



Council Agenda

11 September 2019

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 11 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, 11 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

30 August 2019

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 11 SEPTEMBER 2019

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

2. **ATTENDANCE**

Apologies

Nil

Approved Leave of Absence

Cr Grant Henley

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 27 August 2019**

RECOMMENDATION

That the Minutes of the Council Meeting held 27 August 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**

Nil

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:	<p>Attachment A Location Plan/Aerial Photograph  </p> <p>Attachment B Scheme Amendment Map  </p> <p>Attachment C Flora and Vegetation Assessment  </p> <p>Attachment D Public Open Space Concept Plan  </p> <p>Attachment E Schedule of Modifications  </p> <p>Attachment F Local Planning Strategy   (also provided under separate cover as a Supplementary Document)</p> <p>Attachment G Schedule of Submissions  </p>

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.

			<p>3. Where land is specifically zoned the provisions of the 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</p>
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			<p>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>
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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.

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 not considered to be any financial implications for the City arising from the proposal.

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 –

- Loss of amenity (views/rural outlook, peace and quiet, expectation of adjacent rural residential subdivision not urban).
- Impacts on the environmental attributes of the subject land (wetlands, native vegetation, fauna).
- Inconsistent with the identification of the land for 'Rural Living' by the LNSRS.

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).

Officers consider that the matters raised in the public submissions are not substantive and no modification(s) to the draft Amendment are being recommended in this regard.

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.

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.

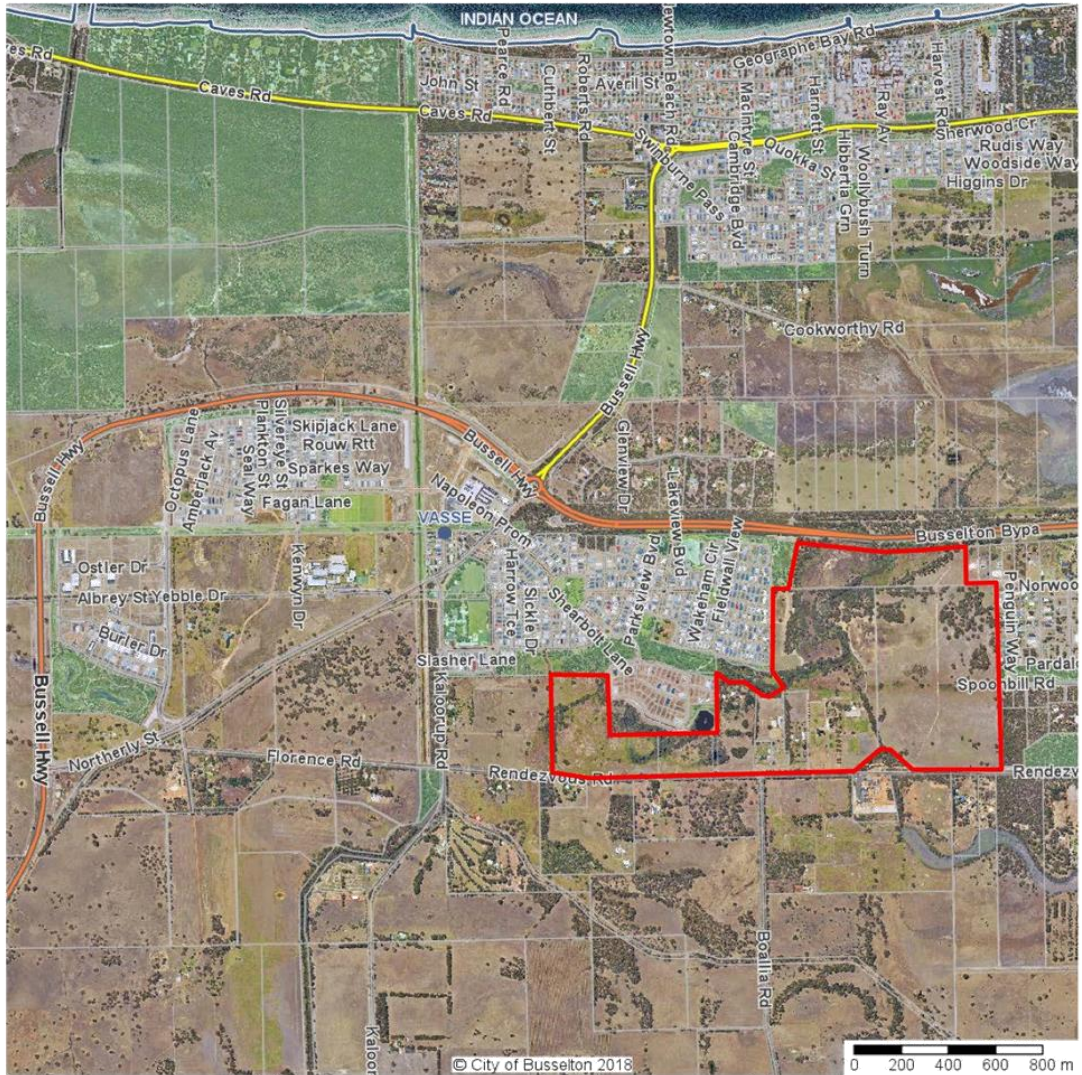


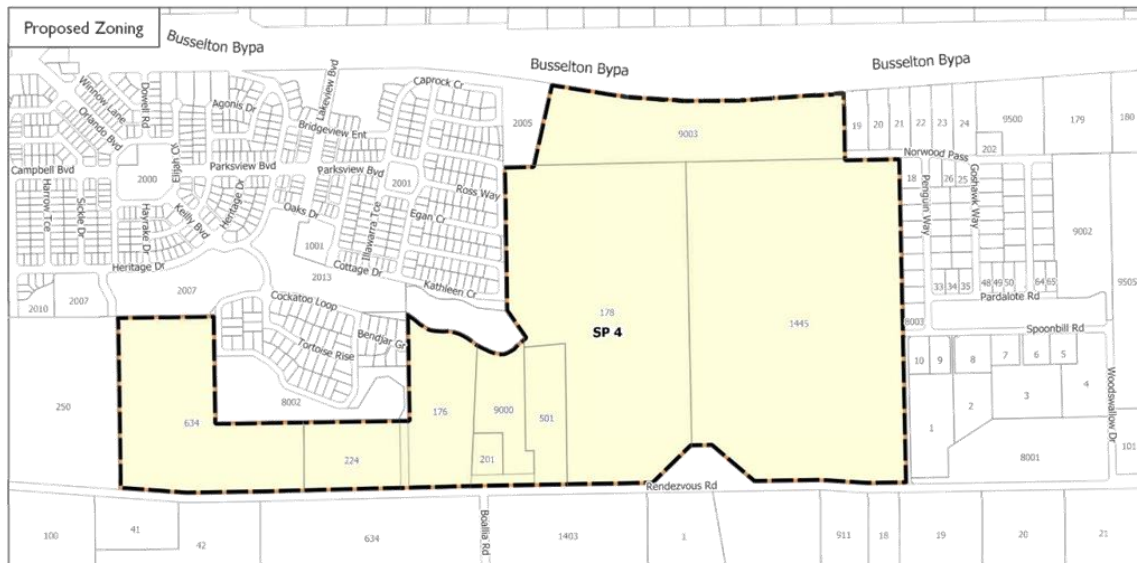
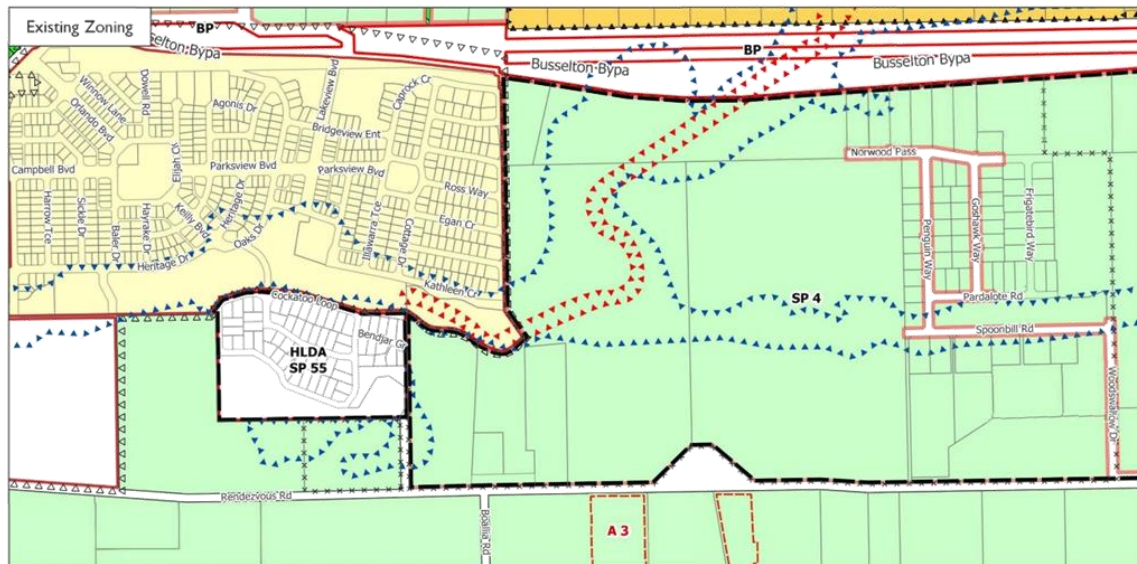
Figure 2 Aerial Photograph

SCHEME AMENDMENT MAP

City of Busselton

Local Planning Scheme No.21 Amendment No.36

Sheet 20 & 22: Vasse East



- Zone**
- Agriculture
 - Conservation
 - Deferred Vasse Development
 - Rural Residential
 - Special Purpose
 - Vasse Development
 - Additional Use
 - Urban Development
 - Special Provision

- Reserve**
- Public Purposes
 - Recreation
- Area**
- Development Investigation
 - Environmental Conditions
 - Floodway
 - Landscape Value
 - Wetland

ID: 29
BP - Bypass
HDLA - 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

City of Busselton
Geographic Bay



VEGETATION ASSESSMENT, LOT 1445, RENDEZVOUS ROAD,
VASSE

Prepared for: Environmental Protection Authority

Prepared by: Kay Lehman, City of Busselton

Report Date: 26/02/19

LIST OF ATTACHMENTS

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Table 1: Vegetation Structural Classes

Table 2: Vegetation Condition Ratings

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

Table 4: Statement of Botanical Survey Limitations

Plates

Figures

Figure 1: Vegetation Types and Condition

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. Glabrous variant (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 pinfolia</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>Tetraria 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;¹³⁹ (iii) the plan of management is in force under a law of the Commonwealth or of a State or Territory;¹⁴⁰ (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
 - Clay 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

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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

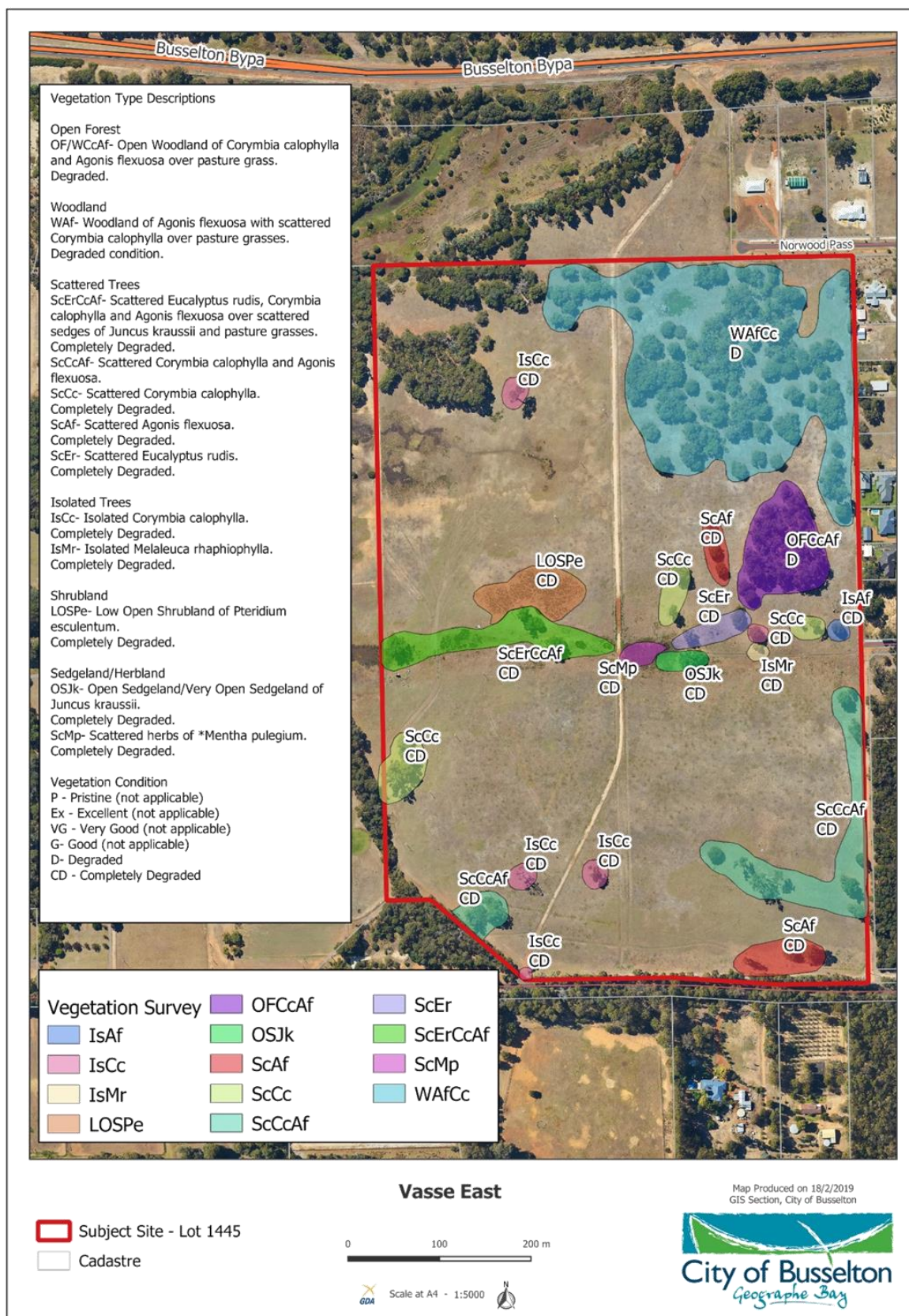


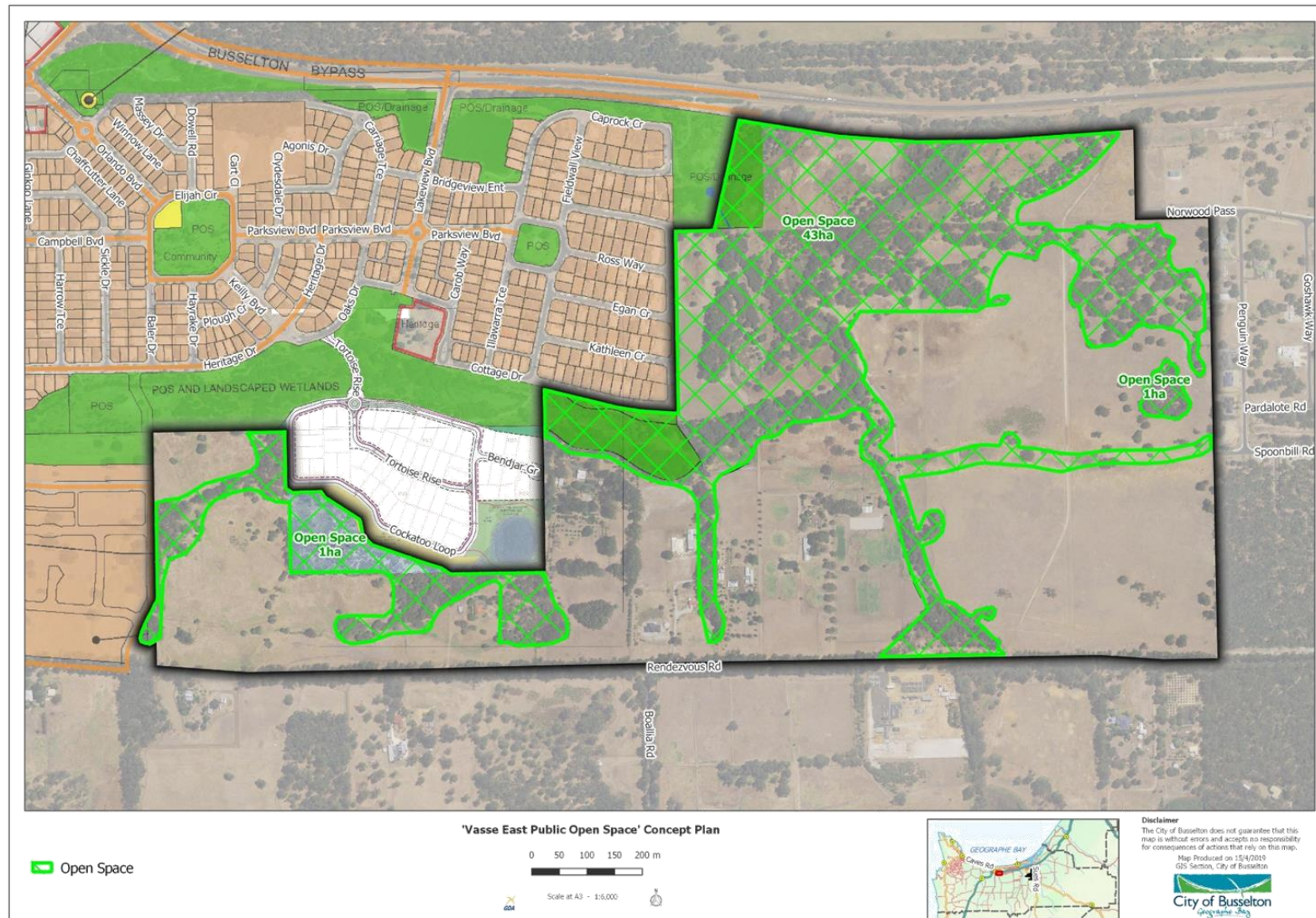
Figure 1 - Vegetation Types and Condition

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"> 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. 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. 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"> 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. Lots 1445, 178, 501, 176, 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 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 	<p>To reflect –</p> <ol style="list-style-type: none"> The modified Scheme provisions proposed by the City of Busselton to assist EPA with its assessment of Amendment 36; The decision and advice of the EPA; Recommendations set out in the submission from the Department of Water and Environmental Regulation; and 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**

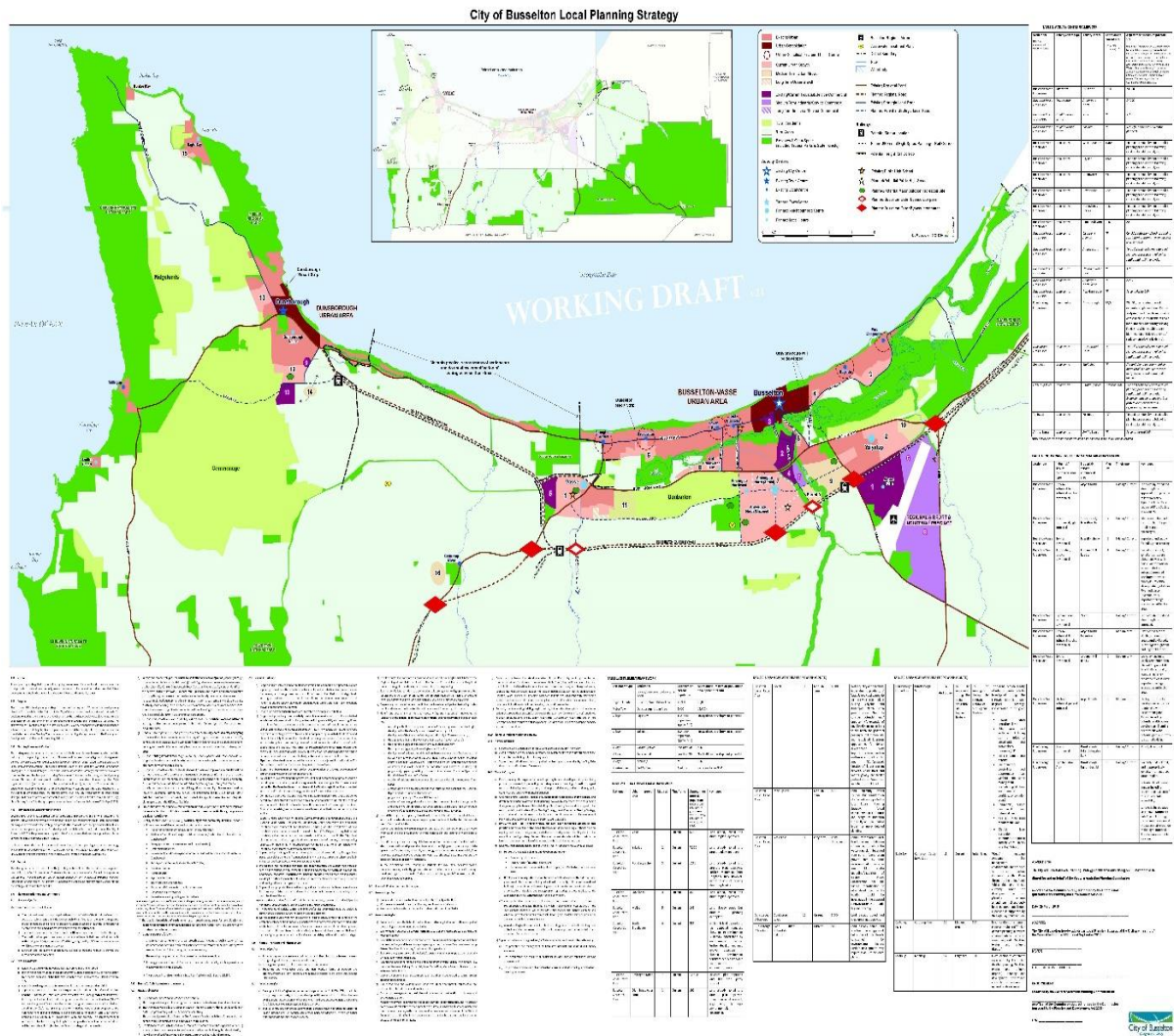
	<p>4. Structure planning is to identify developable and non-developable areas based on comprehensive environmental assessment that investigates, but is not limited to, the following matters -</p> <ul style="list-style-type: none"> a) Identification of vegetation having conservation significance. b) Approved 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>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. 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 	
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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>	<p>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. mitigation of nutrient loads in surface and groundwater flows into connected waterways and wetlands such as the Broadwater Wetlands (Conservation Category Wetland); iv. establish groundwater conditions, based on monitoring, and management requirements; v. development and implementation of a drainage system that addresses upstream stormwater conveyance and flood management; vi. identify and describe proposed measures to capture and treat the minor events; and vii. outline monitoring and management requirements. <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</p>	
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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>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 resources, geothermal	Noted.	That the submission be noted.

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	100 Plain Street EAST PERTH WA 6004	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 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 	That the submission be noted and modifications to draft Amendment 36 are recommended (refer to Attachment F Schedule of Modifications).

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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>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. <i>Better Urban Water Management (2008)</i> 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 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</p>	
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			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 <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> .	Noted.	That the submission be noted.
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	The proposal does not affect any Aboriginal Heritage Sites or Places.	Noted.	That the submission be noted.
11.	ATCO Gas 81 Princep Street	No objection.	Noted.	That the submission be noted.

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	JANDAKOT WA 6164			
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 F – Schedule of Modifications).
<i>Public Submissions</i>				
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	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.

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		Woods estate and we would not have bought here if we knew an expansion of urban development could occur next to our property.		
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 at trees, just houses. My property will devalue as a result.	The submitter's property is located within the Heron Lake subdivision and is adjacent to land set aside as a reserve. The reserve contains a 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.	That the submission be noted.

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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 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).	That the submission be noted.
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	That the submission be noted.

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			development, with non-developable areas to be set aside as public open space (i.e. waterways/floodways and wetlands, foreshore buffers and remnant vegetation).	
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.
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,	Objection. Amendment 36 is inconsistent with the identification of	The draft Local Planning Strategy identified the land the subject of Amendment 36 as a	That the submission be noted.

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	WEST BUSSELTON WA 6280 on behalf of Banyanda Investments P/L (Lot 176 Rendezvous Road) and K.J. Bell (Lot 9000 Rendezvous Road)	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 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).	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 Planning Strategy. Notwithstanding this, there exists the ability for the owners of Lots 176 and 9000 to seek approval to a structure plan to facilitate subdivision under the <i>current</i> planning framework. The draft Local Planning Strategy, draft Amendment 36 and the structure plan proposal for Lots 176 and 9000 will ultimately be assessed and 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 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.	As per the comment in response to submission 10.	That the submission be noted.
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	Future structure planning can consider these matters.	That the submission be noted.









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		2. that access roads are not planned opposite either of our driveways for safety reasons.		
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14. ENGINEERING AND WORK SERVICES REPORT

14.1 RESERVE 12493, YUNGARRA DRIVE - RESPONSE TO PETITION

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.4 Assets are well maintained and responsibly managed.
SUBJECT INDEX	Petitions
BUSINESS UNIT	Operation and Works Services
REPORTING OFFICER	Manager, Operation and Works Services - Matthew Twyman
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	Simple Majority
ATTACHMENTS	Attachment A PETITION RECEIVED FROM MR COLIN FREDRICK BUSSELL  
	Attachment B RESERVE 12493 LOCATION PLAN  
	Attachment C PHOTOS OF RESERVE 12493  
	Attachment D RESERVE 12493, LOT 600 ARMSTRONG PLACE AND VIDLER ROAD DEPOT LOCATION PLAN  

OFFICER RECOMMENDATION

That the Council:

1. Endorse the continued use of Reserve 12493 Yungarra Drive for the stockpiling of construction/maintenance materials and storage of associated plant/equipment, when working in and around the Dunsborough area.
2. Endorse the undertaking of landscaping to the verge adjacent to the newly installed fence to create a vegetation buffer and screen the area.
3. Request the CEO to advise the petitioners of the outcome.

EXECUTIVE SUMMARY

At the Ordinary Council Meeting on 26 June 2019, Council received a petition to cease the current use of Reserve 12493, Lot 4842 (Yungarra Drive, Quedjinup) and revegetate it. The reserve, located on Yungarra Drive in Quedjinup, has been used historically for the stockpiling of materials and associated plant/equipment for works in the Dunsborough area. In addition to receiving the petition, Council requested that the CEO prepare a report for Council.

This report recommends that Council endorse the continued current use of Reserve 12493, with a further recommendation to install verge landscaping to provide a landscape buffer, screening and improved streetscape.

BACKGROUND

At the Ordinary Council Meeting on 26 June 2019, Council received a petition from Mr Colin Frederick Bussell to cease the current use of Reserve 12493 and revegetate it. The petition contained 67 signatures (Attachment A). Council further referred the petition to the CEO to prepare a report for Council.

Reserve 12493 was gazetted on 13 December 1912 and vested in the then Shire of Busselton, with the legal purpose of gravel. The reserve is 0.8738 hectares and is situated on Yungarra Drive between Caves Road and Windle Place in Quedjinup, as shown in Attachment B.

Historically, material stockpiling in Dunsborough has been split between Reserve 12493 and Lot 600 Armstrong Place. However, use of Lot 600 ceased in 2014 following the transfer of ownership to Ray Village Aged Services Inc. (Cape Care). This has resulted in the increased use of Reserve 12493.

Reserve 12493 has been used for stockpiling materials in excess of 30 years, with usage being predominantly during the day time (Monday to Friday).

The reserve is being utilised in order to efficiently deliver capital and maintenance projects within the Dunsborough and western area of the district. The frequency, scale and timing of use of Reserve 12493 varies significantly over the year and is highly dependent upon the annual capital budget and the locality of projects included. The 2018/19 capital budget included some large scale projects delivered in the Dunsborough region. Ceasing use of the reserve will reduce efficiencies by increasing delivery times and directly impacting capital and operating budgets.

Following contact by owners of properties local to the reserve, City staff arranged for the fencing and gating of the reserve. When in use, stockpile heights will be monitored and managed more closely, and unusable spoil from projects will be periodically removed. It is possible that these recent works by the City may have also reduced the risk of historic hooning activities within the reserve.

The reserve is screened with mature vegetation on three sides and the City plans to provide additional vegetative screening this winter. Refer to Attachment C for photos of the reserve currently.

OFFICER COMMENT

Analysis of the petition (Table 1) indicates that of the 67 entries, 14 live closer than one kilometre from Reserve 12493, with 11 of these living on roads immediately adjacent to the reserve. 14 entries were from residents greater than 10 kilometres away. Of the petition entries, 7 addresses have 2 entries, meaning that the petition captures sixty (60) individual addresses, including 2 entries without address details.

Table 1: Petition Analysis Summary

Distance From Reserve (km)	Quantity
< 1	14
1 to 5	34
5 to 10	3
> 10	14
unknown	2
TOTAL	67

Reserve 12493 is the closest available location to the Dunsborough town site and is used for the stockpiling of materials and associated plant/equipment, in order to efficiently deliver capital and maintenance projects within the Dunsborough/Western area of the district. The 2018/19 capital budget saw some large scale projects delivered in the Dunsborough region, with the following projects utilising the reserve:

- Dunsborough Road Access Improvements
- Dunsborough Cycleway - CBD to Our Lady of the Cape School
- Naturaliste Terrace Road and Footpath Improvements
- Dunsborough Lakes Drive to N.C.C. Footpath
- Greenfield Road Improvements

The Dunsborough Road Depot on Vidler Road is the only other location suitable for material stockpiling within the vicinity of Dunsborough and is currently used for longer term storage of materials, plant and equipment. Space at the depot is limited however and access restricted such that it is unsuitable for large quantities of quarry type products.

The distance between Vidler Road Depot and Reserve 12493 is 4km, with a round trip of 8km taking approximately 20-30 minutes, due to road gradient and restricted access. The financial implications of this are detailed under Financial Implications. Road safety concerns have also been raised in the past by staff about operating lower speed plant on this section of Caves Road, due to road gradient and traffic volume.

Attachment D provides the location of Reserve 12493 in relation to Lot 600 Armstrong Place (no longer in use) and Vidler Road Depot.

An alternative option would be for the City to purchase land, possibly within the Dunsborough light industrial area. With the predicted future population growth of the Dunsborough region, land availability will become more limited. The amenity of such an option could be considered worse than the existing arrangement.

Statutory Environment

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

Relevant Plans and Policies

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

Financial Implications

A round trip between Reserve 12493 and Vidler Road Depot is 8km and equates to approximately 20-30 minutes, due road gradient and restricted access. Table 2 summarises the cost associated with the additional travel time.

Table 2: Cost Analysis Summary

	Estimated Cost Per Truck (\$)
Per trip	\$70
Per week	\$2,800
Per month	\$11,200

Capital projects can typically have anywhere between two and six trucks carting to or from a site at any one time. These costs would directly impact capital and operating budgets.

The costs associated with the proposed landscape screening of the reserve will be allocated to the Gravel Pit Rehabilitation (E9999) operating budget.

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 such risks have been identified.

Options

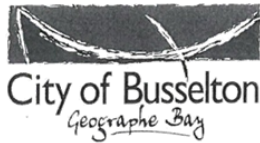
As an alternative to the proposed recommendation, Council could choose to cease use of Reserve 12493 for the stockpiling of construction/maintenance materials and associated plant/equipment. This would mean that materials may need to be procured in smaller quantities and construction sites or Vidler Road Depot site be utilised for material stockpiling and plant/equipment storage. For the reasons provided in this report, the abovementioned option is not recommended.

CONCLUSION

In conclusion, City officers believe that the current use of Reserve 12493 for the stockpiling of materials and associated plant/equipment should continue. Recent and planned delineation and screening of the reserve by way of fencing and vegetation will improve the amenity of the site, while maintaining efficient operations for the City. When in use, stockpile heights will be monitored and managed, and unusable spoil from projects will be periodically removed.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the officer recommendation can take effect immediately.



This form is to be used for all documents, plans etc. received through Customer Service or at an onsite/offsite meeting when there is no covering letter with the documentation

Application No		Receipt No	
CIO ID			
12 JUN 2019			
Property ID		Doc ID	
Retention		Received Stamp	

INFORMATION / ADDITIONAL INFORMATION RECEIVED

Please complete this form and forward with documentation to Records as soon as possible for scanning and registration

INFORMATION RECEIVED BY: mel (Officer's Name)

Application No.	Property ID	Proposal (If Applicable)
Property Details		

APPLICANT / OWNER: (INCLUDE ADDRESS DETAILS): _____

INFORMATION ATTACHED: (Mark below with a tick and the number of copies received)

CD/DVD	<input type="checkbox"/>	Legal Agreement	<input type="checkbox"/>	Payment	<input type="checkbox"/>	Plan(s)	<input type="checkbox"/>
No. Copies	_____	No. Copies	_____	\$ _____		No. Copies	_____
Report Title Detailed Below	<input type="checkbox"/>	Resume	<input type="checkbox"/>		<input type="checkbox"/>	Other	<input type="checkbox"/>
No. Copies	_____	No. Copies	_____		_____	Below	

FURTHER DETAILS: Petition

RECEIVED FROM: Colin Bussell

ADDRESS: 11 Jones Rd Dunsborough

DATE RECEIVED: 12 / 6 / 19 (to be completed by officer if not received through Customer Service)

INFORMATION TO BE TASKED/FORWARDED TO: _____ (Officer's Name)

I, Colin Frederick Bussell of 11 Jones Road Dunsborough 6281, bussellfarming@gmail.com in the state of Western Australia, am the promoter of this petition which contains signatures.

PETITION IN RELATION TO RESERVE # 12493—LOT # 4842

City of Busselton Mayor, Mr Grant Stanley.
City of Busselton C.E.O. Mr. Mike Archer
City of Busselton Council Members

We the undersigned are opposed to the City of Busselton and others use of the above reserve. Due to a unsatisfactory response from the City of Busselton on the current use of the reserve. We present this petition for the following reasons.

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We therefore ask City of Busselton to cease current use of the reserve and revegetate.

And your petitioners as in duty bound will ever pray.

NAME	FULL ADDRESS	SIGNATURE
Colin Bussell	133 Quindary South Rd	[Signature]
Doris R. Her	2894 Camo Rd Warrington	[Signature]
[Signature]	89 Ambulatory Rd Duns	[Signature]
[Signature]	34 Poppywood Drive	[Signature]
[Signature]	10 Mafestic Drive	[Signature]
G. Newton	27 Beach Road Duns	[Signature]
[Signature]	Dunes Way	[Signature]
Judith Pearce	7 Pelican Pl. Duns	[Signature]
D. Gillett	21 Schooner Cars. Duns	[Signature]
[Signature]	486 Geo Bay Rd Albany	[Signature]
[Signature]	224 Geo Bay Rd Dunsborough	[Signature]
[Signature]	4 White Bird Ct Broadwater	[Signature]

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NAME	FULL ADDRESS	SIGNATURE
C. MASILLI	12 CHESTER WAY DUNSBOROUGH	C. Masilli
LINDA GILDA	4 OCEANBROOK CL. DUNSBOROUGH	L. Gilda
WYNNE TUCKER	4 MENTOR PI DUNSBOROUGH	W. Tucker
Jan Butler	16 PRESTON RD DUNSBOROUGH	Jan Butler
Dot Cairns	dot.cairns@hotmail.com	Dot Cairns
Joe Case	6 Roberts Rd. Albany	Joe Case
Jan Emley	51 Leon Ave, DUNS	Jan Emley
Clive Morris	356 Geo Bay Rd Camden	Clive Morris
Mike Ward	1111 Dunsborough	Mike Ward
M ARMSTRONG	64 WILLIAM DR BSN	M. Armstrong
AUDREY SULLY	252 BUSSELL HIGHWAY BSN	A. Sully
LORNA OSBORNE	16 DERBY ST BSN	L. Osborne

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NAME	FULL ADDRESS	SIGNATURE
John McNeill	169/562 Main Drive Bussell Hwy Broadbeach	John McNeill
Jan Baker	1 Stokes St West Bussell	Jan Baker
Glenn Graham	250 Geographe Bay Rd Geographe 6281	Glenn Graham
Fiona Cavaney	33 Brookland Cops, Dunsborough 6281	Fiona Cavaney
Sue Bussell	11 Jones rd Dunsborough	Sue Bussell

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(2)

NAME	FULL ADDRESS	SIGNATURE
MIJ GROVE	28 JONES RD DUNSBOROUGH	[Signature]
GEOFF FLYSH	12 BIG ROCK PLACE QUEDJINUP	[Signature]
Mike Wiese	19 Windle Rd, Quedjinup	[Signature]
A. SIMPSON	69 YUNGARRA DR QUEDJINUP	[Signature]
cy Rocchi	16 Yungarra Rd, Quedjinup	[Signature]
PETER BRUHN	78 JONES ROAD QUEDJINUP	[Signature]
GEOFF ROCCHI	16 ROCKY PLACK QUEDJINUP	[Signature]
ROBIN STEVENS	81 JONES ROAD	[Signature]
ANGELA PATERSON	81 JONES RD QUEDJINUP	[Signature]
Naomi Bussell	761 Kaloorup Rd Busselton	[Signature]

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NAME	FULL ADDRESS	SIGNATURE
JIM HOLROYD	4 TURNER ST	[Signature]
REX BIDDLE	10 KOOPIN PLACE QUEDJINUP	[Signature]
CHRISTINE BARNFIELD	82 JONES RD QUEDJINUP	[Signature]
VINCE PACECCA	31 BIG ROCK PL QUEDJINUP	[Signature]
Ruth Phillips	32 Big Rock Place Quedjinup	[Signature]
Helen Murray	5 Troon Loop Dunsborough	[Signature]
Annal + Rich Mills	52 JONES RD - Quedjinup	[Signature]
GARY + SUE WATERS	23 WINDLE PL QUEDJINUP	[Signature]
JOHN + NANCY BOUNTON	64 CALLEGA RD QUEDJINUP	[Signature]
PETER + MARGARET BAXTER	53 ALKALOID CRT QUEDJINUP	[Signature]
Phil and M Williams	129 Ridgeway Drive Quedjinup	[Signature]
Lashla Williams	129 Ridgeway Drive Quedjinup	[Signature]

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Kelly-anne Everett	69 Jones Road Quadjinup	Kellyanne Everett
Jay Grawden	10 Jones Rd Quadjinup	Jay Grawden

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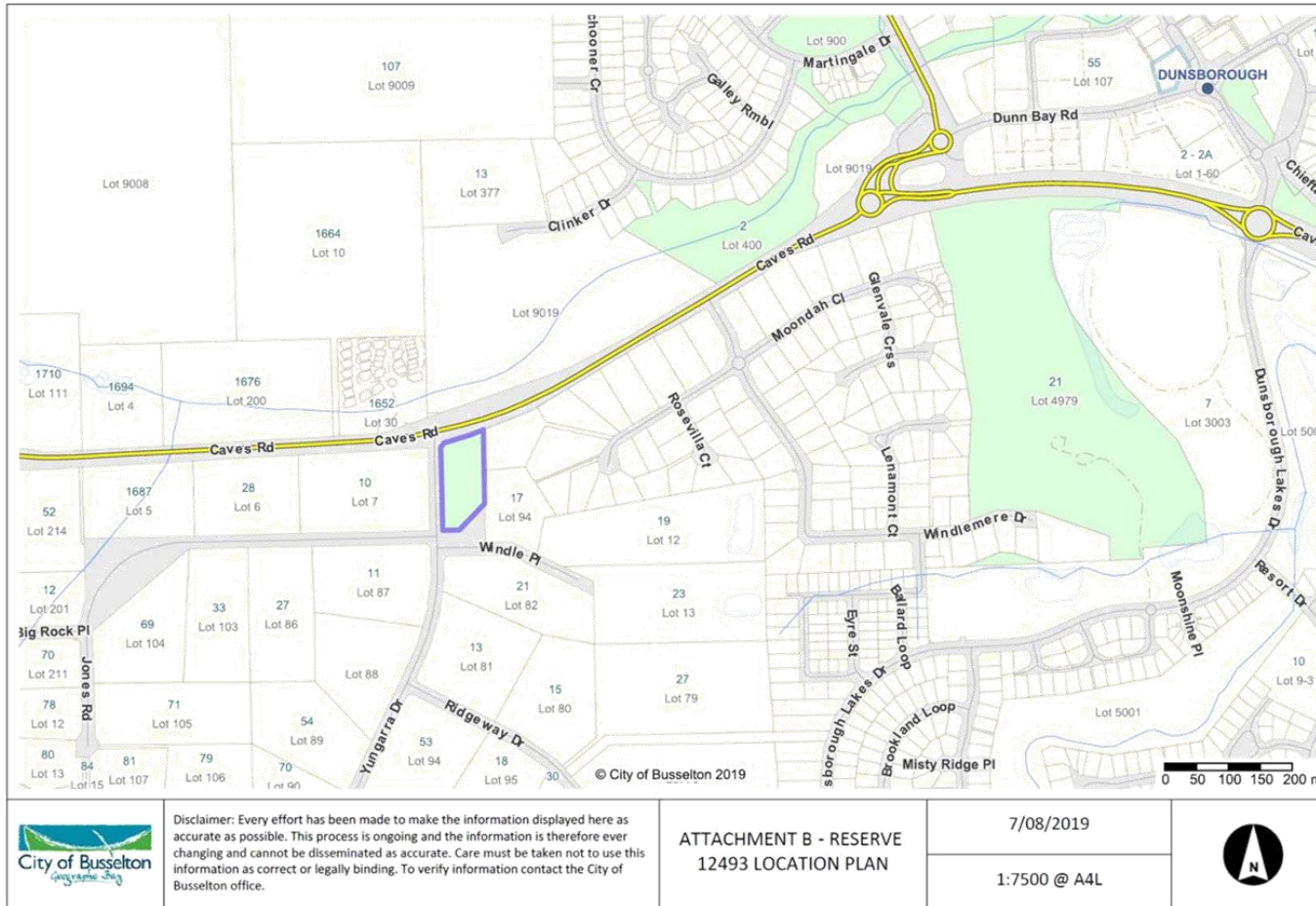
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NAME	FULL ADDRESS	SIGNATURE
TONY PROFFITT	27 JONES RD.	<i>[Signature]</i>
CHELSE WINGCOMBE	113 RIDGEWAY DR	<i>[Signature]</i>
BRUCE MAYR	39 BIG ROCK PLACE	<i>[Signature]</i>
Carly Smalley	46 BIG ROCK PLACE	<i>[Signature]</i>
WENDY DICKES	40 BIG ROCK PLACE	<i>[Signature]</i>
BRUCE DICKES	40 BIG ROCK PLACE	<i>[Signature]</i>
BRANDY SCHONELL	24 BIG ROCK PLACE	<i>[Signature]</i>
Stuart Schonell	24 Big Rock Pl	<i>[Signature]</i>
MARK PHILLIPS	36 BIG ROCK PL.	<i>[Signature]</i>
John GARDNER	10 JONES RD	<i>[Signature]</i>
Sue Giles	116 Ridgeway Dr.	<i>[Signature]</i>
CHRIS GILES	116 Ridgeway Dr	<i>[Signature]</i>

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Reserve 12493

Photos taken 01 August
2019



General views of Reserve 12493



Views from Yungarra Drive

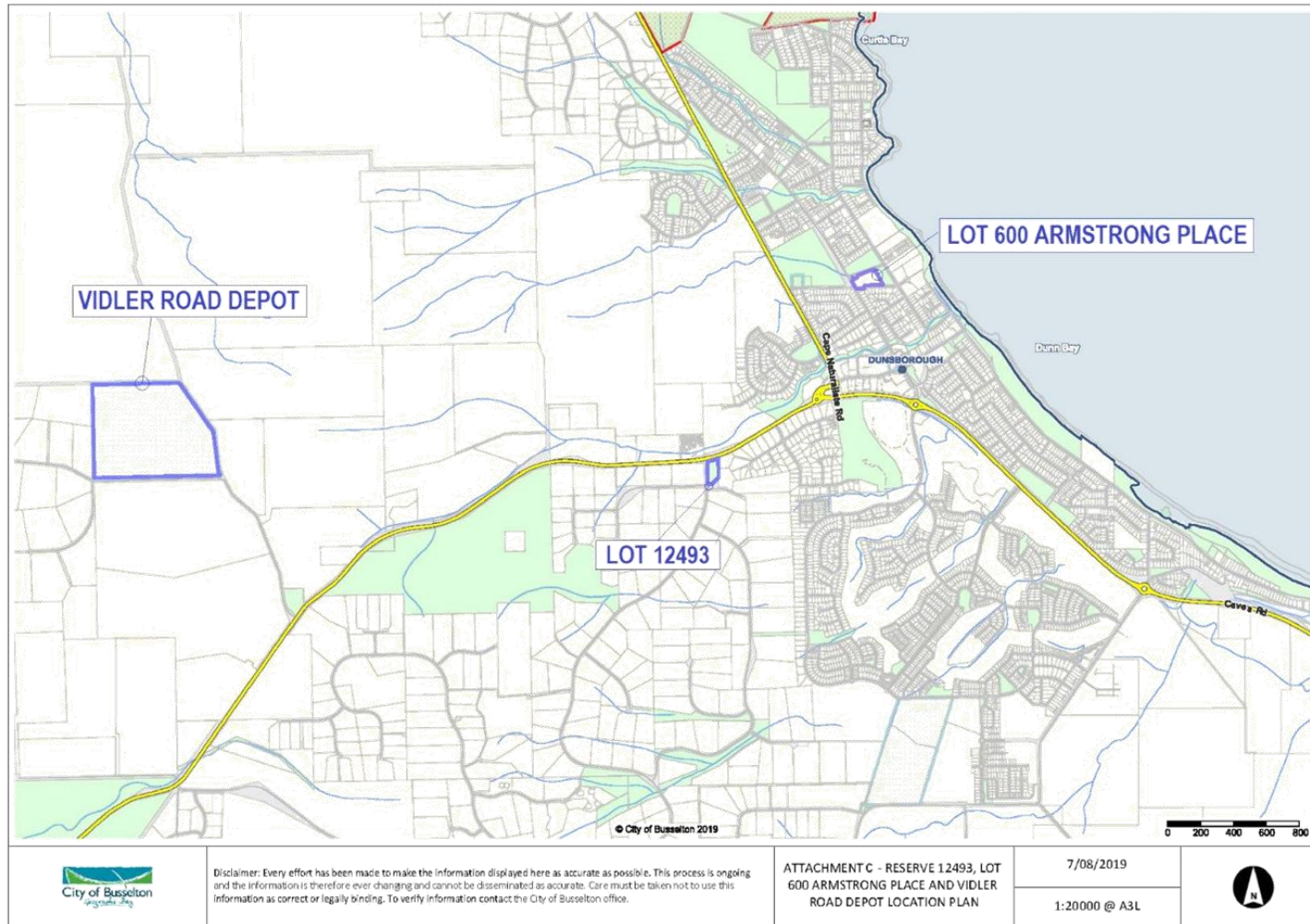


Views from Jones Road



View from Windle Place





15. COMMUNITY AND COMMERCIAL SERVICES REPORT



Nil

16. FINANCE AND CORPORATE SERVICES REPORT

Nil

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	Governance Services
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Executive Assistant to Council - Katie Banks
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
PRIMARY 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	Attachment A State Administrative Tribunal Reviews as at 27 August 2019  

OFFICER RECOMMENDATION

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

- **17.1.1 State Administrative Tribunal Reviews**
- **17.1.2 Recent Correspondence**

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.

INFORMATION BULLETIN

17.1.1 State Administrative Tribunal Reviews

Information is provided in Attachment A.

17.1.2 Recent Correspondence

26 August 2019 – Geraldton MP to lead Regional Cities portfolio

Nationals Geraldton MP Ian Blayney will take on a newly created Regional Cities portfolio, providing a strong focus on the economic and social development of regional centres across the State.

Hard copies of correspondence relating to the above item are available to view upon request.

As at 27 August 2019

[illegible]

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
19. URGENT BUSINESS
20. CONFIDENTIAL MATTERS
21. CLOSURE