



Council Agenda

8 August 2018

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 8 AUGUST 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, 8 August 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

27 July 2018

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 8 AUGUST 2018

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1. **DECLARATION OF OPENING/ACKNOWLEDGEMENT OF COUNTRY/ACKNOWLEDGEMENT OF VISITORS/DISCLAIMER**

2. **ATTENDANCE**

Apologies

Approved Leave of Absence

3. **PRAYER**

4. **APPLICATION FOR LEAVE OF ABSENCE**

5. **DISCLOSURE OF INTERESTS**

6. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

7. **QUESTION TIME FOR PUBLIC**

Response to Previous Questions Taken on Notice

Public Question Time For Public

8. **CONFIRMATION AND RECEIPT OF MINUTES**

Previous Council Meetings

8.1 Minutes of the Special Council Meeting held 25 July 2018

RECOMMENDATION

That the Minutes of the Special Council Meeting held 25 July 2018 be confirmed as a true and correct record.

8.2 Minutes of the Council Meeting held 25 July 2018

RECOMMENDATION

That the Minutes of the Council Meeting held 25 July 2018 be confirmed as a true and correct record.

Committee Meetings

8.3 Minutes of the Policy and Legislation Committee Meeting held 24 July 2018

RECOMMENDATION

That the Minutes of the Policy and Legislation Committee Meeting held 24 July 2018 be noted.

9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

Petitions

Presentations

Deputations

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

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

12. REPORTS OF COMMITTEE MEETINGS

12.1 Policy and Legislation Committee - 24/07/2018 - RESCISSION OF COUNCIL POLICY 142 ROADSIDE ADVERTISING

SUBJECT INDEX:	Council Policies
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance and Corporate Services
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Council Policy 142 - Roadside Advertising ↓

This item was considered by the Policy and Legislation Committee at its meeting on 24 July 2018, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to recommend rescission of Council Policy 142 – Roadside Advertising (the Policy) (Attachment A). Under the Policy Council is to consider applications for roadside advertising by the calling of a public tender where interest has been shown, and/or Council believes the outcome has a net public benefit within aesthetic criteria.

The Policy was adopted in 2002 and does not appear to have been reviewed since. A review of the Policy has now been undertaken and it is recommended that it be rescinded, on the basis that it is no longer relevant or aligned to the City's current strategic direction.

BACKGROUND

The Policy was adopted in 2002 and sets out the process by which applications for roadside advertising (on bus shelters, street bins, and street seats in urban areas) are to be called and the 'tests' to be applied in considering whether such advertising is appropriate. These include functionality and location of the shelter, bin or seat, the cost / income implications, the aesthetics and quality, and compliance with 'adopted Council Townscape Guidelines'.

Prior even to the Policy being adopted, the City (then Shire) of Busselton, in 1995, entered into an agreement with Muscara Holdings Pty Ltd trading as Streetside Advertising (Streetside Advertising) for a period of five years for the placement of and advertisement on bench seats within the City. This agreement was extended beyond that term.

During 2012 the CEO requested that City staff review the use of roadside advertising, and accordingly also the services provided by Streetside Advertising. The review found that the benches provided were continually vandalised (mainly being the subject of graffiti), that the quality of the benches was low, and that they were generally out-dated and no longer suited to the landscaping and rejuvenation of the Busselton city centre.

Subsequently, in 2014 Council considered a (confidential) report in relation to the contract in place between the City and Streetside Advertising, and more broadly whether this type of advertising (on street seats) is desirable. Council resolved (C1403/057) as follows:

"That the Council does not continue with the existing contract with Streetside Advertising expiring on 30 June 2014".

Since that time the City has not entered into any other private contracts with respect to street seat advertising and does not currently have any private contracts in place for the provision of advertising on City bins or bus shelters, with the majority of City provided litter bins in Busselton and Dunsborough city / town centres displaying City images.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the Governance Systems Review. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

FINANCIAL IMPLICATIONS

The recommendation to rescind the policy has no financial implications.

Long-term Financial Plan Implications

The recommendation to rescind the policy has no long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Officers Recommendation will not impact adversely on the achievement of any of the community objectives contained within the Strategic Community Plan 2017 and will instead serve to meet the objectives of Key Goal Area 6, specifically:

- community objective 6.1 – ‘Governance systems, processes and practices are responsible, ethical and transparent’, by streamlining the City’s governance approach with respect to strategic planning; and
- community objective 6.4 – ‘Assets are well maintained and responsibly managed’, by ensuring that urban infrastructure is appropriate and able to be readily maintained to the City’s standards.

RISK ASSESSMENT

The City does not currently utilise roadside advertising as contemplated by the Policy. In the event, however that the City wanted in the future to enter into such an arrangement (despite the considerations outlined in the Officer Comment section of this report), the absence of a specific policy will not limit this. As such there are no identified risks of a medium or greater level associated with the Officers Recommendation.

CONSULTATION

No consultation was considered necessary in relation to this matter.

OFFICER COMMENT

The Policy is obviously very out-dated; it refers to guidelines under the Dunsborough and Busselton Town Centre Studies (2002), which are also out-dated and considered inconsistent with current strategic planning guidelines, and references a Townscape Advisory Committee that has ceased to exist. The policy requires for tenders to be called for roadside advertising, however under the current *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*, the contract value of this type of advertising is unlikely to require a tender.

Roadside advertising of the type contemplated by the Policy is normally based on a supplier providing free seats/benches and / or associated infrastructure (like litter bins and bus shelters) in exchange for the right to advertise on a limited number of these structures. The risk of profit or loss associated with the advertising normally lies with the supplier, with the local government earning a (relatively small) fixed fee for granting the right to advertise on a pre-determined number of structures. The supplier is also responsible for maintaining these structures (including removal of graffiti).

The major consideration or benefit for entering into this type of advertising agreement is the provision and maintenance of the structures by the supplier, at no cost to the local government. The number of structures to be provided by the supplier (and hence the financial advantage of such an agreement to Council) will depend on a range of factors, including the number and location of structures allowed, the design and quality of the furniture (for instance a preparedness to accept plain, robust furniture will generally result in more “free” non-advertising structures being supplied) and the term of the contract.

While design and standard of infrastructure should be negotiable under an agreement, overall the aesthetic value of this type of advertising is questionable and could detract from the City’s town and landscapes.

Importantly, the City, as part of its ongoing Busselton and Dunsborough foreshore redevelopment projects, has determined certain themes for street furniture in high profile areas like the Busselton and Dunsborough centres and foreshores, and in Port Geographe (that is specific designs, materials and standards for items like bench seats, litter bins and barbeques). It is unlikely that the City would have an unlimited choice/discretion in relation to design and materials, which could then result in the need to compromise on its strategic direction in this regard.

The City's ability to control advertising material and standards likely to be limited. Maintenance and response times (especially where the supplier is in Perth) is also likely to be an issue. Due to the nature and prominent location of street furniture, it is preferred for maintenance of street furniture to be under the direct control of the City (to ensure that damage caused by graffiti or other types of vandalism is repaired in the shortest possible time).

It is for all of the above reasons that the City does not currently have any arrangements in place for the provision of roadside advertising of the type contemplated by this Policy and why officers consider it appropriate to rescind, as opposed to update, the Policy.

CONCLUSION

It is recommended that the Policy be rescinded, as it is not considered to be relevant or aligned to the City's current strategic direction and objectives.

OPTIONS

Council could instead require that the Policy is reviewed and updated to reflect an alternate position and high level principles with respect to roadside advertising arrangements.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be rescinded immediately upon adoption of the Officers Recommendation.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council rescinds Council Policy 142 – Roadside Advertising.

142	Roadside Advertising	Current
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Council's policy is to consider applications for roadside advertising by the calling of a public tender where interest has been shown, and / or Council believes the outcome has a net public benefit within aesthetic criteria. Council will consider only advertising on bus shelters, street bins, and street seats in urban areas. Advertising shall not be offensive to the broader community, as determined by Council. Where there is a call for roadside advertising which conforms to this policy, a tender specification shall be prepared and referred to the relevant Townscape Advisory Committee. Specifications shall address issues of size, height, location, lighting and colour and the guidelines presented in the Dunsborough and Busselton Town Centre Studies (2002).

In considering advertising on shelters bins and seats, Council will apply the following tests:

- Function – facility must be reasonably accessible and placed where there is a need;
- Costs – saving and / or income opportunities for Council;
- Number – spacing and number of units shall be limited;
- Aesthetics – visual impact shall not detract from surroundings;
- Location – safety standards for traffic and pedestrians;
- Quality – facility shall be of architectural standard and built to a high quality;
- Compliance with adopted Council Townscape Guidelines.

A legal agreement shall be drawn up at the Contractor's expense for the contract period and containing conditions and clauses which protect the community interest and for the contractor to meet all costs of maintenance and repairs, insurance and servicing. At the end of the contract period the contractor to either transfer ownership to Council at no cost or to remove them. The contract period shall not exceed fifteen (15) years.

Council shall approve each and every site (to be stated in the tender) that has advertising prior to finalising the agreement and commencing works; such approvals to include Main Roads WA if on a Main Road.

All costs, including the connection of power if applicable, are to be met by the contractor.

Shelters, bin surrounds and seating shall be of a standard and type which enhances the aesthetics of its surrounds, is functional and conveniently located for use by the public. Litter bin surrounds shall be of the type that forms an enclosure for 120 litre or 240 litre mobile garbage bins.

LITTER BINS SURROUNDS

Where litter bins surrounds with advertising are to be provided by private contractors, the general criteria will be set by Council in considering the tender and reflect the following conditions:

- i) Obtaining Council approval for each and every site that has advertising prior to finalising the agreement and commencing works; such approvals to include Main Roads WA if on a main road.
- ii) All costs, are to be met by the contractor.
- iii) A legal agreement being drawn up at the Contractor's expense for the contract period, with no option to extend, and containing conditions and clauses which protect the community interest. The contractor to meet all costs of maintenance and repairs, insurance and servicing. At the end of the contract period the contractor to either transfer ownership to Council at no cost or to remove them. The contract period shall not exceed fifteen (15) years.
- iv) Litter bins surrounds to be lockable and suitable to contain standard 120 or 240 litre mobile garbage bins (MGB) of a standard and type which enhances the aesthetics of its surrounds, is functional, conveniently located and finished in colours selected by Council.

STREET SEATS

Council recognises the potential for street seats with advertising to be provided by private contractors, the general criteria will be set by Council and reflect the following conditions:

- i) Obtaining Council approval for each and every site that has advertising prior to finalising the agreement and commencing works; such approvals to include Main Roads WA if on a main road.
- ii) All costs, are to be met for by the contractor.
- iii) A legal agreement being drawn up at the Contractor's expense for the contract period, with no option to extend, and containing conditions and clauses which protect the community interest. The contractor to meet all costs of maintenance and repairs, insurance and servicing. At the end of the contract period the contractor to either transfer ownership to Council at no cost or to remove them. The contract period shall not exceed fifteen (15) years.

12.2 Policy and Legislation Committee - 24/07/2018 - RESCISSION OF COUNCIL POLICY 245
WORKSHOP ENVIRONMENTAL POLICY

SUBJECT INDEX:	Council Policies
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance and Corporate Services
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Workshop Environmental Policy ↓ Attachment B Environment Policy ↓

This item was considered by the Policy and Legislation Committee at its meeting on 24 July 2018, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to recommend rescission of Council Policy 245 – Workshop Environmental Policy (the Policy) (Attachment A). The Policy outlines Council's position with respect to reducing its environmental impact in all aspects of its work activities and specifically applies to the operation of the workshop at the City depot.

The Policy was originally created in 2009 as part of an initiative at the time to achieve Motor Trade Association of WA (MTA) Green Stamp Environmental Accreditation. In order to achieve level three of the accreditation, an Environmental Policy was required. In 2017 the City reviewed its membership of the MTA along with the Green Stamp accreditation and its benefits and decided not to retain either. This report, therefore recommends that the Policy be rescinded.

BACKGROUND

The Policy was originally created in 2009 as part of an initiative by the then mechanical workshop team to achieve Motor Trade Association of WA (MTA) Green Stamp Environmental Accreditation. The mechanical workshop had taken on the challenge to reduce its impact on the environment which involved reviewing its use of toxic chemicals and detergents and ensuring that materials are disposed of in the appropriate manner (recycling materials, correct disposal of oils at waste facilities and so on). In order to achieve level three of the accreditation (the final step), an Environmental Policy was required.

The Policy was reviewed in 2012, with officers recommending that it be retained (with minor changes to terminology only) to demonstrate the organisation's commitment to best practice operating procedures for the motor trades industry. The relevant accreditation was also retained.

In 2017 the City reviewed its membership of the MTA, along with the Green Stamp accreditation and its benefits and decided not to retain either. While the work done to obtain the accreditation was worthwhile and remains in place as part of Fleet Service's standard operating protocols and procedures, the accreditation itself was not felt to have any sufficient value to retain. While purported to have leadership benefits with respect to encouraging other local businesses to follow the City's lead, there has been no significant visible manifestation of such purported leadership/benefit. This report therefore recommends that the Policy be rescinded.

The recommendation to rescind the Policy is also aligned to the recommendations of the Governance Services Review (GSR), a high level independent review of the City's governance systems undertaken by Mr John Woodhouse in August 2017 – November 2017. With respect to the City's policy and procedure framework the GSR recommended as follows:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

The Policy contains principles that are able to be embodied in operational practices and procedures.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

The City has a broader environmental policy, Policy 030 - Environmental Policy (Attachment B), adopted in 2004 and last reviewed in 2016. This policy outlines Council's commitment towards continuous improvement in environmental management and to ensuring its decision making considers the impacts on the environment and identifies measures to adequately manage them. With respect to implementation of its objectives the policy refers to planning, designing, operating and conducting operations in a manner that minimises waste and the demand on natural resources and energy. Hence, it has relevance and sets out Council's commitment to the environment, even in the absence of the Policy.

FINANCIAL IMPLICATIONS

The recommendation to rescind the Policy has no financial implications, However the annual MTA membership and Green Stamp accreditation was costing the City \$890 per annum.

Long-term Financial Plan Implications

The recommendation to rescind the policy has no long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Officers Recommendation will not impact adversely on the achievement of any of the community objectives contained within the Strategic Community Plan 2017 and will instead serve to meet the objectives of Key Goal Area 6, specifically community objective 6.1 - Governance systems, processes and practices are responsible, ethical and transparent, by streamlining the City's governance approach with respect to strategic planning.

RISK ASSESSMENT

The City's current management of the workshop and existing operational practices and procedures align with the intent and principles of the Policy. Therefore, there are no identified risks of a medium or greater level associated with the Officers Recommendation

CONSULTATION

No consultation was considered necessary in relation to this matter.

OFFICER COMMENT

While maintaining the MTA Green Stamp accreditation had previously been a relatively simple process, the requirements changed in 2017, making the paperwork and overall process a lot more onerous. The MTA is a body created predominantly to improve the environmental processes and outcomes of mechanical workshops in the private sector, and also provide a point of difference for them from a marketing perspective. The City joined the organisation to demonstrate its commitment to good environmental practices and outcomes. The Policy was designed to reflect this and to facilitate achievement of the level three accreditation.

Regardless of accreditation, the Fleet Service's current standard operating practices and procedures continue to demonstrate a commitment to the environment, with a focus on using the most environmentally friendly, lowest toxic products available, and with established (and easy) access to proper waste disposal.

Further, the City's Environmental Policy continues to reflect Council's commitment to the environment and to the principles of planning, designing, operating and conducting operations in a manner that minimises waste and the demand on natural resources and energy.

CONCLUSION

It is recommended that the Policy be rescinded, as it is no longer directly relevant and the principles are covered sufficiently by Policy 030 and current operational practices and procedures.

OPTIONS

Council could instead require that the Policy is retained and / or further reviewed. For the reasons outlined in this report, that is not recommended.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be rescinded immediately upon adoption of the Officers Recommendation.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council rescinds Council Policy 245 – Workshop Environmental Policy.

245	Workshop Environmental Policy	V2
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PURPOSE

The City of Busselton recognises the importance of reducing its environmental impact in all aspects of its work activities. Through communication of its environmental pursuit it also endeavours to increase community awareness of such issues. This policy applies to the operation of the workshop at the City depot.

SCOPE

This Policy, together with associated responsibilities, is to be applied by all mechanical employees and operations services management of the City of Busselton.

POLICY STATEMENT

Through ongoing training, assessment and development, all mechanical employees and operations services management of the City of Busselton will maintain compliance with all relevant laws and regulations. This will enable best management practices to be implemented that will contribute to the City of Busselton operating in a sustainable manner. These practices will be an example for other businesses in the motor trades industry in the City to use as a model.

Policy Background

Policy Reference No. - 245
Owner Unit – Operations Services
Originator – Workshop Coordinator
Policy approved by – Council
Date Approved – 23 September 2009
Review Frequency – As required

History

Council Resolution	Date	Information
C1207/197	25 July 2012	Version 2 - New policy format and update to City terminology
C0909/325	23 September, 2009	Date of implementation Version 1

Last Updated 9 November 2016

030	Environment Policy	Current V3
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1. PURPOSE

The City of Busselton will undertake its activities and ensure its decision-making considers the impacts on the environment and identifies measures to adequately manage them. The City will therefore obtain adequate levels of information required to properly assess proposals, activities and works programmes to achieve acceptable environmental standards and statutory compliance.

The City of Busselton will demonstrate a commitment towards continuous improvement in environmental management and progress towards creating a sustainable balance between environmental, social and economic values in the City.

2. SCOPE

Decisions and activities will have regard to relevant environmental legislation and will be based upon recognised best practice environmental management standards. The most up to date information on environmental impacts, and their management, will be used to assess the acceptability of proposals and activities. Where applicable it will be the responsibility of the proponent to provide sufficient information to enable this to occur.

Where information is not available, the precautionary principle will be used by the City and the Council to assist in decision-making and advice will be sought from relevant government agencies or other recognised experts with suitable qualifications and experience on the environmental issues being considered.

3. POLICY CONTENT

Implementation of the policy will be achieved through the following activities:

Manage natural areas under City ownership, management or control to retain and enhance their environmental values and functions by:

- implementing the Environment Strategy and adopted Management Plans;
- complying with all environmental legislation; and,
- conforming to best practice management standards.

Establish effective working relationships and partnerships with the community and other stakeholders to undertake environmental management activities;

Provide the opportunity for active stakeholder involvement, ownership and participation through:

- the provision of clear and consistent information to stakeholders;
- consultation with the broader community where applicable; and
- participation in the City Environmental Reference Group.

Ensure that City activities do not lead to unacceptable environmental impacts and are undertaken in accordance with current best practice standards. This will be achieved by:

- good governance and sound decision making;
- providing opportunities for staff training;

Last Updated 9 November 2016

- placing the onus on the proponent of any proposals, activities and work programmes to identify and assess environmental impacts and propose measures to manage these or modify the proposal; and
- ensuring stakeholders are aware of the City's activities and how potential environmental impacts are being managed.

Plan, design, operate and conduct operations in a manner that minimises waste and the demand on natural resources and energy.

Policy Background

Policy Reference No. 030
Owner Unit – Environmental Planning
Originator – Environment Strategy Consultancy
Policy approved by – Council
Date Approved – 9 November 2016
Review Frequency – As required
Related Documents – Environment Strategy

Background/History –

Council Resolution	Date	Information
C1611/128	9 November 2016	Policy revised as part of the Environment Strategy review Version 3
C1103/070	9 March 2011	Policy updated after adoption in 2004 as part of the Environment Strategy Version 2

12.3 Policy and Legislation Committee - 24/07/2018 - RESCISSION OF COUNCIL POLICY 217/3
RESERVE MAINTENANCE STANDARDS

SUBJECT INDEX:	Council Policies
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance and Corporate Services
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Council Policy 217/3 - Reserve Maintenance Standards ↓

This item was considered by the Policy and Legislation Committee at its meeting on 24 July 2018, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to recommend rescission of Council Policy 217/3 – Reserve Maintenance Standards (the Policy) (Attachment A). The Policy, which is very brief and out-dated, states that parks maintenance standards will be set by Council according to the Passive and Active Reserve Maintenance Standards Schedules.

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the Governance Systems Review (GSR). Included in the scope of the review was the City's policy and procedure framework with recommendations made in relation to the nature and intent of Council policies, namely that there should be a review of Council policies and that Council policies should deal with higher level strategies and objectives, as opposed to operational matters.

In accordance with the recommendations of the GSR, and for the reasons outlined in the report, it is recommended that the Policy be rescinded.

BACKGROUND

It is not clear exactly when the Policy was first adopted. Documentation held in the City's record keeping system indicates it was in existence, and possibly created in 1999 with the referenced Passive and Active Maintenance Standards Schedule attached to the agenda of an Executive Committee meeting held on 17 February 1999. The Policy is clearly out-dated and requires review.

With respect to the City's policies generally, the GSR was undertaken over a 3 month period by Mr John Woodhouse LLB B.Juris and made the following recommendations with respect to the City's policy and procedure framework:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*

2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

It is considered that this Policy in terms of its intent is now managed through other Council and operational processes and it is therefore recommended that the Policy be rescinded.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

There are no plans or other policies directly relevant.

FINANCIAL IMPLICATIONS

The recommendation to rescind the policy has no financial implications.

Long-term Financial Plan Implications

The recommendation to rescind the policy has no long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Officers Recommendation will not impact adversely on the achievement of any of the community objectives contained within the Strategic Community Plan 2017 and will instead serve to meet the objectives of Key Goal Area 6, specifically community objective 6.1 - Governance systems, processes and practices are responsible, ethical and transparent, by streamlining the City's governance approach with respect to strategic planning.

RISK ASSESSMENT

The City undertakes asset management and maintenance planning on a regular basis with respect to all of its assets, including parks, with these processes providing for the maintenance of parks within budget allocations. Therefore there are no identified risks of a medium or greater level associated with the Officers Recommendation.

CONSULTATION

No consultation was considered necessary in relation to this matter.

OFFICER COMMENT

The Policy is out-dated and references a schedule that is no longer relevant. The intent of the Policy is also currently adequately managed through other Council and operational processes, namely asset management planning, long term financial planning and budgeting, and operational maintenance scheduling.

While the Policy was probably necessary at the time it was adopted, these planning processes, which are ongoing and continuously being refined, are well established at the City. This is particularly since the introduction of 'Integrated Planning' by the (then) Department of Local Government in 2011 and its focus on strategic and asset management planning. The Policy therefore is not considered necessary.

In the event that Council does want to retain a policy outlining their commitment or position with respect to the maintenance of parks and reserves, the Policy could be revised to provide a more relevant statement.

CONCLUSION

It is recommended that the Policy be rescinded, as it is sufficiently managed by current Council and operational practices and procedures.

OPTIONS

Council could instead require that the Policy is reviewed and updated to reflect a more relevant strategic statement with respect to parks maintenance standards.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be rescinded immediately upon adoption of the Officers Recommendation.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council rescinds Council Policy 0217/3 – Parks Maintenance Standards.

217/3	Reserve Maintenance Standards	Current
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Parks maintenance standards will be set by Council according to its recreational objectives so that budgeting can be applied to clear targets. It is Council's Policy that maintenance for reserves be carried out according to the Passive and Active Reserve Maintenance Standards Schedules and that the performance against those standards and expenditure be monitored.

12.4 Policy and Legislation Committee - 24/07/2018 - STATUTORY REVIEW OF DELEGATIONS

SUBJECT INDEX:	Authorised Delegation of Power/Authority
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Director Finance and Corporate Services - Tony Nottle
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Revised Delegation LG3A Executive Function - Determining Applications Under Local Laws and Enforcement of Local Law Provisions showing proposed tracking changes ↓
	Attachment B Revised Delegation LG3A Executive Function - Determining Applications Under Local Laws and Enforcement of Local Law Provisions ↓
	Attachment C Revised Delegation LG3M Establishment of Panels of Pre-qualified Suppliers showing proposed tracking changes ↓
	Attachment D Revised Delegation LG3M Establishment of Panels of Pre-qualified Suppliers ↓
	Attachment E Revised Delegation BA1 Building Control showing proposed tracking changes ↓
	Attachment F Revised Delegation BA1 Building Control ↓
	Attachment G Revised Delegation PDR1 Development Control showing proposed tracking changes ↓
	Attachment H Revised Delegation PDR1 Development Control ↓
	Attachment I Revised Delegation LG3I Reserve Under the Control of the Local Government showing proposed tracking changes ↓
	Attachment J Revised Delegation LG3I Reserve Under the Control of the Local Government ↓
	Attachment K Revised Delegation LG7A Meeting with the Auditor showing proposed tracking changes ↓
	Attachment L Revised Delegation LG7A Meeting with the Auditor ↓
	Attachment M Revised Delegation CA1 The Powers and Duties of the Cat Act 2011 showing proposed tracking changes ↓
	Attachment N Revised Delegation CA1 The Powers and Duties of the Cat Act 2011 ↓
	Attachment O Revised Delegation DA1 The Powers and Duties of the Dog Act 1976 including the authority to further delegate showing proposed tracking changes ↓
	Attachment P Revised Delegation DA1 The Powers and Duties of the Dog Act 1976 including the authority to further delegate ↓

This item was considered by the Policy and Legislation Committee at its meeting on 24 July 2018, the recommendations from which have been included in this report.

PRÉCIS

The *Local Government Act 1995* requires delegations made under that Act to be reviewed by the delegator at least once every financial year. Additionally, delegations made under the *Cat Act 2011* and the *Dog Act 1976* are required to be reviewed once every financial year. This review is to fulfil those requirements.

BACKGROUND

Council has the ability to delegate the exercise of powers and discharge of duties to its Chief Executive Officer or to Committees. These delegations are required to be reviewed by the delegator (in this case the Council) at least once in every financial year.

STATUTORY ENVIRONMENT

Section 5.42 of the Act provides the Council with the ability to delegate powers and duties to its CEO. Some powers and duties cannot be delegated in accordance with Section 5.43 of the Act, such as matters that require an Absolute Majority decision of the Council.

Section 5.16 of the Act provides the ability for powers and duties to be delegated to Committees. This review is to comply with the requirements of Section 5.18 of the Act.

Section 127 of the *Building Act 2011* provides Council with the ability to delegate powers and duties to its CEO and Section 96(3) of the *Building Act 2011* provides Council with the ability to delegate the designation of authorised persons pursuant to Section 96(3) of the Act.

Clause 82 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, Schedule 2 *Deemed Provisions for Local Planning Schemes* provides Council with the ability to delegate powers and duties to its CEO.

The delegations must be contained in a Register. Wherever a decision has been made under delegated authority, records of the decision must be kept in accordance with the *Local Government (Administration) Regulations 1996*.

Section 44 of the *Cat Act 2011* provides the power for Council to delegate the exercise of its functions and discharge of its duties to the CEO. Section 47(2) of that Act requires the delegator to review delegations at least once every financial year.

Section 10AA of the *Dog Act 1976* provides Council with the ability to delegate powers and duties to its CEO. In accordance with Section 10AB(2) of that Act, the delegations must be reviewed at least once every financial year.

RELEVANT PLANS AND POLICIES

The Department of Local Government and Communities Operational Guidelines Number 17 - 'Delegations' and the *Local Government (Administration) Regulations 1996* are both relevant to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications involved in reviewing Delegations, however, utilisation of delegated authority creates organisational efficiencies. Without a system of delegated authority in place, a significant number of day-to-day local government decisions would need to be referred to Council as agenda reports. Having an effective delegated authority system in place reduces the turnaround time for some matters which allows for the Council to use its time to undertake its more strategic role.

Long-term Financial Plan Implications

There are no direct Long Term Financial Plan implications associated with this review.

STRATEGIC COMMUNITY OBJECTIVES

This statutory delegation review aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.1** – 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

Not required for a review undertaken in accordance with statutory requirements.

CONSULTATION

The current delegations were developed with reference to the Department of Local Government and Communities Operational Guidelines Number 17 – 'Delegations'.

OFFICER COMMENT

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the *Local Government Act 1995*. These are largely recommended to continue unchanged, with the exception of proposed updates as identified in the table below. The table provides an overview of the current delegations and an explanation of the powers exercised by the CEO. Minor amendments are proposed to delegations LG3A, LG3M, BA1, PDR1, LG3I, LG7A, CA1 and DA1.

The reasons for the proposed changes to delegations LG3A, LG3M, BA1, PDR1, LG3I, LG7A, CA1 and DA1 have been documented in the 'Purpose' column for each delegation.

Delegations to the CEO

Description		Purpose
LG3A	Executive Function To determine applications received by the City in accordance with a Local Law made by the City in accordance with Subdivision 2 of Division 3 of Part 3 of the <i>Local Government Act 1995</i> and to enforce the provisions of those local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws. (Attachment A)	Enables the CEO to determine applications in accordance with the relevant provisions of the Local Law and the ability to enforce the provisions of those local laws. <u>Summary of proposed updates:</u> Minor amendments are proposed to the Local Government Act Reference and Delegation Subject to assign the delegation with the correct and relevant section of the Act. (Attachment B)
LG3B	Acquisition of Property To acquire property on the local government's behalf in accordance with Section 5.43(d).	Allows the CEO to acquire property on behalf of the local government under the value of \$100,000. <i>No change proposed.</i>
LG3C	Disposing of Property To exercise the powers under Sections 3.58(2),(3) and (4).	Allows the CEO to sell or lease land or property subject to certain conditions as previously applied. Disposal via a sale is not to exceed \$20,000 for land or \$100,000 for all other property. Where disposed by way of lease or license there are restrictions on "first time" leases/licenses, annual value limitations, standard terms and general use requirements. This delegation was only recently updated at a Policy and Legislation Committee meeting on 26 June 2018 and has subsequently been listed at a Council meeting to be held on 25 July 2018 and therefore no change is recommended from that amended delegation. <i>No change proposed.</i>
LG3D	Notices Requiring Things to be Done To exercise the powers and discharge the duties of the local government under Sections 3.25(1), 3.26(2) and 3.26(3).	This provides for the ability to require actions from an owner or occupier relating to unsightly land, overgrown vegetation, rubbish etc. <i>No change proposed.</i>

LG3E	General Procedure for Entering Property To authorise persons on behalf of the local government for the purposes of discharging the duties under Section 3.31(2).	A person requires authorisation in order to enter property. This enables the CEO to authorise others instead of requiring Council approval. <i>No change proposed.</i>
LG3F	Power to Remove and Impound To authorise employees on behalf of the local government for the purposes of discharging the duties under Sections 3.39 and 3.40A(1).	A person requires authorisation in order to impound vehicles etc. This enables the CEO to authorise others instead of requiring Council approval. <i>No change proposed.</i>
LG3G	Disposing of Uncollected Goods To exercise the powers and discharge the duties of the local government under Sections 3.47(2) and 3.47(2a).	Enables the CEO to dispose of impounded goods when not collected in a specified time, including vehicles. <i>No change proposed.</i>
LG3H	Thoroughfare Closure To exercise the powers and discharge the duties of the local government under Sections 3.50(1), 3.50(1a), 3.50(4), 3.50(6) and 3.50A.	Enables the CEO to require the closure of roads. <i>No change proposed.</i>
LG3J	Inviting and Awarding Tenders To exercise the powers and discharge the duties of the local government under Regulations 11, 13, 14, 18 20 and 21A to publicly invite tenders by determining the written criteria for deciding which tender should be accepted.	Enables the CEO to invite and evaluate tenders prior to entering into a contract of a prescribed kind under which another person is to supply goods or services to the Council. Also provides the CEO with the ability to award tenders not exceeding a contract value of \$500,000. This delegation was reviewed during a recent procurement review process and an amended delegation was presented to the Policy & Legislation Committee on 26 June 2018 and has subsequently been listed at a Council meeting to be held on 25 July 2018 and therefore no change is recommended from that amended delegation. <i>No change proposed.</i>
LG 3K	Preliminary Selection of Tenderers Exercise the local government's powers and discharge of its duties under Regulation 21 of the Local Government (Functions and General) Regulations 1996 to decide whether to make a preliminary selection from amongst prospective tenderers by seeking expressions of interest with respect to the supply of the	Enables the CEO to exercise the local government's powers and discharge of its duties to implement, in accordance with the Tender Regulations and Tender Pre Selection Criteria Policy, a preliminary selection process if and when deemed appropriate or advantageous to the City.

	<p>goods or services and to assess expressions of interest that have not been rejected under sub-regulation (1) or (2) and decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.</p>	<p>As with Delegation LG3J above, this was also extensively reviewed throughout the procurement review process. As such an amended Delegation was presented to the Policy & Legislation Committee on 26 June 2018 and has subsequently been listed at a Council meeting to be held on 25 July 2018 and therefore no change is recommended to that amended delegation.</p> <p><i>No change proposed.</i></p>
LG3L	<p>Airport Redevelopment Project - Inviting Tenders and Awarding Tenders</p> <p>To publicly invite tenders by determining the written criteria for deciding which tender should be accepted and to award tenders with a contract value up to \$1,000,000 subject to agreement from the CEO of the South West Development Commission (SWDC).</p>	<p>Due to the nature and scope of the Airport Redevelopment Project a specific tender delegation has been put in place which is required to be exercised in accordance with agreement from the CEO of the South West Development Commission (SWDC).</p> <p><i>No change proposed.</i></p>
LG3M	<p>Establishment of Panels of Pre-Qualified Suppliers</p> <p>To exercise the powers and discharge the duties of the local government under Part 4 Division 3 of the <i>Local Government (Functions and General) Regulations 1996</i> pursuant to Regulation 24AC(1)(b) to determine whether there is, or will be, a continuing need for the particular goods or services to be supplied by pre-qualified suppliers and in accordance with Regulations 24AD – 24AI establish panels of pre-qualified suppliers for provision of particular goods or services and in accordance with Regulation 24AJ enter into a contract, or contracts, for the supply of goods or services with a pre-qualified supplier who is part of a panel of pre-qualified suppliers for the supply of those particular goods or services.</p> <p><i>(Attachment C)</i></p>	<p>Enables the CEO to establish panels of pre-qualified suppliers in accordance with the relevant provisions of the Tender Regulations and the Council's "Purchasing" Policy which in turn assists in streamlining Council operations and improving efficiency without compromising statutory or policy compliance or Council's existing powers in relation to choice of tenderer.</p> <p><u>Summary of proposed updates</u></p> <p>Removal of numbering to title of City of Busselton Purchasing Policy to reflect new format.</p> <p>In addition removal of references to City of Busselton Tender Selection Criteria Policy 031 and City of Busselton Tender Pre Selection Criteria Policy 247 as these policies are proposed to be rescinded as part of a report presented to the Policy and Legislation Committee on 26 June 2018 which has subsequently been listed at a Council meeting to be held on 25 July 2018.</p> <p><i>(Attachment D)</i></p>
LG3N	<p>Amendments to the Consolidated Parking Scheme</p> <p>To exercise the powers and discharge the duties of the local government pursuant to</p>	<p>Enables the CEO to exercise the powers of Council contained in Section 1.10 of the <i>Parking Local Law 2011</i> to amend the City's</p>

	<p>Section 1.10 of the City of Busselton <i>Parking Local Law 2011</i> which was made in accordance with Part 3 of the <i>Local Government Act 1995</i> relating to prohibiting or regulating, by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region.</p>	<p>Consolidated Parking Scheme 2018 in accordance with the requirements of the City of Busselton <i>Parking Local Law 2011</i>. This instrument of delegation includes a call-in provision whereby any two or more Councillors may consider an amendment to the Scheme to be of strategic significance and/or high community interest and request the CEO to present the proposal to Council for consideration.</p> <p><i>No change proposed.</i></p>
LG3P	<p>Disposing of Property (General Aviation Precinct leases)</p> <p>To exercise the powers and discharge the duties of the local government relating to disposing of property by negotiating, advertising under Section 3.58 of the Act and entering into leases of land lots at the new Busselton-Margaret River Regional Airport General Aviation Precinct.</p>	<p>Enables the CEO to facilitate the efficient and expeditious leasing of up to 36 new land lots, where lease arrangements are expected to be both high volume and similar in nature. Current delegation arrangements are limited to \$25,000 per annum and only for renewals and therefore do not enable the intended course of action.</p> <p><i>No change proposed.</i></p>
LG5A	<p>Provision of Urgent Legal Services</p> <p>To provide authorisation in accordance with Clause 3.10 of Council Policy 085 “Legal Representation for Council Members and Employees” for urgent legal services to a maximum value of \$10,000.</p>	<p>Enables the CEO to exercise, on behalf of the Council, the powers of the Council under Clause 3.8 of Council Policy “Legal Representation for Council Members and Employees” to a maximum of \$10,000 in respect of each application when delays in the approval of an application are considered to be detrimental to the legal rights of the applicant.</p> <p>CEO approved applications are required to be submitted to the next Ordinary Meeting of Council.</p> <p><i>No change proposed.</i></p>
LG5B	<p>Directions Regarding Unauthorised Development</p> <p>To give directions in relation to unauthorised development and to authorise any action available to the responsible authority under the Planning and Development Act 2005 incidental to such written direction.</p>	<p>Provides for the ability to give a written direction to an owner or any other person having undertaken a development to remove, pull down, take up, or alter the development and restore the land as nearly as practicable to its condition immediately before the development commenced, to the satisfaction of the responsible authority.</p> <p><i>No change proposed.</i></p>

LG6A	Payments from Municipal Fund and Trust Fund To exercise the powers and discharge the duties of the local government in accordance with regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .	Enables the payment of creditors without specific Council approval. All payments made must be reported to Council which is undertaken by way of a monthly report via the Finance Committee. Also includes a condition regarding a limitation on donations and sponsorships (max. \$1,000.) <i>No change proposed.</i>
LG6B	Power to Defer, Grant Discounts, Waive or Write Off Debts To exercise the powers and discharge the duties of the local government under Sections 6.12(1)(b), 6.12(1)(c) and 6.12(3) of the <i>Local Government Act 1995</i> .	Enables the CEO to deal with minor fee waivers, concessions and debt write-off requirements. <i>No change proposed.</i>
LG6C	Rates and Service Charges To exercise the powers and discharge the duties of the local government under Sections 6.49, 6.50(1), 6.60(2), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4) and 6.76(5).	Enables the CEO to determine due dates for rates and to take recovery action for unpaid rates. <i>No change proposed.</i>
LG6D	Investment To invest surplus funds in accordance with the Direct Investments section of the Council's Policy 218 "Investment".	Enables funds to be invested by the CEO as set out in Council Policy 218 "Investment". <i>No change proposed.</i>
LG9A	Appointment of Authorised Persons To authorise persons, or classes of persons, on behalf of the local government for the purposes of performing particular functions in accordance with Sections 9.10(1) and 9.10(2) of the <i>Local Government Act 1995</i> .	A person requires authorisation in order to take enforcement action. This enables the CEO to authorise others instead of requiring Council approval. <i>No change proposed.</i>
LG9B	Authorising Common Seal To authorise the affixing of the Common Seal of the City to a document that needs the City's Common Seal to be legally effective.	While the CEO can authorise the affixing of the Common Seal to a document as classified which in turn allows for no specific Council approval of individual documents being required, it is noted that it is also necessary for individual documents to be signed by both the Mayor and the CEO (or a senior employee authorised by the CEO and in accordance with Section 5.37 of the <i>Local Government Act 1995</i>). <i>No change proposed.</i>

LG10A	<p>Claims Against the Local Government</p> <p>To consider claims against the local government for damage to property and either accept or deny liability.</p>	<p>This is intended only for minor claims within the City's insurance premium excess with a \$500 limit on claims made under this delegation.</p> <p><i>No change proposed.</i></p>
BA1	<p>Building Control</p> <p>To exercise the City's powers under the <i>Building Act 2011</i>, in particular the issuing of building permits.</p> <p><i>(Attachment E)</i></p>	<p>Enables the CEO to exercise the City's powers, including the ability to sub-delegate those powers.</p> <p><u>Summary of proposed updates</u></p> <p>Removes specific reference to Section 96 of the Act, which is merely one of the powers that can be delegated to the CEO through Section 127 of the Act and could create confusion as to whether the CEO can exercise and/or sub-delegate the other powers necessary for the City to meet its obligations to administer the Act.</p> <p><i>(Attachment F)</i></p>
PDR1	<p>Development Control</p> <p>To exercise the City's powers under the <i>Planning and Development Act 2005</i>, in particular the determination of applications for development approval.</p> <p><i>(Attachment G)</i></p>	<p>Enables the CEO to exercise the City's powers, including the ability to sub-delegate those powers.</p> <p><u>Summary of proposed updates</u></p> <p>Amends the requirements in Condition 5 for delegated decision-making in relation to applications for review by the State Administrative Tribunal subject to reconsideration orders, so that Council decisions can be reconsidered under delegation provided that the 'call-in' provisions set out in Condition 1 have not been exercised, rather than on the basis the reconsideration provisions set out in Condition 2 having been exercised.</p> <p>There is also an additional requirement in Condition 5 in that Councillors must first be briefed as per Condition 6, to enable Councillors to have an opportunity to exercise the 'call-in' provisions.</p> <p>The intent of the change is for the purpose of avoiding the 3-4 week delay associated with the reconsideration provisions, in resolving matters where mediation has</p>

		<p>resulted in an opportunity to reconsider an application and where the mediated outcome clearly addresses the Council's concerns.</p> <p>(Attachment H)</p>
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Delegations from the Council to the CEO made in accordance with Section 5.42 of the *Local Government Act* have been utilised to enable the CEO to carry out powers and duties of the local government.

All other delegations are recommended to continue unchanged.

Committee delegations

Description		Purpose
LG3I	<p>Reserve under the Control of the Local Government</p> <p>When constituted for a formal meeting and in accordance with Section 5.17(c) of the <i>Local Government Act 1995</i>, is delegated to adopt plans, policies or documents that relate to management of the Park.</p> <p>(Attachment I)</p>	<p>Enables the Meelup Regional Park Management Committee to meet formally for the purpose of reviewing and adopting plans, policies and documents relating to the management of the Park.</p> <p>This delegation is subject to conditions as follows:</p> <p>The Power or Duty is other than where those plans, policies or documents require adoption pursuant to a particular statutory power, and the Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.</p> <p><u>Summary of proposed updates</u></p> <p>No change is proposed to the content of the delegation, however, minor amendments are proposed to the format of the delegation for the purpose of creating consistency with other Council delegations.</p> <p>(Attachment J)</p>

Description	Purpose
<p>LG7A Meeting with the Auditor</p> <p>Authority to meet with the City's Auditor at least once every financial year on behalf of the Council in accordance with the requirements of Sections 7.12A(2), (3) and (4) of the <i>Local Government Act 1995</i> to consider the report of the City's Auditor and determine matters that require action to be taken by the City.</p> <p>Authority to review and endorse the City's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister.</p> <p>(Attachment K)</p>	<p>Enables the Audit Committee to meet with the Auditor for the purpose of examining the report of the City's Auditor, make determinations on matters that require action to be taken by the Council and endorse actions taken in response to the Auditor's report.</p> <p>The conditions imposed on this delegation are as follows:</p> <ul style="list-style-type: none"> (a) This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council; and (b) Council has discretion to determine any conditions/limitations applicable to the use of delegated powers or duties. <p><u>Summary of proposed updates</u></p> <p>Minor amendments are proposed by way of the inclusion of additional powers, duties and conditions being incorporated into the delegation to bring the delegation into line with WALGA's model.</p> <p>(Attachment L)</p>

The reasons for the proposed changes to the delegations to the Meelup Regional Park Management Committee and the Audit Committee have been documented in the 'Purpose' column for each delegation.

Cat Act and Dog Act

Cat Act

Description	Purpose
<p>CA1 The Powers and Duties of the <i>Cat Act 2011</i> To delegate to the CEO all the powers and duties of the local government under the <i>Cat Act 2011</i>. (Attachment M)</p>	<p>To provide the CEO and staff with the ability to administer and enforce the provisions of the <i>Cat Act 2011</i> (the Act).</p> <p><u>Summary of proposed updates</u></p> <p>Change the wording of the Delegation Subject and Power/Duty for consistency with the wording of the Act.</p> <p>(Attachment N)</p>

Dog Act

Description	Purpose
<p>DA1 The Powers and Duties of the <i>Dog Act 1976</i> To delegate to the CEO all the powers and duties of the local government under the <i>Dog Act 1976</i> including the authority to further delegate. (Attachment O)</p>	<p>Provides the CEO and staff with the ability to administer and enforce the provisions of the <i>Dog Act 1976</i> (the Act).</p> <p><u>Summary of proposed updates</u></p> <p>Change the wording of the Delegation Subject and Power/Duty for consistency with the wording of the Act.</p> <p>(Attachment P)</p>

The reasons for the proposed changes for the delegations to the CEO under the *Cat Act 2011* and the *Dog Act 1976* have been documented in the 'Purpose' column for each delegation.

Having conducted the statutory annual review of delegations made under the *Local Government Act 1995*, *Building Act 2011*, *Planning and Development (Local Planning Schemes) Regulations 2015*, *Cat Act 2011* and *Dog Act 1976*, Officers are recommending changes to those delegations as listed in Attachments A through to P for the reasons outlined in the table above.

CONCLUSION

The existing delegations have served the organisation well and provide a sufficient level of authority to enable timely consideration of day-to-day local government matters as well as specific authority whereby the Council has recognised circumstances such as the nature of the airport redevelopment project.

OPTIONS

The Council may decide that it requires changes to the powers and discharge of duties delegated to the Chief Executive Officer or Committees, or choose to place conditions on any of the delegations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Any determinations on the delegations will be effective immediately following the Council's decision.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council having conducted the statutory annual review of delegations made under the *Local Government Act 1995*, *Building Act 2011*, *Planning and Development (Local Planning Schemes) Regulations 2015*, *Cat Act 2011* and *Dog Act 1976*:

1. Adopts the revised Delegation LG3A Executive Function - Determining Applications under Local Laws and Enforcement of Local Law Provisions as shown at Attachment B;
2. Adopts the revised Delegation LG3M Establishment of Panels of Pre-qualified Suppliers as shown at Attachment D;
3. Adopts the revised Delegation BA1 Building Control as shown at Attachment F;
4. Adopts the revised Delegation PDR1 Development Control as shown at Attachment H;
5. Adopts the revised Delegation LG3I Reserve under the Control of the Local Government as shown at Attachment J;
6. Adopts the revised Delegation LG7A Meeting with the Auditor as shown at Attachment L;
7. Adopts the revised Delegation CA1 The Powers and Duties of the *Cat Act 2011* as shown at Attachment N;
8. Adopts the revised Delegation DA1 The Powers and Duties of the *Dog Act 1976* including the authority to further delegate as shown at Attachment P; and
9. Notes that all other delegations have been reviewed and remain unchanged.

Revised Delegation LG3A Executive Function - Determining
Applications Under Local Laws and Enforcement of Local Law
Provisions



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG3A	Subdivision 2 of Division 2-3 of Part 3	Chief Executive Officer	Legislative Function Executive Function - Determining Applications Under Local Laws and Enforcement of Local Law Provisions

Delegator

Council

Power/Duty

To determine applications received by the City in accordance with a Local Law made by the City of Busselton (Shire of Busselton) in accordance with Subdivision 2 of Division ~~2-3~~ of Part 3 of the *Local Government Act 1995* and to enforce the provisions of those local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in any local law made in accordance with Part 3 of the *Local Government Act 1995*.

Verification

Recent Council Resolution
C1606/140

Initial Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Revised Delegation LG3A Executive Function - Determining
Applications Under Local Laws and Enforcement of Local Law
Provisions

Related Documents

For the purposes of this delegation, related documents include:

Activities in Thoroughfares and Public Places and Trading Local Law
Busselton Regional Airport Local Law
Keeping and Control of Cats Local Law
Cemeteries Local Law
Depositing and Removal of Refuse
Local Law Dogs Local Law
Dust and Building Waste Control Local Law
Health Local Law
Holiday Homes Local Law
Jetties Local Law
Local Government Property Local Law
Parking Local Law
Standing Orders Local Law

Notes of Recent Alterations

~~Update to refer to the correct section of the Local Government Act 1995 and new title for local law (22 June 2011)~~
Update to the Local Government Act Reference and Delegation Subject to assign the delegation with the correct and relevant section of the Act (25 July 2018)

Revised Delegation LG3A Executive Function - Determining
Applications Under Local Laws and Enforcement of Local Law
Provisions



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG3A	Subdivision 2 of Division 3 of Part 3	Chief Executive Officer	Executive Function - Determining Applications Under Local Laws and Enforcement of Local Law Provisions

Delegator

Council

Power/Duty

To determine applications received by the City in accordance with a Local Law made by the City of Busselton (Shire of Busselton) in accordance with Subdivision 2 of Division 3 of Part 3 of the *Local Government Act 1995* and to enforce the provisions of those local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in any local law made in accordance with Part 3 of the *Local Government Act 1995*.

Verification

Recent Council Resolution
C1606/140

Initial Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Revised Delegation LG3A Executive Function - Determining
Applications Under Local Laws and Enforcement of Local Law
Provisions

Related Documents

For the purposes of this delegation, related documents include:

Activities in Thoroughfares and Public Places and Trading Local Law
Busselton Regional Airport Local Law
Keeping and Control of Cats Local Law
Cemeteries Local Law
Depositing and Removal of Refuse
Local Law Dogs Local Law
Dust and Building Waste Control Local Law
Health Local Law
Holiday Homes Local Law
Jetties Local Law
Local Government Property Local Law
Parking Local Law
Standing Orders Local Law

Notes of Recent Alterations

Update to the Local Government Act Reference and Delegation Subject to assign the delegation with the correct and relevant section of the Act *(25 July 2018)*



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG3M	5.42(1)(a)	Chief Executive Officer	Establishment of panels of pre-qualified suppliers

Delegator

Council.

Power/Duty

To exercise the following powers and discharge the following duties of the local government under Part 4 Division 3 of the *Local Government (Functions and General) Regulations 1996*:

1. Pursuant to Regulation 24AC(1)(b) determine whether there is, or will be, a continuing need for the particular goods or services to be supplied by pre-qualified suppliers;
2. In accordance with Regulations 24AD – 24AI establish panels of pre-qualified suppliers for provision of particular goods or services; and
3. In accordance with Regulation 24AJ enter into a contract, or contracts, for the supply of goods or services with a pre-qualified supplier who is part of a panel of pre-qualified suppliers for the supply of those particular goods or services.

Conditions

This delegation is subject to:

- (a) Compliance with the requirements of the City's Purchasing Policy as it relates to panels of pre-qualified suppliers; and
- (b) The contract value of any particular goods or services to be procured from a particular supplier or in connection with a particular project is not to exceed \$500,000.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO to exercise some of its powers and discharge of its duties provided for under Part 4 Division 3 of the *Local Government (Functions and General) Regulations 1996*.

24AB. Local government may establish panels of pre-qualified suppliers

A local government may establish a panel of pre-qualified suppliers to supply particular goods or services to the local government in accordance with this Division.

24AC. Requirements before establishing panels of pre-qualified suppliers

- (1) A local government must not establish a panel of pre-qualified suppliers unless —
 - (a) ; and
 - (b) the local government is satisfied that there is, or will be, a continuing need for the particular goods or services to be supplied by pre-qualified suppliers.

Verification

Initial Council Resolution
C1704/091

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, Delegations are reviewed at least once every financial year.

Related Documents

City of Busselton Purchasing Policy ~~239~~

~~City of Busselton Tender Selection Criteria Policy 031~~

~~City of Busselton Tender Pre Selection Criteria Policy 247~~

Notes of Recent Alterations

Removal of numbering to title of City of Busselton Purchasing Policy to reflect new format (25 July 2018)

Removal of references to City of Busselton Tender Selection Criteria Policy 031 and City of Busselton Tender Pre Selection Criteria Policy 247 (25 July 2018)

Revised Delegation LG3M Establishment of Panels of Pre-qualified Suppliers



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG3M	5.42(1)(a)	Chief Executive Officer	Establishment of panels of pre-qualified suppliers

Delegator

Council.

Power/Duty

To exercise the following powers and discharge the following duties of the local government under Part 4 Division 3 of the *Local Government (Functions and General) Regulations 1996*:

1. Pursuant to Regulation 24AC(1)(b) determine whether there is, or will be, a continuing need for the particular goods or services to be supplied by pre-qualified suppliers;
2. In accordance with Regulations 24AD – 24AI establish panels of pre-qualified suppliers for provision of particular goods or services; and
3. In accordance with Regulation 24AJ enter into a contract, or contracts, for the supply of goods or services with a pre-qualified supplier who is part of a panel of pre-qualified suppliers for the supply of those particular goods or services.

Conditions

This delegation is subject to:

- (a) Compliance with the requirements of the City's Purchasing Policy as it relates to panels of pre-qualified suppliers; and
- (b) The contract value of any particular goods or services to be procured from a particular supplier or in connection with a particular project is not to exceed \$500,000.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO to exercise some of its powers and discharge of its duties provided for under Part 4 Division 3 of the *Local Government (Functions and General) Regulations 1996*.

24AB. Local government may establish panels of pre-qualified suppliers

A local government may establish a panel of pre-qualified suppliers to supply particular goods or services to the local government in accordance with this Division.

24AC. Requirements before establishing panels of pre-qualified suppliers

- (1) A local government must not establish a panel of pre-qualified suppliers unless —
 - (a) ; and
 - (b) the local government is satisfied that there is, or will be, a continuing need for the particular goods or services to be supplied by pre-qualified suppliers.

Verification

Initial Council Resolution
C1704/091

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, Delegations are reviewed at least once every financial year.

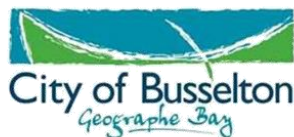
Related Documents

City of Busselton Purchasing Policy

Notes of Recent Alterations

Removal of numbering to title of City of Busselton Purchasing Policy to reflect new format (25 July 2018)

Removal of references to City of Busselton Tender Selection Criteria Policy 031 and City of Busselton Tender Pre Selection Criteria Policy 247 (25 July 2018)



Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
BA1	S127 of Building Act 2011 S96 of Building Act 2011	Chief Executive Officer	Powers of the Local Government pursuant to the Building Act 2011 Power to appoint a local government employee as an Authorised Person

Delegator

Council.

Power/Duty

To undertake the powers of the local government pursuant to the Building Act 2011.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under section 127 of the *Building Act 2011* and the delegation of Authorised persons pursuant to section 96(3) of the *Building Act 2011*.

127. Delegation: special permit authorities and local governments

- (1) ~~A SPECIAL PERMIT AUTHORITY OR A LOCAL GOVERNMENT MAY DELEGATE ANY OF ITS POWERS OR DUTIES AS A PERMIT AUTHORITY UNDER ANOTHER PROVISION OF THIS ACT.~~ Special Permit Authority or a Local Government may delegate any of its powers or duties as a Permit Authority under another provision of this Act.
- (3) A delegation of a local government's powers or duties may be only to a local government employee.
- (6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty —
 - (a) the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.

96. Authorised persons

~~(3) — A local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.~~

Verification

Recent Council Resolution
C1409/235

Initial Council Resolution
C1110/334

Review Requirements

At Council's discretion as necessary (no statutory requirement).

Notes of Recent Alterations

Removal of specific reference to section 96 of the Act for the purpose of not creating confusion in terms of whether the CEO can exercise and/or sub-delegate the other powers necessary for the City to meet its obligations to administer the Act (25 July 2018)



Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
BA1	S127 of Building Act 2011	Chief Executive Officer	Powers of the Local Government pursuant to the Building Act 2011

Delegator

Council.

Power/Duty

To undertake the powers of the local government pursuant to the Building Act 2011.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under section 127 of the *Building Act 2011* and the delegation of Authorised persons pursuant to section 96(3) of the *Building Act 2011*.

127. Delegation: special permit authorities and local governments

- (1) A Special Permit Authority or a Local Government may delegate any of its powers or duties as a Permit Authority under another provision of this Act.
- (3) A delegation of a local government's powers or duties may be only to a local government employee.
- (6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty —
 - (a) the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.

Verification

Recent Council Resolution
C1409/235

Initial Council Resolution
C1110/334

Review Requirements

At Council's discretion as necessary (no statutory requirement).

Notes of Recent Alterations
Removal of specific reference to section 96 of the Act for the purpose of not creating confusion in terms of whether the CEO can exercise and/or sub-delegate the other powers necessary for the City to meet its obligations to administer the Act <i>(25 July 2018)</i>



Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
PDR 1	s.162 Planning and Development Act 2005 cl. 82 Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 <i>Deemed Provisions for local planning schemes</i>	Chief Executive Officer	Development Control

Delegator

Council

Power/Duty

To undertake the powers and duties of the local government able to be delegated under cl. 82 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 *Deemed Provisions for local planning schemes*, subject to the conditions set out below.

Conditions

Note: In addition to the conditions set out below, some decisions on applications for development approval cannot be made by the City by virtue of the Planning and Development (Development Assessment Panels) Regulations 2011.

1. 'Call-in' provisions

Any two or more Councillors may consider an application or proposal to be of strategic significance and/or high community interest and *request* the CEO, in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.

Note: Any Councillor may also submit a notice-of-motion in relation to the withdrawal of delegation in relation to a particular application, but it would generally be expected that they would first seek to exercise the call-in provision outlined above.

2. Reconsideration of applications for development approval

Prior to the determination of an application for reconsideration of an application for development approval (other than where a reconsideration is occurring pursuant to section 31 of the *State Administrative Tribunal Act 2004* – see below), the CEO shall ensure that a copy of the reconsideration request, together with a report assessing the application, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.

Revised Delegation PDR1 Development Control showing
proposed tracking changes

This condition relates to applications to amend or renew an approval where reconsideration of conditions is being requested, and also to new applications which are substantially the same as an earlier application refused under delegation.

3. *Structure Plans, Activity Centre Plans, Local Development Plans, Developer Contribution Plans*

Prior to making a recommendation to the Western Australian Planning Commission regarding adoption or amendment of a Structure Plan, Activity Centre Plan and/or Local Development Plan, the CEO shall ensure that a copy of the respective plan, together with an report, setting out and explaining the recommendation proposed to be made under delegation, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.

These delegations do not extend to the making of recommendations to the Western Australian Planning Commission regarding adoption or amendment of Developer Contribution Plans.

4. *Local Planning Policies, Local Heritage List, Heritage Precincts*

Decisions relating to adoption, revocation or amendment of Local Planning Policies, the Local Heritage List and/or Heritage Precincts are not delegated.

5. *Applications for review by the State Administrative Tribunal (SAT)*

Where the original decision was made under delegation, a reconsideration decision pursuant to section 31 of the *State Administrative Tribunal Act 2004* may be made under delegation.

Where the original decision was made by the Council, a reconsideration decision pursuant to section 31 of the *State Administrative Tribunal Act 2004* shall be presented to the Council for consideration, unless officers have briefed Councillors and Councillors have indicated a general willingness to allow the decision to be made under delegation, in which case a decision may be made under delegation, provided that the reconsideration 'call-in' provisions set out at Condition 21 above have not been met-exercised before the decision is made, and that Councillors have also been briefed on the matter as per Condition 6, to provide an opportunity for Councillors to exercise the 'call-in' provisions.

6. *Briefing and reporting*

Generally on a monthly basis (as agreed/determined by the Mayor and CEO), officers shall provide Councillors with an informal briefing on planning matters of strategic significance and/or high community interest, and on issues raised by Councillors.

As part of the agenda for each ordinary Council meeting, a summary of applications received and determined between the closing date of the previous summary and a date as close as practicable to the publication date of the agenda, shall be presented to Councillors as part of the 'Councillors Information Bulletin'.

Generally on a monthly basis, and generally as part of the agenda for every second ordinary Council meeting in any given month, a summary and update of planning and development-related State Administrative Tribunal matters involving the City shall be presented to Councillors as part of the 'Councillors Information Bulletin'.

Verification

Initial Council Resolution
C1703/042

Review Requirements	
At Council's discretion as necessary (no statutory requirement)	
<div><div><div>Notes of Recent Alterations</div></div></div>	
<div>Minor amendments to the requirements in Condition 5 for delegated decision-making in relation to applications for review by the State Administrative Tribunal for the purpose of avoiding the 3-4 week delay associated with the reconsideration provisions in resolving matters where mediation has resulted in an opportunity to reconsider an application (25 July 2018)</div>	<div>Formatted: No underline</div> <div>Formatted: Font: Bold</div> <div>Formatted: Space Before: 6 pt</div> <div>Formatted Table</div> <div>Formatted: Justified, Space Before: 6 pt</div> <div>Formatted: Font: Italic</div>



Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
PDR 1	s.162 Planning and Development Act 2005 cl. 82 Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 <i>Deemed Provisions for local planning schemes</i>	Chief Executive Officer	Development Control

Delegator

Council

Power/Duty

To undertake the powers and duties of the local government able to be delegated under cl. 82 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 *Deemed Provisions for local planning schemes*, subject to the conditions set out below.

Conditions

Note: In addition to the conditions set out below, some decisions on applications for development approval cannot be made by the City by virtue of the Planning and Development (Development Assessment Panels) Regulations 2011.

1. 'Call-in' provisions

Any two or more Councillors may consider an application or proposal to be of strategic significance and/or high community interest and *request* the CEO, in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.

Note: Any Councillor may also submit a notice-of-motion in relation to the withdrawal of delegation in relation to a particular application, but it would generally be expected that they would first seek to exercise the call-in provision outlined above.

2. Reconsideration of applications for development approval

Prior to the determination of an application for reconsideration of an application for development approval (other than where a reconsideration is occurring pursuant to section 31 of the *State Administrative Tribunal Act 2004* – see below), the CEO shall ensure that a copy of the reconsideration request, together with a report assessing the application, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.

This condition relates to applications to amend or renew an approval where reconsideration of conditions is being requested, and also to new applications which are substantially the same as an earlier application refused under delegation.

3. *Structure Plans, Activity Centre Plans, Local Development Plans, Developer Contribution Plans*

Prior to making a recommendation to the Western Australian Planning Commission regarding adoption or amendment of a Structure Plan, Activity Centre Plan and/or Local Development Plan, the CEO shall ensure that a copy of the respective plan, together with an report, setting out and explaining the recommendation proposed to be made under delegation, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.

These delegations do not extend to the making of recommendations to the Western Australian Planning Commission regarding adoption or amendment of Developer Contribution Plans.

4. *Local Planning Policies, Local Heritage List, Heritage Precincts*

Decisions relating to adoption, revocation or amendment of Local Planning Policies, the Local Heritage List and/or Heritage Precincts are not delegated.

5. *Applications for review by the State Administrative Tribunal (SAT)*

Where the original decision was made under delegation, a reconsideration decision pursuant to section 31 of the *State Administrative Tribunal Act 2004* may be made under delegation.

Where the original decision was made by the Council, a reconsideration decision pursuant to section 31 of the *State Administrative Tribunal Act 2004* shall be presented to the Council for consideration, unless officers have briefed Councillors and Councillors have indicated a general willingness to allow the decision to be made under delegation, in which case a decision may be made under delegation, provided that the 'call-in' provisions set out at Condition 1 above have not been exercised before the decision is made, and that Councillors have also been briefed on the matter as per Condition 6, to provide an opportunity for Councillors to exercise the 'call-in' provisions.

6. *Briefing and reporting*

Generally on a monthly basis (as agreed/determined by the Mayor and CEO), officers shall provide Councillors with an informal briefing on planning matters of strategic significance and/or high community interest, and on issues raised by Councillors.

As part of the agenda for each ordinary Council meeting, a summary of applications received and determined between the closing date of the previous summary and a date as close as practicable to the publication date of the agenda, shall be presented to Councillors as part of the 'Councillors Information Bulletin'.

Generally on a monthly basis, and generally as part of the agenda for every second ordinary Council meeting in any given month, a summary and update of planning and development-related State Administrative Tribunal matters involving the City shall be presented to Councillors as part of the 'Councillors Information Bulletin'.

Verification

Initial Council Resolution
C1703/042

Review Requirements

At Council's discretion as necessary (no statutory requirement)

Notes of Recent Alterations
Minor amendments to the requirements in Condition 5 for delegated decision-making in relation to applications for review by the State Administrative Tribunal for the purpose of avoiding the 3-4 week delay associated with the reconsideration provisions in resolving matters where mediation has resulted in an opportunity to reconsider an application <i>(25 July 2018)</i>



INSTRUMENT OF DELEGATION**Instrument of Delegation**

<u>Reference</u> <u>-Numero</u>	<u>Local Government</u> Act <u>Reference</u>	<u>Delegate</u>	<u>Delegation Subject</u>
<u>LG3I</u>	3.54(1) 5.16 5.17(c)	Meelup Regional Park Management Committee	Reserve Under the Control of the Local Government

Delegator

Council.

Power/Duty

When constituted for a formal meeting is delegated to adopt plans, policies or documents that relate to management of the Park.

Conditions

The above power or duty is other than where those plans, policies or documents require adoption pursuant to a particular statutory power, and the Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.

Statutory Framework

Council is exercising its power of delegation under Section 5.16 of the *Local Government Act 1995* to delegate to a Committee the discharge of certain powers and duties in accordance with Section 5.17(c).

Verification

Recent Council Resolution _____ Initial Council Resolution
C1606/140 _____ C0806/188

Council Resolution
C1510/296

Council Resolution
C1506/161

Council Resolution
C1406/161

~~Council Resolution
C1306/168~~

~~Council Resolution
C1206/167~~

~~Council Resolution
C1106/199~~

~~Council Resolution
C1006/217~~

~~Council Resolution
C0906/243~~

~~Council Resolution
C0806/188~~

Review Requirements

In accordance with the requirements of Section 5.18 of the *Local Government Act 1995*, at least once every financial year.

Review Dates

~~08 June, 2016~~

~~14 October, 2015~~

~~10 June, 2015~~

~~25 June, 2014~~

~~26 June, 2013~~

~~27 June, 2012~~

~~22 June, 2011~~

~~23 June, 2010~~

~~24 June, 2009~~

~~25 June, 2008 (implementation).~~

Related Documents

Meelup Regional Park Management Committee's Terms of Reference.

Notes of Recent Alterations

Minor amendments to the format of the delegation for the purpose of creating consistency with other Council delegations (25 July 2018)

Revised Delegation LG3I Reserve Under the Control of the Local Government



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG3I	3.54(1) 5.16 5.17(c)	Meelup Regional Park Management Committee	Reserve Under the Control of the Local Government

Delegator

Council.

Power/Duty

When constituted for a formal meeting is delegated to adopt plans, policies or documents that relate to management of the Park.

Conditions

The above power or duty is other than where those plans, policies or documents require adoption pursuant to a particular statutory power, and the Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.

Statutory Framework

Council is exercising its power of delegation under Section 5.16 of the *Local Government Act 1995* to delegate to a Committee the discharge of certain powers and duties in accordance with Section 5.17(c).

Verification

Recent Council Resolution
C1606/140

Initial Council Resolution
C0806/188

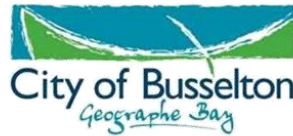
Review Requirements

In accordance with the requirements of Section 5.18 of the *Local Government Act 1995*, at least once every financial year.

Related Documents

Meelup Regional Park Management Committee's Terms of Reference.

<u>Notes of Recent Alterations</u>
Minor amendments to the format of the delegation for the purpose of creating consistency with other Council delegations <i>(25 July 2018)</i>



INSTRUMENT OF DELEGATIONInstrument of Delegation

Reference -Numero	Local Government Reference	Act	Delegate	Delegation Subject
LG7A	Sections 7.12A(2), (3) & (4)		Audit Committee	Meeting with the Auditor

Delegator

Council.

Power/Duty

1. Authority ~~To to~~ meet with the ~~City's A~~ Auditor at least once every financial year on behalf of the ~~local government~~Council in accordance with the requirements of Sections ~~7.12A(2), (3) and (4)~~ of the *Local Government Act 1995*.
2. Authority to:
 - i. examine the report of the Auditor and determine matters that require action to be taken by the City; and
 - ii. ensure that appropriate action is taken in respect of those matters in accordance with Section 7.12A(3) of the *Local Government Act 1995*.
3. Authority to review and endorse the City's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister in accordance with Section 7.12A(4) of the *Local Government Act 1995*.

Conditions

- a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council.
- b. Council has discretion to determine any conditions/limitations applicable to the use of delegated powers or duties.

Statutory Framework

Council is exercising its power of delegation under Section 5.16 of the *Local Government Act 1995* to delegate to a Committee the discharge of certain powers and duties in accordance with Section 5.17(c).

Verification

<u>Recent Council Resolution</u>	<u>Initial Council Resolution</u>
C1606/140	C1001/015

~~Council Resolution
C1510/294~~

~~Council Resolution
C1506/161~~

~~Council Resolution
C1406/161~~

~~Council Resolution
C1306/168~~

~~Council Resolution
C1206/167~~

~~Council Resolution
C1106/199~~

~~Council Resolution
C1001/015~~

Review Requirements

In accordance with the requirements of Section 5.18 of the *Local Government Act 1995*, at least once every financial year.

Review Dates

~~08 June, 2016~~

~~14 October, 2015~~

~~10 June, 2015~~

~~25 June, 2014~~

~~26 June, 2013~~

~~27 June, 2012~~

~~22 June, 2011~~

~~27 January, 2010 (implementation).~~

Related Documents

City of Busselton Audit Committee Terms of Reference.

Notes of Recent Alterations

Inclusion of additional powers, duties and conditions to bring the delegation into line with WALGA's model (25 July 2018)



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG7A	Sections 7.12A(2), (3) & (4)	Audit Committee	Meeting with the Auditor

Delegator

Council.

Power/Duty

1. Authority to meet with the City's Auditor at least once every financial year on behalf of the Council in accordance with the requirements of Sections 7.12A(2), (3) and (4) of the *Local Government Act 1995*.
2. Authority to:
 - i. examine the report of the Auditor and determine matters that require action to be taken by the City; and
 - ii. ensure that appropriate action is taken in respect of those matters in accordance with Section 7.12A(3) of the *Local Government Act 1995*.
3. Authority to review and endorse the City's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister in accordance with Section 7.12A(4) of the *Local Government Act 1995*.

Conditions

- a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council.
- b. Council has discretion to determine any conditions/limitations applicable to the use of delegated powers or duties.

Statutory Framework

Council is exercising its power of delegation under Section 5.16 of the *Local Government Act 1995* to delegate to a Committee the discharge of certain powers and duties in accordance with Section 5.17(c).

Verification

Recent Council Resolution
C1606/140

Initial Council Resolution
C1001/015

Review Requirements

In accordance with the requirements of Section 5.18 of the *Local Government Act 1995*, at least once every financial year.

Related Documents

City of Busselton Audit Committee Terms of Reference.

<u>Notes of Recent Alterations</u>
Inclusion of additional powers, duties and conditions to bring the delegation into line with WALGA's model (25 July 2018)



Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
CA1	Cat Act 2011	Chief Executive Officer	Administration of the Cat Act <u>The Powers and Duties of the Cat Act 2011</u>

Delegator

Council.

Power/Duty

~~Authority to exercise the functions in relation to the administration of the Cat Act 2011. All powers and duties of the 'local government' under the Cat Act 2011.~~

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 44 of the *Cat Act 2011*.

Verification

Recent Council Resolution	Initial Council Resolution
C1708/195 _____	C1310/285

Review Requirements

In accordance with the requirements of Section 47 of the *Cat Act 2011*, at least once every financial year.

Related Documents

Keeping and Control of Cats Local Law 2014

Notes of Recent Alterations

Change to wording of the Delegation Subject and Power/Duty for consistency with the wording of the Act (25 July 2018)



Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
CA1	Cat Act 2011	Chief Executive Officer	The Powers and Duties of the <i>Cat Act 2011</i>

Delegator

Council.

Power/Duty

All powers and duties of the 'local government' under the *Cat Act 2011*.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 44 of the *Cat Act 2011*.

Verification

Recent Council Resolution
C1708/195

Initial Council Resolution
C1310/285

Review Requirements

In accordance with the requirements of Section 47 of the *Cat Act 2011*, at least once every financial year.

Related Documents

Keeping and Control of Cats Local Law 2014

Notes of Recent Alterations

Change to wording of Delegation Subject and Power/Duty for consistency with the wording of the Act (25 July 2018)

Revised Delegation DA1 The Powers and Duties of the Dog Act 1976 including the authority to further delegate showing proposed tracking changes



Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
DA1	Dog Act 1976	Chief Executive Officer	Appointment of Authorised Persons and Registration Officers <u>The powers and duties of the Dog Act 1976 including the authority to further delegate</u>

Delegator

Council.

Power/Duty

~~To appoint persons to exercise on behalf of the local government the powers conferred on the local government, and an authorised person by that Act and to authorise persons to effect the registration of dogs.~~

All powers and duties of the 'local government' under the Dog Act 1976 including the authority to further delegate those powers.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 10AA(1) of the Dog Act 1976 including the authority for the CEO to further delegate the duties and powers of the 'local government' to staff.

Verification

Recent Council Resolution
C1708/195

Initial Council Resolution
C1312/328

Review Requirements

In accordance with the requirements of Section 10AB of the Dog Act 1976, at least once every financial year.

Related Documents

Dogs Local Law 2014

Revised Delegation DA1 The Powers and Duties of the Dog Act
1976 including the authority to further delegate showing
proposed tracking changes

Notes of Recent Alterations

Improved wording to strengthen and clarify the delegation as being for all powers and duties of the local government under the Dog Act 1976 (25 July 2018)

Specific reference to the local government incorporated in the power/duty in order to strengthen the delegation (9 August 2017)



Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
DA1	Dog Act 1976	Chief Executive Officer	The powers and duties of the <i>Dog Act 1976</i> including the authority to further delegate

Delegator

Council.

Power/Duty

All powers and duties of the 'local government' under the *Dog Act 1976* including the authority to further delegate those powers.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 10AA of the *Dog Act 1976* including the authority for the CEO to further delegate the duties and powers of the 'local government' to staff.

Verification

Recent Council Resolution
C1708/195

Initial Council Resolution
C1312/328

Review Requirements

In accordance with the requirements of Section 10AB of the *Dog Act 1976*, at least once every financial year.

Related Documents

Dogs Local Law 2014

Notes of Recent Alterations
Improved wording to strengthen and clarify the delegation as being for all powers and duties of the local government under the <i>Dog Act 1976</i> (25 July 2018)
Specific reference to the local government incorporated in the power/duty in order to strengthen the delegation (9 August 2017)

13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.1 PROSPECTIVE FREEHOLD ACQUISITION OF LOT 500 (CROWN RESERVE 22884) QUEEN ELIZABETH AVENUE, BUSSELTON

SUBJECT INDEX:	Land and Asset Management
STRATEGIC OBJECTIVE:	Assets are well maintained and responsibly managed.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Planning and Development
REPORTING OFFICER:	Manager, Strategic Planning and Development Services - Matthew Riordan
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan - Lot 500 Queen Elizabeth Avenue, Busselton ↓ Attachment B Neighbouring Land Ownership ↓

PRÉCIS

Lot 500 Queen Elizabeth Avenue (Crown Reserve 22884) is vested in the City of Busselton for the purpose of '*Sand Pit, Rubbish Disposal and Sanitary Site*' with a Management Order issued in favour of the City providing the power to lease, sub-lease or licence for a period not exceeding 10-years (subject to the approval in writing of the Minister for Lands).

Given important strategic investments undertaken to date, it is considered desirable for the City to have security of tenure over Lot 500. In July 2016, the City of Busselton made an offer to the (then) Department of Lands (DoL) of \$50,000 (excluding GST) to acquire the freehold title of Lot 500. In correspondence to the City in September 2017, the (now) Department of Planning, Lands and Heritage (DPLH) accepted the City's offer.

The Contract of Sale provided by the DPLH has been now declared by Legal and Property Services to be 'in order for dealing'. Accordingly, this report recommends that the City enter into that Contract of Sale with the DPLH for the acquisition of Lot 500 Queen Elizabeth Avenue.

BACKGROUND

Lot 500 has an area of 26.42 hectares, and is identified as a Reserve for 'Recreation' in Local Planning Scheme 21 (LPS21). The property is partly situated within the odour buffer for the Busselton Wastewater Treatment Plant, which is located to the south of the property. Please refer to the Location Plan at **Attachment A** and the Neighbouring Land Ownership plan at **Attachment B**.

Approximately 12.9 hectares of Lot 500 was historically used for waste disposal and landfill (the 'Busselton Waste Facility') for a period of about 50 years, being de-commissioned in 2012 in accordance with a '*Closure and Rehabilitation Plan*' prepared on behalf of the City and endorsed by the (then) Department of Environmental Regulation (DER).

In the correspondence to the DoL of July 2016, the City put forward the case for freehold ownership of Lot 500. In return correspondence to the City, in September 2017, the DPLH approved the City's offer to acquire the land for \$50,000 exclusive of GST.

The acquisition of Lot 500 has been deferred since September 2017. This was in order to allow for legal due diligence to be undertaken by external experts in regard to potential liabilities to the City under the *Contaminated Sites Act 2003*.

That advice has been provided, clarifying that the City is currently occupying and using land (Lot 500) for which it would generally have the same responsibilities and obligations under the *Contaminated Sites Act 2003*, regardless of whether the land remained vested in the City by the Crown or was owned by the City in freehold title.

STATUTORY ENVIRONMENT

The prospective purchase of Lot 500 will constitute 'acquiring an interest in land' as contemplated in s3.59 of the *Local Government Act 1995* (the Act). However, it will *not* constitute a 'major land transaction' under the Act and therefore will not necessitate the application of any further requirements of s3.59 (e.g. the preparation and advertisement of a 'business plan' concerning the development of the property prior to any purchase).

RELEVANT PLANS AND POLICIES

The City's 'Strategic Land Review 2016', as reported to the Council at its Ordinary Meeting of 28 September 2016, identified (inter alia) the prospective strategic acquisition of Lot 500 Queen Elizabeth Avenue and this was endorsed by the Council (together with a suite of other recommendations in regard to strategic land assets).

FINANCIAL IMPLICATIONS

The cost of acquisition of Lot 500 (\$50,000 exclusive of GST) has been included in the City's adopted Budget for 2018-2019 and would be funded from the Waste Reserve.

Long-term Financial Plan (LTFP) Implications

The potential cost of relocating the City of Busselton (EWS) Operations Services Depot from its current site on Barlee Street to Lot 500 Queen Elizabeth Avenue has been factored into the LTFP recently adopted by the Council. Any such relocation would not be likely to commence, however, until sometime after 2025.

STRATEGIC COMMUNITY OBJECTIVES

The Officer Recommendation aligns to Key Goal Area 6 of the Community Strategic Plan 2017 (Leadership: visionary, collaborative, accountable), being 6.4 'Assets are well maintained and responsibly managed'.

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 residual risk, once controls are identified, is 'medium' or greater.

The key risks associated with the land relate to the contaminated sites legislation and, as set out elsewhere in this report, the City's responsibilities in regard to that legislation are generally unaffected by the procuring of freehold title. As such, there are no significant risks associated with the Officer Recommendation.

CONSULTATION

There is no statutory obligation for the City to advertise this prospective acquisition for public notice.

OFFICER COMMENT

The most secure form of tenure for the City in terms of its strategic investment in Lot 500 is freehold title. This is because:

- 1) The subject property contains, and will in the future likely contain more, significant City infrastructure and it is seen as appropriate that the City secure the most secure form of title over the land in order to best protect those assets.
- 2) Freehold title will enable leasing or licensing arrangements to be entered into by the City which would not be required to be subject to Ministerial approval, or limited to 10-years in duration, and any associated income would be to the direct benefit of the City and its ratepayers.
- 3) The acquisition of freehold title will not generally affect the City's current responsibilities in terms of site contamination-related issues.

The DPLH presented the City with a draft Contract of Sale (CoS) based on standard terms and conditions. The key terms and conditions of the CoS are as follows:

- The purchase price is \$50,000 + GST payable by way of a deposit of \$5,000 + GST upon contract execution and the balance upon settlement.
- The City is responsible for payment of all costs and duties associated with registration of transfer of the land in name of the City.
- Unless otherwise agreed settlement will occur within 60 days of contract execution.
- The land is sold "as is" and no warranties are given in relation to matters such as zoning, suitability for intended use by the City or any existing encumbrances like sewers, drains, pipelines and cables on or over the land.
- The City assumes all responsibility for the presence of any contamination found over, on or in the land and releases and indemnifies the Minister and the Crown against all actions, claims, losses, damages, compensation, costs of remediation and legal costs which at any time may be brought or made against the Minister or the Crown arising from the state or condition of the land or any contamination on the land or emanating from the land.

Based on currently available information and subsequent legal advice obtained by the City it is considered that becoming the freehold owner of Lot 500, and assuming the responsibility and providing the indemnity and release as outlined in the fifth bullet point above, is unlikely to make any significant difference to the City's current risk in relation to the legacy contamination associated with Lot 500. On that basis the proposed purchase price of \$50,000 + GST is considered very favourable to the City.

CONCLUSION

For reasons outlined throughout this report, it is recommended that the Council endorse the City proceeding with the strategic acquisition of Lot 500 (Crown Reserve 22884) Queen Elizabeth Avenue from the Department of Planning, Lands and Heritage for the sum of \$50,000 excluding GST.

It is further recommended that in due course, the City coordinate the amendment of the 'Recreation' reserve depicted over Lot 500 in LPS21 to more accurately reflect current and proposed land usage. It is considered that a more appropriate reservation would be 'Public Purposes (Waste Transfer Station and Other Works, Services and Operations)', or similar. This process can be undertaken, however, following the acquisition and transfer of freehold title in Lot 500 to the City.

OPTIONS

Should the Council not agree with the Officer Recommendation it could consider the following options:

1. Support the acquisition of Lot 500 Queen Elizabeth Avenue, but for a negotiated lesser sum.
2. Not support the acquisition of Lot 500 Queen Elizabeth Avenue for stated and justified reasons and thereby maintain the 'status quo'.

Neither option would represent a desirable alternative as the current purchase price offered by the DPLH is considered to be fair and reasonable, and to not proceed with the acquisition would run counter to the Council's adopted strategic direction and significant previous and planned future investment in the property.

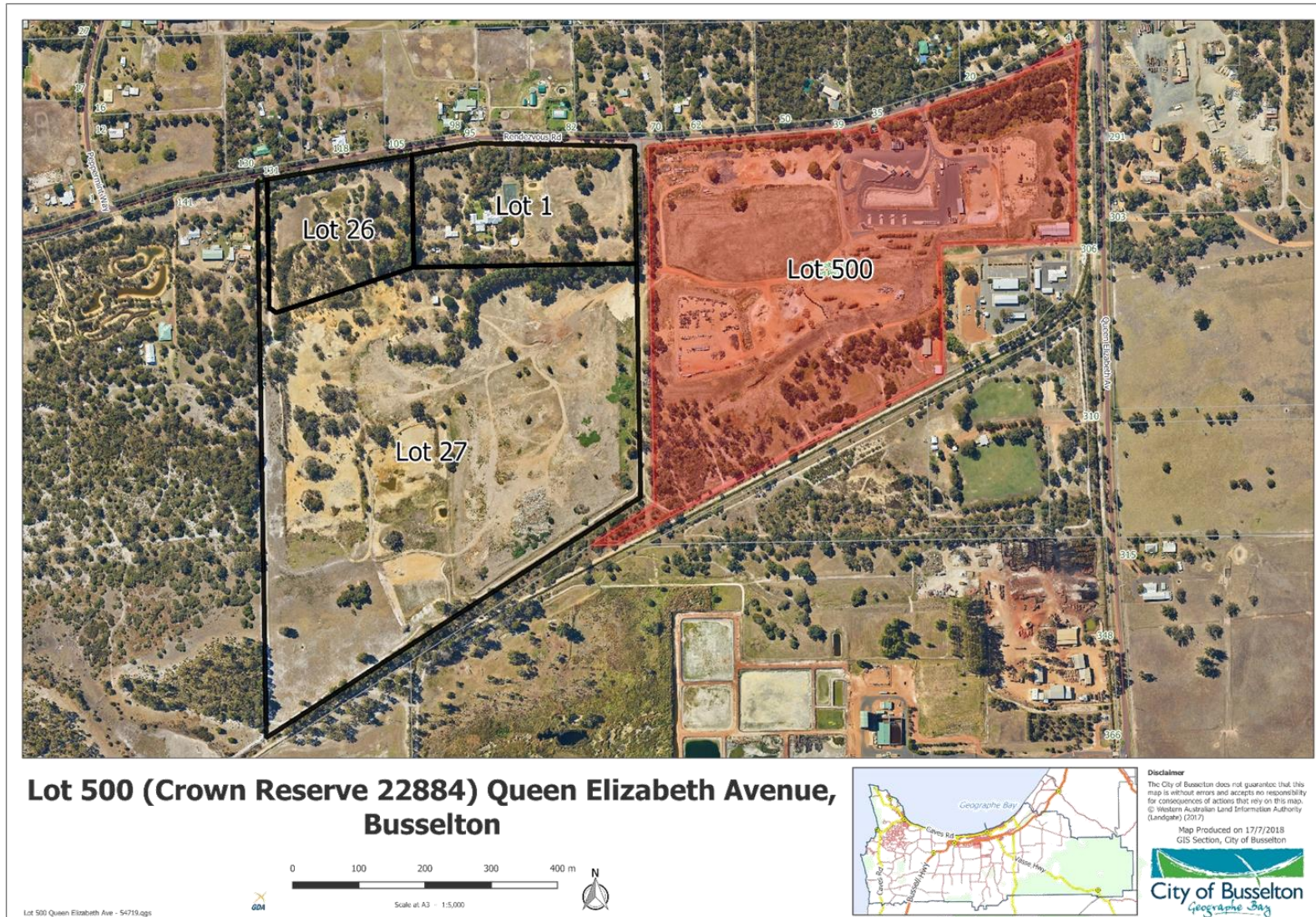
TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

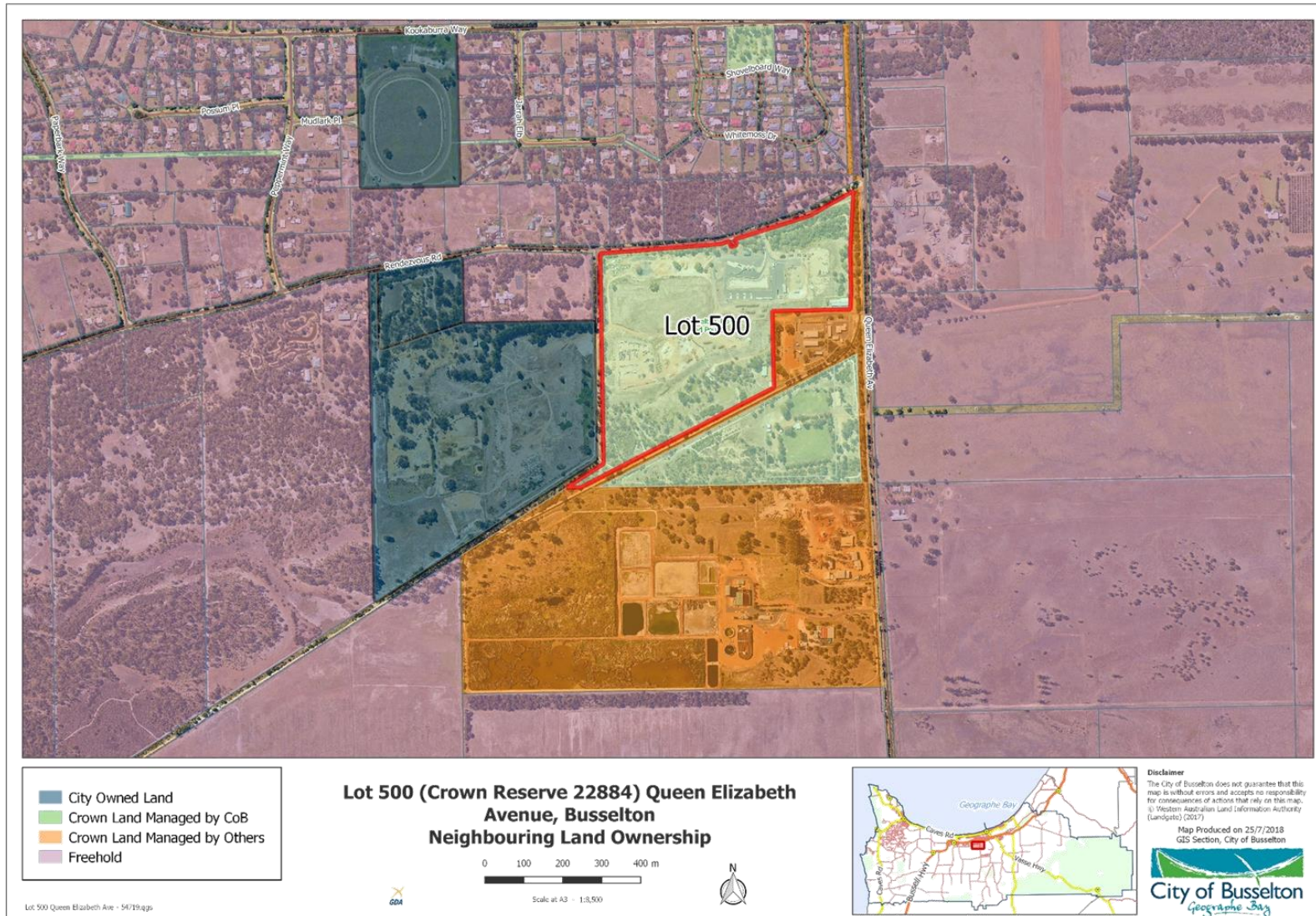
If the Officer Recommendation is supported by the Council, the Contract of Sale shall be endorsed on its behalf by the City and forwarded to the DPLH for execution, together with a required initial deposit of \$5,500 (10 percent of the purchase price, including GST) and the name of the City's 'settlement agent' prior to 31 August 2018. In this respect, it has been agreed between parties that the City shall attend to the preparation and coordinated execution of the Transfer of Crown Land documentation 'in house', through Legal and Property Services.

OFFICER RECOMMENDATION

That the Council:

1. Resolves to acquire Lot 500 Queen Elizabeth Avenue (being Crown Reserve 22884 on Deposited Plan 55437) for the sum of \$50,000 excluding GST.
2. Authorises the Chief Executive Officer to negotiate and enter into a Contract of Sale in accordance with the terms and conditions outlined in this report.
3. Authorises the Chief Executive Officer to commence the process for amending the reservation over Lot 500 in Local Planning Scheme 21, from 'Recreation' to 'Public Purposes (Waste Transfer Station and Other Works, Services and Operations)', or similar.





13.2 APPLICATION FOR USE NOT LISTED (SMALL BAR) - LOT 182 (UNIT 3, 86) WEST STREET, WEST BUSSELTON

SUBJECT INDEX:	Development/Planning Applications
STRATEGIC OBJECTIVE:	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Planning Officer - Stephanie Navarro
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan ↓ Attachment B Development Plans ↓ Attachment C Land Use Concept Plan ↓ Attachment D Summary of Submissions ↓

PRÉCIS

The Council is asked to consider a development (planning) application seeking approval for a Use Not Listed (Small Bar) at Unit 3, 86 West Street, West Busselton. The proposal is located within the 'West Street Development' and is located within the same building as Kmart and Health Freak Café.

The proposal is placed before the Council due to the nature of the issues requiring consideration.

It is considered that the proposal is consistent with the relevant planning framework and it is recommended for approval subject to conditions.

BACKGROUND

Lot 182 (Unit 3, 86) West Street, West Busselton is located within the 'West Street Development'. The subject tenancy is located within the same building as Kmart and Health Freak cafe. A location plan is provided in **Attachment A**.

The site is zoned "Restricted Business" under Local Planning Scheme No.21 ('the Scheme'). A Small Bar is not listed under Table 1 – The Zoning Table of the Scheme, and it is considered that it can be treated as a "Use not listed". It should be noted that under Omnibus 4, which is currently awaiting final endorsement from the Western Australian Planning Commission, the land use "Small Bar" is proposed to be inserted into the Scheme and would be an "A" (discretionary with advertising) land use within the Restricted Business zone (which is to be renamed as the 'Service Commercial' zone).

The ground floor of the development proposes a kitchen and 51m² of wine/beer bar area inside the tenancy with an addition 24m² of outdoor seating area. The development has internal access to shared toilets with Tenancy 2 (Health Freak Café). The development proposes external modifications to the tenancy and includes two 'signage zones' on the northern elevation and one 'signage zone' on the eastern elevation.

Development plans are provided at **Attachment B**

While the applicant has not indicated the maximum number of patrons that will be accommodated on site, under a Small Bar Liquor Licence, issued by the Department of Racing, Gaming and Liquor, the maximum is 120 people. Given the small size of the premise, however, a lower maximum occupancy would be set due to requirements under the National Construction Codes, with the limiting factor being the number of toilets. It is considered that numbers would probably not be able to exceed 100.

Trading hours under a Small Bar Liquor Licence are ordinarily as follows:

Day	When		General Conditions
	Open	Close	
Monday to Saturday	6.00am	midnight	
Sunday	10.00am	midnight	
New Year's Eve (Monday - Saturday)	6.00am	2.00am New Year's Day	
New Year's Eve (Sunday)	10.00am	2.00am New Year's Day	
Good Friday	12.00pm	10.00pm	(ancillary to a meal only)
Christmas Day	12.00pm	10.00pm	(ancillary to a meal only)
ANZAC Day	12.00pm	midnight	

STATUTORY ENVIRONMENT

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

The site is zoned 'Restricted Business', the Objective of the Restricted Business zone is:

To make adequate provision for other commercial needs and opportunities not ideally located in the town centres of Busselton and Dunsborough whilst having regard to the strategic importance and need to maintain the commercial primacy of the town centres.

The Policies of the Restricted Business Zone are:

- (a) *To provide for development having relatively low traffic-generating characteristics, but not high turnover shops and offices that might more properly be located in the Business zone.*
- (b) *To provide for relatively low intensity commercial and retail uses with extensive floor space requirements which, by the nature of the activity conducted, require relatively direct and easy access to motor vehicle parking areas for loading purposes.*
- (c) *To provide for development which will not result in a detrimental impact on surrounding commercial centres or an overall adverse impact on commercial centres.*
- (d) *To restrict development which is likely to contribute to ribbon development, the spread of town centres, or otherwise detrimentally impact the efficiency of main or arterial roads.*

As the development proposes a land use which is not listed under Table 1 – The Zoning Table of the Scheme it needs to be considered whether it can be treated as a "Use not listed" and is subject to the provisions of clause 3.4.2 of the Scheme which states:

3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- (a) *determine that the use is consistent with the objectives and policies of the particular zone and is therefore permitted; or*
- (b) *determine that the use may be consistent with the objectives and policies of the particular zone and thereafter follow the advertising procedures of clause 64 of the Deemed Provisions in considering an application for development approval; or*
- (c) *determine that the use is not consistent with the objectives and policies of the particular zone and is therefore not permitted.*

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;*
- (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;*
- (zb) any other planning consideration the local government considers appropriate.*

RELEVANT PLANS AND POLICIES

The Land-use Concept Plan (LUCP) guides subdivision and development within the site. The relevant provisions that apply to this application are:

- 8. Building envelopes and car parks shall be constructed in the location as generally shown on the Land-use Concept Plan to maintain sightlines to buildings.*

A copy of the LUCP is at **Attachment C**.

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 residual risk, once controls are identified, is medium or greater. No such risks have been identified.

CONSULTATION

The proposal was formally advertised in the local newspaper on 18 May 2018 for a period of 14 days. As a result of the advertising one submission being a letter from the Strata Manager of an adjoining residential property was received, raising the following concerns/contentions:

- Hours of operation;
- Noise generated by music/bands, patrons leaving the premise and using outdoor seating;
- Anti-social behaviours;
- Late night traffic noise; and
- Inconsistency with the Land Use Concept Plan

A copy of the Schedule of Submissions is at **Attachment D**.

OFFICER COMMENT

Land Use Classification

The proposed development has been considered to be a "Use not Listed" as it does not fall under a land use currently listed within the Scheme. It should be noted that as part of Omnibus 4, which is currently with the Western Australia Planning Commission awaiting final endorsement, that the land use "Small Bar" is proposed to be inserted into Table 1 – The Zoning Table and will be defined as:

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

As part of Omnibus 4 a "Small Bar" is proposed to be an "A" (discretionary with advertising) land use within the Restricted Business zone (which is to be renamed as the 'Service Commercial' zone).

It has been suggested that the development could be considered a "Restaurant/Cafe" which is defined under the Scheme as:

"Restaurant/Café" means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*.

While a "Restaurant/Cafe" is a "D" (discretionary) land use within the "Restricted Business" zone and therefore the City could consider a proposal for this land use within this location, the liquor licence restrictions on a Restaurant Licence are ordinarily more restrictive than a Small Bar Licence. While for a 'Restaurant' a "liquor without meal" permit may be applied for, liquor must be consumed by patrons seated at a dining table and only table service, no bar service, is permitted.

This is not in keeping with the intention of the proposal and therefore it is considered that it should be treated as a "Use Not Listed."

Land Use Permissibility

As a "Use not Listed" the development is required to be assessed against clause 3.4.2 of the Scheme and the City is required to determine if the proposed development is consistent with the Objectives and Policies of the relevant zone. In this instance it is the Objective of the Restricted Business zone that is seen as critical which states:

To make adequate provision for other commercial needs and opportunities not ideally located in the town centres of Busselton and Dunsborough whilst having regard to the strategic importance and need to maintain the commercial primacy of the town centres.

Previous decisions of the State Administrative Tribunal have observed that consideration of alternative sites is not usually a relevant consideration. However, in this instance, the Objective of the Restricted Business zone specially states that when determining development applications consideration should be given to maintaining the commercial primacy of the Busselton and Dunsborough town centres. It is considered that due the small scale of the proposal that the development will not detract in any significant way from the commercial primacy of the Busselton town centre. However, if a proposal of a larger scale were to be considered on the site that would result in a greater capacity to diminish the Busselton Town Centre, then it would be considered appropriate for the Council to have greater consideration to the appropriateness of the development in this location and if the proposal would potentially detract from the commercial primacy of the town centre.

In regards to the concerns which have been raised that the proposal does not strictly comply with the LUCP; the plan is a guide to development and applicants have the opportunity to submit development applications that vary from the plan, these proposals are required to be assessed on their merits taking into account the Scheme and the plan.

Impact on surrounding residential properties

The proposed small bar is approximately 240m from the nearest dwelling on Seymour Street. Given the distance, and the fact that there will be more commercial development along the western section of the overall development site, it is not anticipated that the proposed development will have an adverse impact on these residents in terms of noise or traffic.

In regards to the impact on surrounding properties and limiting the operating hours of the proposal the Council must determine if it wants to place conditions on the approval that limit the operating hours or if it is felt that the liquor licence will adequately address these concerns. Officers are of the view that no special conditions are necessary. Previous planning determinations made in relation to 'The Fire Station' and 'The Laundry', which have approvals to operate as 'Small Bars', have no planning conditions regarding operating hours. In addition, the lease over the Fire Station which is with the City does not include any conditions limiting operating hours.

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; or
2. Apply additional or different conditions.

If any Councillor is minded to support 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 Council resolve:

1. That application DA18/0240 submitted for a Use not Listed (Small Bar) at Lot 182 (Unit 3, 86) West Street, West Busselton, 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:

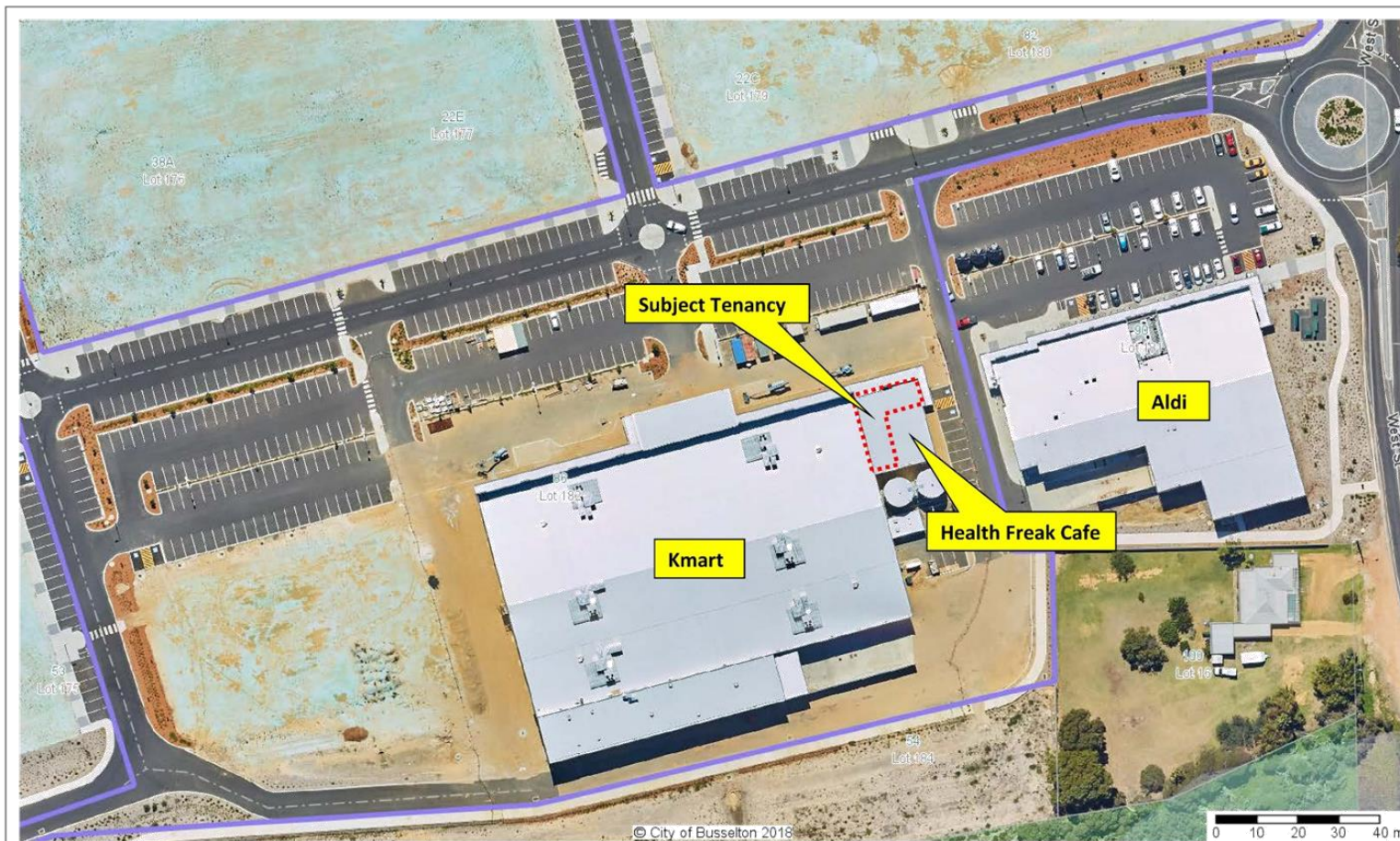
GENERAL CONDITIONS:

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) (enclosed), including any notes placed thereon in red by the City.
3. The development hereby approved shall at all times comply with the following definition of 'Small Bar':

"Premises used for the sale of alcoholic and non-alcoholic beverages and may include the sale of food."

Attachment A

Location Plan



Disclaimer: Every effort has been made to make the information displayed here as accurate as possible. This process is ongoing and the information is therefore ever changing and cannot be disseminated as accurate. Care must be taken not to use this information as correct or legally binding. To verify information contact the City of Busselton office.

Attachment 1
Location Plan

17/07/2018

1:1250 @ A4L



PROPOSED SMALL BAR

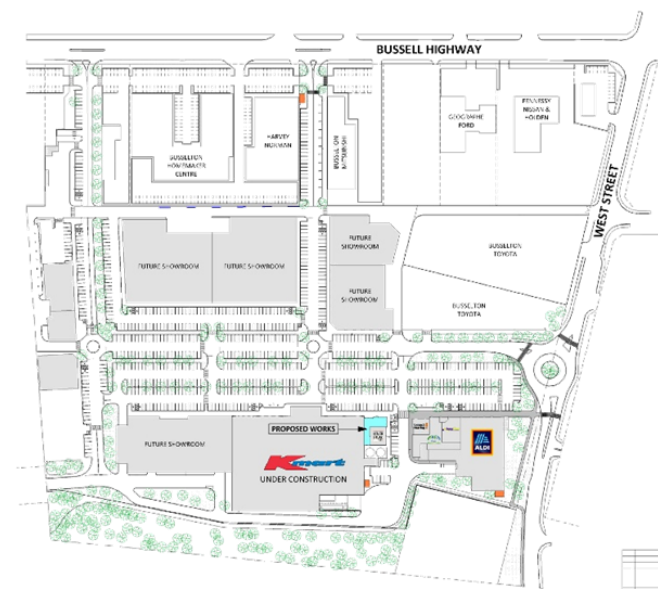
LOT 182
POWER CENTRE, WEST STREET
BUSSELTON

<u>SHEET No.</u>	<u>SHEET NAME</u>	<u>SCALE</u>	<u>SHEET SIZE</u>
A001	SITE PLANS	1:2000, 1:1000	A2
A002	FLOOR PLANS	1:100	A2
A003	ELEVATIONS	1:100	A2
A004	SECTIONS	1:100	A2

[illegible]



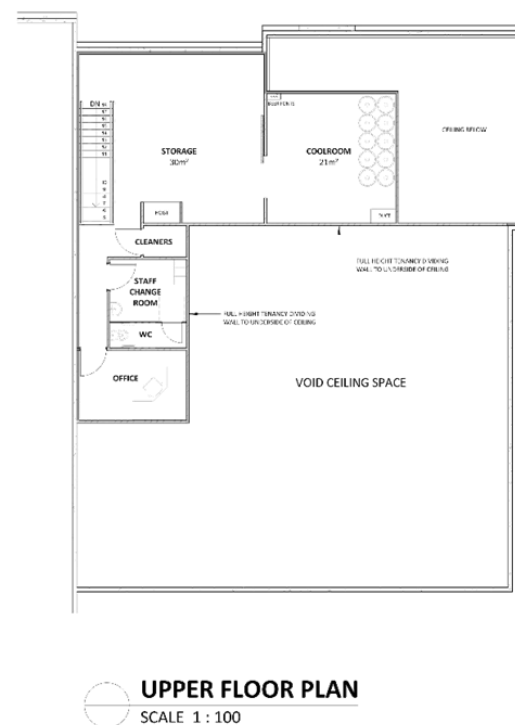
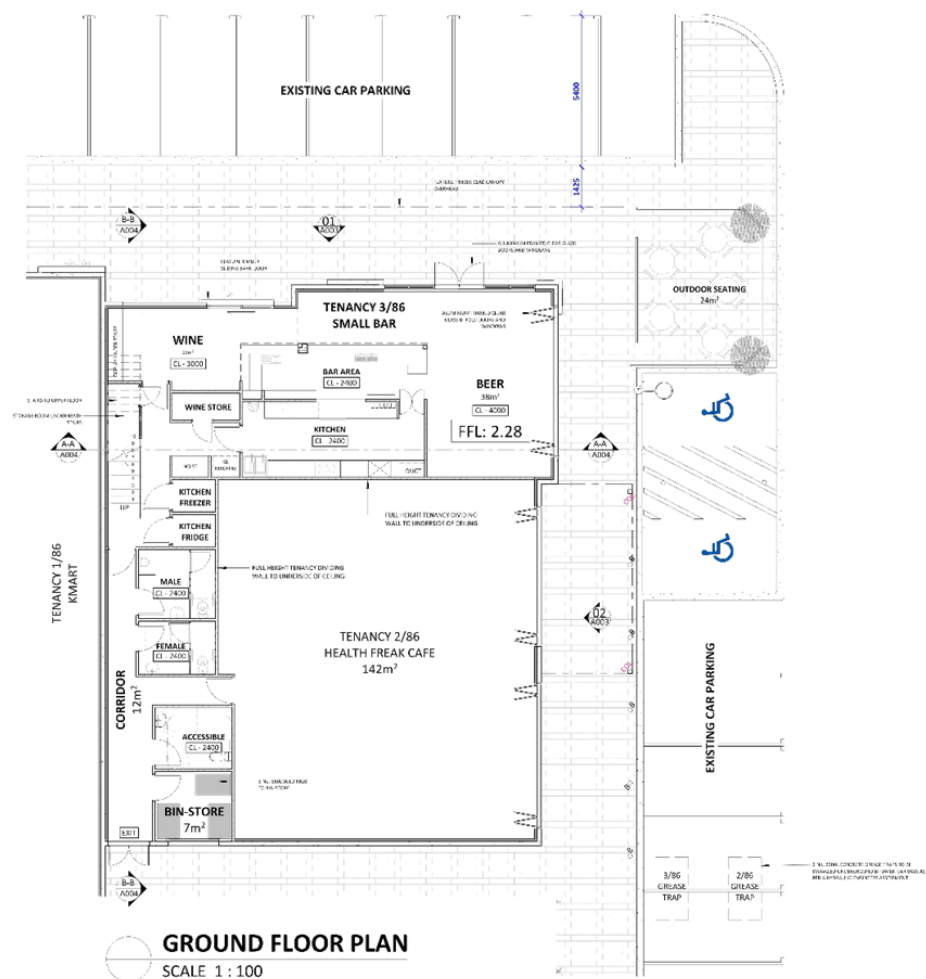
SITE PLAN
SCALE 1 : 1000



LOCATION PLAN
SCALE 1 : 2000

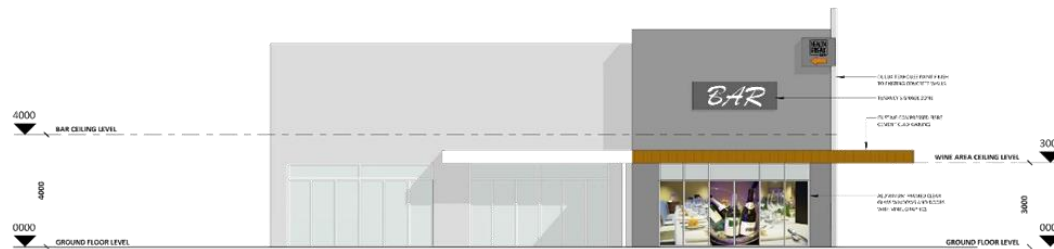


<p>JP</p> <p>JOHN P. JONES & PARTNERS</p> <p>100 GARDEN STREET, SUITE 100, PERTH, WA 6150</p> <p>TEL: 08 9447 1234 FAX: 08 9447 1235</p> <p>WWW.JPJP.COM.AU</p>	
<p>PROJECT: KPMG/ALDI/BAK</p> <p>CLIENT: ALDI</p> <p>PROJECT: CENTRAL WEST STREET</p> <p>DATE: 08/08/2018</p> <p>SCALE: 1:1000</p> <p>BY: JPP</p>	<p>DATE: 08/08/2018</p> <p>BY: JPP</p> <p>SCALE: 1:1000</p> <p>BY: JPP</p>

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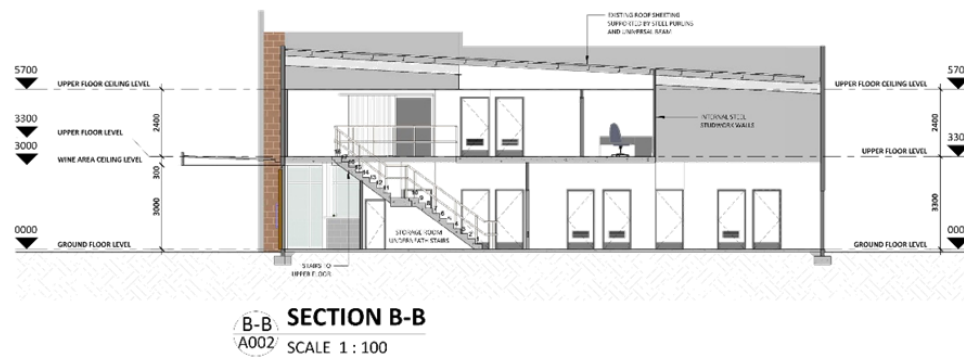


01
A002 ELEVATION 01
SCALE 1 : 100



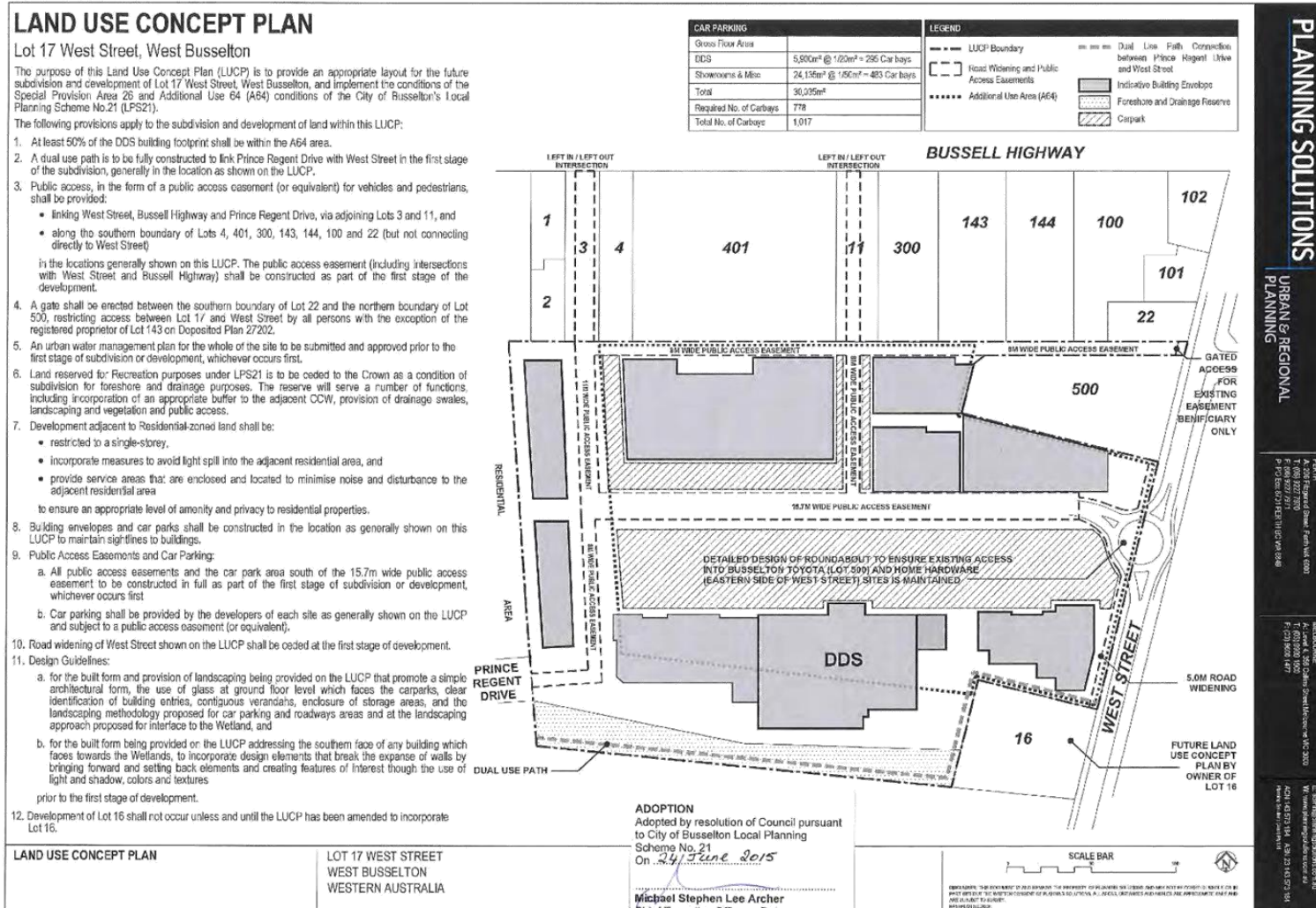
02
A002 ELEVATION 02
SCALE 1 : 100

Rev	Date	Description
1	08/08/2018	Issue for Council
2	08/08/2018	Issue for Council
3	08/08/2018	Issue for Council
4	08/08/2018	Issue for Council
5	08/08/2018	Issue for Council
6	08/08/2018	Issue for Council
7	08/08/2018	Issue for Council
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100	08/08/2018	Issue for Council



Attachment C

Land Use Concept Plan



Attachment D

Summary of Submissions

	Name and Address	Nature of Submission	Officer's comment
Submissions			
1	Helen Bowler On behalf of the Council of Owners and 20 Residents of 90 Seymour Street West Busselton.	Objection, areas of concern; <ul style="list-style-type: none"> • Hours of operation; • Noise generated by music/bands, patrons leaving the premise and using outdoor seating; • Anti-social behaviours; • Late night traffic noise; and • Inconsistency with the Land Use Concept Plan 	<ul style="list-style-type: none"> • Hours of operation are dictated by the requirements of the Small Bar Liquor Licence, issued by the Department of Racing, Gaming and Liquor. • Noise, traffic and land use concept plan refer to Officer Comments within Council Report.

13.3 APPLICATION FOR MIXED-USE DEVELOPMENT INCLUDING PRIVATE RECREATION, RESTAURANT/RECEPTION CENTRE AND CHALETS - LOT 40 (HSE NO 342) WILDWOOD ROAD, ANNIEBROOK

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:	Statutory Planning Coordinator - Joanna Wilson
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan ↓
	Attachment B Development Plans ↓
	Attachment C Table of Submissions ↓
	Attachment D Noise Assessment ↓
	Attachment E Proposed Landscaping Scheme ↓
	Attachment F Agency Submissions ↓

PRÉCIS

A development application has been received by the City for a 'mixed-use' development at Lot 40 (Hse No 342) Wildwood Road, Anniebrook. The application comprises three land use types: Private Recreation (Wakeboard Park), Restaurant/Reception Centre and Chalets.

The proposal has been placed before the Council due to the nature of the issues and level of community interest which were generated during the consultation on the proposal.

During the consultation period the main concerns that have been raised are noise amenity, the amount of traffic generated, water consumption including evaporation and the scale of the proposed development.

It is considered that the application is inconsistent with the relevant planning framework and it is recommended for refusal. The key reasons for that recommendation relate to the likely amenity impact of the proposed development.

BACKGROUND

The Council is asked to consider a planning application seeking approval for a mixed-use development comprising a private recreation (wakeboard park), restaurant/reception centre and six chalets at Lot 40 (Hse No 342) Wildwood Road (**Attachment A**). Under the City of Busselton Local Planning Scheme No.21 (the Scheme) the site is zoned Agriculture. The site has an area of 30.1 hectares.

A copy of the development plans is provided as **Attachment B** and noise assessment information is provided as **Attachment D**.

The 'Private Recreation' component of the application consists of three separate elements:

1. Cable-Ski Lake
 - 340m long
 - 110m wide
 - 2m-2.5m deep
 - Capacity to tow up to eight riders at any given time or on average 250-300 people per day

2. Boat Lake

- 740m long
- 110m wide
- 2m-2.5m deep
- Central channel of lake will range from 4m-4.5m in depth for a 20m wide section

3. Aqua Park Lake

- 110m long
- 70m wide
- 2m deep
- 50m x 60m inflatable playground/ fun park

The Restaurant/Reception Centre component of the application comprises of a two storey building. Ground floor level would consist of a function room, reception area incorporating the induction area and hire facilities, boat storage area and toilets. This is proposed to be utilised for corporate functions at times. At first floor a restaurant is proposed with a large undercover alfresco area and further toilets. The restaurant would be able to accommodate 120 people and is intended to be licenced to serve alcohol.

Six chalets are proposed, these would be single storey, each with two bedrooms and private jetties. One of the six Chalets would be dedicated and designed for disabled access.

In the Agriculture Zone, Private Recreation, Restaurant and Chalets are all 'D' uses (i.e. uses approval of which is subject to the reasonable discretion of the City) and Reception Centre is an 'A' use (i.e. a use approval of which is subject to the reasonable discretion of the City, following a period of consultation and consideration of the outcomes of the consultation process).

High levels of community interest have resulted in a significant number of submissions being received by the City. In addition, due to the complexities of a number of the issues, over the course of the referral period City officers met with officers from the Department of Water and Environmental Regulation (DWER) to discuss elements of the proposal pertaining to water; specifically, access to ground-water and the measures to ensure ongoing sustainability.

The comments and recommendations provided by the external government agencies were relayed to the applicant for an opportunity to address and/or comment. City officers discussed elements of the proposal where the applicant might take into consideration the modification/ removal of some elements or modifying the design. City officers also sought further information from the applicant on the following questions:

- Where will the water be sourced from?
- How potential noise and amenity factors will be managed?

In response to the above the applicant provided further information to support the application.

STATUTORY ENVIRONMENT

The key elements of the statutory environment that relate to the proposal are set out in Local Planning Scheme No.21 ('The Scheme').

The site is zoned 'Agriculture, the Objectives of the Agricultural zone include:

- (a) *To conserve the productive potential of rural land.*
- (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.*
- (e) *To encourage low-key rural tourism associated with traditional forms of agriculture or rural retreat as a contributor to the overall rural economy of the City.*

The Policies of the Agriculture Zone 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.*
- (b) *To permit rural tourist accommodation and rural tourist facilities where these will not conflict or detrimentally impact established farming pursuits and/or associated with rural activities.*

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;*
- (g) *any local planning policy for the Scheme area;*
- (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;*
- (o) *the likely effect of the development on the natural environment of water resources and any means that are proposed to protect or mitigate impacts on the natural environment of the water resource;*
- (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 probably 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;*
- (zb) *any other planning consideration the local government considers appropriate.*

RELEVANT PLANS AND POLICIES

State Planning Policy 3.7: Planning in Bushfire Prone Areas and Guidelines for Planning in Bush Fire Prone Areas 2017

SPP 3.7 directs how development should address bushfire risk management in Western Australia. It applies to all land that has been designated as 'bushfire prone' by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas. The accompanying *Guidelines for Planning in Bushfire Prone Areas* provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7, providing advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

The elements of the Guidelines relevant to the proposal are:

- Element 1: Location of Development; and
- Element 2: Siting of Development.

The intent of Element 1 is to ensure that the development or land use is located in areas with the least possible risk from bushfire, to help minimise risk to people, property and infrastructure.

Element 2 intends to ensure that the siting of development minimises the level of bushfire risk. The bush fire management plan provided in support of the proposal suggests that the bush fire risk to the development can be managed to an acceptable level.

A Bush Fire Attack Level Assessment (BAL) was provided with the development application. The OBRM bushfire prone area mapping shows that most of the property is not bushfire prone; the applicant has ensured that the 'vulnerable' development is outside of the area that is shown to be bushfire prone.

Local Planning Policy 5B - Rural Tourist Accommodation (LPP5B)

Local Planning Policy 5 provides criteria for assessing tourist accommodation in the agricultural zone, in respect to chalet development, the policy states that chalets should not be developed at a density greater than 1 chalet per 3 hectares of site area and shall comprise a minimum of 2 accommodation units.

The application proposed 6 chalets, as a result there would be sufficient site area to accommodate the proposed number of chalets when assessed against the policy.

Local Planning Policy 8A - General Development and Process Standards

Local Planning Policy 8 provides car parking criteria for proposed development and is intended to provide a practical guide to aid in assessment of an application. The development plans provided as **Attachment B** identify a formalised car parking area that accommodates 71 car parking bays and an overflow car parking area.

There is no minimum car parking requirement specifically listed in LPP8 for the reception centre land use. Internal practice has been for the City to assess such uses against the nearest analogous use, typically 'Place of Assembly', which has a minimum car parking requirement of one car parking bay per four patrons. Based on the net lettable area (NLA) the reception centre and restaurant would require 82 car parking bays.

In respect to the chalets, the policy requires 1 bay per chalet and an additional 2 bays for visitors. There is a carport proposed for each chalet and there is ample room for additional bays adjacent to the chalets.

It is considered that there is sufficient formalised car parking bays and overflow area to cater for the mix of uses on the site. Furthermore, there is ample room that could be utilised to accommodate car parking in the future if required.

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 residual risk, once controls are identified, is medium or greater. No such risks have been identified.

CONSULTATION

The development application was referred to adjoining landowners, external government agencies, advertisement in the local newspaper and a site notice. City officers received large volumes of phone enquiries and written submissions relating to the proposal. The summary of submissions can be seen in **Attachment C**.

In addition, 135 supporting comments have been received; officers have been unable to individually note these as they were generated from commenting on the applicant's website and these, the City understands, being automatically forwarded to the City.

DWER have highlighted a number of points that need to be considered in relation to the application:

- Access to a water supply and the ongoing management of the water supply
- The status of whether or not acid-sulfate soils are present is indeterminate without further testing, but is thought to be a 'significant' risk.

OFFICER COMMENT

Officers are of the view that a development of the kind proposed could make a substantial contribution to the tourism potential of the District, and if a suitable site could be found or secured, that a development of this kind could be supported. Officers are also of the view, however, that the scale and scope of the proposed development are too large for the subject site, and would have significant and unacceptable impacts on the amenity of neighbouring properties. The reasons for that position are set out in the paragraphs below.

Before looking at the current proposal any further, though, it is considered worth stating that City officers are of the view that it may be appropriate to approve a development of lesser scale and impact, but similar character, on the subject site. For instance, if the proposal were modified such that only the cable ski lake were proposed, and not the boat lake, the potential noise impacts would be significantly reduced, and it would be possible to locate the development more within the centre of the subject site, and therefore further away from neighbouring properties. Officers have had a number of discussions of that kind with the proponent, but the proponent has indicated that they are unwilling to modify the proposal in that kind of way. That is a choice that only the proponent can make, and it is neither necessary nor appropriate to comment further on that decision.

It is worth noting, however, that it would not be appropriate for the City to approve the application subject to conditions requiring changes of the kind described above. Conditions that substantially modify a proposal are not valid conditions and, given the feedback from the proponent, would constitute a *de facto* refusal in any case. Such substantial changes should only ever occur where the proponent chooses to modify their proposal. Further, it would be strongly arguable that such a substantial change to the proposal should necessitate the lodging of a new application, and a further round of consultation, before a final decision was made.

Similarly, a development of the kind and the scale proposed may be appropriate on an alternative, larger site, or if the subject site could be expanded beyond the current lot boundaries – which would obviously require negotiations with adjoining landowners. The City can assist proponents in site identification, but it is neither necessary nor appropriate to address that matter any further in this report.

There appear to be two key sets of issues of most interest and concern from a community perspective. The first set of issues relates to amenity, in particular potential noise and visual impact. The second set of issues relates to water. Each of those sets of issues is briefly outlined and discussed below, under appropriate sub-headings.

Amenity

The potential amenity impacts of the proposal mostly relate to noise and visual impact, with traffic also having a potential amenity element. The local road network can clearly cope with the additional traffic that would be generated by the development, and in any case it is considered that the traffic impact would be similar to other kinds of fundamentally commercial land uses that are fairly common in the rural areas of the City. In the context of this proposal, traffic is not considered by officers to be an issue of significant concern. That leaves noise and visual impact to be further considered.

The proponent has provided noise assessment information prepared by suitably qualified and experienced consultants, and that assessment has been subject of appropriate review and critique. It appears that the proposal may be able to be developed and managed in a manner that would achieve compliance with the *Environmental Protection (Noise) Regulations 1997* ('Noise Regulations'), in terms of the noise levels experienced at the nearest, existing noise sensitive premises (i.e. in this case, houses) located outside the subject site. Some further work has been undertaken to identify and test some quieter ski boats, which could further reduce noise levels experienced outside the subject site. Whilst not a critical consideration, given other factors, it is worth noting that it is questionable whether workable and enforceable conditions could be applied to ensure that the proposal was indeed developed and managed in a manner consistent with the noise assessment, given the extent to which the type and use of boats would need to be regulated.

Demonstrating compliance with the Noise Regulations, in terms of the noise levels experienced at the nearest, existing noise sensitive premises, however, is not sufficient to demonstrate that there will not be unacceptable amenity impacts, in the form of noise, as part of a planning assessment process. There are instances where the pre-existing levels of background noise are relatively low, and there is a reasonable community expectation that will continue into the future. Whilst at the nearest existing houses the background noise levels may be elevated by virtue of traffic on Wildwood Road (and the proponent has provided some information supporting that contention), the same cannot be said with respect to adjoining land that is further away from Wildwood Road. The character of the noise is also different, and it is considered by officers that the noise from the boat lake would be more concerning and intrusive than traffic noise from Wildwood Road.

That then leads into the next key reason why demonstrating compliance with the Noise Regulations, in terms of the noise levels experienced at the nearest, existing noise sensitive premises, is not sufficient to demonstrate that there will not be unacceptable amenity impacts, in the form of noise, as part of a planning assessment process. Whilst the nearest existing houses are respectively 150m from the western boundary (216m to the boat lake) and 230m from the eastern boundary and over 400m to the proposed boat lake (which has significantly higher noise generating potential than the cable lake), the boat lake is actually proposed to be located within approximately 20m of both the northern and western side boundaries.

New or additional noise sensitive premises could be developed relatively close to those boundaries, and on the basis of the noise assessment information provided, could be exposed to noise levels well in excess of the levels prescribed in the Noise Regulations (i.e. 45 dB during the day, 35 dB on Sundays and public holidays). In some cases, such development could occur without the need for development approval or, even if development approval would be required, the City would generally not be able to prevent the development occurring on the basis that it may be exposed to unacceptable levels of noise. If such development occurred and the occupants complained about the noise they were experiencing, the City would then ordinarily have a duty to enforce the Noise Regulations. The fact that the proposed development 'was there first' would generally not matter. Amongst other things, that would obviously represent a significant risk for the proponent to consider.

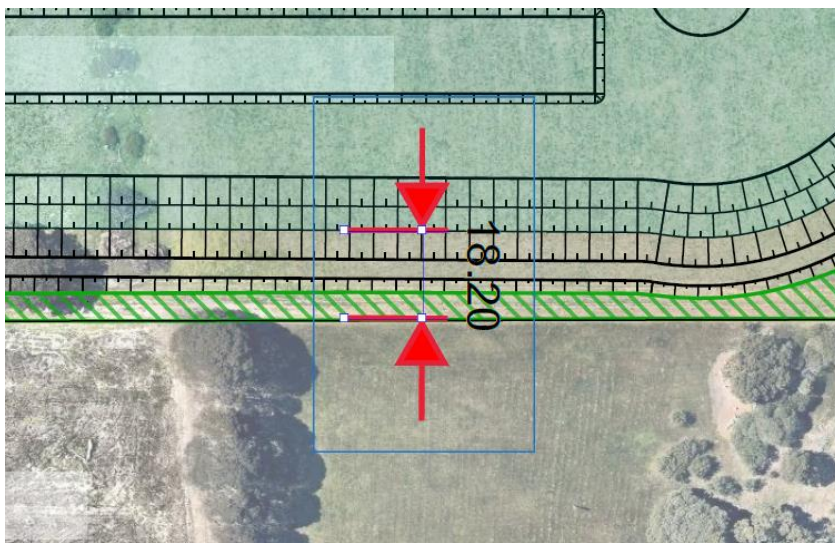
It is worth noting that there are circumstances where development or infrastructure cannot contain emissions (of noise, odour, gas, dust or similar) entirely within the subject site, and steps are taken to regulate development outside the site to protect that investment. That can include airports, wastewater treatment plants, major roads/railway corridors and strategic industrial areas. That is not, however, done to protect a single private investment.

The Noise Regulations also allow a local government to approve a noise management plan that does not directly regulate development outside the subject site, but does allow the prescribed levels to be exceeded, in ways and to an extent as set out in a noise management plan.

That can be done to protect strategic infrastructure. It can also be done, or a similar effect achieved in other ways, to allow for temporary land-uses, such as events, or for mining or extraction activity. It can also be done to allow certain kinds of recreational activity to occur, especially motorsport or activity that involves firearms. Again, though, that would not ordinarily be done to protect a single private investment.

For the reasons set out above, the proposal is considered to have unacceptable amenity impacts, in terms of noise. Lastly, then, there is a need to consider the visual amenity impacts.

In order to address officers concerns about any loss of amenity to the neighbouring properties, the applicant has submitted a landscaping scheme. The scheme proposes to utilise the material from the construction of the lakes to create an earth bund surrounding the lakes and a three-tiered vegetated buffer, it states that “the landscaping scheme proposed would completely conceal the proposed development from Wildwood Road and all neighbouring properties”. The report can be found in **Attachment E**.



The diagram above shows the distance from the boat lake to the western boundary. It is considered that there would be insufficient distance (18m) to install a bund and establish a substantial landscaping strip that would ameliorate concerns that the proposal would result in the loss of amenity. It is considered that in order to properly ‘screen’ the development, a landscaping strip 30—40 metres would probably be necessary. Assessment of the potential impact of the screening vegetation on the structural integrity of the bund and lake would also need to be undertaken before it could be accepted that the visual impact of the proposal could be addressed through the planting of vegetation – and there is a further issue about how long it takes the vegetation to grow and what to do during the interim period. This issue could probably be dealt with satisfactorily if the proposal were reduced in scope and scale, but in the absence of that, it is considered the potential amenity impacts, in terms of visual amenity, are unacceptable.

Water

The lakes will require 259.6ML of water, the application site exists within the Vasse Shelf of the Southern Perth Basin and there are three recognised aquifer systems beneath the property:

- The Superficial aquifer, which is thin and possibly extends to a depth of 5-8m below ground level.
- The Leederville aquifer is a confined aquifer and underlies the superficial and may extend to a depth of 130m below the natural surface.
- The Sue Coal Measures formation occurs below the Leederville, may have a thickness of more than 700 metres and consists of sandstone, shale and some coal seams.

The Superficial and Leederville aquifer in the Dunsborough-Vasse subarea are fully allocated; the applicant submitted a licence to DWER to obtain water from the Leederville aquifer and has been notified by DWER of their proposed decision to refuse the application. As a result, the applicant has indicated that negotiations with a third party for groundwater trading to obtain water to the Leederville Aquifer has commenced. If an arrangement cannot be made and a suitable volume of water cannot be accessed, the applicant has indicated that a bore will be dug approximately 140m to access the Sue Coal Seam Aquifer. This will be subject to DWER issuing a water licence.

In the context of water resource management DWER does not object to this proposal, however it is logical that this proposal cannot succeed without firstly securing a suitable supply of water both to fill and then maintain the lakes. The Department have recommended a number of conditions if the proposal was to be approved. The advice from DWER can be found at **Attachment F**.

In regard to the allocation of water, this is not considered to be a critical planning consideration and would be determined by DWER through the issuing of water licences. In light of the above comments, officers consider that any water concerns can be addressed.

CONCLUSION

Due to the scale and scope of the proposed development in the context of the site and the potential impact on amenity, the application is recommended for refusal.

OPTIONS

Should the Council be minded to approve the development; the Council could determine the application is consistent with the objectives and policies of the zone in which development is proposed, and approve the proposal subject to appropriate conditions. If a Councillor is minded to support this option officers can assist in the drafting of a suitable alternative motion.

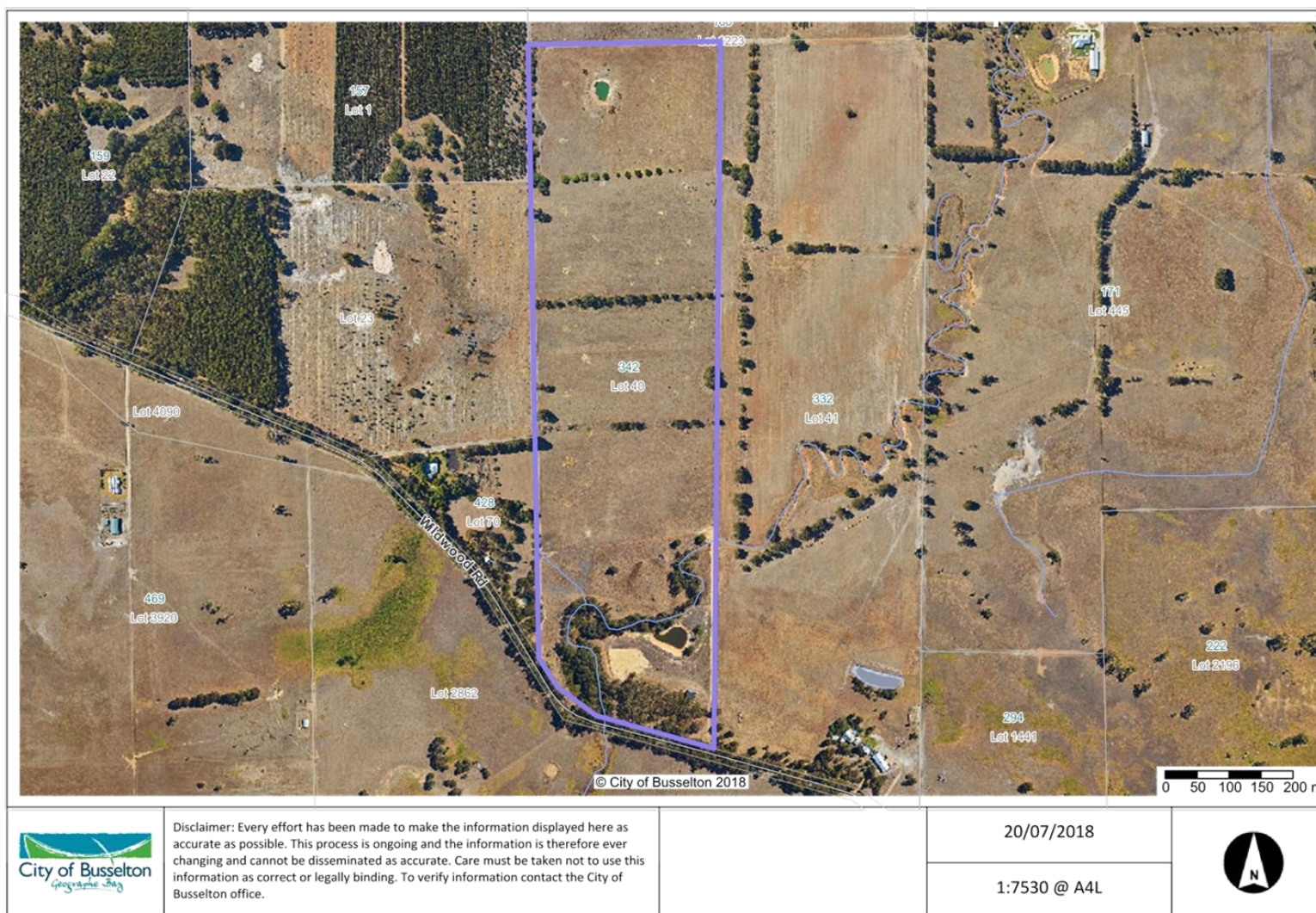
TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

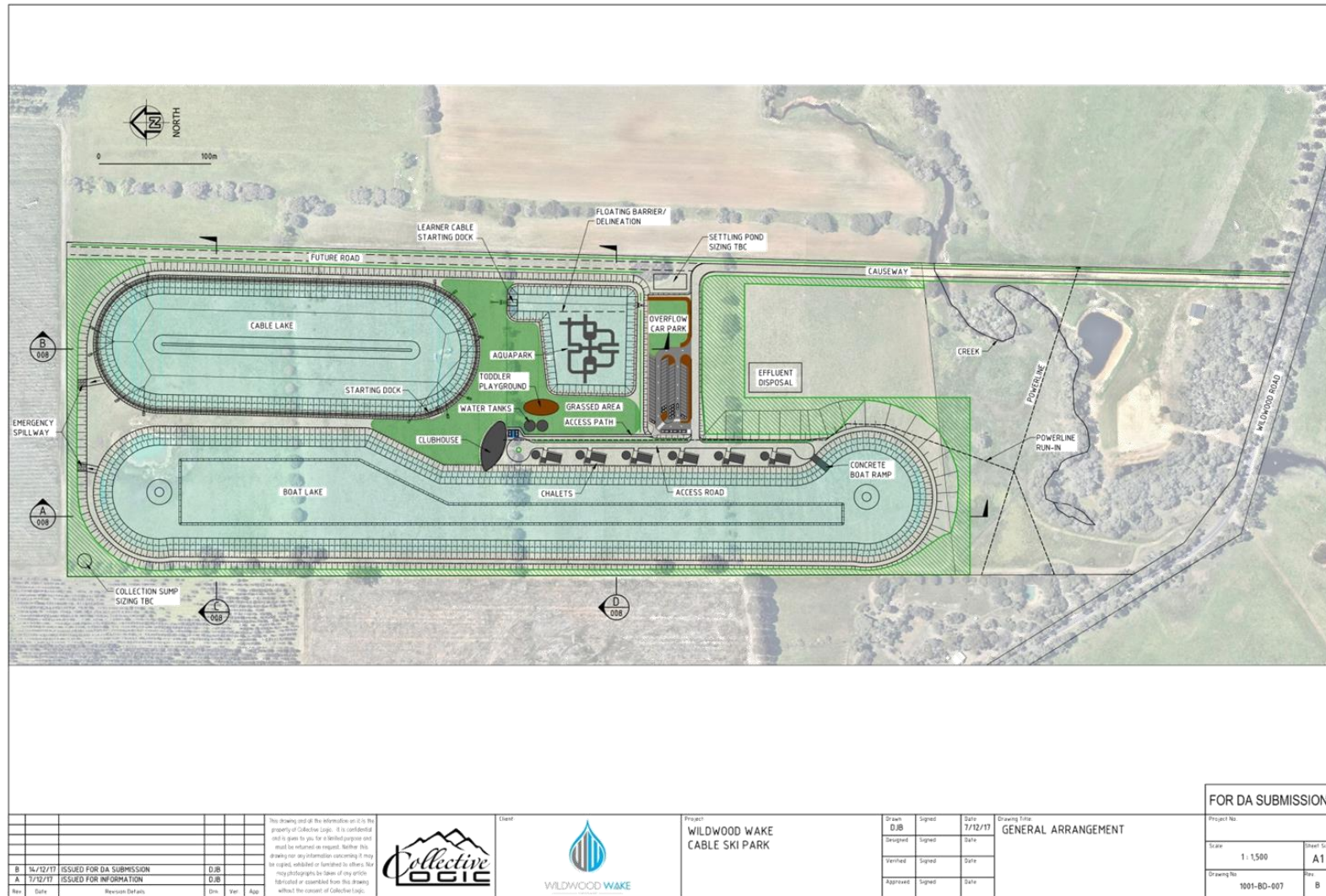
The applicant will be notified of the Council's decision within two weeks of a decision consistent with the officer recommendation.

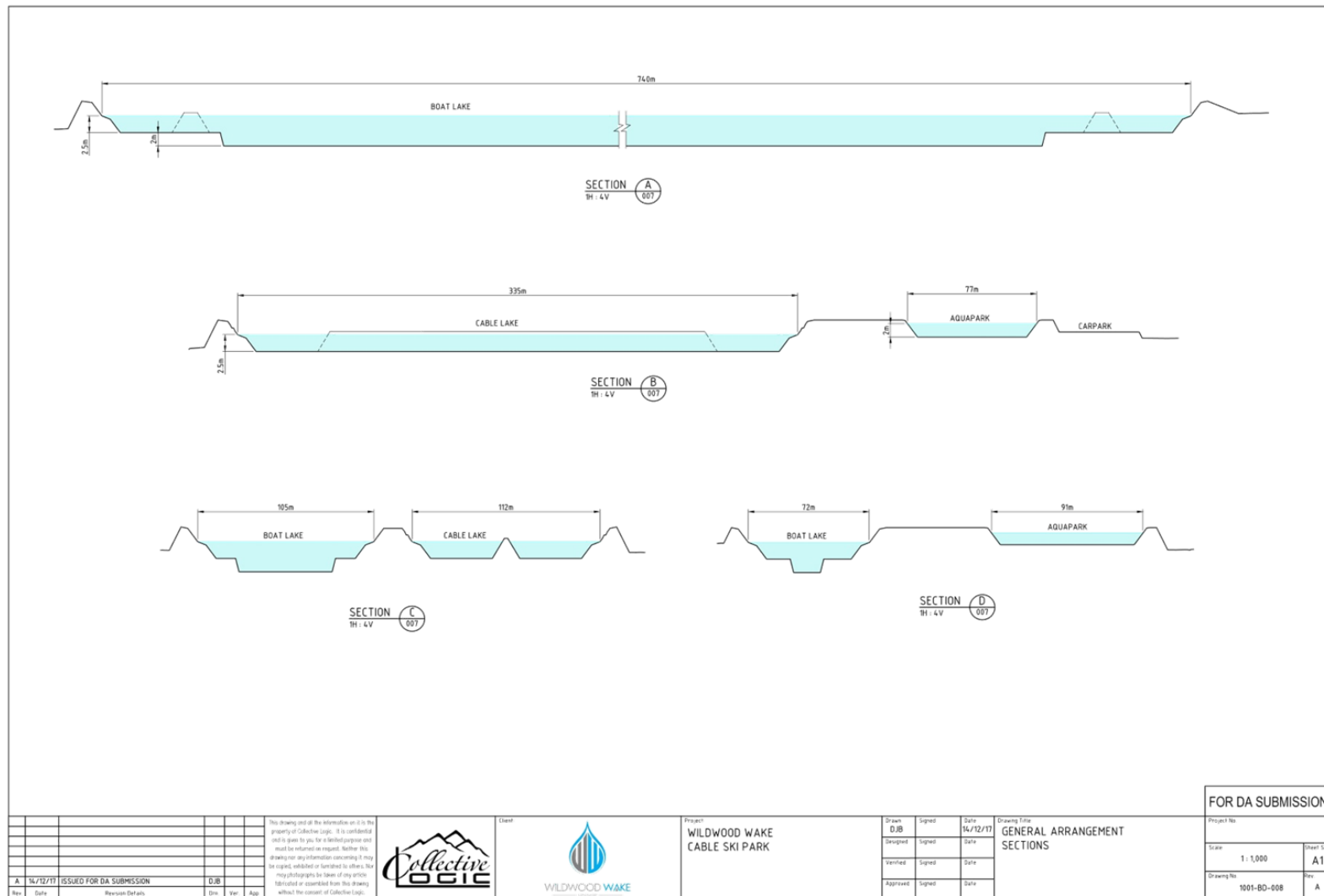
OFFICER RECOMMENDATION

That the Council, having considered application DA17/1002, for the development of a Mixed Use Development comprising of Private Recreation (Wakeboard Park), Restaurant/Reception Centre and Chalets at Lot 40 (Hse No 342), Wildwood Road, Anniebrook considers that the application is inconsistent with Local Planning Scheme 21, and resolves that development approval is refused, for the following reasons –

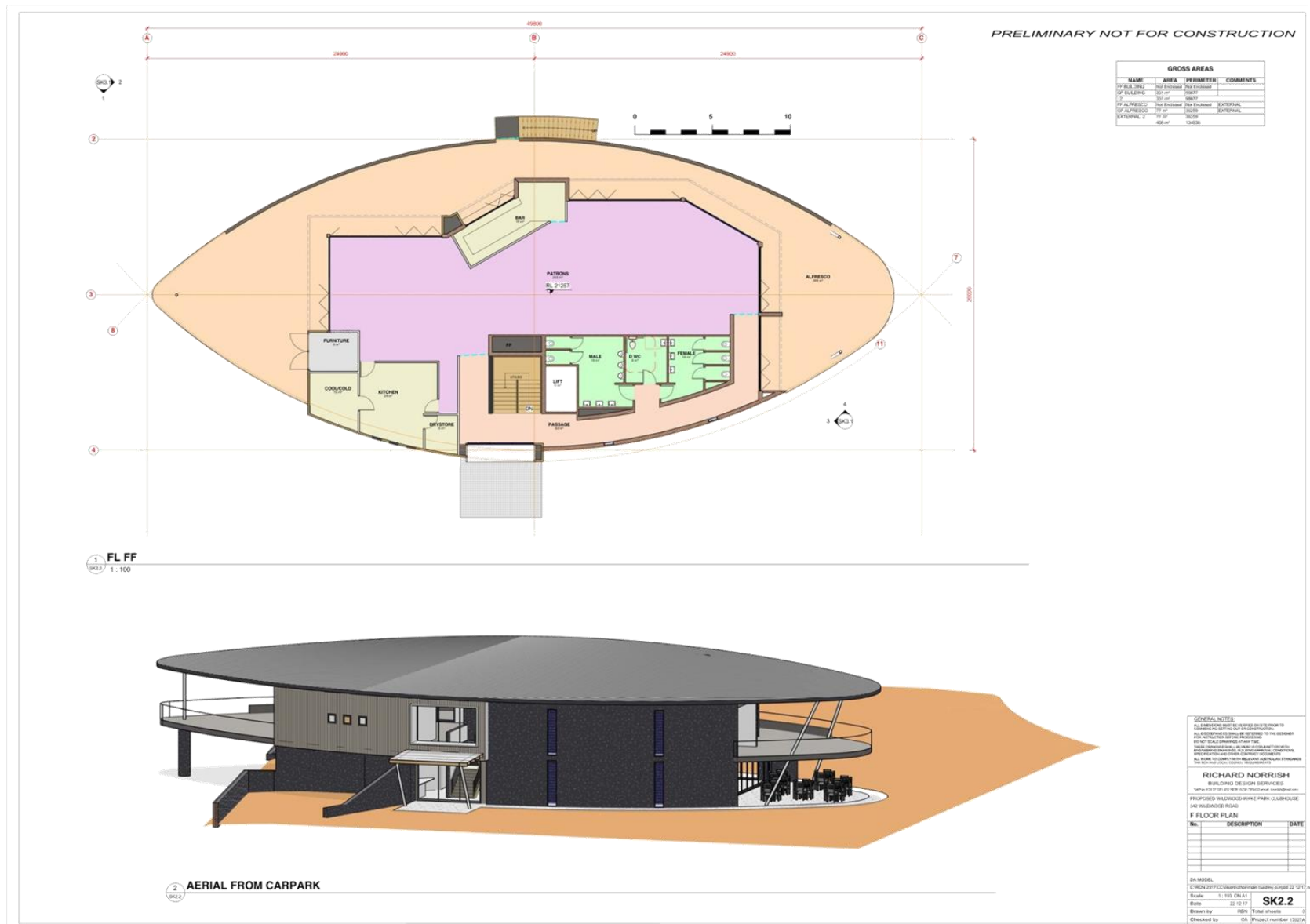
1. The proposal would result in a detrimental impact on the amenity of the neighbouring properties.
2. By virtue of the overdevelopment of the site, the proposal is inconsistent with the amenity of the locality and the objectives of the zone.
3. The proposal does not constitute orderly and proper planning.

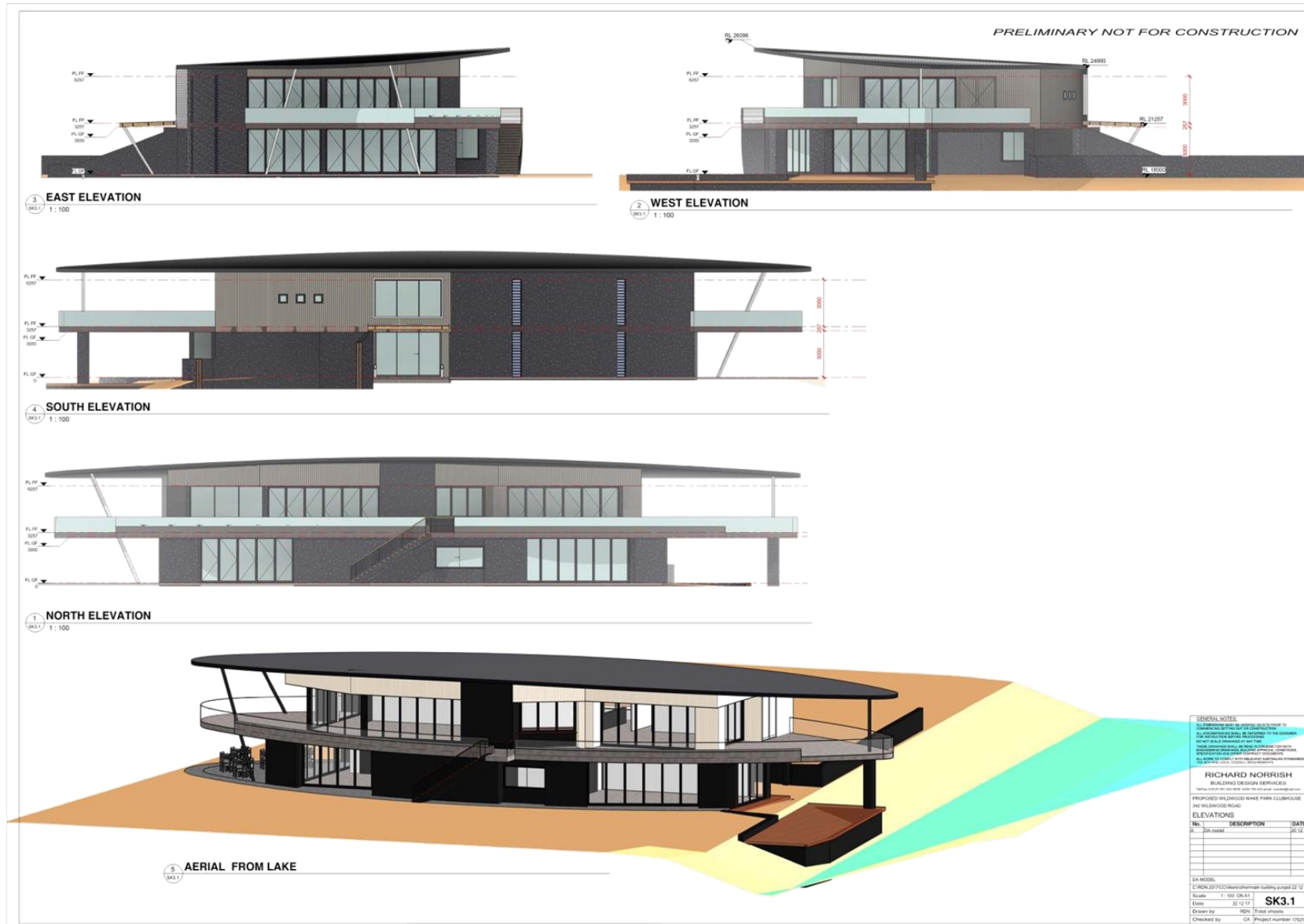


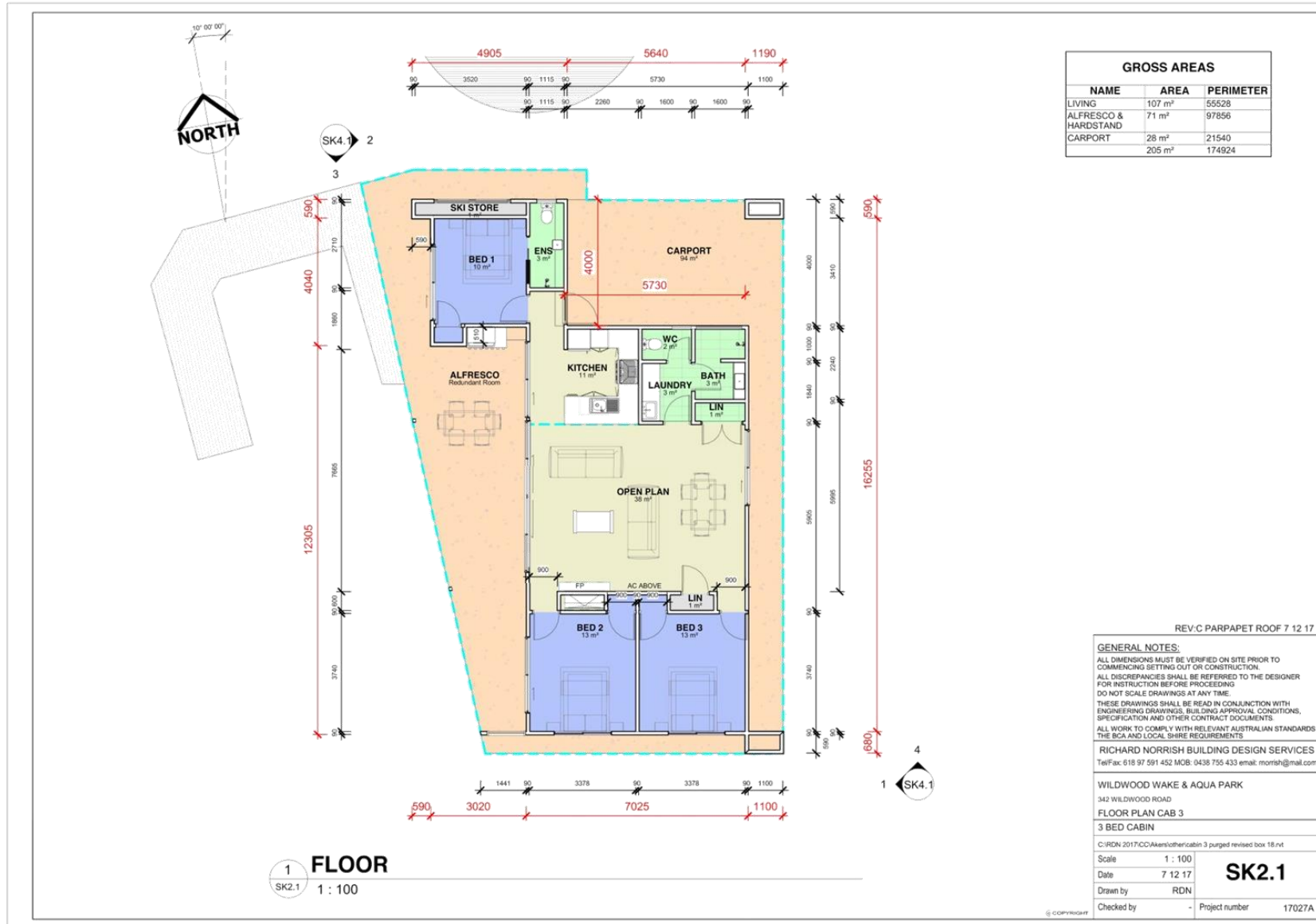


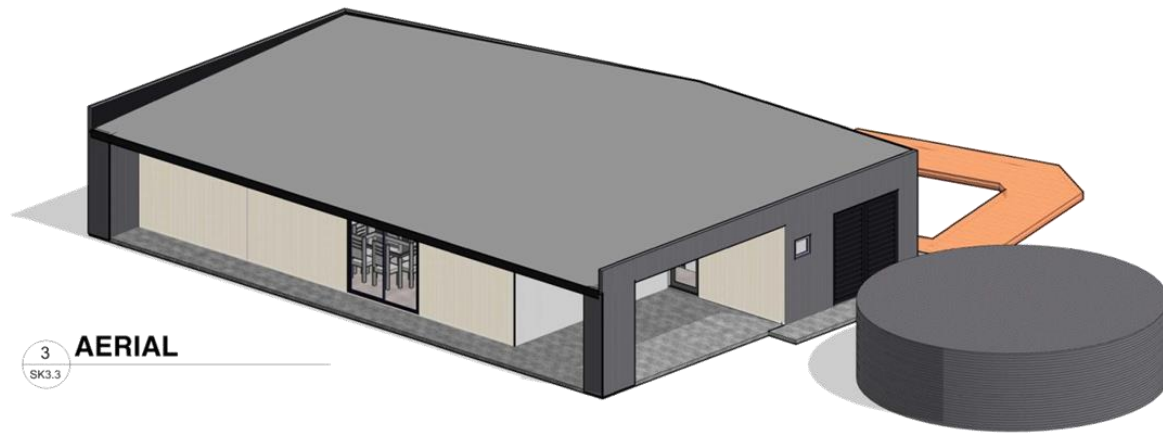












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AERIAL



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SK3.3
REAR VIEW



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SK3.3
END VIEW

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GENERAL NOTES:

ALL DIMENSIONS MUST BE VERIFIED ON SITE PRIOR TO COMMENCING SETTING OUT OR CONSTRUCTION
ALL DISCREPANCIES SHALL BE REFERRED TO THE DESIGNER FOR INSTRUCTION BEFORE PROCEEDING
DO NOT SCALE DRAWINGS AT ANY TIME
THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ENGINEERING DRAWINGS, BUILDING APPROVAL CONDITIONS, SPECIFICATION AND OTHER CONTRACT DOCUMENTS
ALL WORK TO COMPLY WITH RELEVANT AUSTRALIAN STANDARDS THE BCA AND LOCAL SHIRE REQUIREMENTS

RICHARD NORRISH BUILDING DESIGN SERVICES
Tel/Fax: 618 97 591 452 MOB: 0438 755 433 email: rnorrish@mail.com

WILDWOOD WAKE & AQUA PARK
342 WILDWOOD ROAD

3D VIEWS

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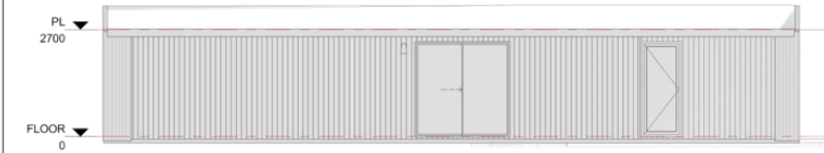
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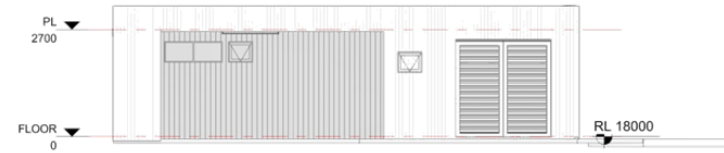
SK3.3

Project number 17027A

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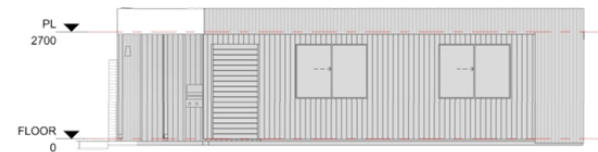
1
SK4.1
EAST ELEVATION
1 : 100



3
SK4.1
NORTH ELEVATION
1 : 100



2
SK4.1
WEST ELEVATION
1 : 100



4
SK4.1
SOUTH ELEVATION
1 : 100

REV-C PARPAPET ROOF 7 12 17

GENERAL NOTES:

ALL DIMENSIONS MUST BE VERIFIED ON SITE PRIOR TO COMMENCING SETTING OUT OR CONSTRUCTION
ALL DISCREPANCIES SHALL BE REFERRED TO THE DESIGNER FOR INSTRUCTION BEFORE PROCEEDING
DO NOT SCALE DRAWINGS AT ANY TIME
THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ENGINEERING DRAWINGS, BUILDING APPROVAL CONDITIONS, SPECIFICATION AND OTHER CONTRACT DOCUMENTS
ALL WORK TO COMPLY WITH RELEVANT AUSTRALIAN STANDARDS THE BCA AND LOCAL SHIRE REQUIREMENTS

RICHARD NORRISH BUILDING DESIGN SERVICES
Tel/Fax: 618 97 591 452 MOB: 0438 755 433 email: mornish@mail.com

WILDWOOD WAKE & AQUA PARK
342 WILDWOOD ROAD

ELEVATIONS

3 BED CABIN

C:\RDN 2017\CC\Aken\other\cabin 3 purged revised box 18.rvt

Scale 1 : 100

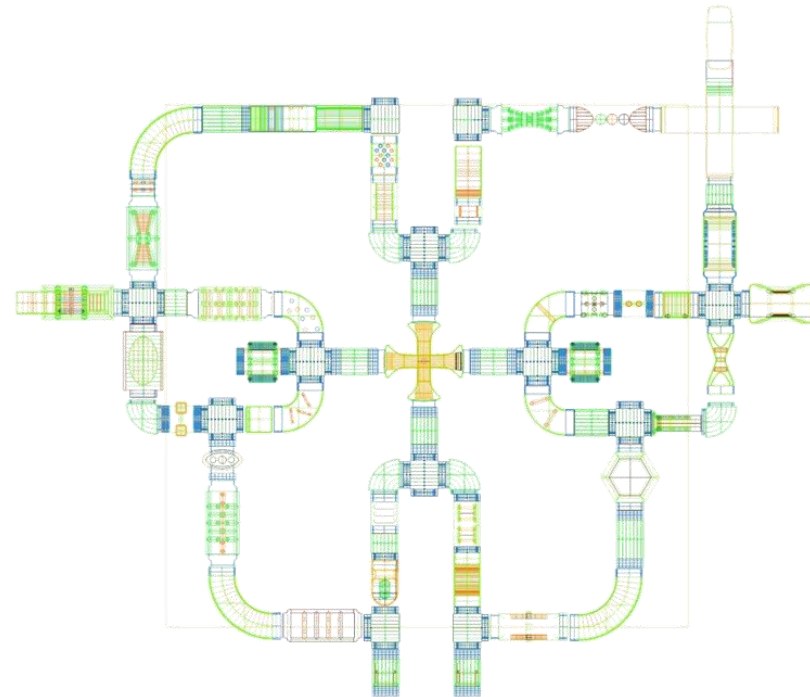
Date 7 12 17

Drawn by RDN

Checked by -

SK4.1

Project number 17027A



BOUNCIA NEW WATER PARK for pool



product size: 22.2mL*5mW
water area: 25mL*8m for 15 people



product size: 19.2mL*5mW
water area: 22mL*8m for 12 people



product size: 14.7mL*5mW
water area: 18mL*8m for 10 people



product size: 13mL*5mW
water area: 16mL*8m for 9 people



product size: 10.2mL*5mW
water area: 13mL*8m for 7 people

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

	<u>SUBMITTER:</u>	<u>NATURE OF SUBMISSION</u>
1.	M Dodd (Dunsborough)	<p><u>General support for the following reasons:</u></p> <ul style="list-style-type: none"> • Tourism • Employment • Enables local youth to participate in healthy activity.
2.	P Varis (Busselton)	<p><u>General support for the following reasons:</u></p> <ul style="list-style-type: none"> • Tourism • International Event Potential • Family Friendly
3.	J Falconer (Busselton)	<p><u>General support for the following reasons:</u></p> <ul style="list-style-type: none"> • Tourism • Economic benefit for the community • Recreation opportunity for local youth
4.	B & K McCarthy (Jindong)	<p><u>General support for the following reasons:</u></p> <ul style="list-style-type: none"> • Complies with City of Busselton Community Development Plan to diversify and grow tourism and employment in the local area • Asset for the City of Busselton
5.	K Galliers (Busselton)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Concerns with initial and ongoing water usage • Wildwood Road traffic concerns • Detrimental to nature of tourism industry

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

6.	A Ross (Gracetown)	<u>General support for the following reasons:</u> <ul style="list-style-type: none"> Added amenity
7.	J Perriam (Perth)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> Increased traffic will desecrate the amenity of Wildwood Road Peaceful amenity will be disturbed by noise Water supply
8.	F Newman (Hilton)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> No benefit to wildlife, locals or visitors
9.	B McNamara (Busselton)	<u>General support for the following reasons:</u> <ul style="list-style-type: none"> Family friendly Encourages healthy lifestyle Tourism
10.	J Carrico (Ratepayer)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> Location. Should be located in Busselton near the water Water supply Traffic concerns
11.	A & M Malcolm-Scott (Wildwood Road, Yallingup)	<u>General support for the following reasons:</u> <ul style="list-style-type: none"> Social and physical benefits Family friendly

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> Will bring diversity and value to the local community
12.	E Nilsson (Oslo, Norway)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Water - Utilisation and Pollution Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish Location – Financial impact on neighbouring properties Location - Amenity Noise – Traffic, Ski boats and international events Traffic – Widening of Wildwood Road resulting in loss of farm and native property Social Impact – Would this pave the way for other industrial style developments Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
13.	I Rodwell (Shenton Park)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Water - Utilisation and Pollution Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish Location – Financial impact on neighbouring properties Location - Amenity Noise – Traffic, Ski boats and international events Traffic – Widening of Wildwood Road resulting in loss of farm and native property Social Impact – Would this pave the way for other industrial style developments Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
14.	F Tainish (East Fremantle)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Water - Utilisation and Pollution Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish Location – Financial impact on neighbouring properties

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
15.	L Davis (Fremantle)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
16.	A Steinsvaag (South Perth)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

17.	A Miles (Wembley)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Industrial scale out of character with the area
18.	S Palmer (No address supplied)	<u>General support for the following reasons:</u> <ul style="list-style-type: none"> • Innovative and diversified tourism to attract more tourists • Employment opportunities
19.	G Taylor (No address supplied)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Water pollution • Water utilisation • Noise disturbance • Visual pollution
20.	B Kelly (no address supplied)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Lack of independence of supporting studies • Zoning – the classification of the development is not ‘Private Recreation’ • Water - Utilisation and pollution • Local Fauna - Risk to endangered species the Dunsborough burrowing Crayfish • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
21.	B Noble	<u>General objection for the following reasons:</u>

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

	(Yallingup Siding)	<ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
22.	S Noble (Yallingup Siding)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
23.	S Clegg (Yallingup)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Lack of independence of supporting studies • Zoning – the classification of the development is not ‘Private Recreation’ • Water - Utilisation and pollution • Local Fauna - Risk to endangered species the Dunsborough burrowing Crayfish • Location - Amenity • Noise – Traffic, Ski boats and international events

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <i>Proforma letter</i>
24.	M Raghvani (Bennett Springs)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <i>Proforma letter</i>
25.	D Fischer (Margaret River)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water Usage • Loss of prime agricultural land • Chance of economic success
26.	M Bowler (Gooseberry Hill)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
27.	G Smith	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
28.	C Emerson (Dunsborough)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
29.	L Mowday (No address supplied)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Traffic

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> Existing natural resource perfect for ski activity Consequences for extraction of high volumes of water Environmental impacts
30.	L Jones (Anniebrook)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Water – Usage and pollution Location – loss of viable food producing land Noise – impact of ski boats and vehicles Traffic – cars and vehicles towing boats will add to congestion on a dangerous curve in the road Social Impact = no social impact study compiled
31.	P & M Jaher (No address supplied)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Water - Utilisation and Pollution Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish Location – Financial impact on neighbouring properties Location - Amenity Noise – Traffic, Ski boats and international events Traffic – Widening of Wildwood Road resulting in loss of farm and native property Social Impact – Would this pave the way for other industrial style developments Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
32.	M Jones (Anniebrook)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Amenity - noise, fumes and congestion Water – issues with bores going dry already Noise from ski boats and traffic Concerns with parking on dirt roads

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> • Removal of trees from road reserve
33.	T Rees (Donnybrook)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Detrimental effect on Amenity
34.	J Clark (Dunsborough)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Lack of independence of supporting studies • Zoning – the classification of the development is not ‘Private Recreation’ • Water - Utilisation and pollution • Local Fauna - Risk to endangered species the Dunsborough burrowing Crayfish • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
35.	G Banfield (Dunsborough)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Lack of independence of supporting studies • Zoning – the classification of the development is not ‘Private Recreation’ • Water - Utilisation and pollution • Local Fauna - Risk to endangered species the Dunsborough burrowing Crayfish • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

36.	GV & SM Penn (Kalgoorlie)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Chance of Economic Success • Damage to pastoral properties and impact on the water table
37.	E Jackson-Walley (Wildwood Road)	<p><u>General support for the following reasons:</u></p> <ul style="list-style-type: none"> • Tourism bringing support for the economy and employment opportunities
38.	L Paine (Carbunup River)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Impact to water levels
39.	L Anderson (Wembley)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
40.	A Williams (Busselton)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Impact on apiary land use on adjoining land • Impact to local fauna • Impact to residents in the area

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

41.	D Murrish (Yallingup Siding)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Development contrary to local ambience • Chance of economic success - Enormous footprint left if the proposal fails • Water balance, depletion of groundwater sources and water usage • Noise - not in keeping with the ambient conditions • Fuel smells • Insects • Impact on local flora and fauna
42.	B Williams (Quindalup)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
43.	S Vidovich (No address supplied)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Negative impact on local community and tourism • Chance of Economic Success • Damage to Environment and disruption to local area
44.	S Penfold	<p><u>General objection for the following reasons:</u></p>

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

	(Quindalup)	<ul style="list-style-type: none"> • Impact on water supply which is limited at the best of times • Concerns with noise generated from speed boats • Decrease of property value without dam water
45.	E Pinnell (Yallingup Siding)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water usage • Agricultural nature of location • Vehicle access – road unsuitable for towing boats • Amenity
46.	R Paterson (Yalingup)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Concerns with Ground water, ground water management, lake water balance, management of construction work and site water balance
47.	M Davis (East Fremantle)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
48.	EA & PSJ Trew (Vasse)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Agricultural land should be used for agriculture

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> • Procured water licence would have been issued for agricultural purposes and not for a water park. Concerned about the effect this will have on the aquifer • Traffic study refers to a 2012 study, no longer relevant • Noise – Ski boats from the ocean can be heard 15km away
49.	R & M Ness (Dunsborough)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water – Guarantee of water supply • Noise – ski boats traffic and loud speakers. Wind will blow noise directly at our residence • Traffic – Dangerous stretch of Wildwood Road • Location / devaluation of property • Zoning – Development is not a form of private recreation
50.	G Jones (Vasse)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Does not fit with the farming precinct • Water usage • Noise and water pollution • amenity
51.	S Beurteaux (East Fremantle)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<i>Proforma letter</i>
52	S Oliver (Metricup)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Protection of lifestyle • Loss of Amenity • Wastage of water • Noise • Privacy for neighbours due to narrow lot • Visual pollution
53.	J Ward (Crawley)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
54.	K Waterhouse (Carbunup River)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Lack of water supply to our property will make it legally uninhabitable • Traffic and noise concerns • Significant increase to risk of road accidents
55.	R Hudleston	<u>General objection for the following reasons:</u>

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

	(Broadwater)	<ul style="list-style-type: none"> • Impact on nearby residents / devaluation • Water utilisation • Noise from ski boats • Liability for compensation from affected properties
56.	M & B Bamford (Claremont)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <i>Proforma letter</i>
57.	K Manton (Busselton)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Degredation of groundwater • Risk to endangered species the Dunsborough burrowing Crayfish and other wildlife and marine inhabitants • Noise levels potentially having health related effects • Loss of viable farmland
58.	H Yelverton & E Devine	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Inappropriate use of prime agriculture land • Nuisance of visual, noise and traffic impacts on local residents • Water • Noise

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> • Environmental concerns – native flora and fauna, littering on road verges and contamination of streams and groundwater. • Dust and noise during construction.
59.	M & A Paine (Carbunup River)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Affect to water supply • Increased traffic • Affect to wildlife
60.	C Berryman (Carbunup River)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Location
61.	P Hugall (Yallingup)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Location • Amenity
62.	M Raymond (No address supplied)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

63.	W & D Lewis (Carbunup River)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water • Inappropriate of use of prime agricultural land • Lack of buffers to neighbours • Noise • Chance of economic success. • Location
64.	DR Gascoine and DM Harper (Anniebrook)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water • Noise • Health – Water borne health issues • Location • Amenity
65.	C Boulton (No address supplied)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water • Agricultural precinct
66.	BW & SE Hamon (Anniebrook)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water • Traffic • Bushfire • Noise pollution • Chance of economic success.

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

67.	A Kusal (Quindalup)	<u>Neutral</u> <ul style="list-style-type: none"> • Good concept • Concerns with noise, proximity to neighbours and fauna • Concerns with traffic
68.	J Prevost (Yallingup Siding)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Water • Traffic • Scale of development out of proportion to existing landuses
69.	C Martin (Quindalup)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Location / amenity • Water • Noise / lack of buffering
70.	M Bendixon (Norway)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
71.	J Lowther (Quindalup)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Location / amenity

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> • Water • Noise / lack of buffering
72.	L Wolridge (No address supplied)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Location • Concerns regarding environment impact, sustainable water supply and drainage should be addressed by independent external technical consultants
73.	P Sutherland (West Busselton)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Environmental Impact • Out of context with the area
74.	S Williams (Quindalup)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Impact on unique landscape, environment and local flora and fauna • Water • Mosquitos, midges and other water related pests • Traffic • Noise • Petition provided with submission – 282 signatures and comments from concerned locals and community members
75.	M Grimwood (Yalyalup)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • No consideration to the effect on the neighbours • Water • No financially viable • Damage to the environment should the project fail • Landuse is not appropriate for the area

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> Noise Traffic
76.	C Haggett (Bicton)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Water Inappropriate of use of prime agricultural land Lack of buffers to neighbours Noise Chance of economic success. Location
77.	S Baker (Vasse)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Large and intrusive development contrary to agricultural zoning Large events will be intrusive Bacterial water quality Noise Traffic Social impact concerns
78.	H Smith (Busselton)	<p><u>Neutral</u></p> <ul style="list-style-type: none"> Good concept Ground water concerns Increased traffic to Wildwood Road
79.	E Beurteaux (Subiaco)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Water - Utilisation and Pollution Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
80.	G Carter (Marybrook)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water • Traffic • Should remaining agricultural farming land
81.	C Jones (Anniebrook)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water • Noise contradictions • Bushfire concerns with access to the property • Traffic and parking • Dust concerns from vehicles • Indemnity and liability regarding children and non-english speaking tourists • Monitoring of alcohol being brought into the park
82.	C Marissen (Quedjinup)	<p><u>General support for the following reasons:</u></p> <ul style="list-style-type: none"> • Unique and significant financial investment into the area with long term benefits
83.	M Lewis (Carbunup River)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Location on prime agricultural land

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

		<ul style="list-style-type: none"> • Water • Amenity / lifestyle
84.	G Beard (Subiaco)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Amenity • Scepticism for success • Devaluation of property • Social impact on residents
85.	S Dorosz (Mount Hawthorn)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water issues • Location • Impact on local residents
86.	G Stubber & B Hume (Carbunup River)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Not a valuable use of water resources • Wildwood road not built for heavy traffic • Single access will cause a black spot for traffic accidents • Inappropriate use of prime agricultural land • Should be in another location
87.	J & L Stafford (Quindalup)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Not a valuable use of water resources • Concern at the replanting of the blue gum plantation on the west. Will present a fire risk once they are grown • Water

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

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		<ul style="list-style-type: none"> Noise Depreciating property values
88.	A & S Lewis (Carbunup River)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Water supply Amenity Traffic increase Noise
89.	D Frampton (Kardinya)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Water - Utilisation and Pollution Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish Location – Financial impact on neighbouring properties Location - Amenity Noise – Traffic, Ski boats and international events Traffic – Widening of Wildwood Road resulting in loss of farm and native property Social Impact – Would this pave the way for other industrial style developments Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
90.	S Lewis (North Lake)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> Noise Impact Water Usage Environmental Concerns Tourism Impact / Amenity
91.	S Poole	<p><u>General objection for the following reasons:</u></p>

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

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	(Yallingup Siding)	<ul style="list-style-type: none"> • Lack of independence of supporting studies • Water usage • Noise
92.	I Robinson (Booragoon)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Water - Utilisation and Pollution • Local fauna – Risk to endangered species the Dunsborough burrowing Crayfish • Location – Financial impact on neighbouring properties • Location - Amenity • Noise – Traffic, Ski boats and international events • Traffic – Widening of Wildwood Road resulting in loss of farm and native property • Social Impact – Would this pave the way for other industrial style developments • Chance of Economic Success – Rehabilitation costs if the proposal fails <p><i>Proforma letter</i></p>
93.	M & J Fisher (Yallingup)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Inappropriate use of prime agricultural land • Water usage • Noise impacts • Volume of traffic • Chance of economic success – if the proposal fails, who is responsible for the damage to the environment left behind • The property is highly productive farmland and are suitable for agriculture, viticulture and any other type of agricultural pursuit that will not have long term detrimental effects on the site, surroundings and community
94.	A Baker-Rhodes (No address supplied)	<p><u>General support for the following reasons:</u></p> <ul style="list-style-type: none"> • Added tourism value to the region

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

95.	A Baker (No address supplied)	<u>General support for the following reasons:</u> <ul style="list-style-type: none"> • Great business for the community
96.	B & J Jones (Anniebrook)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Noise impact • Traffic • Water usage • Fire Risk • Compensation to landowners for devaluation • Compensation for loss of amenity and nuisance. Is the City of Busselton liable
97.	R Branson (No address supplied)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Water usage • Noise • Fire • Traffic • Buffer zone • Ambience • Lack of independence of supporting studies • History
98.	D Smith (Quindalup)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Water usage
99.	Busselton Chamber of	<u>General support for the following reasons:</u>

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

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	Commerce	<ul style="list-style-type: none"> • Tourism • Economic value
100.	N Dennis (Dunsborough)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Water usage
101.	T Box (No address supplied)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Noise Pollution • Water Usage • Location
102.	J Crane (Dunsborough)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Noise Pollution • Dangerous access off Wildwood Road • Hours of operation during summer unfavourable • Inappropriate development in an agricultural area • Water usage
103.	N Elton (Mount Helena)	<u>General objection for the following reasons:</u> <ul style="list-style-type: none"> • Amenity • Clearing of trees for access • Water Usage • Noise pollution • Location
104.	Chandler McLeod Legal on	<u>General objection for the following reasons:</u>

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

	behalf of J & J Williams (Anniebrook) and B and J Jones (Anniebrook)	<ul style="list-style-type: none"> • Inconsistent with planning framework • Exposure of neighbouring residents to unreasonable level of noise • Unreasonable increase to the level of traffic to the locality • Will fundamentally reduce the level of amenity, reasonably expected within the agriculture zone • Does not adequately address bushfire risks • Is of a scale that is inconsistent with established and expected land uses in the agriculture zone • Is no accompanied by a rehabilitation plan • Poses a serious threat to a critically endangered fauna species • Poses a serious threat to groundwater levels and therefore the continuation of surrounding agricultural uses
105.	J Happ (No address supplied)	<p><u>Neutral:</u></p> <ul style="list-style-type: none"> • Against – Environmental concerns • For – Tourism, will contribute economically to the region
106.	B & K Walker (No address supplied)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Negative impact on the environment • Depreciation of land values in the immediate vicinity
107.	O Davis (No address supplied)	<p><u>General objection for the following reasons:</u></p> <ul style="list-style-type: none"> • Noise • Traffic • Environmental impact • Reduction in tourism value • Impact on flora and fauna • Water usage

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

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Comments through Wildwood Wake Website

1. C McEnroe – Support
2. E Manson – Support
3. J Clark – Support
4. T Muscat – Support
5. E Gair – Support
6. B Cadd – Support
7. C Cadd – Support

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

8. S Paul – Support
9. T Joyce – Support
10. K Ashdown – Support
11. A Hart – Support
12. M Watson – Support
13. J Dodd – Support
14. D Browne – Support
15. D Banks – Support
16. H Radovan – Support
17. A Paris – Support
18. B Spooner – Support
19. J Collett – Support
20. B Wood – Support
21. M Ralph – Support
22. J Maguire – Support
23. J Trunfio – Support
24. J Farnham – Support
25. P Hacquoil – Support
26. S Clark – Support
27. R Lloyd-Woods – Support
28. C Ewen – Support
29. P Smyth – Support
30. B Heatley – Support
31. C Gregson – Support
32. M Gumbrell – Support
33. C Bridgham – Support
34. K Madden – Support
35. L Foster – Support

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

- 36. D Woodhouse – Support
- 37. T Bruce – Support
- 38. R Day – Support
- 39. T Staley – Support
- 40. J Opie – Support
- 41. A Bee – Support
- 42. N Hanmer – Support
- 43. K Martin – Support
- 44. T Kearns – Support
- 45. T Doust – Support
- 46. A Smith – Support
- 47. F Widlake – Support
- 48. S Ryan – Support
- 49. M Mills – Support
- 50. J Richards – Support
- 51. C Bright – Support
- 52. J Fogarty – Support
- 53. D Madden – Support
- 54. C Carter – Support
- 55. J Cross – Support
- 56. M Bate – Support
- 57. C Beenham – Support
- 58. C Waddell – Support
- 59. D Mannion – Support
- 60. N Le Blang – Support
- 61. R Pontague – Support
- 62. D Wardrope – Support
- 63. D Rafferty – Support

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

- 64. N Heatley – Support
- 65. T Back – Support
- 66. G Warr – Support
- 67. A Proctor – Support
- 68. J Hutch – Support
- 69. C Winder – Support
- 70. A Sefton – Support
- 71. C Martin – Support
- 72. H Bangham – Support
- 73. F Bangham – Support
- 74. K Sissoev – Support
- 75. S Chatfield – Support
- 76. D Bolton – Support
- 77. L Micale – Support
- 78. T Schlesiger – Support
- 79. S Sheridan – Support
- 80. K Lloyd – Support
- 81. L Quinteros – Support
- 82. K Suiter – Support
- 83. J McManus – Support
- 84. A d’Espeissis – Support
- 85. M Nazzari – Support
- 86. S Deacon – Support
- 87. D Widlake – Support
- 88. B Walley – Support
- 89. S Pratt – Support
- 90. J Levett – Support
- 91. K Cutler – Support

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

- 92. T Ratcliffe – Support
- 93. L Marwood – Support
- 94. E Pearson – Support
- 95. N Weston-Cox – Support
- 96. G Baker – Support
- 97. R Norgett – Support
- 98. G Bogachova – Objection
- 99. M Cupples – Support
- 100. C Herbert – Support
- 101. Z Bergsma – Support
- 102. J Bosveld – Support
- 103. K Hoosen – Support
- 104. E Veurink – Support
- 105. B Visser – Support
- 106. B Lee – Support
- 107. B Robbins – Support
- 108. S Ring – Support
- 109. A Donlop – Support
- 110. C Grist – Support
- 111. V Zekic – Support
- 112. P Finucane – Support
- 113. P Finucane – Support
- 114. C Bosveld – Support
- 115. J Cawley – Support
- 116. D Bosveld – Support
- 117. D Fulwood – Support
- 118. C Maguire – Support
- 119. G Hough – Support

SUMMARY OF SUBMISSIONS

PROPOSAL: DA17/1002 – Private Recreation Wakeboard and Aqua Park

OFFICER: Jo Wilson

- 120. E Bosveld – Support
- 121. T Bosveld – Support
- 122. K Hughes – Support
- 123. E Warner – Support
- 124. K Blay – Support
- 125. I Brown – Support
- 126. L Robinson – Support
- 127. C Lloyd – Support
- 128. J Clively – Support
- 129. C Norris – Support
- 130. N Walker – Support
- 131. D Baker – Support
- 132. J close – Support
- 133. P Sirech – Support
- 134. S Bergsma – Support
- 135. M Pedreschi – Support



Lloyd George Acoustics

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Hillarys WA 6923
T: 9300 4188 F: 9300 7770
E: daniel@lgacoustics.com.au W: www.lgacoustics.com.au

To:	Cameron Akers	From:	Daniel Lloyd
Attention:	Cameron Akers	Date:	22 December 2017
Email:	akerscj@gmail.com	Pages:	3
Our Ref:	17104184-01		
Re:	Wildwood Wake and Aqua Park - Noise Assessment		

Dear Cameron,

As requested, Lloyd George Acoustics have predicted the noise levels resulting from the proposed Wildwood Wake and Aqua Park. The assessment includes either one or two ski boats operating on the lake and the cable park operating simultaneously.

The predictions are based on the measurements undertaken at Bonney's WA Water Ski Park of the same ski boats proposed for use at your facility and measurements of the Perth Wake Park which was, incidentally, inaudible at 40m away.

Analysis of the data shows that tonal characteristics may be present and therefore a +5 dB penalty will need to be added to the predicted levels. These adjusted levels, together with the compliance line for operation between 7.00am to 7.00pm Monday to Saturday and 9.00am to 7.00pm on Sundays and Public Holidays, are shown in *Figures 4-1 and 4-2*.

The results show that the Wildwood Wake and Aqua Park would achieve compliance with the Environmental Protection (Noise) Regulations 1997, between 7.00am and 7.00pm Monday to Saturday and 9.00am to 7.00pm Sundays and Public Holidays.

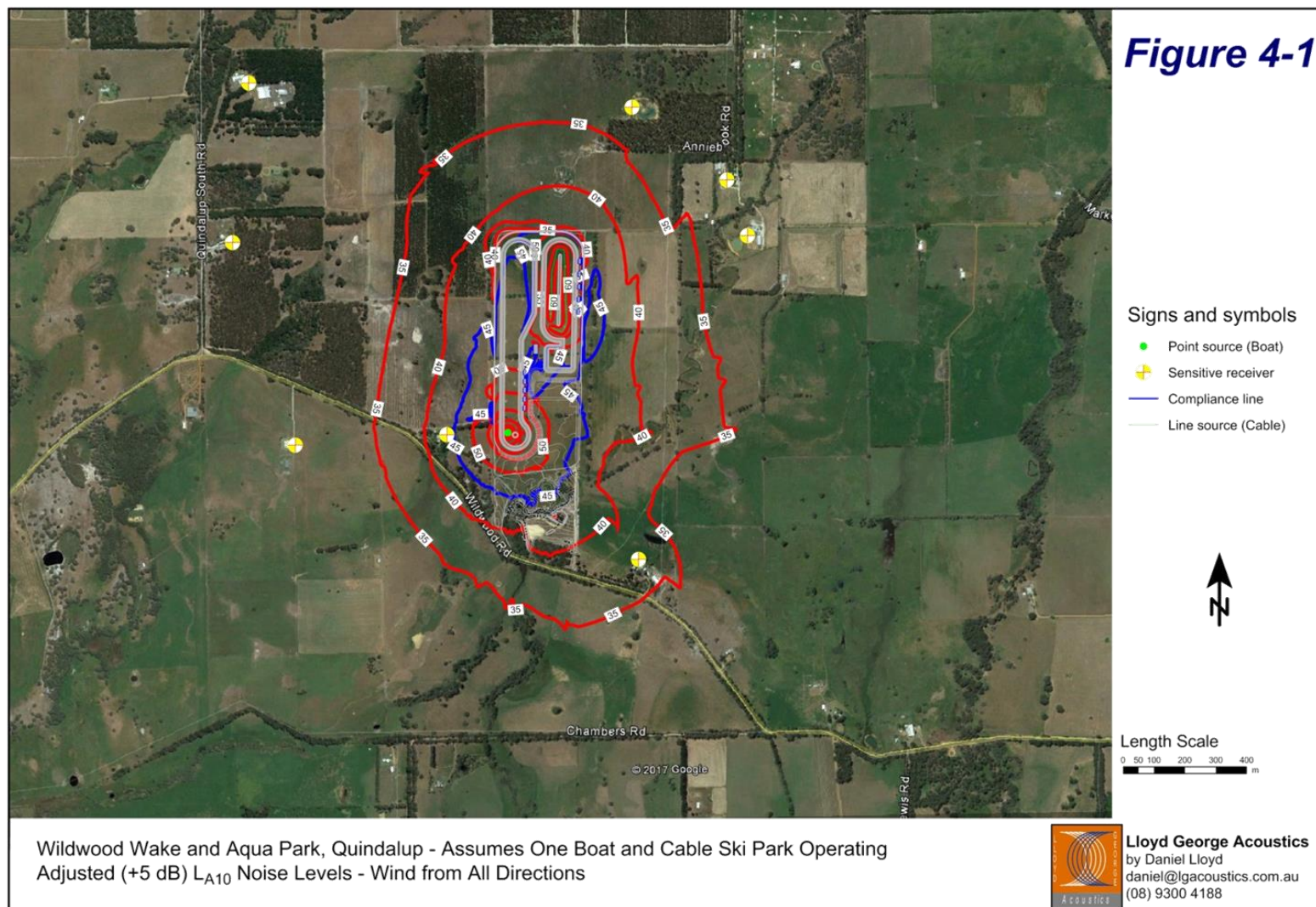
As discussed, we will provide a full technical report early in the new year.

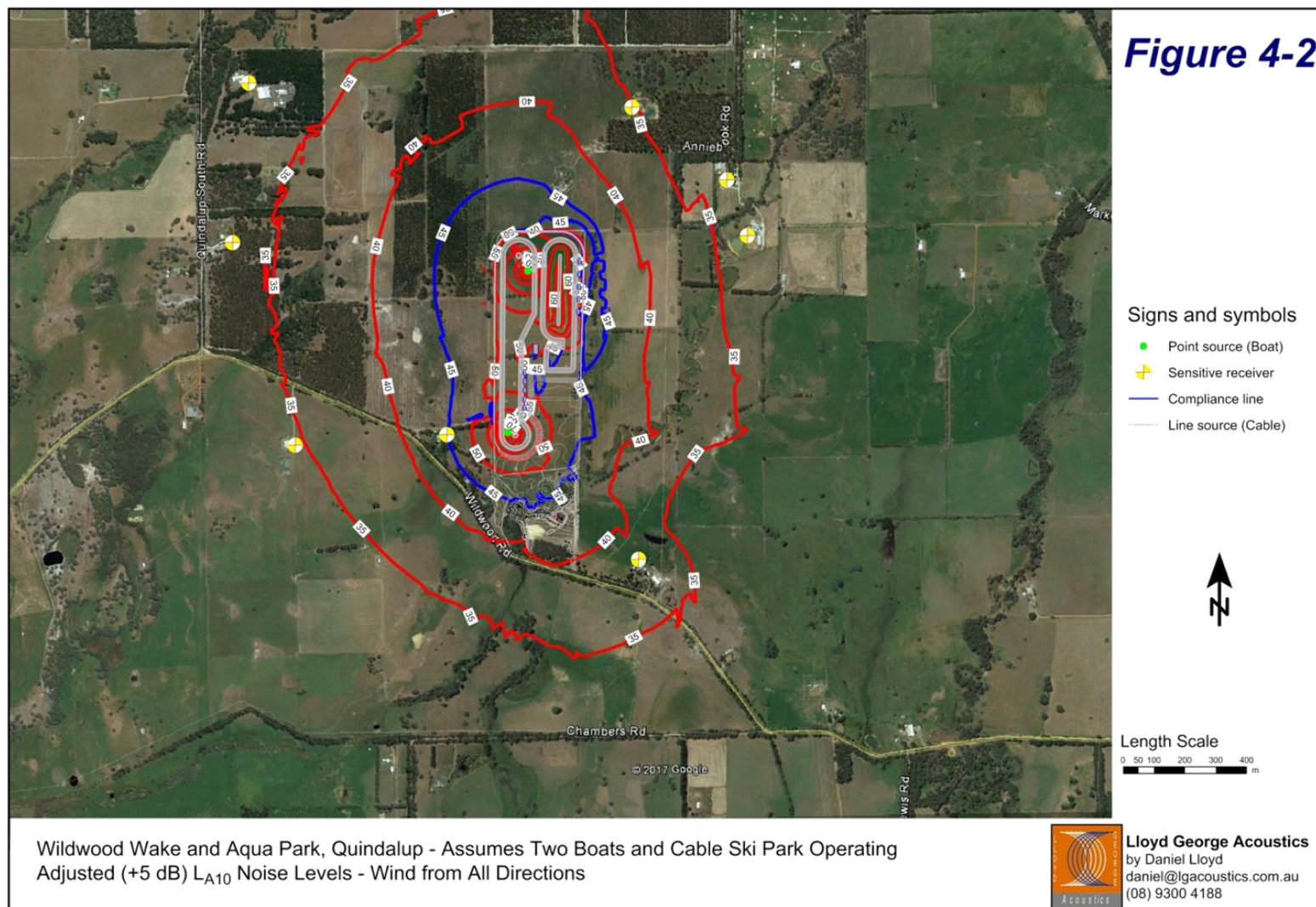
We trust this information is acceptable and should you have any queries, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'D Lloyd', is positioned above the printed name.

Daniel Lloyd







Lloyd George Acoustics

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Environmental Noise Assessment

Wildwood Wake and Aqua Park

Reference: 17104184-02

Prepared for:
Cameron Akers

Report: 17104184-02

<p>Lloyd George Acoustics Pty Ltd ABN: 79 125 812 544</p> <p>PO Box 717 Hillarys WA 6923</p> <p>T: 9300 4188 / 9401 7770 F: 9300 4199</p>				
Contacts	Daniel Lloyd	Terry George	Matt Moyle	Olivier Mallié
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This report has been prepared in accordance with the scope of services described in the contract or agreement between Lloyd George Acoustics Pty Ltd and the Client. The report relies upon data, surveys, measurements and results taken at or under the particular times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client, and Lloyd George Acoustics Pty Ltd accepts no responsibility for its use by other parties.

Date:	Rev	Description	Prepared By	Verified
8/01/18	-	Final Issued to Client	Daniel Lloyd	Terry George

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Appendices

A	Terminology
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1 INTRODUCTION

The Wildwood Wake and Aqua Park is a proposed wakeboard and water-ski facility (the facility) to be located at Lot 40, 342 Wildwood Road, Anniebrook. The general locality of the proposed facility is provided in Figure 1-1.

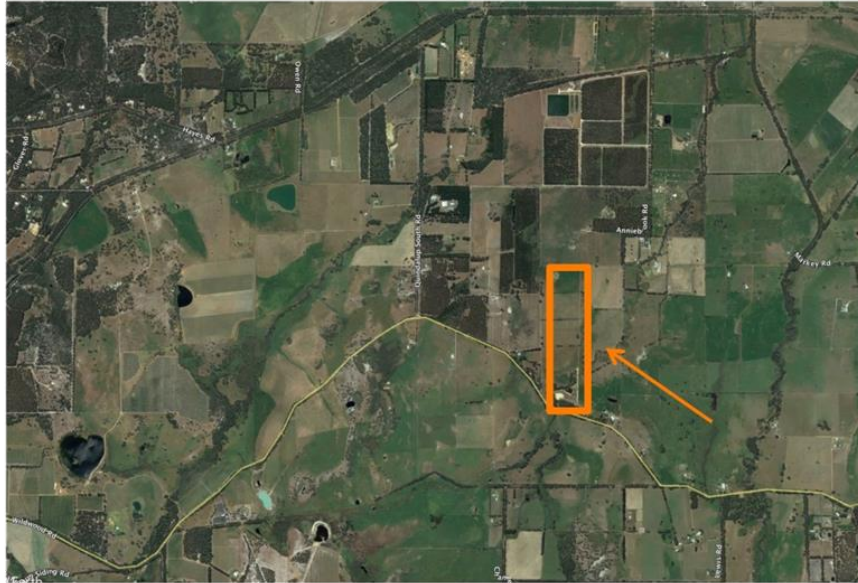


Figure 1-1 Aqua Park Locality

The proposed facility will consist of a clubhouse/restaurant, three separate lakes, which include a cable-ski lake, a boat lake and an aqua park lake with an inflatable on-water playground catering for children aged from six years up to adults. The water sports facilities are also capable of hosting state, national and international competitions. The facility layout is provided in Figure 2-1.

Typical operating hours for the cable lake would be 10.00am-6.00pm, however these hours may be extended to 8.00pm in the summer months depending on demand. Typical operating hours for the boat lake would be 7.00am-7.00pm in summer, however these hours will be reduced in the low season due to water temperature and the length of the day. Opening and closing times may be adjusted at short notice dependent on weather.

Lloyd George Acoustics have been commissioned to determine the expected noise emissions from the facility and provide recommendations on noise management procedures to minimise impacts to noise sensitive premises where appropriate.

Appendix A contains a description of some of the terminology used throughout this report.

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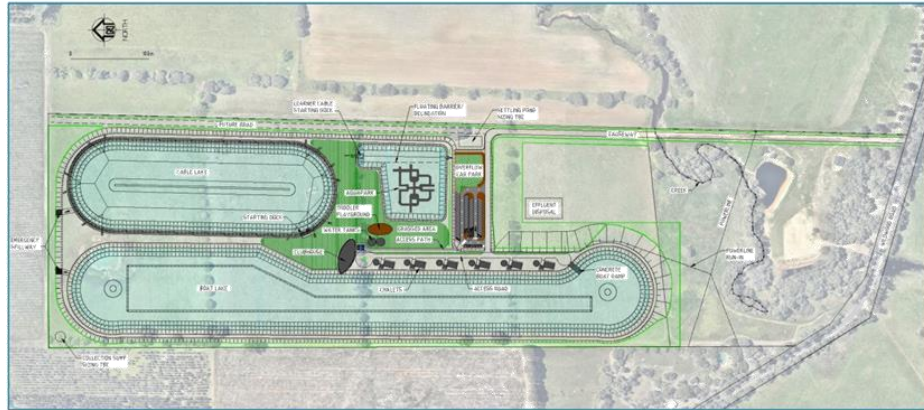


Figure 1-2 Proposed Facility Layout

2 CRITERIA

Environmental noise in Western Australia is governed by the *Environmental Protection Act 1986*, through the *Environmental Protection (Noise) Regulations 1997* (the Regulations).

Regulation 7 defines the prescribed standard for noise emissions as follows:

"7. (1) Noise emitted from any premises or public place when received at other premises –

- (a) Must not cause or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind; and
- (b) Must be free of –
- i. tonality;
 - ii. impulsiveness; and
 - iii. modulation,
- when assessed under regulation 9”

A "...noise emission is taken to significantly contribute to a level of noise if the noise emission ... exceeds a value which is 5 dB below the assigned level..."

Tonality, impulsiveness and modulation are defined in Regulation 9. Noise is to be taken to be free of these characteristics if:

- (a) The characteristics cannot be reasonably and practicably removed by techniques other than attenuating the overall level of noise emission; and
- (b) The noise emission complies with the standard prescribed under regulation 7 after the adjustments of *Table 2-1* are made to the noise emission as measured at the point of reception.

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Table 2-1 Adjustments Where Characteristics Cannot Be Removed

Where Noise Emission is Not Music			Where Noise Emission is Music	
Tonality	Modulation	Impulsiveness	No Impulsiveness	Impulsiveness
+ 5 dB	+ 5 dB	+ 10 dB	+ 10 dB	+ 15 dB

Note: The above are cumulative to a maximum of 15dB.

The baseline assigned levels (prescribed standards) are specified in Regulation 8 and the relevant assigned levels are shown in Table 2-2.

Table 2-2 Baseline Assigned Noise Levels

Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area ¹	0700 to 1900 hours Monday to Saturday (Day)	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays (Sunday)	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days (Evening)	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80

1. *highly sensitive area* means that area (if any) of noise sensitive premises comprising —
- (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
 - (b) any other part of the premises within 15 metres of that building or that part of the building.

Generally, the influencing factor applicable at the noise sensitive premises in rural areas is 0 dB, so the baseline assigned levels would apply.

The regulations acknowledge that motor sport activities are an integral part of society and that motor sport venues generally struggle to achieve compliance with the assigned levels. To address this, the regulations specifically address motor sport venues in *regulation 16A* through a process of approval of a noise management plan. For this facility it is likely that this regulation would only come into effect if national or international competitions were held and this is not within the scope of this assessment. However, for information purposes the requirements of *regulation 16A* is detailed below:

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16AA. Approval of noise management plan: motor sport venue

- (1) The occupier of a motor sport venue may apply to the CEO for approval of —
 - (a) a noise management plan for the venue; or
 - (b) an amendment of an approved noise management plan for the venue.
- (3) The CEO may, in writing —
 - (a) if the application is for the approval of a noise management plan — approve, or refuse to approve, the noise management plan for the motor sport venue; or
 - (b) if the application is for an amendment of an approved noise management plan — approve, or refuse to approve, the amendment.
- (4) Before making a decision under subregulation (3) the CEO —
 - (a) must give the following a reasonable opportunity to make a submission on whether or not the plan or amendment should be approved —
 - (i) the occupier of any noise sensitive premises within 1 km of the motor sport venue;
 - (ii) the local government of each district in which noise emissions received from the venue are likely to fail to comply with the standard prescribed under regulation 7; and
 - (b) may give any other person the CEO considers appropriate in the circumstances a reasonable opportunity to make a submission on whether or not the plan or amendment should be approved.
- (5) An approval of a noise management plan under subregulation (3) —
 - (a) may be granted subject to conditions imposed by the CEO; and
 - (b) subject to subregulation (6) and regulation 16AC, has effect for the period specified in the approval.
- (7) The CEO must not approve a noise management plan for a motor sport venue unless the plan —
 - (a) contains a map (current at the time of the application) showing the motor sport venue, including the area where motor vehicles or motor vessels are raced or prepared for racing and car parks used by competitors in races at and visitors to the venue; and
 - (b) contains a description of the types of racing activities that can reasonably be expected to be conducted at the venue and classes of vehicles or vessels that can reasonably be expected to race at the venue; and

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- (c) sets out limitations on the racing activities to be conducted and the times during which racing activities may be conducted; and
 - (d) contains details of reasonable and practicable measures to be implemented to control noise emissions from the venue during the conduct of a racing activity at the venue; and
 - (e) contains details of when and the manner in which notice of racing activities at the venue is to be published or distributed to members of the public; and
 - (f) specifies the persons who will be responsible for implementing the approved noise management plan and sets out each person's responsibilities; and
 - (g) contains a complaint response procedure.
- (9) Regulation 7 does not apply to noise emitted from a motor sport venue during the conduct of a racing activity at the venue if the racing activity is conducted in accordance with an approved noise management plan, excluding any ancillary measure, for the venue.

3 NOISE PREDICTION METHODOLOGY

Computer modelling has been used to predict noise levels from the proposed facility to nearby noise receivers. The advantage of modelling is that it is not affected by background noise sources and can provide the noise level for various weather conditions and operating scenarios.

For this assessment the noise prediction software used was *SoundPLAN 8.0* with the CONCAWE algorithms selected. These algorithms have been specifically selected as they include the influence of wind, atmospheric stability and the effect of ground conditions. Input data required in the model are:

- Meteorological Information;
- Topographical data;
- Ground Absorption; and
- Source sound power levels.

3.1.1 Meteorological Information

Meteorological information utilised is provided in *Table 3-1* and is considered to represent worst-case conditions for noise propagation. At wind speeds greater than those shown, sound propagation may be further enhanced, however background noise from the wind itself and from local vegetation is likely to be elevated and tends to mask out intrusive noise to some degree.

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Table 3-1 Modelling Meteorological Conditions

Parameter	Day (0700-1900)
Temperature (°C)	20
Humidity (%)	50
Wind Speed (m/s)	4
Wind Direction*	All
Pasquil Stability Factor	E

* Note that the modelling package used allows for all wind directions to be modelled simultaneously.

It is generally considered that compliance with the assigned noise levels needs to be demonstrated for 98% of the time, during the day and night periods, for the month of the year in which the worst-case weather conditions prevail. In most cases, the above conditions occur for more than 2% of the time and therefore must be satisfied.

3.1.2 Topographical Data

Topographical data for the land surrounding the facility was based on that publicly available from *GoogleEarth* in the form of spot heights, noting the topography is relatively flat with no significant natural/manmade features between the proposed facility and receivers. The design of the facility, which includes earth bunding around the lake, has been incorporated into the land topography.

3.1.3 Ground Absorption

Ground absorption varies from a value of 0 to 1, with 0 being for an acoustically reflective ground (e.g. water or bitumen) and 1 for acoustically absorbent ground (e.g. grass). In this instance, as the area is predominantly rural, a value of 1.0 has been used as an average across the study area.

3.1.4 Source Sound Levels

The sound power levels used in the modelling to represent the ski boats proposed, the water playground and mechanical plant from the clubhouse/restaurant are provided in *Table 3-2*. The data for the ski boats was obtained from measurements undertaken at the Bonney's WA Water Ski Park using the same ski boats proposed for use at this facility and the data for the cable ski mechanism was from measurements of the Perth Wake Park, which was, incidentally, inaudible at 40m away.

The mechanical plant and children playing is from file data of typical noise sources.

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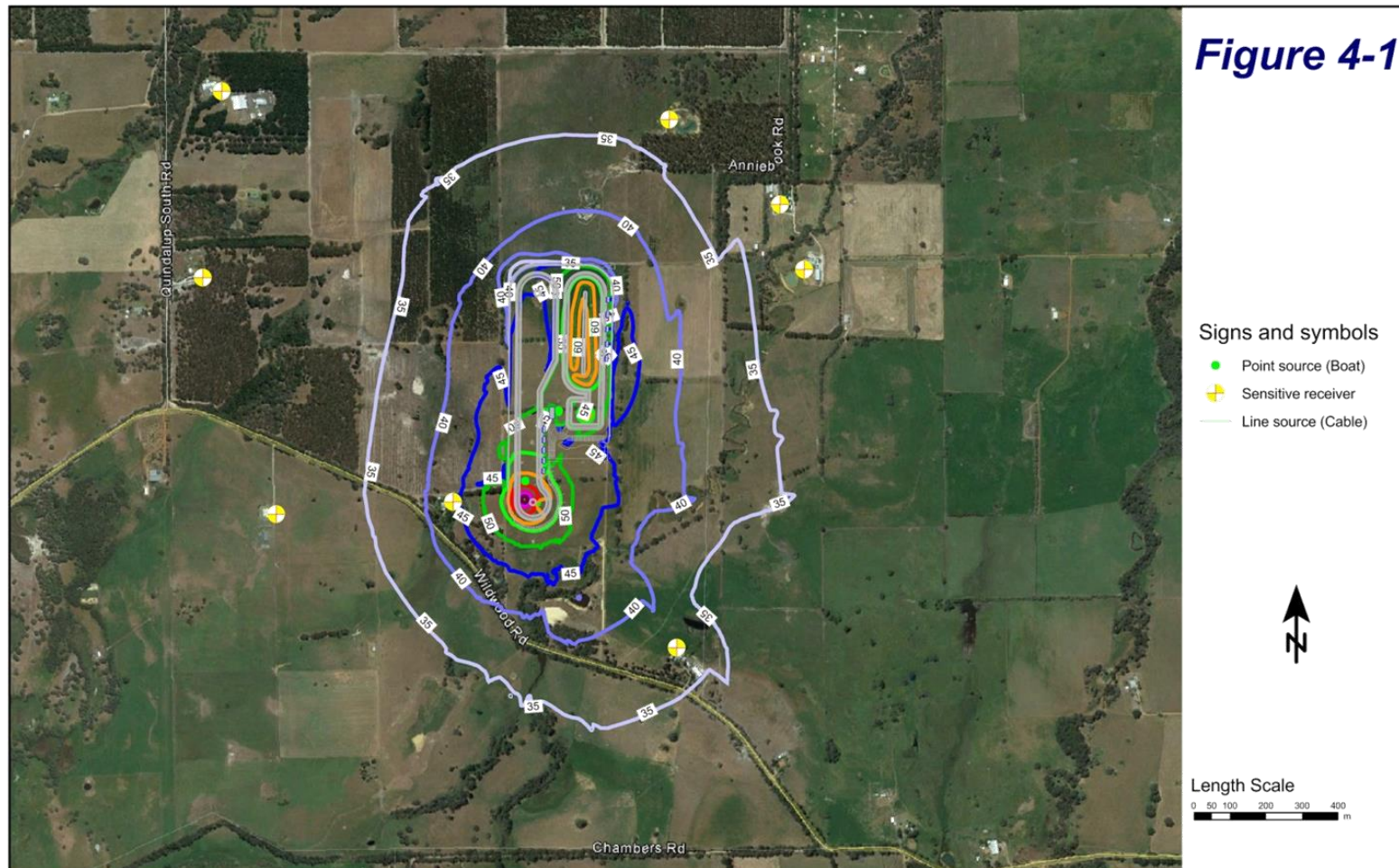
Table 3-2 Source Sound Power Levels L_{A10}

Description	Octave Band Centre Frequency (Hz)								Overall dB(A)
	63	125	250	500	1k	2k	4k	8k	
Ski Boat On Straight	109	113	104	102	92	89	85	82	103
Ski Boat Turning	104	113	104	100	92	90	89	84	102
Cable Ski Mechanism				68					68/m
Rooftop A/C Unit	82	79	78	76	75	72	66	60	79
Kitchen Exhaust Fan	78	77	68	65	60	58	56	52	68
General Child Play (40 children), L_{10}	50	59	69	76	82	81	74	66	86

4 RESULTS

The results of the assessment are presented as noise level contour plots in *Figures 4-1 and 4-2*, as described below:

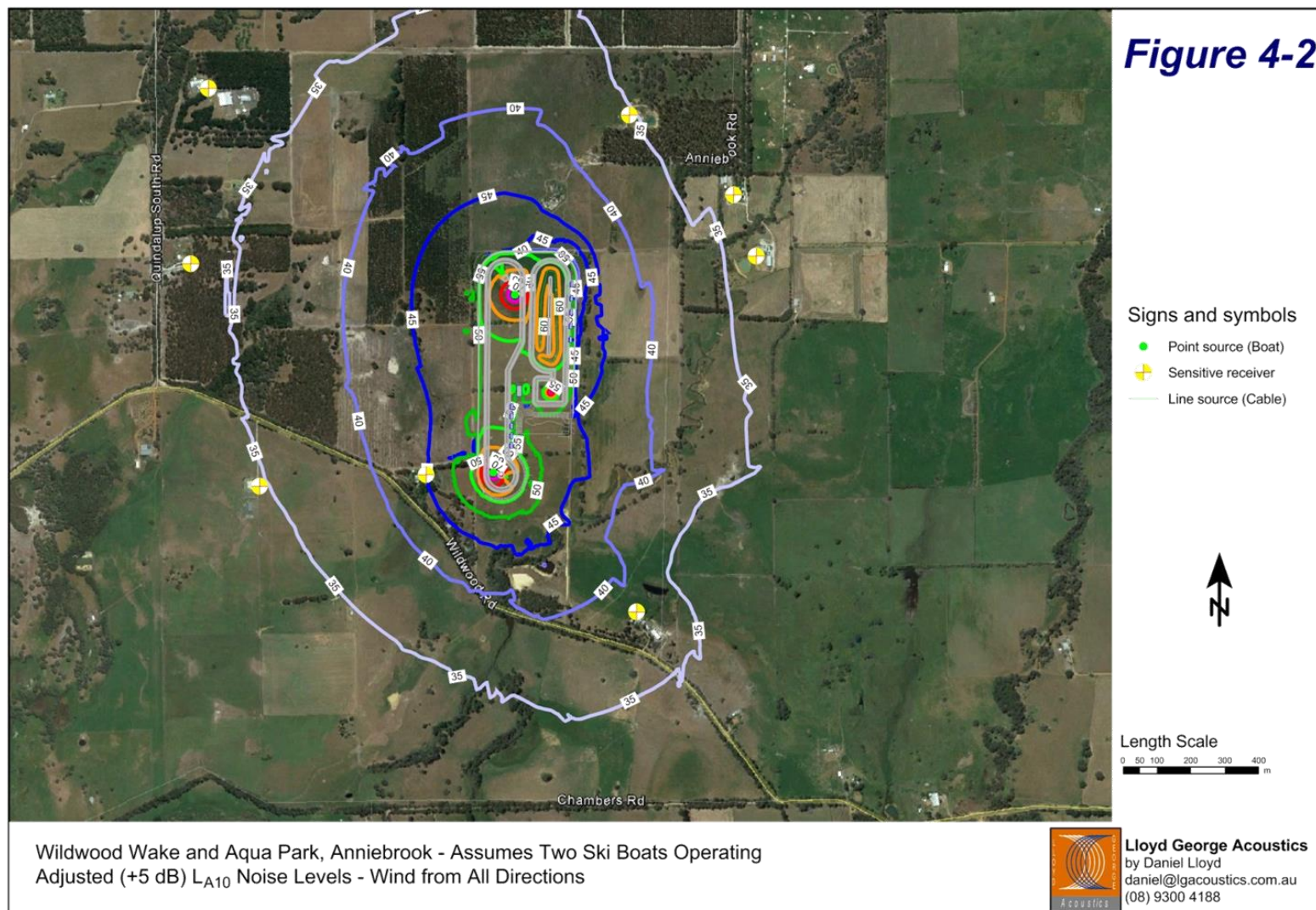
- *Figure 4-1* - Assumes one ski boat operating, the cable ski park, the water playground and mechanical plant; and
- *Figure 4-2* - Assumes two ski boats operating, the cable ski park, the water playground and mechanical plant.
- *Figure 4-3* - Assumes ski boats are not operating, however, the cable ski park, the water playground and mechanical plant are.



Wildwood Wake and Aqua Park, Anniebrook - Assumes One Ski Boat Operating
Adjusted (+5 dB) L_{A10} Noise Levels - Wind from All Directions



Lloyd George Acoustics
by Daniel Lloyd
daniel@lgacoustics.com.au
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5 ASSESSMENT

The results of the assessment show that the predicted noise level at the most affected noise sensitive premises assuming the worst-case of positive winds (from the facility to the receiver), two ski boats operating, the cable ski park, the water playground and mechanical plant is L_{A10} 40 dB.

Assuming the ski boats would exhibit tonal noise characteristics, attracting a +5 dB penalty (*Table 2-1*), compliance with the regulations would be achieved between 7.00 am and 7.00pm Monday to Saturday (excluding Public Holidays).

To achieve compliance on Sundays and Public Holidays between 9.00am and 7.00pm, additional noise mitigation would be required and we recommend erecting a 1.8m high barrier on the western crest of the lake bund to the extent shown in *Figure 5-1*, and limiting the use of the lake to one ski boat. The noise Wall construction could be pinelap, colourbond or similar. The predicted noise levels assuming this scenario are provided in *Figures 5-2 and 5-3*.

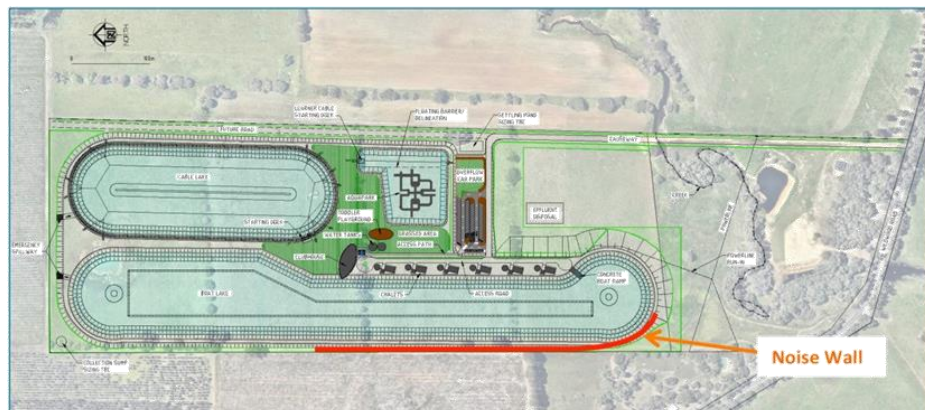
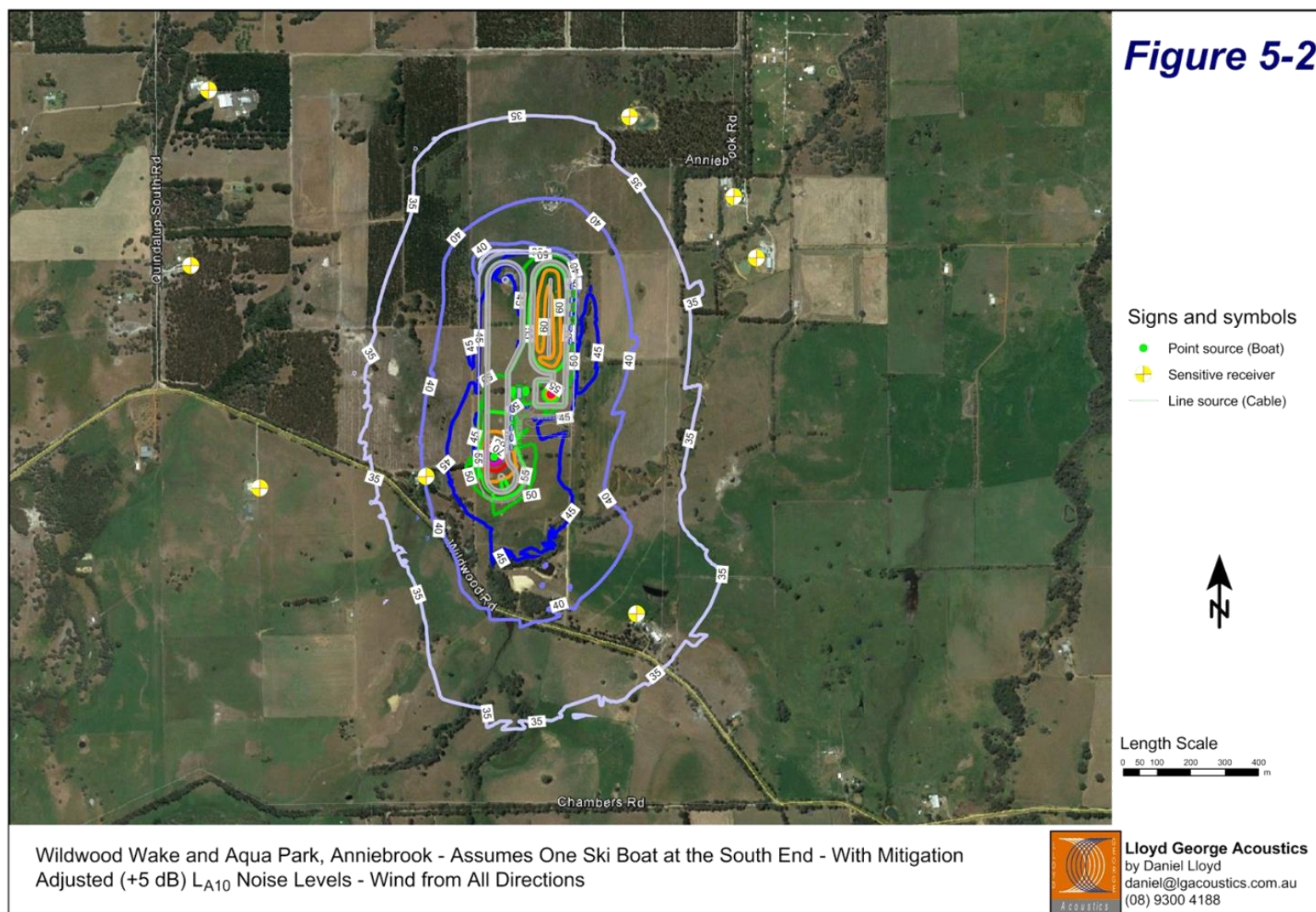
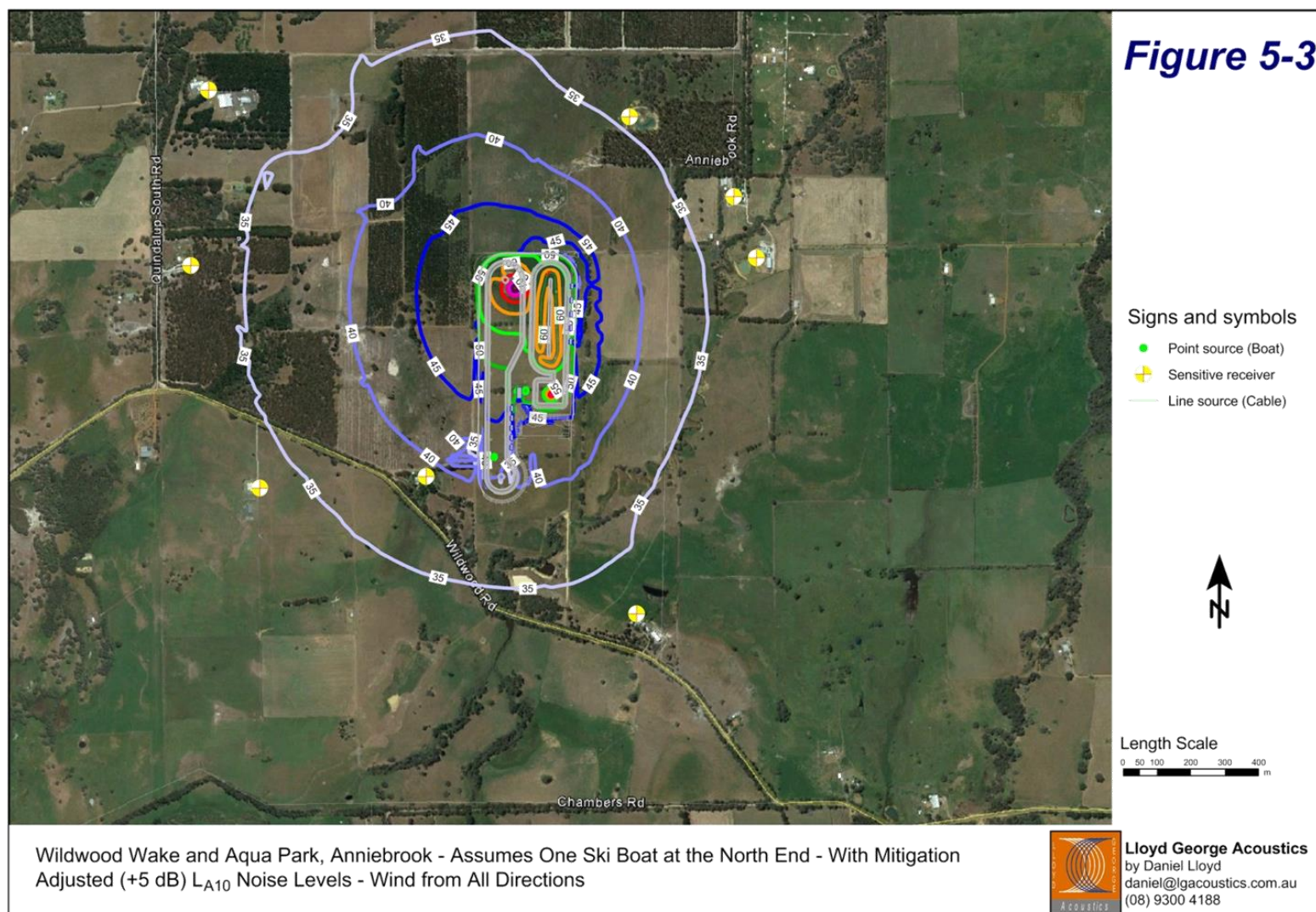


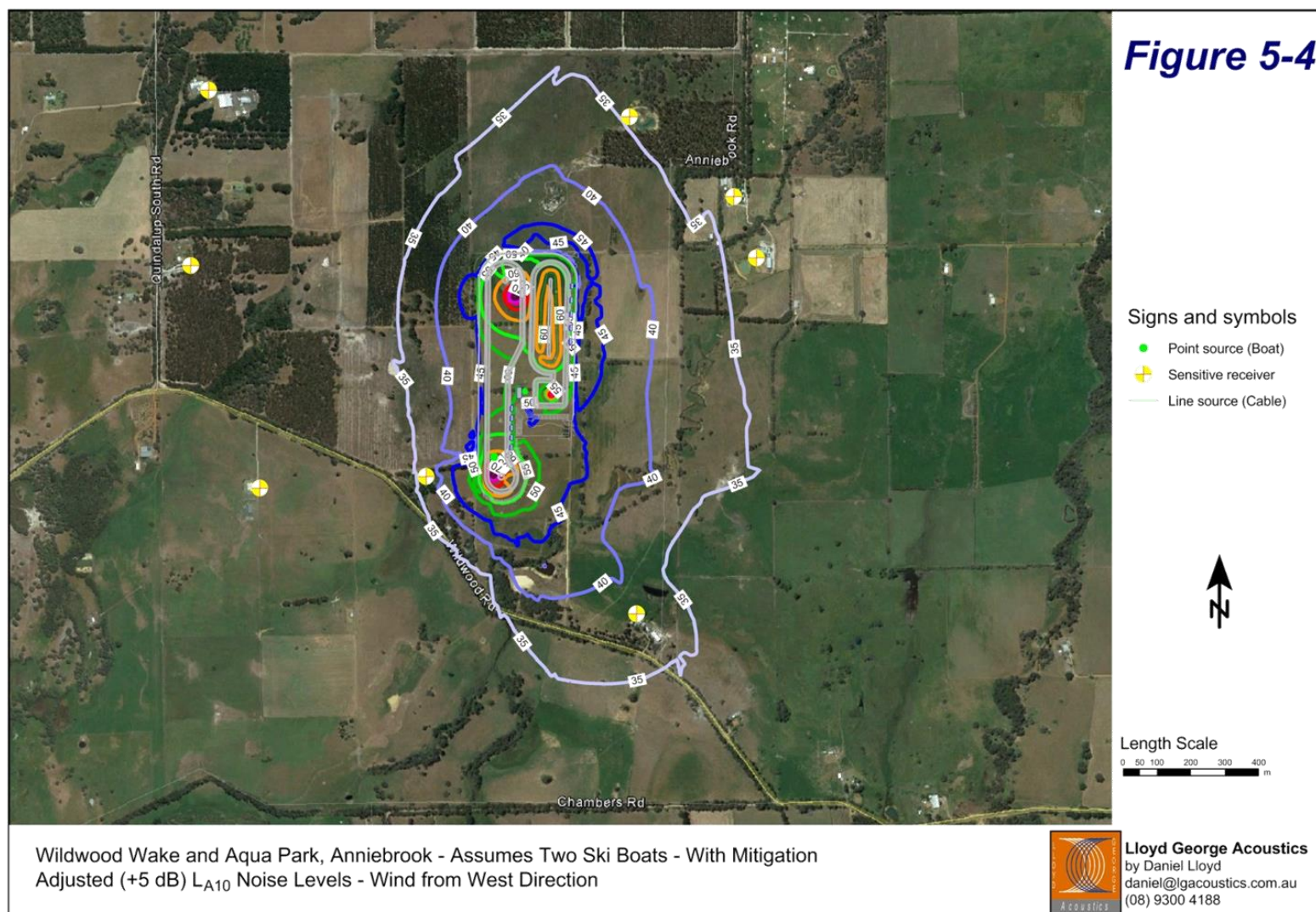
Figure 5-1 Proposed Noise Wall

Compliance could also be achieved on Sundays and Public holidays assuming two ski boats, when winds have a westerly component. This is shown in *Figure 5-4*.

If the ski lake is not being used, then compliance with the regulations would be achieved at all times.







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6 CONCLUSION

The results of this assessment have shown that for worst-case meteorological conditions, the proposed Wildwood Wake and Aqua Park can comply with the *Environmental Protection (Noise) Regulations 1997*, between 7.00am to 7.00pm Monday to Saturday assuming two ski boats, the cable ski park, the water playground and mechanical plant operating.

Compliance with the regulations between 9.00am to 7.00pm Sundays and Public Holidays can be achieved assuming one ski boat, the cable ski park, the water playground and mechanical plant operating, providing a noise wall is erected along the western boundary of the ski lake. Compliance during this time could also be achieved assuming two ski boats operating, providing the wind is blowing from a westerly direction.

When the ski lake is not operating, compliance is achieved at all times.

Appendix A

Terminology

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The following is an explanation of the terminology used throughout this report.

Decibel (dB)

The decibel is the unit that describes the sound pressure and sound power levels of a noise source. It is a logarithmic scale referenced to the threshold of hearing.

A-Weighting

An A-weighted noise level has been filtered in such a way as to represent the way in which the human ear perceives sound. This weighting reflects the fact that the human ear is not as sensitive to lower frequencies as it is to higher frequencies. An A-weighted sound level is described as L_A dB.

Sound Power Level (L_w)

Under normal conditions, a given sound source will radiate the same amount of energy, irrespective of its surroundings, being the sound power level. This is similar to a 1kW electric heater always radiating 1kW of heat. The sound power level of a noise source cannot be directly measured using a sound level meter but is calculated based on measured sound pressure levels at known distances. Noise modelling incorporates source sound power levels as part of the input data.

Sound Pressure Level (L_p)

The sound pressure level of a noise source is dependent upon its surroundings, being influenced by distance, ground absorption, topography, meteorological conditions etc and is what the human ear actually hears. Using the electric heater analogy above, the heat will vary depending upon where the heater is located, just as the sound pressure level will vary depending on the surroundings. Noise modelling predicts the sound pressure level from the sound power levels taking into account ground absorption, barrier effects, distance etc.

L_{ASlow}

This is the noise level in decibels, obtained using the A frequency weighting and the S time weighting as specified in AS1259.1-1990. Unless assessing modulation, all measurements use the slow time weighting characteristic.

L_{AFast}

This is the noise level in decibels, obtained using the A frequency weighting and the F time weighting as specified in AS1259.1-1990. This is used when assessing the presence of modulation only.

L_{APeak}

This is the maximum reading in decibels using the A frequency weighting and P time weighting AS1259.1-1990.

L_{Amax}

An L_{Amax} level is the maximum A-weighted noise level during a particular measurement.

L_{A1}

An L_{A1} level is the A-weighted noise level which is exceeded for one percent of the measurement period and is considered to represent the average of the maximum noise levels measured.

L_{A10}

An L_{A10} level is the A-weighted noise level which is exceeded for 10 percent of the measurement period and is considered to represent the "intrusive" noise level.

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L_{Aeq}

The equivalent steady state A-weighted sound level ("equal energy") in decibels which, in a specified time period, contains the same acoustic energy as the time-varying level during the same period. It is considered to represent the "average" noise level.

L_{A90}

An L_{A90} level is the A-weighted noise level which is exceeded for 90 percent of the measurement period and is considered to represent the "background" noise level.

One-Third-Octave Band

Means a band of frequencies spanning one-third of an octave and having a centre frequency between 25 Hz and 20 000 Hz inclusive.

L_{Amax} assigned level

Means an assigned level which, measured as a $L_{A\ Slow}$ value, is not to be exceeded at any time.

L_{A1} assigned level

Means an assigned level which, measured as a $L_{A\ Slow}$ value, is not to be exceeded for more than 1% of the representative assessment period.

L_{A10} assigned level

Means an assigned level which, measured as a $L_{A\ Slow}$ value, is not to be exceeded for more than 10% of the representative assessment period.

Tonal Noise

A tonal noise source can be described as a source that has a distinctive noise emission in one or more frequencies. An example would be whining or droning. The quantitative definition of tonality is:

the presence in the noise emission of tonal characteristics where the difference between -

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as $L_{Aeq,T}$ levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as $L_{A\ Slow}$ levels.

This is relatively common in most noise sources.

Modulating Noise

A modulating source is regular, cyclic and audible and is present for at least 10% of the measurement period. The quantitative definition of modulation is:

a variation in the emission of noise that —

- (a) is more than 3 dB $L_{A\ Fast}$ or is more than 3 dB $L_{A\ Fast}$ in any one-third octave band;
- (b) is present for at least 10% of the representative.

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Impulsive Noise

An impulsive noise source has a short-term banging, clunking or explosive sound. The quantitative definition of impulsiveness is:

a variation in the emission of a noise where the difference between $L_{A\text{ peak}}$ and $L_{A\text{ Max slow}}$ is more than 15 dB when determined for a single representative event;

Major Road

Is a road with an estimated average daily traffic count of more than 15,000 vehicles.

Secondary / Minor Road

Is a road with an estimated average daily traffic count of between 6,000 and 15,000 vehicles.

Influencing Factor (IF)

$$= \frac{1}{10} (\% \text{ Type A}_{100} + \% \text{ Type A}_{450}) + \frac{1}{20} (\% \text{ Type B}_{100} + \% \text{ Type B}_{450})$$

where:

$\% \text{ Type A}_{100}$ = the percentage of industrial land within
a 100m radius of the premises receiving the noise

$\% \text{ Type A}_{450}$ = the percentage of industrial land within
a 450m radius of the premises receiving the noise

$\% \text{ Type B}_{100}$ = the percentage of commercial land within
a 100m radius of the premises receiving the noise

$\% \text{ Type B}_{450}$ = the percentage of commercial land within
a 450m radius of the premises receiving the noise

+ Traffic Factor (maximum of 6 dB)

= 2 for each secondary road within 100m

= 2 for each major road within 450m

= 6 for each major road within 100m

Representative Assessment Period

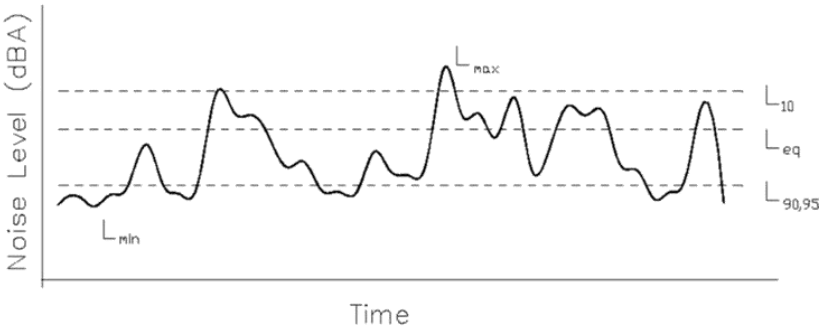
Means a period of time not less than 15 minutes, and not exceeding four hours, determined by an inspector or authorised person to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission.

Background Noise

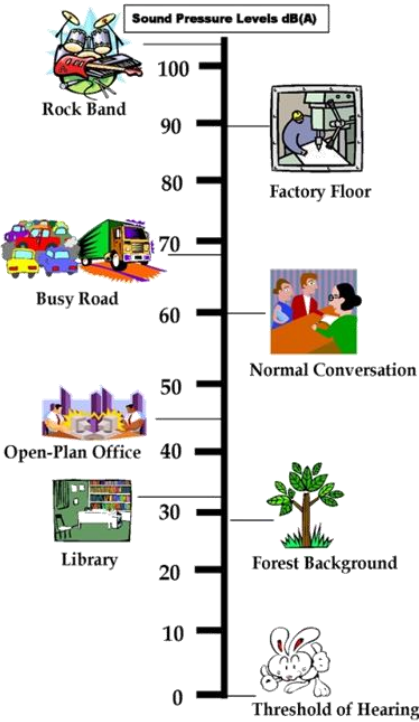
Background noise or residual noise is the noise level from sources other than the source of concern. When measuring environmental noise, residual sound is often a problem. One reason is that regulations often require that the noise from different types of sources be dealt with separately. This separation, e.g. of traffic noise from industrial noise, is often difficult to accomplish in practice. Another reason is that the measurements are normally carried out outdoors. Wind-induced noise, directly on the microphone and indirectly on trees, buildings, etc., may also affect the result. The character of these noise sources can make it difficult or even impossible to carry out any corrections.

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Chart of Noise Level Descriptors



Typical Noise Levels





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To:	Cameron Akers	From:	Daniel Lloyd
Attention:	Cameron Akers	Date:	1 May 2018
Email:	akerscj@gmail.com.au	Pages:	2
Our Ref:	17104184-03		
Re:	Ambient Noise Measurement— Lot 40 Wildwood Road, Anniebrook		

Lloyd George Acoustics have been commissioned to measure the ambient noise level at Lot 40, Wildwood Road, Anniebrook. The measurements were undertaken at a distance of 58 metres from the road, which was chosen to represent approximately the same distance from the road as the houses located on the neighbouring properties, being Lots 41 and 70 Wildwood Road, Anniebrook.

These results could therefore be considered as representative of the ambient noise levels at the neighbouring properties and can be used when assessing the noise impact resulting from the proposed Wildwood Wake and Aqua Park.

The results are presented in *Figure 1*.

Discussion

The background noise level is generally determined by observing the L_{A90} levels, which are the noise levels exceeded for 90% of the time. The average background noise level during the daytime hours of 7.00am to 7.00pm is calculated as 34 dB(A).

The intrusive noise level is generally determined by observing the L_{A10} levels, which are the noise levels exceeded for 10% of the time. The average intrusive noise level during the daytime hours of 7.00am to 7.00pm is calculated as 49 dB(A). From the pattern of noise levels shown in *Figure 1*, this intrusive noise is likely to be a result of traffic travelling along wildwood Road.

When comparing the ambient noise level to the predicted L_{A10} noise level of 40 dB from a ski boat operating on the proposed Wildwood Wake and Aqua Park, it can be seen that while the predicted noise from the boat would be heard over the general background level, the noise from traffic on Wildwood Road is significantly higher. It can therefore be concluded that the noise resulting from a ski boat operating on the proposed Wildwood Wake and Aqua Park is unlikely to result in any significant loss of amenity to the residents of Lots 41 and 70 Wildwood Road, Anniebrook.

We trust the above is satisfactory. Should you require further information, please do not hesitate in contacting us.

Regards,

Daniel Lloyd



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www.wildwoodwake.com.au
342 Wildwood Road,
Anniebrook WA 6280

Attention: Joanna Wilson

Statutory Planning Coordinator

City Of Busselton

2 Southern Drive, Busselton, WA 6280

Ref: 17/1002—Wildwood Wake and Aqua Park

Dear Jo,

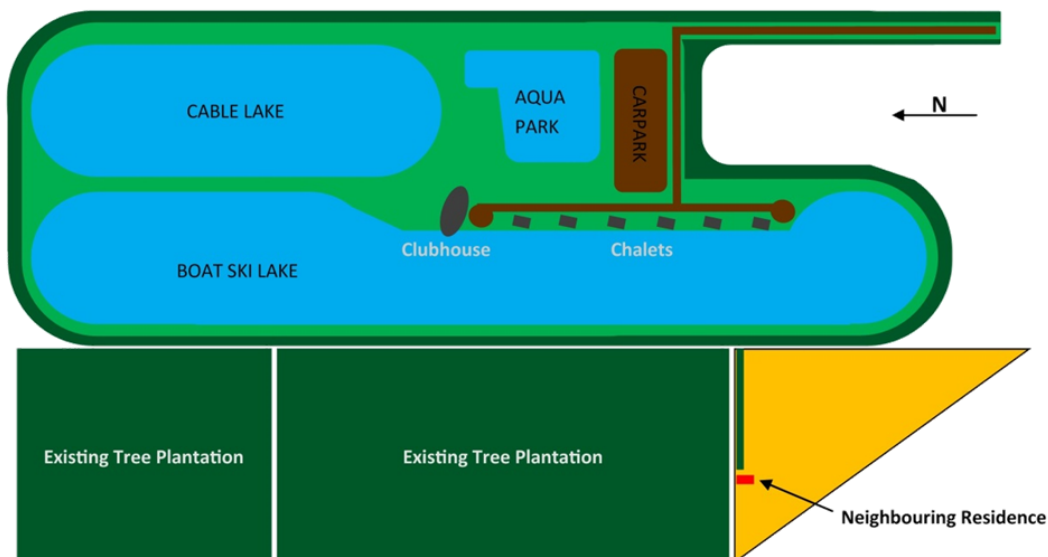
I am writing in regards to concerns raised by the City of Busselton regarding the proposed development application 17/1002.

Based on our discussions to date, it is understood the development application meets all relevant technical planning criteria. However, the planning department still has concerns with respect to a perceived loss of both visual and audible amenities to the neighbouring property to the west. I hereby seek to clarify the potential impact to the neighbouring property and how we propose to mitigate it.

Background and Context

The diagram below shows the proposed layout of the facility and the neighbouring properties to the west. The triangular area shown in orange indicates the property the planners believe is most affected by the proposed development. This property is 10 acres in size and as can be seen from aerial footage on google earth, is bordered by the development site to the east, Wildwood Road to the south and an existing blue gum tree plantation to the north. The blue gum plantation in dark green immediately adjacent the neighbouring property has been in existence since the neighbours purchased the property in 2005. It was harvested 12 months ago but the owners have indicated they intend to re-establish it. The dark green area on the development site immediately surrounding the lakes indicates the new three tiered vegetated windbreaks we are proposing.

Figure 1— Proposed Layout and neighbouring properties to the west





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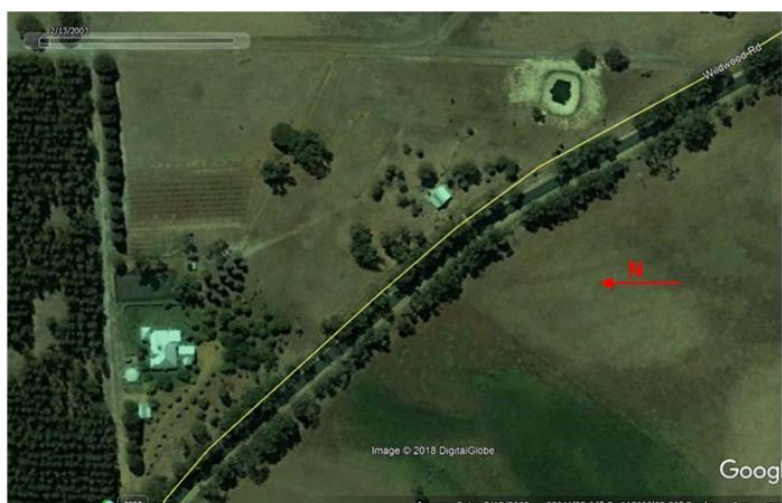
Current State—Visual Amenity

As can be seen from aerial footage below (taken in Nov 2016), the neighbouring property is already heavily vegetated, with the exception of one space to the north east corner. Aerial images taken from google earth over time show the owners have chosen to increase the amount of vegetation on the property with the majority of it being planted since 2003. The neighbouring residence shown below is approximately 160m from the boundary fence to the east (development site), 20m to the boundary fence to the north (blue gum plantation), and 58m from Wildwood Road to the south. Given the increase in vegetation and the proximity of vegetation around the house, it is unclear if the property would comply with current bushfire regulations.

Figure 2—Aerial image courtesy Google Earth (Nov 2016)



Figure 3 —Aerial image courtesy Google Earth (Dec 2003)



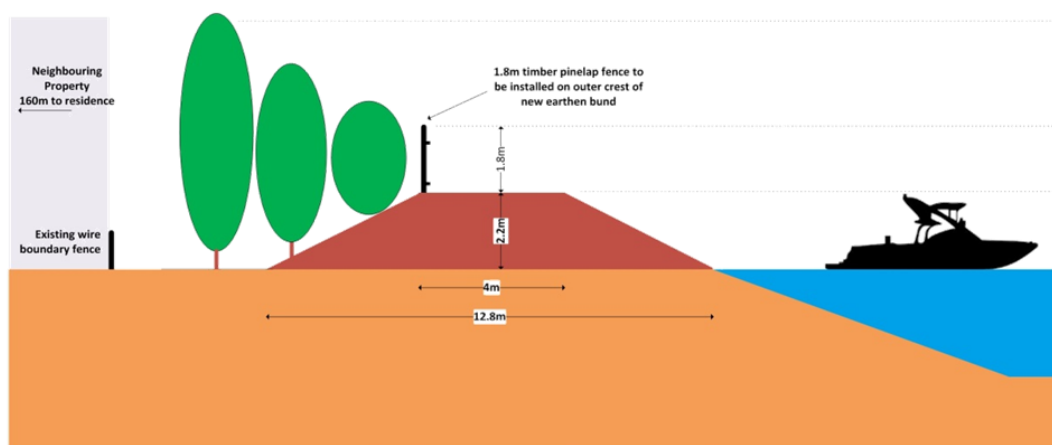


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Proposed Design

The following diagram shows a cross-sectional image of the proposed design on the south-western corner of the boat lake. It is proposed to use material reclaimed during construction of the lake to create an earthen bund surrounding the entire lake to minimise noise, wind (and evaporation), whilst also providing a visual buffer to Wildwood Road and neighbouring properties. The proposal includes a three-tiered vegetated buffer outside the earthen bund that surrounds the entire facility and a 1.8m high timber pine lap fence on the southern end and south west corner to provide additional visual and noise mitigation to both the neighbour's properties and the owners' potential house site.

Figure 4 —Proposed Design of Earthen Bund and Vegetated Windbreak



As described in the development application, we have engaged a local landscaping company (Brett Walsh Landscapes) for advice in regards to species selection for the vegetated windbreaks. We have also referenced the "Engineering and Works Services Standards and Specifications - Section 9(c) Landscape, Rural & Urban Road Reserves" for guidance on plant selection and planting techniques. The landscaping consultant has made the following recommendations based on his experience in this field, the local climate, soil conditions and water conservation principles:

Lakes (Windbreak)

- *Agonis Flexuosa* (Peppie tree) to 6/10m, weeping growth habit, wind resistant, dense foliage. Spacing 4/6m
- *Callistemon Kings Park Special*, shrub to 3/5m, dense growth habit, flowering, fast growing. Spacing 3/5m
- *Callistemon Great Balls of Fire*, shrub to 1/3m, dense foliage, attractive new growth, fast growing. 1/1.5m
- *Grevillea Olivacea*, shrub to 2/3m, dense foliage, relatively fast growing.

The selected species are fast growing which is beneficial for neighbouring properties from a noise suppression standpoint, but also minimise the risk to patrons and their vehicles from the impact from falling branches.

We are prepared to work with the neighbouring property owners and landscape designer to refine the species selection based on their personal preference and their ability to blend in with the natural environment. We recognise this is in the interest of all parties to select species that provide adequate noise and visual suppression whilst blending in as much as possible with the existing properties.

Once established, the earthen buffer and windbreak will completely conceal the proposed development from Wildwood Road and all neighbouring properties. This is further demonstrated in the 3D fly through video available on our website and that was submitted as part of the development application.



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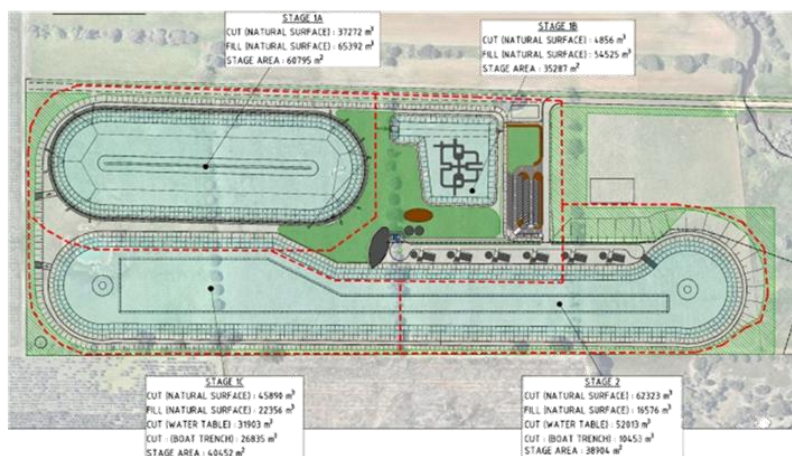
Perceived Loss of Amenity - Visual

Like other rural landholders, we are legally entitled to plant a windbreak around the property to prevent erosion due to wind and provide additional shade for livestock. In these circumstances, there is no requirement to seek or gain approval from neighbouring property owners regarding species selection or to a possible loss of amenity. Similarly, there is no requirement to seek or gain approvals to convert the land from grazing to a blue gum plantation if we choose to, providing the plantation maintains a suitable buffer from the neighbouring properties.

As a demonstration of goodwill, we have personally contacted the neighbours to state their intent and offer the chance to actively participate in the selection of plant species for the windbreak. Whilst this offer was initially rejected, we remain committed to working with the neighbouring property owners in this regard.

A staging plan was submitted as part of the development application to further minimise impact to the neighbouring property. We are proposing to construct the earthen bund and plant the vegetated windbreak adjacent the neighbouring property as soon as possible, allowing it time to establish prior to excavating the southern end of the boat lake. Doing this will minimise impact to the neighbouring property both during construction and during ongoing operations. We remain committed to this staging plan as it is in the best interest of both parties.

Figure 4 —Proposed Staging Plan



Contrary to some peoples belief the amenity of the local area is changing - it is no longer purely a farming community. In the last two years, there have been a number of development applications approved by the City of Busselton in the surrounding area that have already or will change the visual amenity of the area. These include a Caravan Park on the corner of Chain Avenue and Vasse-Yallingup Siding Road, a mixed use (hotel, cottage industry, market, restaurant and winery) development in Carbanup River, a microbrewery and restaurant on Wildwood Road (opposite Butterly Road), and a two-storey accommodation complex on Wildwood Road adjacent the Steiner School. A liquid waste treatment facility was also approved on Yelverton North Road, to name a few.

A number of these developments had significantly less design documentation accompanying their development application outlining how they intended to manage the loss of both visual and noise amenities to neighbouring properties. Based on the sketch shown in figure 4 and the proposed earthworks and landscaping design already submitted with the application, we don't believe the development will impact the current visual amenity of the area any more than installing a windbreak around the property, which we are planning to do anyway. If the planning department requires further information with regards to the proposed design, species selection, planting densities or landscape architect recommendations, please don't hesitate to contact us. We are more than happy to discuss this further.



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Perceived Loss of Amenity—Noise

The development application submitted in December 2017 included a detailed Environmental Noise Assessment undertaken by Lloyd George Consulting Engineers. Predicted noise levels were mapped at all sensitive receivers surrounding the property based off the proposed civil design, historical weather data and actual noise levels recorded during the on water boat test at Bonney's Ski Park using the same type of boat proposed for the park. It assumed worst case and included a 5dB tonality penalty that may or may not be present. The results concluded that the facility could comply with the noise regulations when running one boat under all circumstances, and when running two boats with the exception of the wind in a westerly direction.

Subsequent monitoring was conducted on the site to measure the background noise generated from traffic on Wildwood Road in April 2018 over a two-week period - this data was submitted to the City of Busselton in May. Vehicle traffic data obtained from the City (based on the Department of Main Roads surveys) show vehicle numbers exceed 962 vehicles per day (vpd) on Wildwood Road west of Bussell Highway (2012 data) and 433vpd west of Chain Ave (2009 data). It concluded that the intrusive noise measured 58m off Wildwood Road (an equivalent distance to the neighbouring houses on Wildwood Road) of 49dB currently exceeds the predicted noise output from the facility both from an average and peak noise perspective.

As you know traffic on Wildwood Road is highly varied, ranging from passenger vehicles, through to sports cars, motorcycles, and heavy vehicles (tractors and trucks), both loaded and unloaded. Consequently, the average and peak intrusive noise emissions vary greatly and there is no restriction on this road in terms of hours of use. Unlike Wildwood Road, noise emissions from the proposed facility will be regulated through controlled conditions. The original development application made provision for patrons to bring their own boats subject to assessment and approval by the owners. Based on public feedback with respect to noise, this was amended by the owners to limit boat usage to a maximum of two boats at any time and restrict this to the park boats only. This allows noise to be completely controlled to what has been measured during the Environmental Noise Assessment undertaken by Lloyd George Consultants in October 2017.

Previous email correspondence between the owners and council indicated that Malibu Boats were planning to release their latest generation engines in Australia sometime in late 2018. The engines have been completely redesigned to meet strict US environmental licencing criteria and they were rumoured to be quieter than previous models. Malibu have since confirmed the first of these engines was shipped to Australia in May 2018 and was tested on water in the first week of July. When compared to the previous model, test data proved the new engine was on average 6.2dB(A) quieter than its predecessor when measured at a distance of 30m from the centreline of the boat, with the meter at 1.3m above ground and at a speed of 30mph.

The tests were conducted in Albury NSW under the same controlled conditions (same day, same weather and same ambient noise) to ensure the tests were representative. Malibu Boats have confirmed these engines will be fitted to all new boats manufactured from January 2019 onwards. The park boats will be ordered beyond this date so will receive the new generation engines. Malibu have also confirmed there are additional factory supplied options such as motor box insulation and surf pipe exhaust which can be fitted to further reduce the noise output below what has been tested.

It has hence been proven the development will have minimal impact on the current audible amenity of the area given the proposed noise suppression techniques that are planned, the number of vehicles traversing Wildwood Road and their variable noise output, and the owners commitment to order the latest generation boats inclusive of the additional factory fitted noise suppression equipment. A revised version of the Lloyd George Environmental Noise Assessment outlining the new predicted noise at all sensitive receivers surrounding the property is currently being finalised and will be submitted to the planning department by Wednesday 11th July.

I hereby request the planning department reconsider this information prior to making their final recommendations on the development proposal and finalising their report to the elected councillors.

Yours Sincerely,

Cameron Akers

From: Brendan Kelly
To: [James Fletcher](mailto:James.Fletcher@dwel.wa.gov.au)
Subject: Wildwood
Date: Tuesday, 27 February 2018 1:28:53 PM

From: Krish Seewraj
Sent: Tuesday, 13 February 2018 3:55 PM
To: Joanna Wilson <Jo.Wilson@busselton.wa.gov.au>
Cc: Brendan Kelly <brendan.kelly@dwel.wa.gov.au>; Owen Bennett <owen.bennett@dwel.wa.gov.au>; Teresa Gepp <teresa.gepp@dwel.wa.gov.au>
Subject: HPRM: Wakeboard Wake & Aqua Park – 342 Wildwood Road, Anniebrook

13th February 2018

Our Reference: PA18162, DWERT308~17

Your Reference: DA17/1002

To: City of Busselton

From: Department of Water and Environmental Regulation

Attention: Jo Wilson

**RE: WAKEBOARD WAKE & AQUA PARK – 342 WILDWOOD ROAD,
ANNIEBROOK**

Dear Jo,

Thank you for referring this development application to the Department of Water and Environmental Regulation (DWER) for comment and further to continuing communications with the City of Busselton (CoB).

Firstly, the process of amalgamating functions of the former Department of Water (DoW), Department of Environment Regulation (DER) and Office of the Environmental Protection Authority (OEPA) into the combined DWER is occurring.

As such, the advice in this correspondence pertains only to water resource matters previously dealt with by DoW, in context of land use planning matters.

You will receive additional statutory and/or technical advice from other areas within DWER, specifically related to Water Licensing, Noise Regulations and Acid Sulfate Soils management.

BACKGROUND

A secure and sustainable water supply, together with satisfactory demonstration that potential impacts to water resources during construction and operational stages can be addressed and managed, are factors critical to the success of this project.

The proposed development, which includes the construction of three recreational lakes requires the excavation / construction of the lakes and a water supply to firstly fill the lakes and then maintain them.

Of particular importance is that the project site is located within, and proposes to source its water from, the Busselton-Capel Groundwater Area, proclaimed under the *'Rights in Water and Irrigation Act, 1914'*.

In terms of hydrogeology, the project site exists within the Vasse Shelf of the Southern Perth Basin and there are three recognised aquifer systems beneath the property:

- The Superficial aquifer (watertable), which is thin and possibly extends to a depth of 5-8m below ground level.
- The Leederville aquifer is a confined aquifer and underlies the superficial and may extend to a depth of 130m below the natural surface.
- The Sue Coal Measures formation occurs below the Leederville, may have a thickness of more than 700 metres and consists of sandstone, shale and some coal seams.

It is noteworthy that the Superficial and Leederville aquifer in the Dunsborough-Vasse subarea are fully allocated and it is also understood that the proponent has begun negotiations for groundwater trading.

Water is available for allocation in the Sue Coal Measures aquifer, however there are very few bores in these measures, data is limited and the ability to abstract water from this aquifer is variable.

The proponent has lodged applications for a licence to take groundwater from the Leederville and for exploratory purposes in the Sue Coal Measures aquifers.

DWER has completed a preliminary assessment of the Leederville application and the proponent has been notified of DWER's proposed decision to refuse the application, as the resource is fully allocated.

DWER has granted a licence to authorise exploratory drilling and groundwater investigations in the Sue Coal Measures, which is conditioned by the requirement to submit a Hydrogeological Assessment report following the completion of the drilling and aquifer testing program.

The outcome of the hydrogeological assessment will be used to evaluate the request for approval to extract groundwater from this resource.

A licence for dewatering purposes will also be required for any excavation to construct the lakes and the proponent has been instructed to undertake a hydrogeological assessment to evaluate the impact of this activity.

In considering its overall assessment of the groundwater related issues, DWER will seek a high level of professional hydrogeological review to assist the

construction management and water supply planning for the project, as the approval process progresses.

The matter of Water Licensing is being managed through DWER's Busselton Office.

PLANNING

With regards to land use planning advice, DWER acknowledges the preparation of relevant documentation, specifically: *'Wildwood Wake and Aqua Park Water Management Plan (v.3), Urbaqua, January 2018'* (Urbaqua).

There are two key aspects of the development application from a land use planning perspective – i). Construction, and ii). Operational management.

◦ Construction

In context of the overall management and long-term protection of local groundwater, the primary water risk factor associated with the application is firstly the potential to intercept groundwater during construction activities.

Excavation is likely to expose the superficial groundwater resource to possible degradation by altering the hydrological regime and exposing it to pollution, whilst also potentially requiring dewatering management.

Urbaqua (s.8, p.20) states that a 'Construction Management Plan' (CMP) will need to be prepared to reduce the risk of damage to sensitive environments during earthworks and construction activities.

Key issues for consideration include the management of dewatering (including disposal) during excavation works, stormwater management of the construction site and the management of Acid Sulfate Soils (ASS).

The CMP should include specific sub-plans addressing the key issues in detail, i.e. a 'Dewatering Management Plan', 'Stormwater Management Plan', 'Erosion Management Plan' and 'ASS Management Plan'.

DWER recommends that any development approval be conditional upon the preparation of the CMP, prior to the commencement of any site works, to the satisfaction of the City of Busselton and DWER.

◦ Operational Management

DWER recommends the development of a 'Site Management Plan' (SMP) for ongoing operations of the facility, focussed on, but not limited to:

- Stormwater management in accordance with the *'Decision process for stormwater management in Western Australia, DWER, November 2017'*.
- Relevant issues as detailed in the *'Interim Drainage and Water Management Position Statement: Constructed Lakes, July 2007'*.

- Potable water supply for the facilities, i.e. the chalets, club house.
- Wastewater management.

In relation to wastewater management, the site is located on the boundary of a 'Sewage Sensitive Area', as defined in the (Draft) *'Government Sewerage Policy, November 2016'*, and it is noted and supported that the proponent proposes to use an aerobic treatment unit for wastewater management.

There are also ongoing landowner obligations to ensure that aerobic treatment units are regularly maintained in accordance with relevant health regulations.

RECOMMENDATIONS

In the context of water resource management DWER does not object to this proposal, however it is logical that this proposal cannot succeed without firstly securing a suitable supply of water both to fill and then maintain the lakes.

The following conditions are recommended to be applied to this development application:

- Prior to any ground disturbing activities commencing a suitable supply of water to both fill and then maintain the lakes must be secured.
- Prior to any ground disturbing activities commencing a Construction Management Plan must be developed to the satisfaction of the City of Busselton. This must include sub-plans addressing the following water considerations in more detail: dewatering, stormwater management, erosion and ASS management.
- Prior to any ground disturbing activities commencing a Site Management Plan must be developed to the satisfaction of the City of Busselton. This must include the following water considerations: stormwater management, potable water supply, wastewater management and in relation to the constructed lakes issues as detailed in the *'Interim Drainage and Water Management Position Statement: Constructed Lakes, July 2007'*.

DWER understands that the advance of the project, towards the point of Development Approval, under the *'Planning and Development Act 2005'*, will require ongoing consultation with DWER.

If you have any questions please contact:

- General land use planning inquiries: Brendan Kelly 97264194 or brendan.kelly@water.wa.gov.au
- Water Licensing inquiries: Mr Owen Bennett 97810188 or owen.bennett@dwer.wa.gov.au
- Noise Regulations and Acid Sulfate Soils management inquiries: Teresa Gepp at teresa.gepp@dwer.wa.gov.au

Yours faithfully,

Krish Seewraj

Land Use Planning Program Manager
South West Region

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As per

Brendan Kelly
Senior Natural Resource Management Officer
Department of Water & Environmental Regulation, South West Region
Telephone: 08 97264194 | Mobile: 0407219515
Email: brendan.kelly@dwer.wa.gov.au

Disclaimer: This e-mail is confidential to the addressee and is the view of the writer, not necessarily that of the Department of Water and Environmental Regulation, which accepts no responsibility for the contents. If you are not the addressee, please notify the Department by return e-mail and delete the message from your system; you must not disclose or use the information contained in this email in any way. No warranty is made that this material is free from computer viruses.



Government of Western Australia
Department of Water and Environmental Regulation

Your ref: DA17/1002
Our ref: CEO38/18
Enquiries: Teresa Gepp
Phone: 6364 6989
Email: teresa.gepp@dwer.wa.gov.au

Mr Mike Archer
Chief Executive Officer
City of Busselton
Via email: city@busselton.wa.gov.au

Attention: Joanna Wilson

Dear Mr Archer

DEVELOPMENT APPLICATION – LOT 40 WILDWOOD ROAD ANNIEBROOK

I refer to your letter dated 4 January 2018 requesting comment from the Department of Water and Environmental Regulation (DWER) on the above development application for a Wakeboard and Aquapark at the above location.

On 1 July 2017 the Department of Environment Regulation (DER) merged with the Department of Water and the Office of the Environmental Protection Authority to create the Department of Water and Environmental Regulation (DWER). Please note that the advice in this correspondence relates only to matters previously dealt with by the DER. You may receive additional advice from other areas within DWER.

The subject land is located in a low-lying area where the groundwater table is within two metres of the surface. Considering site-specific information, the risk of acid sulfate soil being present at this location is significant. Given the nature and extent of works proposed, if the application is approved, DWER recommends the following acid sulfate soil condition be imposed:

Condition [x]

An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before any soil excavations or dewatering are commenced.

Where an acid sulfate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan. (Department of Water and Environmental Regulation).

Advice note


Condition [x] makes reference to an "acid sulfate soils self-assessment form". This form and guidelines referred therein can be obtained from the Department of Water and Environmental Regulation's website www.dwer.wa.gov.au.

168 St Georges Terrace Western Australia 6000
Locked Bag 33 Cloisters Square Perth WA 6850
Telephone: 08 6364 7000 Facsimile: 08 6364 7001
www.dwer.wa.gov.au

Technical expert advice has also been prepared by DWER experts regarding the acoustic assessment provided with the development application. The interpretation of this technical expert advice, and decisions about how the advice it contains should be considered in undertaking regulatory functions, are matters for the recipient organisation to determine.

Should you wish to discuss any aspects of this correspondence please contact Planning and Advice Coordinator, Teresa Gepp, on 6364 6989.

Yours sincerely



Kerry Laszig
DIRECTOR
SCIENCE AND PLANNING (ENVIRONMENT)

14 February 2018

Att.



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Technical Expert Advice

Review of Environmental Noise Assessment Report –
Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood
Road, Anniebrook – prepared for the City of Busselton

Department of Water and Environmental Regulation

Version: Final

February 2018

Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

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Acknowledgements

For more information about this report, contact
Environmental Noise, Department of Water and Environmental Regulation

Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

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Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

1. Expert's details

Personal details: Author

Name	Christine Ng
Employer	Department of Water and Environmental Regulation
Position title	Environmental Noise Officer
Field of expertise	Environmental Noise

Qualifications and experience

The qualifications and experience and technical capability relevant to the provision of this advice are as follows:

Qualification

Qualification	Year Obtained	Additional Comments
Graduate Diploma	2015	Occupational Safety and Health
Bachelor of Science	2006	Environmental Health

Professional experience

Employer	Position	Tenure
Department of Water and Environmental Regulation	Environmental Noise Officer	2017 - present
Department of Environmental Regulation	Noise Regulation Officer	2015 - 2017
Town of Cambridge	Acting Coordinator Compliance	2015
Town of Cambridge	Environmental Health Officer	2014 - 2015
City of Vincent	Environmental Health Officer	2011 - 2014
Town of Vincent	Acting Senior Environmental Health Officer	2011
Town of Vincent	Environmental Health Officer	2007 - 2011

Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

2. Purpose of this report, limitations and disclaimer

This is technical expert advice prepared by experts employed within the Department of Water and Environmental Regulation for the purposes set out in the "Advice summary details" and should not be used for any other purpose.

The State of Western Australia and Department of Water and Environmental Regulation and their servants and agents expressly disclaim liability, in negligence or otherwise, for any act or omission occurring in reliance on the information contained in this document, or for any incident or consequential loss or damage of such act or omission.

In preparing this report the technical experts have considered the request made, the information and materials provided in support of the request, literature relevant to the field, and other evidence the expert is aware of and can access through their expert capacity.

The report is based on the information provided to the experts, which is summarised in the "Advice summary details". Relevant materials that were not provided could materially change the advice. The requesting organisation needs to use appropriate judgment about the information that is relevant to the request, and the possible implications of any information that was not provided.

Where requests made require input from more than one area of technical expertise, the advice will be provided separately. Each advice will consider technical issues relevant to the specific field of expertise. No effort is made to integrate the issues raised by different technical fields. It is the responsibility of the regulatory organisation requesting the advice to determine how to weight the various matters they need to consider, and the relevance of the advice on any particular matter to making their decisions.

The interpretation of this technical expert report, and decisions about how the advice it contains should be considered in undertaking regulatory functions are matters for the recipient organisation to determine. The Department of Water and Environmental Regulation accepts no responsibility for the use or misuse of the advice, or the consequences of decisions made in reference to it.

The advice provided is limited to technical expert advice, and author(s) **have not** considered any aspect of regulatory matters that could come within the scope of legislation administered by the Department of Water and Environmental Regulation, either currently or at some time in the future. As such, the report does not purport to represent the Department of Water and Environmental Regulation's views on how such matters may be considered by the Department of Water and Environmental Regulation in its regulatory capacity. If advice is required on the Department of Water and Environmental Regulation's position on how it would consider matters relevant to its regulatory functions, a separate request for advice must be made.

Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

3. Advice summary details

TO:	City of Busselton
PREPARED BY:	Christine Ng
REVIEWED BY:	Peter Popoff-Asotoff
SUBJECT	Review of Lloyd George Acoustics, Wildwood Wake and Aqua Park Environmental Noise Assessment Report – Prepared for City of Busselton

* The details of these experts is summarised under Expert's details.

This advice was prepared for the City of Busselton in response to the request dated 4 January 2018. Advice is provided according to the scope below.

Scope of advice

The City of Busselton has requested comments on the Environmental Noise Assessment report, submitted as part of a development application for a Wakeboard and Aqua Park, specifically in relation to control of noise from private or external ski boats and general noise emissions from the premises.

In support of this request, the City of Busselton made the following materials and documents available. These materials form the basis of this technical expert advice.

Material / document name	Type of resource / description	Date supplied (if different from original request)
Letter and supporting documents from Cameron and Tamara Akers to the City of Busselton (Reference No. DA17/1002)	Proposal description prepared by applicant (26 December 2017)	
Environmental Noise Assessment (Reference No. 17104184-02)	Prepared by Lloyd George Acoustics (8 January 2018)	
Traffic Statement Version V1a (Reference No. 948)	Prepared by Riley Consulting (15 December 2017)	

Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

In preparing this advice I have considered the information provided with the request as well as:

- The *Environmental Protection (Noise) Regulations 1997* (Noise Regulations);
- Reviewed Google Maps imagery of the development sites and surrounds;
- Reviewed the City of Busselton Intramaps imagery of the development sites and surrounds.

The Environmental Noise Assessment prepared by Lloyd George Acoustics (LGA) in January 2018 (the Report) has been reviewed and the advice is as follows –

3.1 Sound levels

While the sound power levels (SWL) for the noise sources associated with the proposed development listed in Table 3-2 of the Report seem reasonable, the list of noise sources is incomplete when compared to the information provided in the proposal description prepared by the applicant. Additional noise sources that may be relevant to the proposed development include, but are not limited to, the following:

- Air conditioner unit for each chalet (total 6 chalets);
- Electric motors, pumps, and/or aerator for effluent disposal;
- Water pump for water slides in water playground (Aqua Park);
- Coolroom refrigeration for the restaurant/clubhouse;
- Tools in small workshop and ground maintenance equipment in boat storage.

Although these potential noise sources are likely to have low SWLs the cumulative impact especially during night time periods may need to be addressed.

The proposed development is forecast to generate approximately 291 vehicle movements to the surrounding road network per day according to the Traffic Statement Report. The average number of vehicle movements per hour is estimated at 24 vehicles, following the proposed 12 operating hours (see Figure 3.2 below). Given that the ambient noise level in this rural area is likely to be low, the City may wish to consider whether the impact of noise due to the increase in vehicle movements should be assessed.

3.2 Noise impact assessment

While the Report determines the major noise emissions from the facility it does not profess, and makes no attempt, to assess the noise *impact* due to the operation of the Wakeboard and Aqua Park. Assessment of noise impact requires the assessment of:

- a) All the noise sources on site (the worst case scenario); and
- b) An evaluation of the change that the development will have on the existing acoustic environment.

The worst case scenario is generally assumed when all components of the operation (equipment and plant) are operational at once. As no SWL data has been provided for the noise sources identified above, it is assumed not to have been modelled. As the facility offers accommodation it is likely that all six chalets would have an individual air conditioner unit installed which may potentially be operating all night. As it appears that these sources have not been included in the modelling, the assessment underestimates the levels received at the nearby noise sensitive receivers. A true estimation of the impact can therefore not be made.

As the ambient noise level in this rural area is likely to be low the impact of the proposal would also depend on the emergence of the noise from the new facility above the existing background and its level of dominance. It is highly likely that the dominant noise source will be from the proposed development. Background levels could be measured to assist in determining the noise impact as a result of the proposed development.

3.3 Predicted noise levels

The predicted noise levels presented in Figure 5-4 of the Report result from the model that assumes that two ski boats are operating with wind from a westerly direction. The Report has not demonstrated if two ski boats can practically comply with the assigned levels with wind from all directions. Although the prevalent wind may be from the south to a westerly direction during a considerable portion of the daytime, easterly winds are also likely to be common.

Generally, the most significant determinant of the received noise level is the distance from the source to the receiver. Consequently, the noise level received by the closest noise sensitive receiver typically determines whether compliance is achieved.

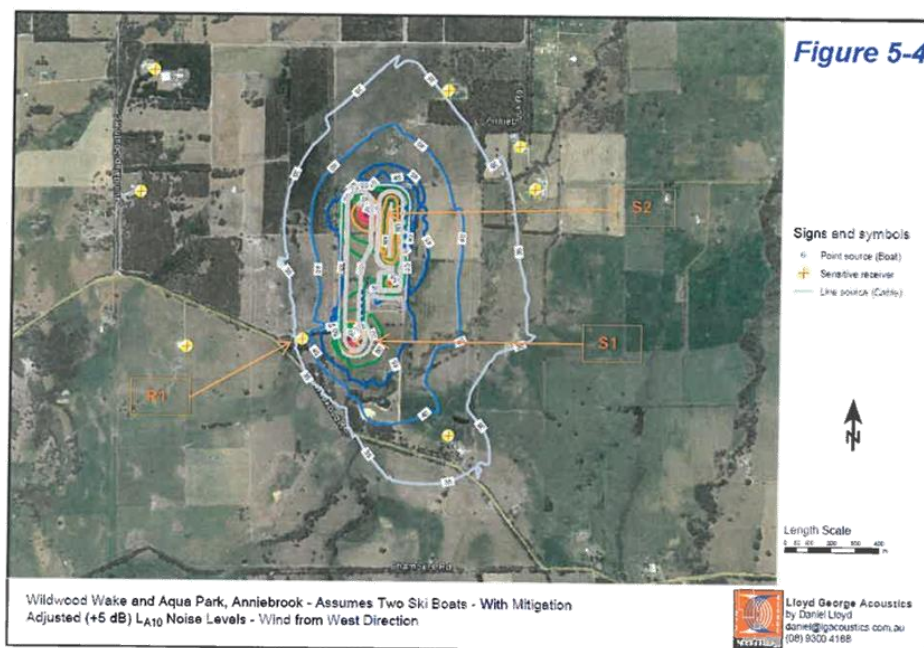
To estimate if compliance is possible under less favorable wind conditions, a calculation can be made assuming the closest noise receiver (labelled R1 in Figure 3.1 below), the location of ski boats (labelled S1 and S2 in Figure 3.1) and using a SWL L_{A10} at source for a ski boat on the straight as 103 dB(A) as detailed in Table 3-2 of the Report for both boats. The proposed wall/barrier blocks the line of sight for S1 but not for S2, hence a barrier reduction is applicable for S1 only. Table 3.1 below presents the estimated levels received at R1 for ski boats S1 and S2 based on geometric spreading only. While a moderate reduction for the presence of a barrier is included, predicted levels do not include atmospheric or ground absorption or positive or negative enhancement due to meteorological conditions.

Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

Table 3.1 Calculated noise levels for two ski boats, with proposed mitigation adjusted, at the closest noise receiver (R1). The L_{A10} sound power levels at source is assumed to be 103 dB(A) for both boats.

Noise source – ski boat	Distance (approx.) between ski boat and R1 [m]	Predicted level (approx.) [dB(A)]	Predicted level -5 dB reduction for wall/barrier [dB(A)]	Predicted level +5 dB adjustment for tonality [dB(A)]
S1	216	48	43	48
S2	608	39	39	44

Figure 3.1 Predicted noise levels assuming two ski boats with mitigation adjusted (+5 dB) L_{A10} noise levels when winds have westerly component (from the LGA Report).



The logarithmic summation of the two ski boat levels as received at receiver R1 as presented in Table 3.1 is approximately 49 dB(A). While the practicability is unknown, a more effective barrier might reduce this level to approximately 47 dB(A).

Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

Table 3.2 below indicates that the calculated noise level exceeds the assigned noise levels at R1 for all time periods.

Table 3.2 below presents the assessment of two ski boats operating at once against the LA10 assigned noise levels.

Time of day	Calculated level for two ski boats operating at once [dB(A)]	LA10 assigned level [dB]	Compliance assessment
0700 to 1900 hours Monday to Saturday	49	45	Exceeds
0900 to 1900 hours Sunday and public holidays	49	40	Exceeds
2200 hours on any day to 0700 hours Sunday and Public holidays	49	35	Exceeds

Figure 3.2 below shows that the proposed operating hours for the boat lake are typically between 0700 and 1900 public holidays (except Sunday). This is provided in the proposal description submitted to the City by the applicant.

Figure 3.2 Proposed operating hours provided by the applicant

3.11 PROPOSED OPERATING HOURS		Sun	Mon	Tue	Wed	Thu	Fri	Sat
The proposed operating hours for the facility are as follows and are seasonally adjusted.								
Boat Lake Open Time	Holiday	9:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM
	High	9:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM
	Low	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
	Public Hol	9:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM
Boat Lake Close Time	Holiday	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM
	High	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM
	Low	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM
	Public Hol	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM
Cable Lake Open Time	Holiday	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
	High	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
	Low	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
	Public Hol	-	-	-	-	-	-	-
Cable Lake Close Time	Holiday	6:00 PM	6:00 PM	6:00 PM	6:00 PM	8:00 PM	8:00 PM	8:00 PM
	High	6:00 PM	6:00 PM	6:00 PM	6:00 PM	8:00 PM	8:00 PM	8:00 PM
	Low	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM
	Public Hol	-	-	-	-	-	-	-

Typical operating hours are 10am-6pm for the cable lake however these hours may be extended to 8pm in the summer months depending on demand. Typical operating hours are 7am-7pm in summer for the boat lake however these hours will be reduced in the low season due to water temperature and the length of the day. Opening and closing times may be adjusted at short notice dependent on weather.

Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

Table 3.3 below assesses the predicted noise levels for public holidays at the closest noise receiver, R1, for the following scenarios presented as noise level contour plots in Figures 5-2 and 5-3 of the Report –

- Scenario 1: Assumes one ski boat operating at the south end (with a positive wind direction) as shown in Figure 5-2; and
- Scenario 2: Assumes one ski boat operating at the north end (with a positive wind direction) as shown in Figure 5-3.

Table 3.3 Assessment against the relevant public holiday LA₁₀ assigned levels for Scenarios 1 and 2 as described above.

Scenarios	Predicted level at R1	LA ₁₀ assigned level for the proposed operating hours for public holidays		Compliance assessment	
		0700 to 0900 hours	0900 to 1900 hours	0700 to 0900 hours	0900 to 1900 hours
Scenario 1	40	35	40	Exceeds	Marginal
Scenario 2	35>R1>40	35	40	Exceeds	Complies

In this instance, compliance with the Noise Regulations is likely to be achieved for Scenarios 1 and 2, if the open time for the boat lake is amended from 7am to 9am for all public holidays.

3.4 General comment

Note that while the Report has only modelled for one type of boat, other boats will be able to use the facility. Compliance with the Noise Regulations is not definitive as the noise levels of other boats that may use the facility are unknown.

In addition to the information in the “Purpose of this report, limitations and disclaimer” section, important limitations relevant to this specific advice are detailed under “Specific limitations of this advice” below.

4. Specific limitations of this advice

Technical expert advice in any field is subject to various limitations. Important limitations to the advice include:

- no attempt has been made to verify the modelled levels with computer modelling; and
- calculated values are estimates only.

Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

5. Expert's details

Personal details: Reviewer

Name	Peter Popoff-Asotoff
Employer	Department of Water and Environmental Regulation
Position title	Principal Expert Environmental Noise
Field of expertise	Environmental Noise

Qualifications and experience

The qualifications and experience and technical capability relevant to the provision of this advice are as follows:

Qualification

Qualification	Year Obtained	Additional Comments
Grad. Dip. – Curtin University	1993	Computing
BSc. – Murdoch University	1983	Physics

Professional experience

Employer	Position	Tenure
Department of Environment Regulation	Principal Expert Noise Regulation	2016 – present
Department of Environment Regulation	Senior Manager	2015 – 2016
Department of Environment Regulation	Manager	2013 – 2015
Department of Environment and Conservation	Manager	2012 – 2013
Department of Environment and Conservation	Acting Manager	2008 – 2011
Department of Environment and Conservation	Environmental Noise Officer	2006 – 2008
Department of Environment	Environmental Noise Officer	2003 – 2006
Department of Environmental Protection	Environmental Noise Officer	1997 – 2003


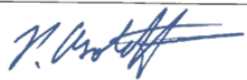
Review of Environmental Noise Assessment Report – Wildwood Wake and Aqua Park, Lot 40, 342 Wildwood Road, Anniebrook

Other – Publications/memberships/associations etc.

Publications:

- Peter Popoff-Asotoff, Jonathan Holgate and John Macpherson, "Which is Safer – Tonal or Broadband Reversing Alarms?" *Proc. of Acoustics 2012 Fremantle* 126, 1-7, (2012)
- Jingnan Guo, John Macpherson and Peter Popoff-Asotoff, "Further Investigations of Low-Frequency Noise Problems Generated by Freight Trains" *Proc. of Acoustics 2012 Fremantle* 64, 1-8, (2012)
- Sun Hongmei, Rhys Fenton, Peter Popoff-Asotoff, Jingnan Guo, and John Macpherson, "Evaluation of noise emissions from an evaporative air conditioning unit and their environmental impact" *Proc. of Acoustics 2012 Fremantle* 132, 1-6, (2012)

Signatures

Author Name	Signature
Christine Ng	
Position	Date
Environmental Noise Officer	14/2/2018
Reviewer Name	Signature
Peter Popoff-Asotoff	
Position	Date
Principal Expert – Environmental Noise	15/2/2018

14. ENGINEERING AND WORKS SERVICES REPORT

Nil

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

15.1 COMMUNITY BIDS 2018/19 ROUND ONE ALLOCATIONS

SUBJECT INDEX:	Donations, Contributions and Subsidies
STRATEGIC OBJECTIVE:	A community with access to a range of cultural and art, social and recreational facilities and experiences.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Community Development Officer - Naomi Davey
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

Each year the City of Busselton provides financial assistance to community groups and not-for profit organisations through the Community Bids process. This assistance is provided for specific activities or projects proposed to be undertaken by that group or organisations within the forthcoming financial year.

Each year applications are workshopped with Councillors. This report provides a summary of the outcomes from the workshop on 27 June 2018, and seeks formal endorsement of the Community Bid submissions to be funded in the first round of the 2018/19 financial year. Endorsement is also sought in relation to a number of other expired community funding agreements.

BACKGROUND

In March 2011 the Council resolved (C1103/097) to allocate funding to the Community Bids program as follows:

- 1. Council allocate a total of 0.5 percent of estimated rates to be levied to Major Project Assistance Grants to be determined as part of the Community Bids assessment process advertised in the first quarter of each year.*
- 2. Allocate a total of \$50,000 to Minor Project Assistance Grants to be determined twice each year, once as part of the Community Bids process, and once again in September each year.*
- 3. Increases the maximum amount of Minor Project Assistance Grants from \$3,000 to \$5,000 for any one project.*

Application for the first round of Community Bids funding for the 2018/19 financial year opened in April 2018 and a total of eight (8) applications were received. This included one (1) application for minor bids (\$5,000 and under) requesting \$5,000 and seven (7) applications for major bids (\$5,001 and over) requesting a total of \$77,056.

Applications were assessed by an Officer working group, in accordance with the Community Bids guidelines, and recommendations were discussed with Councillors at a workshop held on 27 June 2018. The outcomes of the workshop form the basis of the Officer recommendations in this report.

Additionally in 2018/19 there are three (3) annual funding agreements outside of the Community Bids program that have expired:

- YouthCARE
- Busselton Senior Citizens Club
- Surf Life Saving WA

These agreements were discussed at the Community Bids workshop and are also presented for ongoing endorsement.

STATUTORY ENVIRONMENT

Nil

RELEVANT PLANS AND POLICIES

The Community Bids funding program is an opportunity for community based organisations to seek assistance to implement initiatives that benefit the wider community and is a program contained within the City of Busselton Social Plan 2015-2025.

FINANCIAL IMPLICATIONS

Based on the current funding model, the total funds available for allocation in the Community Bids program for 2018/19 is \$50,000 for minor projects and \$187,930* for major projects.

*This amount is inclusive of the following endorsed Multi-year agreements:

<u>Current Community Bid multi-year agreements</u>	<u>Ending</u>	<u>Amount</u>
South West Academy of Sport	2020/21	\$10,000
Surfing WA	2018/19	\$2,500
	Total	\$12,500

The proposed funding allocations detailed in the Officer recommendation of this report totals \$5,000 for minor projects and \$59,280 for major projects (inclusive of the above multi-year agreements). This leaves a balance of \$173,650 for minor and major projects for Round 2 in 2018/19.

Funding allocations for the 3 expired annual funding agreements outside of the Community Bids program are as follows:

<u>Annual Agreement</u>	<u>2017/18</u>
YouthCARE	\$ 39,970
Busselton Senior Citizens Club	\$ 85,680
Surf Life Saving WA	\$144,970

The City's 2018/19 adopted budget includes these funding contributions. Consequently entering into funding agreements with these organisations will not have any further financial implications on the City's 2018/18 budget.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The Officer's recommendation aligns primarily to the following Key Goal Area and community objective of the Strategic Community Plan 2017:

Key Goal Area 1 – Community – Welcoming, friendly, healthy:

- 1.3 A community with access to a range of cultural and art, social and recreational facilities and experiences.

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 identified where the residual risk, once controls have been identified, is identified as 'medium' or greater. There are no such risks identified.

CONSULTATION

The Community Bids Funding Program was advertised in the Council for the Community page on 14, 21 & 28 March and 4 April 2018 and the City of Busselton website. Recognised community groups and sporting clubs in the City of Busselton were also notified of the Community Bids process via email. A Community Bids workshop was held on 1 March 2018 in which 20 interested community groups and organisations attended.

OFFICER COMMENT

Applications were initially assessed by an Officer working group, who considered the following criteria:

- Does the project, program or activity meet the Community Bids criteria?
- Has the applicant outlined why the projects, programs or activities are needed by the community?
- Is there an expectation or risk to the community if the project, program or activity does not proceed?
- Did the organisation or group state the level of cash or in kind contribution they will make to the project, program or activity?
- Has the applicant demonstrated attempts at seeking funding from other sources?
- Has the applicant been successful in previous community bids applications and what was the funded amount?
- Does the project align with the City of Busselton's Strategic Community Plan?

Officers presented the applications to Councillors at a workshop on 27 June 2018, where the following recommendations were made:

Minor Bids

	APPLICANT	PROJECT TITLE	REQUEST	RECOMMENDATION
1	The People Place Busselton	The Permaculture Project	\$5,000	\$5,000
		Total	\$5,000	(Remaining \$45,000)

Major Bids

	APPLICANT	PROJECT TITLE	REQUEST	RECOMMENDATION	SPECIAL CONDITIONS
1	Busselton Senior High School P&C*	Busselton Trade Training Centre	\$40,000 over 3 years	\$10,000	Enter into a 3 years, \$10,00 per annum agreement
2	Cape Mountain Bikers Inc	Meelup Old Gravel Pit Mountain Bike Trails	\$12,000	\$12,000	
3	Dunsborough & Districts Progress Association	Wonder Art Dunsborough	\$8,000	\$8,000	The project must comply with the City's Urban Art Policy
4	Dunsborough Community Garden	Stage 2	\$12,715	\$6,000	
5	South West Sports Academy	SWAS Program	\$10,000	\$10,000	2 nd year of 4 year funding agreement
6	Surfing WA	Surfers Rescue 365	\$2,500	\$2,500	2 nd year of 2 years funding agreement
7	Yallingup Land Conservation District Committee	Vehicle Replacement	\$10,780	\$10,780	
			Total	\$59,280	(Remaining \$128,650)

* Funding for the Busselton Trade Training Centre is approved in response to the recently identified gaps in delivery of training opportunities for school aged students in certificate qualifications in trade and apprenticeships. It also aligns with Strategic Community Plan 2017, Key Goal Area 4, Economy – 4.2: A community where local business is supported and in turn drives our economy.

With respect to round two of the 2018/2019 program, Officers recommend the amalgamation of the remaining Minor & Major funds, which will assist with the full allocation of the 2018/2019 Community Bids funding to the community.

CONCLUSION

The Community Bids funding program is constantly evolving and aims to meet community needs, with funding available to further priority goals and objectives identified in the City of Busselton Strategic Community Plan 2017.

It is recommended that Council adopts the funding allocations as outlined in the Officer recommendation.

OPTIONS

Council may wish to consider different levels of funding proposed for all or some of the community bid applications. In pursuing this option the Council needs to consider budget availability and the immediacy for some funding items, and the effect this delay could have on organisations being able to finalise their plans and budgets for the 2018/19 year.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

All Community Bid applicants will be individually advised in writing of the outcome of the Council decision within 21 days. Successful applications will be required to sign a grant agreement with the City and meet any specific conditions of funding.

City officers will continue discussions with the various applicants regarding eligibility for other grant funding opportunities.

OFFICER RECOMMENDATION

That the Council:

1. Endorses the provision of funding for Round One of the 2018/19 Community Bids funding program as outlined in the table below, subject to the specific conditions as stated:

a) Minor Bids

	APPLICANT	PROJECT TITLE	RECOMMENDATION
1	The People Place Busselton	The Permaculture Project	\$5,000
		Total	(Remaining \$45,000)

b) Major Bids

	APPLICANT	PROJECT TITLE	RECOMMENDATION	SPECIAL CONDITIONS
1	Busselton Senior High School P&C	Busselton Trade Training Centre	\$10,000	Enter into a 3 years, \$10,00 per annum agreement
2	Cape Mountain Bikers Inc	Meelup Old Gravel Pit Mountain Bike Trails	\$12,000	
3	Dunsborough & Districts Progress Association	Wonder Art Dunsborough	\$8,000	The project must comply with the City's Urban Art Policy
4	Dunsborough Community Garden	Stage 2	\$6,000	
5	South West Sports Academy	SWAS Program	\$10,000	2 nd year of 4 year funding agreement
6	Surfing WA	Surfers Rescue 365	\$2,500	2 nd year of 2 years funding agreement
7	Yallingup Land Conservation District Committee	Vehicle Replacement	\$10,780	
		Total	\$59,280	(Remaining \$128,650)

- c) Endorses the funding allocation of \$39,970 towards the 2018/19 YouthCARE services within the City of Busselton
- d) Endorses the funding allocation of \$85,680 towards the 2018/19 Busselton Senior Citizens Centre services within the City of Busselton

- e) Endorses the funding allocation of \$144,970 towards the 2018/19 Surf Lifesaving WA services within the City of Busselton
- f) Amalgamate the remaining minor bids funds (\$45,000) and major bids funds (\$128,650) for Round two (2) Community Bids 2018/19 funding program

16. FINANCE AND CORPORATE SERVICES REPORT

Nil

17. CHIEF EXECUTIVE OFFICER'S REPORT

17.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Administration Officer - Governance - Kate Dudley
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications received by the City between 1 July, 2018 and 15 July, 2018 ↓ Attachment B Planning Applications determined by the City between 1 July, 2018 and 15 July, 2018 ↓ Attachment C State Administrative Tribunal Appeals ↓ Attachment D WALGA Summary June/July 2018 ↓

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 Applications

Attachment A is a report detailing all Planning Applications received by the City between 1 July, 2018 and 15 July, 2018. A total of 45 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 July, 2018 and 15 July, 2018. A total of 36 applications (including subdivision referrals) were determined by the City during this period with 36 approved / supported and 0 refused / not supported.

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 27 July, 2018.

17.1.3 WALGA Summary

Attachment D is a copy of the WALGA Summary for the meetings held in June/July 2018.

OFFICER RECOMMENDATION

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

- [17.1.1 Planning Applications](#)
- [17.1.2 State Administrative Tribunal Appeals](#)
- [17.1.3 WALGA Summary](#)

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								
DA18/0401	'Change of Use' to Holiday Home (Single House) 6 People	7 Heron Place~WEST BUSSELTON WA 6280	Lot 239 PLAN 13358	4/07/2018	0	Jane Elizabeth Chambers	Jane Elizabeth Chambers	3
DA18/0418	Building Envelope Modification, Single House, Outbuilding and Water Tank (Landscape Value Area)	Millbrook Road~YALLINGUP WA 6282	Lot 34 PLAN 41565	4/07/2018	490000	Samuel Pieter Visser & Leanne Visser	Samuel Pieter Visser, Leanne Visser	2
DA18/0449	Grouped Dwelling	15/700 Caves Road~MARYBROOK WA 6280	Lot 15 SSPLN 46392	4/07/2018	214989	Sally Mulhern & Patrick John Mulhern	Plunkett Homes	10
DA18/0450	'Change of Use' to Holiday Home (Single house) 4 People	10 Hovea Crescent~WEST BUSSELTON WA 6280	Lot 65 DIAGRAM 33139	4/07/2018	0	David George Mclean	David George Mclean	14
DA18/0452	Unauthorised Additions	535 Caves Road~MARYBROOK WA 6280	Lot 23 DIAGRAM 17326	4/07/2018	17711	John Newton Lawrie & Dayle Patricia Lawrie	John Newton Lawrie, Dayle Patricia Lawrie	17
DA18/0459	One Group Dwelling	23 Capstan Place~GEOGRAPHE WA 6280	Lot 7 SSPLN 74194	6/07/2018	165183	Gillian Helen Mullen	Tangent Nominees Pty Ltd	10
DA18/0460	Use Not Listed (Telecommunications Infrastructure - Mobile Phone Base Station)	109 Sues Road~YALYLUP WA 6280	Lot 100 PLAN 65306	9/07/2018	180000	Cable Sands WA Pty Ltd	Planning Solutions	9
DA18/0461	Alfresco Area (Landscape Value Area & Special Character Area)	71 Carnarvon Castle Drive~EAGLE BAY WA 6281	Lot 313 PLAN 55023	6/07/2018	5000	Roger Nigel Gilmour	Roger Nigel Gilmour	7

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								
DA18/0462	Garden Room Addition (R- Codes Variation)	4 Coates Street~BROADWATER WA 6280	Lot 57 DIAGRAM 37565	9/07/2018	27000	James Bruce Douglas & Renskje Douglas	SCB Property Solutions Pty Ltd	9
DA18/0463	Convert Shed into Ancillary Dwelling (Special Character and Landscape Value Areas)	52 Carnarvon Castle Drive~EAGLE BAY WA 6281	Lot 335 PLAN 55023	9/07/2018	5000	Roderick Charles Ehlers & Rebecca Marie Makeham-Bateson	Mark Webster Design	9
DA18/0464	Extensions to Tourist Accommodation	4/42 Bunker Bay Road~NATURALISTE WA 6281	Lot 4 STPLN 40074	9/07/2018	200000	Lloyd Thomas Meldrum Jones & Claudine Lauren Ying	Milieu Creative	1
DA18/0465	Single House with Setback Variation (Port Geographe)	11 Windward Green~GEOGRAPHE WA 6280	Lot 112 PLAN 59251	9/07/2018	472109	Raymond Neville Linwood & Helen June Linwood	Tangent Nominees Pty Ltd	8
DA18/0466	'Change of Use' to Holiday Home (Grouped Dwelling) 6 People	6/20 Geographe Bay Road~DUNSBOROUGH WA 6281	Lot 6 STPLN 17588	3/07/2018	0	Graeme David Hodges	Graeme David Hodges	16
DA18/0467	Change of Use - Recreation Facility	1/7 Bussell Highway~WEST BUSSELTON WA 6280	Lot 1 STPLN 30748	9/07/2018	150000	Harstad Pty Ltd	Zac Martin	10
DA18/0468	R-Codes Variation Overlooking	2 Earnshaw Road~WEST BUSSELTON WA 6280	Lot 6 DIAGRAM 25027	9/07/2018	180000	Andrew Scott Lewis	Ustyle Homes	10
DA18/0469	Single House (R-Code Variation - Vehicular Access and Outdoor Living Areas)	1 Princeville Avenue~DUNSBOROUGH WA 6281	Lot 232 PLAN 62623	3/07/2018	212163	Benjamin Charles Leslie Matthews-Herrald & Adele Sarena Matthews-Herrald	BGC Residential Pty Ltd	16

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								
DA18/0470	Modification to Existing Childcare Centre	5 Minion Court~VASSE WA 6280	Lot 121 PLAN 405345	3/07/2018	20000	Vasse Property Development No 3 Pty Ltd	Off2Site Projects Pty Ltd	15
DA18/0471	Two Temporary Sea Containers (Storage)	78 Jones Road~QUEDJINUP WA 6281	Lot 12 PLAN 20129	3/07/2018	0	Peter Robert Bruhn & Deidre Anne Bruhn	Peter Robert Bruhn, Deidre Anne Bruhn	15
DA18/0472	Modification to Building Envelope to Accommodate an Outbuilding	14 Corymbia Close~YALLINGUP WA 6282	Lot 3 PLAN 52697	5/07/2018	12600	Adam Paul Wright & Hannah Wright	Adam Paul Wright	5
DA18/0473	Recreation Facility	4/10 Griffin Drive~DUNSBOROUGH WA 6281	Lot 4 STPLN 48496	5/07/2018	5000	Trueman Pty Ltd	Drew David Hoar	5
DA18/0474	Outbuilding (Landscape Value Area)	31 Koopin Place~QUEDJINUP WA 6281	Lot 29 PLAN 13139	5/07/2018	15226	John Patrick Winkle & Sandra Dale Winkle	The Shed Company Busselton	12
DA18/0475	Holiday Home Single House (10 Person)	37 Majestic Gardens~DUNSBOROUGH WA 6281	Lot 1086 PLAN 70093	10/07/2018	0	Tracy Lee Scott & Andrew Graeme Scott	Tracy Lee Scott, Andrew Graeme Scott	0
DA18/0476	Rainwater Tank (Landscape Value Area)	214 Forrest Beach Road~WONNERUP WA 6280	Lot 105 PLAN 407525	10/07/2018	11000	Steven John Brealey & Deborah Lee Brealey	Steven John Brealey, Deborah Lee Brealey	7
DA18/0477	Additions and Alterations to Existing Single House (Reduced Setback)	87 Jones Way~ABBEEY WA 6280	Lot 97 PLAN 12400	10/07/2018	120000	Lee Francis Burgin & Linda Anne Burgin	Ustyle Homes	0
DA18/0478	Display Home	2 Portage Way~GEOGRAPHE WA 6280	Lot 593 PLAN 410845	3/07/2018	259220	Aigle Geographe Pty Ltd	Plunkett Homes	16

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								
DA18/0479	Sand Extraction	216 Jindong-Treeton Road~KALOORUP WA 6280	Lot 4201 PLAN 208196	3/07/2018	3500	Allan John Guthrie	Leeuwin Civil Pty Ltd	7
DA18/0480	Demolish Existing Grouped Dwelling and Construct New Grouped Dwelling and Garage/Studio	9/22 Valley Road~YALLINGUP WA 6282	Lot 9 STPLN 11964	4/07/2018	380000	Keith Andrew Binns & Diane Binns	OX Studio	7
DA18/0481	'Use Not Listed' Hand Car Wash	37 Kent Street~BUSSELTON WA 6280	Lot 12 DIAGRAM 16538	6/07/2018	100000	Trust Co Australia Ltd	Calibre Professional Services Pty Ltd	5
DA18/0482	Single House in Landscape and Special Character Area	8 Depuch Close~EAGLE BAY WA 6281	Lot 136 PLAN 24546	12/07/2018	800000	Astrid Enterprises Pty Ltd	Gantier Architecture and Design	0
DA18/0483	Change of Use - Holiday Home (Grouped Dwelling) 6 People	624B Caves Road~MARYBROOK WA 6280	Lot 2 STPLN 31186	11/07/2018	0	Bella Hunter Pty Ltd	Marijana Ravlich	1
DA18/0484	Over Height Single House (Lift Addition to Roof Area)	60B Geographe Bay Road~DUNSBOROUGH WA 6281	Lot 8 SSPLN 57516	9/07/2018	10000	Sarah Elizabeth Forbes	Mark Webster Design	7
DA18/0485	Verandah Roof over Existing Deck	12/1652 Caves Road~DUNSBOROUGH WA 6281	Lot 12 SSPLN 46428	12/07/2018	11500	Sharon Kaye Anderson, Peter Craig Gordon, Leonard Rex Gordon, Nancy May Gordon, David John Ebert, Julie May Ebert	Bruce Blundell Builder	4
DA18/0486	Expansion of Existing Caravan Park - Caves Caravan Park	23 Yallingup Beach Road~YALLINGUP WA 6282	Lot 5037 PLAN 192410	12/07/2018	200000	State of WA	Marmax Pty Ltd	3

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								
DA18/0487	Single Dwelling with Reduced Setbacks in a Landscape and Special Character Area	4 Seaview Rise~EAGLE BAY WA 6281	Lot 38 PLAN 21980	12/07/2018	1000000	Stephen Andrew Craig & Donna-Maria Gerard Craig	Stephen Andrew Craig, Donna-Maria Gerard Craig	0
DA18/0488	Single House with a Modified Building Envelope (Landscape and Special Character Areas)	13 Eagle Bay-Meelup Road~EAGLE BAY WA 6281	Lot 24 DIAGRAM 85874	12/07/2018	585000	John Richard Newing & Glenda Margaret Newing	Belinda Stennett WA Country Builders	2
DA18/0489	2 x Advertising Signs (Stonebridge Estate)	Busseton Bypass~VASSE WA 6280	Lot 2 DIAGRAM 25825	12/07/2018	3000	QUBE Property Group Pty Ltd	Dale Alcock Homes South West Pty Ltd	0
DA18/0490	Outbuilding (Reduced Setback)	56 Cockatoo Loop~VASSE WA 6280	Lot 31 PLAN 410800	13/07/2018	9000	Justin Edward Grasso & Elaine Mareele Grasso	Justin Edward Grasso, Elaine Mareele Grasso	4
DA18/0491	Caretakers Residence (Busseton Golf Course)	277 Chapman Hill Road~AMBERGATE WA 6280	Lot 26 DIAGRAM 55936	13/07/2018	110000	Busseton Golf Club Incorporated	Odan Design and Build Pty Ltd	3
DA18/0492	Single House (Setback Variations)	18 Pimelea Parade~QUINDALUP WA 6281	Lot 80 PLAN 50813	13/07/2018	307160	Catherine Anne Fletcher & Eric William Fletcher	Tangent Nominees Pty Ltd	2
DA18/0493	Modified Building Envelope and Outbuilding (Landscape Value Area)	4 Dress Circle~YALLINGUP WA 6282	Lot 14 PLAN 41565	13/07/2018	7200	Martin Meinrad Frei & Christine Frei	Martin Meinrad Frei, Christine Frei	2
DA18/0495	Ancillary Accommodation (Special Character Area)	1210 Caves Road~QUINDALUP WA 6281	Lot 3 DIAGRAM 17217	12/07/2018	45000	Joanne Michelle Edmond	Kim Bruce Cracknell	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								
DA18/0496	Single House (Reduced Rear Setback)	6 Jeffers Court~ABBEY WA 6280	Lot 127 DIAGRAM 69223	13/07/2018	300000	Steven Ante Sumich & Robyn Jill Sumich	Ryde Building Company Pty Ltd	4
DA18/0506	Warehouse with Ancillary Retail (Office Supplies)	116 Strelly Street~BUSSELTON WA 6280	Lot 113 PLAN 20856	11/07/2018	80000	Terravado Pty Ltd	Nicole Teresa Keeffe	8
WAPC18/0021	115 Lot Subdivision	107 Cape Naturaliste Road~DUNSBOROUGH WA 6281	Lot 9009 PLAN 404248	6/07/2018	0	Andrew James D'Espeissis & John Stuart D'Espeissis	PGPM Pty Ltd	15
WAPC18/0022	27 Lot Subdivision (24 + 3)	113 Vasse Highway~YALYALUP WA 6280	Lot 501 PLAN 23800	10/07/2018	0	Brian Arthur Blum & Dorothy Alice Blum	Able Planning & Project Management	11

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									
DA17/0655	'Restaurant' (Cafe) & 'Industry - Cottage' (Pottery)	363 Rendezvous Road~VASSE WA 6280	Lot 24 PLAN 223170	13/07/2018	Approved	266	30000	Andrew Richard Bishop	Joanne Tyrrell-Bishop
DA17/0971	Recreation Facility and Professional Consulting Room	53 Prince Regent Drive~WEST BUSSELTON WA 6280	Lot 175 PLAN 408348	4/07/2018	Approved	169	680000	Realview Holdings Pty Ltd	Joe Prestipino
DA18/0191	Shop (Hair Salon) and Takeaway Food Outlet	46 Stanley Place~BUSSELTON WA 6280	Lot 102 PLAN 406417	2/07/2018	Approved	28	150000	Molly Nominees Pty Ltd	Molly Nominees Pty Ltd
DA18/0220	'Change of Use' to Holiday Home (Single House) 10 People	7 Pine Court~QUINDALUP WA 6281	Lot 46 DIAGRAM 54397	13/07/2018	Approved	74	0	Melanie Delia Green & David John Green	Melanie Delia Green, David John Green
DA18/0227	'Change of Use' to Holiday Home (Single House) 9 People	103 Naturaliste Terrace~DUNSBORO UGH WA 6281	Lot 2 SSPLN 66603	5/07/2018	Approved	65	0	Richard David Mark Pertwee & Natasha Pertwee	Richard David Mark Pertwee, Natasha Pertwee
DA18/0246	'Change of Use' to Holiday Home (Single House) 6 People	21A Fairbairn Road~BUSSELTON WA 6280	Lot 2 SSPLN 74354	3/07/2018	Approved	53	0	Kelvin David Currie & Janice Margaret Currie	Kelvin David Currie, Janice Margaret Currie
DA18/0251	Change of Use - Holiday Home (Single House) 8 People	39 George Way~BROADWATER WA 6280	Lot 175 PLAN 12770	13/07/2018	Approved	34	0	Michelle Katy Louise Weldon & Scott Weldon	Michelle Katy Louise Weldon, Scott Weldon
DA18/0257	Change of Use - Holiday Home (Grouped Dwelling) 6 People	10 Julianne Street~BROADWATER WA 6280	Lot 65 PLAN 7895	13/07/2018	Approved	48	0	Bruce Michael Secrett	Bruce Michael Secrett

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									
DA18/0274	Carport (Reduced Setbacks)	28 Bower Road~WEST BUSSELTON WA 6280	Lot 34 DIAGRAM 49198	3/07/2018	Approved	44	7450	Gregory Humble & Kim Marie Humble	CPR Outdoor Centre
DA18/0278	2 x Tourist Accommodation Units	4A Prowse Way~DUNSBOROUGH WA 6281	Lot 2 SSPLN 51552	4/07/2018	Approved	26	400000	Michael Benjamin Dodd & Jessica Rae Dodd	Dunsborough Design
DA18/0300	Change of Use - Holiday Home (Grouped Dwelling) 6 People	1/17 Sandpiper Cove~BROADWATER WA 6280	Lot 1 STPLN 26828	5/07/2018	Approved	30	0	Graeme Donald Ridge & Vicki-Lee Anne Ridge	Vicki-Lee Anne Ridge, Graeme Donald Ridge
DA18/0323	Chalet (Landscape Value Area)	7/3599 Caves Road~WILYABRUP WA 6280	Lot 7 SSPLN 54729	3/07/2018	Approved	51	250000	Caves Resources Pty Ltd	Wing Hing Chong
DA18/0329	Grouped Dwelling	11/1 St Michaels Parkway~DUNSBOROUGH WA 6281	Lot 18 SSPLN 56939	5/07/2018	Approved	34	152814	Kyle Keven O'Callaghan	WA Country Builders Pty Ltd - Busselton
DA18/0338	Single House (Port Geographe Development Area, Reduced Setbacks)	8 Lanyard Boulevard~GEOGRAPHE WA 6280	Lot 1 PLAN 410556	4/07/2018	Approved	51	200000	Gordon Gerard Boettcher & Janine Evelyn Spencer	WA Country Builders Pty Ltd - Busselton
DA18/0342	Patio and Deck Additions to an Existing Single House (Landscape Value Area)	24 Junee Place~YALLINGUP SIDING WA 6282	Lot 55 PLAN 20532	5/07/2018	Approved	29	11308	Sean Willian Greening & Peta Renae Greening	Michael James Lane
DA18/0348	Retaining Wall (Port Geographe Development Area)	11 Windward Green~GEOGRAPHE WA 6280	Lot 112 PLAN 59251	13/07/2018	Approved	7	8000	Raymond Neville Linwood & Helen June Linwood	Busselton Cement Products

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									
DA18/0358	Grouped Dwelling	27 Capstan Place~GEOGRAPHE WA 6280	Lot 9 SSPLN 74194	4/07/2018	Approved	41	142467	Ozzieplant Pty Ltd	Tangent Nominees Pty Ltd
DA18/0363	Proposed Outbuilding (Landscape Value Area)	49 Kinross Loop~QUINDALUP WA 6281	Lot 226 PLAN 68461	5/07/2018	Approved	34	36580	Clinton James Charles Rudd & Deidre Ann Rudd	Clinton James Charles Rudd
DA18/0365	Single House with Reduced Setback (Port Geographe Development Area)	9 Keel Retreat~GEOGRAPHE WA 6280	Lot 504 PLAN 22448	4/07/2018	Approved	21	344360	Michael Snowdon Conlon & Lynette Shirley Conlon	WA Country Builders Pty Ltd - Busselton
DA18/0373	Change of Use - Holiday Home (Grouped Dwelling) 6 People	10/3 Dunn Bay Road~DUNSBOROUGH WA 6281	Lot 10 STPLN 28592	13/07/2018	Approved	38	0	Tony Jackson Holdings Pty Ltd	Tony Jackson Holdings Pty Ltd
DA18/0374	Proposed Oversized Outbuilding	39 Spoonbill Road~VASSE WA 6280	Lot 1 PLAN 76953	3/07/2018	Approved	33	42000	Vasse Property Pty Ltd	Busselton Sheds Plus
DA18/0377	Over-height Outbuilding (Reduced Setback)	44 Moylan Way~GEOGRAPHE WA 6280	Lot 47 PLAN 10080	4/07/2018	Approved	19	5000	Simon Edgar Dean & Theresa Alice Ball	Simon Edgar Dean, Theresa Alice Ball
DA18/0381	Convert Garage into Accessible Bedroom and Ensuite and Construct a New Double Garage	29 Keel Retreat~GEOGRAPHE WA 6280	Lot 648 DIAGRAM 98853	13/07/2018	Approved	47	120614	Johan Klaas Krikken & Lonnie Lai Kuen Krikken	Johan Klaas Krikken, Lonnie Lai Kuen Krikken
DA18/0382	'Change of Use' to Holiday Home (Single House) 10 people	4 Otranto Close~EAGLE BAY WA 6281	Lot 79 DIAGRAM 63403	13/07/2018	Approved	38	0	Peter Francis Hales	Amy Hales

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									
DA18/0383	Proposed Incidental Development (Staircase Addition) to Existing Grouped Dwelling	4/24 Freycinet Drive~GEOGRAPHE WA 6280	Lot 4 SSPLN 37407	13/07/2018	Approved	28	20000	Kevin John Daff	Kevin John Daff
DA18/0386	Extension to Existing Outbuilding (Landscape Value Area)	24 Jarrah Knoll Place~QUINDALUP WA 6281	Lot 13 DIAGRAM 91884	5/07/2018	Approved	31	20000	Robert John Collins & Kim Angela Collins	Robert John Collins, Kim Angela Collins
DA18/0391	Pergola Addition over Existing Balcony (Special Character Area)	23B North Street~DUNSBOROUGH WA 6281	Lot 2 SSPLN 60661	5/07/2018	Approved	36	20000	Ian Henry Wright & Yuka Wright	Space Light Order
DA18/0393	Single House (Landscape Value Area)	24 Tempest View~QUINDALUP WA 6281	Lot 208 PLAN 411208	2/07/2018	Approved	17	500000	Henry Kong Yan Chan	Plan Design Build
DA18/0396	Patio Addition to Grouped Dwelling	10/33 Davies Way~BROADWATER WA 6280	Lot 20 STPLN 17464	2/07/2018	Approved	32	8520	Harold Vale Edgar & Janet Catherine Edgar	CPR Outdoor Centre
DA18/0408	Single House (Landscape Value Area)	34 Balmoral Drive~QUINDALUP WA 6281	Lot 207 PLAN 68461	5/07/2018	Approved	20	350000	Christopher Wayne Bartley & Elizabeth Joyce Loellen Bartley	Christopher Wayne Bartley, Elizabeth Joyce Loellen Bartley
DA18/0418	Building Envelope Modification, Single House, Outbuilding and Water Tank (Landscape Value Area)	Millbrook Road~YALLINGUP WA 6282	Lot 34 PLAN 41565	5/07/2018	Approved	2	490000	Samuel Pieter Visser & Leanne Visser	Samuel Pieter Visser, Leanne Visser

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									
DA18/0419	Change of Use - Holiday Home (Single House) 8 People	12 Reynolds Street~WEST BUSSELTON WA 6280	Lot 23 PLAN 1716	10/07/2018	Approved	16	0	Kenneth Ronald Benbow	Kenneth Ronald Benbow
DA18/0431	'Change of Use' to Holiday Home (Single House) 8 people	54 Cherry Hills Circle~DUNSBOROUGH WA 6281	Lot 758 PLAN 50052	13/07/2018	Approved	5	0	Yvonne Clayton & Derek Victor Clayton	Yvonne Clayton, Derek Victor Clayton
DA18/0435	Commercial Extension (Toilet Facilities, Outdoor Awning and Alfresco Dining)	86 West Street~WEST BUSSELTON WA 6280	Lot 182 PLAN 408348	4/07/2018	Approved	8	110000	Realview Holdings Pty Ltd & West St Nominees Pty Ltd ATF The West St Syndicate	Realview Holdings Pty Ltd, West St Nominees Pty Ltd ATF The West St Syndicate
DA18/0436	Additional Room (Landscape Value Area)	75 Ocean View Drive~QUINDALUP WA 6281	Lot 25 PLAN 13622	6/07/2018	Approved	9	16000	Henry Lawrence Simonetti & Amanda Gaye Simonetti	Henry Lawrence Simonetti, Amanda Gaye Simonetti
WAPC18/0018	5 Lot Subdivision (4 Agriculture + 1 Conservation)	3599 Caves Road~WILYABRUP WA 6280	Lot 4 DIAGRAM 31188	11/07/2018	Support	51	0	Christopher Robin Ladyman, Honeycombs Beach Break Pty Ltd, Moses Rock Ventures Pty Ltd	Halsall & Associates

As at 26 July 2018

[illegible]

APPLICATION (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
Nil							

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

South West Zone WALGA: 22 June 2018

State Council WALGA: 4 July 2018

South West Country Zone President Cr Tony Dean

Agenda Summary and Recommendations

The City of Busselton is a member of the WALGA South West Zone which meets approximately five times each year. The SW Zone comprises of 12 local governments being the Shire of Augusta - Margaret River, Shire of Boyup Brook, Shire of Bridgetown-Greenbushes, City of Bunbury, City of Busselton, Shire of Capel, Shire of Collie, Shire of Dardanup; Shire of Donnybrook-Balingup, Shire of Harvey, Shire of Manjimup and the Shire of Nannup.

The Zone meeting was held at the Shire Bridgetown - Greenbushes at Nelsons of Bridgetown on 22 June 2018. The City was represented on the Zone Committee by Councillor Grant Henley (Mayor) with administrative support provided by Cliff Frewing, Acting Director Community & Commercial Services and Kate Dudley, Governance Administration Officer.

The Zone employs a secretariat to prepare the Zone agenda, take minutes and action Zone adopted resolutions.

Each Agenda is in two parts:

1. Items raised be Zone Members for consideration; and
2. The WALGA State Council Agenda

The reports raised by the Zone Members and those contained in the WALGA State Council Agenda "for decision" are reviewed by City officers and are reported in the following manner for Councillor information:

- A summary of the report is provided;
- The WALGA recommendation is repeated;
- The relevant City officer comments on the report;
- The City Officer comments on the recommendation;
- The Zone decision is recorded; and
- The WALGA State Council decision is recorded.

In this way, Council can track the progress of the report and recommendation as it flows through the system.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

South West Zone: 22 June 2018

4.1 Host Council Presentation

Host Local Governments are invited to provide a 15-20 minute presentation on current events affecting their local government area or to arrange an inspection of new or significant facilities of interest to members.

4.2 Presentations

The Hon Alanah MacTiernan MLC, Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade Member for the North Metropolitan Region.

The following questions have been submitted by Councils.

Shire of Capel

- Seek an update on progressing the development of new regional sale yards in the SW.

City of Busselton

- A significant amount of planning and consideration was undertaken to write the South West Regional Blueprint. Is this still a relevant document and is it considered in State funding priorities moving forward?
- Considering the previous question regarding the SW Blueprint, when and how will the projects for developing infrastructure to aid economic growth be funded again through R4R?
- Similarly, the Regional Centres Development Program (RCDP) was prepared by the Regional Development Council to support the implementation of the State Planning Strategy 2050 and the Regional Blueprints through the Regional Centres, SuperTowns and Pilbara Cities initiatives. What is the status of this program and funding in the future?
- What is your vision as the Minister for Regional Development for the South West?

Shire of Manjimup

- Seek advice on the likelihood of any Royalties for Regions funds being directed toward tourism and commodity roads in regional areas".

Shire of Augusta Margaret River

- The cancellation of this year's Margaret River Surf Pro due to shark attacks had an immediate effect on local business but more importantly potentially longer-term damage to our reputation as a tourist destination. Can the Minister please advise if these concerns are shared by the State Government and if so what reasonable steps will be taken to increase real and perceived levels of safety at popular surfing and swimming beaches and to combat the negative publicity received internationally in the wake of the Surf Pro cancellation?

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

Shire of Bridgetown – Greenbushes

LandCorp's Regional Development Assistance Program (RDAP)

- RDAP was established to address the prohibitive costs sometimes associated with developments in regional WA, which can make them unviable for private developers. Over the 7 year life of RDAP approximately 250 residential and industrial lots have been released in regional towns.
- Through this program the development of a light industrial area in Bridgetown (adjacent to sportsground) was proposed however earlier this year Landcorp advised the Shire that due to various factors, including reductions in funding for the RDAP program, progression of the Bridgetown LIA proposal has been deferred indefinitely
- With the very significant expansion works at the Greenbushes Talison Lithium mine site there exists tremendous opportunities for growth of small light industrial businesses to service the expansion project, both during the construction period and beyond. Unfortunately the capital costs of establishing the LIA are beyond the capacity of the Shire of Bridgetown-Greenbushes.
- Therefore the question to be asked of the Minister for Regional Development is whether she supports the philosophy of RDAP as a driver for regional development in small regional towns and if it is seen as a driver when it is likely that additional funding can be provided to Landcorp to clear the backlog of projects identified under the Program?

Shire of Capel – Funding for Infill Sewer Infrastructure

- The current scenario where a developer is required to fund all sewer infrastructure including pump stations is making it virtually impossible for small local government to grow their communities. As most of the proposed residential subdivisions/developments are generally only small (5-30 lots) the cost of funding the installation of a pump station and associated works (\$0.5m - \$1.0m), which will have the capacity to service more than just the proposed development, in addition to all the other internal subdivision infrastructure costs, is making the proposal unviable and so no new development occurs and the town/community stagnates.

Question:

- Can the state government give consideration to providing additional funding to Water Corporation to allow that agency to fund this type of key infrastructure, like sewer pump station (Royalties for Regions would appear to be an ideal funding program for this) to allow small rural communities to grow and achieve some increased economic development to benefit their long term future.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

Shire of Capel – Western Power Underground Power Cost

- Council understands that it is the current Western Power policy that where a development/subdivision is undertaken and underground power will be a requirement (which is a positive move) of the approval, the developer is required to meet the full cost of removing the existing overhead power lines and poles, in addition to meeting the full cost of installing underground power to the development.
- Whilst Council has no problems with the developer being required to meet the full cost of the installation of the underground power network to the development it considers that also being required to meet the full cost of removing the existing power line sand poles a potentially 'double dipping' and like the sewer pump station issue is virtually making it impossible for small scale developments/subdivisions in rural communities to occur.

Question:

- Is there any opportunity for the state government to give consideration to having this required by Western Power removed for small scale developments/subdivisions in rural communities or could consideration be given to funding this cost from Royalties for Regions where a detailed business case indicates that the development/subdivision would not be financially viable to proceed without this assistance.

4.3 Department of Local Government, Sport and Cultural Industries

Ms Jodie Holbrook has offered to provide a briefing to a future meeting on the structure and functions of the new department, which now includes the following.

- Department of Local Government
- Department of Sport and Recreation
- Department of Culture and the Arts
- Department of Racing, Gaming and Liquor
- Office of Multicultural Interests
- Aboriginal History Research Unit (formerly with Department of Aboriginal Affairs).

Currently no speakers have been programmed for the following meetings:

Bunbury - 24th August
Busselton - 23rd November

4.5 South West Development Commission (SWDC)

The CEO of the SWDC, Ms. Rebecca Ball will make a presentation to a future meeting

7.1 Report by State Council Delegate or WALGA Representative

7.3 Annual Program of Topics for Discussion by Councils

Members are invited to suggest topics on which they would like to hear presentations. This will enable the Executive Officer to arrange suitable speakers well in advance. The Chairman of the State Emergency Management Committee has been invited to address the next meeting.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

7.4 Freight Policy Forum – termination advice from WALGA

The Freight Policy Forum was established in 2015 with the aim of developing the necessary policies; regulations and funding needed to enable Local Governments to provide a sustainable heavy vehicle road network that meets industry needs.

Under the guidance and direction of the Freight Policy Forum, the 'Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads' and the 'Policy for Assessing Applications to Operate

Restricted Access Vehicles on Local Government Roads' have been developed and endorsed by State Council. These tools are now available on the WALGA website to be adopted and adapted by Local Governments. Technical work on a model for heavy vehicle cost recovery on unsealed roads is in development and it is anticipated this will be incorporated within a revised Heavy Vehicle Cost Recovery Policy Guideline late this year.

Following discussion we have reached the view that the Freight Policy Forum has now achieved its initial objectives and will be concluded. There remain future threats and opportunities including additional axle loading (AMMS) arrangements, incremental cost recovery models and new investment in freight routes. The need to re-establish the Freight Policy Forum to address these or other issues will be considered in the future.

9.1 City of Busselton – Police Housing

Recommendation:

That SW Zone WALGA:

1. Write to the Minister for Housing and the Minister for Police to highlight the concerns including:
 - Condition of housing available
 - Costs of rent and rent increases
 - Lack of surety in tenure to assist with rental options for Police Officers
2. Request that WALGA also raise these concerns outlined above with the relevant Ministers and Departments as this issue is common across Regional Western Australia in relation to Government Regional Officer Housing (GROH) as a whole.

Background/Comments:

The City of Busselton has recently been approached by the WA Police Union in relation to issues that their members are experiencing with GROH allocated housing within the South West Region. In addition these issues such as increasing rents, affordability and quality of housing are not isolated concerns with Police Officers. Other government employees such as teachers, nurses, parks and wildlife officers have also outlined similar concerns.

WALGA State Council and Zone Agenda
Agenda Summary and Recommendations

The attraction and retention of key government personnel within the Regions is extremely important to deliver the services expected by the community. At times, the housing situation has caused some government employees to leave their positions prematurely, which has an impact on service delivery and potentially puts Regional communities at risk.

The WA Police Union states that the State Government will be increasing GROH rents by a further \$30 per week which is on top of the \$30 increase applied the previous year. These rent increases essentially make it less attractive for Police Officers to serve in regional towns. The WA Police Union states that GROH rental costs will be increased over a 2 year period by \$3,120 per annum, however, the incremental pay increase of an average Police Officer is only \$2,000 over the same period.

This financial penalty for Police Officers is clearly a deterrent for officers wishing to consider relocation to our Region. As it is also understood that the quality of housing and availability of housing are also concerns with other sectors of government.

At present, the State School Teachers Union of WA is also running an active petition to lobby against the increases in GROH housing. More specifically, they are requesting the State Government to:

- Commit to a full review of the mechanism for GROH Rent Fixing;
- Direct DoE to suspend all GROH rent increases pending the outcome of this review; and
- Guarantee GROH will not be privatised, reduced or removed.

Basic requirements such as housing is a key attractant when recruiting staff to the Regional area. It is felt that housing should be made as an attractant and not a deterrent when government employees such as Police Officers, teachers, nurses etc. consider moving to our regional towns.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

WALGA State Council: 4 July 2018

5.1 Updated Climate Change Policy Statement

Summary of report:

WALGA's existing Policy Statement was endorsed by State Council in June 2009. The revised Policy Statement reflects contemporary scientific understanding of climate change, international and national political developments, and the increasing urgency for effective climate change adaptation and mitigation action. The revised Policy Statement has been developed after extensive consultation with the sector over the last six months, including a Climate Change discussion paper and draft policy statement provided for feedback. The overwhelming response from Councils, Elected Members and officers was supportive of producing a stronger climate change policy statement. The revised Policy Statement represents the consolidated view of the sector and forms the basis of WALGA's climate change advocacy. It does not bind individual Local Governments.

WALGA Recommendation:

That the revised WALGA Climate Change Policy Statement be endorsed.

City Officer Comment:

Policy looks sound, not sure it will mean much in terms of practical outcomes.

City Officer Recommendation:

That the WALGA recommendation be supported.

Zone Recommendation to State Council:

That the WALGA recommendation that the revised Climate Change Policy Statement be endorsed, be amended by the inclusion of the additional comment "and that support be provided for communities impacted by any changes to the policy".

State Council Decision:

The recommendation was carried.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.2 Interim Submission – Model Subdivision Conditions

Summary of report:

On 14 March 2018, the Bush Fire Policy team at the Department of Planning, Lands and Heritage released revised Model Subdivision Conditions for comment. The revised subdivision conditions were prepared in response to the recent implementation improvements as part of the ongoing review of the Guidelines for Planning in Bushfire Prone Areas. The model conditions have also been re-numbered to group similar issues together, that being the bushfire and unexploded ordnance (UXO) conditions. The public comment period closed on 11 May 2018, therefore an interim submission was prepared.

WALGA Recommendation:

That the interim submission to the WA Planning Commission on the Model Subdivision Conditions be endorsed.

City Officer Comment:

Note this relates not to subdivision conditions generally, but only to conditions associated with bushfire risk. For what it's worth, I concur with the interim submission, but it does not go nearly far enough.

The State, especially DFES, has done a very poor job of implementing important reforms, and have failed to adequately balance bushfire safety and other objectives. The current State approach is, in a significant proportion of cases, unworkable and unreasonable, and has created uncertainties and created costs for landowners and local governments that are not proportionate to the bushfire safety outcomes achieved, and may in some contexts have negative bushfire safety consequences.

The issues are far deeper than which agency clears subdivision conditions, and there needs to be a recognition that 'they (the State) got it wrong', and people with a coherent understanding of environmental, fire dynamics, bush fire risk mitigation (including local government bush fire notices), building and planning laws/processes be given the job of constructing a workable system. There may be people within the agencies capable of doing that, but they are certainly not being allowed to do so.

Note that the City has recently written a letter to the Hon. Minister of Planning setting out some of our concerns, but have not yet received any response (letter sent 11 May 2018 – although some confusion as to whether it actually made it, they have got it now, but not getting letter may explain why there has been no response).

City Officer Recommendation:

That the WALGA recommendation be supported.

Zone Recommendation to State Council:

That the recommendation in the State Council Agenda be endorsed.

State Council Decision:

The recommendation was carried.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.3 Interim Submission – Position Statement – Housing on lots less than 100m²

Summary of report:

On 13 March 2018, the Western Australian Planning Commission (WAPC) released draft Position Statement – Housing on Lots less than 100m² (draft Position Statement) for public comment. The draft Position Statement aims to provide interim guidance for the location and development of houses on lots less than 100m² and an implementation mechanism to ensure a consistent application state-wide. The public comment period closed on the 14 May 2018, therefore an interim submission was prepared.

WALGA Recommendation:

That the interim submission to the WA Planning Commission on Position Statement – Housing on Lots less than 100m² be endorsed.

City Officer Comment:

The submission looks broadly sound. We haven't got any direct experience of these issues yet.

City Officer Recommendation:

That the WALGA recommendation be supported.

Zone Recommendation to State Council:

That the recommendation in the State Council Agenda be endorsed.

State Council Decision:

That the interim submission to the WA Planning Commission on Position Statement – Housing on Lots less than 100m² be endorsed, subject to an additional recommendation ensuring careful consideration to avoid undesirable streetscape outcomes of such lots in areas where there is a distinct lack of amenity.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.4 Policy for Restricted Access Vehicles on Roads Not on an Approved Network During Harvest

Summary of report:

Heavy Vehicles that exceed prescribed dimensions and mass are defined as Restricted Access Vehicles (RAV) and are provided limited access to parts of the road network under Notice or Permit. The Harvest Mass Management Scheme, which provides additional tolerance in allowable gross vehicle mass for grain movements from paddock to receival point was amended in 2016 to allow Restricted Access Vehicles to use roads not assessed for oversized vehicles in order to move between paddocks and the nearest RAV route. Main Roads proposes to amend the conditions under which Restricted Access Vehicles can operate on unassessed roads for the 2018/19 harvest. The proposed changes impose the added requirement on industry to provide an Agricultural Pilot when a RAV is using a road that has not been added to the RAV network. Main Roads have stated that the arrangements provided in the past two years cannot continue, based on advice received from the State Solicitor. It has been suggested by some Local Governments and industry representatives that the proposed changes are impractical for grains industry participants and in the medium term may negatively impact on the capacity of Local Governments to meet industry demands for ongoing paddock access. Supporting the proposed changes will improve the safe operation of restricted access vehicles on low volume roads and enable survival of the scheme.

WALGA Recommendation:

1. That WALGA support changes to the Harvest Mass Management Scheme to enable heavy vehicles that meet the requirements of RAV 2, RAV 3 or RAV 4 to travel on roads not assessed for the RAV network between paddocks and the nearest RAV route during the harvest period.
2. Advocate that any roads assessed on the initiative of Main Roads that do not meet the requirements for addition to the RAV network at the level used under the Harvest Mass Management Scheme remain unassessed for the purpose of network definition.

City Officer Comment:

No direct issues.

City Officer Recommendation:

That the WALGA recommendation be supported.

Zone Recommendation to State Council:

That the recommendation in the State Council Agenda be endorsed.

State Council Decision:

That WALGA:

1. Subject to part 3 of this resolution, support continuation of the provisions within the Harvest Mass Management Scheme to enable heavy vehicles that meet the requirements of RAV2, RAV3 or RAV4 to travel on roads not assessed for the RAV network between paddocks and the nearest RAV route during the harvest period.
2. Advocate that any roads assessed on the initiative of Main Roads that do not meet the requirements for addition to the RAV network at the level used under the Harvest Mass Management Scheme remain unassessed for the purpose of network definition.

WALGA State Council and Zone Agenda
Agenda Summary and Recommendations

3. Request that the Main Roads Heavy Vehicle Services work with stakeholders to provide an alternative solution, prior to the 2018 harvest, to the proposed requirement for an Agricultural Pilot on unassessed roads that meets legal requirements and is acceptable to Industry.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.5 WA State Library Strategy Implementation Plan and Consultation Report

Summary of report:

The provision of library services in Western Australia is governed through a formal agreement between State and Local Government, governed by the Library Board Act 1951, and formalised through a Partnership Agreement in 2009. In December 2017 the Minister for Art and Culture released the WA Public Libraries Strategy (the Strategy) to establish strategic priorities for public library development in Western Australia over the next four years. The sector has been consulted throughout the development of the Strategy. The Public Libraries Working Group requests the endorsement of the finalised Strategy by the WALGA State Council and Western Australian Public Libraries Board before advocating through to State Government for funding to be allocated.

WALGA Recommendation:

That:

1. The WA Public Libraries Strategy be endorsed; and,
2. WALGA continue to advocate with Western Australia Public Libraries and key stakeholders to Department of Local Government, Sport and Cultural Industries to prioritise funding for implementation of the strategy.

City Officer Comment:

The proposed WA Public Libraries Strategy has been developed by the sector over a long period of time with significant LG input. The strategy has been set at a very high level and the 'devil will be in the detail' when the Strategies are converted to actions over the coming years.

City Officer Recommendation:

That the WALGA recommendation be supported.

Zone Recommendation to State Council:

That the recommendation in the State Council Agenda be endorsed.

State Council Decision:

The recommendation was carried.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.6 Aboriginal Heritage Act 1972 Review Submission to Stage 1

Summary of report:

The Department of Planning, Lands and Heritage, (the Department), is conducting a review of the *Aboriginal Heritage Act 1972* (AHA). The AHA is the States' principal legislation enabling the preservation of Aboriginal cultural heritage places and objects. The Association formed a sector reference group to guide the review process and the development of a representative sector submission.

WALGA Recommendation:

That the submission to Stage 1 Review of the *Aboriginal Heritage Act 1972* be endorsed.

City Officer Comment:

The Aboriginal Heritage Act has been reviewed four times since it came into effect in 1972. A further review has now been commenced since the McGowan Government came into office. A LG Reference Group was formed to guide WALGA in its review process and the Group has initially made 14 recommendations for the Department to consider in its review process.

City Officer Recommendation:

That the WALGA recommendation be supported.

Zone Recommendation to State Council:

That the recommendation in the State Council Agenda be endorsed.

State Council Decision:

The recommendation was carried.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.7 Interim Submission – Review of the State Industrial Relations System

Summary of report:

On 22 September 2017, the State Government announced the conduct of a Ministerial review into the State Industrial Relations system (Review). WALGA put forward an initial submission to the review in December 2017 as per the State Council resolution in March 2018. The Interim Report was published by the Review on 20 March 2018 and WALGA undertook further consultation with the Local Government sector including hosting a further Sector Reference Group consultation meeting and inviting written feedback to build on the representative sector position. The sector position opposed the Interim Report recommendation of the Review that Local Government be regulated by the State industrial relations system (recommendation 69). WALGA put forward an interim supplementary submission in response to the Interim Report in May 2018, further addressing the position of Local Government industrial relations regulation and transitional considerations for the State Government. WALGA now seeks State Council endorsement of the interim supplementary submission.

WALGA Recommendation:

That the interim supplementary submission in response to the Interim Report of the Review of the State Industrial Relations System be endorsed.

City Officer Comment:

The City's three key concerns should the State Government decide that all Local Governments should be covered by the State Industrial System are:

1. The significant costs incurred in moving back under this system both from resourcing point of view;
2. Implication of conditions that have previously been negotiated out of our Enterprise Agreement coming back into play and conversely the difficulty in trying to negotiate out terms and conditions in our current Enterprise Agreement (due to their existence in federal award) that are higher than the current State Awards.
3. The current State Awards are out of date and do not reflect the diverse operating environments of today's Local Government environment.

City Officer Recommendation:

That the WALGA recommendation be supported.

Zone Recommendation to State Council:

That the recommendation in the State Council Agenda be endorsed.

State Council Decision:

The recommendation was carried.

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