



Council Agenda

22 February 2017

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 22 FEBRUARY 2017

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Meeting Room One, Community Resource Centre, 21 Cammilleri Street, Busselton on Wednesday, 22 February 2017, commencing at 5.30pm.

Your attendance is respectfully requested.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

10 February 2017

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 22 FEBRUARY 2017

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

2. **ATTENDANCE**

Apologies

Approved Leave of Absence

3. **PRAYER**

The Prayer will be delivered by Captain Jason Dannock of the Salvation Army.

4. **PUBLIC QUESTION TIME**

Response to Previous Questions Taken on Notice

Public Question Time

5. **ANNOUNCEMENTS WITHOUT DISCUSSION**

Announcements by the Presiding Member

Announcements by other Members at the invitation of the Presiding Member

6. **APPLICATION FOR LEAVE OF ABSENCE**

7. **PETITIONS AND PRESENTATIONS**

8. **DISCLOSURE OF INTERESTS**

9. **CONFIRMATION AND RECEIPT OF MINUTES**

Previous Council Meetings

9.1 **Minutes of the Council Meeting held 8 February 2017**

RECOMMENDATION

That the Minutes of the Council Meeting held 8 February 2017 be confirmed as a true and correct record.

10. PLANNING AND DEVELOPMENT SERVICES REPORT

10.1 AMENDMENT 22 TO LOCAL PLANNING SCHEME 21 TO REZONE LOT 41 (182) GEOGRAPHE BAY ROAD QUINDALUP FROM R12.5 to R20 - APPROVAL

SUBJECT INDEX:	Town Planning Scheme Amendments
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Development Services and Policy
REPORTING OFFICER:	Manager, Development Services and Policy - Anthony Rowe
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Lot 41 Site Plan Attachment B Summary of Submissions Attachment C Schedule of Modifications Attachment D Scheme Map Lot 41 Geographe Bay Road

PRÉCIS

The Council is asked to consider, after consultation, a proposal to rezone Lot 41 (182) Geographe Bay Road, Quindalup from R12.5 to R20 for the purpose of accommodating four dwellings.

The draft amendment was approved by Council for advertising and was advertised from 12 October 2016 to 23 November 2016.

Pursuant to Regulation 50(3), *Planning and Development (Local Planning Schemes) Regulations 2015* Council must now pass a resolution to either: support the amendment; support the amendment with modifications; or not support the amendment.

BACKGROUND

The Council is asked to consider approval of the proposal to rezone land at Lot 41 (182) Geographe Bay Road Quindalup, following its consideration of the submissions received.

The subject land is at Lot 41 (182) Geographe Bay Road, Quindalup and is 2,259 m² in area. The lot has been vacant since 2010 when a single dwelling was demolished to make way for two dwellings that did not proceed. The land is mostly cleared of vegetation except for a stand of peppermint trees in the middle of the block that separates the land into two readily developable areas.

The land is zoned 'Residential' in Scheme 21 and coded R.12.5, but it is also located in the Quindalup Special Character Area. The provision for the Quindalup Special Character Area (Schedule 4 and LPP) prevails where there is conflict with the R Code, which generally applies to residential land throughout Busselton.

The Quindalup Special Character Area policy sets the minimum lot size. The current policy allows a minimum lot size of 800m² and if the original lot exceeds 2,400m² three or more dwellings may be developed at the R12.5 density of 800m² per lot density.

The owner is proposing re-code the land to R20 (average lot size 450m²) to enable 4 dwellings to be accommodated.

The proposal is also to amend the Quindalup Special Character Area provision, at clause 1 (b) to read (addition proposed in bold) -

- (b) The local government may only approve the development of three or more grouped dwellings at a density not exceeding R12.5 on lots with a minimum area of 2,400m², **except for Lot 41 on Diagram 23175, House 182 Geographe Bay Road, Quindalup, where the development of a maximum of four dwellings may be approved.***

The proposal also involves amending the Scheme map so that the R20 code applies to the lot.

STATUTORY ENVIRONMENT

The active statutes affecting this proposal include -

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;* and
- *City of Busselton Local Planning Scheme No. 21.*

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015*, which came into operational effect on 19 October 2015, identifies three different levels of amendments – basic, standard and complex. The resolution of the local government is to specify the level of the amendment and provide an explanation justifying this choice. This Amendment is deemed to be a ‘standard’ amendment.

City of Busselton Local Planning Scheme No. 21.

The City of Busselton Local Planning Scheme No. 21 allocates the spatial arrangement of the area by the Scheme Map. The Scheme text describes land uses, the residential densities (identified on the Map) by reference to the R-Codes or a development standard in certain areas, and it prescribes the development standards for works associated with land uses.

The Scheme establishes Special Character Areas which describe special controls that act in conjunction with the Scheme and the R-Codes. The Quindalup Special Character Area is identified in the Scheme (at Schedule 4).

The pertinent provision is cl.1b in Schedule 4 which provides:

- (b) council will only permit the construction of grouped housing development of three or more dwellings at a density not exceeding R12.5 on lots with a minimum area of 2,400m²*

The Scheme also provides at cl. 5.3 (Special Application of Residential Design Codes) some limited circumstances that enable lots to be created less than indicated by the R-Codes classification shown on the Scheme map. These provisions do not apply to the Special Character Areas such as Quindalup.

RELEVANT PLANS AND POLICIES

- State Planning Policy 3.1 Residential Design Codes of Western Australia
- State Planning Policy 2.6 - Coastal Management
- City of Busselton Local Planning Strategy (Draft, advertised 2015)
- City of Busselton Local Planning Policy 3 – Special Character Areas and Visual Management Policy

State Planning Policy 3.1 Residential Design Codes of Western Australia

The Residential Design Codes ('R-Codes') address development standards as well as assigning density by prescribing the minimum and average lot sizes for the coded categories, ranging from R2 at the lowest through to R80 at the highest (note that there are denser codes, but the permissible density only increases for multiple dwellings – i.e. flats/apartments – but not for single houses or grouped dwellings – i.e. houses, villas, townhouses).

In areas coded R12.5 the R-Codes prescribe a minimum site area per dwelling of 700m² and an average of 800m². In areas coded R20 it prescribes a minimum site area per dwelling of 350m² and an average of 450m². The area taken by internal driveways servicing grouped dwellings are counted in the average of the site area, but not the minimum.

In the development of Lot 41 an internal driveway will be required.

State Planning Policy 2.6 - Coastal Management

The purpose of this Policy (SPP2.6) is to provide guidance for decision-making within the coastal zone including managing development and land use change. The policy in summary requires development to be setback 170m from the 'horizontal shoreline datum' if not within an 'infill' area.

The subject land, whilst in a coastal location and only around 120m from the HSD, is clearly infill development. The proposal is consistent with SPP 2.6.

City of Busselton Local Planning Strategy

The purpose of the (Draft) Local Planning Strategy (LPS) is to set out the long term form (25 years) of the City and guide progressive amendments to the City's development control framework; within the next ten years. The LPS identifies the Busselton City Centre and the Dunsborough Town Centre as focal activity centres in the area. The town of Dunsborough is planned to have an ultimate population of 20,000 people, to be accommodated through both consolidation and expansion of its urban area.

The Local Planning Strategy identifies urban/residential consolidation at the Dunsborough Town Centre and for an area extending up to Elmore Road; which is specifically identified for *Urban Consolidation* (medium+ density).

The area to the east of Elmore Road, including the subject land, is identified in the Local Planning Strategy to be retained as low density. The proposal is consistent with the LPS, as R20 retains low density development.

City of Busselton Local Planning Policy 3 – Special Character Areas and Visual Management - 3B Quindalup Special Character Area Provisions

The Quindalup Special Character Area extends from Caves Road to Geographe Bay Road from east of Elmore Road through to Toby Inlet.

The background provided in the policy explains its reason:

Increasing pressures for higher density residential and further tourist developments in recent years have prompted the City to act (1993) to preserve the highly valued character of the Quindalup Strip. Concerns with regard to the loss of special character have been particularly evident in the significant level of community reaction received to proposed re-zonings and subsequent developments within the Strip.

The subject land is in Precinct 2 within the Quindalup Special Character Area.

The description for Precinct 2 is an area “of a mixed blend of old and new housing styles”. In other words there is no homogeneous built form.

The primary character elements therefore are the building setbacks and the street side vegetation. Accordingly, the development controls in *Precinct 2* describe a building set back of 10m from the street front and other provisions describe maintaining a heavily vegetated street line.

An important development control in the context of this amendment proposal is cl 3.3.2(d) in the Quindalup Special Character Area -

(d) A Residential Development Density of R12.5 will apply to all Group Housing developments involving three or more dwellings (i.e. minimum lot size of 2,100m²).

This Development Control suggests that when the policy originated, notwithstanding the ‘policy background’, a higher density in Sector 2 was envisaged to provide 3 dwellings from 2,100m² instead of that now described in the Scheme - 3 dwellings from 2,400m² (using present day R-Codes lot sizes at R12.5). It is understood the Scheme was changed from 2,100m² to 2,400m² in response to community concern about the potential for too much redevelopment to occur.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this report.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The Officer recommendation is consistent with community objective 5.2 of the City’s Strategic Community Plan 2013, which is: *‘Growth is managed sustainably and our environment is protected and enhanced as we develop’.*

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 identified ‘downside’ risks only, rather than ‘upside’ risks as well. No significant risks have been identified.

CONSULTATION

Consultation was undertaken in accordance with clause 47 *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Amendment in a Standard Amendment and was advertised for 42 days between 12 October 2016 and 23 November 2016.

Five agency submissions were received and three public submissions were received.

The Schedule of Submissions is attached at Attachment A.

OFFICER COMMENT

There is not a strong basis for either changing or retaining the current arrangement as it now applies to lot 41 (182) Geographe Bay Road Quindalup.

The arguments against change are that the Lot is not within the town centre or identified by the recently consulted Local Planning Strategy, which identified the area 200m east of the subject land for *Urban Consolidation* (medium+ density) and this area extends 1500m to Dunn Bay Road.

The area identified *Urban Consolidation* (medium+ density) is large, providing considerable scope to increase the density of development in the town of Dunsborough over a 25 year time frame. There is therefore no pressing need to look beyond the area that has been identified *Urban Consolidation* (medium+ density).

The principal argument in support of the proposal is that the area is intended for low density development. The proposed Amendment will facilitate four lots with an average size of 500m² and by contemporary standards 500m² is a low density. Provided the front setback is maintained consistent with the policy, it is arguable that lots at 500m² can still maintain the purpose of a low density environment and therefore are consistent with the State Policy which advocates increasing density at centres – because this proposal is still low density.

The above matters were considered by Council at its meeting on 27 July 2016. These matters are finely balanced and Council resolved to approve the Amendment for community consultation.

The City has now received submissions from the community, three of the five adjoining neighbours opposing the amendment on the following grounds.

1. It is inconsistent with the low density intent of the current Scheme and Local Planning Policy for the Quindalup Special Character Area. The location is not within the town centre.
2. No change was proposed in the City's recent Local Planning Strategy.
3. The development will cause the loss of peppermint trees and Western Ringtail Possum (WRP) habitat.
4. The increased intensity (4 dwellings instead of 2) and the internal traffic arrangement will detract from the amenity (noise) to a greater extent than the current policy.
5. The increased intensity (4 dwellings instead of 2) will contribute to existing parking congestion on Geographe Bay Road.
6. Existing setbacks should be retained.

In addition to the community concern, DPaW requested an extension of the consultation period to assess the property and as a consequence has requested the retention of the peppermint trees. This request has now been heightened by the change of status for the Western Ringtail Possum to a critically endangered status.

The other agency (4) comments are classed as procedural and do not affect the content of the proposed amendment.

The initial discussions regarding the lot were based upon the fact that two, two storey dwellings had been approved at the site, that four dwellings could be placed within the same arrangement without the additional dwellings being noticeable and thereby not adversely affecting the character of the locality. The applicant subsequently changed this to four at ground and then sought approval for five dwellings. This was on the basis that if the 'R20', as generally applies to residential land, was applied to lot 41 then the lot size could accommodate four dwellings and a fifth dwelling if using the area discount available for a single bedroom dwelling. The City indicated it would not support five dwellings.

Mixed responses have also been provided by the applicant, first that they were willing to consider an arrangement consistent with the current policy, then additional design controls to protect the character to allow a more flexible arrangement, but finally rejecting any additional design controls.

The justification for the additional dwellings, considered as 'finely balanced', was not strong. The proposal has now not been supported by the adjoining landowners, and the 'fine balance' has tipped against proceeding with the amendment.

Significantly, and since Council's consideration on 27 July 2016, the comments received by DPaW have placed an increased importance upon the retention of the peppermint trees located at the subject land. Under the current Scheme and the Quindalup Special Character Area policy the trees would not be protected if a development for two dwellings was to proceed. However, there is an opportunity through this amendment to introduce a control, to retain the peppermint trees, in return for supporting the two additional dwellings; to be a total of four dwellings at the site. It is possible through design controls to satisfy the DPaW and the neighbour's desire to retain the peppermint trees, and by also requiring space around the buildings, enhance the habitat for the Wester Ring Tail Possum and present a visually low density development consistent with the Quindalup Special Character Area policy.

It is not uncommon to vary requirements in a Scheme, outside of an LPS, if there is a community benefit in doing so. Compensation for biodiversity enhancement is often used. If the Amendment can in fact preserve the trees and enhance the WRP habitat, above that which is provided by the current policy, it is reason to tip the 'fine balance' in favour of proceeding.

Aside from the above issue the land is physically suitable for its intended use, the amendment supports residential development in a residential zone, services are available and the proposal will have a negligible impact upon local traffic and on street carparking. Other than the matter of local character, and now the retention of the peppermint trees, there are no issues impediments affecting the development of Lot 41 (182), Geographe Bay Road, Quindalup.

Possible way forward

As mentioned previously the land provides two distinct developable areas. The lot is comparably deep. It is dissected in the middle by a substantial stand of peppermint trees but there is a pathway (driveway width) that lies between them. This is potentially advantageous as it also provides the opportunity to keep any increase in vehicle traffic away from the edges of the property; avoiding the potential for disturbance to neighbours which was an expressed concern.

Retaining the peppermint trees also has a number of advantages apart from retaining the WRP habitat. It would also maintain a sense of low density and also create a site amenity.

On this basis it is suggested the amendment be modified to incorporate the following features:

- The retention of the peppermint trees and additional planting locations;
- Ensuring onsite traffic movement to avoid disturbance to neighbours; and

- Specifying the dwellings to be arranged as two, two storey buildings to minimise the on-ground footprint, to maintain setbacks consistent with the locality and to enhance the space around buildings; to present as low density.

This has been put to the applicant but rejected; both the two building configuration and additional design considerations.

CONCLUSION

The justification for the Amendment, considering the LPS, was finely balanced. At consultation the amendment has not been supported by 3 of the adjacent properties, and DPaW request that that peppermint trees on the site be retained, would require additional controls. The amendment in the form it was advertised is not recommended to proceed.

It is however, possible to address the neighbour concerns by careful design to achieve an outcome that maintains space around buildings to reinforce the presentation of low density that importantly can strengthen the retention of the existing peppermint trees and result in an enhanced habitat for the critically endangered Western Ringtail Possum.

An amendment facilitating the additional dwellings as incentive for retaining the peppermint trees and enhancing the habitat for the critically endangered Western Ringtail Possum is supported, subject to design controls that maintain the low density character.

OPTIONS

1. Recommend refusal;
2. Recommend approval without change; or
3. Recommend approval with further or different changes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Pursuant to Regulation 50, the Council is required to submit its decision to the WAPC within 60 days from the close of submissions. Given the DPaW requested an extension for its submission the Councils decision will be forwarded within 60 days of the last submission.

OFFICER RECOMMENDATION

That the Council:

1. Pursuant to Part V of the *Planning and Development Act 2005*, adopts Amendment No. 22 to the City of Busselton Local Planning Scheme No. 21 for final approval, as modified in response to the submissions received.
 - i. Recoding Lot 41, Geographe Bay Road, Quindalup (Certificate of Title 1226-295) from 'R12.5' to 'R20';
 - ii. Amending the Scheme map accordingly; and
 - iii. Replacing clause 1 (b) of Schedule 4 of the Scheme with the following –
 - (b) *The local government may only approve the development of three or more grouped dwellings at a density not exceeding R12.5 on lots with a minimum area of 2,400m², except for Lot 41 on Diagram 23175, House 182 Geographe Bay Road, Quindalup (Certificate of Title 1226-295), where the development of a maximum of four dwellings may be approved.*
2. Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to endorse the Schedule of Submissions at Attachment B prepared in response to the public consultation undertaken in relation to Amendment No. 22.
3. Pursuant to r.50(3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, resolves to support the modifications to Amendment No. 22 to the City of Busselton

Local Planning Scheme No. 21 shown in the Schedule of Modifications at Attachment C, prepared to address issues raised in submissions received during public consultation.

4. Pursuant to r.52 the City confirms the incorporation of environment conditions has not been required.
5. Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to forward Amendment No. 22 to the City of Busselton Local Planning Scheme No. 21 to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
6. Pursuant to r.56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should directions be given that modifications to Amendment No. 22 are required, those modifications being undertaken accordingly on behalf of the Council unless they are considered by Officers to be likely to significantly affect the purpose and intent of the draft Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.

Attachment A – Lot 41 Geographe Bay Road



SCHEDULE OF SUBMISSIONS

AMENDMENT NO 22 - - FOR ADOPTION

ADVERTISED – 12 October 2016 -23 November 2016

No	Address	Nature of Submission	Comment	Recommendation
1	Environment Protection Authority	The EPA advises that that the proposed scheme is not required to be assessed under Part IV Division 3 of the Environmental Protection Act 1986.	The City is free to advertise the Amendment.	No change
2	Western Australian Planning Commission	Confirmed the amendment is a Standard amendment and Council is required to undertake the procedures set out in clauses 47 to 53 of the Planning and Development (Local Planning Schemes Regulations 2015 (the Regulations)).	Noted	No change
3	Department of Indigenous Affairs	There are no sites under the Aboriginal Heritage Act, 1972 (AHA) as currently mapped on the Register of Aboriginal Sites (the Register) within the Lot. Notwithstanding, the applicant is advised to familiarize themselves with the State's Cultural Heritage Due Diligence Guidelines (the Guidelines).	Noted	No change
4	Water Corporation	Confirmed that the property is provided with water and wastewater services by Water Corporation	Noted	No change
5	Western Australian Department of Parks and Wildlife (DPAW)	Lot 41 contains vegetation, which is likely the habitat for the Western Ringtail Possum (WRP). WRP is a threatened species, major threats are habitat loss and Peppermint Trees as found on Lot 41 are potential habitat for WRP. Any future development should incorporate the retention of the existing peppermint trees to retain a critical habitat.	The site presents clusters of Peppermint Trees, and two relatively cleared areas. It is possible to develop two sites with an access link and still avoid the removal of any trees. Initial consideration of this development was 4 dwellings in	Include an explicit control requiring the retention of the existing peppermint trees, as at 1 January 2017.

		<p>It is also recommended that the proposed Scheme require for the Lot 41 development; a WRP survey be undertaken; a Wildlife Protection Management Plan prepared to the satisfaction of DPAW; and implemented to the satisfaction of DPAW.</p> <p>DPAW identified that Lot 41 had been approved for subdivision into two lots, which has now lapsed. The arrangement retained the Peppermint Trees, in the absence of a detailed concept DPAW are requesting the WPMP be prepared to its satisfaction.</p>	<p>two buildings. But subsequently requested by the applicant to be 4 separate dwellings. The City rejected consideration of 5 dwellings.</p> <p>It was again put to the applicant to consider 4 dwellings in two buildings, but this was rejected.</p> <p>The applicant was also given the opportunity to identify design controls but this was rejected in favour of the existing development control framework.</p> <p>The existing framework will not guide an effective design outcome, and leaving a matter subject to agency satisfaction is too open (not valid).</p> <p>A clear requirement that the trees are to be retained will force a design solution accordingly. The retention of the trees has an added benefit of contributing to the neighbours' amenity, and a sense of a low density environment.</p>	
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<p>6</p>	<p>J M Humphreys 180 Geographe Bay Road</p>	<p>Summary - the proposal is inconsistent with the Quindalup Special Character Area – Local Planning Policy (QSCAP).</p> <p>The Quindalup Special Character Area – Local Planning Policy at its Statement of Intent describes <i>"The principle objective of this policy is to preserve the unique and special character of the Quindalup strip. The character essentially being a relaxed holiday atmosphere. This is attributed to its low density housing which is contained within a bush and sea side setting"</i></p> <ol style="list-style-type: none"> 1. Disputes the relevance of SPP3 in context of the subject land. The SPP3 requirement for orderly planning, affordable housing, concentration on urban development in existing settlements with established infrastructure and services, reducing the spread of urban renewal with its inherent costs and inequities for those living in the outer suburbs applies is not relevant to Quindalup with its small, lightly populated, low density and relaxed holiday atmosphere. <p>SPP 3 and the greater density it advocates also creates greater parking and traffic problems in the absence of public transport. Parking and traffic flow is already an issue in the summer holiday period with cars unable to park in the parking area opposite 186 Geographe Road spilling out onto both sides of the road and verges from 180 to 186 Geographe Bay Road and using the Property as a parking area.</p> <ol style="list-style-type: none"> 2. Disputes Recoding the Property for 4 dwellings reflects an orderly process. It opens the door for future developments in the QSCAP to apply for the same privilege thereby changing the character, density and atmosphere of the area without having a formal review of the QSCAP and allowing all its residents the right and ability to comment and have input 	<p>Comments are noted and generally acknowledged.</p> <p>The City considers the lot is in fact large (deeper) than most lots.</p> <p>The City acknowledges that SPP3 is not addressed in its proper context or proportionate to the situation at Dunsborough that warrants supporting higher density at the site particularly when not identified for such in the recent LPS.</p> <p>The City however considers the proposal for four lots to be consistent with the objective of maintaining low density, and that the space that surrounds buildings and the retention of vegetation can by design reinforce it is low density.</p> <p>The City considers it is also possible by design to ensure future development does not affect neighbour amenity by on site vehicle movements or by sense of encroachment into setbacks any more that the</p>	<p>Amendment to incorporate design detail addressing</p> <p>The retention of the Peppi trees and additional planting locations</p> <p>Onsite traffic movement to avoid disturbance to neighbours</p> <p>Two storey development to minimise the on-ground footprint to maintain setbacks consistent with the locality and enhance the space around buildings, to present as low density.</p>
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		<p>into any proposed changes.</p> <p>Given the land is not identified in the LPS it renders its process as useless and the Zoning classification as meaningless if individual applications without a broader community comment and have input into any proposed changes. <i>(As with a methodical process of the LPS?)</i></p> <p>3. Disputes the uniqueness of the lot size; many lots are this size with two dwellings, conceivable they could be demolished for four. The minimum lot size was increased by the City from 2100 m² in the 1996 QSCAP, to 2400m² in 2010. Without any overall review of the QSCAP or logical reason the City is now proposing to reduce the minimum lot size to 2259 m² and increase the density to R20.</p> <p>Moving outside of the LPS creates the impression that it is ad hoc planning or that the future of the QSCAP has already been pre-determined.</p> <p>4. Disputes the sewer line was installed as a strategic intent for higher density. The sewerage line was installed from Elmore Street by the previous owner and was installed for 2 dwellings intended to be built on the site.</p> <p>5. Disputes the Western Power Green dome signifies development of an integrated grouped dwelling development. The Western Power connection was connected to the original dwelling on the site, which was demolished in 2010, to make way for two houses. <i>They are also used in new subdivisions for single houses.</i></p> <p>6. Disputes the statement "As the large subject has been vacant for</p>	<p>current policy provides.</p> <p>The City does not consider the current policy is an impediment to the development of the site, it is a desirable location and its development is simply a function of price.</p>	
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		<p>an extended period of time (presumably since creation) it never had opportunity to positively contribute to the built character of Quindalup." A dwelling demolished in 2010 to make way for two dwellings. <i>(The development did not proceed for unforeseen circumstances affecting the owner)</i></p> <p>7. Disputes the Wide verge which is common to all properties in the locality development likely to take a battle-axe formation, there is significant opportunity to maintain a single residential appearance from the street. Relatively speaking it will appear discordant with adjoining properties. All the blocks from Elmore Street have wide verges. The front of the development is likely to be dominated by the drive way required to service 4 dwellings on the site and put it at odds with the other dwellings in the area and the QSCAP.</p> <p>8. Disputes the statement "For the same reasons above, it is also a substantive "blank canvas" opportunity to comply with the requirements of the 3B Quindalup Special Character Area Provisions and begin to reverse some of the poor building trends that appeared prior to 1996 when the policy came into effect."</p> <p>No examples are given of poor building. Considers the comment is completely unsubstantiated. In addition there is no information provided on the type of dwellings to be built on the site. Considers it likely is that the 10 mature Peppermint trees on the site will be demolished to enable the 4 dwellings to be constructed. This is contrary to the tree preservation requirements set out in the QSCAP and will have a significant effect on the native wildlife. A large battle-axe site with high density coverage will not add to the character or quality of the Quindalup strip.</p>		
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<p>7</p>	<p>J and G Murphy 184 Geographe Bay Road</p>	<p>Responding to points 1-14.</p> <p>There are ten old growth peppermint trees all over 80 years old and four smaller re-growth peppermint trees providing an important habitat for a colony of ringtail possums and a variety of lizards.</p> <ol style="list-style-type: none"> 1. Disputes Lot 41 is extraordinary in size. Three Jots immediately east of Lot 41 are a similar size and the owners have kept their developments to two houses. All other houses along the entire length of Geographe Bay Road including many much larger blocks have single residences with the exception of a handful two group residences. 2. Disputes the sewer line was installed as a strategic intent for higher density. The sewerage line was installed from Elmore Street by the previous owner and was installed for 2 dwellings intended to be built on the site. 3. Disputes the Western Power Green dome signifies development of an integrated grouped dwelling development. The Western Power connection was connected to the original dwelling on the site which was demolished in 2010, to make way for two houses. <i>They are also used in new subdivisions for single houses.</i> 4. Disputes “many smaller lots to the east have been approved for two group dwellings at a density equivalent of R20.” There are examples of some larger blocks having two group dwellings but generally along the extent of "The Quindalup Strip" all development are single residences – there is nothing in excess of two dwellings. 	<p>Comments are noted and generally acknowledged.</p> <p>The City considers the lot is in fact large (deeper) than most lots.</p> <p>The City acknowledges that SPP3 is not addressed in its proper context or proportionate to the situation at Dunsborough that warrants supporting higher density at the site particularly when not identified for such in the recent LPS.</p> <p>The City however considers the proposal for four lots to be consistent with the objective of maintaining low density, and that the space that surrounds the buildings, and the retention of vegetation, can by design reinforce it is low density.</p> <p>The City considers it is also possible by design to ensure future development does not affect neighbour amenity by on site vehicle movements or by sense of encroachment into setbacks any more that the current policy provides.</p>	<p>Amendment to incorporate design detail addressing</p> <p>The retention of the Peppi trees and additional planting locations</p> <p>Onsite traffic movement to avoid disturbance to neighbours</p> <p>Two storey development to minimise the on-ground footprint to maintain setbacks consistent with the locality and enhance the space around buildings, to present as low density.</p>
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		<p>5. Disputes “there is a precedence in the western parts of the Quindalup locality serviced by reticulated sewerage to have densities of R15, R25 and R30, particularly those about Wilson Avenue and Spindrift Cove.</p> <p>6. Advises the subdivision at Wilson Avenue caused a high degree of controversy at the time and was the reason why the "Quindalup Special Character Area Provisions" were adopted to maintain the integrity of the strip.</p> <p>7. Disputes “the policy is almost 20 years old and has not been subject to any form of review” to imply it is no longer relevant. Supports a review by council to reaffirm it is still relevant.</p> <p>8. Disputes the statement that housing at this western end of Geographe Bay Road, Quindalup has not cumulatively achieved what the special character area policy set out to achieve.</p> <p>The QSCAP sets out to maintain the low density housing, increased setbacks, leafy green nature, and holiday atmosphere with a variety of styles in dwelling construction. This is being achieved.</p> <p>9. Disputes the vacancy of the land reflects a justification for re-coding. It was demolished by the previous owner in 2010.</p> <p>10. Disputes the wide verge and lot width provides an exception for Lot 41. Ten blocks from Elmore to Lot 62 on Geographe Bay Road have the same wide verge as Lot 41. Lot 550 next door has a frontage of 38.2m compared with 28.5m for Lot</p>	<p>The City considers that through careful design the Peppi trees can be retained and the value of the property for its contribution to WRC habitat enhanced as an offset for the additional dwelling. Two additional dwellings is a reasonable offset for the space require to preserve and enhance the WRP habitat and the requirement for development to be two storey and adequately set back, which otherwise has a cost.</p> <p>The City considers the proposal; because of the modest number of additional dwellings will have no noticeable effect on on-street carparking. Off street parking is a design requirement and parking difficulty is due to the popularity of the locality to the general public.</p>	
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		<p>41.</p> <p>11. Disputes the statement “For the same reasons above, it is also a substantive "blank canvas" opportunity to comply to with the requirements of the 3B Quindalup Special Character Area Provisions and begin to reverse some of the poor building trends that appeared prior to 1996 when the policy came into effect.”</p> <p>12. Disputes the recoding is consistent with SPP3 or the LPS (which does not change the density) – that advocates consolidation in town centres.</p> <p>The Quindalup Strip is 3 - 8 km from Dunsborough's town centre and doesn't need the consolidation (<i>actually 1.6km-5.6km</i>).</p> <p>Additional comments:</p> <p>Parking is already a problem in the street during the summer months. The additional intensity by recoding Lot 41 would exacerbate the problem.</p> <p>4 houses on Lot 41 and driveways would mean bull dozing the old growth peppermint and the destruction of WRP habitat. They have been active contributors to restoring WRP habitats as members of the Dunsborough Coast and Landcare Group.</p>		
8	B&E Fullarton 23 Wilson Avenue Quindalup	<p>1. The recoding to allow 4 dwellings instead of 2 on the lot is substantial. It is not necessary or consistent with the area and lifestyle.</p> <p>2. During holiday season there is traffic congestion an parking problems that increasing the housing density will make</p>	The city considers the proposed lots are low density and that through careful design, space around the buildings and the retention of vegetation and enhanced planting the low	Amendment to incorporate design detail addressing The retention of the Peppi trees and

		<p>worse.</p> <p>3. Requests that no development should be able to occur within 6m of the southern boundary (adjoining his property). Enclosure of balconies within 3m as has been allowed elsewhere threatens privacy and harmonious living conditions.</p>	<p>density purpose of the existing policy can be retained.</p> <p>The City considers that through careful design the Peppi trees can be retained and the value of the property, for its contribution to WRC habitat can be enhanced, as an offset for the additional dwellings.</p> <p>Two additional dwellings is a reasonable offset for the space require to preserve and enhance the WRP habitat and the requirement for development to be two storey and adequately set back, which otherwise has a cost.</p> <p>The City considers the proposal; because of the modest number of additional dwellings will have no noticeable effect on on-street carparking. Off street parking is a design requirement and parking difficulty is due to the popularity of the locality to the general public.</p>	<p>additional planting locations</p> <p>Onsite traffic movement to avoid disturbance to neighbours</p> <p>Two storey development to minimise the on-ground footprint to maintain setbacks consistent with the locality and enhance the space around buildings, to present as low density.</p>
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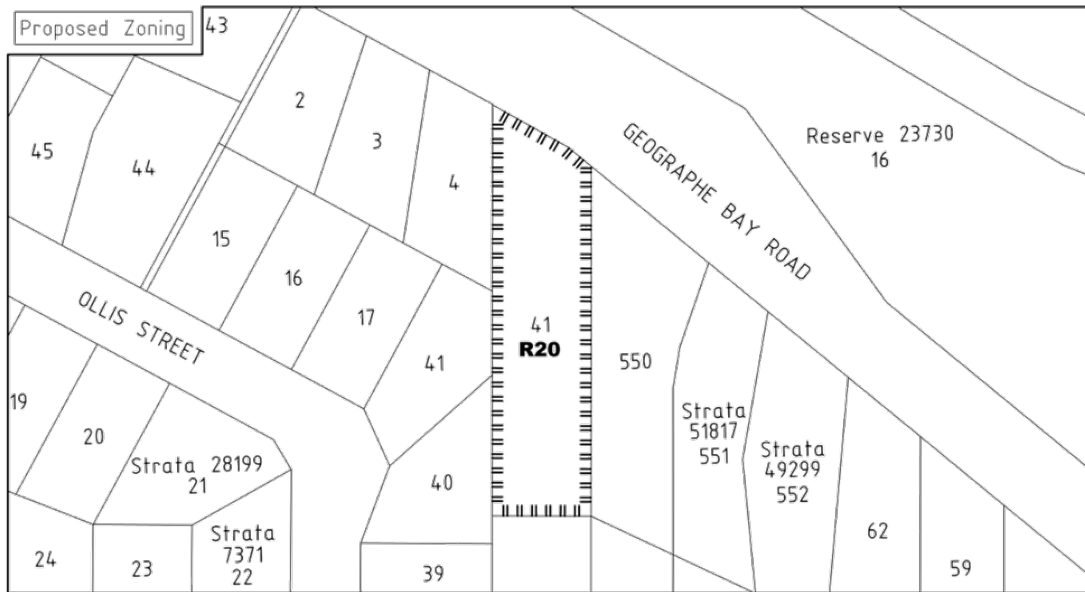
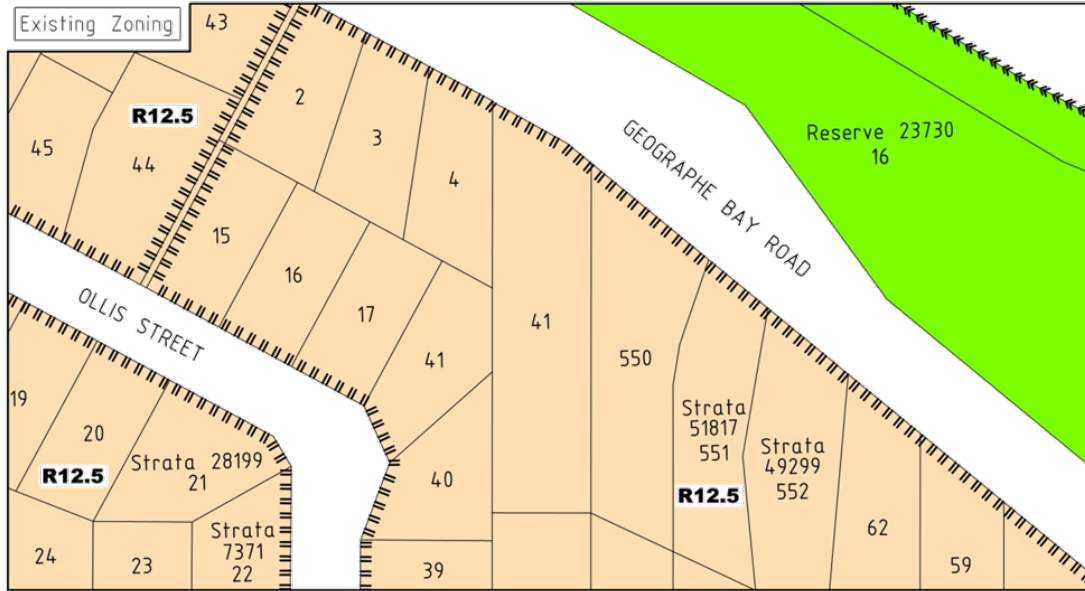
ATTACHMENT C: APPLICATION: AMD21/0022:

SCHEDULE OF MODIFICATIONS TO THE DRAFT

1.	<p><i>The advertised amendment is modified by adding after the words “development of a maximum of four dwellings may be approved” the following</i></p> <p><i>“subject to the following arrangement:</i></p> <ul style="list-style-type: none"><i>i. The four dwellings to be arranged in two groups of two storey dwellings;</i><i>ii. The internal vehicle access is positioned to avoid disturbance to neighbours and avoid harm to the central stand of Peppi Trees;</i><i>iii. The central stand of Peppi trees is to be retained; and</i><i>iv. The Front setback is 10m, the rear setback is no less than 6m, and open space as a percentage of the site is no less than 55%, and is to exclude any roofed area.”</i>	<p>This modification will augment the advertised amendment by adding design detail:</p> <ul style="list-style-type: none">1. Ensuring the retention of the Peppi trees and space for additional planting locations2. Ensuring onsite traffic movement to avoid disturbance to neighbours3. Utilising two storey buildings to minimise the on-ground footprint to maintain setbacks consistent with the locality and enhance the space around buildings in order to present low density.
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SCHEME AMENDMENT MAP

City of Busselton
Local Planning Scheme No. 21 Amendment No.



Zone	Other
RESIDENTIAL	RCODE
	SPECIAL CHARACTER AREA



10.2 CONSIDERATION FOR INITIATION OF - 1. REZONING LOT 500 BUSSELL HWY, BROADWATER FROM 'TOURIST' TO 'RESIDENTIAL (R40)' AND 'RESERVE FOR RECREATION (HIGHWAY BUFFER RESERVE)' AND LOT 502 BUSSELL HIGHWAY, BROADWATER FROM 'TOURIST' AND 'RESERVE FOR RECREATION' TO 'RESIDENTIAL (R40)' AND 'RESERVE FOR RECREATION (HIGHWAY BUFFER RESERVE)' 2. SITE-SPECIFIC AMENDMENT TO CITY OF BUSSELTON LOCAL TOURISM PLANNING STRATEGY(2011)

SUBJECT INDEX:	Scheme Amendment and Amendment to City of Busselton Local Tourism Planning (2011) Strategy
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Strategic Planning
REPORTING OFFICER:	Strategic Planner - Nick Edwards
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plans (Aerials) Attachment B Local Planning Scheme Map (Existing and Proposed Zoning) Attachment C Proposed Special Provision 62 Attachment D Broadwater Structure Plan

PRÉCIS

Council is requested to consider initiating Amendment 20 to the *Local Planning Scheme 21* (LPS21) which proposes rezoning;

- Lot 500 Bussell Highway, Broadwater (Attachment A) from 'Tourist' zone to 'Residential (R40)' zone and 'Reserve for Recreation' (Highway Buffer); and,
- Lot 502 Bussell Highway, Broadwater from 'Tourist' Zone and 'Reserve for Recreation' to 'Residential (R40)' Zone, 'Reserve for Recreation (Highway Buffer Reserve)' and 'Unzoned Land (Road Reserve)' (Attachment B).

It is further proposed that these lots will be subject to a new Special Provision Area (#62) to be added to the Local Planning Scheme 21 (LPS21), at Schedule 3, requiring a Structure Plan to be prepared, and adopted by Council, prior to any future subdivision (Attachment C). Following discussion with the Department of Planning (DOP) it was agreed that the Special Provision, as proposed, would remove any prior requirement for the overall 'Broadwater Structure Plan – Precinct 1' (BSP) (Attachment D) being amended.

Lots 500 and 502 Bussell Highway, Broadwater (subject land) are identified as a non-strategic site in the 'Local Tourism Planning Strategy 2011' (LTPS). A site-specific amendment for the subject land within the LTPS is required in order to provide a rational planning basis for, and justification of, the Scheme amendment proposal. This site-specific amendment would not extend to any policy or site beyond the subject land within the LTPS and would be prepared and coordinated by the City to run concurrently with Amendment 20.

Officers recommend that Council initiates Amendment 20 (which will include reference to the site-specific amendment of the LTPS) for public consultation and referral to the EPA. Amendment 20 is considered to be a 'standard' amendment, consistent with Part 5 of the 'Planning and Development (Local Planning Schemes) Regulations 2015' (The Regulations).

BACKGROUND

The subject land is approximately 2.18ha in area. Lot 500 is 0.20ha and located in the north east corner of the site and Lot 502 is 1.98ha. The subject land is located 5km west of the Busselton CBD and shares a boundary with Bussell Highway to the north, developed residential (R30 and R20) land to the west, 'nature' public open space (POS) to the south and developed residential (R20) land to the east.

The subject land was rezoned in 1986 from 'General Farming' to 'Short Stay Residential and Recreation' zone following a request from the (still current) landowner who intended to develop short stay cottages. At the time, Council supported this rezoning request partly to encourage active land use and development in the predominantly farming area of Broadwater.

Since the zone changed to 'Short Stay Residential and Recreation', several tourism initiatives have been proposed by the landowner, some of which were explored in depth by the City and included:

- The provision of 12 Bavarian-styled cottages in 1986;
- A caravan park in 2001;
- A 'Park Home Village' in 2005; and
- A caravan park in 2005.

When the LTPS was being drafted ahead of Council adoption in 2011, the subject land was identified as suitable for tourism development as a result of it being zoned 'Tourist'. It was identified as "*Non-strategic Tourism Site 42 - Lot 502 (394-398), Bussell Highway, Broadwater*". This classification identifies that the land is zoned for tourism but also allows capacity for an unrestricted length of stay component (subject to Council approval).

It should be noted that, although the LTPS does not specifically mention Lot 500, it does include the corresponding street number of '398'. As lots 500 and 502 form a regularly shaped land parcel when considered together, for the purposes of the site-specific LTPS amendment it may be assumed that Lot 500 was overlooked in the original table entry and the 'Site 42' designation within the LTPS includes *both* Lot 500 and 502 Bussell Hwy, Broadwater.

It is further noted that the current 'Reserve for Recreation' at the southern end of Lot 502 does not reflect the land classification (public open space) depicted in the BSP. This is a mapping anomaly that has been incorrectly maintained on Scheme Maps following adoption of the BSP. The current Amendment proposal would rectify this situation.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015

RELEVANT PLANS AND POLICIES

The relevant plans and policies that directly affect the proposed Amendment are:

- Local Tourism Planning Strategy 2011
- Draft Local Planning Strategy 2016
- Broadwater Structure Plan 2005

Local Tourism Planning Strategy

The LTPS was adopted by Council on 8 December 2010 and was noted by the WAPC in 2013. It provides a planning policy framework for decisions that affect the tourism industry in the City and recognises the importance of preserving, protecting and growing strategic tourism opportunities. The LTPS identifies the subject land as one of 19 non-strategic tourism sites.

As the LTPS is, in essence, a guiding policy document, it has been 'noted' but not formally endorsed by the Western Australian Planning Commission (WAPC). The DOP has agreed that a 'site-specific' amendment for the subject land within the LTPS may be conducted, rather than undertaking a wholesale review of the entire document. The relevant processes required by the City are to:

- Advertise the proposed amendment to the LTPS in conjunction with Amendment 20;
- Report on the proposed amendment to the LTPS, and any public submissions received, for the consideration of the Council; and,
- If adopted by the Council, refer the 'site-specific' amendment to the Western Australian Planning Commission (WAPC), with a request for their consideration.

Draft Local Planning Strategy 2016

The Draft Local Planning Strategy was adopted by Council on 14 September 2016 and recommends increasing residential development densities on sites close to Busselton City Centre as an identified theme for City growth. This proposal conforms to this objective through proposing urban consolidation through appropriate rezoning of unrequired and unsuitable 'Tourist' zoned land and introducing higher densities (e.g. R40) in existing urban areas.

Broadwater Structure Plan

Amendment 20 will not necessitate a prior review or modification of the BSP as the proposed land use changes are relatively minor and generally consistent with already existing residential development in the vicinity. In discussions with the DOP however, it was agreed that a Special Provision Area (Special Provision 62) be added to Schedule 3 of LPS21 as a requirement of the proposed Amendment. This Special Provision will necessitate a Structure Plan being prepared and approved prior to any subsequent subdivision of the subject land. This requirement will allow land use to be determined once the landowner has decided whether to develop aged care facilities on the subject land, develop it as a residential estate, or a combination of both.

FINANCIAL IMPLICATIONS

There are no significant financial implications arising from the recommendations of this report.

Long-term Financial Plan Implications

There are no significant Long-term Financial Plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report are consistent with the *Strategic Community Plan 2013*, Community Objective 2.2 – “A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.”

RISK ASSESSMENT

A risk assessment of the potential implications of implementing the officer recommendations has been undertaken using the City's risk assessment framework. Given the implementation of the officer recommendations involves adopting the Amendment for advertising, there were no significant risks identified.

CONSULTATION

There is no requirement under the *Planning and Development Act 2005* to advertise a proposed Scheme amendment prior to it being initiated by Council and accordingly, no advertising has occurred to date.

Preliminary discussions with the DOP indicate that the Amendment proposal and site-specific amendment of the LTPS (to provide planning justification and context to the Scheme amendment) along with no prior requirement to modify the BSP, are supported by the Regulations. The DOP has indicated informal support for the current approach to this Amendment 20 proposal.

If the Council resolves to initiate Amendment 20, the related documentation will be referred to the Environmental Protection Authority (EPA) to consider the need for formal review under Part 4 of the *Environmental Protection Act 1986*. If the EPA determines that formal review is unnecessary, it will be advertised for a period of 42 days in accordance with the Regulations and include referral to relevant state government agencies. In the event that the EPA determines that the proposal is to be formally reviewed, the City shall cause such review to be undertaken in accordance with s82 of the *Planning and Development Act 2005*.

OFFICER COMMENT

The Replacement of Tourism-Zoned Land for Residential Use

Since the time that the subject land has been zoned for tourism purposes, attempts to develop a viable commercial tourism enterprise have been unsuccessful, generally due to the location, lack of attractive local tourism attributes and surrounding residential development. Due to the general lack of suitability for tourism uses and the fact that a related commercial enterprise has been unable to be successfully developed since 1986, alternate land uses should now be considered to allow integrated residential development at Broadwater to be facilitated. Rezoning the subject land for residential (R40) will be more compatible with the existing development pattern and continued growth of the Broadwater area than the prevailing status quo.

The original change of zone from 'General Farming' to 'Tourist' zone was a response to the landowner's request and as a means to help stimulate growth and development within the Broadwater area. However, viable tourism opportunities on the subject land have proven elusive and have not been realised. This suggests that the subject land is not an appropriate site for this type of development, whereas residential development has continued to occur in the vicinity.

The subject land is not in close or direct proximity to features and attractions that would normally be sought by visitors on holiday. Aside from its suburban location, any potential guests at a tourist development there would have to cross the Bussell Highway and walk through Mandalay Resort to access the beach. This is less convenient than nearby established tourism resorts which have direct access to the beach and coastline, making the development of a competitive tourism facility on the subject land more complex and less desirable.

The subject land is not large enough to provide facilities that could realistically compete with some of the established tourism uses in the area that can provide a significant range of guest services. The

nearby resorts provide these resources (e.g. pool, bouncing pillow, playgrounds) to enhance the natural attractions for their guests. The subject land does not have the space to provide these amenities and so will need to focus on a different section of the tourism market. While these types of smaller, 'boutique' tourism businesses can have a specific niche quality, typically they need to be located closer to the town centre or other attractions so guests can readily access activities off site, for example the Busselton Jetty.

The proposed 'Residential (R40)' zone and density for the subject land is considered appropriate for the site as it would help meet the City's objectives in providing infill development closer to the City at a higher density. The dwellings that could be built on this site would use the general proximity to the beach and shops as selling points, despite being further away than many of the already established and larger-scale tourism resorts.

Local Tourism Planning Strategy

The proposed site-specific amendment of the LTPS will be focussed on removing the subject land from the list of non-strategic tourism sites without affecting any other site or policy within the document. This amendment would not create any undesirable precedent due to the particular background context and proven lack of any commercial opportunity to develop that site for tourism purposes over an extended period of time. Therefore, it is apparent that the 'Tourist' zone over the subject land remains in place for historic reasons rather than to satisfy or enable any valid strategic intent.

It is proposed that the LTPS amendment is processed concurrently with Amendment 20 despite it being a related, but separate, process. The LTPS review and proposed modification to remove the subject land (non-strategic site 42) will follow the Amendment process timeframes and be similarly advertised for 42 days. Only submissions that address the role, function and appropriateness of the subject land's being listed in the LTPS will be considered and no other comments that relate to any other aspect of the LTPS would be addressed.

Broadwater Structure Plan and Special Provision Area (#62)

Should Amendment 20 be initiated by Council, the zones over the subject land as depicted in the BSP will change, which could normally require a review of that overall structure plan. Advice provided by the DOP specifically states that, provided a Structure Plan that addresses future land use and development on the subject land is adopted prior to subdivision, then a prior review of the overall BSP will be unnecessary given the essentially minor nature of the rezoning proposal and the historical context of the site. The proposed Special Provision Area (#62) to be incorporated in Schedule 3 of LPS21 will address this requirement and states:

"Prior to subdivision, a structure plan shall be approved pursuant to the Scheme."

Any Structure Plan for the subject land must provide for critical 'neighbourhood' design features, including the 20m buffer running parallel to the Bussell Highway and the required integrated road connections to the south. The Structure Plan must be approved prior to any proposed subdivision of the subject land.

The Bussell Highway buffer extends approximately 20m into the property adjacent to the road reserve. This buffer is recognised on the proposed Amendment Maps as 'Reserve for Recreation'. There is currently one dwelling situated within this buffer area. Should the subject land be subdivided in the future, then this highway buffer must be ceded to the Crown at that time and the dwelling removed.

The POS directly south of the subject land was part of an original 'parent' lot and already previously ceded to the City following the adoption of the BSP. The current 'Reserve for Recreation' across the southern portion of Lot 502 is actually, therefore, anomalous and does not accord with the BSP. No POS 'legacy' or contribution requirement is necessary as part of this rezoning amendment, and the current reserve zoning across the southern end of Lot 502 will, appropriately, be removed and replaced with 'Residential (R40)' and 'Unzoned Land (Road Reserve)' in Amendment 20.

CONCLUSION

The Amendment seeks to replace the 'Tourist' zone over the subject land with a 'Residential (R40)' zone as it is a more appropriate use of the site. Following several attempts to develop the land for tourism over the past 30 years, the subject land has proven to have had little tourism value or marketable development potential. Considering the location, the surrounding urban development patterns and limited size of the subject land, it is apparent that integrated residential land use and development would be a far more effective and practical outcome.

Amendment 20 will necessitate a site-specific review of the LTPS to remove 'non-strategic site 42' (the land subject to that Amendment) and justify its proposed conversion to residential. This amendment process for the LTPS will be run concurrently with the Scheme amendment.

The proposed Amendment represents a desirable rationalisation of current zoning and will promote the orderly growth and planning of the City of Busselton within the Broadwater area.

OPTIONS

Should the Council not support the Officer Recommendation the Council could instead resolve –

1. To decline the request to initiate Amendment 20 in its entirety (and provide a reason for such a decision). It should be noted that under the relevant legislation there is no right of appeal against a Council decision not to initiate an amendment.
2. To seek further information before making a determination in relation to Amendment 20 (or the separate, but related, site-specific amendment to the LTPS).
3. To initiate Amendment 20 subject to further modification(s) as described.

Officer assessment has not revealed any substantive issue or reasonable grounds that would support any of these options.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation would include advising the applicant of the Council resolution and referring the proposal to the Environmental Protection Authority, which will occur within one month of the resolution (prior to advertising the Amendment in accordance with the provisions of the Regulations).

OFFICER RECOMMENDATION

1. That the Council:
 - a) In pursuance of Part 5 of the *Planning and Development Act 2005*, adopts draft Amendment No. 20 to the City of Busselton Local Planning Scheme No. 21 for public consultation for the purpose of:

- i. Rezoning Lot 500 Bussell Highway, Broadwater from 'Tourist' zone to 'Residential (R40)' zone and 'Reserve for Recreation (Highway Buffer)';
 - ii. Rezoning Lot 502 Bussell Highway, Broadwater from 'Tourist' Zone and 'Reserve for Recreation' to 'Residential (R40)' Zone, 'Reserve for Recreation (Highway Buffer Reserve)' and 'Unzoned Land (Road Reserve)';
 - iii. Introducing Special Provision Area # 62 to Schedule 3 of LPS21, to state:
"Prior to subdivision, a structure plan shall be approved pursuant to the Scheme";
and
 - iv. Amending the Scheme Maps accordingly.
 - b) In accordance with regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, specifies that it is the opinion of the Council that Amendment 20 is a 'standard amendment', given:
 - i. It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve.
 - ii. R.34 (b) does not apply as the WAPC has not yet endorsed the City's Draft Local Planning Strategy.
 - iii. It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.
 - iv. It is an amendment that does not result in significant environmental, social, economic or governance impacts on land in the scheme area.
2. In accordance with the interests of orderly and proper planning, the City is to prepare and advertise for public consultation a site-specific amendment of the Local Tourism Planning Strategy 2011 to provide justification in planning terms for the removal of Lots 500 and 502 Bussell Highway, Broadwater (being 'non-strategic tourism site 42') from that strategy document. Such an amendment to the LTPS is required, in turn, to justify the subsequent rezoning of the subject land through the Amendment 20 process.
3. That, as Amendment 20 is consistent with Part 5 of the *Planning and Development Act 2005*, and Regulations made pursuant to that Act, upon preparation of the necessary documentation Amendment 20 be referred to the Environmental Protection Authority (EPA). Upon receipt of a response from the EPA stating that Amendment 20 is not required to be subject to a formal environmental review, it be advertised for public consultation for a period of 42 days. In the event that the EPA determines that Amendment 20 is to be subject to formal environmental review, the City shall cause such review to be undertaken, in accordance with s.82 of the *Planning and Development Act 2005*.



ATTACHMENT A : LOTS 500 & 502 BUSSELL HIGHWAY, BROADWATER (SUBJECT LAND)



	23/01/2017
	1:20000 @ A4L
• • • Lots 500 and 502 Bussell Hwy (Subject Land)	
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 Bussellton office.	
	

ATTACHMENT A : LOTS 500 & 502 BUSSELL HIGHWAY, BROADWATER (SUBJECT LAND)



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ATTACHMENT B: AMD21/0020—PROPOSED PLANNING SCHEME MAP CHANGES

CITY OF BUSSELTON
LOCAL PLANNING SCHEME No. 21
AMENDMENT No. 20



EXISTING ZONING



PROPOSED ZONING



Legend :

RESERVES



Recreation



Public Purpose

W

Denotes : Water

SS

Denotes : School Site

ZONES



Residential



Tourist

OTHER



Special Provision

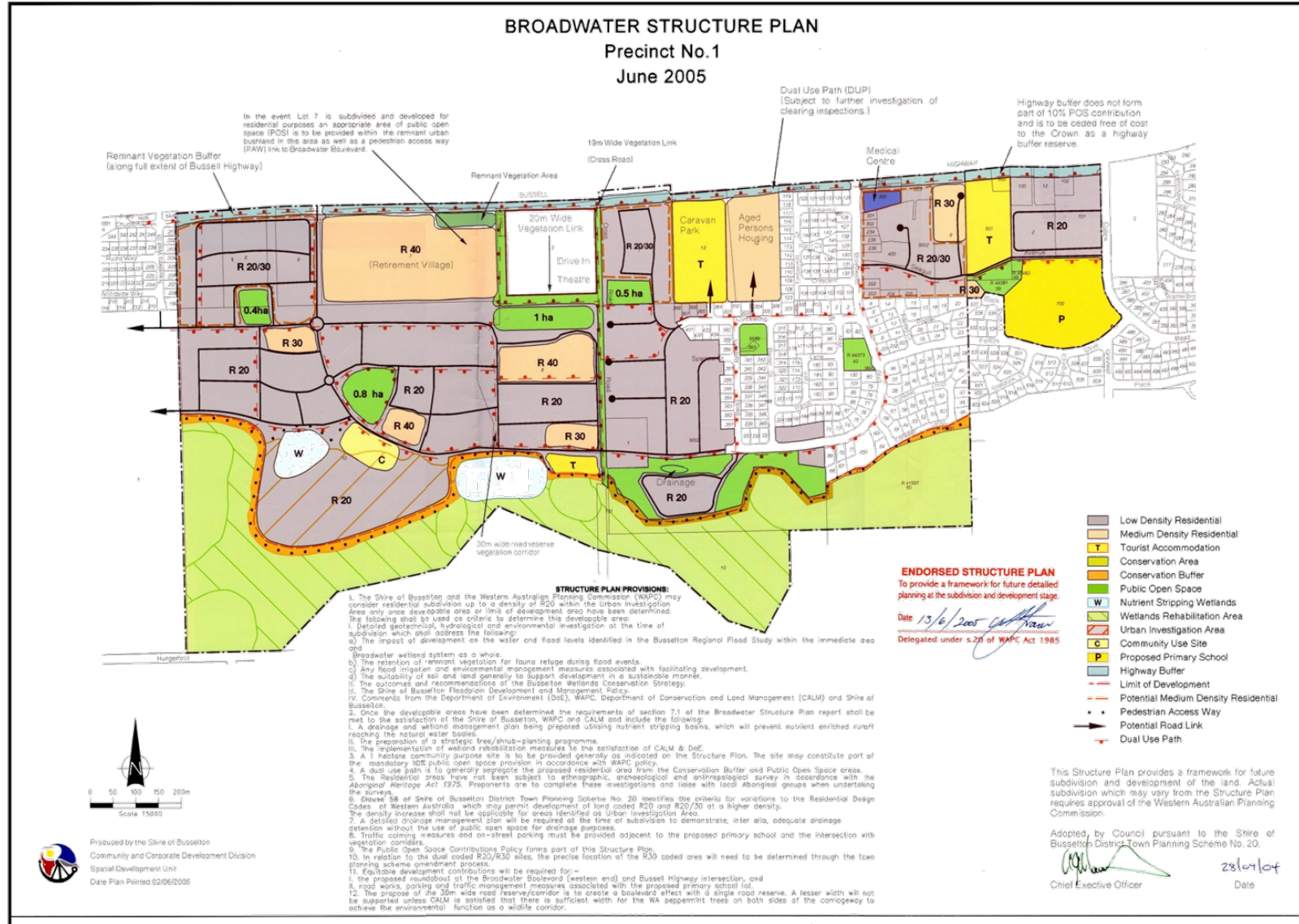


R Codes

SCALE 1:4000 @ A4

ATTACHMENT C: PROPOSED SPECIAL PROVISION #62 TO THE LOCAL PLANNING SCHEME

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
62	Lots 500 and 502 Bussell Highway	Residential R40	Prior to subdivision, a structure plan shall be approved pursuant to the Scheme

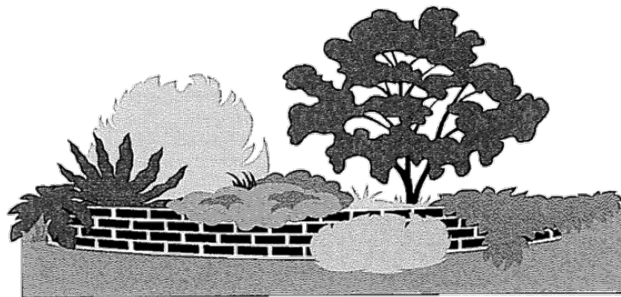




SHIRE OF BUSSELTON

DISTRICT TOWN PLANNING SCHEME No. 20

BROADWATER STRUCTURE PLAN — PRECINCT No. 1 PUBLIC OPEN SPACE CONTRIBUTIONS POLICY



APPROVED
13/6/2015 *[Signature]*
Delegated under s.20 of WAPC Act 1985

BROADWATER STRUCTURE PLAN – PRECINCT No. 1 PUBLIC OPEN SPACE CONTRIBUTIONS POLICY

1.0 INTRODUCTION

This Public Open Space Contributions Policy sets out the mechanism for addressing the co-ordination of public open space (POS) in the Broadwater Structure Plan – Precinct 1 ("the Structure Plan") area where the orderly planning and design provided for in the Structure Plan results in individual landowners either under-providing or over-providing POS. The under-provision of POS within a subdivision area will require the payment of cash-in-lieu to the Shire in accordance with section 20C of the *Town Planning and Development Act 1928* ("the Act"). These funds will be used to compensate the developers of subdivision areas which over-provide POS.

2.0 STRUCTURE PLANNING

2.1 The Shire of Busselton has prepared and adopted the Structure Plan in accordance with the provisions of clause 25 of the Shire of Busselton District Town Planning Scheme No. 20 ("the Scheme") for the purpose of facilitating subdivision and development of the land comprised in the precinct in an orderly manner. Notwithstanding the provisions of clause 25, after the Structure Plan has been adopted by the Shire and endorsed by the Western Australian Planning Commission (WAPC), it must not be modified without the approval of the Shire and WAPC.

2.2 A Development Schedule (refer to Appendix 1) shall be prepared for the Structure Plan area to be read in conjunction with the Structure Plan. The Development Schedule shall identify, among other things, the relevant landowners in the precinct along with the area of each lot, the gross subdivisible area of each lot, the amounts of POS required and proposed to be provided, and the under-provision or over-provision of POS accordingly. The total POS surplus/deficit shall as near as possible equate to zero.

3.0 FINANCIAL RECORDS

3.1 The Shire shall for the purpose of properly managing the implementation of the Structure Plan for the area, establish accounts for the area into which contributions from developers of land will be credited in relation to the under-provision of POS, and from which payments in relation to the over-provision of POS, and any land acquisition or works carried out by the Shire in relation to POS, will be paid.

3.2 The accounts shall be maintained in accordance with the provisions of the *Local Government (Financial Management) Regulations 1996* and shall be audited on an annual basis.

4.0 STRUCTURE PLAN AREA

The gross subdivisible area of the Structure Plan area is calculated by deducting the total area of all land within the precinct with the total of the land areas in the precinct required for local or regional public purposes as shown on the Structure Plan including—

- schools;
- major regional roads;
- public utility sites; and
- municipal use sites.

5.0 PUBLIC OPEN SPACE AND COMPENSATION

5.1 All owners of land in the precinct are required to contribute towards the provision of a minimum 10 per cent of the gross subdivisible area of the precinct for POS. This is consistent with adopted WAPC *Policy No. DC 2.3 — Public Open Space in Residential Areas* and the powers under section 20A of the Act to require such land to be ceded in the Crown.

5.2 Tourist accommodation sites, primary school sites, medical centre sites, public utility sites (i.e. including land required for drainage and associated infrastructure) and highway buffers will be deducted from the calculation of the gross subdivisible area of the precinct. Under no circumstance will any highway/road buffer, primary school site, public utility site or any other land that is required to be deducted from the gross subdivisible area be credited toward the overall required POS contribution.

5.3 Until appropriately zoned, local/neighbourhood shopping centre sites will be included in the calculation of the gross subdivisible area of the precinct.

5.4. The calculation of the overall POS contribution will include reserves previously ceded in the Crown as POS under section 20A of the Act as part of earlier completed subdivisions.

5.5 In subdivision areas where the owner has provided in excess of 10 per cent POS requirement, the owner has the choice of setting aside that surplus POS land as a separate lot for the Shire to purchase when cash-in-lieu funds are available, as obtained from subdivision areas within the precinct only.

- 5.6 Owners who provide in excess of the 10 per cent of the gross subdivisible area as POS (i.e. ceded to the Crown free of cost at the time of subdivision) cannot be retrospectively compensated using POS cash-in-lieu funds unless an enabling provision is introduced into the Scheme.
- 5.7 Where required by the provisions of the Structure Plan, the landowner shall, pursuant to section 20C of the Act, in lieu of POS, pay a sum that represents the value of the portion of the land to be set aside for POS.
- 5.8 All money received pursuant to these Arrangements shall be expended in accordance with the Act—
- for the compensation of other landowners who have over-provided POS or for the purchase of land for parks and POS within the precinct; or
 - with the approval of the Minister for Planning and Infrastructure, for the improvement or development of other POS in the precinct or its immediate locality.
- 5.9 The value of the portion shall be such percentage of the market value of the land of which the portion forms part, as the area of the portion bears to the area of that land on the date of the subdivision.
- 5.10 The market value of the land—
- is the capital sum which an unencumbered estate in fee simple in the land might reasonably be expected to realize;
 - shall be determined, at the cost of the landowner, by a licensed valuer agreed upon by the parties or, failing agreement, appointed by Council; and
 - shall be determined—
 - o as at the date of the subdivision;
 - o on the basis that there are no buildings or other improvements on the land; and
 - o on the basis that any rezoning necessary for the purpose of the subdivision has come into force.

- 5.11 In the event of a dispute between the parties in relation to the valuation, the valuation may be varied by agreement of the parties. If after 28 days of receiving the valuation a dispute has not been resolved, either party may refer the dispute for determination by an arbitrator under the *Commercial Arbitration Act 1985*.

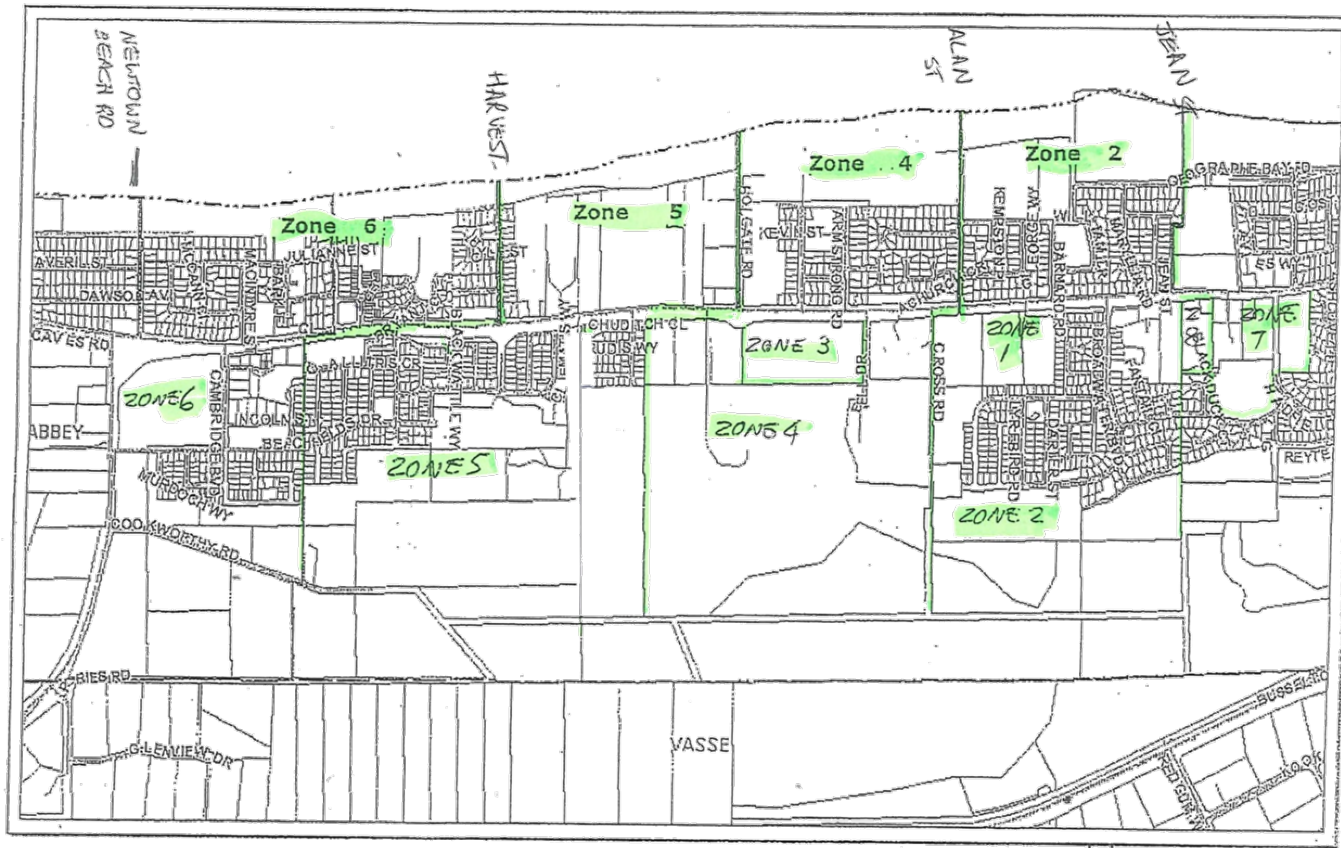
APPENDIX 1
DEVELOPMENT SCHEDULE (COMBINED AREA)

DEVELOPMENT SCHEDULE – JUNE 2005
BROADWATER STRUCTURE PLAN – PRECINCT 1 (COMBINED AREA) FILE: PSC27/1

PROPERTY DETAILS			DEDUCTIONS					PUBLIC OPEN SPACE						NET SUBDIVISION AREA		POTENTIAL DWELLING UNITS	
Owner	Lot No.	Area (ha)	Conservation Area/Existing Reserves (ha)	Drainage/Wetland/Primary School/Medical Centre/ Other (ha)	Highway Buffer (ha)	Total Deductions (ha)	Gross Subdivision Area (ha)	Conservation Buffer (ha)	Local POS (ha)	Community Site (ha)	Total (ha)	10% POS Required (ha)	Surplus/Deficit (ha)	R20 (ha)	R30/R40 (ha)	R20 12/ha approx.	R30/R40 18/ha approx.
PC Harrison	4	2.07	-	-	0.15	0.15	1.92	-	-	-	-	0.192	-0.192	1.92	-	23	-
PC Harrison	5	2.1069	-	-	0.15	0.15	1.9569	-	0.2	-	0.2	0.19569	+0.00431	1.7569	-	21	-
JW Bell	6	2.1448	-	-	0.15	0.15	1.9948	-	-	-	-	0.19948	-0.19948	1.9948	-	24	-
JW Bell	10	53.736	12.6	2.75	-	15.35	38.386	2.0	1.0	1.0	4.0	3.8386	+0.1614	32.786	1.0/0.6	393	29
Novacare Busselton Village Pty Ltd	7	8.5490	-	-	0.55	0.55	7.999	-	0.4	-	0.4	0.7999	-0.3999	-	-7.59	-	137
Ironbridge Holdings Pty Ltd	8	8.8	-	-	-	-	8.8	-	1.0	-	1.0	0.88	+0.12	4.8	1.0/2.0	58	54
Jones Cine-west Drive-ins	3	4.0469	-	4.0469	-	4.0469	0 (Not Zoned Residential)	-	-	-	-	-	-	-	-	-	-
WE Kay	1	0.9970	-	-	-	-	0.9970	-	-	-	-	0.09970	-0.09970	0.9970	-	12	-
DG Weir	1	4.0317	-	-	0.28	0.28	3.7517	-	0.5	-	0.5	0.37517	+0.12483	3.2517	-	39	-
Lowe Pty Ltd	Pt 131	23.9777	3.5076	-	-	3.5076	20.4701	-	2.6575	-	2.6575	2.04701	+0.61049	17.8126	-	214	-
Malloo Pty Ltd	13	3.1028	-	3.1028	-	3.1028	0 (Not Zoned Residential)	-	-	-	-	-	-	-	-	-	-
VA Baptist Hospitals and Homes Trust	12	2.6833	-	2.6833	-	2.6833	0 (Not Zoned Residential)	-	-	-	-	-	-	-	-	-	-
Frunderberg Pty Ltd	10	2.39	-	0.4375	0.0904	0.5279	1.8621	-	-	-	-	0.18621	-0.18621	1.8261	-	22	-
Frunderberg Pty Ltd	8	1.88	-	-	0.14	0.14	1.74	-	-	-	-	0.174	-0.174	1.74	-	21	-
Christian Holdings Pty Ltd	9	1.9172	-	-	0.14	0.14	1.7772	-	-	-	-	0.17772	-0.17772	1.7772	-	21	-
Lowe Pty Ltd (Already Subdivided)	11	4.05	-	-	0.24	0.24	3.81	-	-	-	-	0.381	-0.381	3.81	-	46	-
Already Subdivided	Pt 72	16.19	5.3	-	-	5.3	10.89	0.35	0.4	-	0.75	1.089	-0.339	10.14	-	122	-
Ironbridge Holdings Pty Ltd	701 & 102	1.7861 & 0.2634	-	-	0.1644	0.1644	1.8851	-	-	-	-	0.18851	-0.18851	1.8851	-	23	-
KJ Lewis	2	1.2564	-	-	0.01	0.01	1.2464	-	0.053	-	0.053	0.12464	-0.07164	1.1934	-	14	-
SJ Brown	12	0.3637	-	-	0.08884	0.08884	0.27486	-	-	-	-	0.027486	-0.027486	0.27486	-	3	-
LF Gardiner	100	0.3929	-	-	0.09496	0.09496	0.29794	-	-	-	-	0.029794	-0.029794	0.29794	-	3	-
HR Geldermann	501 & 500	2.2167 & 0.2	-	-	0.198	0.198	2.2187 (Not Zoned Residential)	-	0.2412ha	-	0.2412ha	0.22187	+0.01933	-	-	-	-
Department of Education and Training	700	3.5407	-	3.5407	-	3.5407	0 (Not Zoned Residential)	-	-	-	-	-	-	-	-	-	-
Shire of Busselton	39 & 49 (Reserves 44381 & 45483)	0.2230 & 0.0403	0.2633	-	-	0.2633	0 (Not Zoned Residential)	-	-	-	-	-	-	-	-	-	-
TOTAL		152.9565	21.6709	16.5612	2.4466	40.6787	112.2778	2.35	6.4517	1.0	9.8017	11.22778	-1.42608	88.2636	2.0/10.19	1059	220

NOTES:

- Where landowners provide in excess of 10 per cent of the gross subdivisible land as public open space (POS), the Shire will reimburse the owners from POS trust fund monies.
- Lots 501 and 500 are zoned 'Tourist' and identified on the Structure Plan the same. 10% POS for this combined land area is to be provided under a legal agreement which was entered into between the landowner and the Shire of Busselton when the land was rezoned for tourist purposes. For the purposes of this Development Schedule it is included in the gross subdivisible area and POS calculations.
- This Development Schedule is to be updated every 18 months to 2 years.



11. ENGINEERING AND WORKS SERVICES REPORT

Nil

12. COMMUNITY AND COMMERCIAL SERVICES REPORT

Nil

13. FINANCE AND CORPORATE SERVICES REPORT

Nil

14. CHIEF EXECUTIVE OFFICER'S REPORT

14.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	A Council that engages broadly and proactively with the community.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Executive Assistant to the Chief Executive Officer - Leigh Sly
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received 1 January - 31 January 2017
	Attachment B Planning Applications Determined 1 January - 31 January 2017
	Attachment C State Administrative Tribunal Appeals as at 31 January 2017
	Attachment D Department of Lands Appreciation
	Attachment E Art in the Park Letter of Appreciation

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.

INFORMATION BULLETIN

14.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 January, 2017 and 31 January 2017. 53 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 January, 2017 and 31 January 2017. A total of 77 applications (including subdivision referrals) were determined by the City during this period with 75 approved / supported and 2 refused / not supported.

Attachment A Planning Applications Received 1 November - 15 November 2017

Attachment B Planning Applications Determined 1 November - 15 November 2017

14.1.2 State Administrative Tribunal (SAT) Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 31 January, 2017.

Attachment C State Administrative Appeals as at DD Month 2017

14.1.3 Department of Lands Appreciation

Correspondence has been received from Department of Lands and is available to view in Attachment D.

14.1.4 Busselton Art Society – Letter of Appreciation

Correspondence has been received from Busselton Art Society is available to view in Attachment E.

OFFICER RECOMMENDATION

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

- 14.1.1 Planning and Development Statistics
- 14.1.2 State Administrative Tribunal (SAT) Appeals
- 14.1.3 Department of Lands Appreciation
- 14.1.4 Busselton Art Society – Letter of Appreciation

Applications Received (Deemed Complete) Report								
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Date Application Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
DA16/0854	Showroom (Mezzanine Addition to Existing Showroom)	1/30 Burler Drive~VASSE WA 6280	Lot 1 STPLN 72952	13/01/2017	25000	Todd Taylor Superannuation Fund Pty Ltd	Todd Taylor Superannuation Fund Pty Ltd	0
DA16/0869	Display Home Centre	Napoleon Promenade~KEALY WA 6280	Lot 9546 PLAN 408151	13/01/2017	60000	Perron Developments Pty Ltd & Stawell Pty Ltd	Sam Hanson	5
DA16/0901	Single House (Outbuilding with Reduced Setback in Special Control Area)	46 Hammond Road~YALLINGUP WA 6282	Lot 27 PLAN 8037	5/01/2017	29512	Jeremy Geoffrey Ellis Warren & Elizabeth Anne Warren	Outdoor World Wangara	30
DA16/0919	Single House (Over-height Carport)	6 McGregor Place~WEST BUSSELTON WA 6280	Lot 400 PLAN 14974	11/01/2017	3500	Richard Glindon Miles & Christine Ann Miles	Richard Glindon Miles	35
DA16/0928	R-Codes (patio with reduced setbacks)	7 Abbey Street~WEST BUSSELTON WA 6280	Lot 2 STPLN 64004	3/01/2017	4452	Glenn Scott MacPherson & Jennifer Alison MacPherson	DJB Building	4
DA16/0941	Outbuilding (Oversized)	145 Butterly Road~YALLINGUP WA 6282	Lot 4 PLAN 33476	11/01/2017	18000	Clinton John Hulse & Hayley Nicole Hulse	Clinton John Hulse, Hayley Nicole Hulse	10
DA16/0949	Single House (New two storey dwelling)	31 Long Island Quays~DUNSBOROUGH WA 6281	Lot 687 PLAN 46312	10/01/2017	268468	Jye William Pratt & Madison Kare Bridget Fletcher	Seascape Design	12
DA16/0972	Single House (Modified Building Envelope to Accommodate Single House, Ancillary Accommodation and Over Height Outbuilding in Landscape Value Area)	3 Vintners Drive~QUINDALUP WA 6281	Lot 103 PLAN 66320	23/01/2017	420000	Quicksea Pty Ltd	Noelene Anne Taylor	4
DA16/0975	Outbuilding (Free Standing Carport With Reduced Front Setback)	25 Melaleuca Drive~WEST BUSSELTON WA 6280	Lot 96 PLAN 18539	5/01/2017	13000	Mary Everuss & Michael Patrick Everuss	Joshua Rupert Foley	17
DA16/0982	Holiday Homes (Group Dwelling) 6 persons	2/14 Eagle Crescent~EAGLE BAY WA 6281	Lot 2 STPLN 27554	3/01/2017	0	SB Super Investments (WA) Pty Ltd	SB Super Investments (WA) Pty Ltd	33
DA16/0983	Single House (Patio Addition with Reduced Side Setback)	18 Blue Crescent~WEST BUSSELTON WA 6280	Lot 104 PLAN 11946	3/01/2017	9500	Brent Harvey Grigg & Vanessa Nicholas	Simon Hancock	20
DA16/0984	Mixed Use Development (Hotel, Cottage Industry, Market, Restaurant, Winery, Rural Enterprise & Rural Industry)	161 Wildwood Road~CARBUNUP RIVER WA 6280	Lot 2 DIAGRAM 54704	17/01/2017	4500000	Holly-Anne Locke & Topsouth Holdings Pty Ltd	Calibre Consulting (Aust) Pty Ltd	0
DA16/0988	Single House (Port Geographe Development Area)	40 Lanyard Boulevard~GEOGRAPHE WA 6280	Lot 79 PLAN 59251	5/01/2017	742050	John Edward Riggs & Marilyn Joy Riggs	Pro Living Pty Ltd	51
DA16/0991	Chalet Development (4 Chalets in Landscape Value Area)	54 Sheens Road~NATURALISTE WA 6281	Lot 101 PLAN 28068	3/01/2017	600000	Sasseys Pty Ltd	Elite Compliance	45
DA16/0993	Holiday Home (Single House) 8 People	12 Toddy Place~DUNSBOROUGH WA 6281	Lot 296 PLAN 219011	6/01/2017	0	Anne-Marie Newton	Matthew Johnson	13
DA16/0995	Holiday Home (Single House) 8 People	22 Armstrong Road~BROADWATER WA 6280	Lot 15 PLAN 7178	6/01/2017	0	Gary Reitsema & Judith Reitsema	Gary Reitsema, Judith Reitsema	16
DA16/0998	Single House (Additions in a Special Control Area)	7 Hammond Road~YALLINGUP WA 6282	Lot 98 PLAN 8037	9/01/2017	25000	Rosemary Geraldine Packer	Valmadre Homes	16
DA16/1003	Single House (Reduced BAL)	2 Otway Pass~WEST BUSSELTON WA 6280	Lot 466 PLAN 402935	16/01/2017	211300	Boyanup Grazing Co Pty Ltd	Chetna Desai, Chirag Desai	9

Applications Received (Deemed Complete) Report								
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Date Application Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
DA16/1012	Single House (Additions / Alterations to Existing Single House with Reduced Setback)	792 Geographe Bay Road~WEST BUSSELTON WA 6280	Lot 42 PLAN 8541	11/01/2017	300000	Graham Bosveld & Marion Abigail Bosveld	Mulder Kampman Design	30
DA16/1014	Outbuilding (Reduced Setback)	Ruabon Road~LUDLOW WA 6280	Lot 22 PLAN 402137	18/01/2017	15513	Jasper Farms Holdings Pty Ltd	Jasper Farms Holdings Pty Ltd	3
DA16/1015	Overheight Outbuilding (Reduced Setback in a Special Character Area)	231 Geographe Bay Road~QUINDALUP WA 6281	Lot 27 DIAGRAM 30387	24/01/2017	25000	Boston Way Pty Ltd	Space Light Order	16
DA16/1016	Single House and Swimming Pool (Landscape Value Area)	Dress Circle~YALLINGUP WA 6282	Lot 14 PLAN 41565	24/01/2017	475000	Martin Meinrad Frei & Christine Frei	Martin Meinrad Frei, Christine Frei	21
DA17/0001	Advertising Signage (Vasse National Lifestyle Village)	Napoleon Promenade~KEALY WA 6280	Lot 9546 PLAN 408151	10/01/2017	5000	Perron Developments Pty Ltd & Stawell Pty Ltd	National Lifestyle Villages	0
DA17/0003	Single House (Carport & Verandah Additions in Landscape Value Area)	60 Millbrook Road~YALLINGUP WA 6282	Lot 36 PLAN 41565	10/01/2017	15000	Leonard Edmund Pill & Wendy Helen Pill	Leonard Edmund Pill, Wendy Helen Pill	6
DA17/0004	Single House (Port Geographe Development Area)	50 Spinnaker Boulevard~GEOGRAPHE WA 6280	Lot 712 PLAN 23692	20/01/2017	520000	Jean Margaret Stevenson	Simon Hancock	24
DA17/0005	Holiday Home (Single House) 6 People	53 Hennessey Loop~DUNSBOROUGH WA 6281	Lot 1 PLAN 50804	9/01/2017	0	Helen Teresa Clarke	Helen Teresa Clarke	7
DA17/0007	Outbuilding (Relocation of an Existing Shed with Reduced Setbacks)	47 Thomas Street~WEST BUSSELTON WA 6280	Lot 14 DIAGRAM 17475	25/01/2017	5000	James David Graham & Linda Marie Graham	James David Graham, Linda Marie Graham	12
DA17/0008	Single House (Additions and Alterations in a Landscape Value Area)	528 Caves Road~MARYBROOK WA 6280	Lot 35 PLAN 8009	9/01/2017	300000	Robertson McLennan Mitchell & Karen Joy Mitchell	Mark Webster Design	23
DA17/0009	Oversized Outbuilding (Landscape Value Area)	8 Iona Place~QUINDALUP WA 6281	Lot 224 PLAN 68461	10/01/2017	37000	Wesley Ian Charles Nash & Lee Frances Nash	Busselton Sheds Plus	0
DA17/0010	Single House (Landscape Value Area)	65 Tall Tree Crescent~REINSCOURT WA 6280	Lot 114 DIAGRAM 98088	10/01/2017	281208.18	Angela Krystal Slee & Justin Scott Peter Slee	Tangent Nominees Pty Ltd	22
DA17/0011	Holiday Home (Single House) 8 Persons	20 Eagle Crescent~EAGLE BAY WA 6281	Lot 24 PLAN 12895	23/01/2017	1	Ukhozi Bay Pty Ltd	Margaret Lynette Devoy	16
DA17/0013	Non Conforming Use - Guest House (8 Guest Suites)	28 West Street~WEST BUSSELTON WA 6280	Lot 1 DIAGRAM 7038	18/01/2017	1	Richard Arthur Pennington & Helen Marie Pennington	Eversley Consulting	21
DA17/0014	Unauthorised Outbuildings (Landscape Value Area)	11 Karli Rise~YALLINGUP WA 6282	Lot 19 PLAN 21898	19/01/2017	17500	Emily Louise Sheehan	Emily Louise Sheehan	4
DA17/0015	Holiday Home (Single House) 8 people	792 Geographe Bay Road~WEST BUSSELTON WA 6280	Lot 42 PLAN 8541	16/01/2017	0	Graham Bosveld & Marion Abigail Bosveld	Graham Bosveld, Marion Abigail Bosveld	19
DA17/0016	Holiday Home (Single House) 8 people	699 Bussell Highway~ABBAY WA 6280	Lot 43 DIAGRAM 49295	24/01/2017	0	Karen Ann Roberts & Adam James Brotchie	Adam James Brotchie, Karen Ann Roberts	9
DA17/0017	Grouped Dwelling (Demolition of Existing Verandah and Construction of a Carport)	1/4 Freebridge Place~DUNSBOROUGH WA 6281	Lot 1 STPLN 31706	17/01/2017	19000	James Stanley King & Kathleen Anne King	West Coast Designs Pty Ltd	18
DA17/0018	Outbuilding (Cumulative over size outbuilding within Landscape Value Area)	15 Tall Tree Crescent~REINSCOURT WA 6280	Lot 101 PLAN 23469	12/01/2017	19500	Joseph Lawrence William Anderson & Tara Jay Anderson	Joseph Lawrence William Anderson, Tara Jay Anderson	22

Applications Received (Deemed Complete) Report								
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Date Application Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
DA17/0019	Holiday Home (Single House) 8 People	7 Arlewood Drive~BROADWATER WA 6280	Lot 502 PLAN 48773	12/01/2017	0	Douglas Smith & Deborah Kathleen Smith	Deborah Kathleen Smith, Douglas Smith	16
DA17/0020	Outbuilding (Reduced Setback)	31 Clover Crescent~BUSSELTON WA 6280	Lot 6 PLAN 49451	12/01/2017	8000	Jason Donald Price & Rochelle Kerr Boyce-Price	Busselton Sheds Plus	1
DA17/0021	Holiday Home (Grouped Dwelling) 6 people	94A Reynolds Street~WEST BUSSELTON WA 6280	Lot 2 STPLN 74361	24/01/2017	0	2B4 Property Pty Ltd	2B4 Property Pty Ltd	13
DA17/0023	Holiday Home (Single House) 8 People	70A Bay View Crescent~DUNSBOROUGH WA 6281	Lot 100 PLAN 62122	13/01/2017	0	John William Cooper	John William Cooper	1
DA17/0025	Ancillary Dwelling (Convert Existing Outbuilding to Ancillary Dwelling with Reduced Setback)	22 Seattle Court~QUINDALUP WA 6281	Lot 226 PLAN 20533	16/01/2017	111891.5	Paul Leonard Wilson & Simone Frances Wilson	Holst Design	384
DA17/0027	Single House (Car Port Addition with Reduced Setback)	34 Kooljak Road~BROADWATER WA 6280	Lot 724 PLAN 42999	23/01/2017	3500	Bianca Jade Way & Stuart Murray Way	Sheds Down South	12
DA17/0028	Grouped Dwelling (Additions)	3/8 Nicholas Court~DUNSBOROUGH WA 6281	Lot 3 SSPLN 52039	17/01/2017	250000	Kim Elizabeth Lauren & Mark Arnold Lauren	Valmadre Homes	7
DA17/0029	Outbuilding (Water Tank in Landscape Value Area)	131 Yungarra Drive~QUEDJINUP WA 6281	Lot 27 PLAN 15570	18/01/2017	7500	Donald Terrance Jenkins & Patricia Anne Jenkins	Donald Terrance Jenkins, Patricia Anne Jenkins	15
DA17/0030	Single House (Reduced Primary Street Setback)	5 Cabot Close~DUNSBOROUGH WA 6281	Lot 109 PLAN 408107	18/01/2017	309276	Scott Anthony Ingram	Ventura Home Group Pty Ltd	10
DA17/0031	Outbuilding (Lean To Addition to Existing Outbuilding with Reduced Setback)	30 Penguin Way~VASSE WA 6280	Lot 29 PLAN 76953	18/01/2017	10000	Paul Stewart Tabor & Leeyah Kristy Tabor	Sheds Down South	9
DA17/0032	Single House (Garage Addition in Landscape Value Area)	34 Koorabin Drive~YALLINGUP WA 6282	Lot 1001 PLAN 24545	24/01/2017	50000	Stephen Butler & Joanna Christine Butler	WA Country Builders Pty Ltd - Busselton	11
DA17/0034	Single House (Reduced Setback)	9 Somerset Road~DUNSBOROUGH WA 6281	Lot 1220 PLAN 406062	24/01/2017	230069	Alison Mary Meighan & Thomas Meighan	Ventura Home Group Pty Ltd	8
DA17/0037	Holiday Home (Grouped Dwelling) 4 People	6/3 Spindrift Cove~QUINDALUP WA 6281	Lot 6 SSPLN 57301	25/01/2017	0	Nerida Clark & Rowan Kable Clark	Nerida Clark, Rowan Kable Clark	7
DA17/0039	Single House (R-Code Variation - Vehicular Access)	25 Cherry Hills Circle~DUNSBOROUGH WA 6281	Lot 734 PLAN 50052	25/01/2017	453797	Christian David Milburn	Dale Alcock Homes South West Pty Ltd	16
LDP16/0002	Draft Local Development Plan (Dunsborough Lakes Enterprise Park)	Dunsborough Lakes Drive~DUNSBOROUGH WA 6281	Lot 9055 P404548 & Lot 9057 P406062	17/01/2017	0	Daws & Son Pty Ltd	RPS	59
WAPC17/0003	2 Lot Subdivision (28.23Ha & 25.57Ha)	207 Yelverton Road~YELVERTON WA 6280	Lot 2850 PLAN 203048	19/01/2017	0	Robert George Poole & Ruth Poole	BSO Development Consultants Pty Ltd	16

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>Applicati on Determined Result</i>	<i>Decision</i>	<i>Clock Days</i>	<i>Estimat ed Cost</i>	<i>Primary Property Owners</i>	<i>Applicant Name</i>
Development Applications										
DA16/0450	Single House (Reflective Building Materials - Retrospective)	16/26 Yallingup Beach Road~YALLINGUP WA 6282	Lot 16 SSPLN 44466	13/01/2017	Approved	Approved	105	17000	Michael James Aitken	Michael James Aitken, Natalie Aitken
DA16/0585	Single House (Landscape Value and Coastal Management Area)	616 Caves Road~MARYBROOK WA 6280	Lot 21 DIAGRAM 20736	9/01/2017	Approved	Approved	2	258541	Francis John Tuohey & Marlene Dawn Tuohey	Dale Alcock Homes South West Pty Ltd
DA16/0742	Extractive Industry (Gravel)	1086 Kaloorup Road~KALoorUP WA 6280	Lot 3108 PLAN 203197	12/01/2017	Refused	Refused	27	1	Joseph Domenic Vincent Russo	B & J Catalano Pty Ltd
DA16/0768	Single House (reduced open space and outdoor living area)	25 Alice Street~YALYALUP WA 6280	Lot 784 PLAN 404829	17/01/2017	Approved	Approved	105	176245	Benjamin George Davies	Dale Alcock Homes South West Pty Ltd
DA16/0776	Agriculture Dam	257 Metricup Road~METRICUP WA 6280	Lot 23 PLAN 23793	3/01/2017	Approved	Approved	47	100000	Kenneth Robert Jagger	Leeuwin Civil Pty Ltd
DA16/0798	Site Works, Landscaping and Timber Deck	26 Ella Gladstone Drive~EAGLE BAY WA 6281	Lot 611 PLAN 62210	24/01/2017	Approved	Approved	66	70000	Prosperity Equity Pty LtdATF JMSEB Trust	LB Planning
DA16/0817	Relocated Building Envelope (To Accommodate a Single House in Landscape Value Area)	38 Marron Rise~YALLINGUP WA 6282	Lot 4 DIAGRAM 100231	3/01/2017	Approved	Approved	42	353170	Mark Edward Smalley & Jacqueline Anne Smalley	WA Country Builders Pty Ltd - Busselton
DA16/0826	Use not listed (Telecommunications Facility)	12 Drovers Road~BOVELL WA 6280	Lot 41 PLAN 14199 Mineral rights only	19/01/2017	Approved	Approved	48	180000	Paul Charles Vines & David Vernon Vines	CommPlan
DA16/0827	Single House (Single House in a Special Character Area)	12 Adelaide Street~BUSSELTON WA 6280	Lot 6 DIAGRAM 13949	3/01/2017	Approved	Approved	75	275556	Stephenie Barry	Tangent Nominees Pty Ltd

DA16/0828	Mixed Use Development (2 commercial units & 7 multiple dwellings)	32 Adelaide Street~BUSSELTON WA 6280	Lot 2 DIAGRAM 6123	4/01/2017	Approved	Approved	73	1968000	Real Relief Consultants Pty Ltd, Mark Drobiszewski, Carroll Susan Wilson	GDD Design Group
DA16/0830	Grouped Dwelling (Security Gate)	24 Freycinet Drive~GEOGRAPHE WA 6280	Lot 7 SSPLN 37407	23/01/2017	Approved	Approved	0	13000	The Owners of Strata Plan 37407	The Owners of Strata Plan 37407
DA16/0837	Single House and Retaining Wall (Landscape Value Area)	114 Quedjinup Drive~QUEDJINUP WA 6281	Lot 206 PLAN 65137	11/01/2017	Approved	Approved	44	450000	Aaron James Freestone & Sharon Maureen Freestone	Aaron James Freestone, Sharon Maureen Freestone
DA16/0863	Single House (Port Geographe Development Area)	29 Windward Green~GEOGRAPHE WA 6280	Lot 103 PLAN 59251	9/01/2017	Approved	Approved	32	380581	Leachelle Catherine Archibald	Dale Alcock Homes South West Pty Ltd
DA16/0879	Single House (Port Geographe Development Area)	17 Windward Green~GEOGRAPHE WA 6280	Lot 109 PLAN 59251	3/01/2017	Approved	Approved	63	270275	Sarah Louise Lang	BGC Residential Pty Ltd
DA16/0880	Relocated Building Envelope (To Accommodate a Single House in a Landscape Value Area)	111 Green Park Road~QUINDALUP WA 6281	Lot 68 PLAN 37015	6/01/2017	Approved	Approved	49	340439	Marin Robin Shegedin	Redink Homes Southwest Pty Ltd
DA16/0886	Modified Building Envelope to Accommodate Swimming Pool in Landscape Value Area	77 Marron Rise~YALLINGUP WA 6282	Lot 14 PLAN 33485	13/01/2017	Approved	Approved	65	12000	Erin Michelle Webb & Stephen Ross Webb	Erin Michelle Webb, Stephen Ross Webb
DA16/0888	Outbuilding (Gazebo in Landscape Value Area)	624A Caves Road~MARYBROOK WA 6280	Lot 1 STPLN 31186	13/01/2017	Approved	Approved	57	5000	Robert Brian Lawrence	Robert Brian Lawrence
DA16/0889	Outbuilding (Overheight Outbuilding with Reduced Setbacks)	6 Klaehn Crescent~YALYALUP WA 6280	Lot 334 PLAN 37205	18/01/2017	Approved	Approved	21	31509	Graeme Mark Gelmi & Karen Lee Gelmi	Outdoor World Wangara
DA16/0890	Outbuilding (over-height)	2 Earnshaw Road~WEST BUSSELTON WA 6280	Lot 6 DIAGRAM 25027	12/01/2017	Approved	Approved	36	22391	Andrew Scott Lewis	Outdoor World Wangara
DA16/0896	Single House (Carport Addition with reduced setback)	11 Naruo Court~DUNSBOROU GH WA 6281	Lot 931 PLAN 44182	3/01/2017	Approved	Approved	45	6000	Sarah Elizabeth Lotze & Tony Stephen Lotze	Sarah Elizabeth Lotze, Tony Stephen Lotze

DA16/0900	Over Height Outbuilding	69 Heritage Drive~VASSE WA 6280	Lot 860 PLAN 52481	11/01/2017	Approved	Approved	58	15000	Kathryn Nicole Thomson & Sean David Thomson	Kathryn Nicole Thomson, Sean David Thomson
DA16/0901	Single House (Outbuilding with Reduced Setback in Special Control Area)	46 Hammond Road~YALLINGUP WA 6282	Lot 27 PLAN 8037	24/01/2017	Approved	Approved	30	29512	Jeremy Geoffrey Ellis Warren & Elizabeth Anne Warren	Outdoor World Wangara
DA16/0905	Single House (Special Character Area with parapet wall)	22B Bay View Crescent~DUNSBOROUGH WA 6281	Lot 1 SSPLN 57477	24/01/2017	Approved	Approved	71	1000000	Clive James McDonnell & Nee Phua	Design Management Group Pty Ltd
DA16/0907	Patio (reduced setbacks)	52 Wentworth Loop~DUNSBOROUGH WA 6281	Lot 1019 PLAN 68127	5/01/2017	Approved	Approved	43	2500	Michael David Luplau & Allison Lee Astin Luplau	Michael David Luplau, Allison Lee Astin Luplau
DA16/0912	Change of Use (from Recreation Facility to Restaurant)	5/17 Bussell Highway~WEST BUSSELTON WA 6280	Lot 5 STPLN 27226	3/01/2017	Approved	Approved	32	80000	Joseph Albert Johnson	Keerthana Sathish Kumar, Sathish Kumar Angia Thulasiraman
DA16/0918	Single House (reduced setbacks and visual privacy)	3A Park Way~WEST BUSSELTON WA 6280	Lot 1 SSPLN 63993	16/01/2017	Approved	Approved	58	350712	Sandra Jean Maguire	Plunkett Homes
DA16/0919	Single House (Over-height Carport)	6 McGregor Place~WEST BUSSELTON WA 6280	Lot 400 PLAN 14974	12/01/2017	Approved	Approved	35	3500	Richard Glindon Miles & Christine Ann Miles	Richard Glindon Miles
DA16/0921	3 Grouped Dwellings (Proposed Lot 41)	19 Ford Road~GEOGRAPHE WA 6280	Lot 54 DIAGRAM 45535	30/01/2017	Approved	Approved	70	810000	Jennifer Lee Higgins & Maxwell Henry Higgins	Maxwell Henry Higgins, Jennifer Lee Higgins
DA16/0925	Modified Building Envelope (Outbuilding in Landscape Value Area with reduced setback)	85 Sloan Drive~DUNSBOROUGH WA 6281	Lot 403 PLAN 49084	17/01/2017	Approved	Approved	32	16500	Clayton John Halloran & Lana Cherrie Halloran	Clayton John Halloran, Lana Cherrie Halloran
DA16/0928	R-Codes (patio with reduced setbacks)	7 Abbey Street~WEST BUSSELTON WA 6280	Lot 2 STPLN 64004	3/01/2017	Approved	Approved	4	4452	Glenn Scott MacPherson & Jennifer Alison MacPherson	DJB Building
DA16/0931	Single House (Light Building Materials in Landscape Value Area)	53 Seascape Rise~YALLINGUP WA 6282	Lot 215 PLAN 75059	25/01/2017	Approved	Approved	41	318111	Jane Caroline Ridout & Warwick Hines	AK Homes Construction Pty Ltd

DA16/0934	Education Establishment (Additions to Library and Carpark Extensions)	245 Cape Naturaliste Road~DUNSBOROUGH WA 6281	Lot 999 PLAN 19518	9/01/2017	Approved	Approved	42	1400000	Roman Catholic Bishop of Bunbury - Dunsborough	HMA Architects Pty Ltd
DA16/0941	Outbuilding (Oversized)	145 Butterfly Road~YALLINGUP WA 6282	Lot 4 PLAN 33476	12/01/2017	Approved	Approved	10	18000	Clinton John Hulse & Hayley Nicole Hulse	Clinton John Hulse, Hayley Nicole Hulse
DA16/0942	Single House Reflective Materials (Landscape Value Area)	11 Karda Place~YALLINGUP WA 6282	Lot 126 PLAN 21287	3/01/2017	Approved	Approved	37	200000	Sonya Efseaff	Ross William McNab
DA16/0944	Over-height Outbuilding (reduced setbacks)	4 Trident Close~WEST BUSSELTON WA 6280	Lot 244 PLAN 13358	4/01/2017	Approved	Approved	38	20000	Robert Duncan MacLeod & Aleisha Kellie MacLeod	Busseton Sheds Plus
DA16/0949	Single House (New two storey dwelling)	31 Long Island Quays~DUNSBOROUGH WA 6281	Lot 687 PLAN 46312	30/01/2017	Approved	Approved	12	268468	Jye William Pratt & Madison Kare Bridget Fletcher	Seascape Design
DA16/0953	Holiday Home (Single House) 9 People	19 Ollis Street~QUINDALUP WA 6281	Lot 40 PLAN 12288	12/01/2017	Approved	Approved	44	0	Anthony Lee Robinson & Kirsty Jane Robinson	Anthony Lee Robinson, Kirsty Jane Robinson
DA16/0954	Single House (Boundary Fencing in Port Geographe Development Area)	22 Keel Retreat~GEOGRAPHE WA 6280	Lot 565 PLAN 22450	3/01/2017	Approved	Approved	32	20000	Darren Jeffery Smith & Tanya Marie May	Darren Jeffery Smith, Tanya Marie May
DA16/0961	Over-height Outbuilding	90 Hawker Approach~YALALUP WA 6280	Lot 107 PLAN 57654	16/01/2017	Approved	Approved	44	14000	Martin Chromow & Leanne Michelle Chromow	Sheds Down South
DA16/0962	Single House (Port Geographe Development Area)	9 Headstay Cove~GEOGRAPHE WA 6280	Lot 22 PLAN 57392	30/01/2017	Approved	Approved	59	285000	Brian Robert Miller & Pamela Ann Miller	Brian Robert Miller, Pamela Ann Miller
DA16/0963	Single House (retaining wall)	6 Ribbonvale Rise~DUNSBOROUGH WA 6281	Lot 221 PLAN 19120	4/01/2017	Approved	Approved	27	4500	Joel Fitzgerald O'Dea & Christina Lucille O'Dea	AK Homes Construction Pty Ltd
DA16/0966	3 Grouped Dwellings	6 Thomas Street~WEST BUSSELTON WA 6280	Lot 3 DIAGRAM 8160	25/01/2017	Approved	Approved	49	1100000	Paul Francis Byrne & Lisa Mary Byrne	Lisa Mary Byrne, Paul Francis Byrne
DA16/0967	Outbuilding with Reduced Rear Setback	17 Goshawk Way~VASSE WA 6280	Lot 38 PLAN 76953	18/01/2017	Approved	Approved	39	18900	Scott Edward Parker & Kayley Tara McDowall	Busseton Sheds Plus

DA16/0974	Ancillary Accommodation (Special Character Area)	19 Elsegood Avenue~YALLINGUP WA 6282	Lot 65 PLAN 8037	23/01/2017	Approved	Approved	37	70000	Wayne Victor Cartledge	Mark Webster Design
DA16/0979	Holiday Home (Single House) 6 People	8 Cygnet Cove~DUNSBOROUGH WA 6281	Lot 78 PLAN 17555	19/01/2017	Approved	Approved	28	0	Brian Robert Penman & Joanne Grace Penman	Brian Robert Penman, Joanne Grace Penman
DA16/0981	Holiday Home (Grouped Dwelling) 6 People	2/18 Lorna Street~DUNSBOROUGH WA 6281	Lot 2 STPLN 34833	30/01/2017	Approved	Approved	19	0	Ross Bentley-Taylor & Katherine Ivy Bentley-Taylor	Ross Bentley-Taylor, Katherine Ivy Bentley-Taylor
DA16/0982	Holiday Homes (Group Dwelling) 6 persons	2/14 Eagle Crescent~EAGLE BAY WA 6281	Lot 2 STPLN 27554	23/01/2017	Approved	Approved	33	0	SB Super Investments (WA) Pty Ltd	SB Super Investments (WA) Pty Ltd
DA16/0983	Single House (Patio Addition with Reduced Side Setback)	18 Blue Crescent~WEST BUSSELTON WA 6280	Lot 104 PLAN 11946	3/01/2017	Approved	Approved	20	9500	Brent Harvey Grigg & Vanessa Nicholas	Simon Hancock
DA16/0987	Single House (Carport Addition with Reduced Setback)	182 Marine Terrace~GEOGRAPHE WA 6280	Lot 65 PLAN 8922	16/01/2017	Approved	Approved	28	4000	Christine Joy Lindsay-Ellis	Christine Joy Lindsay-Ellis
DA16/0992	Forestry (Bluegum Harvesting)	Jalbarragup Road~ACTON PARK WA 6280	Lot 5418 PLAN 195527	13/01/2017	Approved	Approved	41	1	Department of Agriculture & Food & State of WA	Department of Agriculture & Food
DA16/0993	Holiday Home (Single House) 8 People	12 Toddy Place~DUNSBOROUGH WA 6281	Lot 296 PLAN 219011	19/01/2017	Approved	Approved	13	0	Anne-Marie Newton	Matthew Johnson
DA16/0994	Holiday Home (Single House) 6 People	1/11 Earnshaw Road~WEST BUSSELTON WA 6280	Lot 1 SSPLN 20461	13/01/2017	Approved	Approved	5	0	Shane Andrew Meadows	Shane Andrew Meadows
DA16/0995	Holiday Home (Single House) 8 People	22 Armstrong Road~BROADWATER WA 6280	Lot 15 PLAN 7178	19/01/2017	Approved	Approved	16	0	Gary Reitsema & Judith Reitsema	Gary Reitsema, Judith Reitsema
DA16/0998	Single House (Additions in a Special Control Area)	7 Hammond Road~YALLINGUP WA 6282	Lot 98 PLAN 8037	25/01/2017	Approved	Approved	16	25000	Rosemary Geraldine Packer	Valmadre Homes
DA16/1002	Holiday Home (Single House) 6 People	810 Geographe Bay Road~WEST BUSSELTON WA 6280	Lot 13 PLAN 7574	5/01/2017	Approved	Approved	7	0	Diane Shirley Bosveld & Daniel Bosveld	Diane Shirley Bosveld, Daniel Bosveld

DA16/1003	Single House (Reduced BAL)	2 Otway Pass~WEST BUSSELTON WA 6280	Lot 466 PLAN 402935	24/01/2017	Approved	Approved	9	211300	Boyanup Grazing Co Pty Ltd	Chetna Desai, Chirag Desai
DA16/1004	Single House, Detached Garage, Retaining Wall and Rainwater Tank (Landscape Value Area) & Building Envelope	Nukklgup Loop~YALLINGUP WA 6282	Lot 10 PLAN 38059	30/01/2017	Approved	Approved	14	400000	Brett Anthony Moyle & Alesha Marie Moyle	Lurie Concepts
DA16/1006	Aged Persons Home (Roof Structure over Courtyard)	502 Bussell Highway~BROADWATER WA 6280	Lot 7 DIAGRAM 36975	12/01/2017	Approved	Approved	15	25000	Novacare Busselton Village Pty Ltd	Novacare Busselton Village Pty Ltd
DA16/1014	Outbuilding (Reduced Setback)	Ruabon Road~LUDLOW WA 6280	Lot 22 PLAN 402137	19/01/2017	Approved	Approved	3	15513	Jasper Farms Holdings Pty Ltd	Jasper Farms Holdings Pty Ltd
DA16/1017	Holiday Home (Single House) 8 people	3 Rose Street~BROADWATER WA 6280	Lot 36 PLAN 7178	3/01/2017	Approved	Approved	5	0	Brett Stewart Matthews & Pia Matthews	Down South Getaways & Property Management
DA17/0003	Single House (Carport & Verandah Additions in Landscape Value Area)	60 Millbrook Road~YALLINGUP WA 6282	Lot 36 PLAN 41565	10/01/2017	Approved	Approved	6	15000	Leonard Edmund Pill & Wendy Helen Pill	Leonard Edmund Pill, Wendy Helen Pill
DA17/0005	Holiday Home (Single House) 6 People	53 Hennessey Loop~DUNSBOROUGH WA 6281	Lot 1 PLAN 50804	13/01/2017	Approved	Approved	7	0	Helen Teresa Clarke	Helen Teresa Clarke
DA17/0011	Holiday Home (Single House) 8 Persons	20 Eagle Crescent~EAGLE BAY WA 6281	Lot 24 PLAN 12895	25/01/2017	Approved	Approved	16	1	Ukhozi Bay Pty Ltd	Margaret Lynette Devoy
DA17/0014	Unauthorised Outbuildings (Landscape Value Area)	11 Karli Rise~YALLINGUP WA 6282	Lot 19 PLAN 21898	27/01/2017	Approved	Approved	4	17500	Emily Louise Sheehan	Emily Louise Sheehan
DA17/0023	Holiday Home (Single House) 8 People	70A Bay View Crescent~DUNSBOROUGH WA 6281	Lot 100 PLAN 62122	18/01/2017	Approved	Approved	1	0	John William Cooper	John William Cooper
WAPC15/0016	2 Survey Strata Lots (415m2 & 437m2) and Common Property	6 Wilson Avenue~QUINDALUP WA 6281	Lot 25 DIAGRAM 86290	16/01/2017	Approve	Approved	79	0	Shane Bruce Langsford, Derek Harold Langsford, Ilka Welander	The Land Division
WAPC16/0036	Survey Strata - 2 x Lots (422sqm - 537sqm)	2 Dawson Avenue~ABBEEY WA 6280	Lot 4 PLAN 8800	25/01/2017	Approve	Approved	44	0	Kael David O'Dea & Brooke Nicole Carter	Busselton Survey Office (NO LONGER CURRENT)

WAPC16/0054	Survey Strata - 2 x lots (412m2 - 600m2)	41 Thomas Street~WEST BUSSELTON WA 6280	Lot 46 DIAGRAM 45186	3/01/2017	Approve	Approved	44	0	Michael Stephen Lee Archer	Cottage and Engineering Surveys
WAPC16/0055	Survey Strata - 2 x lots (450m2 - 463m2)	7 Roberts Road~ABBEEY WA 6280	Lot 73 PLAN 7121	9/01/2017	Approve	Approved	38	0	Divvy Developments Pty Ltd	BSO Development Consultants Pty Ltd
WAPC16/0057	Survey Strata - 2 Lots (348 m2 - 633 m2)	13 Peake Street~WEST BUSSELTON WA 6280	Lot 51 DIAGRAM 32759	30/01/2017	Approve	Approved	42	0	Christopher Ian Buckley & Michael Joseph Buckley	Able Planning & Project Management
WAPC16/0059	Survey Strata - 2 Lots & Common Property Adjustment (Lot 2 - 455 m2, Lot 4 - 697 m2 & CP Lot 5 - 213 m2)	988 Geographe Bay Road~GEOGRAPHE WA 6280	Lot 1 SSPLN 61741	10/01/2017	Approve	Approved	28	0	Firgrove Pty Ltd	BSO Development Consultants Pty Ltd
WAPC16/0063	Subdivision - 3 Rural Residential Plus 1 Rural Lot (1.03 Ha - 13.96 Ha)	1949 Caves Road~QUEDJINUP WA 6281	Lot 7 DIAGRAM 64637	13/01/2017	Support	WaitWAP C	52	0	Elizabeth Mary Rapsey	Blue Mood Pty Ltd
WAPC16/0066	Strata 9 Residential Lots & 1 Balance Lot	8 Inverness Avenue~DUNSBOROUGH WA 6281	Lot 62 PLAN 402665	24/01/2017	Approve	Approved	42	0	The Bird (WA) Pty Ltd	Able Planning & Project Management
WAPC16/0067	Three lot subdivision and balance lot	Dunborough Lakes Drive~DUNSBOROUGH WA 6281	Lot 9057 PLAN 406062	12/01/2017	Support	WaitWAP C	35	0	Daws & Son Pty Ltd	RPS Australia East Pty Ltd
WAPC16/0068	11 Lot Subdivision	Dunborough Lakes Drive~DUNSBOROUGH WA 6281	Lot 9055 P404548 & Lot 9057 P406062	17/01/2017	Support	WaitWAP C	40	0	Daws & Son Pty Ltd	RPS Australia East Pty Ltd
WAPC16/0069	65 Lot Subdivision (St Michaels Parkway)	Dunborough Lakes Drive~DUNSBOROUGH WA 6281	Lot 9057 PLAN 406062	19/01/2017	Support	WaitWAP C	42	0	Daws & Son Pty Ltd	RPS Australia East Pty Ltd
WAPC17/0001	Subdivision - 2 Lots - Lot 100 (20.5Ha) and Lot 101 (20.388Ha)	67 Karli Rise~YALLINGUP WA 6282	Lot 1 DIAGRAM 56060	27/01/2017	NotSupport	WaitWAP C	19	0	Marie Cecilia Northam & Barton George Northam	BSO Development Consultants Pty Ltd

(Note: All applications (excluding WAPC matters) are managed by the legal services section of Finance and Corporate Services in conjunction with the responsible officer below.)

As at 18 January 2017

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON APPEALS							
Caves Caravan Park vs City of Busselton	Lot 5037 No 23 Yallingup Beach Road, Yallingup	March 2016	Appeal against Section 34(4) of the Caravan Parks and Camping Grounds Act 1995 and Section 214(2) notice for illegal structures and camping	Moshe Philips / Tanya Gillett / Paul Needham	<ul style="list-style-type: none"> • Directions hearing to commence proceedings and discuss way forward. • Mediation hearing on 29 April 2016. The City prepared a report to Council in line with the Orders from SAT for the reconsideration of S.34 of the Caravan and Camping Grounds Act 1995. • Directions hearing 10 August 2016 where the applicant under Section 34(4) was withdrawn; • 7 September the City filed a Statement of Issues, Facts and Contentions and Section 24 Bundle and on 3 October the City filed a response to the Issues, Facts and Contentions as submitted by the applicant; • Mediation took place on 2 November 2016, where the appeal was stayed in order to give the applicant time to progress with a development application • Directions Hearing on 17 February 2017 	<ul style="list-style-type: none"> • Directions hearing on 17 February 2017. 	
Realview Holdings v City of Busselton	Lot 17 No 80 West Street, West Busselton	August 2016	Appeal against the refusal of a development application for a medical centre and shop.	Jo Wilson / Moshe Philips	<ul style="list-style-type: none"> • Directions Hearing on 30 September 2016 where it was decided that a Compulsory conference will take place on 31 October 2016; • Hearing took place on 7 December 2016; • The member has three months to reach a decision. 	<ul style="list-style-type: none"> • Awaiting Final outcome. 	
Safe Haven Health Pty Ltd v City of Busselton	48 Roy Road, Metricup	September 2016	Appeal against the refusal of a development application for private hospital.	Paul Needham / Moshe Philips	<ul style="list-style-type: none"> • Directions Hearing on 11 November 2016 where it was agreed to adjourn until the land tenure issues have been resolved; • Directions Hearing deferred at the request of the applicant. New Hearing set for 27 January, 2017. • 27 January hearing also deferred at request of applicant, and new hearing set for 24 February 2017. • Property is currently expected to be sold by administrators via auction, but auction date has not yet been confirmed. 	<ul style="list-style-type: none"> • Directions Hearing on 24 February, 2017. 	

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
JOINT DEVELOPMENT ASSESSMENT PANEL APPEALS							
DCSC vs Southern JDAP	Lot 108 No 57 Dunn Bay Road, Dunsborough	January 2016	Appeal against refusal of Development application for Service Station	State Solicitors Office / Anthony Rowe / Paul Needham	<ul style="list-style-type: none"> • Parties circulated documents categorising the land use within 14 days. • Land use has been determined by SAT to be a convenience store; • Mediation took place on 5 October 2016, where JDAP requested amended plans to be submitted for a revised elevation to Dunn Bay Road and a revised traffic assessment. • Decision reconsidered by JDAP on 14 November 2016, where the application was refused. • Final hearings held on 1 and 2 February, 2017. 	<ul style="list-style-type: none"> • Awaiting Sat decision. 	
WESTERN AUSTRALIAN PLANNING COMMISSION APPEALS							
Caves 1676 Pty Ltd v Western Australian Planning Commission and City of Busselton	Lot 200 No 1676 Caves Road, Dunsborough	April 2016	Appeal against the refusal of a survey-strata subdivision	State Solicitors Office / Joanna Wilson / Moshe Philips	<ul style="list-style-type: none"> • Mediation Hearing on 27 April 2016 the issue of whether the development approval which has expired had substantially commenced was discussed. The applicant submitted evidence that the works have substantially commenced and the City and SSO is to form a view if they agree. • Mediation on 7 June 2016, an agreement on substantial commencement could not be reached; the SSO and Tribunal have suggested that the City submit an intervention application to become a party to the proceedings. • Intervention application was submitted by the City. • Directions hearing on 29 July 2016 it was decided that by 23 September 2016 parties must file agreed statement of facts; 7 October 2016 the parties exchange written submissions and 21 October 2016 exchange written submission in response to the other parties' submission. • Hearing was set for 30 November, 2016 but is deferred at the request of the applicant to a date after 16 February, 2017. At the time of writing, SAT is expected to agree and set a new date. 	<ul style="list-style-type: none"> • Final hearing date to be set for after 16 February, 2017. 	

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
<p>Formas v Western Australian Planning Commission</p>	<p>Lot 4082 No 3 Tilly Road, Yallingup</p>	<p>April 2016</p>	<p>Appeal against the refusal of a three lot subdivision</p>	<p>State Solicitors Office / Joanna Wilson</p>	<ul style="list-style-type: none"> • Mediation on 27 April 2016 to discuss the issue that the existing dwellings on site have existing development approvals and the applicant is arguing that as they have a purple title the subdivision could be approved. • The parties could not agree in Mediation and the application has requested the matter goes to a Hearing. • Directions Hearing on 2 June to set dates for a Hearing. • Directions hearing on 5 August 2016, the applicant requested an extension on the hearing dates in order to organise a Flora Survey and additional bushfire management plans. • City's expert witness statement submitted. • Expert Witness conferral took place on 19 October 2016, • Hearing took place on 31 October 2016 for a duration of three days. • The Appeal was dismissed due to the extreme bushfire risk which cannot be appropriately managed, in particular due to the single evacuation route. Further the Tribunal was unable to make appropriate findings in relation to conservation issues. 	<p>• Appeal was Dismissed</p>	<p>January 2017</p>



Government of **Western Australia**
Department of **Lands**

Mr Mike Archer
Chief Executive Officer
City of Busselton
Locked Bag 1
BUSSELTON WA 6280

Your ref:	SLRPR004
Our ref:	00711-2015, A5922743.
Enquiries:	Matt Darcey, ph 6552 4714
CIO ID	
02 FEB 2017	
Property #	
Rate #	

Dear Mr Archer ^{MIKE}

ACCEPTANCE OF AND REQUEST FOR MANAGEMENT ORDERS OVER CROWN RESERVES (VARIOUS) AND OTHER CROWN LAND

Thank you for your various letters in November and December 2016 in which you outlined the outcomes sought by the City's Strategic Land Review and request for consideration of various management options and other arrangements for both Crown land and City owned land.

Firstly I wish to congratulate the City on the positive approach taken to consider the most appropriate management options for land required for public purposes within its area of jurisdiction.

I am particularly supportive of the City's agreement to manage land ceded through subdivision for the purposes of recreation, drainage, pedestrian access way and emergency access as this meets the principle of why the land is ceded through that process.

Since the receipt of your various requests action has progressed to issue management orders over those lands where it has been possible to do so without reference to other legislative requirements. I am informed that documentation for the issue of management orders over those lands listed in Attachment A of your 3 November 2016 letter has been completed and lodged with Landgate for registration.

Consideration of the other various requests will require further investigation including any requirements under the *Native Title Act 1993* and *Mining Act 1978* prior to the change of purpose and/or issue of a management order can proceed, if appropriate. These will be the subject of further discussion and liaison with City officers to clarify and determine the best way forward in each case.

The Department of Lands (DoL) is committed to working with local government to deliver best outcomes for Crown land and the position taken by the City under its Strategic Land Review supports that objective.

For further inquiries please contact Matt Darcey, Executive Director, Regional and Metropolitan Services, Department of Lands on telephone 08 6552 4714.

Yours sincerely



Colin Slattery
Director General

23 January 2017



Peta Tuck,
Events Manager,
City of Busselton Locked Bag 1,
Busselton,
WA 6280

1st February 2017

Dear Peta,

On behalf of the President, Joan Kent, and the members of The Busselton Art Society (Inc),

I would like to thank the City of Busselton for the \$500 grant, towards the expenses for the 58th annual Art in the Park 2017, from which \$100 was the prize for The City of Busselton Award.

The winning painting, a different viewpoint of the Busselton Jetty, by Merle Knapp, was chosen and presented by Mayor Grant Henley.

The three day event was as delightful an occasion as it is each year.

Sales were down, perhaps a reflection of the current economic situation, but the standard of the entries was higher than ever. 49 artists presented over 500 works in all categories – from paintings in every medium to Porcelain and glass art.

We were delighted you took the time to come along with Tilopa Keech to see for yourselves how popular the exhibition is.

Thank you again for your support.

Yours Sincerely,

Sue White

(Art in the Park coordinator2017)

City of Busselton	Application No	Receipt No	City of Busselton
	CIO ID		
	07 FEB 2017		
	Property ID	Doc ID	
	Retention		

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16. CONFIDENTIAL REPORTS

The reports listed below are of a confidential nature, in accordance with section 5.23(2) of the Local Government Act 1995. These reports have been provided to Councillors, the Chief Executive Officer and Directors only.

RECOMMENDATION

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

**16.1 RECOMMENDED ACQUISITION BY CITY OF BUSSELTON OF PT LOT 10
COMMONAGE ROAD, DUNSBOROUGH LAKES FOR FUTURE DEVELOPMENT AND
USE AS A DISTRICT-LEVEL ACTIVE OUTDOOR RECREATION AREA**

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

17. QUESTIONS FROM MEMBERS**18. PUBLIC QUESTION TIME****19. NEXT MEETING DATE**

Wednesday, 8 March 2017

20. CLOSURE