricing - after all discounts and incentives offered by these tenderers have been applied):

- In respect to Stage 1 the tender from Leeuwin Civil scored 4.73/5 on the qualitative selection and the tender from BCP 4.68/5, with the difference in price being \$31,931.40.
- In respect to Stage 2 Leeuwin Civil achieved an overall score of 4.73/5 and BCP 4.68/5. However the difference in price between these two tenders is \$181,809.07, with Leeuwin offering the lowest price.
- City officers also evaluated "combined" tenders – that is for awarding both Stage 1 and Stage 2 to the same contractor as a "package". Leeuwin Civil achieved an overall score of 4.73/5 and BCP 4.65/5 for their respective "combined" tenders, but the price difference is \$168,740.68, with Leeuwin Civil once again offering the lowest price.

Consequently, based on the City's tender evaluation matrix, the tenders from Leeuwin Civil ranked first in all three categories.

The following guidelines in the City's Purchasing Policy allow Council to take social and local economic factors in consideration as part of the process for procurement of goods and services:

- Section 1.2(d): Ensuring that sustainable benefits, such as environmental, social and local economic factors are considered in the overall 'best value for money' assessment;
- Section 4.1(b): The policy seeks to align with: Key Goal Area 4 – Economy – An innovative and diversified economy that provides a variety of business and employment opportunities, and a community where local business is supported and in turn drives our economy; and
- Section 5.5: All processes, evaluations and decisions shall be transparent, free from bias, merit based and fully documented in accordance with applicable policies, practices and procedures, and audit requirements.

Having regard to social and local economic factors Council may consider spreading the financial benefit of this major project between these two local contractors. Not only will this result in the City “supporting” two local businesses (by allowing both contractors to benefit financially from the project and to further their portfolios of experience), but it could also contribute towards the sustainability of both businesses and in the process facilitate competition, furthering the goal of having a robust and prosperous local economy. Supporting the local economy in this way may be considered, over the medium to long term, to be to the City’s advantage.

However, in considering what is most advantageous to the City, any/all benefits of spreading the available work between these two tenderers should be weighed up against abovementioned price differences – in other words the “premium” that Council is prepared to pay for allowing both contractors to participate in the project. The lower the pricing differential or “premium”, the greater the merit in considering the principle of “spreading” work. The counter-balancing consideration is that the tender process is in itself about ensuring a competitive process – hence care is advised to ensure that this is given primary consideration.

Should Council consider sharing the work under RFT11/19 between Leeuwin Civil and BCP, the proposed Council resolution is as follows:

“That the Council:

1. Pursuant to RFT 11/19 Road Network Upgrade – City Centre Eastern Link (RFT11/19) endorse the tender from Leeuwin Civil Pty Ltd for \$5,123,493 (exclusive of GST) as the preferred tender for Stages 1A+B (second north-south road into the Busselton City Centre between Rosemary Drive and Cammilleri Street via a new bridge across Vasse River).
2. Pursuant to RFT11/19 select the tender from BCP Pty Ltd for \$2,468,092 as the preferred tender for Stage 2 Option 1 (southern extension of Stage 1, duplicating Causeway Road from Rosemary Drive to Molloy Street, with a “roundabout” design for the Causeway Road/Strelly Street intersection).
3. In accordance with Regulation 18(5) of the Local Government (Functions and General) Regulations 1996 decline to accept any tender in respect to RFT11/19 Stage 2 Option 2 (“gull-wing” design for the Causeway Road/Strelly Street intersection).
4. In accordance with Regulation 18(5) of the Local Government (Functions and General) Regulations 1996 decline to accept any tender in respect to RFT11/19 Stage 3 (north-eastern extension of the Stage 1 works, including upgrading the Peel Terrace/Brown Street intersection with a new roundabout).
5. In respect to RFT11/19 Stage 1A+B delegate power and authority to the Chief Executive Officer to:
 - a) Negotiate and agree with the preferred tenderer variations in accordance with Regulations 20 and 21A of the Local Government (Functions and General) Regulations 1996 subject to such variations not to exceed the overall project budget;
 - b) Negotiate and agree with the preferred tenderer the final terms and conditions of the contract (including rates/contract prices); and
 - c) Subject to and conditional upon all environmental approvals having been obtained, enter into a contract with the preferred tenderer for supply of the relevant goods and services.

6. In respect to RFT11/19 Stage 2 Option 1 delegate power and authority to the Chief Executive Officer to:
 - a) Negotiate and agree with the preferred tenderer variations in accordance with Regulations 20 and 21A of the Local Government (Functions and General) Regulations 1996 subject to such variations not to exceed the overall project budget;
 - b) Negotiate and agree with the preferred tenderer the final terms and conditions of the contract (including rates/contract prices); and
 - c) Subject to and conditional upon the City of Busselton receiving sufficient funding for RFT11/19 Stage 2 Option 1 by 30 June 2020, enter into a contract with the preferred tenderer for supply of the relevant goods and services.”

Option 2

As a further option Council may want to consider to proceed at this stage only with Stage 1 of the project. In that case the proposed Council resolution is as follows:

“That the Council:

1. Pursuant to RFT 11/19 Road Network Upgrade – City Centre Eastern Link (RFT11/19) endorse the tender from Leeuwin Civil Pty Ltd for \$5,123,493 (exclusive of GST) as the preferred tender for Stage 1 (second north-south road into the Busselton City Centre between Rosemary Drive and Cammilleri Street via a new bridge across Vasse River).
2. In accordance with Regulation 18(5) of the Local Government (Functions and General) Regulations 1996 decline to accept any tender in respect to RFT11/19 Stage 2 Option 1 (“roundabout” design for the Causeway Road/Strelly Street intersection) or Stage 2 Option 2 (“gull-wing” design for the Causeway Road/Strelly Street intersection).
3. In accordance with Regulation 18(5) of the Local Government (Functions and General) Regulations 1996 decline to accept any tender in respect to RFT11/19 Stage 3 (north-eastern extension of the Stage 1 works, including upgrading the Peel Terrace/Brown Street intersection with a new roundabout).
4. In respect to RFT11/19 Stage 1 delegate power and authority to the Chief Executive Officer to:
 - a) Negotiate and agree with the preferred tenderer variations in accordance with Regulations 20 and 21A of the Local Government (Functions and General) Regulations 1996 subject to such variations not to exceed the overall project budget;
 - b) Negotiate and agree with the preferred tenderer the final terms and conditions of the contract (including rates/contract prices); and
 - c) Subject to and conditional upon all environmental approvals having been obtained, enter into a contract with the preferred tenderer for supply of the relevant goods and services.”

CONCLUSION

City officers are of the view that subject to availability of funding, it would be most advantageous for the City to proceed with Stage 1 and Stage 2 Option 1 of the City Centre Eastern Link road network upgrade and for Council to endorse the tenders from Leeuwin Civil Pty Ltd as the preferred tenders for both Stage 1 and Stage 2 Option 2. It is considered that the flowing efficiencies will be achieved by progressing at this stage with both Stages 1 and 2:

- Through economies of scale best value for money will be achieved.
- Less interruption and impact on traffic flows into town (by condensing the construction time frame) should minimise public inconvenience.
- As identified in the Background section of this report Council endorsed an upgrade to the intersection Strelly Street/Causeway Road to improve ease of access and traffic flow, in particular for vehicles exiting Strelly Street or turning right from Causeway Road into Strelly Street. As has been identified in modelling and independent peer review, this is most effectively done with the construction of a roundabout at this location and dueling Causeway Road from Rosemary Drive to Molloy Street.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council adopt the Officer Recommendation, it is anticipated that:

























- The contract for construction of Stage 1 will be finalised and entered into as soon as all environmental approvals have been obtained, with works expected to commence during October 2019 and completed by June 2020; and
- Subject to availability of funding, the contract for construction of Stage 2 Option 1 to become unconditional by end June 2020, with construction to commence as soon as weather conditions allow and works to be completed by mid-December 2020.

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

Nil

16. FINANCE AND CORPORATE SERVICES REPORT

16.1 REVIEW OF COMMITTEES, WORKING GROUPS AND TERMS OF REFERENCE

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Committees and Working Groups
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Audit Committee Proposed Terms of Reference  
	Attachment B Audit Committee Current Terms of Reference  
	Attachment C Finance Committee Proposed Terms of Reference  
	Attachment D Finance Committee Current Terms of Reference  
	Attachment E Policy and Legislation Committee Proposed Terms of Reference  
	Attachment F Policy and Legislation Committee Current Terms of Reference  
	Attachment G Airport Advisory Committee Proposed Terms of Reference  
	Attachment H Airport Advisory Committee Current Terms of Reference  
	Attachment I Bush Fires Advisory Committee Proposed Terms of Reference  
	Attachment J Bush Fires Advisory Committee Current Terms of Reference  
	Attachment K Local Emergency Management Committee Proposed Terms of Reference  
	Attachment L Local Emergency Management Committee Current Terms of Reference  

OFFICER RECOMMENDATION ONE (ABSOLUTE MAJORITY)

That the Council, pursuant to s. 5.8 of the *Local Government Act 1995*:

1. Retains the following Committees:
 - (a) Audit Committee
 - (b) Finance Committee
 - (c) Policy and Legislation Committee
 - (d) Airport Advisory Committee
 - (e) Bush Fires Advisory Committee
 - (f) CapeROC Voluntary Organisation of Councils
 - (g) Local Emergency Management Committee
 - (h) Meelup Regional Park Management Committee

2. **Endorses the amended Committee Terms of Reference for the following Committees at Attachments A, C, E, G, I and K**
 - (a) **Audit Committee (Attachment A)**
 - (b) **Finance Committee (Attachment C)**
 - (c) **Policy and Legislation Committee (Attachment E)**
 - (d) **Airport Advisory Committee (Attachment G)**
 - (e) **Bush Fires Advisory Committee (Attachment I)**
 - (f) **Local Emergency Management Committee (Attachment K)**

OFFICER RECOMMENDATION TWO (SIMPLE MAJORITY)

That the Council:

1. **Agrees to retain the following Consultative/Working Groups of elected and non-elected members with elected membership as outlined in this report:**
 - (a) **'Busselton-Margaret River Regional Airport Consultative Group' and endorses its change of name to 'Busselton Margaret River Airport Consultation Group'**
 - (b) **Sustainability and Energy Working Group**
 - (c) **Economic Development Taskforce**
 - (d) **Economic Development Working Group**
 - (e) **Smart Cities Digital Strategies Working Group**
 - (f) **Busselton Jetty Reference Group,**
 - (g) **Disability Access and Inclusion Plan Reference Group**
 - (h) **Marketing and Events Reference Group**
 - (i) **Vasse Recreational Facilities Working Group**
 - (j) **BEACH Working Group (replacing the current 'Busselton Performing Arts and Convention Centre Working Group')**
2. **Endorses the continued delegation of elected members to the following external groups:**
 - (a) **Peron-Naturaliste Partnership**
 - (b) **Busselton and Sugito Cities Association**
 - (c) **Regional Roads Group and Convention**
 - (d) **Geographe Bay Regional Roadwise Road Safety Working Group**
3. **Endorses the continued attendance of an elected member at the Australian Coastal Councils annual conference / Annual General Meeting.**
4. **Requests the CEO consult with the Busselton Senior Citizens Centre Board with a view to removing Council membership from their Constitution.**
5. **Endorses the discontinuance of Council representation on the Busselton Historical Society group, as it is a well- established and functional group.**

6. **Endorses the continued appointment of the Mayor to the following external groups:**
 - (a) **Regional Capitals Australia Alliance (subject to appointment by the Regional Capitals Australia Alliance Board)**
 - (b) **Regional Capitals Western Australia Alliance**
 - (c) **South West Zone Local Government Association**
7. **Endorses the nomination of elected members as required to the following Ministerial Committees subject to approval of the relevant Minister:**
 - (a) **Yallingup Land Conservation District Committee**
 - (b) **Development Assessment Panel**
 - (c) **Vasse Ministerial Taskforce**
 - (d) **GeoCatch (the Mayor or delegate as appointed by the Minister)**
8. **Agrees the following Committee / Working Groups are no longer required:**
 - (a) **Busselton Settlement Art Project Management Committee**
 - (b) **Phoebe Abbey House Working Group**
 - (c) **Waste Advisory Group**
 - (d) **Community Resource Centre Working Group**
 - (e) **Waterways Improvement Reference Group**
 - (f) **CQU University Busselton Regional Advisory Group (formerly Higher Education Forum)**
 - (g) **Western Ringtail Possum Working Group**

EXECUTIVE SUMMARY

In the lead up to local government elections, officers have conducted a review of the various committees, advisory groups and working groups that involve the participation of elected members. The purpose of the review is to identify the function of the committees and working groups, and provide recommendations to Council as to their ongoing purpose. As part of this review, the Terms of Reference for the formal committees of Council have also been amended and are presented to Council in this report for consideration and endorsement.

BACKGROUND

The Council currently has seven Council committees established under the *Local Government Act 1995* (the Act) and one established under the *Bush Fires Act 1954*. The Council has also over the years formed many working groups to assist with progressing various initiatives. In addition the Council is represented on a number of local community committees and working groups.

It is appropriate to review on a regular basis whether or not these working groups / member appointments are still performing the function as originally intended and / or are still warranted, noting the resource requirements associated and that travel allowances are payable for attendance. It is also important that the Terms of References for the formal committees of Council are reviewed.

OFFICER COMMENT

This review was conducted by assessing each committee and group in the context of the following:

- statutory requirements;
- its current and future function;
- outcomes of the review conducted in 2017;
- information gathered from committee members and senior management; and
- the frequency of meetings and the actions arising from those meetings.

Officers considered the original purpose behind the establishment of the committee/group and if that purpose is still relevant and necessary. Officers also considered where there might be duplication between committees/groups or where the purpose for which the committee/group was set up is now more effectively managed at an administrative level, with matters brought to Council as required.

Specifically with respect to membership / representation on the Busselton Senior Citizens Centre Board and the Busselton Historical Society, these groups are both well established and have strong relationships with the City and City officers. While historically direct Council support may have been appropriate, the role of Council membership / representation is now more ambiguous. Officers recommend the requirement for its continuance is discussed with the Busselton Senior Citizens Centre Board with a view to removing it in favour of more informal engagement consistent with the relationship Council has with other community organisations. Initial discussions have taken place. With respect to the Busselton Historical Society, the discontinuance of formal representation on the group has been discussed with the Society who agree it is no longer necessary given the relationships they have with the City.

With respect to the formal committees of Council, updated Terms of Reference for each are attached for Council consideration, excluding CapeROC which will require agreement by CapeROC prior to a motion being put to both Councils. Officers have sought to standardise the Terms of Reference into a new format, remove repetition, and to ensure that the scope of a committees objectives, its membership and the role of advisory participants where applicable is clear. Due to the change in format track changes versions have not been provided, instead the current Terms of Reference for each committee is provided at Attachments B, D, F, H, J and L. Key changes include:

- streamlining the introduction and objectives for each Committee;
- standardising (in most instances) notice of meetings to be 5 days with agenda papers provided no less than 72 hours prior to the meeting;
- deleting reference to the number of times per annum the Committee must report to Council and instead referring the Standing Orders which outlines requirements for Committees to report;
- deleting reference to forfeiture of a committee member's membership after three absences and instead stating that membership may be ceased in accordance with the Act. This broadens Council's ability to terminate membership and also recognises that leave of absence procedures don't exist for Committees;

- deleting clauses which limit a Committee's use of their delegated powers to after the meeting minutes have been formally considered by Council. A Committee should be able to use their delegated powers without unnecessary limitation;
- deleting clauses stating that a decision of a Committee does not have effect unless it has been made by a simple majority, as this is considered self-evident and therefore redundant; and
- deleting clauses stating that the terms of reference may be amended as they considered redundant and may be amended pursuant to the relevant legislation.

With respect to reference / working groups, these have historically been managed fairly informally and at times inconsistently. A review of each group's Terms of Reference will be progressively undertaken over the next few months.

A summary of the review outcomes is contained in Table 1 below.

Formal Committees (elected members only)

Committee / Group	Function / Membership	2019 recommendations
Audit Committee	Established pursuant to statute to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities relating to financial reporting, audit and risk. Meets as required. 3 elected members (incl. Mayor) 2 deputy members	Retain: statutory requirement Terms of Reference have been amended Propose 4 elected members
Finance Committee	Assists the Council to oversee the allocation and use of the local government's finances and resources. Meets monthly. 5 elected members (incl. Mayor) 4 deputy members	Retain Terms of Reference have been amended
Policy & Legislation Committee	Assists the Council to determine the local government's policies and to carry out its legislative functions. Meets monthly. 5 elected members (incl. Mayor) 4 deputy members	Retain Terms of Reference have been amended
Airport Advisory Committee	Assist Council with the development of the Airport with a critical role under the Noise Management Plan. Meets as required. 4 elected members 2 deputy members	Retain Terms of Reference have been amended

Formal Committees (with elected and non-elected members)

Committee / Group	Function / Membership	2019 recommendations
Bush Fires Advisory Committee	Established pursuant to the <i>Bushfires Act 1954</i> to provide advice to Council in regard to all matters relating to bush fire control, prevention and management. 1 elected member 1 deputy member	Retain Terms of Reference have been amended
Busselton Settlement Art Project Committee	Oversees the commissioning of sculptures proposed under the project as approved by Council. 1 elected member 1 deputy member	Discontinue The finalisation of the last sculpture and this project means the committee will not be required beyond 2019
CapeROC	Exists to enhance the capacity of both local governments (City of Busselton and Shire of Augusta Margaret River) to deliver social, economic and environmental benefits to their communities and the region. 3 elected members 2 deputy members	Retain Amendments to Terms of Reference will need to be put to CapeROC and then jointly passed by both Councils
Local Emergency Management Committee	Established pursuant to the <i>Local Emergency Management Act 2005</i> to assist Council and ensure local emergency management arrangements are established. Meets at least bi-annually. 2 elected members (Mayor and Deputy Mayor) 1 deputy member	Retain Terms of Reference have been amended
Meelup Regional Park Committee	Assists the Council in managing and promoting Meelup Regional Park. Supported by a working group with the same membership. 2 elected members 1 deputy member	This Committee has been the subject of a separate review and an amended Terms of Reference has already been adopted by Council.

External Groups / Committees with elected member delegations

Committee / Group	Function / Membership	2019 Recommendations
Peron-Naturaliste Partnership	One of 9 local governments on the Board. Works with State government to lobby Federal government about environmental issues. 1 elected member 0 deputy member	Retain – continues to perform an important function Propose addition of 1 deputy member
Busselton and Sugito Sister Cities Partnership	Manages the sister city relationship with Sugito, Japan and arranges adult and youth exchanges. 1 elected member 0 deputy member	Retain – continues to provide an important link Propose addition of 1 deputy member
Busselton Historical Society	The Society runs the museum and provides information on the history of the Busselton region to the public. 1 elected member 0 deputy member	Discontinue delegate appointment as Society is a well-established and effective community group. Councillors can attend meetings as invited and the community group may address Council at any time.
Busselton Senior Citizens Centre Board	A Councillor participates on the Board of Management in accordance with the Board's constitution. 1 elected member 0 deputy member	CEO to seek agreement from the Busselton Senior Citizens Centre Board to amend Constitutional requirements for Council representation. Group is well established. Councillors can attend meetings as invited and the community group may address Council at any time.
CQU Advisory Group / Higher Education Forum	Set up to investigate opportunities for the provision of higher education and facilities and programs in the City. 1 elected member 0 deputy member	Discontinue
Regional Roads Group and Convention	The group prioritises and resolves projects for the allocation of monies received from State and Federal government. 1 elected member 1 deputy member	Retain – continues to perform an important function
Geographe Bay Regional Roadwise Road Safety Working Group	Reviews road safety issues 1 elected members	Retain – continues to perform an important function

	1 deputy member	
Australian Coastal Councils Association	The City is a member of this group which is a lobby group to develop resources relating to climate change. No set membership – elected member selected to attend conference and represent the City.	Retain City's membership and selection of an elected member to attend conference / AGM

Mayor / Board Appointments

Regional Capitals Australia	Brings Australia's 51 regional capital cities together as one unified voice to provide an alliance that understands and presents to the Federal Government the needs of combined regional communities. Mayor (by appointment of the Board)	Retain – provides important platform for advocacy
Regional Capitals WA Alliance	Provides a WA alliance of regional capitals Mayor	Retain – provides important platform for advocacy and partnerships
South West Zone Local Government Association	An association of 12 South West Local Governments that meets to consider WA Local Government Association initiatives. Mayor 1 deputy member	Retain – important advocacy and representation function

Ministerial Appointments

Committee / Group	Function / Membership	2019 Recommendations
Development Assessment Panel	Invite and appointment by relevant Minister 2 elected members 1 deputy members Current appointment is Cr Henley, Cr Carter, with Cr McCallum as deputy member.	Not applicable - Ministerial Appointment
Yallingup Land Conservation District Committee	Invite and appointment by relevant Minister Important conduit between Yallingup and works/engineering departments	Not applicable - Ministerial Appointment

	1 elected member 0 deputy members Current appointment is Cr McCallum	
Vasse Ministerial Taskforce	Invite and appointment by relevant Minister 1 elected member 0 deputy members	Not applicable - Ministerial Appointment
GeoCatch	Works with community and government to coordinate management of the catchment of Geographe Bay and its marine environment Mayor or delegate noting that they are also appointed by the Minister for a 3 year term. Current appointment is Cr Tarbotton.	Retain

City Formed Reference / Working Groups (elected members only)

Committee / Group	Function / Membership	2019 recommendations
Busselton Margaret River Airport Consultation Group	Consults with community, aviation, tourism, business and government organisations about the BMRRA project, operations and potential impacts. 1 elected member (Busselton Airport Advisory Committee or delegate) 0 deputy members	Retain – continues to play an important function. Change name to Busselton Margaret River Airport Consultation Group (i.e. delete hyphen and word 'Regional') Propose addition of 1 deputy member
Performing Arts / Convention Centre Working Group	Consults with key stakeholders, seeks specialist advice and enables community participation in the development of initiatives aimed to attract tourism, business and events to the region 2 elected members 1 deputy member	Discontinue and replace with a 'BEACH Working Group' with 3 elected members and 1 deputy. 3 elected members 1 deputy member

Waste Advisory Group	Set up to assist in the development of strategies for the future management of waste but has not met for an extended period 1 elected member 1 deputy member	Discontinue as waste strategies are developed by officers and referred to Council
Sustainability and Energy Working Group	Considers the development and implementation of energy efficiency initiatives 2 elected members 1 deputy member	Retain – continues to perform an important function

City Formed Reference / Working Groups (elected and non-elected members)

Western Ringtail Possum Group	Protection of Western Ringtail Possum and its habitat 1 elected member	Discontinue and manage administratively
Economic Development Taskforce	Provides advice and recommendations as to the Economic Development Strategy Mayor + 2 elected members 0 deputy members	Retain – continues to perform an important function Propose addition of 1 deputy member
Economic Development Working Group	Is a subsidiary working group of the Economic Development Taskforce 1 elected member	Retain
Smart Cities Digital Strategies Working Group	Is a subsidiary working group of the Economic Development Taskforce 1 elected member	Retain
Phoebe Abbey House Working Group	Preservation of Phoebe Abbey's House	Discontinue as has not met for an extended period of time – matter being managed administratively.
Busselton Jetty Reference Group	Provides a forum for discussion on Jetty-related matters with Busselton Jetty Inc. and Council. 1 elected member 1 deputy member	Retain – continues to perform an important function Endorse amended Terms of Reference
Community Resource Centre Working Group	Consultative forum to assist the City with the set up and management of the CRC	Discontinue as now being managed administratively by officers

Disability Access and Inclusion Plan Reference Group	Assists with the implementation of initiatives identified in the Disability Access and Inclusion Plan 1 elected member 1 deputy member	Retain – continues to perform an important function
Marketing and Events Reference Group	Makes recommendations to Council on the allocation of marketing and events funding. 3 elected members 1 deputy member	Retain – continues to perform an important function Terms of Reference in draft review
Vasse Recreational Facilities Group	Assist with the development of recreational facilities at Vasse 1 elected member 1 deputy member	Retain – continues to perform an important function
Waterways Improvement Reference Group	Set up to assist with strategies relating to improvement of the Vasse River and other local waterways	Discontinue – has not met for an extended period with matters being managed administratively by officers and presented to Council

For clarity, the committees/groups proposed not to be continued are:

- Busselton Settlement Art Project Committee
- CQU Advisory Group
- Waste Advisory Group
- Phoebe Abbey House Working Group
- Community Resource Working Group
- Waterways Improvement Reference Group
- Western Ringtail Possum Group

It is also proposed that further discussions occur with the Busselton Senior Citizen's Centre Board and the Busselton Historical Society relating to the need for ongoing membership / representation of those groups.

Statutory Environment

The review was conducted in accordance with the provisions of the following:

- *Local Government Act 1995 (the Act)*
- *Local Government (Administration) Regulations 1996*
- *Bushfires Act 1954 WA*
- *Emergency Management Act WA 1995*

Relevantly, under Section 5.8 of the Act, a local government may, by absolute majority, establish committees of three or more persons to assist the Council.

Section 5.10 and 5.11A of the Act relates to the appointments of Committee members and Deputy Committee members. Appointments will be made at a special Council Meeting following the election. With respect to the number of deputy members to be appointed (as set out in the relevant Terms of Reference) the Act states that the local government may appoint a person to be a deputy of a member of a committee and may terminate such an appointment at any time. In considering efficiencies and practicalities of having a deputy for each member, especially where there are more than 4 members, officers sought advice as to industry practice and the requirement to appoint a deputy for each member. WALGA supported a practical approach with a number of deputies being appointed to the committee, as opposed to having one per member. On this basis officers recommend we continue with this approach.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

The financial outcome of this review will result in less time and resources spent by elected members and City officers in the attendance and administration of committees which serve limited function and where the matter can be managed administratively. Elected members may claim an allowance for travel to and from committee and working group meetings and so reducing the number of working groups where possible will result in minor financial benefit.

Stakeholder Consultation

Preliminary contact has been made with the Busselton Senior Citizen's Centre Board in relation to the relevant officer recommendation. The Board will discuss the proposal at their next meeting. Discussion has also been had with the Busselton Historical Society who are in agreement with the officer recommendation in relation to discontinuing formal representation on the group.

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. Retain any Committees or Groups which have been recommended to discontinue;
2. Discontinue any Committees or Groups which have been recommended to retain; and
3. Amend the Terms of Reference of the Committees

CONCLUSION

This review seeks to streamline the activities of elected members in committees and groups. In doing so, it is expected that the time and resources spent in attending and administering committees and groups will be reduced, with relevant matters able to be managed administratively.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The recommendations will be implemented immediately upon Council endorsement.



1. INTRODUCTION

- 1.1 The Council of the City of Busselton has established an Audit Committee (the Committee) pursuant to Part 7 of the *Local Government Act 1995* (the Act).
- 1.2 The Committee is established to fulfil the requirements of *Local Government (Audit) Regulation 16*, and provides oversight of the financial systems of the local government on behalf of the Council.
- 1.3 The Committee operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit, internal audit and risk management.
- 1.4 The Committee is to provide guidance and assistance to the local government as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and the process to select and appoint an auditor.
- 1.5 The Committee shall act in accordance with the provisions of the Act, the local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

- 2.1 The objectives of the Audit Committee are:
 - a. to monitor the annual external audit and to liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs;
 - b. to ensure openness in the local government's financial reporting and to liaise with the Chief Executive Officer (or his representative) to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation;
 - c. to facilitate:
 - i. the enhancement of the credibility and objectivity of external financial reporting;
 - ii. compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
 - iii. the provision of an effective means of communication between the external auditor, the Chief Executive Officer (or his representative) and the Council;
 - iv. the effective conduct of internal audit and risk management activities.
- 2.2 The following specific duties and responsibilities have been given to the Committee in order to facilitate the achievement of its objectives:
 - a. to provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to audits;
 - b. to review the report prepared by the Chief Executive Officer on any actions taken in respect of any matters raised in the report of the auditor and to present the report to Council for adoption prior to the end of the next financial year or six months after the last report prepared by the auditor is received, whichever is the latter;

- c. to formally meet with the auditor in accordance with the requirements of Section 7.12(A)(2) of the Act on behalf of the local government;
- d. to review the compliance audit return and report to the Council the results of that review in accordance with Audit Regulation 14(3A);
- e. to review reports provided by the CEO relating to the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance and to report to Council the results of the review in accordance with Audit Regulation 16(c).

3. MEMBERSHIP

- 3.1. Council shall appoint four elected members to the Committee.
- 3.2. Council shall appoint two elected members as a deputy member of the Committee.
- 3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.
- 3.4. Council shall appoint new members to the Committee at its first meeting following the ordinary election.
- 3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

- 4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

- 5.1. The Committee shall meet at least two times per year.
- 5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.
- 5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting
- 5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law 2018*.
- 5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.
- 5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

- 6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

- 7.1. Pursuant to section 5.17 of the Act, the Committee is delegated the power to conduct the formal meeting with the City's Auditor required by Section 7.12(A)(2) on behalf of the local government.
- 7.2. In all other matters, Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

- a. are the Committee's purpose and objectives being met?
- b. should the purpose and objectives be amended?
- c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
- d. are the Committee members regularly attending meetings?
- e. review the Terms of Reference, including membership.

9. APPROVAL

Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	21 October 2013	Resolution #	SC1310/186

AUDIT COMMITTEE

TERMS OF REFERENCE

1.0 Introduction

The Council of the City of Busselton has established an Audit Committee under the powers given in Part 7 of the *Local Government Act 1995*.

The Committee is established to fulfil the requirements of *Local Government (Audit) Regulation 16*. The Committee provides oversight of the financial systems of the local government on behalf of the Council. The Committee operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit, internal audit and risk management.

The Committee is to provide guidance and assistance to the local government as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and as to the process to be used to select and appoint a person to be an auditor. It will also provide guidance and assistance in relation to other audit processes and risk management initiatives.

The Audit Committee consists of 3 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

2.0 Objectives

2.1 To monitor the annual external audit and to liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

2.2 To ensure openness in the local government's financial reporting and to liaise with the Chief Executive Officer (or his representative) to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.

2.3 To facilitate:

- * the enhancement of the credibility and objectivity of external financial reporting;
- * compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
- * the provision of an effective means of communication between the external auditor, the Chief Executive Officer (or his representative) and the Council;
- * the effective conduct of internal audit and risk management activities.

3.0 Specific Duties and Responsibilities

The following specific duties and responsibilities have been given to the Committee in order to facilitate the achievement of its objectives.

- 3.1 To provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to audits.
- 3.2 To provide guidance and assistance to Council as to the process for the selection and appointment of a person as the local government's auditor.
- 3.3 To recommend to Council the person or persons to be appointed as auditor.
- 3.4 To liaise with the Chief Executive Officer (or his representative) to ensure that the local government does everything in its power to assist the auditor to conduct the audit and carry out his or her other duties under the Act, and to ensure that audits are conducted successfully and expeditiously.
- 3.5 To examine the reports of the auditor after receiving a report from the Chief Executive Officer on the matters, and determine if any matters raised require action to be taken by the local government and to ensure that appropriate action is taken in respect to those matters.
- 3.6 To review the report prepared by the Chief Executive Officer on any actions taken in respect of any matters raised in the report of the auditor and to present the report to Council for adoption prior to the end of the next financial year or six months after the last report prepared by the auditor is received, whichever is the latest time.
- 3.7 To formally meet with the Auditor in accordance with the requirements of Section 7.12(A)(2) of the Local Government Act on behalf of the local government.
- 3.8 To review the compliance audit return and report to the Council the results of that review in accordance with Audit Regulation 14(3A).
- 3.9 To review reports provided by the CEO relating to the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance and to report to Council the results of the review in accordance with Audit Regulation 16(c).

4.0 Membership

3 Elected Members shall be appointed to the Committee; and
2 deputy members shall be appointed to the Committee.

5.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *Shire of Busselton Standing Orders Local Law*.

6.0 Meetings

The Committee shall meet at least twice annually, and shall report to Council on a twice per year basis as a minimum.

6.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

6.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

6.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *Shire of Busselton Standing Orders Local Law*.

6.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

7.0 Quorum

Quorum for a meeting shall be two (2) members, whether vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

8.0 Delegated Powers

The Committee has delegated power to conduct the formal meeting with the City's Auditor required by Section 7.12(A)(2) of the *Local Government Act 1995* on behalf of the Local Government but does not have any other delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

In all other circumstances, the Committee is established to report to Council and provide appropriate advice and recommendations on matters relevant to its objectives, duties and responsibilities. This is in order to facilitate informed decision-making by Council in relation to the identified legislative functions and duties of the local government that have not been delegated to the Chief Executive Officer.

9.0 Termination of Committee

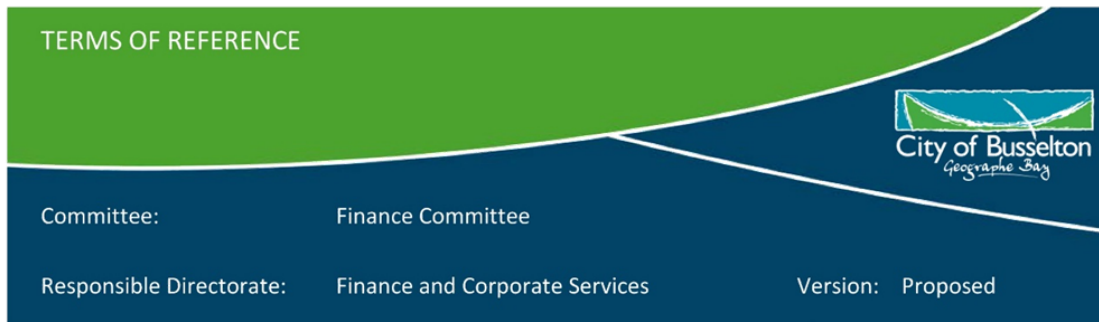
Termination of the Committee shall be:

- a) In accordance with the *Local Government Act 1995*; and
- b) By a decision of Council

10.0 Amendment to the Instrument of Appointment and Delegation

This document may be altered at any time by the Council.

<u>History</u>	
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315



1. INTRODUCTION

- 1.1. The Council of the City of Busselton has established a standing committee to be known as the Finance Committee (the Committee), under the powers given in Section 5.8 of the *Local Government Act 1995* (the Act).
- 1.2. The Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act and to oversee the allocation and use of the local government's finances and resources.
- 1.3. The Committee shall act for and on behalf of Council in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

- 2.1 The objectives of the Committee are:
 - a. to monitor income and expenditure with the objective of ensuring and overseeing budget compliance;
 - b. to consider funding options for major capital projects;
 - c. to assist the Council to prepare its long-term financial plans;
 - d. to review budget development processes;
 - e. to receive reports proposed to be put to the Council with significant financial implications or reports for the purposes of meeting the requirements of the *Local Government (Financial Management) Regulations 1996*;
 - f. to consider financial policies; and
 - g. to review and advise the Council on specific matters referred by the Council from time to time.

3. MEMBERSHIP

- 3.1. Council shall appoint five elected members to the Committee.
- 3.2. Council shall appoint four elected members as deputy members of the Committee.
- 3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.
- 3.4. Council shall appoint new members to the Committee at its first meeting following the ordinary election.
- 3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

- 4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

- 5.1. The Committee shall meet at least six times per year and shall report to Council once every two months as a minimum.
- 5.2. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.
- 5.3. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law 2018*.
- 5.4. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.
- 5.5. Where the Committee makes a recommendation to Council, the Chief Executive Officer shall ensure the recommendation is on the agenda at the next practicable ordinary Council meeting.

6. QUORUM

- 6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

- 7.1. The Committee has been established by a decision of Council, but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

- 8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:
 - a. are the Committee's purpose and objectives being met?
 - b. should the purpose and objectives be amended?
 - c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
 - d. are the Committee members regularly attending meetings?
 - e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

- 9.1. Termination of the Committee shall be:
 - a. in accordance with the *Local Government Act 1995*; and
 - b. by a decision of Council.

10. APPROVAL

Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	28 June 2017	Resolution #	C1706/152

FINANCE COMMITTEE

TERMS OF REFERENCE

1.0 Introduction

The Council of the City of Busselton has established a standing committee to be known as the Finance Committee, under the powers given in Section 5.8 of the *Local Government Act 1995*.

The Finance Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act and to oversee the allocation and use of the local government's finances and resources.

The Finance Committee consists of 5 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

2.0 Objectives

The Finance Committee will assist the Council to oversee the allocation of the local government's finances and resources.

The objectives of the Finance Committee are:

- To monitor income and expenditure with the objective of ensuring and overseeing budget compliance;
- Consider funding options for major capital projects;
- To assist the Council to prepare its long-term financial plans;
- To review budget development processes;
- To receive reports proposed to be put to the Council with significant financial implications or reports for the purposes of meeting the requirements of the *Local Government (Financial Management) Regulations*;
- Consider Financial Policies; and
- To review and advise the Council on specific matters referred by the Council from time to time.

3.0 Membership

5 elected members shall be appointed to the Committee; and
4 deputy members shall be appointed for the Committee

4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *City of Busselton Standing Orders Local Law*.

5.0 Meetings

The Committee shall meet at least six times per year and shall report to Council once every two months as a minimum.

5.1 Notice of meetings shall be given to members at least 5 days prior to each meeting.

5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law*.

5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

6.0 Quorum

Quorum for a meeting shall be three (3) members, whether any positions are vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

7.0 Delegated Powers

The Finance Committee has been established in accordance with a decision of Council and this Terms of Reference but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the Local Government Act 1995; and
- b) By a decision of Council

9.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council.

History	
9 October, 2013	C1310/267
12 October, 2011	C1110/315
18 November, 2009	C0911/393 - Establishment



1. INTRODUCTION

- 1.1. The Policy and Legislation Committee (the Committee) is established under the powers given in Section 5.8 of the *Local Government Act 1995* (the Act).
- 1.2. The Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(b) of the Act, to determine the local government's policies, and its legislative function in accordance with Division 2 of Part 3 of the Act.
- 1.3. The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

- 2.1. The objectives of the Committee are:
 - a. to assist the Council to determine the local government's policies and to carry out its legislative function;
 - b. to consider new and review existing policies and delegations of the City of Busselton (other than financial policies);
 - c. to review local laws and other delegated legislation made by the City of Busselton;
 - d. to consider reports proposed to be put to the Council with significant policy or legislative implications;
 - e. to review and advise the Council on specific matters relating to policy or legislation as directed by the Council.

3. MEMBERSHIP

- 3.1. Council shall appoint five elected members to the Committee.
- 3.2. Council shall appoint four elected members as deputy members of the Committee.
- 3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.
- 3.4. Council shall appoint new members to the Committee at its ordinary meeting following the ordinary election.
- 3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

- 4.1 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

- 5.1. The Committee shall meet at least six times per year.
- 5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.
- 5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.
- 5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law 2018*.
- 5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.
- 5.6. Where the Committee makes a recommendation to Council, the Chief Executive Officer shall ensure the recommendation is on the agenda at the next practicable ordinary Council meeting.

6. QUORUM

- 6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

- 7.1. The Committee has been established by a decision of Council, but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

- 8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:
 - a. are the Committee's purpose and objectives being met?
 - b. should the purpose and objectives be amended?
 - c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
 - d. are the Committee members regularly attending meetings?
 - e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

- 9.1. Termination of the Committee shall be:
 - a. in accordance with the *Local Government Act 1995*; and
 - b. by a decision of Council.

10. APPROVAL

Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	28 June 2017	Resolution #	C1706/152

POLICY AND LEGISLATION COMMITTEE

TERMS OF REFERENCE

1. Introduction

The Council of the City of Busselton establishes a standing committee to be known as the Policy and Legislation Committee, under the powers given in Section 5.8 of the *Local Government Act 1995*.

The Policy and Legislation Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(b) of the Act, to determine the local government's policies, and its legislative function in accordance with Division 2 of Part 3 of the Act.

The Policy & Legislation Committee consists of 5 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

2.0 Objectives

The Policy and Legislation Committee will assist the Council to determine the local government's policies, and to carry out its legislative function.

The objectives of the Policy and Legislation Committee are:

- To consider new and review existing policies and delegations of the City of Busselton (other than Financial Policies);
- To review Local Laws and other delegated legislation made by the City of Busselton;
- To consider reports proposed to be put to the Council with significant policy or legislative implications;
- To review and advise the Council on specific matters relating to policy or legislation referred by the Council from time to time.

3.0 Membership

5 elected members shall be appointed to the Committee; and
4 deputy elected members shall be appointed for the Committee

4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *City of Busselton Standing Orders Local Law*.

5.0 Meetings

The Committee shall meet at least six times per year and shall report to Council once every two months as a minimum.

- 5.1 Notice of meetings shall be given to members at least 5 days prior to each meeting.
- 5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.
- 5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law*.
- 5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

6.0 Quorum

Quorum for a meeting shall be three (3) members, whether any positions are vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

7.0 Delegated Powers

The Policy and Legislation Committee has been established in accordance with a decision of Council and this Terms of Reference but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect. .

8.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the Local Government Act 1995; and
- b) By a decision of Council.

9.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council.

<u>History</u>	
9 October, 2013	C1310/267
12 October, 2011	C1110/315
18 November, 2009	C0911/394 - Establishment



1. INTRODUCTION

- 1.1. The Council of the City of Busselton has established an Airport Advisory Committee (the Committee) under the powers given in Section 5.8 of the *Local Government Act 1995*.
- 1.2. The Airport Advisory Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act to establish and maintain liaison between stakeholders, consider policies associated with the airport and oversee development of the airport.
- 1.3. The Committee shall act for and on behalf of Council in accordance with provisions of the Act, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

- 2.1 The objectives of the Committee are:
 - a. to foster liaison and cooperation between the City of Busselton and all stakeholders associated with the Busselton Margaret River Airport (Airport);
 - b. to provide a forum for the discussion of issues and the formulation of suggestions and recommendations on issues associated with the Airport;
 - c. to make recommendations to Council on matters associated with the future development of the Airport.

3. MEMBERSHIP

- 3.1. Council shall appoint four elected members to the Committee.
- 3.2. Council shall appoint two elected members as deputy members of the Committee.
- 3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.
- 3.4. Council shall appoint new members to the Committee at its first meeting following the ordinary election.
- 3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

- 4.1 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

- 5.1. The Committee shall meet at least two times per year.

- 5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.
- 5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers provided to members not less than 72 hours prior to the meeting.
- 5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law 2008*.
- 5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.
- 5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.
- 5.7. Other persons (or representatives of organisations) may participate in meetings of the Committee (or any sub committees the Committee may establish) as determined by a simple majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

6. QUORUM

- 6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

- 7.1. The Airport Advisory Committee has been established by a decision of Council but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

- 8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:
 - a. are the Committee's purpose and objectives being met?
 - b. should the purpose and objectives be amended?
 - c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
 - d. are the Committee members regularly attending meetings?
 - e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

- 9.1. Termination of the Committee shall be:
 - a. in accordance with the *Local Government Act 1995*; and
 - b. by a decision of Council.

10. APPROVAL

Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	21 October 2013	Resolution #	SC1310/186

AIRPORT ADVISORY COMMITTEE

TERMS OF REFERENCE

1. Introduction

The Council of the City of Busselton has established an Airport Advisory Committee under the powers given in Section 5.8 of the *Local Government Act 1995*.

The Airport Advisory Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act to establish and maintain liaison between stakeholders, consider policies associated with the airport and oversee development of the airport.

The Airport Advisory Committee consists of 4 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

2.0 Objectives

- 2.1 To foster liaison and cooperation between the City of Busselton and all stakeholders associated with the Busselton Margaret River Regional Airport.;
- 2.2 To provide a normalised, proper and formalised forum for the discussion of issues and the formulation of suggestions and/or recommendations on issues associated with the airport;
- 2.3 Make recommendations to Council on matters associated with the future development of the Airport.

3.0 Membership

4 Elected Members shall be appointed to the Committee.

2 Deputy elected members shall be appointed for the Committee.

Other persons (or representatives of organisations) may participate in meetings of the Committee (or any sub committees the Committee may establish) as determined by an ordinary majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *Shire of Busselton Standing Orders Local Law*.

5.0 Meetings

The Committee shall meet at least twice annually and shall report to Council annually as a minimum.

5.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *Shire of Busselton Standing Orders Local Law* and presented to Council where all recommendations are considered

5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

6.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

7.0 Delegated Powers

Nil.

The Airport Advisory Committee has been established as an Advisory Committee only and does not have any delegated powers.

8.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the *Local Government Act 1995*; and
- b) At the direction of Council.

9.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council.

10.0 Committee Recommendations

Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

History	
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315
14 July, 2010	C1007/252 Establishment



1. INTRODUCTION

- 1.1 The Council establishes a Bush Fire Advisory Committee (the Committee) under the powers given in Section 67 of the *Bush Fires Act 1954* (the Act).
- 1.2 The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, the *Local Government Act 1995*, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

- 2.1 The objectives of the Committee are:
 - a. to provide advice to Council in regard to all matters relating to bush fire control, prevention and management, including:
 - i. recommendations on the annual firebreak requirements;
 - ii. the purchase of capital equipment;
 - iii. review of firefighting and prevention practices; and
 - iv. training in firefighting methods.
 - b. to care for, control and manage the bush fire risk within the City of Busselton.

3. MEMBERSHIP

- 3.1 Council shall appoint one elected member to the Committee.
- 3.2 Council shall appoint one elected member as a deputy member of the Committee.
- 3.3 The Fire Control Officers from each of the City's Bush Fire Brigades shall be, by virtue of the office held, be appointed to the Committee.
- 3.4 The Community Emergency Services Manager shall, by virtue of the office held, be appointed to the Committee.
- 3.5 Representatives of the Department of Fire and Emergency Services (DFES) and Parks and Wildlife Services (Department of Biodiversity, Conservation and Attractions (DBCA)) will be advisory members of the Committee. Such persons will not be entitled to vote on any matters brought before the Committee.
- 3.6 Other persons, or representatives of organisations, may participate in meetings of the Committee (or any sub-committees the Committee may establish) as determined by a simple majority of the Committee. Such persons will not be entitled to vote on any matters brought before the Committee.
- 3.7 Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.
- 3.8 Council shall appoint new members to the Committee at its first meeting following the ordinary election.
- 3.9 The membership of a member may be ceased in accordance with the *Bushfires Act 1954*.

4. PRESIDING MEMBER

4.1 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1 The Committee shall meet at least two times per year, once at the beginning and once at the end of the bush fire season.

5.2 The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.

5.3 Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers provided to the members no later than 72 hours prior to the meeting.

5.4 All voting members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.5 Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

6.1 Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1 The Committee has been established by a decision of Council, but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

7.2 Where necessary, recommendations of the Local Emergency Management Committee may be considered by the Committee and referred to the Council.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1 At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

- a. are the Committee's purpose and objectives being met?
- b. should the purpose and objectives be amended?
- c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
- d. are the Committee members regularly attending meetings?
- e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

- 9.1 Termination of the Committee shall be:
- a. in accordance with the *Bush Fires Act 1954*; and
 - b. by a decision of Council.

10. APPROVAL

Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	11 October 2017	Resolution #	C1710/248

BUSH FIRES ADVISORY COMMITTEE

Terms of Reference

1. Introduction

The Council of the City of Busselton establishes a Bush Fires Advisory Committee under the powers given in Clause 67 of the Bush Fires Act 1954.

The Council appoints to the Committee those persons whose names (shall) appear in section 4.0 below.

The Committee shall act for and on behalf of Council in accordance with relevant provisions of the *Bush Fires Act 1954*, local laws and policies of the City of Busselton and this document.

2.0 Name

The name of the Committee shall be the Bush Fires Advisory Committee.

3.0 Objectives

3.1 To provide advice to Council in regard to all matters relating to bush fire control, prevention and management, including recommendation on the annual firebreak requirements, capital (equipment) purchase, review of firefighting/prevention practices and firefighting training.

3.2 To develop a bush fire strategic plan incorporating plant, firebreak order development process and strategic firebreak development, to be endorsed by Council.

3.3 To care for, control and manage the bush fire risk within the district of the City of Busselton.

4.0 Membership

One Elected Member shall be appointed to the Committee

Councillor
Councillor

One deputy Elected Member Committee shall be appointed for the Committee.

The Fire Control Officer from each of the City's brigades shall be (by virtue of the office held) appointed to the Committee. Other members of the committee will be a representative from each of FESA and CALM (to nominate representatives).

Other persons (or representatives of organisations) may participate in meetings of the Committee (or any sub committees the Committee may establish) as determined by an ordinary majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

5.0 Presiding Member

The Committee shall appoint a Chairman and Deputy Chairman to conduct its business. The Chairman shall ensure that minutes of the proceedings are kept.

6.0 Meetings

The Committee may from time to time meet as the Committee thinks fit but, shall meet at least twice annually, once at the beginning and once at the end of the bush fire season, as a minimum.

6.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

6.2 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

7.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices. A decision of the Committee does not have effect unless it has been made by a simple majority.

<u>History</u>	
14 October, 2016	C1510/294 Establishment of New Members
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315



1. INTRODUCTION

- 1.1. The Local Emergency Management Committee is established pursuant to section 38 of the *Emergency Management Act 2005* (the Act).
- 1.2. The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, the *Local Government Act 1995*, local laws and policies of the City of Busselton (City) and these Terms of Reference.

2. OBJECTIVE

- 2.1. Pursuant to section 39 of the Act the functions of the Committee are:
 - a. to advise and assist the local government in ensuring that Local Emergency Management Arrangements (LEMA) are established;
 - b. to liaise with public authorities and other persons in the development, review and testing of LEMA; and
 - c. to carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the Regulations.

3. MEMBERSHIP

- 3.1. Council shall appoint two elected members, being the Mayor and Deputy Mayor, to the Committee.
- 3.2. Council shall appoint one elected member as deputy members of the Committee.
- 3.3. As recommended by Section 7 of the *State Emergency Management Preparedness Procedure* (the State EMP Procedure) membership of the Committee shall comprise:
 - a. the Local Emergency Coordinator as appointed pursuant to Section 37 of the Act by the State Emergency Coordinator (the Commissioner of Police – OIC Busselton Police/OIC Dunsborough Police)
 - b. the Local Recovery Coordinator as appointed by the City
 - c. the following City officers:
 - Manager Environmental Services
 - Environmental Health Coordinator
 - Airport Operations Coordinator
 - Community Emergency Services Manager
 - d. representatives from the following emergency management agencies, welfare support agencies and non-government organisations:
 - Department of Fire and Emergency Services (DFES) – Fire and Rescue Services
 - DFES – State Emergency Service
 - DFES – Volunteer Marine Rescue Service
 - St John Ambulance
 - Department of Biodiversity, Conservation and Attractions
 - Department of Communities
 - Department of Primary Industries and Regional Development
 - Department of Transport
 - WA Country Health Services

- Surf Life Saving Western Australia
- ATC Gas
- Busselton Water
- NBN Co
- Telstra
- WAPOL (OIC Busselton Police/OIC Dunsborough Police)
- Water Corporation
- Western Power

- 3.4. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.
- 3.5. Council shall appoint new members to the Committee at its first ordinary meeting following the ordinary election.
- 3.6. The membership of a member may be ceased in accordance with the Act.
- 3.7. In addition to the voting members above, staff from the City and from other external State Government and non-government organisations may attend meetings regularly or on an ad-hoc basis in an advisory and networking capacity. Advisory members shall not have voting rights.

4. PRESIDING MEMBER

- 4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.
- 4.2. The Presiding member shall be an elected member of Council as recommended by the State EMP Procedure. The election of the Presiding Member shall occur at the first Committee meeting immediately following the ordinary Council election.
- 4.3. The Deputy Presiding Member shall be shall be the Local Emergency Coordinator as recommended by the State EMP Procedure.
- 4.4. The Committee shall be supported by an Executive Officer. The Executive Officer as appointed by the Chief Executive Officer of the City shall be the Ranger and Emergency Services Coordinator.

5. MEETINGS

- 5.1. The Committee shall meet at three-monthly intervals normally the first Tuesday in March, June, September and December.
- 5.2. Notice of meetings shall be given to members at least three days prior to each meeting.
- 5.3. The Executive Officer shall ensure that detailed minutes of all minutes are kept in accordance with the *City of Busselton Standing Orders Local Law 2008*.
- 5.4. If a scheduled meeting is cancelled, the reason for cancelling the meeting shall be noted in the Minutes of the next meeting.
- 5.5. All voting members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.
- 5.6. Where the Committee makes a decision that involves the making of a recommendation for consideration by the Council, the Chief Executive officer shall ensure that the recommendation is presented to the Council as part of the first practicable ordinary Council meeting agenda following the Committee meeting.

6. QUORUM

6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. The Committee has been established by a decision of Council but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

- a. are the Committee's purpose and objectives being met?
- b. should the purpose and objectives be amended?
- c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
- d. are the Committee members regularly attending meetings?
- e. review the Terms of Reference, including membership.

9. APPROVAL

Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	11 October 2017	Resolution #	C1710/248

LOCAL EMERGENCY MANAGEMENT COMMITTEE

Terms of Reference

1.0 Introduction

The Council of the City of Busselton establishes a Local Emergency Management Committee (LEMC) under the powers given in Section 38 of the *Emergency Management Act 2005* (the Act).

The Council appoints to the Committee those persons whose names (*shall*) appear in Section 4.0 below.

The Committee shall act for and on behalf of the Council in accordance with all relevant provisions of the Act, local laws and policies of the City of Busselton and this document.

2.0 Objectives

Pursuant to Section 39 of the Act the functions of a local emergency management committee are, in relation to its district or the area for which it is established:

- a. to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
- b. to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- c. to carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the regulations.

Pursuant to Section 40 of the Act after the end of each financial year the Committee is to prepare and submit to the District Emergency Management Committee (DEMC) for the district and annual report on activities undertaken by it during the financial year. The annual report is to be prepared within such a reasonable time, and in the manner, as is directed in writing by the SEMC.

3.0 Membership

Two elected members, being the Mayor and Deputy Mayor, shall be appointed to the Committee by the Council.

One deputy elected member shall be appointed to the Committee by the Council.

As recommended by *State Emergency Management Preparedness Procedure 7.0* (the EM Procedure) membership of the Committee shall comprise:

- The Local Emergency Coordinator (as appointed by the State Emergency Coordinator (the Commissioner of Police) pursuant to Section 37 of the Act)
- The Local Recovery Coordinator (as appointed by the local government)
- The following officers of the City of Busselton:
 - Manager Environmental Services
 - Environmental Health Coordinator

- Airport Operations Coordinator
- Community Emergency Services Manager (CESM)
- Chief Bush Fire Control Officer
- Representatives from the following Emergency Management Agencies, welfare support agencies or non-government organisations, and other industry agencies and organisations:
 - Department of Fire and Emergency Services (DFES) – Fire and Rescue Service
 - DFES – State Emergency Service
 - DFES – Volunteer Marine Rescue Service
 - St John Ambulance
 - Department of Agriculture and Food
 - Department of Community Services
 - Department of Transport
 - Department of Biodiversity, Conservation and Attractions
 - WA Country Health Service – South West
 - Surf Life Saving Western Australia
 - ATCO Gas
 - Busselton Water
 - NBN Co
 - Telstra
 - Water Corporation
 - Western Power

4.0 Advisory Members

In addition to the voting members above, staff from the City of Busselton and from other external state government and non-government organisations may attend meetings regularly or on an ad-hoc basis in an advisory and networking role only. Advisory members shall not have voting rights.

5.0 Presiding Member

The Presiding Member shall be an elected member of Council as per the recommendation of the EM Procedure. The election of the Presiding Member shall occur every two years immediately following the Council election.

The Committee shall appoint a Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *City of Busselton Standing Orders Local Law 2010*.

The Deputy Presiding Member shall be the Local Emergency Coordinator as recommended by the EM Procedure.

6.0 Executive Officer

The Committee shall be supported by an Executive Officer. The Executive Officer as appointed by the Chief Executive Officer of the City of Busselton shall be the Ranger and Emergency Services Coordinator.

7.0 Meetings

Committee meetings shall be held at three monthly intervals normally in March, June, September and December. If a scheduled meeting is cancelled, the reason for cancelling the meeting shall be noted in the Minutes of the next meeting.

Notice of meetings shall be given to members at least 3 days prior to each meeting.

All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

8.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

9.0 Delegated Powers

The Local Emergency Management Committee has been established as an advisory committee only and does not have any delegated powers. Committee recommendations shall be referred to the Council.

<u>History</u>	
TBA	CXXXX/XXX Review and revision (Mayor and Deputy Mayor appointed to the LEMC by the Council)
28 September 2016	C1609/261 Establishment

17. CHIEF EXECUTIVE OFFICERS REPORT**17.1 COUNCILLORS' INFORMATION BULLETIN**

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Councillor's Information Bulletin
BUSINESS UNIT	Executive Services
REPORTING OFFICER	Reporting Officers - Various
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Noting: the item does not require a decision of Council and is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Nil

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 Councillor, 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.

OFFICER RECOMMENDATION

That the items from the Councillors' Information Bulletin be noted:

- **17.1.1 Current Active Tenders**
- **17.1.2 Donations, Contributions and Subsidies Fund – August 2019**
- **17.1.3 Recent Correspondence**

INFORMATION BULLETIN**17.1.1 Current Active Tenders****PQS01/19 PLANT AND EQUIPMENT HIRE – REQUEST FOR APPLICATIONS TO JOIN A PANEL OF PRE-QUALIFIED SUPPLIERS**

- The PQS was advertised on 9 February 2019 until 7 March 2019, then further extended until 14 March 2019. A further State wide advertisement providing notification of the extension was provided by the City on 9 March 2019.
- Thirty submissions were received.
- In accordance with delegation LG3M the CEO has authority to establish the panel and to decide which applications to accept.
- A panel of pre-qualified suppliers was approved by the CEO and panel contracts awarded in August 2019.

RFT06/19 DESIGN, SUPPLY AND INSTALLATION OF BIRD NETTING OVER STORM WATER RETENTION BASIN

- The RFT was advertised on 22 May 2019 with a closing date of 12 June 2019.
- Four submissions were received.
- A contract was awarded by the CEO under delegated authority to Advanced Netting Pty Ltd in August 2019.

RFT07/19 ARBORICULTURE SERVICES

- The RFT was advertised on 15 June 2019 with a closing date of 5 July 2019.
- Five submissions were received.
- At the Council meeting on 31 July 2019 Council endorsed the recommendation that Finebrand Pty Ltd ATF The Guy Badger Family Trust T/A Arbor Guy was the most advantageous tender submission for the City. Council delegated power and authority to the CEO to:
 - negotiate and agree with the Preferred Tenderers variations in accordance with Regulations 20 and 21A of the *Local Government (Functions and General) Regulations 1996* subject to such variations not to exceed the overall project budget;
 - negotiate and agree with the Preferred Tenderer the final terms and conditions of the contract (including rates/contract prices); and
 - enter into contracts with the Preferred Tenderer for supply of the relevant goods and services.
- A contract was awarded by the CEO under delegated authority to Finebrand Pty Ltd ATF The Guy Badger Family Trust T/A Arbor Guy in August 2019.

RFT09/19 BUSSELTON JETTY TOURIST PARK MANAGEMENT CONTRACT

- The RFT was advertised on 22 June 2019 with a closing date of 12 July 2019.
- The closing date was extended to 19 July 2019.
- Three submissions were received.
- At the Council meeting on 27 August 2019 Council endorsed the recommendation that the partnership of WJ & J MGregor was the most advantageous tender submission for the City. Council delegated power and authority to the CEO to:
 - negotiate and agree with the Preferred Tenderers variations in accordance with Regulations 20 and 21A of the *Local Government (Functions and General) Regulations 1996* subject to such variations not to exceed the overall project budget;
 - negotiate and agree with the Preferred Tenderer the final terms and conditions of the contract (including rates/contract prices); and
 - enter into contracts with the Preferred Tenderer for supply of the relevant goods and services.
- It is anticipated that a contract will awarded by the CEO under delegated authority in September 2019.

RFT10/19 SUPPLY AND INSTALLATION OF REUSABLE DAILY COVER SYSTEM FOR LANDFILL

- The RFT was advertised on 6 July 2019 with a closing date of 30 July 2019.
- Two submissions were received.
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.

RFT11/19 ROAD NETWORK UPGRADE – CITY CENTRE EASTERN LINK STAGES 1 + 2A + 2B

- The RFT was advertised on 13 July 2019 with a closing date of 13 August 2019, and further extended until 20 August 2019.
- A report for Council's consideration is included in this agenda of the 25 September Council Meeting.

RFT12/19 CCTV INSTALLATION AND MAINTENANCE PROJECT

- Requirement – to extend City of Busselton closed circuit television surveillance capacity at the following venues to ensure ongoing community safety, asset protection and crime prevention:
 - (a) Busselton Foreshore;
 - (b) Naturaliste Community Centre; and
 - (c) John Edwards Pavilion located in Dunsborough.
 The project will involve the installation of CCTV hardware and software at Busselton Foreshore, Naturaliste Community Centre and John Edwards Pavilion and ongoing maintenance and support services for these locations.
- A Request for Tender was advertised on 24 August 2019 with a closing date of 24 September 2019.
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.

RFT13/19 CONTAMINATED SITE REMEDIATION ADVICE

- The RFT was advertised on 3 August 2019 with a closing date of 27 August 2019.
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.

17.1.2 Donations, Contributions and Subsidies Fund – August 2019

The Council allocates an annual budget allowance to the Donations, Contributions and Subsidies (Sponsorship Fund). This is provided such that eligible groups and individuals can apply for and receive sponsorship to assist them in the pursuit of endeavours that bring direct benefit to the broader community. Allocation of the funds is delegated to the Chief Executive Officer, in accordance with published guidelines and funding availability.

13 applications were supported in August 2019, totalling \$3,650.00 as outlined in the table below:

App. No.	Recipient	Purpose	Amount
01-1920	Nash White	Selected to represent WA as part of the WA Country Team at the Phuket Cup, Thailand. Contribution to assist with travel related expenses	\$300.00
02-1920	Joshua Teasdale	Selected to represent WA as part of the WA Country Team at the Singa Cup, Singapore. Contribution to assist with travel related expenses	\$300.00
03-1920	Karen Beynon	Selected to represent WA as part of the State Hockey Masters team competing at the Australian Masters Championships being held on the Gold Coast, QLD. Contribution to assist with travel related expenses	\$300.00
04-1920	Busselton Senior High School	Contribution towards end of year graduation night awards	\$200.00
05-1920	Cornerstone Christian College	Contribution towards prizes for end of year graduation awards night - \$100 for Primary school and \$200 for Secondary School Awards	\$300.00

06-1920	Lions Cancer Institute Special Christmas Children's Day Out	Seeking sponsorship of 10 children from the Busselton district to attend the Special Children's Christmas Big Day out - an event held by the Lions Cancer Institute as a special outing for children with special needs or are terminally ill. Donation supported on compassionate grounds	\$250.00
07-1920	Vasse Primary School for Vasse Art Award	Funds requested as a contribution towards the cost of promoting the annual event	\$400.00
08-1920	Isabella Bidesi	Selected to represent WA and compete at the Australian Cross Country Championships held on Wollongong NSW. Contribution to assist with travel related expenses	\$300.00
09-1920	Cape Naturaliste College	Contribution towards end of year graduation night awards	\$200.00
10-1920	Radiance South West - Big Pram Walk	Funds requested to assist with covering the cost of hiring a PA system and marquee for the 'Big Pram Walk' event being held at Signal Park – a free community event raising awareness of peri natal anxiety and depression	\$500.00
11-1920	GP Down South	Funds requested to cover the cost of up to 50 free passes for individuals participating in the Walk for Wellbeing along the Busselton Jetty to raise awareness for mental health	\$200.00
12-1920	Lisa Hodge	Selected to represent WA as part of the State Hockey Masters team competing at the Australian Masters Championships being held on the Gold Coast, QLD	\$300.00
13-1920	Geographe Primary School	Contribution towards end of year graduation assembly awards	\$100.00
		August Total	\$3,650.00

17.1.3 Recent Correspondence

9 September 2019 - Appointment of CEO of St John of God Bunbury Hospital

Jeffrey Williams has recently commenced as CEO of St John of God Bunbury Hospital.

(Mr Williams will be invited to attend a Councillor briefing as a guest speaker in the near future)

5 September 2019 – Graffiti Strategy Western Australia 2019-2021

The Minister for Police and Road Safety has announced the release of the *Graffiti Vandalism Strategy Western Australia 2019-2021*. Further information about the work of the State Graffiti Taskforce can be found at www.goodbyegraffiti.wa.gov.au

A copies of the above mentioned correspondence are available to view upon request.

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

20. CONFIDENTIAL MATTERS

Nil

21. CLOSURE