



Council Agenda

23 May 2018

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 23 MAY 2018

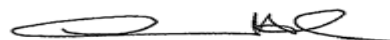
TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 23 May 2018, 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

11 May 2018

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 23 MAY 2018

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8. CONFIRMATION AND RECEIPT OF MINUTES

Previous Council Meetings

 - 8.1 Minutes of the Council Meeting held 9 May 2018

RECOMMENDATION

That the Minutes of the Council Meeting held 9 May 2018 be confirmed as a true and correct record.
9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS
 - 9.1 Petitions
 - 9.2 Presentations
 - 9.3 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 MEETINGS

Nil

13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.1 DA18/0139 - CHILDCARE CENTRE AND EDUCATIONAL ESTABLISHMENT - LOT 21 (HSE 431) RENDEZVOUS ROAD, VASSE

SUBJECT INDEX:	Development/Planning Applications
STRATEGIC OBJECTIVE:	Development is managed sustainably and our environment valued.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Senior Development Planner - Andrew Watts
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location plan ↓
	Attachment B Development Plans ↓
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PRÉCIS

The Council is asked to consider an application seeking approval for development of a Childcare Premises and Educational Establishment on Lot 21 (No.431) Rendezvous Road, Vasse ("the site").

The planning proposal has been placed before Council due to the nature of the issues requiring consideration. It is considered that the proposal is consistent with the relevant planning framework and is recommended for approval subject to conditions.

BACKGROUND

Lot 21 (No.431) is zoned Agriculture, is located on the southern side of Rendezvous Road opposite Woodswallow Drive, and is bound by properties to the south, east and west that are similarly zoned Agriculture. In the near vicinity of the site on the northern side of Rendezvous Road the properties are zoned Rural Residential. A location plan is provided in Attachment A.

Childcare Premises and Educational Establishment are 'D' (i.e. discretionary) uses in the Agriculture zone.

The development is proposed to comprise of renovation of the existing dwelling to convert it for the intended use. A fenced outdoor play/activity area surrounds the building. The building is approximately 480m² in area (including verandahs) and the fenced area proposed to be used for outside activities is approximately 4800m².

The Childcare Premises and Educational Establishment would cater for up to 100 children at any time, with a program designed to provide 'nature based and creative learning' for children aged six months to twelve years, operating from 7:30am to 6:30pm, Monday to Friday. The Educational Establishment component is proposed to operate as a program supporting parents' home schooling their children. This is intended to be for up to 15 children, aged 4-12, one or two days per week from 9am – 3pm. This is not additional to the 100 children, rather the 15 children would be part of the 100 children total on the relevant days.

Explanatory information from the applicant and the development plans are provided in Attachment B.

The applicant has submitted a Traffic Impact Assessment report in support of the proposal, which concludes that the existing road and access conditions are suitable to cater for the additional traffic generated by the proposed development. A copy of the report is at Attachment C.

The site is located in a bushfire prone area and the development is considered to be a vulnerable land use requiring the submission of a Bushfire Management Plan and Evacuation Plan completed by an appropriately qualified person. These were included with the application. A copy of the plan is at Attachment D.

A total of 40 onsite car parking bays are proposed, with 20 for parents/guardians and 20 for staff. The proposal includes provision of an accessible parking space provided in accordance with AS2890.6.

STATUTORY ENVIRONMENT

The key elements of the statutory environment that relate to the proposal are set out in the Local Planning Scheme.

The site is located in the 'Agriculture' zone. Objectives of this zone relevant to this application are as follows:

- (d) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect the amenity of any existing or proposed nearby development.

Policies of the "Agriculture" zone relevant to this application are:

- (a) To permit land included within the zone and shown by close investigation in consultation with the Department of Agriculture and Food not to be prime agricultural land to be utilised for other purposes not incompatible with adjacent uses.
- (f) To implement and adhere to the adopted recommendations and outcomes of the Local Rural Planning Strategy adopted by the local government and endorsed by the Commission.

Part 4 of the Scheme deals with General Development Requirements and clauses applicable to the Agriculture zone and relevant to the proposed development are:

4.35 SETBACK REQUIREMENTS IN THE AGRICULTURE AND VITICULTURE AND TOURISM ZONES

4.35.1 A building in the Agriculture or Viticulture and Tourism zones must not be located closer than 30 metres or such other distance as may be specified in an adopted planning policy to any boundary.

In considering the application, the Council needs to consider the 'Matters to be considered' set out in clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, particularly relevant considerations in relation to this application are the following –

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site;*
and
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

RELEVANT PLANS AND POLICIES

The key policy implications for consideration are set out in the following policy documents:

Local Planning Policy 7A— Childcare Premises Provisions

Planning Policy 7 establishes criteria for assessment of proposed development and is intended to provide a practical guide to aid in the preparation of drawings to be submitted in support of an application. The requirements for the proposal are:

- *A minimum lot area of 900m² is required for appropriate design and to aid in reducing the impacts on surrounding landowners. By complying with the minimum lot area requirement the centre should be able to accommodate play areas, landscaping, car parking areas and other facilities.*

Lot 21 is 16.6 Ha in area.

- *The site coverage shall not exceed 50% of the land area –*

The building proposed to be utilised for the development is approximately 480m² (including verandahs), the fenced area proposed to be used for outside activities is approximately 4800m² and additional areas to be used for car parking purposes. This will be considerably less than 50% of the total site.

- *Setbacks of Child Care Premises shall be, at a minimum, consistent with the requirements of development permitted within the respective zone, however, further setbacks may be required by the City to meet the Policy Provisions described in Part 6 below -*

The prescribed building setback for the Agriculture zone is 30m from any boundary. The fenced area indicated on the development plans to be used by children for outside activities is 18m from the nearest property boundary. The main building associated with development proposal is 50m from the nearest boundary.

- *One car parking space per five children cared for at the centre is required. In addition, one car parking space per staff member is required –*

The development would require 37 car parking spaces based on the above ratio. A total of 40 onsite car parking bays are proposed, with 20 for parents/guardians and 20 for staff. The proposal includes provision of an accessible parking space provided in accordance with AS2890.6.

- *The preferred location for Child Care Premises are in the immediate vicinity of relevant user-groups such as town and neighbourhood centres, schools, work places, shops, community facilities, public open space, civic facilities and in the Business zones of the Scheme –*

Whilst the proposal is not necessarily consistent with the above, the land use designation is amongst a range of different uses approvable in the Agriculture zone.

- *The onus lies with the applicant to demonstrate that a Child Care Premises in a residential area is compatible with adjacent/surrounding development and will not have an unreasonable adverse impact on the amenity of the locality in which they are proposed. Whilst Child Care Premises may be considered adjunct to residential development, the City shall be satisfied that impacts on amenity from appearance, noise, traffic and other considerations should be acceptable with regard to the apparent amenity of a residential area –*

The proposal is located on an Agriculture zoned property that is surrounded by other agriculture zoned properties to the south, east and west and Rural Residential zoned properties to the north. The nearest residential premises is around 120m from the closest part of the fenced outdoor activity area of the development. The application includes a Traffic Impact Assessment report to support the proposal.

- *Where a Child Care Premises is located adjacent to a noise sensitive use, such as houses, retirement villages and nursing homes, the noise generating activities of a Child Care Premises, such as outdoor play areas, parking areas and plant and equipment, shall be located away from the noise sensitive use –*

The nearest residential premises is 120m from the closest part of the fenced outdoor activity area of the development.

FINANCIAL IMPLICATIONS

The recommendation of this report is a planning determination. It does not impose any direct financial implications upon the City.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations in this report reflect Community Objective 2.1 of the City's Strategic Community Plan 2017 – 'Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow'.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risks have been identified.

CONSULTATION

The proposal was referred to adjoining landowners of the proposed development site for a period of 14 days. As a result of these referrals, four submissions have been received raising the following concerns:

1. Current volumes of traffic travelling along Rendezvous Road and the capacity of the road to cope with additional traffic in this location particularly at peak hours.
2. Noise impacts due to scale of development catering for 100 children, cars and animals during operating hours and the possibility of additional noise impacts from functions outside of standard operating hours.
3. Environmental impacts due to roadside and onsite clearing for sightlines and car parking etc.
4. Insufficient parking onsite resulting in parking along roadside and Reserve land opposite entry to the development.

The application has been referred to the Department of Fire and Emergency Services (DFES) and Department of Health for comments, who have provided the following comments:

DFES

State Planning Policy 3.7 (SPP 3.7) defines minor development as:

"applications in residential built-out areas at a scale which may not require full compliance with the relevant policy measures. Classes of development considered under this definition, with the exclusion of applications for unavoidable development, are:

- a single house on an existing lot 1,100m² or greater;
- an ancillary dwelling on a lot of 1,100m² or greater; and
- change to a vulnerable land use in an existing residential development."

The child care centre/educational establishment land use is a form of development at a scale consistent with that of a typical existing residential dwelling, DFES supports the development being considered 'minor'.

Department of Health

- The proposed development is required to be in accordance with the draft *Country Sewerage Policy*.
- The development is to have access to a sufficient supply of potable water.
- All food related aspects (Kitchens, Lunchroom, etc.) to comply with the provisions of the *Food Act 2008* and related code, regulations and guidelines.
- The proposal is located in an area that is prone to mosquito prevalence particularly if wetlands are in the vicinity. A mosquito management plan is required and should be implemented prior to the occupation of the development.

OFFICER COMMENT

Traffic

Reviewing the most recent traffic counts (circa 2015) and extrapolating them out to allow for growth in subsequent years results in an average daily traffic count of 585 vehicles per day with peak periods occurring around 8am and 3pm. At peak period (7am-9am) the maximum trips generated by the development is expected to be 40 trips per hour.

The applicant has submitted a Traffic Impact Assessment report in support of the proposal, which concludes that the existing road and access conditions are suitable to cater for the additional traffic generated by the proposed development.

Engineering Services staff have advised that the geometry of the existing road is suitable to cater for the additional traffic inputs from the development without the need for road widening or additional slip lanes into the entrance of the development. Rendezvous Road, in its current form, would have a design capacity of at least 3,000 vehicles per day.

It is considered that the location of the existing crossover proposed to be used for access and egress to the property is in the only possible acceptable position, being directly opposite the entrance to Woodswallow Drive, effectively making it similar to a four way intersection. Existing right and left turning lanes into Woodswallow Drive aid the flow of traffic and assist in preventing traffic conflicts that could occur from vehicles entering or exiting the proposed development site.

Strategic planning for future development in the area would result in populations of 7,000 people at Vasse and a further 12,000 at Ambergate North. This would result in traffic impacts on Rendezvous Road far exceeding that of the proposed development and will be the main determinant in any future road upgrades.

Noise

Previous advice received by the City from Department of Water and Environment Regulation in respect to noise impacts from a childcare premise was that -

“the noise levels of children playing are considerably variable” and “the number and composition of children accessing the outdoor play areas at any time can be controlled”

The nearest noise sensitive premise (residence) to the fenced outdoor activity area is approximately 120m away. Given the distance to neighbouring properties, vegetation onsite, operating hours and type of activity (non-amplified sound) the premise is considered unlikely to cause a noise nuisance. The operators of the premise must take all necessary action to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

Submissions raised concerns regarding the noise from the keeping of various animals on the property. Given that the site is zoned agriculture it should be anticipated that various animals are likely to be kept and may make some noise.

It is considered appropriate that a condition of approval require a Noise Management Plan to address practical issues such as limiting numbers of children in the outside activity area. It is also considered appropriate to condition operational days and hours to only those specified by the applicant. These hours are the least restrictive from a noise regulation perspective and the condition would also address concerns raised in submission regarding noise impacts from night time and weekend activities.

Environmental

The sightlines provided from the existing access are acceptable without the need for clearance of any roadside vegetation.

The applicant has advised that as part of operating a nature based childcare service it is intended to revegetate various part of the site. No vegetation has been identified in the application to be removed beyond that necessary to comply with any bushfire planning requirements.

Submissions have raised concern about the impact of clearing on an endangered orchid species. As noted above, it is expected that vegetation impacts will be minimal, however a review of the natural environment module of the City GIS indicates that areas of the site affected by rare vegetation are outside of the area proposed to be utilised by the development or on areas where there are existing structures and therefore already disturbed. The only GIS indications of threatened flora in the area are in the road reserve and within Reserve land in front of a neighbouring property further along rendezvous Road to the west.

Appropriateness of the location for the proposed development

The site is zoned Agriculture and the current planning framework allows for a range of low key commercial activities in the zone e.g. nurseries, childcare premises, restaurant etc.

The site and neighbouring properties are somewhat smaller (16.6 Ha) than many agricultural properties. If the Council wishes to consider this and neighbouring lots as quasi 'Rural Residential' or 'Conservation' lots (given the wetland area dividing them) then this would restrict many of the low key commercial uses permissible in the Agriculture zone. If Council wish to pursue this consideration, a Scheme Amendment process to rezone the land will be necessary, but would not be able to be a consideration in the assessment of this application.

Agency comments

DFES

The City does not agree with the DFES finding that the development is a 'minor development' as it is located in an Agriculture zone and is catering for up to 100 children plus 15 staff. It is therefore clearly not at a scale consistent with that of a residential dwelling and is a vulnerable land use.

Whilst disagreeing with the DFES characterisation of the proposal as a minor development, the City has reviewed the Bushfire Management Plan (BMP) and Emergency Evacuation Plan (EEP) and is satisfied that it generally complies with the requirements of SPP3.7 and the Guidelines for Planning in Bushfire Prone Areas.

It is considered that the BMP and EEP can be endorsed as part of the suite of development plans for approval.

Department of Health

The City notes the comments received from the Department of Health in respect to water supply, waste water disposal and food handling requirements. These matters would be addressed by the City's Health Services and require some further approvals under various health legislation prior to use of the proposed development.

Mosquito management issues warrant a condition of approval requiring a Mosquito Management Plan to be submitted and approved prior to use of the development.

CONCLUSION

It is recommended that the Council grant approval to the development subject to conditions.

OPTIONS

The Council could:

1. Determine that the application is inconsistent with the objectives and policies of the zone in which development is proposed, and refuse the proposal subject to reasons.
2. Apply additional or different conditions.

If any Councillor is minded to either of the above options officers can assist in the drafting of a suitable alternative motion.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The applicant will be notified of the Council's decision within two weeks of a decision consistent with the officer recommendation.

OFFICER RECOMMENDATION

That the Council resolve:

1. That development application DA18/0139 submitted for a Childcare Premises and Educational Establishment at Lot 21 (No.431) Rendezvous Road, Vasse, is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
2. That Development Approval is issued for the proposal referred to above subject to the following conditions:

GENERAL CONDITIONS

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) including any notes placed thereon in red by the City, and except as may be modified by the following conditions.

PRIOR TO THE COMMENCEMENT OF ANY WORKS CONDITIONS:

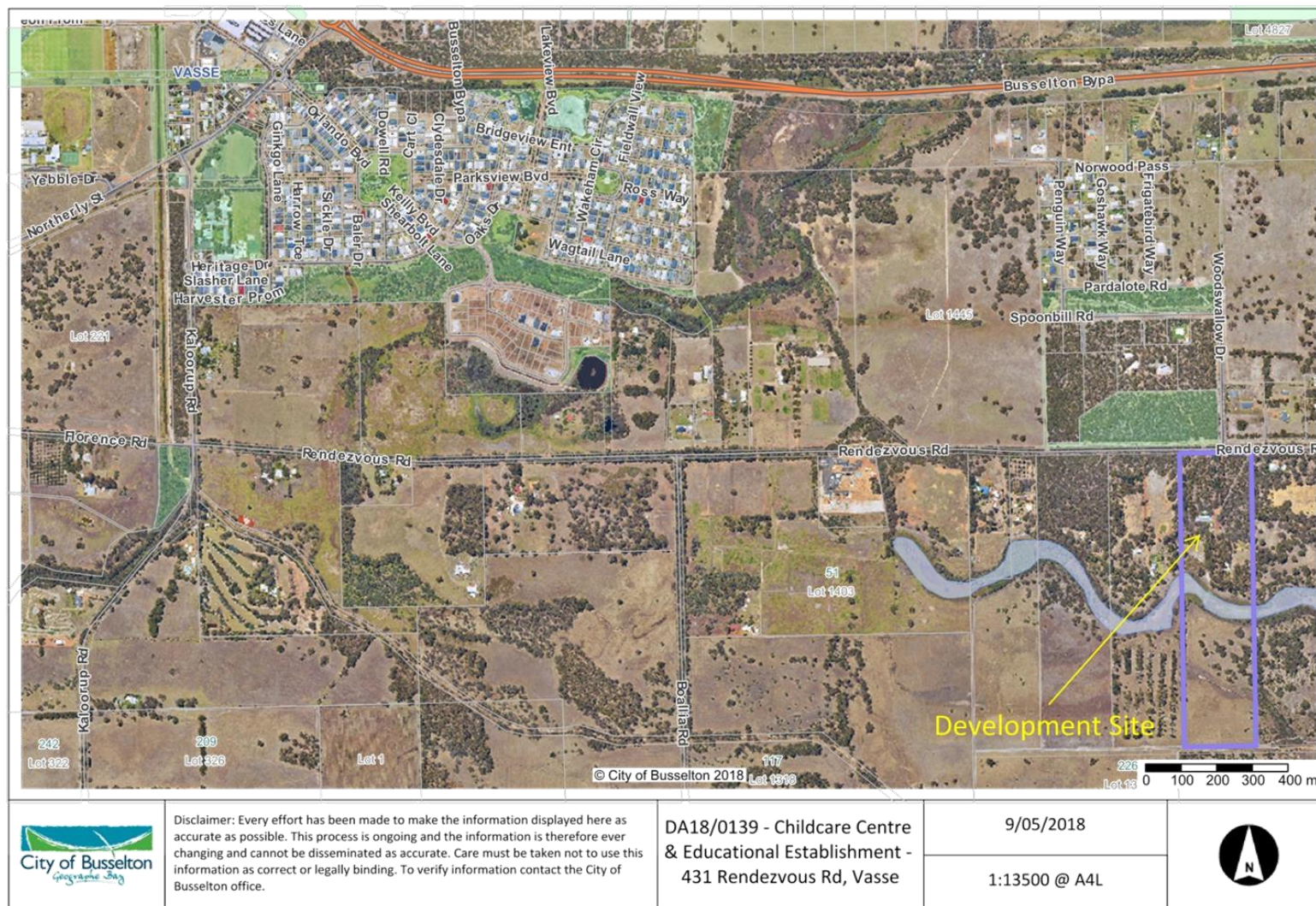
3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
 - 3.1 Details of stormwater and surface water drainage. Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m³ per 65m² of impervious area.
 - 3.2 Details of on-site effluent works.

PRIOR TO THE OCCUPATION/USE OF THE DEVELOPMENT:

4. The development hereby approval shall not be occupied or used until all plans, details of works required by Condition(s) 3 have been implemented and/or the following conditions have been complied with:
 - 4.1 A minimum number of 37 car parking bays (including 1 disabled bay) shall be provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] shall be designed, constructed, sealed, drained and marked.
 - 4.2 A Noise Management Plan to address the practicalities of limiting noise impacts to neighbouring properties (e.g. control the number and composition of children accessing the outdoor play areas at any time).
 - 4.3 A Mosquito Management Plan is to be submitted, approved and implemented to the satisfaction of the City.

ONGOING CONDITIONS:

5. The works undertaken to satisfy Condition(s) 3 and 4 shall be subsequently maintained for the life of the development and the following conditions complied with.
 - 5.1 The operating hours are restricted to 07:30 to 18:30, Monday to Friday only.
 - 5.2 At any time a maximum of 100 children are permitted to be under care at the hereby approved development.



Date: 15 February 2018

The Chief Executive Officer
Planning Officer
Locked Bag 1
BUSSELTON WA 6280

PA18/0001: REQUEST FOR WRITTEN PLANNING ADVICE: PROPOSED CHILD CARE CENTRE WITH ANCILLARY TRAINING COMPONENT: LOT 21 (HSE 431) RENDEZVOUS ROAD, VASSE

Please find attached the information requested in previous correspondence via the PA18/0001. Please note that the application is being made by Darnum Nominees Super Fund which has placed an offer of the property subject to planning approval. The current owners have signed the Application request.

It is proposed that the property is leased by the Darnum Super Fund to Nature's Atelier which will operate a unique nature-based educational programs which provide new opportunities for the residents of the Busselton region.

The following details the proposed activities, and time frame of the development as requested by the city of Busselton for planning change of use.

Nature's Atelier School of Early Learning, After School and Home School Programs, Nature Training Venue.

Nature's Atelier will offer learning Environments which will be designed to provide Nature Based and Creative Learning for Children aged six months to twelve years through Long Day and After School programs. It will take advantage of the rural setting and the general community in the surrounding areas to present an interconnected creative curriculum.

Today's children are increasingly disconnected from our natural world, and the gifts which being able to play freely in the bush, in a paddock, on a farm bring to their development into balanced and happy citizens.

The Vasse property allows creating an environment which will invite children and families into a rural setting to learn about nature, creativity, life cycles close to population centres and population routes. The property is just three minutes from the Vasse Primary School and town centre, twelve minutes from the centre of Busselton and twenty minutes from

Dunsborough/Margaret River. This location will support families in engaging with the Busselton region by seeking a more natural lifestyle, and opportunities for their children to be cared for and educated in a natural and creative environment. Nature's Atelier will provide a safe environment and experienced dedicated nature inspired educators.

The development of the property will specify a fenced Licenced childcare area which will provide a significant outside play area, room for a kitchen garden, orchard and small animals housed in the existing animal yards and buildings. (Chickens, ducks, goats). However, at times and under supervision the children will also explore other aspects of the properties landscape. Observing the native waterbirds and their migration throughout the year, planting native plants to regenerate areas of the block, finding materials to use in their play. This property provides a unique opportunity for the children to truly engage in the natural world.

It is embedded in the values of Nature's Atelier that there is respect for the natural world and a mission to provide children and adults with the opportunity to engage in learning and action which will preserve and repair our environment while at the same time balancing their needs as citizens in the 21st century.

Nature's Atelier will seek to revegetate the property with native flora with a particular emphasis on bush tucker species which will be prepared within the facilities for consumption by the participants in the project. We will also remove some of the Blue Gum plantings to reduce the drain on the groundwater in the area.

Nature's Atelier School of Early Learning

The existing buildings will be modified to accommodate 100 children. The planned development will involve renovations under the existing roof of the current residence and an upgrade of the large outdoor shed.

Stage One - catering for approx 80 children, will involve enclosing the carport and connecting this with the existing building, addition of sinks for a safe food kitchen, removal of internal walls and the addition of junior and disabled toilets. Additionally, recommendations of the Bush Fire Management plan of sealing of the roof cavity and smoke detectors will be completed. Verandas will be submitted for licencing purposes as internal space.

Stage Two, catering for an additional 20 children, will be completed in 2019 and will involve upgrading of the shed by insulating the buildings, adding toilets and replacement of doors.

Planned Opening mid 2018

The Long Day program when fully developed will be offered for up to 100 children (including After School Children) with 15 full-time staff on site. It will operate from 7.30am to 6.00pm.

Nature's Atelier Afterschool and Home School Programs
Planned commencement February 2019

The After School Program will be offered for up to 22 Children and be staffed by three staff from 3 pm to 6 pm in school terms and 7.30 to 6.30 during holiday breaks.
Home School programs will be offered to 15 children aged 4-12 one or two days a week from 9-3 with two staff.

Nature's Atelier Training Venue Planned for development 2019

The proposed training venue will be offered for consideration as a separate building application at a later date. It will utilise the existing building at the back of the property. Attention is being given as to how it can develop as a sustainable building to model responsible development and building to the participants of the training.

Signage

It is proposed to erect signs on the existing brick walls at the entrance. The signs would include Nature's Atelier School of Early Learning, After School Programs. Home School Programs, Training Venue. Details planned will be contact details and logo. The existing property name would be replaced with a similar wooden sign of Nature's Atelier and logo.



Entrance and Driveway.

It is proposed to keep the existing road surface and maintain a compacted gravel road. This road adds to the natural aspect of the environment. Creating an environment which presents as a natural landscape as much as possible is a high priority for the development. (See attached Traffic Impact Statement)

Fencing

It is proposed that a 1800cm black chain mail fence is placed around the licenced childcare area as marked on the attached survey drawing. The fencing will aim to serve as a boundary so that children are aware of their play space but still allow them to see freely into the world outside. Chain link fences are recommended by Kid-safe WA (See attached)

Internal fences will separate animal areas and some areas for supervision.

Noise Assessment

The property is located some distance from any neighbours, the topography is flat, and there are vegetation barriers between all neighbours.

Blue- Nature's Atelier

Red- Neighbours



Wetlands

All development on the property will be within existing buildings which are located away from the wetlands area. Any increased traffic will be towards the Rendezvous Rd entrance.

It is a priority of Nature's Atelier to replant native species where applicable and to live softly on the land. Nature's Atelier activities will be to observe and record wildlife and to restore water levels through the removal of some Blue gum plantings.

The present owners of the land have confirmed in the 40year+ that they have occupied the property there has been no incidents of flooding.

Environmental Health

Asbestos Garden Shed.

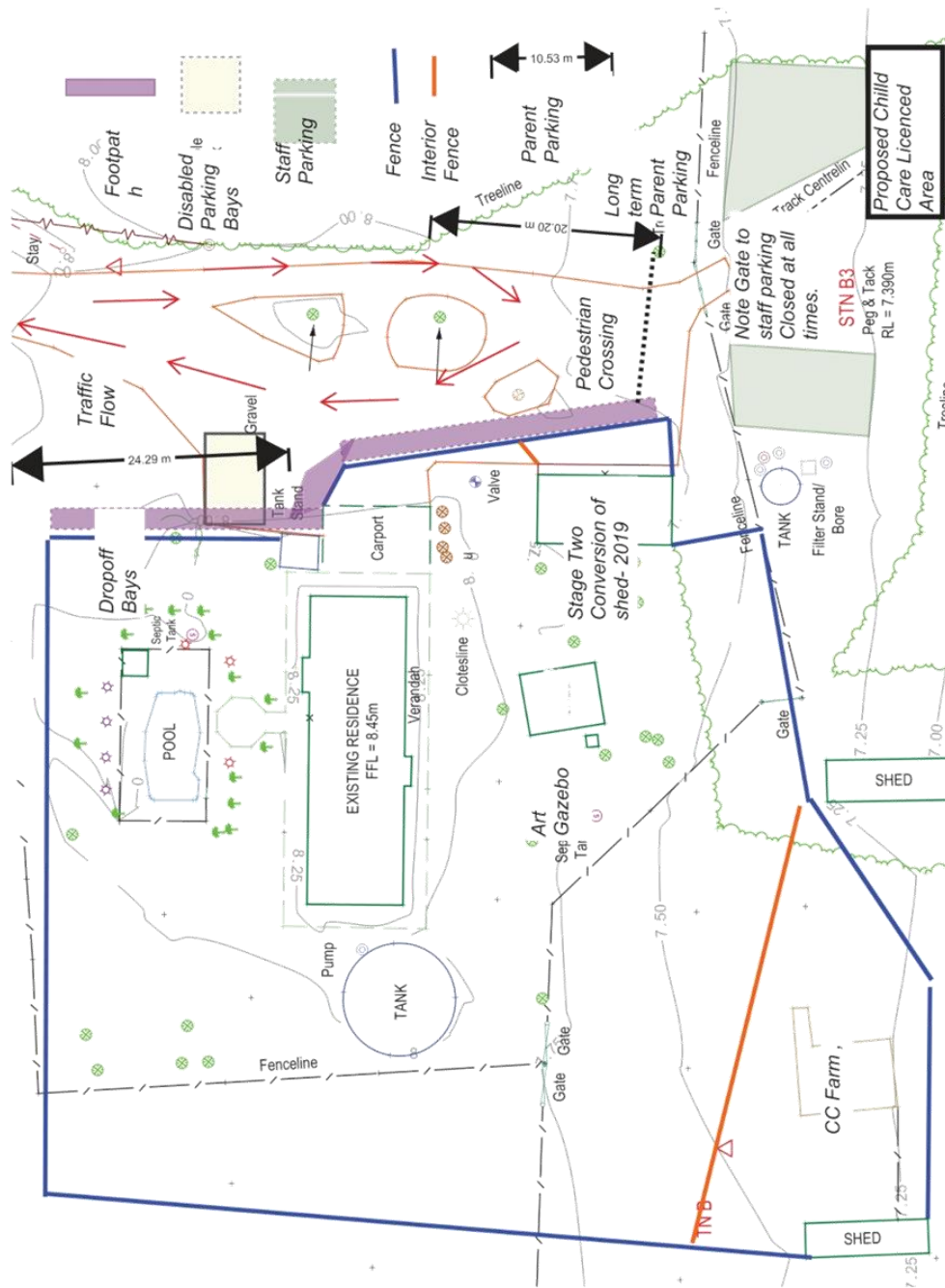
It is noted that there is a garden shed which has asbestos walls. It is a condition of purchase that these walls be removed and the asbestos disposed of safely.

Water Supply –

It is proposed to install a filtration system on the large water tank to filter water to potable standards for the Child Care Facility.

The gardens are serviced by a licenced bore which has filtration installed.



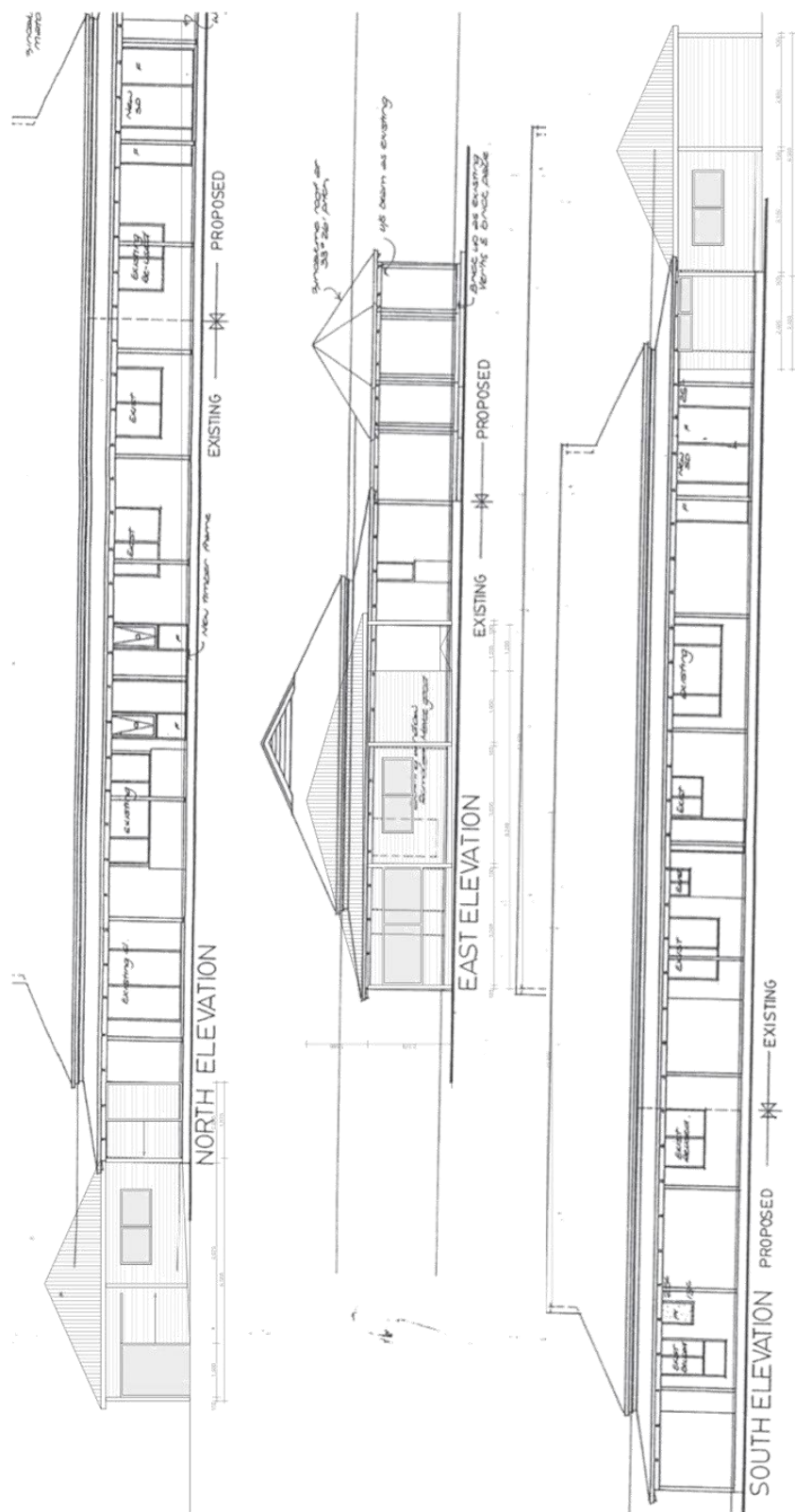


FLOORPLAN
DESIGN STAGE 2
M 1:100 @ DINA3

SHELTER CONSTRUCTION
CAMERON DOUGLAS

DRAWN BY
MORITZ MULLER

PROPOSED DAYCARE AND
EARLY LEARNING CENTRE
431 RENDEZVOUS RD
VASSE



SHELTER CONSTRUCTION
CAMERON DOUGLAS

DRAWN BY
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PROPOSED DAYCARE AND
EARLY LEARNING CENTRE
431 RENDEZVOUS RD
VASSE

ELEVATIONS
DESIGN STAGE 2
M 1:100 @ DINA3



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TRAFFIC IMPACT ASSESSMENT

LOT 21 RENDEZVOUS ROAD, VASSE WA 6280

Proposed childcare centre

Prepared for:	Darnum Super Fund
Date Prepared:	May 2018
Revision:	1.2
City of Busselton Development Application #:	TBA



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INTRODUCTION

AusWide Consulting was commissioned by Darnum Super Fund to prepare a Traffic Impact Assessment for a proposed childcare centre at Lot 21 Rendezvous Road, Vasse. This report will assess the implications of the proposed development on existing traffic, and compliance with Council requirements, and relevant Australian Standards.

In the course of preparing this assessment, the subject site and its environment have been inspected, plans of the development examined, and all relevant traffic data collected and analysed. Full-scale drawings of the proposed development have been provided as part of the Development Application package and reference should be made to these drawings.

BACKGROUND AND EXISTING CONDITIONS

The subject property is located at the corner of 440 Rendezvous Road, Vasse. The subject property is currently developed as a rural-residential property with several structures including an existing dwelling, and a mix of wide open space and moderate vegetation. The subject property has a total site area of approximately 42 acres.

The subject property is located on Rendezvous Road, opposite Woodswallow Drive. Rendezvous Road is a local sealed road under the jurisdiction of City of Busselton, with a single lane in each direction and a posted speed limit of 80km/hr. The roads are characterised by a low volume of traffic, a straight and level driving course, and some property access. An existing dwelling is entered via an access road from Rendezvous Road.

A traffic count conducted in 2015 indicated an AADT of 582 at the east end of Rendezvous Road and 417 at the western end. An average of these two rates would indicate an AADT in the middle of Rendezvous Road of 500. Accounting for an increase over the past three years, the current rate of traffic adjacent to the subject property would be approximately 584 (assuming a rate of growth of 4% plus 4% per year).

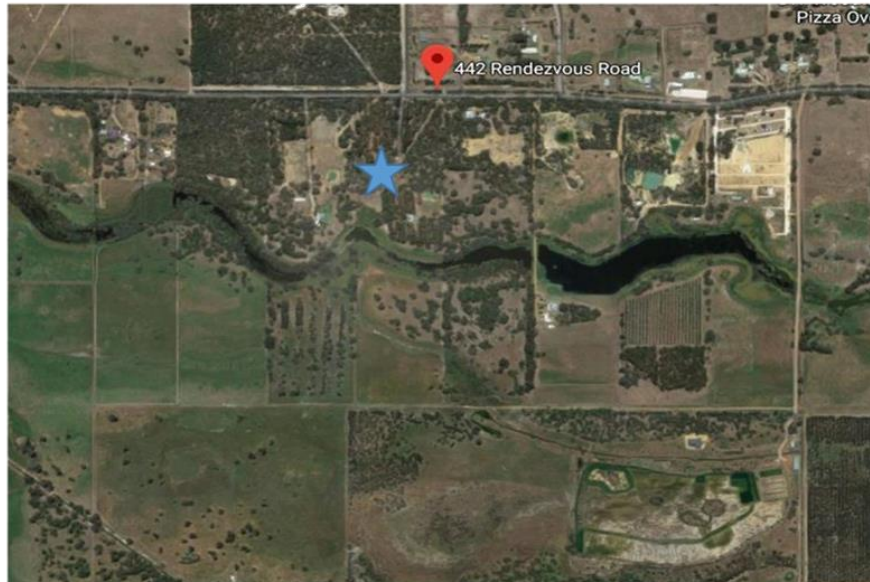


Figure 1: Google Maps imagery of property (existing dwelling shown by blue star)
(Source: Google Maps, January 2018)



Figure 2: Vehicle approaching from east (property on right)
(Source: Google Map, February 2018)



Figure 4: Vehicle approaching from west (property on left)

(Source: Google Map, February 2018)

DEVELOPMENT PROPOSAL

The development proposal consists of renovation of the existing dwelling to convert it into a childcare centre, as per the attached development plans. Much of the balance of the property will remain as open space and environmental living. The existing access road shall be utilised for incoming traffic, and additional fencing shall be constructed to create a safe, enclosed area where children can be monitored.

The childcare centre shall operate between 7:30am and 6:30pm on weekdays (Monday to Friday). It is proposed that the licence for operation of the childcare centre be for 100 children. The intended breakdown of age groups is approximately 36 infant/toddler, 40 kindergarten, and 24 after school. The differing age groups shall be under the same roof but be cared for by employees with a breakdown of 8 infant/toddler, 4 kindergarten, 2 after school educators, and 3 additional staff for a total of 17 staff.

The developer is proposing 20 parking spaces for parent/guardians, and 20 parking spaces for staff.



TRIP GENERATION AND TRAFFIC IMPACT

The development proposal is considered to be a “Childcare Centre – Long day care” as per Section 5.12.3 of the Roads and Traffic Authority’s (now Roads and Maritime Services) *Guide to Traffic Generating Development (2002)*. The following trip rates have been adopted/assumed based upon the Guide:

- Long day care (7am-9am) = 0.8 trips per child in care;
- Long day care (2:30pm-4pm) = 0.3 trips per child in care;
- Long day care (4pm-6pm) = 0.7 trips per child in care;

The peak hour for a childcare centre is typically considered to be the morning and evening commuter peak, where parents drop off or pick up their children on the way to or from work. Using the above rates, and dividing by half to obtain the single hour peak), the following peak hour trips are obtained:

- Long day care (7am-9am) = $100 \times 0.8 = 80$ trips per period;
- Long day care (2:30pm-4pm) = $100 \times 0.3 = 30$ trips per period;
- Long day care (4pm-6pm) = $100 \times 0.7 = 70$ trips per period;

Thus, the total peak hour trips generated by the proposed development is 40 and represents 1 trips every 1.5 minutes during the morning peak hour. It is expected that the highest number of children shall be dropped off in the morning peak, with children to be picked up over a wider period of time (approximately 3:00-6:30pm). It is also to be considered that many trips on the greater road network will not be generated solely by the development, but rather deviated from existing trips (i.e. people commuting between work and home will divert to the childcare centre, rather than make dedicated trips between their home and the childcare centre).

As above, the estimated average annual daily traffic is 585 vehicles per day, with a morning peak hour of 8am and an evening peak of 3pm (City of Busselton traffic counts 2015). Therefore, it is considered that there would be some impact upon traffic conditions in the immediate area however, due to the proximity to Busselton Bypass (and planned Busselton Outer Bypass which would be expected to draw through traffic away from Rendezvous Road), the additional trips can quickly be absorbed by the arterial road network.



CAR PARKING ASSESSMENT

Provision of car parking spaces

The car parking requirements for childcare centres are defined in 'Car Parking Provisions' of the City of Busselton Local Planning Policy Part 7. As per the table in Part 7 (6), minimum off-street parking requirements for 'pre-school' is calculated at a rate of:

- 1 space per five children cared for;
- 1 space per staff member (staff determined by *Child Care and/or Outside School Hours Care Regulations (2006)*)

Thus, minimum parking requirements are as follows:

- Minimum off-street parking requirement = 100 children x 0.2 + 17 staff x 1 = 37 parking spaces

Thus, the total minimum parking requirement as per the City of Busselton is 37 car parking spaces, of which 40 spaces have been proposed by the developer (20 for staff, and 20 for parents/guardians). Two of these spaces have been designated for accessible parking, which is suitable for a car park of this size. 11 bicycle parking spaces are also required as per the Local Planning Policy; however due to the rural setting (and need to safely transport young children) of the development, it is not anticipated that bicycle parking for parents shall be needed.

Minimum parking requirements and actual provision are summarised in Table 2.

Unit type	Quantity	City of Busselton Local Planning Policy Manual		Actual spaces proposed
		Minimum requirement per unit	Minimum spaces required (rounded)	
Parent	100	1 per 5 children	20	20
Staff	17	1	17	20
			37	40

Table 2: Overview of parking requirements and provision



Thus, the minimum off-street parking requirements as per City of Busselton Local Planning Policy have been entirely provided, with an oversupply of three parking spaces. Further comment may be provided by the City regarding pickup and drop-off parking requirements.



CAR PARK DESIGN AND COMPLIANCE

This section will investigate the compliance internal car parking and circulation requirements outlined in AS 2890.1-2004, in addition to the City of Busselton Local Planning Policy.

CAR PARKING DESIGN

Car Space Dimensions

All childcare (user class 3) parking spaces are located inside the property, and shall be compliant with the council's Geometric Standards in the Local Planning Policy:

- Bay width greater than 2.5m;
- Bay length of at least 5.5m;
- Aisle width greater than 6.7m.

Accessible Car Spaces

It is recommended that an accessible space be provided in accordance with AS2890.6. The space shall have an adjacent 'shared area' and is located as close as possible to the door.

Vehicle crossover and circulation

It is proposed that the existing crossover shall continue to be utilised which appears appropriate for two way traffic. Two standard vehicles may pass on the gravel road, and through the boundary wall at the intersection with the road.

All vehicles are able to leave the site in a forward direction. Curved splays are provided at each side of the crossover to ensure that vehicles leaving the site are aware of oncoming vehicles. Pedestrian activity is not expected.

Entering sight distance

The default urban speed limit of 80km/h applies to Rendezvous Road. For roads with an 80km/h limit, AS2890.1-2004 specifies a minimum sight distance of 105m. Rendezvous Road is straight and level, and offers good visibility (over 200m) in the road reserve in both directions. The street tree foliage is at a higher level than driver eye height (assumed to be 1.15m from ground level as per AS2890.1) and the trunks of the trees are not expected to significantly obstruct driver vision. Vehicular intensity along Rendezvous Road is expected to be low, with high-speed traffic using the nearby bypass. No additional treatment of the intersection between the property and Rendezvous Road is proposed.



CONCLUSIONS

Based on the assessment presented in this report, it is considered that:

- The proposed site has good access to public transport and walking alternatives and it is expected that the full utilisation of parking shall not be exceeded;
- The proposed site will generate a moderate number of additional trips, particularly in the morning (and to lesser extent, evening) peak hour. Given the proximity to the Busselton Bypass (and proposed Busselton Outer Bypass), the number trips can be quickly accommodated by the local traffic network. Light impact is expected upon the local traffic network, with negligible impact on the greater road network;
- The proposed development meets minimum off-street parking requirements as required under the City of Busselton Local Planning Policy 7. An oversupply of three parking space has been provided;
- Vehicles are capable of entering and leaving the property in a forward direction, and onto a relatively quiet road. There is little obstruction to visibility for both oncoming vehicles and pedestrians. Low level vehicular and negligible pedestrian traffic is expected in the locality, and no significant impact is expected on Rendezvous Road
- The car park assessment indicates that the design of the circulation road and common parking spaces shall be compliant with the City of Busselton Local Planning Policy and supporting guidelines, including AS2890.1;

As per the above, the subject development is endorsed within the context of traffic and parking, subject to consideration of the City of Busselton. The proposed development is unlikely to adversely impact existing traffic conditions and the car parking provision proposed on-site is deemed adequate for the proposed land use.



Bushfire Management Plan Coversheet

This Coversheet and accompanying Bushfire Management Plan has been prepared and issued by a person accredited by Fire Protection Association Australia under the Bushfire Planning and Design (BPAD) Accreditation Scheme.

Bushfire Management Plan and Site Details

Site Address / Plan Reference: 431 Rendezvous Road

Suburb: Vasse

State: WA

P/code: 6280

Local government area: City of Busselton

Description of the planning proposal: Tourist venture Early Education Centre

BMP Plan / Reference Number: 18476

Version: B

Date of Issue: 12/02/2018

Client / Business Name: Gillian McAuliffe

Reason for referral to DFES	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the BPC elements)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the proposal any of the following special development types (see SPP 3.7 for definitions)?		
Unavoidable development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Strategic planning proposal (including rezoning applications)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Minor development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
High risk land-use	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vulnerable land-use	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the development is a special development type as listed above, explain why the proposal is considered to be one of the above listed classifications (E.g. considered vulnerable land-use as the development is for accommodation of the elderly, etc.)?
Tourist venture (Early Education Centre) within a bushfire prone area.

Note: The decision maker (e.g. local government or the WAPC) should only refer the proposal to DFES for comment if one (or more) of the above answers are ticked "Yes".

BPAD Accredited Practitioner Details and Declaration

Name	Accreditation Level	Accreditation No.	Accreditation Expiry
Gary McMahon	Level 3	35078	11/2018
Company	Contact No.		
Ecosystem Solutions	0427 59 1960		

I declare that the information provided within this bushfire management plan is to the best of my knowledge true and correct

Signature of Practitioner

Date 12/02/2018



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Bushfire Management Plan and Emergency Evacuation Plan

431 Rendezvous Road Vasse

9 February 2018

Prepared for:
Darnum Super Fund, Gillian & Michael McAuliffe



Limitations Statement

This report has been solely prepared for Darnum Super Fund, Gillian & Michael McAuliffe. No express or implied warranties are made by Ecosystem Solutions Pty Ltd regarding the findings and data contained in this report. No new research or field studies were conducted other than those specifically outlined in this report. All of the information details included in this report are based upon the research provided and obtained at the time Ecosystem Solutions Pty Ltd conducted its analysis.

In undertaking this work the authors have made every effort to ensure the accuracy of the information used. Any conclusions drawn or recommendations made in the report are done in good faith and the consultants take no responsibility for how this information and the report are used subsequently by others.

Please note that the contents in this report may not be directly applicable towards another organisation's needs. Ecosystem Solutions Pty Ltd accepts no liability whatsoever for a third party's use of, or reliance upon, this specific report.

STATEMENT OF CONFORMITY - PLANNING AND DEVELOPMENT ACT 2005



Gary McMahon

B.Sc. M. Env Mgmt. PG Dip Bushfire Protection. C.EnvP, BPAD Level 3 (35078)

The signatory declares that this Bushfire Management Plan meets the requirements of State Planning Policy 3.7.

Document Control

Client - Darnum Super Fund, Gillian & Michael McAuliffe

Site - 431 Rendezvous Road Vasse

Version	Revision	Purpose	Author	Reviewer	Submitted	
					Form	Date
Draft Report	Rev A	Draft Report	DP	GM	Electronic (email)	9/02/2018

Filename: \\ECONAS\Data\PROJECTS\18476 431 Rendezvous Rd Vasse BMP Tourism\Reports\431 Rendezvous Rd Vasse BMP Evac Plan v2.docx



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Appendix 1	BAL Assessment Report
Appendix 2	Risk Analysis
Appendix 3	Emergency Evacuation Plan AS.3745 - 2010 (Amd2)

EXECUTIVE SUMMARY

Site Details					
Address			431 (Lot 21) Rendezvous Road Vasse		
Local Government Area			City of Busselton		
Development Application					
Application		Information Requirements	Location	Occupants	
Early Education Centre Vulnerable land use		Bushfire Management Plan Emergency Evacuation Plan	Rural Residential	Up to 100	
Determined BAL					
AS 3959 Assessment Procedure	Vegetation Classification	FDI	Effective Slope	Separation Distance to any building	BAL
Method 1	Class B Woodland	80	Flat	14m	BAL-29

This document presents an assessment of a proposed Early Education Centre with capacity for 100 people, in accordance with the requirements of State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas (WAPC, V1.2 August 2017). This includes an assessment against each of the Bushfire Protection Criteria and the requirement for an Emergency Evacuation Plan.

The Site is located in a rural residential area, 10km from the township of Vasse.

The proposal is for the modification of an existing Class 1a building to establish an Early Education Centre for up to 100 people.

Pursuant to SPP3.7, all development providing areas for children is classed as 'vulnerable' development.

A 'vulnerable' development is required to have an endorsed Bushfire Emergency Evacuation Plan.

The purpose of this report is to assess the *suitability of the building for the intended purpose and further to the primacy placed upon human life, assessing the requirements needed for caring for 'vulnerable' people.*

The Site has been assessed as BAL-29 standard. A safe evacuation route has been identified.

Seasonal and regular site management activities will assist the building's resistance to bushfire, such as ensuring there is no build-up of leaf litter or flammable material against the building.

It is however essential, if a building is to be used to host vulnerable people, that it can also perform as a place of refuge as a last resort. It is therefore essential that in providing an area for children, the building's prospects to survive a Bushfire Attack are maintained at the construction requirements, for the determined BAL rating, described in AS 3959-2009.

Caring for vulnerable people

The Bushfire Attack Level that will be experienced at the peak of the fire is comparatively moderate (BAL-29). By comparison this is still well above the level of human tolerance (BAL-3).

Fire typically has a progressive build up to a peak followed by a progressive decay; the peak (fire front) lasting between two to five minutes. People at the site will need to take shelter in a bushfire event.

Conditions during a fire can be hazardous and frightening. Ignited embers and heavy smoke can be expected, visibility can be significantly reduced, and it can be extremely windy and noisy. Unless prepared, and as may be expected of vulnerable visitors - people can become frightened and make dangerous choices. For this reason, evacuation is the preferred option, but sometimes, and if the warning time is short, shelter in the building is the only option.

Construction to BAL standards is no guarantee that a building may not be lost to a bushfire. Importantly though the construction measures improve resistance to provide an important delay between the fire front passing and internal conditions becoming untenable, that can enable a safe evacuation. Assembly at a quick exit point whilst the fire front passes is therefore essential.

Many buildings are lost after the fire front has passed, due to a small fire starting in poorly prepared grounds and material accumulated against the building. After the fire front has passed the grounds and observable areas (this excludes the roof in all practicality) should be inspected and small fires, and smouldering material extinguished. The house should be inspected after the fire has passed and continue to be monitored for up to 24 hours for any delayed fire from smouldering materials not initially seen.

It is important to note that there is no obligation upon any visitor to take action to defend the building from bushfire attack.

Conclusion

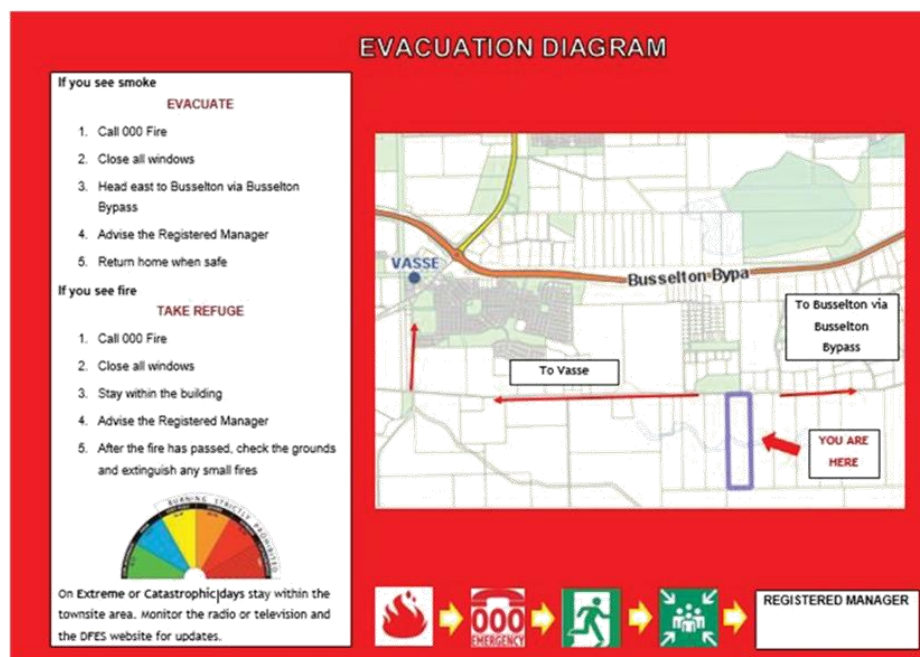
The house at **431 Rendezvous Road Vasse** is appropriate for use as an Early Education Centre.

This justification however, is conditioned upon the following recommendations being implemented prior to commencement of operation:

1. Gutter guards shall be provided to all gutters and roof valleys (in accordance with section 7.6 AS 3959-2009).
2. Fire screens (steel mesh maximum aperture 2mm) shall be provided to all windows and doors (in accordance with section 7.5 AS 3959-2009).
3. Roof penetrations are sealed with fire resistant sealant and gaps more than 2mm are eliminated (in accordance with section 7 AS 3959-2009). An independent inspection and Certificate is to be provided confirming that the presence of gaps exceeding 2mm has been eliminated.
4. Hard wired smoke detectors shall be installed in each habitable room.
5. A 4kg chemical Fire Extinguisher shall be provided.
6. External water (fire) hoses, capable of applying water to each part of the building shall be provided.
7. The APZ shall be established and maintained as a minimum 14m around the perimeter of the building.
8. All trees and flammable material shall be no closer than 5 metres from any point on the building.
9. A 10,000 L water supply for firefighting purposes, and capable of providing water at an adequate pressure to fire hoses independent of mains power be provided above potable water requirements. This can be by ensuring an appropriate reserve is left in the tank adjacent to the bore by placing domestic outlet at an appropriate height.
10. The Emergency Evacuation Plan is implemented and reviewed annually.
11. The Emergency Evacuation diagram is installed on the inside face of all external doors procedure is clearly visible by visitors.
12. Seasonal and daily (during the fire season) preparations are implemented (refer to Appendix 3).
13. A section 70A Notice will be required on title to provide succession for the responsibilities outlined in this report, including the requirements of the Bushfire Emergency Evacuation Plan.

This Notice should read:

"The house at 431 (Lot 21) Rendezvous Road Vasse is in a bushfire prone area. The use of the house as a holiday home, is classified as a vulnerable development. The approval of the house at 431 (Lot 21) Rendezvous Road Vasse for use as a holiday home is conditional to the details contained within the Bushfire Management Plan (BMP) dated 9th February 2018 and the accompanying Bushfire Emergency Evacuation Plan (BEEP). The house and the surrounds will be maintained as such that they provide resistance to a radiant heat flux of 29kW/m² (BAL-29)."



1 PROPOSAL

1.1 Introduction

This Bushfire Management Plan (BMP) has been prepared in accordance with the simplified procedure for Minor development.

1.2 Background

The Site is located at 431 Rendezvous Road in the Local Government Area of the City of Busselton.

The Proposal is for the modification of a Class1a building to be used as a commercial Early Education Centre. Layout plans for depicting the building location on the lot and the design of the building are provided in Figure 1 and Figure 2.

The building is brick with a metal sheet roof on a concrete pad.

The Site is in a rural residential area within the township of Vasse. Managed gardens surround the building. Woodland with planted species of Blue Gums and scattered Peppermint trees are on a flat slope, 14m from the building.

The Site is declared as bushfire prone.

The current building has been determined to be rated as BAL-29 (BAL assessment attached in Appendix 1).

Access to the Site is from Rendezvous Road with Vasse township 5km to the west and Busselton township 10km to the east of the Site. As the predominate winds come from the south west, the most likely fire will come from the south west with an exit required to Busselton. Busselton is accessed via Queen Elizabeth Avenue and Busselton Bypass which are wide, well-constructed public roads with an 8m bituminous seal.

The Fire Danger Index (FDI) for Western Australia is 80, and the fire season is between December and March each year. Extreme days mostly occur in January and February.

Extreme fire days are typified by strong south westerly winds in the afternoon. A likely fire will arrive from the south west, which has a flat slope from the Site.

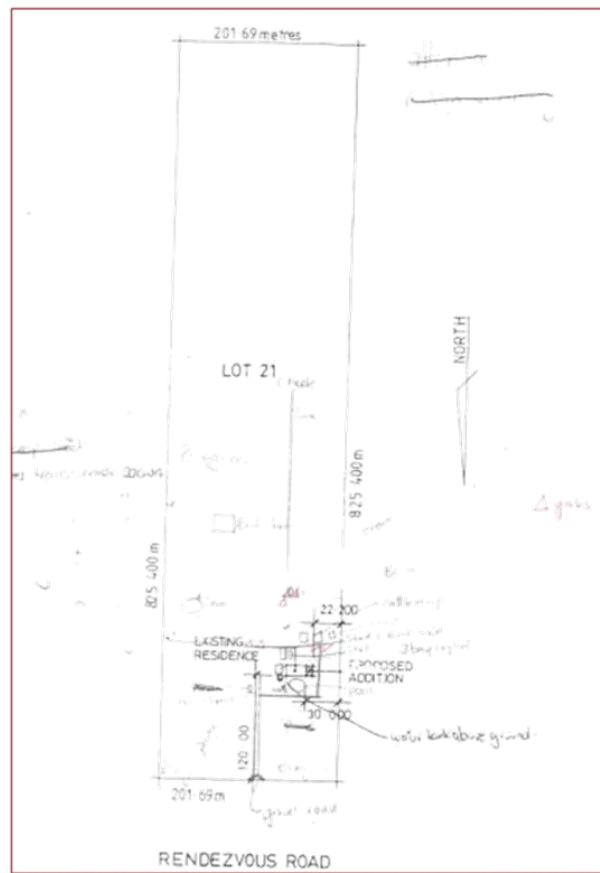


Figure 1 431 Rendezvous Road Lot Layout

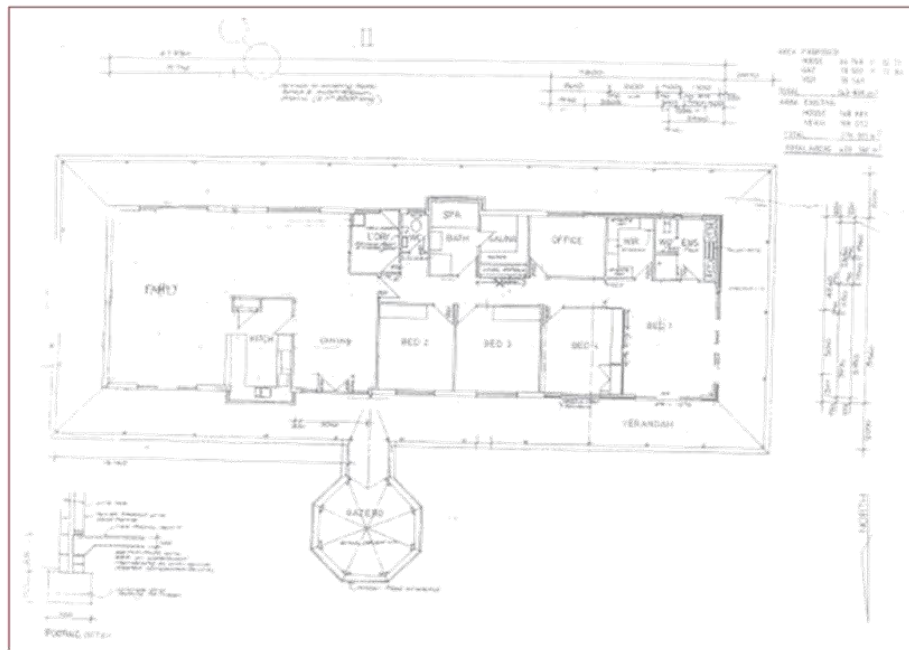


Figure 2 431 Rendezvous Road Building Layout

1.3 Stakeholders

Landowner 431 Rendezvous Road Vasse

The Landowner's requirements are:

- To comply with State Planning Policy 3.7.
- To maximise the commercial use as an Early Education Centre.
- To ensure the protection of the safety, health and well-being of the visitors.
- To accept superficial damage to buildings and grounds will occur during a bushfire event.
- To acknowledge the support of emergency services for fire suppression cannot be relied upon in a bushfire event.

1.4 Regulatory Compliance Requirements

On 7 December 2015 the State Government introduced by Gazette, a state map of Bushfire prone areas by order under the *Fire and Emergency Services Act 1998* and introduced development controls in bushfire prone areas through the *Planning and Development Act 2005*. These controls were in turn guided by Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas.

The State Planning Policy and Guidelines now form the foundation for fire risk management planning in WA at a community and land development level.

The State Planning Policy recognised that whilst bushfire is now an important consideration in subdivision design and protecting the community, there are many lots not yet developed and many buildings that do not comply with contemporary construction requirements for bushfire prone areas. In response State Planning Policy provides a category for 'Minor' development, which refers to applications in residential built out areas at a scale which may not require full compliance with the relevant policy measures.

Significant to this proposal, a minor development includes a change to a vulnerable land use in an existing residential development.

Vulnerable Land Uses (Guidelines for Planning in Bushfire Prone Areas cl.5.5.1)

Typically, *Vulnerable* land uses are those where persons may be less able to respond in a bushfire emergency. These can be categorised as one or more of the following:

- *Land uses and associated infrastructure that are designed to accommodate groups of people with reduced physical or mental ability such as the elderly, children (under 18 years of age), and the sick or injured in dedicated facilities such as aged or assisted care, nursing homes, education centres, family day care centres, child care centres, hospitals and rehabilitation centres; and*

- Where a proposed use will be contained within an existing single residential development or ancillary dwelling or associated outbuilding, and at a scale consistent with that of a typical existing residential dwelling, there may be reason for these to be treated as 'minor development'. These uses may include bed and breakfast, family day care or home business; and
- Consideration should be given to an Emergency Evacuation Plan and included within the statement against the bushfire protection criteria.

Synthesis of Regulatory Requirements for Early Education Centres

An Early Education Centre within rural residential area can be classed as a Minor Development but as a 'Vulnerable' land use, it will require an Emergency Evacuation Plan.

The Emergency Evacuation Plan (provided in Appendix 3) should be preceded by a risk assessment (provided in Appendix 2) to determine the best approach to be followed in the Emergency Evacuation Plan. This will include considering the determined BAL level with the construction of the building, the practical opportunities to improve the buildings resistance to bush fire, and the safety of the evacuation route. This should inform whether it is safest to evacuate or seek refuge.

2 Environmental Considerations

2.1 Native vegetation - modification and clearing

The proposal is to allow a modification to a building for use as an Early Education Centre. The vegetation on the Site consists of planted Blue Gums and scattered Peppermint trees. There is no modification required to the vegetation.

Is the land affected by:	No	Yes - describe
Conservation Covenant	No	Nil
Bushforever	No	Nil
Conservation Wetland or buffer	No	Nil
Threatened Ecological Communities	No	Nil
Declared rare flora	No	Nil
Environmentally Sensitive Area	No	Nil
Significant for conservation Local Strategy	No	Nil

2.2 Re-vegetation /Landscape Plans

No active revegetation is required.

3 BUSHFIRE ASSESSMENT

3.1 Bushfire Attack Level Assessment

See Appendix 1

3.2 Determined Bushfire Attack Level

The Determined Bushfire Attack Level (highest BAL) for the proposal has been determined in accordance with clause 2.2.6 of AS 3959-2009.

Determined Bushfire Attack Level	BAL-29
----------------------------------	--------

4 BUSHFIRE RISK CONTROLS

4.1 Appendix 4 Bushfire Protection Criteria

ELEMENT 1: LOCATION	
Intent: To ensure that strategic planning proposals, subdivision and development applications are located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure.	
Acceptable Solution	Compliance
A1.1 Development location. The strategic planning proposal, subdivision and development application is located in an area that is or will, on completion, be subject to either a moderate or low bushfire hazard level, or BAL-29 or below.	Yes, the BAL assessment has determined to be BAL-29. Further justification against SPP 6.7.1, is not required.

ELEMENT 2: SITING AND DESIGN OF DEVELOPMENT	
Intent: To ensure that the siting and design of development minimises the level of bushfire impact	
Acceptable Solution	Compliance
A2.1 Asset Protection Zone Every habitable building is surrounded by, and every proposed lot can achieve, an APZ depicted on submitted plans, which meets the following requirements: – Width: Measured from any external wall or supporting post or column of the proposed building, and of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m ² (BAL-29) in all circumstances. – Location: the APZ should be contained solely within the boundaries of the lot on which the building is situated, except in	Yes, the BAL assessment has determined to be BAL-29. A APZ can be maintained within the Lot.

instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity (see explanatory notes). – Management: the APZ is managed in accordance with the requirements of 'Standards for Asset Protection Zones'. (see Schedule 1)	
---	--

ELEMENT 3: VEHICULAR ACCESS	
Intent: Intent: To ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event.	
Acceptable Solution	Compliance
<p>A3.1 Two access routes</p> <p>Two different vehicular access routes are provided, both of which connect to the public road network, provide safe access and egress to two different destinations and are available to all residents/the public at all times and under all weather conditions.</p> <p>A3.2 Public road</p> <p>A public road is to meet the requirements in Table 4, Column 1.</p> <p>A 3.5 Private driveways >50m (summarised)</p> <p>To meet requirements shown in Table 4 column 3</p> <ul style="list-style-type: none"> • 4 m trafficable surface • 6m horizontal clearance • 15t min weight capacity 	<p>Yes, two public road networks provide safe access and egress to two different destinations. Rendezvous Road connects to Vasse township 5km to the west and Busselton township 10km to the east of the Site.</p> <p>Busselton Highway and Busselton Bypass are major public roads. The public roads are well constructed and meets standards of clear shoulders and good vision.</p> <p>The private gravel driveway is approximately 74m in length with a width of 5m and 1m shoulder on each side. There is a gravel turn around area at the end near the house and adjoining the Fire Water Supply tank. The driveway meets the requirements outlined in Guidelines for Planning in Bushfire Prone areas.</p>

ELEMENT 4: WATER	
Intent: To ensure that water is available to the subdivision, development or land use to enable people, property and infrastructure to be defended from bushfire.	
Acceptable Solution	Compliance
A4.2 Non-reticulated areas Single lots above 500 m ² need a dedicated static water supply that has an effective capacity of 10,000 litres.	Yes, the Site has a 22,713L water tank at the end of the driveway with turnaround suitable for a firetruck. A supply of 10,000L will be maintained within the tank for firefighting purposes.

4.2 Vulnerable Development Emergency Evacuation (cl6.6)

Appendix 2 includes an Emergency Evacuation Plan. This plan has followed the State Government of Victoria CFA Guide to Developing a Bushfire Emergency Plan to determine whether evacuation or refuges presented the safest option. It followed the NSW Rural Fire Service - Guide to Developing a Bush Fire Emergency Management Plan, the Bushfire Protection Guidelines WA, and AS 3745-2010 to identify the triggers for Evacuation.

Assumptions

- That no child is left unattended.
- That the people minding the children can see and smell smoke and can see a fire.
- That people minding the children can read and understand the English language.

Given the children will not be left unattended and that a bush fire is most likely to spread from the south west with an exit to the east, there is adequate means for evacuation. Any evacuation should be by car because a car will provide a level of protection and minimise the time exposed to extreme conditions compared to travel as a pedestrian.

The choices are either to evacuate early by car or shelter in place.

The building is within a bushfire prone area and will be required to align as best as possible with the BCA requirements for BAL-29 under AS 3959-2009. Therefore, while evacuation is preferred, the building should be able to provide adequate protection during a bushfire if no alternative exits.

Key feature to achieve occupant life safety include:

- Establishing alert triggers;
- Establishing shelter procedure; and
- A clear display of shelter location and procedure.

Note: the fire front will be preceded by an ember attack for a period longer than the passage of the fire front itself, with a relatively quick decay after its passage. Secondary fires in structures can pose a longer duration of hazard. The building used as a refuge may be ignited although it is expected that sufficient time is provided after the fire front has passed to safely escape the building. Importantly any refuge taken must monitor conditions and be prepared to evacuate the building when safest to do so - after the fire front has passed.

4.3 Bushfire Management Strategies

Recommended measures required to achieve compliance with the Bushfire Protection Criteria:

Recommendation 1

The house is built prior to Bushfire Standard requirements, however practical comparable measures should be undertaken to improve the resistance of the existing residence/house to Bushfire Attack, particularly ember attack.

These measures include:

1. Gutter guards shall be provided to all gutters and roof valleys (in accordance with section 7.6 AS 3959-2009).
2. Fire screens (steel mesh maximum aperture 2mm) shall be provided to all windows and doors (in accordance with section 7.5 AS 3959-2009).
3. Roof penetrations are sealed with fire resistant sealant and gaps more than 2mm are eliminated (in accordance with section 7 AS 3959-2009). An independent inspection and Certificate is to be provided confirming that the presence of gaps exceeding 2mm has been eliminated.

Recommendation 2

The building complies with the commercial requirements under the Building Code of Australia.

This includes:

1. Hard wired smoke detectors shall be installed in each habitable room.
2. A 4kg chemical Fire Extinguisher shall be provided within the building with instructions of use.

3. External water (fire) hoses, capable of applying water to each part of the building shall be provided.

Recommendation 3

The APZ shall be maintained as a minimum 14m around the perimeter of the building. All trees and flammable material shall be no closer than 5 metres from any point on the building.

Recommendation 4

A 10,000 L water supply for firefighting purposes, and capable of providing water at an adequate pressure to fire hoses independent of mains power be provided above potable water requirements. This can be ensuring an appropriate reserve is left in the tank adjacent to the bore by placing domestic outlet at an appropriate height.

Recommendation 5

The Bushfire Emergency Evacuation Plan (Appendix 3) is implemented:

- The Emergency Evacuation Plan is reviewed annually.
- The Emergency Evacuation diagram is installed on the inside face of all external doors procedure is clearly visible by visitors.
- Seasonal and Daily (during the fire season) preparations are implemented (refer to Appendix 3).

Recommendation 6

A section 70A Notice will be required on title to provide succession for the responsibilities outlined in this report, including the requirements of the Bushfire Emergency Evacuation Plan.

This Notice should read:

"The house at 431 (Lot 21) Rendezvous Road Vasse is in a bushfire prone area. The use of the house as a holiday home, is classified as a vulnerable development. The approval of the house at 431 (Lot 21) Rendezvous Road Vasse for use as a holiday home is conditional to the details contained within the Bushfire Management Plan (BMP) dated 9 February 2018 and the accompanying Bushfire Emergency Evacuation Plan (BEEP). The house and the surrounds will be maintained as such that they provide resistance to a radiant heat flux of 29kW/m² (BAL-29)."

4.4 Conclusion

The qualitative assessment comparing the proposal with the bushfire threat with the Bushfire Protection Criteria has identified practical solutions to achieve occupant life safety and minimise the damage to buildings.

This justification is based upon:

- The Site being a BAL-29, with two vehicular public road exit routes and with suitable water supply.
- The building can be used as a shelter as a last resort, if required, with the modifications detailed in this BMP being implemented.
- Landowners implementing their ongoing management responsibilities as outlined below.

5 RESPONSIBILITIES FOR IMPLEMENTATION AND MANAGEMENT

5.1 Landowner

The Landowner is responsible for implementing all recommendations within this BMP and Emergency Evacuation Plan (detailed in Section 4.3, Bushfire Management Strategies).

The Landowner is responsible for availing themselves of any promotions and information to assist visitors in preparing for and responding to a bushfire event as may be made by the City or the Department Fire and Emergency Services.

The Landowner acknowledges that:

- BAL-29 is a medium radiant heat rating, although ignited embers finding flammable materials will be the greatest threat; and
- Bush fire protection is their responsibility. Assistance from emergency services in an event should not be relied upon.

5.2 Local Government

The City of Busselton is responsible for:

- Develop and maintain district bushfire fighting services and facilities.
- Administer the *Bushfire Act 1954* and monitor landowner compliance.
- Promote education and awareness of bushfire prevention and preparation measures through the community.
- Administer the requirements of the *Planning and Development Act 2005* and the *Building Act 2011*.

5.3 Acknowledgement

Acknowledgement - Proponent

I hereby understand the purpose of the requirements and accept the responsibilities of the Proponent/Owner as listed above.



Appendix 1 BAL Assessment Report

BAL Assessment Report

AS 3959 Bushfire Attack Level (BAL) Assessment Report

Site Details			
Address:	431 Rendezvous Road		
Suburb:	Vasse	State:	WA
Local Government Area:	City of Busselton		
Description of Building Works:	Modification to the existing building and infrastructure to enable a commercial Early Education Centre.		

Report Details			
Report / Job Number:	18476	Report Version:	A
Assessment Date:	2 February 2018	Report Date:	9 February 2018

Site Assessment & Site Plans

The assessment of this site / development was undertaken on **02 / 02 / 2018** by a BPAD Accredited Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS 3959-2009 Simplified Procedure (Method 1). The BAL assessment is provided in Figure 1.

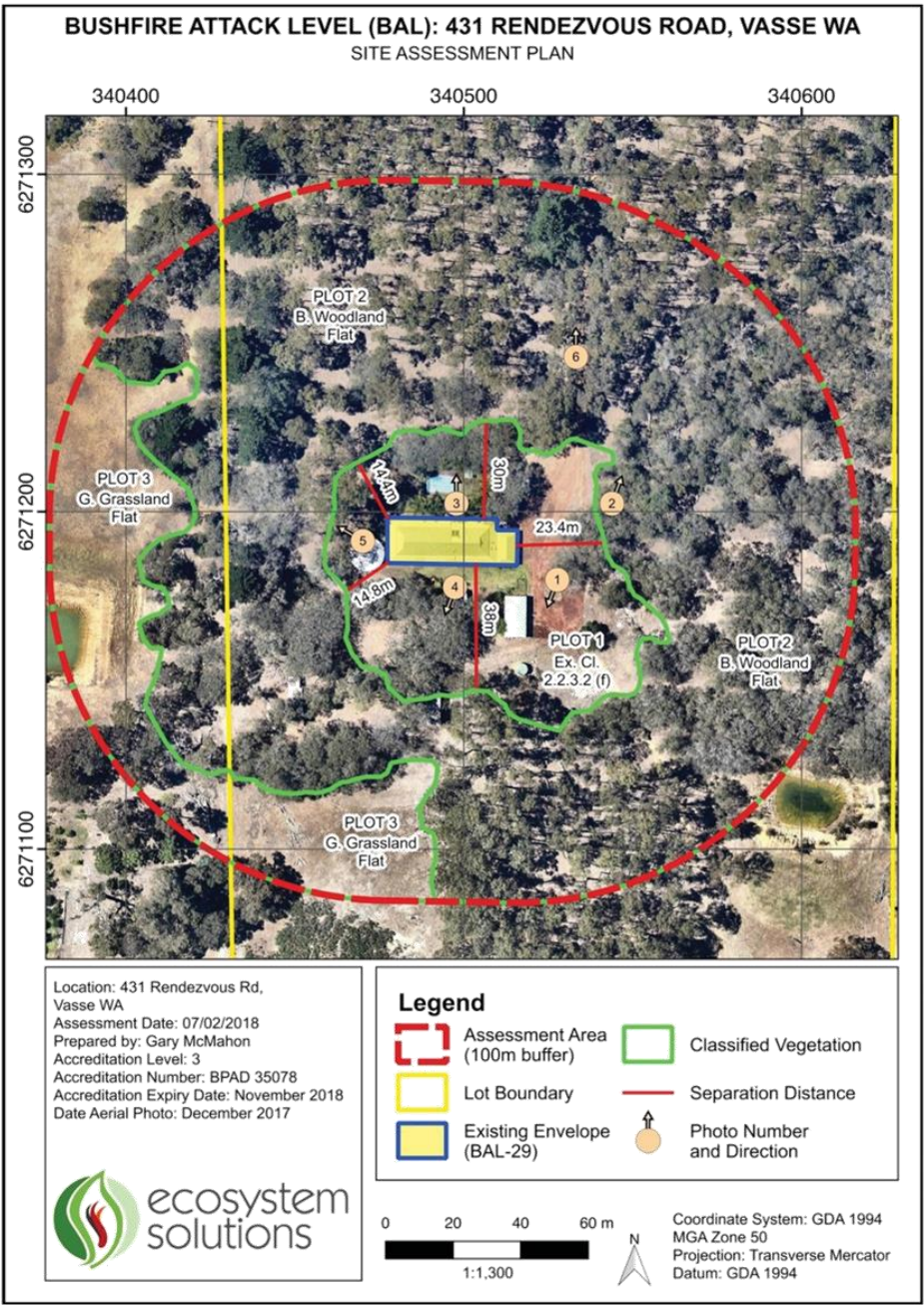


Figure 1: BAL for 431 Rendezvous Road Vasse

Vegetation Classification

All vegetation within 100m of the site / proposed development was classified in accordance with Clause 2.2.3 of AS 3959-2009. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified below.

Plot	1	Classification or Exclusion Clause	Excluded Cl. 2.2.3.2 (f)
			
		Photo ID: 1	

Plot	2	Classification or Exclusion Clause	Class B Woodland
			
		Photo ID: 2	

Plot	1	Classification or Exclusion Clause	Excluded Cl. 2.3.2.4 (f)
			
		Photo ID: 3	Photo ID: 4

Plot	1	Classification or Exclusion Clause	Excluded Cl. 2.3.2.4 (f)
			
		Photo ID: 5	

Plot	2	Classification or Exclusion Clause	Class B Woodland
			
<p>Photo ID: 6</p> <p>Class B Woodland on either side of a 6m gravel driveway with a 1m shoulder</p>			

Relevant Fire Danger Index

The fire danger index for this site has been determined in accordance with Table 2.1 or otherwise determined in accordance with a jurisdictional variation applicable to the site.

Fire Danger Index

FDI 40 ☐

Table 2.4.5

FDI 50 ☐

Table 2.4.4

FDI 80 ☒

Table 2.4.3

FDI 100 ☐

Table 2.4.2

Potential Bushfire Impacts

The potential bushfire impact to the site / proposed development from each of the identified vegetation plots are identified in Table 1.

Table 1 BAL Analysis

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
1	Excluded Cl. 2.2.3.2 (f)			Low
2	Class B Woodland	Flat	14m	BAL-29
3	Class G Grassland	Flat	>50m	BAL-12.5

Determined Bushfire Attack Level (BAL)

The Determined Bushfire Attack Level (highest BAL) for the site / proposed development has been determined in accordance with clause 2.2.6 of AS 3959-2009 using the above analysis.

Determined Bushfire Attack Level	BAL-29
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BUSHFIRE ATTACK LEVEL ASSESSMENT EXPLAINED

A Bushfire Attack Level (BAL) Assessment is a means of measuring the severity of a buildings potential exposure to ember attack, radiant heat and direct flame contact in a bushfire event, and thereby determining the construction measures required for the dwelling.

The methodology used for the determination of the BAL rating, and subsequent building construction standards, are directly referenced from Australian Standard AS 3959-2009 Construction of Buildings in Bushfire Prone Areas.

The BAL rating is determined through identification and assessment of the following parameters:

- Fire Danger Index (FDI) rating; assumed to be FDI - 80 for Western Australia;
- All classified vegetation **within 100 and 150m** of the subject building;
- Separation distance between the building and the classified vegetation source(s); and
- Slope of the land under the classified vegetation.

CONSTRUCTION REQUIREMENTS

AS 3959-2009 has six levels of BAL based on the radiant heat flux exposure to the building, and identifies the relevant sections for building construction, as detailed in Table 2.

Table 2 AS 3959 - 2009 BAL levels

Bushfire Attack Level (BAL)	Classified vegetation within 100m of the site and heat flux exposure thresholds	Description of predicted bushfire attack levels of exposure	Construction Section (within AS 3959)
BAL-LOW	See clause 2.2.3.2	There is insufficient risk to warrant specific construction requirements	4
BAL-12.5	$\leq 12.5 \text{ kW/m}^2$	Ember Attack	3 & 5
BAL-19	$> 12.5 \text{ kW/m}^2$ to $\leq 19 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 & 6
BAL-29	$> 19 \text{ kW/m}^2$ to $\leq 29 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 & 7
BAL-40	$> 29 \text{ kW/m}^2$ to $\leq 40 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames	3 & 8
BAL-FZ	$> 40 \text{ kW/m}^2$	Direct exposure to flames from the fire front in addition to heat flux and ember attack	3 & 9

There is no requirement, under the *Building Act 2011* to retrofit the existing structure.

The *Planning and Development Act* may require modifications to satisfy the objectives of SPP 3.7 notwithstanding the *Building Act 2011* cannot be applied retrospectively.

In this instance consistent with protecting vulnerable people it is requested the house be provided with certain modifications and land management practices.

In this instance consistent with protecting vulnerable people it is requested the house be provided with certain modifications and land management practices (Table 3).

Table 3 Comparison with Construction Standards in sections 3 and 7 AS3959-2009

Element	Deemed to satisfy	Suggested Modification
Gaps, vents, weepholes, including gaps at eaves, at facias, roofs and between wall boards	No gap greater than 2mm	Priority. Inspect building and eliminate gaps where practical. Either seal with fire resistant sealant or steel mesh - aperture less than 2mm gap.
Walls and ledges	Non-combustible material installed extending 400mm from external floors ledges adjoining a wall	Walls are brick and comply.
Windows and doors	Completely protected by an external screen of non-combustible construction, with steel mesh apertures not exceeding 2mm	Priority. Provide steel mesh screens with maximum aperture 2mm screens to windows and doors.
Roofs	Shall be fully sarked.	<p>BAL-29 is a moderate intensity and the ember attack are likely to be heavy, long lived and can mass against corners.</p> <p>It is noted that the roof is continuous sheet metal, as such gaps may only be found at the ridge capping, gutters and around penetrations.</p> <p>Priority. To prevent the entry of embers into the roof cavity seal all gaps exceeding 2mm with fire resistant sealant. Prior to occupancy it is recommended that an independent audit of the roof cavity be undertaken confirming that the presence of gaps exceeding 2mm has been eliminated.</p> <p>Annually the roof cavity is to be inspected for gaps and ensure the roof cavity is free of readily flammable</p>

Element	Deemed to satisfy	Suggested Modification
		materials, ie leaf litter, stored papers etc. To prevent the contact of embers with flammable materials.
Gutters	Gutter and valley leaf guards should be fitted and non-combustible	Priority. Install Gutter Guards. A fire in the roof will be difficult to see, as it starts, and guests should not be expected to inspect the gutters after a fire.
Roof penetrations	Shall be non-combustible	Priority. Replace or shield any plastic roof penetration with non-combustible material and seal any gaps with fire resistant sealant.



Appendix 2 Risk Analysis

RISK ANALYSIS

CFA Guide to Developing a Bushfire Emergency Plan

Type of premise - Commercial

Occupant - Adult/youth/children

Needs - Unfamiliar with locality and may be unfamiliar with English language.

Special health considerations - Occupants are able bodied, but some may suffer asthma/breathing difficulty in the presence of smoke.

Facility is in a bushfire prone area - Yes

How accessible is the premise - Rendezvous Road is a public road in good condition. Most of the hazard is to the south west, egress is available to the east and west. A vehicle traveling east could provide a level of protection for its occupants.

Quality of Roads - Rendezvous Road is in good condition, has good sight lines, is a 8m bituminous road and leads to Busselton Bypass.

Does the transport route go through a bush fire area - Yes, but likely fire would be from the south west, with alternative transport route to the east.

Building conditions - Existing building developed prior to current bushfire standards.

Is the premise likely to be affected by significant radiant heat- No - BAL-29 is a moderate risk.

Are occupants needs better suited to evacuation - It is not a primary or essential place of residence.

Evacuation early in the development of the fire may be possible.

Is a defensible space available - Yes, the building will have an APZ maintained and the Lot has easy access for defensive firefighting actions.

Is there a designated assembly point - Yes, the carpark.

Are ground conditions maintained - The surrounding ground condition is largely managed gardens and will be maintained in low fuel state as per Bushfire Notice requirements.

Evacuate or Stay - Evacuate Early if possible, if not Prepare to stay

EVACUATION ARRANGEMENTS

Destination - City of Busselton township.

Transport - Private vehicle

Are special needs addressed - Special needs occupants are not a specific target, but individual care must include evacuation, ie the vehicle for arrival must be available. Evacuation should occur the day before Extreme or Catastrophic conditions.

Do you require an Ambulance or other type of special transport - No

Is a community Bus available - No

SHELTER IN PLACE

Is the property maintained free of fuel and litter in gutters and around buildings - Yes - subject to management.

Is there a building away from a direct threat of bushfire - Yes

Is the building constructed to minimize bushfire attack - No

Has the building appropriate defensible space - Yes

Is there access to onsite refuge/amenity - Yes, amenities are within the dwelling/refuge

Is there disabled access to shelter - Yes, within the dwelling/refuge

Is there sufficient supervision of occupants - Yes, occupants will be supervised at all times. Occupants will be unfamiliar with bushfire and may become distressed. Clear expectation and instruction is required.

CONCLUSION

If early evacuation is possible then that is recommended. However, as the building is located as a BAL-29 Shelter in Place is recommended if unable to readily evacuation. This is because the building will be able to withstand and keep occupants alive in a fire event. The building may benefit from the occupants' presence and the occupants may benefit from the convenience of staying.



**Appendix 3 Emergency Evacuation Plan
AS.3745 - 2010 (Amd2)**

BUSHFIRE EMERGENCY EVACUATION PLAN

To be reviewed by the landowner on an annual basis.

FACILITY DETAILS

Location	431 Rendezvous Road Vasse
Contact Person	Gillian McAullife
Position	Landowner
Phone	0439 949 713
Occupants	Max 100
Refuge capacity	Max 100

Table 4 Emergency Contact Details

Name of Organisation	Service Provided	Phone Number/Website
Fire Brigade	Report a fire/receive assistance	000
Department of Fire & Emergency Services (DFES)	Alerts and Warnings, Fire Danger Ratings, Total Fire Bans	13 3337 www.dfes.wa.gov.au twitter.com/dfes.wa
Bureau of Meteorology bom.gov.au/weather/WA	Fire Danger Ratings and Weather	bom.gov.au/weather/wa

The Primary Action to follow under normal bushfire conditions is to:

1. EVACUATE EARLY - via Busselton Bypass, away from the fire according to advice.
2. REFUGE TAKEN AT SITE - LAST RESORT (building is modified to align with as best as practicable BAL-29 and should withstand a bushfire event, however, if early notification is possible Evacuation should always be taken).

PREPARATION

2.1 Firefighting equipment

Install the following firefighting equipment (Landowner):

1. The building is to be provided with a 4kg dry chemical Fire Extinguisher with instructions of use displayed
2. Hard wired smoke detectors are installed in each habitable room.
3. External water (fire) hoses, capable of applying water to each part of the building shall be provided.

2.2 Seasonal preparation

Conduct seasonal works, to be undertaken at the commencement of the Bushfire Season (Landowner):

1. Ensure all access ways have the appropriate vertical and horizontal clearances in good traversable condition.
2. Ensure all roof and building junctions are clear of litter.
3. Ensure all buildings are free of flammable materials, none located within 5m.
4. Ensure all objects attached to the buildings are non-combustible or easily removable, and the removing mechanism is in working order.
5. Ensure all gas cylinders are positioned with pressure relief valve facing away from the building and not within 6m of a flammable material.
6. Ensure fire hoses and firefighting equipment is in working order. Check the charge level on all fire extinguishers is adequate.
7. Ensure the plan and evacuation details are clearly displayed and conveniently located in all buildings.
8. Verify contacts.

2.3 Daily preparation during the fire season

Conduct daily preparation during the fire season, in the morning (Registered Manager):

1. Check the DFES website for any alerts.
2. Ensure visitors upon arrival are bushfire aware and familiar with the evacuation and

refuge procedures.

3. Inspect grounds to:
 - Ensure Flammable materials are not stored adjacent to buildings.
 - Ensure firefighting equipment and access-ways are clear of any obstructions.
4. Ensure Refuge areas are in a ready state.

METHODS OF WARNING

The Department of Fire and Emergency Services provides community and emergency advice about predicted and current conditions that advise about the level of bushfire threat.

The Fire Danger Rating (FDR) is based on the forecast weather conditions, the higher the rating the higher the threat.

'Extreme' or 'Catastrophic' ratings are the highest level and represent unsafe conditions.

It is assumed visitors are able bodied, can smell smoke and see fire and understand the English language.

3.1 Alert triggers

The triggers for Emergency Response are:

1. Direct advice from Emergency services (DFES, Police).
2. Signs of smoke arising from the north.

EVACUATION

The site should be evacuated in the morning of a predicted Catastrophic day.

The fire threat is most likely from the south/south west.

EVACUATION VIA BUSSELTON BYPASS

Method of warning

Early signs of smoke, arising from the south west: or on direct advice from Emergency Services (DFES, Police)

Actions

1. Call 000 - DFES
2. Upon a direct instruction from Emergency Personnel aware of your circumstance, follow their evacuation instructions, close all doors and windows, and evacuate to the south via Busselton Bypass and away from the fire according to advice.

REFUGE ON SITE (LAST RESORT)

Method of warning

Uncontrolled fire observed, in or adjacent to the Site, or a DFES Emergency Warning to stay in place has been issued.

Actions

1. Call - 000 - DFES;
2. Notify all personnel and visitors;
3. Account for all persons;
4. Close all windows and doors;
5. Take refuge, toward the rear of the building next to the exit;
6. Wet towels and place at foot of doors to stop smoke ingress;
7. Monitor the condition of the building;
8. When safe to do so inspect around the house for spot fires and put them out; and
9. Be alert to fire for up to 24 hours after the fire event.

If refuge catches fire

1. Keep out of smoke and stay low.
2. Evacuate east toward Busselton Highway - after the fire front has passed.

Note: the bushfire conditions decay quickly after the fire front has passed, should the refuge catch fire there should be sufficient time after the fire front has passed to be able to evacuate the building.

EVACUATION DIAGRAM

If you see smoke

EVACUATE

1. Call 000 Fire
2. Close all windows
3. Head east to Busselton via Busselton Bypass
4. Advise the Registered Manager
5. Return home when safe

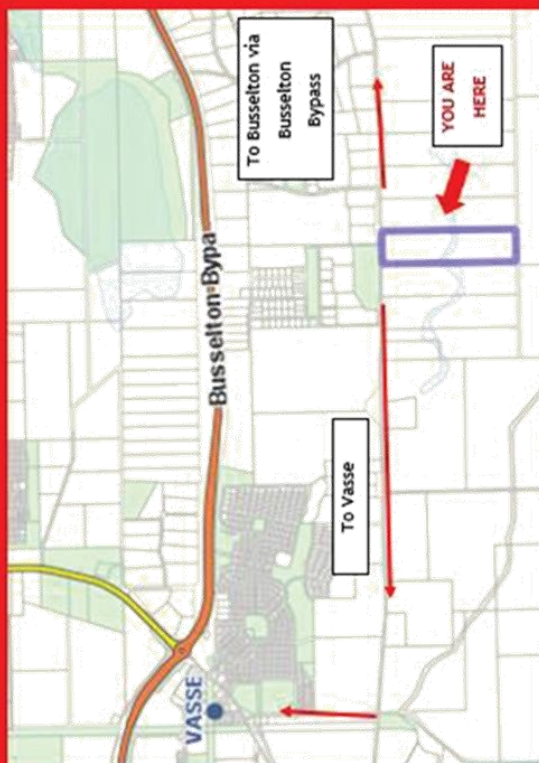
If you see fire

TAKE REFUGE

1. Call 000 Fire
2. Close all windows
3. Stay within the building
4. Advise the Registered Manager
5. After the fire has passed, check the grounds and extinguish any small fires



On Extreme or Catastrophic days stay within the townsite area. Monitor the radio or television and the DFES website for updates.



REGISTERED MANAGER

SCHEDULE OF SUBMISSIONS

No	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
GOVERNMENT AGENCY SUBMISSIONS				
1.	Department of Fire and Emergency Services South West Highway, Bunbury WA 6230	<p>State Planning Policy 3.7 (SPP 3.7) defines minor development as:</p> <p>“applications in residential built-out areas at a scale which may not require full compliance with the relevant policy measures. Classes of development considered under this definition, with the exclusion of applications for unavoidable development, are:</p> <ul style="list-style-type: none"> • a single house on an existing lot 1,100m² or greater; • an ancillary dwelling on a lot of 1,100m² or greater; and • <u>change to a vulnerable land use in an existing residential development.”</u> <p>The child care centre/educational establishment land use is a form of development at a scale consistent with that of a typical existing residential dwelling, DFES supports the development being considered ‘minor’ and referral to DFES is not required. Given there is limited ability to influence location, siting and design, access, water or building construction standards for existing residential development, DFES provide limited comment as below. Please refer to the <i>Guidelines for Planning in Bushfire Prone Areas</i> (Guidelines) Section 5.5.1.1 ‘Residential-Based Land Uses Considered Minor Development’ for further detail regarding the above.</p> <ul style="list-style-type: none"> • The BMP must detail the enforceable 	<p>Noted</p> <p>The City disagrees with DFES assertion that the development is a ‘minor development’ as it is located in an Agriculture zone and is catering for up to 100 children plus 15 staff. It is therefore clearly not a scale consistent with that of a residential dwelling and is a vulnerable landuse.</p> <p>Whilst disagreeing with the DFES characterisation of the proposal as a minor development the City has reviewed the BMP and EEP and is satisfied that it generally complies with the requirements of SPP3.7 and the Guidelines for Planning in Bushfire Prone Areas.</p>	The BMP and EEP to be endorsed as part of the suite of development plans to be approved.

SCHEDULE OF SUBMISSIONS

		<p>mechanism used to achieve vegetation exclusions noted i.e. Shire fire break notice Rural Residential Category 6 requirements;</p> <ul style="list-style-type: none"> • Additionally, A3.8 of the Guidelines is applicable for the subject land and must be detailed in the BMP; • Fire hydrant infrastructure is available to the property and the BMP should reflect this. <p>As a vulnerable land use, and in accordance with 6.6.1 of SPP 3.7, an Emergency Evacuation Plan (EEP) should be developed. It is recommended that further consideration be given to the Guidelines (Version 1.3) Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. This contains further detail in regard to what an EEP should include and will ensure the appropriate content is detailed when finalising the EEP for endorsement of the Shire. The EEP can then influence the appropriate bushfire management measures to reduce vulnerability, and minimise the threat of bushfire to people and the site itself.</p> <p>It is for the Shire to endorse the EEP, therefore this can be undertaken without further referral to DFES.</p>		
2.	Department of Health PO Box 8172 Perth Business Centre WA 6849	<p>Water Supply Wastewater Disposal</p> <p>The proposed development is required to be in accordance with the draft <i>Country Sewerage Policy</i>.</p>	Noted	Advice notes to be included on determination notice to advise of Environmental

SCHEDULE OF SUBMISSIONS

		<p>For on-site wastewater disposal systems to be approved, a site specific detailed 'site-and-soil evaluation' (SSE) is required to:</p> <ul style="list-style-type: none"> • determine appropriate density • select and size treatment/onsite wastewater management system; and • identify management and monitoring options <p>The development is to have access to a sufficient supply of potable water that is of the quality specified under the <i>Australian Drinking Water Quality Guidelines 2011</i>.</p> <p>Health (Miscellaneous Provisions) Act and Food Act Requirements All food related aspects (Kitchens, Lunchroom, etc.) to comply with the provisions of the <i>Food Act 2008</i> and related code, regulations and guidelines.</p> <p>Medical Entomology The proposal is located in an area that is prone to mosquito prevalence particularly if wetlands are in the vicinity. A mosquito management plan is required and should be implemented prior to the occupation of the development.</p>	<p>Noted</p> <p>Noted</p> <p>Advice noted</p>	<p>Health requirements for water supply, effluent disposal and Food Act compliance and that further approvals may be required through the City Health Services</p> <p>Condition requirement for a mosquito management plan.</p>
PUBLIC SUBMISSIONS				
1.	T & J Jurat 453 Rendezvous Rd, Vasse	<p>1. <u>Traffic concerns</u> The most recent traffic counts for Rendezvous Rd are a number of years old and when indexed at 4% per year results in 565 cars per day and were taken prior to the Woods, Heron Lake and Nash Drive subdivisions being built.</p>	<p>Noted. Discussed within the officer comment section</p>	<p>That the submission be noted.</p> <p>Consideration be given to a condition limiting the permitted days and</p>

SCHEDULE OF SUBMISSIONS

		<p>The proposal will at its peak hour generate 40 trips/one trip per 1.5 mins. This coincides with the peak period for all traffic including buses and other cars on Rendezvous Rd. Access and egress is proposed to be from a driveway without a slip lane.</p> <p>The speed limit on this section of road is 80km/h.</p> <p>Dispute the traffic impact assessment conclusion that there will be "light impact upon the local traffic network, with negligible impact on the greater road network.</p> <p>2. <u>Noise and other amenity concerns</u> Proposed capacity of the development is 100 children. Any night time functions or parent meetings will increase noise impacts, security lights and litter impact on the surrounding environment, with impacts beyond weekdays.</p>		hours of operation.
2.	S & S Williamson 420 Rendezvous Road, Vasse	<p>1. <u>Noise and other amenity concerns</u> Have previously lived near a childcare centre and expect increased noise from children, buses, cars, school bells/sirens. Bought a Rural Residential property for a quieter life and feel this is not the right location for this establishment.</p> <p>Afterhours events that would be held here impacting the neighbours also need to be considered. Extreme traffic and noise with events such as fetes, busy bees, parent nights</p>	Noted Discussed within the officer comment section	<p>That the submission be noted.</p> <p>Consideration be given to a condition limiting the permitted days and hours of operation.</p>

SCHEDULE OF SUBMISSIONS

		<p>etc which would be open to the public (unlimited cars and people attending), this makes all of our issues stated above not just a Mon – Fri problem.</p> <p>The property containing a variety of animals will contribute further to noise issues impacting on neighbouring properties.</p> <p>2. <u>Traffic concerns</u></p> <p>Increased traffic directly opposite our driveway is a major concern for us. There would be a constant stream and increase in traffic all day with drop off and pickup. We feel it would create chaos having another busy entrance directly opposite the Woodswallow Drive entrance, where there is already a lot of traffic flowing in and out of this large subdivision, especially as this is their only entry and exit road. Having another busy entrance opposite us would definitely affect us from entering and leaving our driveway easily and safely.</p> <p>If there is inadequate parking at the centre, we don't want cars parked out the front of our property, on the reserve or lining up on the road, which they may very well do, seeing as there is no slip-lane entrance into this property.</p> <p>Dispute the findings of the traffic impact assessment report that rendezvous Rd has a</p>		
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SCHEDULE OF SUBMISSIONS

		<p>low traffic volume, the traffic volume has increased significantly in the last 10 years that have lived here and includes heavy trucks.</p> <p>3. <u>Environmental concerns</u> Concerned that there will be significant clearing to achieve access/egress sightlines and for carpark area.</p>		
3.	W & D Barnett 411 Rendezvous Road, Vasse	<p>Long term resident of 10 years and have noticed increased traffic with development of subdivisions increase in this time has been marked with school bus pick up and drop offs, the increase in Kangaroo movement since the developments have pushed them toward the bush away from residential areas. Local trucking business moving their vehicles and also local resident traffic. The speed limits are still from 80km to 100 km per hour.</p> <p>Not against progress but ardently against this development and the traffic increase and disruption to this area. The road is definitely not equipped to handle this continual increase and it is absolutely not wide enough for safe entry and exit. This is something we as residence have constantly need to be vigilant of.</p>	<p>Noted. Discussed within the officer comment section</p>	<p>That the submission be noted.</p>
4.	C & C Ryan 422 Rendezvous Road Vasse	<p>1. <u>Noise and other amenity concerns</u> Proposed capacity of 100 children plus staff will result in constant noise intrusion. This property is to contain different varieties of animals, the noise and health factor must be considered. Additional to the advised operating hours other events outside of these hours would be hosted and would</p>	<p>Noted Discussed within the officer comment section.</p>	<p>That the submission be noted.</p> <p>Consideration be given to a condition limiting the permitted days and hours of operation.</p>

SCHEDULE OF SUBMISSIONS

		<p>need to be added to the noise factor, such as weekend and night time functions.</p> <p>Consider the size of the proposed development is too large.</p> <p>Concerned about security lighting being used at night.</p> <p>Concerned about litter being generated by the development as is often generated by a school.</p> <p>2. <u>Traffic</u> Rendezvous Road does not handle high speeds and heavy traffic well and safety is an issue.</p> <p>Currently, there is a slip lane accessing the Woods Estate but it is still unsafe due to the speed limit along the road and the width of the road. The current speed limit of 80 km/h is too fast for the high volume of traffic as well as trucks and buses turning off into the proposed development, there is no slip lane to accommodate turning vehicles, which is dangerous.</p> <p>If parking within 431 Rendezvous Road does not cope with the demands of the development traffic may parking front of our residence which would greatly impact our lifestyle. We do not wish to have cars parked at the front of our property as this will stress our pets and us.</p> <p>3. <u>Environmental concerns</u></p>		
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SCHEDULE OF SUBMISSIONS

		<p>Is Rendezvous Road to be upgraded ie widened and roadside existing established trees to be removed? If the road is widened and trees removed it will leave our property very exposed.</p> <p>Cars parking on the existing native vegetation will have a severe environmental impact.</p>		
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14. ENGINEERING AND WORKS SERVICES REPORT

Nil

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

15.1 RETAIL TRADING HOURS REVIEW

SUBJECT INDEX:	Retail Trading Hours
STRATEGIC OBJECTIVE:	A community where local business is supported and in turn drives our economy
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Economic Development
REPORTING OFFICER:	Manager, Commercial Services - Jennifer May
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

This report recommends that Council authorise the CEO to conduct stakeholder consultation on extending the general retail trading hours of Busselton and / or Dunsborough to incorporate the entire City of Busselton district, and, providing there are no adverse submissions, apply to the Minister of Mines, Industry Regulation and Safety for a permanent / long term variation to the City of Busselton General Retail Trading Hours in accordance with the Retail Trading Hours Act 1987.

BACKGROUND

The Retail Trading Hours Act 1987 applies to retail shops in Western Australia south of the 26th parallel. It sets out the trading hours and rules covering various categories of retail outlets. The trading hours of restaurants, cafes and takeaway food shops are not covered by the Act. Current State year round general retail trading hours, as per the Retail Trading Hours Act 1987 are:

- Monday, Tuesday, Wednesday and Friday from 8.00am to 6.00pm;
- Thursday from 8.00am to 9.00pm;
- Saturday from 8.00am to 5.00pm.

Further, the Perth metropolitan area general retail trading hours, as per the Retail Trading Hours Act 1987 are:

- Monday, Tuesday, Wednesday, Thursday and Friday from 8.00am to 9.00pm;
- Saturday from 8.00am to 5.00pm;
- Sunday and Public Holidays from 11.00am to 5.00pm;
- Christmas Day, Good Friday and ANZAC Day: Closed.

Non-metropolitan Local Governments are empowered, subject to endorsement by the Minister for Commerce, to extend general retail trading hours beyond those stipulated in the Retail Trading Hours Act 1987.

Between 2010 – 2013, the City of Busselton conducted annual reviews and extensive consultation with the local community and businesses to determine the extended trading hours for the Christmas and holiday trading periods for Busselton and Dunsborough town sites.

Previous reviews and decisions for this period relating to the extension of Retail Trading Hours in Busselton is summarised as follows:

2010

At the Ordinary Meeting of Council on 27 October 2010, Council resolved (C1010/372):

1. That the Council approve the temporary adjustment to the Retail Trading Hours from November 2010 for the shopping precinct for the Shire of Busselton as follows:

- a. Seasonal trading period with the same hours as the Department of Commerce approved Christmas trading hours for the period from Monday 29 November 2010 until 31 December 2010*
- b. That the trading hours on Sunday 5 December 2010 be extended to 9pm to coincide with the Ironman event.*

The Department of Commerce approved Christmas trading hours comprised of weekday trading from 8.00am to 9.00pm, Saturday trading from 8.00am to 5.00pm and Sunday trading from 10.00am to 5.00pm, from 29 November 2010 to 31 December 2010.

At the Ordinary Meeting of Council on 10 November 2010, Council resolved (C1011/387):

That the Council does not approve extended trading hours in January 2011, and the trading hours to remain as they are now.

2011

At the Ordinary Meeting of Council on 10 August 2011, Council resolved (C1108/248):

That the Council:

- (a) Endorses the preferred proposed year-round extensions to the retail trading hours in Busselton, on a seven day per week basis, to be reviewed in 12-months:*

*Monday, Tuesday, Wednesday and Friday from 8.00am to 7.00pm;
Thursday from 8.00am to 9.00pm;
Saturday from 8.00am to 6.00pm;
Sunday and Public Holidays from 10.00am to 6.00pm;
ANZAC Day from 1.00pm to 6.00pm.*

- (b) Request that the CEO seek community feedback on the preferred proposed retail trading hours and present a report back to Council prior to an application being made to the Department of Commerce.*

At the Ordinary Meeting of Council on 12 October 2011, Council resolved (C1110/313):

That the Council:

- a) Make application to the Department of Commerce for year-round extensions to the retail trading hours in Busselton, based on a seven day per week basis:*

*Monday, Tuesday, Wednesday and Friday from 8.00am to 7.00pm;
Thursday from 8.00am to 9.00pm;
Saturday from 8.00am to 6.00pm;
Sunday and Public Holidays from 10.00am to 6.00pm;
ANZAC Day from 1.00pm to 6.00pm.*

- (b) *Request that the CEO review the extended retail trading hours in twelve months' time and present a report back to Council.*

2012

At the Ordinary Meeting of Council on 12 December 2012, Council resolved (C1212/348):

That the Council endorses the current retail trading hours for Busselton:

*Monday, Tuesday, Wednesday and Friday from 8.00am to 7.00pm;
Thursday from 8.00am to 9.00pm;
Saturday from 8.00am to 6.00pm;
Sunday and Public Holidays from 10.00am to 6.00pm;*

Excluding Good Friday, ANZAC Day and Christmas Day.

2013

The City advertised its intention to extend Retail Trading Hours for the Holiday and Event season, commencing 9 December 2013 to 3 January 2014. This was undertaken in consultation with the BCCI who supported the proposal. No submissions were received and a successful application was subsequently received from the Department of Commerce approving the following extension;

Monday, Tuesday, Wednesday, Friday from 8.00am to 9.00pm;
Thursday from 8.00am to 9.00pm (no change);
Saturday from 8.00am to 6.00pm;
Sunday and Public Holidays from 10.00am to 6.00pm;
Christmas Day Closed.

2014

The City of Busselton, in consultation with Busselton Chamber of Commerce and Industry, consulted on a proposal for year-round extended trading hours. The proposal incorporated specific trading hours to bring Busselton more in line with Dunsborough as follows;

Monday to Sunday from 8.00am to 9.00pm
ANZAC Day from 1.00pm to 9.00pm
Christmas Day and Good Friday closed.

An application was made to the then Minister for Commerce in 2014, following extensive consultation and a Variation Order for Busselton was approved in 2015.

In 2014 the City, in consultation with the Busselton Chamber of Commerce and Industry, made an application to the then Minister for Commerce to permanently extend the Busselton town site retail trading hours to create uniform, permanent annual trading hours. The current retail trading hours for the City of Busselton town site shopping precincts are as follows:

Busselton Retail Trading Hours (town)

- Monday – Friday 8.00am to 9.00pm;
- Saturday from 8.00am to 9.00pm;
- Sunday and Public Holidays from 8.00am to 9.00pm;
- Closed on Christmas Day, Good Friday and until 1.00pm on ANZAC Day.

Dunsborough Retail Trading Hours

- Monday to Sunday from 8.00am to 9.00pm inclusive of ALL Public Holidays (including Good Friday, ANZAC Day and Christmas Day).

In April 2018 the City received a request from the Coles Supermarket located at Vasse to review the trading hours applicable for the Vasse store. City Officers consulted with the Department of Mines, Industry Regulation and Safety on whether the Busselton general retail hours extended to the town site of Vasse. The Department indicated that the Busselton Retail Trading Hours as determined by Variation Order 2015 were specific to the town site of Busselton and not applicable to the Vasse retail stores (despite having the same post code).

This has again highlighted the disparity between the shopping precincts with the City of Busselton and given the population growth experienced since 2015, Officers are proposing that the current general retail trading hours for the City of Busselton be reviewed and unified across the local government district, including Busselton, Dunsborough and Vasse town sites and for any potential shopping precincts that may be developed in the future, as per the following options;

Option 1

Maintain the Dunsborough Retail Trading Hours as they are and extend the Busselton Retail Trading Hours to include the remainder of the City of Busselton district.

City of Busselton local government district

- Monday – Friday 8.00am to 9.00pm;
- Saturday from 8.00am to 9.00pm;
- Sunday and Public Holidays from 8.00am to 9.00pm;
- Closed on Christmas Day, Good Friday and until 1.00pm on ANZAC Day.

Dunsborough town site

- Monday to Sunday from 8.00am to 9.00pm inclusive of ALL Public Holidays (including Good Friday, ANZAC Day and Christmas Day).

This option will not provide any additional trading hours to Busselton or Vasse town sites on public holidays and continues to place disparities between the trading regimes of Dunsborough and the remainder of the district which can be confusing for retailers, locals and visitors.

Option 2

Unify all general retail trading hours across the City of Busselton local government district to reflect the current Dunsborough Retail Trading Hours;

City of Busselton local government district

- Monday - to Sunday 8.00am to 9.00pm
- ALL Public Holidays (including Good Friday, ANZAC Day and Christmas Day).

This option provides the additional trading hours on Christmas Day, Good Friday and ANZAC Day for Busselton and Vasse town sites and provides for consistency across the district. This option is proposed to apply to the entire City of Busselton local government district and hence will apply to any potential future shopping precincts that may be developed outside of Busselton, Vasse and Dunsborough town sites.

STATUTORY ENVIRONMENT

Trading hours in Western Australia are regulated by different trading restrictions applicable to various areas and types of retailers. The Retail Trading Hours Act 1987 enables non-metropolitan local governments to extend general trading hours beyond standard arrangements. These extensions require endorsement by the Minister of Mines, Industry Regulation and Safety.

Small retail shops have no restrictions on trading hours and may continue to trade each day of the year. A 'small retail shop' is a shop owned by up to six (6) people who operate no more than three (3) retail shops, in which up to 18 people work at any one time (excluding apprentices).

Special retail shops may trade between 6.00am and 11.30pm each day of the year. Special retail shops include newsagencies and bookshops, pharmacies, garden nurseries, hardware and improvement shops, video shops, art and craft shops, souvenir and duty free shops, shops at sports venues, boating shops, motor vehicle spare parts shops and shops at international standard hotels.

Small retail and special retail shops must hold a Certificate from the Department of Mines, Industry Regulation and Safety to trade during these hours.

Various amendments have been made to the Retail Trading Hours Act 1987 over the past few years which has seen the general retail trading hours extended.

Under the Non-Metropolitan Local Government Empowerment Policy a number of local government authorities have removed trading hour restrictions within their jurisdictions, including the neighbouring Shires of Augusta-Margaret River, Capel, Dardanup and the City of Bunbury. The City of Busselton is one (1) of 12 local governments who have made variations to standard general retail trading hours, where;

- Busselton operates under the Retail Trading Hours (Shire of Busselton) Variation Order 2015 of the Retail Trading Hours Act 1987.
- Dunsborough operates under the Local Government Retail Trading Hours Exemption Order (No 23) 1993 of the Retail Trading Act 1987.

RELEVANT PLANS AND POLICIES

The recommendations are in line with Council policies.

FINANCIAL IMPLICATIONS

Nil.

Long-term Financial Plan Implications

STRATEGIC COMMUNITY OBJECTIVES

This matter primarily aligns with Key Goal Areas 4 of the City of Busselton's endorsed Strategic Community Plan 2017:

Key Goal Area 4: Economy

- 4.1 An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice.
- 4.2 A community where local business is supported and in turn drives our economy.
- 4.3 Events and unique tourism experiences that attract visitors and investment.

Further, extended retail trading hours assist the City in meeting its vision of becoming the 'Events Capital of WA' by providing a range of retail services to better serve the needs of visitors to the region, thereby value-adding to events, and further encouraging increased visitation and attraction of events to the region.

RISK ASSESSMENT

The recommendations contained within this report are not considered to present any risks of a medium or greater level.

CONSULTATION

Under the rules and guidelines for permanent/long term variations to the Order for Non-Metropolitan Governments, a community consultation process is required. Officers recommend that the following stakeholder consultation occurs:

- Individual meetings with the major retailers throughout the district;
- Information letter and a survey feedback with local businesses;
- Individual meetings with Busselton and Dunsborough Chamber of Commerce and Industry, MRBTA, local member of State Parliament Ms Libby Mettam MLA;
- City of Busselton Your Say Surveys;
- Advertising in the local media.

OFFICER COMMENT

Unified retail trading hours provide benefits by activating the main City town centres and for the tourism industry and will attract more people to the town, providing a better experience for tourists. It will also encourage an extended length of stay and visitor spend, as evidenced by data produced by the tourism industry. Further, as the City continues the upgrade of the Busselton Foreshore, attracts further investment to the area, and nears completion of the Busselton-Margaret River Airport redevelopment, the number of visitors to the City on a year-round basis will only continue to increase. As the City continues to develop as a tourist destination, more flexibility in trading hours across the district is essential.

At this stage, the application only applies to Coles Vasse but in time may apply to other retailers as the City grows and develops. City officers cannot see any reason for having different trading hours for the same retail outlet in three different locations within the City. Further the majority of businesses operating in Busselton, Dunsborough and now Vasse are as classified as 'small business', and have the ability to operate 24 hours per day. Those that fall into the 'general retail' category currently operate within the regulated trading regime. The proposed trading hours will ensure equity and consistency for retail operators throughout the district to extend their retail offerings at their individual choice, creating critical mass to further support small business should they choose to open similar hours.

Officers have reviewed the current retail trading hours that apply to Busselton and Dunsborough and present the following options for consideration;

Option 1

Apply to the Department of Mines, Industry Regulation and Safety to maintain the Dunsborough Retail Trading Hours and extend the Busselton Retail Trading Hours to include the remainder of the City of Busselton district.

This option is viewed by Officers as maintaining the status quo within the District. Whilst there will continue to be some disparity between the trading hours of Busselton and Dunsborough, this option provides consistency in weekday trading and weekend trading.

Option 2

Apply to the Department of Mines, Industry Regulation and Safety to unify all general retail trading hours across the City of Busselton local government district to reflect the current Dunsborough Retail Trading Hours;

- Monday to Sunday from 8.00am to 9.00pm inclusive of ALL Public Holidays (including Good Friday, ANZAC Day* and Christmas Day).

This option is viewed by Officers as appropriately bridging the gap between the disparate trading regimes that exist between Busselton and Dunsborough. This option also allows individual retailers to operate the hours of their choice, keeps Busselton competitive in terms of retail opportunities, and reduces the potential leakage of retail spend to areas outside of the District that have more favourable trading regimes. This option is incorporated into the Officer Recommendation.

* Council may consider adjusting the ANZAC trading hours for the entire district to reflect those of Busselton currently with trading from 1.00pm on ANZAC Day acknowledging the importance of ANZAC commemorations.

CONCLUSION

Extended retail trading hours has the potential to provide the region with significant economic return through increased consumer spending, visitor numbers, and events to the region. In turn, it is anticipated that such increased economic activity will result in increased investment and attraction of other industry sectors to the region. In order to achieve this, it must be recognised that the City needs to achieve a balance between consumer demand and the hours in which retailers are prepared to open.

OPTIONS

Council may elect to:

- Not support the Officer's recommendation for Option 2 and endorse Option 1;
- Support the Officer's recommendation for Option 2 incorporating the change of trading hours on ANZAC day from 1.00pm to the entire local government district; and
- Determine a different option based on alternative trading hours for different town sites within the City of Busselton.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council endorse the Officer Recommendation, Officers will commence stakeholder consultation and, providing there are no adverse objections, make an application to the Department of Mines, Industry Regulation and Safety before October 2018.

OFFICER RECOMMENDATION

That the Council:

1. Conduct stakeholder consultation and advertising as detailed in the report for the following proposed trading hours to apply to the City of Busselton local government district:

Monday to Sunday from 8.00am to 9.00pm inclusive of ALL Public Holidays (including Good Friday, ANZAC Day and Christmas Day).
2. Subject to there being no major objections, make application to the Department of Mines, Industry Regulation and Safety for permanent extensions to the retail trading hours across the entire City of Busselton local government district in line with recommendation 1.

16. FINANCE AND CORPORATE SERVICES REPORT

16.1 LEASE FOR TELECOMMUNICATION MAST AT 78 VASSE HIGHWAY, BOVELL

SUBJECT INDEX:

	Agreements/Contracts
STRATEGIC OBJECTIVE:	An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Property Services
REPORTING OFFICER:	Property Management Coordinator - Sharon Woodford-Jones
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Confidential Valuation Advice Attachment B Proposed Lease and Licence Areas ↓

PRÉCIS

The City have been approached by Telstra Corporation Limited (Telstra) who wish to lease land for the purpose of installing and operating a telecommunications facility to improve mobile phone coverage in the Yalyalup and Bovell areas. This report recommends that Council enter into a lease with Telstra on the terms outlined.

BACKGROUND

The proposed land Telstra wish to lease is part Lot 40, (78) Vasse Highway, Bovell (Lot 40), the approximate location of which is shown on the plan attached marked Attachment B. Lot 40 comprises 4.1 hectares of freehold land purchased by the City in 2015 adjacent to the Bovell Park Sporting Complex. The site was acquired to accommodate the expansion of the sporting facilities at some point in the future. The subject land is zoned 'Agriculture' and currently occupied by a tenant under a short term (12 month) residential tenancy agreement.

In July 2017, Telstra's consultants, Visionstream, enquired about the availability of a site for the purpose of constructing a base station and telecommunications tower. Following a detailed selection process, Lot 40 was identified as the most suitable as it would address current service inadequacies and provide coverage for the expanding Yalyalup residential area, a federally recognised 'blackspot'. Telstra were made aware that the chosen location could not restrict or interfere with the planned expansion of the Bovell Park sporting facilities.

Concurrent to the lease negotiations, Visionstream applied for a Development Application for a 'Telecommunications Base Station' and a 41.5m telecommunications tower. Approval has been granted for a base station and mast up to a maximum of 50m.

Lot 40 is the subject of a pre-existing residential tenancy agreement which includes the use of the paddocks within the lot for the keeping of animals and livestock. At the time of acquiring the land, the potential to generate an income from short term tenancies was identified as a means by which to fund borrowing for the asset. City officers have been mindful of the need to preserve that income stream in their negotiations with Telstra.

It is proposed that the lease to Telstra include the grant of a non-exclusive licence over an access way to the site, the approximate route of which is shown on Attachment B. Telstra will be required to maintain that area but, in keeping with the nature of a licence, allow others to use it if necessary.

Officers are now in a position to seek a resolution from Council to enter into a lease that will allow Telstra to commence construction.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 (LGA) relates to the disposal of property by a local government, with disposal defined to include leasing. Section 3.58 requires the publishing of the proposed disposition with the publication to describe the property concerned, give details of the proposal and invite submissions to be made before a specified date.

Section 3.58(4) of the LGA requires that the disposition includes either a valuation not more than six months old or a declaration that a valuation older than 6 months is considered a true indication of the value at the time of the disposition.

RELEVANT PLANS AND POLICIES

Nil

FINANCIAL IMPLICATIONS

Telstra's opening 'bid' for the lease of this site was \$4,000 per annum. As the City currently benefit from in-house valuation expertise, officers were able to investigate the market conditions and demand for suitable sites in the area. Following negotiation, Telstra have agreed to pay an annual rent of \$20,000. It is proposed that rent will increase annually by 2% and be subject to periodical market rent reviews. In addition, it has been suggested that if the lessee negotiates with another unrelated telecom provider to install another facility, the City will be entitled to charge a proportion of the annual rent payable under this lease for the sublease or licence.

A confidential copy of the valuation advice is provided as attachment A to this report.

Long-term Financial Plan Implications

The income from the proposed lease, together with the ongoing revenue from the short term residential tenancy, will assist with repayment of the borrowing and, if considered appropriate, the subsequent development of the land.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report reflects the objectives of Key Goal Areas 2 and 4, specifically Community Objectives 2.1 and 4.1 of the City of Busselton Strategic Community Plan 2017:

2.1: "Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow"

4.1: "An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice"

RISK ASSESSMENT

There are not considered to be any medium or greater level risks associated with the lease. The lease terms address a number of potential risks associated with the location and access to the proposed facility which are discussed in more detail in the Officer Comment section.

CONSULTATION

The current tenant of Lot 40 was made aware at the time of entering into a residential tenancy agreement of the possibility of the City leasing part of the land to a telecommunication provider. The tenant has been contacted subsequently and informed of the desired location of the mast and the proposed means of accessing the facility. The lease will provide that the lessee will take all reasonable steps to cause as little disruption to the tenant as possible in the exercise of its rights under the lease, both in terms of the initial construction of the facility and future access for maintenance and repair.

The proposed disposition will be advertised locally detailing the names of the lessee, the proposed rent and the term of the lease. Any submissions received as a result of statutory advertising will be reported to Council with alternative recommendations in relation to the terms of the lease if considered necessary.

OFFICER COMMENT

The proposed lease negotiated between the parties is, to the extent that it is relevant, based on a format previously approved by Council in relation to leases of land in support of the National Broadband Network.

Rent and additional payment

As mentioned in the financial section of this report the rent will commence at \$20,000 per annum and be increased by 2% each year. In addition, it is proposed that there will be periodical market rent reviews at frequencies to be negotiated. Subject to the outcome of ongoing negotiations, the potential also exists for additional rental income in the event of a sublease or licence to another communications provider.

Term of the proposed Lease

The proposed maximum term of the lease is 20 years. The Lessee has the option to give notice to extend the lease after the expiry of 10 years and again at 15 years after the commencement date.

The Lessee may remain in occupation of the premises following expiry of the term on a periodical tenancy basis, with an option for either party to terminate on the provision of appropriate notice.

Insurance and electricity services

The Lessee is responsible for public liability insurance of no less than \$20 million and other insurances appropriate for use of the site as a telecommunications tower. The Lessee must obtain an independent supply of electricity and maintain responsibility for the same.

Removal of apparatus

The Lessee is required to remove all above ground equipment within 3 months of the expiry of the lease and leave the site in a clean and tidy condition replicating the condition of the site at the commencement of the lease.

Subletting and assignment

The Lessee may assign the lease to a subsidiary body or holding company of their corporation provided the assignee is an incorporated entity. Prior written consent must be obtained from the City before the Lessee can assign the lease to an unrelated entity and the City cannot unreasonably withhold consent to such an assignment.

The Lessee must obtain the prior written consent of the City should they wish to sublet or licence all or part of the premises to another service provider.

Access over Lot 40

It is proposed that the Lessee also be given a licence over the fire break on the eastern boundary and track on the southern boundary to access the leased area. The only other alternative is to force the Lessee to construct another crossover from Vasse Highway (which would require approval from Main Roads). The licence will facilitate access and services to the leased area in such a way as to minimise the impact on the remainder of the lot.

Other terms and conditions

The proposed lease contains standard terms and conditions normally found in leases of this type as well as conditions and obligations specific to the purpose such as compliance with relevant legislation.

Negotiations are being finalised and as such the officer recommendation includes a proposed delegation. Given this an absolute majority decision is required.

CONCLUSION

The need to improve mobile phone coverage for nearby developing areas has been identified at a federal level and at a local level. The availability of reliable and consistent mobile telephone coverage is of benefit to the residential and business community in the vicinity and the City has in the past made sites available for the purpose of NBN telecommunication masts.

The use of a relatively small part of Lot 40 should not adversely impact on the future proposals for the site. The grant of a lease will also generate an income stream that could be used for the purpose of further enhancements to the site to facilitate future development proposals.

OPTIONS

1. Council may choose not to enter into a lease with this operator.
2. Council may direct officers to enter into a lease on alternative terms and conditions.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Advertising of the proposed disposition will take place as soon as possible for a 14 day period. In the event that there are adverse submissions, a further report will be presented to Council detailing the submissions and any subsequent recommended changes to the proposed lease arrangements. If no submissions are received it is anticipated that a lease will be entered into by the end of July 2018.

OFFICER RECOMMENDATION

That the Council:

1. Advertises the proposed disposition of land to Telstra Corporation Limited in accordance with Section 3.58 of the Local Government Act 1995 for the term and conditions outlined in this report; and
2. Delegates to the CEO, subject to there being no adverse objections resulting from resolution 1, to negotiate and enter into a lease with Telstra Corporation Limited for a portion of Lot 40, Plan 14199, as shown on Attachment B on the following terms and conditions:
 - (i) the annual rent will commence at \$20,000 per annum subject to annual rent increases of 2% and market rent reviews.
 - (ii) the term of the lease will be ten years followed by two subsequent five year options exercisable by the lessee up to a maximum term of 20 years.
 - (iii) a right for the lessee to assign the lease to a related entity and to sublet or license the premises to a similarly related entity without the requirement to pay additional rent
 - (iv) the lessee to be granted an access license over necessary parts of Lot 40 to access the leased premises in such as manner as to cause as little disruption or interference with the remainder of Lot 40.
 - (vi) other terms and conditions consistent with the construction of a telecommunication facility in this locality.



17. CHIEF EXECUTIVE OFFICER'S REPORT

17.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information Bulletin
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Councillors' Information
REPORTING OFFICER:	Administration Officer - Governance - Katie Dudley
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications received by the City between 16 April, 2018 and 30 April, 2018 ↓ Attachment B Planning Applications determined by the City between 16 April, 2018 and 30 April, 2018 ↓ Attachment C State Administrative Tribunal Appeals ↓

PRÉCIS

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 Planning & Development Services Statistics

Planning Applications

Attachment A is a report detailing all Planning Applications received by the City between 16 April, 2018 and 30 April, 2018. A total of 26 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 16 April, 2018 and 30 April, 2018. A total of 30 applications (including subdivision referrals) were determined by the

17.1.2 State Administrative Tribunal Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 3 May, 2018.

OFFICER RECOMMENDATION

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

- 17.1.1 Planning & Development Services Statistics
- 17.1.2 State Administrative Tribunal Appeals

Applications Received Report								
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Application Received Date	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
Development Applications								
DA18/0268	Change of Use - Holiday Home (Single House) 6 people	17 Alan Street~BROADWATER WA 6280	Lot 171 PLAN 12770	16/04/2018	0	Heidi Jay Couch	David Arthur Couch	0
DA18/0269	Bed & Breakfast	36 Peron Avenue~DUNSBOROUGH WA 6281	Lot 164 DIAGRAM 83863	16/04/2018	0	Kim Bradley Beers & Ann-Sophie Gerarda Saint	Ann-Sophie Gerarda Saint, Kim Bradley Beers	13
DA18/0276	Carport Addition to a Single House (Landscape Value Area)	17 MacNair Place~YALLINGUP WA 6282	Lot 39 PLAN 20549	16/04/2018	6000	Nicole Louise Siemon & Andrew Hugh Siemon	Nicole Louise Siemon, Andrew Hugh Siemon	13
DA18/0279	Change of Use (Tavern)	18 Switchback Parade~WEST BUSSELTON WA 6280	Lot 1004 PLAN 403632	16/04/2018	0	Delteen Pty Ltd	Delteen Pty Ltd	13
DA18/0282	Sea Container	14 Clark Street~DUNSBOROUGH WA 6281	Lot 21 PLAN 13907	17/04/2018	0	Doreen Jennifer Richardson-Bunbury	Shane Austin	14
DA18/0280	Over-height Outbuilding (reduced setbacks)	18 Cookworthy Street~GEOGRAPHE WA 6280	Lot 139 DIAGRAM 37097	19/04/2018	25000	Glen Edward Smith	Glen Edward Smith	5
DA18/0281	Outbuilding (Special Character, Landscape Value Area)	23A Seaview Rise~EAGLE BAY WA 6281	Lot 2 PLAN 28146	19/04/2018	15982	Julie Clarke	Action Sheds Australia	9
DA18/0283	Alterations/Additions to Single Dwelling (Landscape Value Area)	82 Jones Road~QUEDJINUP WA 6281	Lot 14 PLAN 20129	19/04/2018	15000	Christine Mary Barfield	Ian Reid Builders	0
DA18/0284	Over-height Outbuilding	11 Pinehurst Crescent~DUNSBOROUGH WA 6281	Lot 1288 PLAN 404176	19/04/2018	17000	Fiona Lee Locock & Thomas Bernard Locock	Thomas Bernard Locock, Fiona Lee Locock	13

Applications Received Report								
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Application Received Date	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
Development Applications								
DA18/0285	Single House (Special Character Area)	39 Hammond Road~YALLINGUP WA 6282	Lot 82 PLAN 8037	19/04/2018	2500000	Stuart Llyod Phillips & Fiona Jane Phillips	Stuart Llyod Phillips, Fiona Jane Phillips	6
DA18/0286	Patio Addition (Reduced Setbacks)	4 Phaeton Brace~WEST BUSSELTON WA 6280	Lot 640 PLAN 45235	19/04/2018	8360	Rhett Martin Green & Lisa Jane Green	CPR Outdoor Centre	7
DA18/0287	Second Storey Addition to Single House (Special Control Area)	416 Geographe Bay Road~QUINDALUP WA 6281	Lot 25 PLAN 9047	19/04/2018	180000	Janet Phillippa Brown	Tectonics Building Design	1
DA18/0290	Reception Centre (Unenclosed Pavilion)	56 New River Ramble~WEST BUSSELTON WA 6280	Lot 1003 PLAN 405328	19/04/2018	60000	Delteen Pty Ltd	Delteen Pty Ltd	4
DA18/0300	Change of Use - Holiday Home (Grouped Dwelling) 6 People	1/17 Sandpiper Cove~BROADWATER WA 6280	Lot 1 STPLN 26828	19/04/2018	0	Graeme Donald Ridge & Vicki-Lee Anne Ridge	Vicki-Lee Anne Ridge, Graeme Donald Ridge	13
DA18/0301	Modification to Existing Cellar Door to Facilitate the Sale of Wine by the Glass and the Ancillary Sale of Food	3857 Caves Road~WILYABRUP WA 6280	Lot 10 DIAGRAM 64789	19/04/2018	0	Chenwal Pty Ltd	Amelia Park Wines	13
DA18/0288	Over Height Outbuilding (Reduced Setback)	32 Diamante Boulevard~DUNSBOROUGH WA 6281	Lot 1348 PLAN 62623	20/04/2018	35357	Lee Gregory York & Tenniel Samara Harman-York	WA Country Builders Pty Ltd - Busselton	4
DA18/0291	Caravan and Boat Port (Reduced Setback) in a Special Character Area	5 Ollis Street~QUINDALUP WA 6281	Lot 14 DIAGRAM 47394	20/04/2018	15000	Peter Leslie Carter & Susan Elizabeth Carter	Peter Leslie Carter, Susan Elizabeth Carter	5

Applications Received Report								
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Application Received Date	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
Development Applications								
DA18/0293	Dam	Shallows Loop~YALLINGUP WA 6282	Lot 28 PLAN 33482	20/04/2018	8500	Bevan Ross Griggs & Jo-Anne Patricia Griggs	Bevan Ross Griggs, Jo-Anne Patricia Griggs	9
DA18/0295	Dam (Landscape Value Area)	228 Lagoon Drive~YALLINGUP WA 6282	Lot 6 PLAN 24227	20/04/2018	10000	Megan Anne Kosieradzki & Michael Richard Kosieradzki	Megan Anne Kosieradzki, Michael Richard Kosieradzki	4
DA18/0289	Outbuilding (Reduced Setbacks)	7 Beeliar Entrance~WEST BUSSELTON WA 6280	Lot 840 PLAN 407130	23/04/2018	4256	Mark Johnson & Margaret Isabelle Johnson	Margaret Isabelle Johnson, Mark Johnson	4
DA18/0292	Water Tank (Landscape Value Area)	5 Lochinvar Place~QUINDALUP WA 6281	Lot 211 PLAN 68461	23/04/2018	8500	Erin Margaret Rummer & Louis John Rummer	Erin Margaret Rummer, Louis John Rummer	3
DA18/0296	Additions to Existing Commercial Building	1/62 Kent Street~BUSSELTON WA 6280	Lot 1 STPLN 8678	23/04/2018	480000	Brenada Nominees Pty Ltd	Cotan Pty Ltd	2
DA18/0294	Veterinary Centre	11 Trumper Drive~BUSSELTON WA 6280	Lot 105 PLAN 20856	24/04/2018	120000	JP Bowman Nominees Pty Ltd	Cathryn Ann Hartley	9
DA18/0298	Relocated Building Envelope to Accommodate a Carport	19 Howson Rise~YALLINGUP WA 6282	Lot 201 PLAN 24224	26/04/2018	15000	Andrew Charles Wynne & Helen Elizabeth Wynne	The Shed Company Busselton	4
DA18/0297	Holiday Home (Single House) 10 people	4 Stroud Street~QUINDALUP WA 6281	Lot 95 PLAN 9068	27/04/2018	0	Austin Developments Pty Ltd	Austin Pearce	1
WAPC18/0014	Two Lot Survey-Strata (WAPC 374-18)	138 Kent Street~BUSSELTON WA 6280	Lot 2 SSPLN 61630	19/04/2018	0	Bree Stacey Rollo, Shannan Ami Cousins, Anthony Matta, Joyce Matta	Western Australian Planning Commission (WAPC)	14

Applications Determined Report									
<i>Application Number</i>	<i>Description</i>	<i>Primary Property Address</i>	<i>Primary Property Legal Desc</i>	<i>Applic Determined Date</i>	<i>Decision</i>	<i>Clock Days</i>	<i>Estimated Cost</i>	<i>Primary Property Owners</i>	<i>Applicant Name</i>
Development Applications									
DA18/0074	Industrial Units (Workshops)	2 Ostler Drive~VASSE WA 6280	Lot 61 PLAN 52479	16/04/2018	Approved	74	300000	Emjay (WA) Pty Ltd	Busselton Sheds Plus
DA18/0124	Private Jetty	9 Waterline View~GEOGRAPHE WA 6280	Lot 55 PLAN 57392	16/04/2018	Approved	57	18700	Antonio Papasergio & Wendy Ann Papasergio	West Coast Jetties
DA18/0100	Outbuilding (Reduced Setback)	24 Penguin Way~VASSE WA 6280	Lot 30 PLAN 76953	16/04/2018	Approved	64	32500	Murray Randall Johnson & Shannon Rochelle Johnson	Sheds Down South
DA18/0114	Single House (Reduced Setback)	1 Bourke Way~BROADWATER WA 6280	Lot 516 PLAN 48773	17/04/2018	Approved	65	227200	Glenda Mae Clifford & Graham Strachan Clifford	WA Country Builders Pty Ltd - Busselton
DA18/0130	Grouped Dwelling	1 Quoll Way~ABBEY WA 6280	Lot 1 SSPLN 72513	17/04/2018	Approved	24	236759	White Rose Property Group Pty Ltd	Tangent Nominees Pty Ltd
DA18/0083	Deck and Spa (Special Control Area)	194 Hayes Road~QUINDALUP WA 6281	Lot 261 PLAN 256960	17/04/2018	Approved	49	18000	Roland Hamp & Heather Susanne Hamp	Roland Hamp, Heather Susanne Hamp
DA17/0953	Single House (Port Geographe Development Area)	48 Lanyard Boulevard~GEOGRAPHE WA 6280	Lot 83 PLAN 59251	17/04/2018	Approved	77	437180	Sandra Jane Piggott & Andrew John Piggott	Plunkett Homes 1903 Pty Ltd
DA17/0731	Extractive Industry (Sand)	7673 Bussell Highway~METRICUP WA 6280	Lot No:201 & 2524	18/04/2018	Approved	189	0	Sheila Macfarlane Edwards & Vincent Alfred Edwards	BSO Development Consultants Pty Ltd

Applications Determined Report									
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Applic Determined Date	Decision	Clock Days	Estimated Cost	Primary Property Owners	Applicant Name
Development Applications									
DA18/0173	Over-height Outbuilding (Reduced Setbacks)	34 Diamante Boulevard~DUNSBOROUGH WA 6281	Lot 1347 PLAN 62623	18/04/2018	Approved	31	26645	Amanda Catherine Bate & Warren Daniel Bate	Warren Daniel Bate, Amanda Catherine Bate
DA18/0181	Modified Building Envelope (Over-height Outbuilding)	6 Kybra Close~YALYALUP WA 6280	Lot 331 PLAN 37205	18/04/2018	Approved	48	25300	Sean Adam McGann & Bronwyn Jane McGann	Sheds Down South
DA18/0221	Single House (Reduced Front Setback)	27 Penguin Way~VASSE WA 6280	Lot 15 PLAN 76953	18/04/2018	Approved	29	360086	Michael Samual McDermott & Laurel Kathleen McDermott	Belinda Stennett WA Country Builders
DA18/0161	Modified Building Envelope to Accommodate Outbuilding (Landscape Value Area)	7 Summer Brace~YALLINGUP WA 6282	Lot 116 PLAN 24226	18/04/2018	Approved	36	33000	Manuel Edward Castillo	Sheds Down South
DA18/0218	Patio Addition to Single House (Reduced Side Setback)	14 Lyrebird Road~BROADWATER WA 6280	Lot 356 PLAN 44210	19/04/2018	Approved	34	10290	Andy Michael Erceg	CPR Outdoor Centre
DA18/0213	Carport Addition to Single House (Reduced Setback)	2 Wallaby Gardens~WEST BUSSELTON WA 6280	Lot 152 PLAN 17762	19/04/2018	Approved	31	15980	Michelle Leanne Wood & Nathan John Wood	CPR Outdoor Centre
DA17/0994	Single House (Reduced Setback)	46 Peron Avenue~DUNSBOROUGH WA 6281	Lot 137 DIAGRAM 75068	19/04/2018	Approved	84	450000	Gerald John Hutton & Penelope Hutton	Gerald John Hutton, Penelope Hutton

Applications Determined Report									
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Applic Determined Date	Decision	Clock Days	Estimated Cost	Primary Property Owners	Applicant Name
Development Applications									
DA18/0179	Single House (BAL FZ), Water Tank & Building Envelope Modification-Landscape Value Area	17 Lombo View~YALLINGUP SIDING WA 6282	Lot 8 PLAN 38741	19/04/2018	Approved	37	548475	Almont Pty Ltd & Shane William Czerkasow	Ventura Home Group Pty Ltd
DA18/0149	Display Home with Sign	18 Portage Way~GEOGRAPHE WA 6280	Lot 601 PLAN 410845	19/04/2018	Approved	51	341818	BGC Residential Pty Ltd	BGC Residential Pty Ltd
DA18/0123	Single House (Landscape Value Area)	Summerville Crescent~YALLINGUP SIDING WA 6282	Lot 18 PLAN 18682	20/04/2018	Approved	14	410269	Denise Elizabeth Gilmour & Peter Stewart Gilmour	WA Country Builders Pty Ltd - Busselton
DA18/0129	Two Grouped Dwellings	34 Reynolds Street~WEST BUSSELTON WA 6280	Lot 63 DIAGRAM 20875	20/04/2018	Approved	9	400000	Michael Anthony Bray	Michael Anthony Bray
DA18/0187	Single House (Vehicle Access) & Outbuilding (Reduced Setback, Over Height)	44 Harbeck Drive~KEALY WA 6280	Lot 1345 PLAN 407112	20/04/2018	Approved	40	238250	Ashley Martin Brokenshire & Pamela Jean Brokenshire	Ventura Home Group Pty Ltd
DA18/0089	Signage (Vasse Light Industrial and Business Park)	Napoleon Promenade~KEALY WA 6280	Lot 9551 PLAN 411918	20/04/2018	Approved	55	20000	Perron Developments Pty Ltd & Stawell Pty Ltd	Sam Geoffrey Hanson
DA18/0207	Modification to Previous Development Approval (Over-height Boundary Wall)	3 Cascade Close~YALYALUP WA 6280	Lot 817 PLAN 407789	20/04/2018	Approved	38	31185	John Kent Richards & Rhian Elaine Richards	Yallingup Landscapes
DA17/0988	Single House and Over-height Outbuilding	18 Lupin Green~BOVELL WA 6280	Lot 198 PLAN 52786	23/04/2018	Approved	8	367562	Peter Gerard Sullivan & Taryn Amanda Sullivan	Peter Gerard Sullivan, Taryn Amanda Sullivan

Applications Determined Report									
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Applic Determined Date	Decision	Clock Days	Estimated Cost	Primary Property Owners	Applicant Name
Development Applications									
DA18/0239	Carport Addition to an Existing Single House (Reduced Setback)	3 Kooljak Road~BROADWATER WA 6280	Lot 664 PLAN 42998	23/04/2018	Approved	20	5980	Simon Irwin Lawson & Narelle Charmaine Harris	CPR Outdoor Centre
DA18/0217	Carport / Patio Addition to Single House (Reduced Setback)	34 Centurion Way~WEST BUSSELTON WA 6280	Lot 604 PLAN 20402	24/04/2018	Approved	40	5000	Gregory Alan Bock & Rhonda Ericka Bock	Tecon Australia Pty Ltd
DA18/0174	Overheight Outbuilding and Rainwater Tank (Landscape Value Area)	Serene Place~QUINDALUP WA 6281	Lot 7 PLAN 76913	26/04/2018	Approved	56	20000	Caroline Elizabeth Morris & Peter James Morris	Caroline Elizabeth Morris, Peter James Morris
DA18/0197	Patio (Reduced Setback)	1/31 Lockhart Street~BROADWATER WA 6280	Lot 1 STPLN 6868	27/04/2018	Approved	47	6835	Nathan John Anderson & Elizabeth Joan Ledger	Outdoor World Busselton
DA18/0164	Garage & Alfresco (reduced front setback) Special Control Area	7 Toby Court~QUINDALUP WA 6281	Lot 9 DIAGRAM 86290	27/04/2018	Approved	0	60000	Hayley Bangham & Frank Craig Bangham	Frank Craig Bangham, Hayley Bangham
DA18/0265	Jetty	62 Lanyard Boulevard~GEOGRAPHICAL WA 6280	Lot 90 PLAN 59251	27/04/2018	Approved	4	15000	Vincenzo Ronald Serafino & Brooke Ashlee Chatfield	Vincenzo Ronald Serafino, Brooke Ashlee Chatfield
WAPC17/0047	Subdivision - 67 x Residential Lots (320m2 - 1499m2) plus 1 x Public Access Way (Peppermint Park Stage 6)	Rangatira Crescent~WEST BUSSELTON WA 6280	Lot 9502 PLAN 402935	24/04/2018	WaitWAP C	155	0	Boyanup Grazing Co Pty Ltd	BSO Development Consultants Pty Ltd

As at 4 May 2018

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON APPEALS							
Forrest v City of Busselton	Lots 3 and 237 Ludlow Park Road	October, 2017	Appeal against refusal of Development Application for Extractive Industry	Joanna Wilson	<ul style="list-style-type: none"> • Notice of Directions Hearing on 3 November, 2017 against City of Busselton decision to refuse the application, the following orders were made: <ul style="list-style-type: none"> - S.31 Reconsideration of the decision on or before 14 February 2017; - In the event that the parties are unlikely to agree Mediation on 18 December 2017. • Mediation on 18 December 2017, where it was adjourned to a further Directions Hearing on 23 February 2018 in order to await the outcome of the reconsideration. • The directions hearing vacated on the applicants request and adjourned until 23 March 2018. • Directions Hearing on the 23 March 2018 is vacated on the City and applicants request. It is adjourned until the 25 May 2018 	Directions Hearing on 25 May, 2018	
Merifield v City of Busselton	Lot 30 No 70 Millbrook Road	1 December 2017	Appeal against deemed (Non-of refusal determination Application)	Joanna Wilson/James Fletcher	<ul style="list-style-type: none"> • Notice of Directions Hearing on 21 December, 2017 against City of Busselton decision to refuse the application, the following orders were made: <ul style="list-style-type: none"> - Applicant is to provide additional information by 31 January 2018; - S.31 Reconsideration of the decision on or before 28 February 2018 • By mutual agreement the Directions Hearing listed for 9 March is vacated. The following orders have been made: <ul style="list-style-type: none"> - Respondent is now invited to reconsider its decision by S.31 Reconsideration by 28 March 2018. • Directions Hearing on 5 April 2018, the applicant requested the removal of Condition 8 of the Council's decision. The member ordered mediation for 17 April 2018 and to invite Councillors to attend. 	Directions Hearing 22 June, 2018.	

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
					<ul style="list-style-type: none"> Mediation on 17 April 2018 in respect of Condition 8 of the development approval. The following orders have been made: <ul style="list-style-type: none"> Respondent is to provide additional information by 11 May 2018; Pursuant to S.31, the City is invited to reconsider its decision at its meeting on 13 June 2018; Directions Hearing on 22 June 2018. 		
Keay & Anor v City of Busselton	Lot 1 No 73 Adelaide Street	11 January 2018	Appeal against refusal of Development Application for a Holiday Home	James Fletcher	<ul style="list-style-type: none"> Notice of Directions Hearing on 2 February, 2018 against the City of Busselton decision to refuse the application, the following orders were made: <ul style="list-style-type: none"> Applicant is to provide additional information by 23 February 2018; S.31 Reconsideration of the decision on or before 16 March 2018 By mutual agreement the Directions Hearing listed for 9 March is vacated. Directions hearing on 29 March 2018, the following orders were made: <ul style="list-style-type: none"> Mediation on 16 April 2018; the residents and owners of the other strata lots are invited to attend S.31 Reconsideration of the decision on or before 17 April 2018 Directions hearing on 20 April 2018 Mediation on 16 April 2018, the following orders were made: <ul style="list-style-type: none"> Applicant to provide additional information by 19 April 2018 to refer to the neighbour for comment Mediation on 3 May 2018 Mediation on 3 May 2018; as a result of the other strata owner not withdrawing their objection to the application, the appeal was withdrawn by the applicant. 	Withdrawn	

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
JOINT DEVELOPMENT ASSESSMENT PANEL APPEALS							
DCSC vs Southern JDAP	Lot 108 No 57 Dunn Bay Road, Dunsborough	January, 2016	Appeal against refusal of Development application for Service Station	State Solicitors Office / Anthony Rowe / Paul Needham	<ul style="list-style-type: none"> Determination – Appeal upheld JDAP has formally requested a judicial review of the SAT determination at the Supreme Court. 	<ul style="list-style-type: none"> Awaiting Supreme Court Determination 	
WESTERN AUSTRALIAN PLANNING COMMISSION APPEALS							
NIL							

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

20. CONFIDENTIAL MATTERS

The reports listed below are of a confidential nature, in accordance with section 5/23(2) of the Local Government Act 1995. These reports have been provided to Councillors, the Chief Executive Officer and Directors only.

RECOMMENDATION

That the meeting is closed to members of the public to discuss the following items which are confidential for the reasons as shown.

20.1 LAND ACQUISITION AGREEMENT - PORTION OF 76 STRELLY STREET, BUSSELTON (LOT 2 ON DIAGRAM 30213)

This report contains information of a confidential nature in accordance with Section 5.23(2)(c) and Section 5.23(2)(e)(ii) of the Local Government Act 1995, as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government

21. CLOSURE