



## **Council Agenda**

***13 September 2017***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

[city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

**CITY OF BUSSELTON**

**MEETING NOTICE AND AGENDA – 13 SEPTEMBER 2017**

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**TO: THE MAYOR AND COUNCILLORS**

**NOTICE** is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 13 September 2017, commencing at 5.30pm.

Your attendance is respectfully requested.



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**MIKE ARCHER**

**CHIEF EXECUTIVE OFFICER**

1 September 2017



**CITY OF BUSSELTON**

**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 13 SEPTEMBER 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 Pastor Emily Seinemeier of Cornerstone Church.

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 22 August 2017**

**RECOMMENDATION**

That the Minutes of the Council Meeting held 22 August 2017 be confirmed as a true and correct record.

**Committee Meetings**

9.2 **Policy and Legislation Committee Meeting Minutes 17 August 2017**

**RECOMMENDATION**

That the minutes of the Policy and Legislation Committee Meeting held 17 August 2017 be received.

## 10. REPORTS OF COMMITTEE

### 10.1 Policy and Legislation Committee - 17/08/2017 - LOCAL PLANNING POLICY - HOLIDAY HOMES

<b>SUBJECT INDEX:</b>	Development Control Policy
<b>STRATEGIC OBJECTIVE:</b>	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Development Services
<b>REPORTING OFFICER:</b>	Senior Development Planner - Andrew Watts
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Local Planning Policy 7C Holiday Homes Provisions <a href="#">↓</a> 
	Attachment B 7C Holiday Homes Provisions <a href="#">↓</a> 
	Attachment C Planning Bulletin 99 <a href="#">↓</a> 

**This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.**

#### **PRÉCIS**

As a part of the review of the City's planning framework, it has been identified that a review of the current City of Busselton *Local Planning Policy 7C Holiday Homes Provisions* (LPP 7C) [Attachment A] is appropriate.

The revised Policy is presented to Council for review and Council's approval is sought to proceed to advertising of an amended City of Busselton *Local Planning Policy - Holiday Homes Provisions* (Attachment B), following which the revised policy would be further considered by the Council, in light of any submissions received.

#### **BACKGROUND**

In December 2012 the Council adopted LPP 7C; this was one of the final steps in the introduction of a regulatory regime for holiday homes in the City. Prior to that time, holiday homes had been essentially *de facto* unregulated. The regulatory regime was brought into effect in a practical sense during 2013.

The current policy includes restrictions on the locations of holiday homes within residential areas, where holiday homes are generally not supported in those residential areas more distant from the coast and other significant tourist facilities (e.g. Yalyalup, Vasse). Despite that, a number of applications have been received for properties in those areas. Some of those applications have been referred to Council for determination with approval in some cases being granted. It should also be noted that, during the introductory phase, during 2013, approvals were generally granted for 'established' holiday homes in those areas.

Holiday homes are an economically important component of the local tourist accommodation mix and play a significant role as part of a pathway to permanent residency in the City. Because of that, a significant proportion of the construction related employment in the City is related to holiday homes. That was, in fact, an important finding, including specifically in relation to the City of Busselton, of an extensive study into temporary population flows in coastal areas undertaken for the Australian Coastal Councils' Association.

It is also considered that, relative to the scale of the holiday home industry in the City (with upwards of 600 homes being registered), the number of complaints received by the City in respect to the operation of approved holiday homes is very low (in the order of 70 in total over five years, of which the bulk are repeat complaints related to a small number of properties only).

The amended policy proposes a removal of location restrictions for holiday homes. The policy is also in a revised format identifying 'deemed-to-comply' and 'performance criteria' provisions. These matters are outlined and discussed further in the 'Officer Comment' section of this report.

In addition to the above, it is recommended that the Council foreshadow amending the town planning scheme to reduce the need to consult on some classes of applications in future. This is also discussed in more detail in the 'Officer Comment' section of this report.

## **STATUTORY ENVIRONMENT**

The key statutory environment relevant to this matter is set out in the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City's Local Planning Scheme and the City's Holiday Homes Local Law.

## **RELEVANT PLANS AND POLICIES**

LPP 7C sets out guidance to determine an application for a holiday home; a copy of the current policy is provided as Attachment A.

Western Australian Planning Commission Planning Bulletin 99 (PB99) sets out the aims for local governments when drafting Local Planning Policy on Holiday Homes. The proposed Policy is generally consistent with the aims of PB99. A copy of PB99 is at Attachment C.

This report recommends the adoption of a revised local planning policy to supplement cl 5.17 of the City's Planning Scheme.

## **FINANCIAL IMPLICATIONS**

The revised policy, if adopted by the Council after consultation, would marginally reduce the cost to the City of assessing applications for development approval for holiday homes.

### **Long-Term Financial Plan Implications**

There are no significant Long Term Financial Plan Implications.

## **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation of this report reflects Community Objectives 2.2 and 3.1 of the Strategic Community Plan 2013, which are –

- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
- 3.1 A strong, innovative and diversified economy that attracts people to live, work, invest and visit.

## **RISK ASSESSMENT**

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

## **CONSULTATION**

Consultation regarding the proposed amendment of the local planning policy, if that is supported by the Council, will require notice and invitation for submissions to be received within 21 days, following which the amendments would be further considered by the Council, in light of any submissions received

## **OFFICER COMMENT**

The most substantive change proposed with the draft policy is the removal of restrictions on the location of holiday homes in some residential areas. At present, the policy does not support holiday homes being established in some residential areas, mostly areas that are further from the coast and tourist amenities, including areas such as Vasse, Yalyalup (i.e. Provence, Via Vasse, Willow Grove, Country Road estates) and parts of Dunsborough (i.e. areas to the west of Naturaliste Terrace, including the Cape Rise and Naturaliste Heights estates). Notably, as a result of revisions made to the policy in 2015, the policy does currently support holiday homes in the area of the Dunsborough Lakes estate.

Since those 2015 revisions were made, which were driven in part by consideration of a number of applications for holiday homes in the area of the Dunsborough Lakes estate, there have been a number of applications and enquiries related to establishment of holiday homes in the north-western portion of the Dunsborough urban area; in older areas between Naturaliste Terrace and Cape Naturaliste Road, as well as in the area to the west of Cape Naturaliste Road, such as in the Cape Rise and Naturaliste Heights estates. There have also been applications and enquiries relating to some areas of the Busselton-Vasse urban where holiday homes are not currently supported, including the area of the Willow Grove estate.

Having considered the issues, officers are of the view that the restrictions do not have a clear purpose or rationale, and are not necessary. It is considered likely that holiday homes will still tend to be located predominantly in what most would consider to be higher tourism amenity locations – principally, locations closer to the coast. It is also considered, though, that the areas where the most pressure to approve holiday homes in the restricted areas is apparent are also actually areas that do have a suitable amenity – including those north-western areas in Dunsborough, and lower density residential areas in Busselton, such as Willow Grove or Country Road. These also tend to be the areas where the majority of 'established' holiday homes were approved during the introductory phase.

Almost exclusively the issues that are raised by members of the public in respect to proposed or existing holiday homes relate to impact on the amenity of neighbouring properties as a result of concerns regarding potential or perceived:

- Anti-social behavior;
- Noise;
- Lack of privacy;
- Traffic and parking;
- Inadequacy of property to accommodate the proposed number of occupants;
- Waste management; and
- Holiday home managers not fulfilling their responsibilities.

Whilst these issues are regularly raised during consultation, it is apparent that for the overwhelming majority of holiday homes, they do not appear to be significant problems once holiday homes are actually operating. Whilst the information base is limited and largely anecdotal, it is certainly the view of City officers that have been involved both before and now after the introduction of the current regulatory regime, that complaints and concerns are fewer and less intense than what they were prior to the introduction of the current regime. It is also worth noting that problems of this kind can also arise with permanently occupied housing, or with holiday homes not being used for commercial purposes – although the experience is in some ways qualitatively different.

To provide for more clarity for applicants, neighbours and assessing officers in regard to the determination of the suitability of an individual property as a holiday home, the proposed policy has also been amended to provide clearer and in some instances tighter guidelines on utility servicing, dwelling design, car parking and fire management requirements.

The format of the policy has been restructured such that each of the elements against which a proposed holiday home is to be assessed has been set out under a separate heading, with ‘deemed-to-comply’ provisions being identified, the satisfying of which would make the proposal considered acceptable, and performance criteria also being identified – the latter intended to be applied when a proposal does not meet the relevant deemed-to-comply provisions. This format is designed to provide greater ease of use and certainty for applicants, and clear development standards by which an application will be assessed.

Applications that meet all of the ‘deemed-to-comply’ provisions would be approved without further assessment. Applications that do not meet all of the ‘deemed-to-comply’ provisions would be assessed against the relevant ‘performance criteria’ (i.e. they would only be assessed against the latter in relation to those aspects to which they do not meet the former). So if the ‘car parking’ deemed-to-comply provisions are met, but the ‘dwelling design’ ones are not, dwelling design related issues would require assessment against the dwelling design performance criteria, but the car parking related issues would not require assessment against the car parking related performance criteria.

In addition to the above, it is also recommended that the Council foreshadow future changes to the town planning scheme that would narrow the circumstances in which holiday home applications would be subject of consultation. At present, all applications must be subject of consultation if they are for the use of grouped dwellings (units, villas or the like) or multiple dwellings (flats, apartments or the like), or for single houses where nine or more people (noting that the maximum number permissible in single houses is 12) are proposed to be accommodated.

A significant proportion of holiday homes in single houses are for 9 or more people, usually 12, and as such in those cases advertising is always required. In many instances, however, there would be no basis to refuse an application, and there is no conceivable issue that could be raised during consultation that might reasonably justify a refusal. Notwithstanding that, where consultation is compulsory, neighbours may be inclined to object. As a general principle, it is felt that consultation should be avoided if there is not a reasonable prospect of the consultation response having a significant effect on the ultimate decision. That is because: consultation creates an expectation that the consultees’ views will have a significant bearing on the outcome, and where that does not occur it often causes more concern than if consultation had not occurred in the first place; consultation in such circumstances can undermine the relationship between the applicant and their neighbours; and consultation in such circumstances unnecessarily delays and adds to the costs of decision-making, both from the perspective of the applicant and the City.

Given the above, it is recommended that the Council foreshadow amending the scheme such that the scheme itself does not mandate consultation. As is the case now, though, it would still be proposed that holiday homes be classed as discretionary land-uses, allowing consultation to occur where it is considered appropriate, and local planning policy could be used to provide guidance in that regard. In general terms, officers envisage that consultation would not take place where all of the 'deemed-to-comply' provisions are met, but would occur where one or more of the 'performance criteria' needs to be considered. That is broadly consistent with the approach set out by the State in the R-Codes. It is envisaged this change would be advanced as part of planned Omnibus Amendment 6 ('Miscellaneous Development Control Changes').

## CONCLUSION

It is recommended that the draft amended *Local Planning Policy - Holiday Homes Provisions* be adopted for formal advertising pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), cl 4(1).

## OPTIONS

- Decline to support the revised Holiday Homes Provisions Policy as a basis for community consultation.
- Support the revised Holiday Homes Provisions Policy as a basis for community consultation, subject to modification.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The notice of the policy and the commencement of consultation will occur within 4 weeks.

## OFFICER RECOMMENDATION AND COMMITTEE RECOMMENDATION

That the Council –

- A. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions) -
  1. Pursuant to cl.5(1), proposes amending City of Busselton Local Planning Policy *Holiday Homes Provisions*, by adopting replacement provisions provided as Attachment B to the agenda report as a draft for consultation.
  2. Pursuant to cl.4(1)(a), advertises the above proposed amended City of Busselton Local Planning Policy *Holiday Homes Provisions*, by notice in a newspaper circulating in the Scheme area and inviting submissions to be made within a period of 21 days from the date of publication of the notice.
- B. Foreshadows a future amendment to the Local Planning Scheme that would narrow the circumstances in which the Scheme would require compulsory consultation on applications for approval of holiday homes.



## 7C. HOLIDAY HOMES PROVISIONS

### 1. BACKGROUND

The City of Busselton is a popular destination for tourists and holiday makers and has a large number of residential houses and units which are utilised to accommodate these visitors. Holiday home rentals are an important aspect of the tourism industry in the district, and have long been an important part of local and Western Australian lifestyle and culture.

Over time, however, there have been changes in the character of the communities in which holiday homes are located, as well as increased commercialisation of holiday homes and their use.

Holiday homes which are utilised on a commercial basis (i.e. rented out to paying guests) require a planning consent to be issued under the Local Planning Scheme and a registration to be issued under the *Holiday Homes Local Law 2012*.

### 2. OBJECTIVES

- Identify areas where holiday homes will be generally supported;
- Identify servicing requirements for holiday homes.

### 3. APPLICATION

These policy provisions are adopted as Part 7C of the Commercial and Industrial Development Policy provisions pursuant to Part 2.3 of the City of Busselton Local Planning Scheme 21 and apply to the whole of the City.

These provisions should be read in conjunction with the *Holiday Homes Local Law 2012*.

All terms have the same meaning as defined in the City's Local Planning Scheme.

### 4. PROVISIONS

#### 4.1 Location of Holiday Homes

Holiday homes are preferred in areas of high tourism amenity and in close proximity to key tourist attractions, and are not generally preferred in other, suburban residential areas. In considering any application for a holiday home the Council will have regard to the following:

Holiday homes are generally not supported on residential or rural-residential zoned land south of Bussell Highway in Busselton in accordance with Figure 1 (i.e. Attachment A).

\* In **Area 1**, subject to the requirements of the Scheme and Policy, the approval of holiday homes will be considered in both the Residential and Rural Residential Zones;

\* In **Area 2**, subject to the requirements of the Scheme and Policy, the approval of holiday homes will be considered in the Rural Residential Zone but not the Residential Zone;

\* Throughout the City, subject to the requirements of the Scheme and Policy, the approval of holiday homes will be considered where dwellings are located outside the Residential or Rural Residential Zones.



#### 4.2 Servicing Requirements

##### 4.2.1 Car Parking

Holiday homes accommodating more than six people require a minimum of 1 car parking bay per 2 bedrooms, and are generally not supported on sites with less than 3 on-site car parking bays.

Lesser provision may be considered where appropriate (such as where bedrooms are relatively small, or occasional higher levels of demand could be met on-street).

##### 4.2.2 Dwelling Size

Holiday homes accommodating more than six people are generally not supported on sites with less than 4 bedrooms or less than 2 bathrooms, but may be considered on such sites where the site and building design are deemed suitable to accommodate such use.

##### 4.2.3 Service Connections

If the site is not connected to scheme water, adequate water supply must be demonstrated for the proposed use.

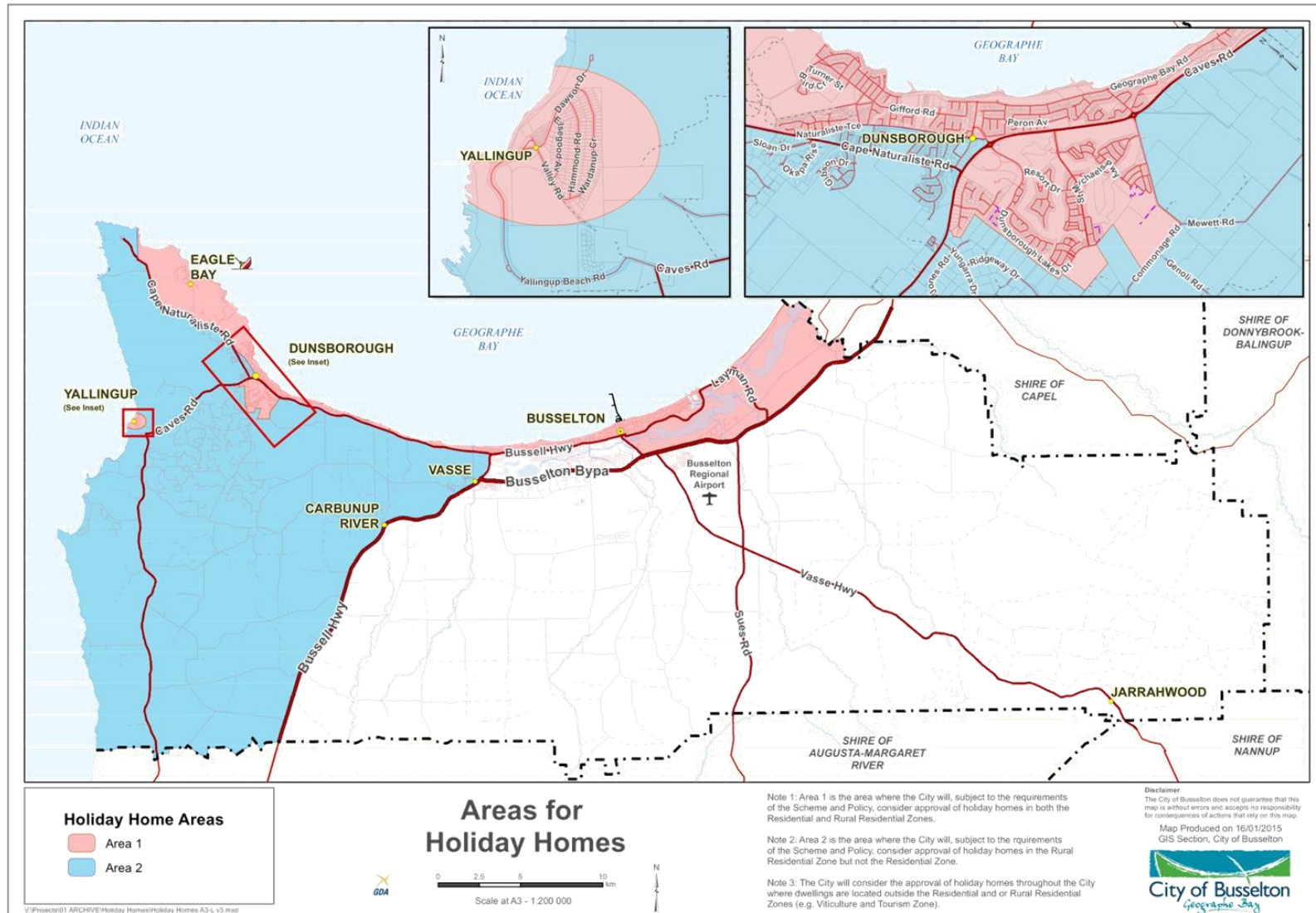
If the site is not within a City refuse collection area, suitable arrangements for private refuse collection must be demonstrated.

##### 4.2.4 Site Maintenance

The appearance/quality of the dwelling and potential impacts on amenity (including cumulative impact of several holiday homes in a given area) will be considered in the assessment of applications for planning approval.

##### 4.2.5 Fire Management

Where a fire management plan exists or is required for the area in which the dwelling is located, a detailed site specific fire management plan is to be submitted confirming compliance with contemporary requirements for fire management for the new development.





#### **ADOPTION NOTICE**

##### **ADOPTION OF PLANNING POLICY – Commercial and Industrial Development Policy**

In accordance with Clause 103 of District Town Planning Scheme 20, and the City Resolution C1003/069 dated the 10<sup>th</sup> March 2010, notice is hereby given that the City resolution took effect on the 9<sup>th</sup> April 2010 to finally adopt the Local Planning Policy - Commercial and Industrial Development Policy.

## **7C. HOLIDAY HOMES PROVISIONS**

### **1.0 BACKGROUND**

The City of Busselton is a popular destination for tourists and holiday makers and has a large number of Holiday Homes, which are essentially residential houses and units which are utilised to accommodate these visitors. Holiday Home rentals are an important aspect of the tourism industry in the District, and have long been an important part of local and Western Australian lifestyle and culture.

Over time, however, there have been changes in the character of the communities in which Holiday Homes are located, as well as increased commercialisation of Holiday Homes and their use. Amongst other factors, that has led to the development by the City, cognisant of guidance provided at a State level, of a regulatory regime for Holiday Homes.

Holiday Homes which are utilised on a commercial basis (i.e. rented out to paying guests) require a development approval to be issued under the Local Planning Scheme and a registration to be issued under the *Holiday Homes Local Law 2012*. These policy provisions provide guidance to the City, as well as to applicants, landowners and the community, in relation to the City's exercising of discretion in making decisions on Holiday Home applications pursuant to the Local Planning Scheme.

### **2.0 OBJECTIVES**

The objectives of these provisions are to –

1. Provide clear guidance regarding the assessment of applications for development approval for Holiday Homes;
2. Identify circumstances in which Holiday Homes will be supported, and circumstances in which holiday homes may be supported, given more detailed consideration; and
3. Balance the interests of residents, Holiday Home owners and the community as a whole.

### **3.0 APPLICATION**

These policy provisions are adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 (Deemed Provisions) clause 4* and apply to the whole of the City.

This policy only applies to Holiday Homes that are being made available for short stay rental purposes for commercial gain. Holiday Homes utilised only for personal use are excluded from this policy.

These provisions should be read in conjunction with the Local Planning Scheme and the *Holiday Homes Local Law 2012*.

## 4.0 INTERPRETATION

As per Schedule 1 of the Scheme the following interpretations are relevant:

**“Holiday Home (Multiple/Grouped Dwelling)”** means a grouped dwelling or multiple dwelling, which may also be used for short stay accommodation for hire or reward for no more than six people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

**“Holiday Home (Single House)”** means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

*Note: the terms ‘multiple dwelling’, ‘grouped dwelling’ and ‘single house’ are defined in the Residential Design Codes of Western Australia.*

The following additional interpretations are relevant to this policy:

**“Holiday Home”** means both a Holiday Home (Multiple/Grouped Dwelling) and/or a Holiday Home (Single House).

**“Deemed-to-comply”** means a provision which, if satisfied, means that a Holiday Home is deemed compliant with respect to the matters subject of that provision. The local government shall not refuse to grant approval to an application where the application satisfies all of the relevant deemed-to-comply provisions.

**“Performance criteria”** means provisions to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability, where they do not meet the relevant deemed-to-comply provisions.

*Note: applications that do not meet all of the ‘deemed-to-comply’ provisions would be assessed against the relevant ‘performance criteria’ (i.e. they would only be assessed against the latter in relation to those aspects to which they do not meet the former). So if the ‘car parking’ deemed-to-comply provisions are met, but the ‘dwelling design’ ones are not, dwelling design related issues would require assessment against the dwelling design performance criteria, but the car parking related issues would not require assessment against the car parking related performance criteria. Similarly, if the potable water elements of the ‘utility servicing’ deemed-to-comply provisions are met, but the refuse collection ones are not, it is only the refuse collection issues that need to be considered against the directly related performance criteria.*

## 5.0 POLICY STATEMENT

*Note that the headings below do form part of the policy statement.*

### 5.1 Location of Holiday Homes

A Holiday Home satisfies the **deemed-to-comply** provisions if:

- C1.1 The Holiday Home is located within an existing, lawful dwelling (other than a dwelling approved as a second dwelling or rural worker’s dwelling pursuant to clause 4.5 (f) or (g) of the Local Planning Scheme, or equivalent clause in previous schemes) in the Agriculture or Viticulture and Tourism Zone; or

- C1.2 In all other Zones, the Holiday Home has direct frontage to a public road and/or public open space and has a minimum of 350m<sup>2</sup> exclusively for the use of the dwelling; or
- C1.3 For a Holiday Home (Grouped/Multiple Dwelling), written support has been received by the local government from the majority of owners of properties in the complex or development within which the Holiday Home is to be located (excluding the owner of the site subject of the application, unless the applicant owns all of the properties in the complex or development).

A Holiday Home satisfies the **performance criteria** provisions if:

- P1.1 The City is satisfied that approval of the Holiday Home is not likely to have a significant impact on the amenity of adjoining and nearby residents and would not constitute the conversion of a second dwelling or rural worker's dwelling to a Holiday Home.

## 5.2 Utility Servicing

A Holiday Home satisfies the **deemed-to-comply** provisions if:

- C2.1 The Holiday Home is connected to reticulated water, or provided with a 135,000 litre rainwater tank for the exclusive use of the Holiday Home; and
- C2.2 The Holiday Home is located with the City's kerbside refuse collection area; and
- C2.3 The Holiday Home is connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.

*Note: in areas not serviced by reticulated sewerage, it should not be assumed that an existing on-site effluent disposal system approved for a single house will have sufficient capacity for the proposed number of occupants without the need for upgrading. Advice should be sought from the City's Environmental Health staff prior to lodging an application for development approval.*

A Holiday Home satisfies the **performance criteria** provisions if:

- P2.1 The City is satisfied that the Holiday Home will have an adequate supply of potable water; and
- P2.2 The City is satisfied that the Holiday Home will be provided with an adequate refuse collection service; and
- P2.3 The City is satisfied that the Holiday Homes will be provided with an adequate on-site effluent disposal system (and provision of such would be a condition of any approval, to be met prior to the commencement of the use).

### 5.3 Car Parking

A Holiday Home satisfies the **deemed-to-comply** provisions if:

- C3.1 The Holiday Home will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the *Residential Design Codes of Western Australia*, but with no more than any of two bays arranged one behind the other (i.e. tandem bays are permitted, with two bays one behind another, but not with a third bay behind another two), in accordance with the following rates:

Maximum number of occupants	Minimum number of car parking bays required
1-3	1
4-6	2
7-8	3
9-10	4
11-12	5

A Holiday Home satisfies **performance criteria** provisions if:

- P3.1 The City is satisfied that the Holiday Home has a minimum of two constructed on-site car parking bays and, where additional car parking bays would be required to comply with C3.1 above, at least the equivalent number of cars could park on the site without the need for cars to park on the verge, in adjacent or nearby public car parking, or in visitor car parking bays within a unit complex or similar; or
- P3.2 Where a Holiday Home is located in the 'Business' Zone, the City is satisfied that the Holiday Home will not have a noticeable effect on the availability of public car parking within the locality.

### 5.4 Dwelling Design

A Holiday Homes satisfies the **deemed-to-comply** requirements if:

- C4.1 The Holiday Home is an existing, lawful dwelling; or
- C4.2 If the Holiday Home is not an existing, lawful dwelling, the Holiday Home will meet all of the relevant design standards and requirements that would apply to a new dwelling on the land, including the requirements of the Local Planning Scheme (including the *Residential Design Codes of Western Australia*), all relevant Local Planning Policies, and all relevant Structure Plan, Activity Centre Plan and Local Development Plan provisions; and
- C4.3 The maximum number of occupants within a Holiday Home complies with the following standards:
- (a) There is 5.5 square metres per occupant in each bedroom utilising beds; and
  - (b) There is 3.5 square metres per occupant in each bedroom utilising bunks; and
  - (c) There is sufficient bedroom space to accommodate the maximum number of occupants consistent with (a) and (b) above; and



C4.4 Bedrooms in a Holiday Home are provided in accordance with the following rates:

Maximum number of occupants	Minimum number of bedrooms required
1-2	1, or studio
3-4	2
5-8	3
9-12	4

C4.5 Bathrooms and toilets in a Holiday Home are provided in accordance with the following rates:

Maximum number of occupants	Minimum number of bathrooms/toilets required
1-6	1 bathroom and 1 toilet
7-12	1 or 2 bathrooms and 2 toilets

A Holiday Homes satisfies the **performance criteria** if C4.1 or C4.2 is met, and C4.3 and C4.5 are met; and:

P4.2 The City is satisfied that the dwelling design is appropriate to accommodate the proposed maximum number of occupants. In general, if C4.4 is not met, this would only be the case if there are a smaller number of relatively large bedrooms.

*Note: the Local Planning Scheme establishes that the maximum number of occupants in a Holiday Home (Single House), regardless of the number or size of bedrooms, is 12, and the maximum number of occupants in a Holiday Home (Grouped/Multiple Dwelling) is six. The City has no discretion to approve Holiday Homes with maximum occupant numbers higher than those limits.*

## 5.5 Bush Fire Management

A Holiday Home satisfies the **deemed-to-comply** provisions if:

C5.1 The Holiday Home is not on land identified as being in a bushfire prone area by an order made under section 18P of the *Fire and Emergency Services Act 1998*; and/or

C5.2 The Holiday Home is on a lot with an area of less than 1,100m<sup>2</sup>; or

C5.3 The Holiday Home is on land identified as being in a bushfire prone area by an order made under section 18P of the *Fire and Emergency Services Act 1998* and is on a lot with an area of 1,100m<sup>2</sup> or greater –

C5.3.1 An Evacuation Plan consistent with the *Guidelines for Planning in Bushfire Prone Areas* has been submitted; and

C5.3.2 The Holiday Home is an existing, lawful dwelling; or

C5.3.3 If the Holiday Home is not an existing, lawful dwelling, the Holiday Home will meet all of the relevant design standards and requirements that would apply to a new dwelling on the land pursuant to Part 10A (Bushfire risk management) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

*Note: A dwelling on a lot of less than 1,100m<sup>2</sup> in area is exempt from the requirements of Part 10A (Bushfire risk management) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

There are no **performance criteria** provisions in relation to bush fire management. The deemed-to-comply provisions must be met. Note that the deemed-to-comply provisions are, other than the requirement for an Evacuation Plan, the same as what would be required to either continue using an existing, lawful dwelling, or what would be required to develop a new, lawful dwelling.



## Planning Bulletin 99

### Holiday Homes Guidelines



September 2009

#### 1 Introduction

Holiday homes are a component of the short stay accommodation sector in some parts of Western Australia and an important aspect of the overall mix of tourism accommodation, particularly in popular tourist destinations within the State. Over the past decade a growing number of holiday homes have been made commercially available, resulting in an increasing trend to purchase or build homes for holiday home use.

The informal development of this section of the tourist accommodation market has meant that holiday homes have so far operated with minimal regulation, resulting in an uncertain legal environment, issues of inequity with other service providers and land use conflict. The issue of impact on neighbouring residential amenity has caused particular concern in the community.

In response to these issues the Minister for Planning and Infrastructure formed the Holiday Homes Working Group in 2005. The role of the working group was to investigate issues surrounding the operation of holiday homes and matters raised by the group have been taken into consideration in the preparation of this bulletin.

#### 2 Background

This bulletin sets out the interim position of the Western Australian Planning Commission (WAPC) in relation to the planning and regulation of holiday homes in Western Australia. The bulletin provides guidance to local governments when dealing with issues associated with holiday homes in the local government planning framework.

The bulletin proposes possible changes to local planning schemes and the preparation of local planning policies, tailored to address the specific issues encountered by local governments.

#### 3 Objectives

The objectives of this planning bulletin are:

- To facilitate a consistent, equitable and efficient planning process for the regulation of holiday homes in Western Australia.
- To support the tourism industry by the promotion of voluntary accreditation of holiday homes.
- To encourage good quality, well managed holiday homes for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.
- To support the role of holiday homes as part of the tourism industry.

#### 4 Proposed guidelines

##### 4.1 Overview

Given that holiday homes are a legitimate part of the tourist accommodation industry and a desirable use in areas of high tourism amenity, it is recommended that holiday homes be formalised as a land use and dealt with via the local planning framework in the following ways:

- Introduction of a Model Scheme Text definitions for holiday homes.
- Introduction of holiday homes as a use class in the zoning table of local planning schemes.
- Identification of preferred areas for holiday homes in local planning strategies based on sound planning principles.
- The preparation of local planning policies to deal with the potential issues associated with holiday homes.

These guidelines may be applied in different ways by different local governments depending on the

local planning scheme and policies already in effect.

##### 4.2 Local planning schemes

###### 4.2.1 Definitions

It is proposed that the following definitions for holiday homes should be used in local planning schemes and adopted in the Model Scheme Text:

**Holiday home (standard)** means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).

**Holiday home (large)** means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.

###### 4.2.2 Holiday homes as a use class

It is recommended that holiday homes be introduced as a use class in the zoning table of local planning schemes, and be made a D or an SA use (discretionary or discretionary subject to advertising).

Initial approval should be granted for a limited period of one year, and renewed on a three year to five year period subject to compliance as determined by a local government, to ensure that there is minimal impact on the amenity of neighbouring properties. This is designed to provide a degree of certainty to operators, while also enabling the local government flexibility to terminate approvals of non compliant operators.

Existing holiday homes (where it can be demonstrated that there is a history of operation with minimal or no conflicts) should be considered for the identified longer approval subject to the requirements of the relevant local government.

In general, holiday homes should be residential dwellings on freehold lots.

#### 4.3 Local planning policy

As well as including holiday homes as a controlled use in local planning schemes, local governments are encouraged to develop a local planning policy on holiday homes.

The content of a local planning policy may include:

- objectives
- definitions
- planning application and approval considerations
- conditions of approval
- establishment of a holiday homes register
- non compliance
- voluntary accreditation

The Department of Planning has prepared guidelines to assist local governments in the preparation of local planning policies.

#### 4.4 Preferred locations for holiday homes

To reduce conflict between holiday homes and ordinary dwellings, particularly in residential zones, ideally they should be located in preferred areas identified either through the tourism component of the relevant local planning strategy, or in a local planning policy. As a guide, holiday homes are more appropriate in areas of high tourism amenity and close proximity to key tourism attractions such as the beach, town centre or rural areas, but may not be appropriate in suburban locations.

#### 4.5 Holiday homes register

A register of approved holiday homes should be established and maintained by the local government. The register should record basic details of the property including the contact details of the owner and/or manager; property address; and configuration (bedroom number, number of beds, bathrooms, car parking spaces etc). These matters should be considered for inclusion in the approved management plans for the operation of the holiday home.

#### 4.6 Voluntary accreditation

Local governments are encouraged to promote voluntary accreditation of holiday homes from the Tourism Council of Western Australia. Accreditation is a non regulatory, voluntary means of addressing identified customer service and consumer protection issues. The benefits of accreditation include improvements in the quality of accommodation product through the application of standards, capture of accommodation provider details.

#### 4.7 Transitional arrangements

It is recommended that local governments allow owner operators up to 12 months, after a local planning policy has been adopted, to apply for and obtain approval for the operation of existing holiday homes and implement the recommended regulatory measures.

### 6 Comment

Any comment on this bulletin should quote the title: Holiday Homes Guidelines and reference number: 801/6/1/44 V2 and be directed to:

Western Australian Planning Commission  
469 Wellington Street  
Perth WA 6000

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10.2 Policy and Legislation Committee - 17/08/2017 - COUNCIL POLICY 243 - REHOMING OF IMPOUNDED DOGS AND CATS

<b>SUBJECT INDEX:</b>	Review of Council Policy
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Ranger and Emergency Services
<b>REPORTING OFFICER:</b>	Ranger & Emergency Services Coordinator - Ian McDowell
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Draft Revised Policy 243 - Rehoming of Impounded Cats and Dogs   Attachment B Current Council Policy 243 - Rehousing of Impounded Animals  

**This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.**

## **PRÉCIS**

A review of Council Policy 243 has been undertaken. The revised draft policy has been amended to make reference to the Memoranda of Understanding that have or will be entered into by the City with approved animal rescue and welfare groups such as Saving Animals from Euthanasia (SAFE) or K9 Animal Rescue Group. The revised policy also seeks to establish the waiving of registration fees, for a maximum period of 12 months, for owners of rescue dogs.

## **BACKGROUND**

The policy was originally adopted in 2007, and was last reviewed in December 2010 at which time the policy was re-adopted in the then standard corporate format.

## **STATUTORY ENVIRONMENT**

Pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, a role of Council is to determine the local government's policies.

Pursuant to sections 29(10) and 29(11) of the *Dog Act 1976*, where a dog has been impounded by the City and the dog is not claimed, or the registered owner of the dog declines to resume possession of the dog within seven days of the date of impoundment, the City may dispose or sell the dog as if it were its own.

Pursuant to section 34 of the *Cat Act 2011*, where a cat has been impounded by the City and the owner has not been identified, or the owner of the cat has not claimed it within seven working days of the date of impoundment, the City may transfer or dispose of the cat as if it were its own.

## **RELEVANT PLANS AND POLICIES**

This report proposed adoption of the revised draft Council Policy 243 as attached to this report (Attachment A). The superseded policy is at Attachment B.

## **FINANCIAL IMPLICATIONS**

The revised policy proposes waiving registration fees, for a maximum of 12 months, for dogs and cats under the immediate care of foster carers representing the rescue organisation. This would be conditional on the animal being both microchipped and sterilised.

Based on approximately 50 animals being rehomed through these organisations on an annual basis the cost to the City would be approximately \$1,000 per year.

### **Long-term Financial Plan Implications**

No significant implications.

## **STRATEGIC COMMUNITY OBJECTIVES**

The draft policy aligns with and supports Council's Key Goal Area 6 – Leadership: visionary, collaborative, accountable; and more specifically Community Objective 6.1 – governance systems, processes and practices are responsible, ethical and transparent.

The draft revised policy provides transparency in how the City rehomes dogs and cats that are otherwise unclaimed or unowned.

## **RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. There are no significant risks identified.

In fact the policy itself mitigates any risks to the City associated with the rehoming of animals as the rescue groups temperament test the animals to determine their suitability for rehoming.

## **CONSULTATION**

The review of this policy is a routine administrative process that seeks only to acknowledge recognised animal rescue and welfare groups as the City's conduit for rehoming unclaimed or unowned dogs and cats. As such, public consultation is not considered necessary.

## **OFFICER COMMENT**

The City has established a memorandum of understanding (MOU) with Saving Animals from Euthanasia (SAFE) for the rehoming of dogs and cats. Another MOU has been drafted to enter into a similar arrangement with K9 Animal Rescue (this will be for the rehoming of dogs only).

The intent of the draft revised policy is to acknowledge these MOUs are in place and that the City will only rehome unclaimed or unowned dogs and cats through these or other recognised groups. Through these arrangements, the rescue and/or welfare organisation will assess impounded animals to ensure they are suitable for rehoming. They also ensure the dogs and cats are sterilised, microchipped and vaccinated prior to rehoming.

By providing up to 12 months free registration for these animals, whilst they are in the care of a recognised foster carer of the organisation (within our district), a formal record of the animal is created in our registration data base. This will help to ensure the ongoing registration of the animal through our normal administrative processes of sending out renewal notices and then if necessary, following up with the last known owner of the animal if the registration lapses.

**CONCLUSION**

An internal review of Council Policy 243 – Rehousing of Rescued Animals has been completed. It has been renamed “Rehoming of Impounded Dogs and Cats”, and acknowledges the establishment and use of formal Memorandums of Understanding with recognised animal rescue and welfare groups to facilitate the rehoming of suitable dogs and cats.

**OPTIONS**

Council may amend or not endorse the revised draft policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The revised draft policy will be presented to Council on 13 September 2017, and will take effect immediately following its adoption by Council.

**OFFICER RECOMMENDATION AND COMMITTEE RECOMMENDATION**

That the Council endorse revised Council Policy 243 – Rehoming of Impounded Dogs and Cats as shown in attachment A.

243	Rehoming of Impounded Dogs and Cats	V3 Draft
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#### PURPOSE

The purpose of this policy is to establish a framework for the rehoming of impounded dogs and cats in accordance with the relevant legislation and established Memorandums of Understanding.

#### SCOPE

Where a dog or cat has been impounded into the City's Animal Care Facility and has not been claimed within the period prescribed by the applicable Act (*Dog Act 1976* or *Cat Act 2011*) the City may dispose of the animal in accordance with the provisions of the appropriate Act.

#### POLICY CONTENT

The City supports the rehoming of suitable impounded and unclaimed dogs and cats and will facilitate this through the use established Memorandums of Understanding with approved animal rescue and welfare organisations. Through these arrangements the rescue and/or welfare organisation will ensure that dogs and cats are sterilised, microchipped and vaccinated prior to rehoming.

In doing so, the Council acknowledges that these organisations are non-for-profit and volunteer based, and as such will consider waiving registration fees for a maximum of 12 months for dogs and cats under the immediate care of foster carers representing the organisation. This would be conditional on the animal being both microchipped and sterilised.

#### Policy Background

Policy Reference No – 243  
Owner Unit – Ranger and Emergency Services  
Originator – Ranger and Emergency Services Coordinator  
Policy Approved by – Council  
Date Approved – 22 August 2007  
Review Frequency – as required  
Related Documents – *Dog Act 1976*  
*Cat Act 2011*

#### History

Council Resolution	Date	Information
		Policy updated to make reference to established Memorandums of Understanding, and the implementation of the <i>Cat Act 2011</i> Policy acknowledges registration fees may be waived for a maximum period of 12 months Version 3
C1012/415	8 December 2010	Policy re-adopted in the new standard format Version 2
C0708/195	22 August 2007	Date of implementation Version 1



Last updated 08/12/2010

243	Rehousing of Rescued Animals	V2 Current
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### 1. PURPOSE

Relevant legislation provides the Local Government with the ability to dispose of unclaimed dogs and cats by various means. This policy establishes that the preferred method is by rehousing and promoting responsible pet ownership.

### 2. SCOPE

Where a dog or cat has been impounded and it remains unclaimed for the specified period of time, the Shire will seek rehousing opportunities.

### 3. POLICY CONTENT

The Shire supports the rehousing of appropriate impounded and unclaimed dogs and cats and will facilitate this through the use of approved animal rescue and welfare organisations which ensure that before being rehoused all of the animals are sterilised, vaccinated, flea and worm treated.

In doing so, the Council acknowledges that these organisations are not-for-profit and volunteer based, and as such will consider an annual donation to organisations that are used by the Shire.





#### Policy Background

Policy Reference No. - 243  
Owner Unit – Ranger and Fire Services  
Originator – Council  
Policy approved by – Council  
Date Approved – 8 December 2010  
Review Frequency – As required  
Related Documents –  
*Dog Act 1976*  
*Local Law Relating to the Keeping and Welfare of Cats*

#### History

Council Resolution	Date	Information
C1012/415	8 December, 2010	Policy re-adopted in new standard format Version 2
C0708/195	22 August, 2007	Date of implementation Version 1

10.3 Policy and Legislation Committee - 17/08/2017 - CONSOLIDATED PARKING SCHEME  
AMENDMENT - PRIES AVENUE, BUSSELTON

<b>SUBJECT INDEX:</b>	Minor Parking Scheme Amendments
<b>STRATEGIC OBJECTIVE:</b>	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Ranger and Emergency Services
<b>REPORTING OFFICER:</b>	Senior Prosecutions and Policy Officer - Owen Anderton Ranger & Emergency Services Coordinator - Ian McDowell
<b>AUTHORISING OFFICER:</b>	Manager Environmental Services - Tanya Gillett
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Correspondence received   Attachment B Diagram  

**This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.**

## **PRÉCIS**

The purpose of this report is to seek Council endorsement of a proposed variation to the City's Consolidated Parking Scheme to create a no stopping/parking area along the west side of Pries Avenue, between Peel Terrace and Albert Street.

## **BACKGROUND**

The City's Consolidated Vehicle Parking Scheme (the Scheme) is periodically reviewed and amended from time to time, thereby ensuring that the Scheme remains current.

The City received a request from the proprietor of Paradise Motor Inn, situated at 6 Pries Avenue, Busselton, to install a stopping/parking area along the west side of Pries Avenue, between Peel Terrace and Albert Street.

The correspondent has observed over a two year period numerous traffic related incidences caused by vehicles parking on the west side of the road in Pries Avenue. Vehicles parking on the western side of Pries Avenue are creating a hazard for pedestrians and road traffic using Pries Avenue. See attached correspondence.

There is currently 90 degree on-street parking on the eastern side of Pries Avenue. The City's Design and Survey team has determined that, according to relevant Australian Standards, the width of Pries Avenue is not sufficient to accommodate vehicles parking on both sides of the road in the current configuration.

## **STATUTORY ENVIRONMENT**

Council designates parking and traffic restrictions under the powers of the *Parking Local Law 2011* (the Local Law). The designation of parking stalls, stations and areas occurs under Part 2 of the Local Law; and the Scheme (a large series of plans identifying the location and type of parking restrictions in detail) is adopted pursuant to Part 2, as a means to identify these designations. Designations are given practical effect through on-ground signage and line marking, as well as the issue of public notices.

Section 2.1(1)(g) of the Local Law states: "*That Council may, constitute, determine or vary permitted classes of vehicles which may park in specified parking stalls, parking stations and parking areas*".

This report seeks to make a variation through the establishment of no stopping/parking areas along the west side of Pries Avenue between Peel Terrace and Albert Street.

Where Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the Local Law, the Chief Executive Officer must give local public notice of, and erect signs to give effect to the determination.

#### **RELEVANT PLANS AND POLICIES**

There are no relevant plans and policies associated with this matter.

#### **FINANCIAL IMPLICATIONS**

Resources required for implementation of the local law, that is to mark parking bays and or zones with paint and installing signs on posts, are provided for within the City's overall operational budget and can be achieved without any effect on other operational areas.

#### **Long-term Financial Plan Implications**

There are no long-term financial implications associated with this matter.

#### **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation of this report reflects Community Objective 2.3 of the Strategic Community Plan 2017 to *"create urban design, that produces vibrant, mixed use town centres and public spaces"*.

#### **RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. There are no significant risks identified.

#### **CONSULTATION**

In preparing this report the City has consulted with the owners and occupiers of the properties on the western side of Pries Avenue. The City wrote to the owners seeking feedback and submissions. All respondents agreed to the proposed changes to the Scheme. The eastern side of Pries Avenue is Victoria Square.

#### **OFFICER COMMENT**

Pries Avenue experiences significant pedestrian and vehicle traffic flow as well as vehicle parking particularly on the eastern side where there are 2 parking bays for the disabled and 31 all day car parking bays. This area is close to the main Busselton shopping precinct, the Senior Citizens Centre and the Orana Cinema. There is no footpath on Pries Avenue and pedestrians walking to and from the Orana Cinema and shopping precinct walk on the Pries Avenue carriageway.

#### **CONCLUSION**

That Council endorse the proposed amendments to the City's Consolidated Parking Scheme to establish a no stopping/parking area along the west side of Pries Avenue between Peel Terrace and Albert Street.

**OPTIONS**

Council may support or amend the officer recommendations to vary parking controls in Pries Avenue or pursue alternative solutions.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Where Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the Parking Local Law 2011, the CEO must give local public notice of, and erect signs to give effect to, the determination. Subject to Council endorsement of the officer recommendations, local public notice will be advertised and appropriate signage erected as soon as is practicable following Council endorsement.

**OFFICER RECOMMENDATION**

That the Council:

1. Amends the Consolidated Parking Scheme, pursuant to the City of Busselton Parking Local Law 2011 to establish a no stopping/parking area along the west side of Pries Avenue between Peel Terrace and Albert Street.
2. Endorses the CEO to give local public notice of the determination as required by the City of Busselton Parking Local Law 2011.

**COMMITTEE RECOMMENDATION**

That the Council:

1. Does not amend the Consolidated Parking Scheme, pursuant to the City of Busselton *Parking Local Law 2011* to establish a no stopping/parking area along the west side of Pries Avenue between Peel Terrace and Albert Street.
2. The proprietor of Paradise Motor Inn be thanked for his submission and advised accordingly.

To the CEO - City of Busselton

My name is Louisa Bateman [ Manager and Proprietor of Paradise Motor Inn]. I am compelled to bring to your attention an unsafe and hazardous situation, within the Busselton CBD, related to road traffic in a busy thoroughfare.

For the past two years, I have been managing the motel in Pries Avenue Busselton. During this time, I have witnessed numerous traffic related incidences caused by vehicles parking on the west side of the road in Pries Ave – in what appears to be an undesignated or uncontrolled parking area. The hazards and subsequent unsafe position these parked vehicles create for other road users and pedestrians is a constant every day issue.

The first unsafe situation created is obstruction to vision: when the driver of a vehicle is attempting to exit a drive way in Pries Ave, vision of oncoming traffic is obscured up to 100% depending on the quantity and / or types of vehicles parked next to the verge [ see attached diagram A ]; it is not uncommon to have vehicles parked bumper to bumper, day or night, along the entire length of the road; as a result, the driver exiting the drive way has no choice but to enter the road not knowing if there is oncoming traffic or not. After being personally involved in a near miss incident whilst I was exiting the motels drive way, I fully understand why motel guests have asked me to guide them out of the drive way and onto the road because they feel unsafe; in addition, I have witnessed the drivers and passengers from the very vehicles parking on the road outside the motel, being involved in near - miss vehicle to person contact; these situations happen all too often.

The second hazard created is the obstruction to traffic flow: depending on what type of vehicle is parked on the road, how far that vehicle is parked from the verge, and how the vehicles opposite in the marked car bays are parked, has resulted in the usable road width for two-way traffic being reduced to 3.5 – 4.0 metres wide [ see attached diagram B]. This is clearly inadequate for a busy thoroughfare. A common scenario is two vehicles approaching each other cannot proceed until one stops to let the other through; the situation is even worse when bus's or heavy vehicles are using the road – everything comes to a standstill. Also, the vehicles backing out of the marked parking bays don't have enough room to back out and often make vehicle on vehicle contact with whatever is parked behind them.

The bottom line is the current situation is both unsafe and unacceptable. It is also unnecessary for the fact there is ample parking in the Peel Terrace car park [ directly opposite Pries Ave]. Because of no prohibitive parking signage on the west side of Pries Ave, there has been a 'free for all' attitude, and a lack of consideration, in terms of how and where certain drivers are parking their vehicles.

I believe the best way to eliminate the above hazards would be simply to make the entire length of the west side of Pries Ave a no parking / standing zone. This would enable drivers entering and travelling on this road to have clear vision of each other, end the daily traffic incidences, and eliminate the associated hazards to the busy pedestrian traffic that frequent this thoroughfare.

In the interests of safety, I am asking the council to elect that parking in the above-mentioned area be prohibited and that the appropriate sign - age be installed to enforce it. For your consideration.

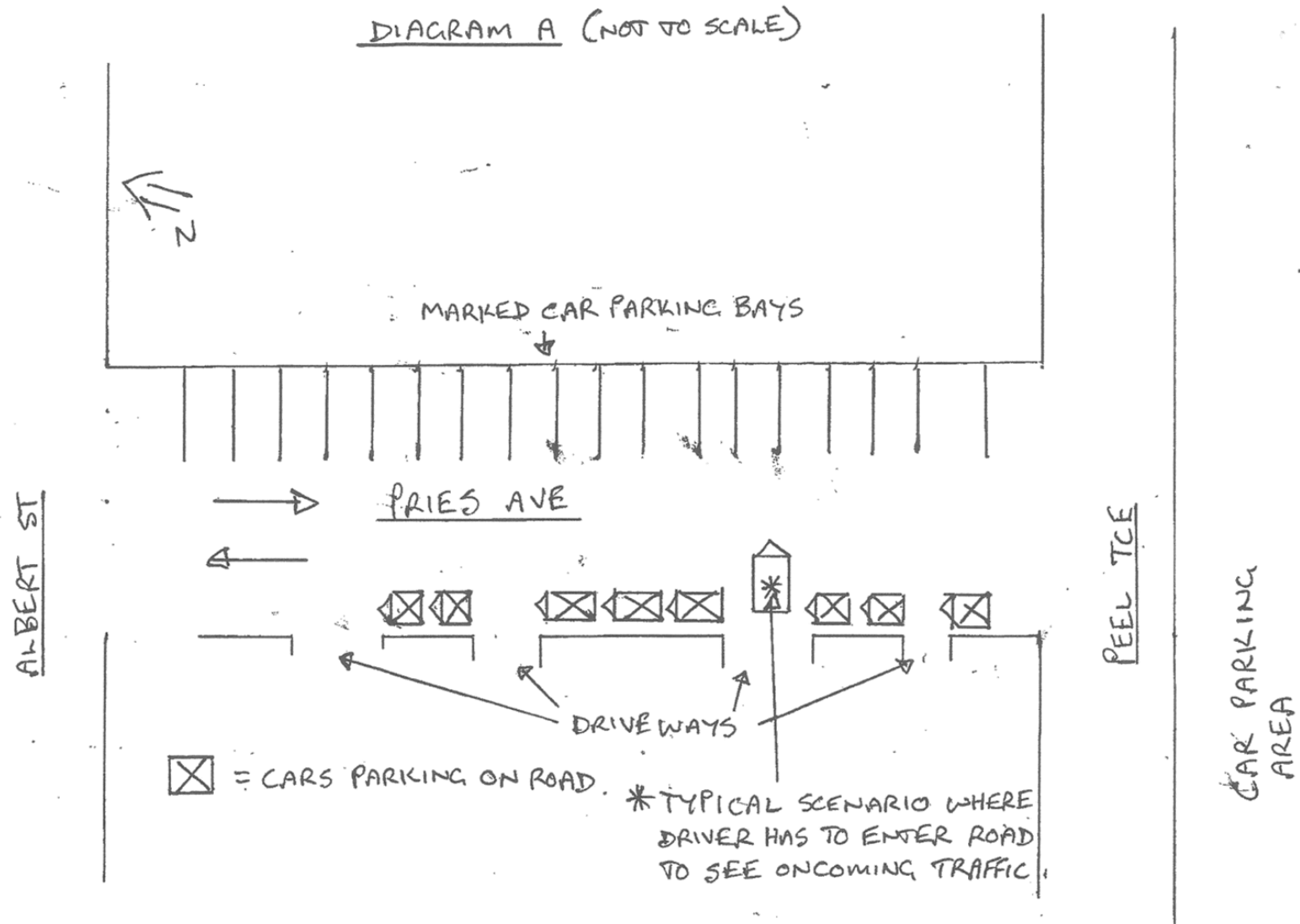
Kind Regards

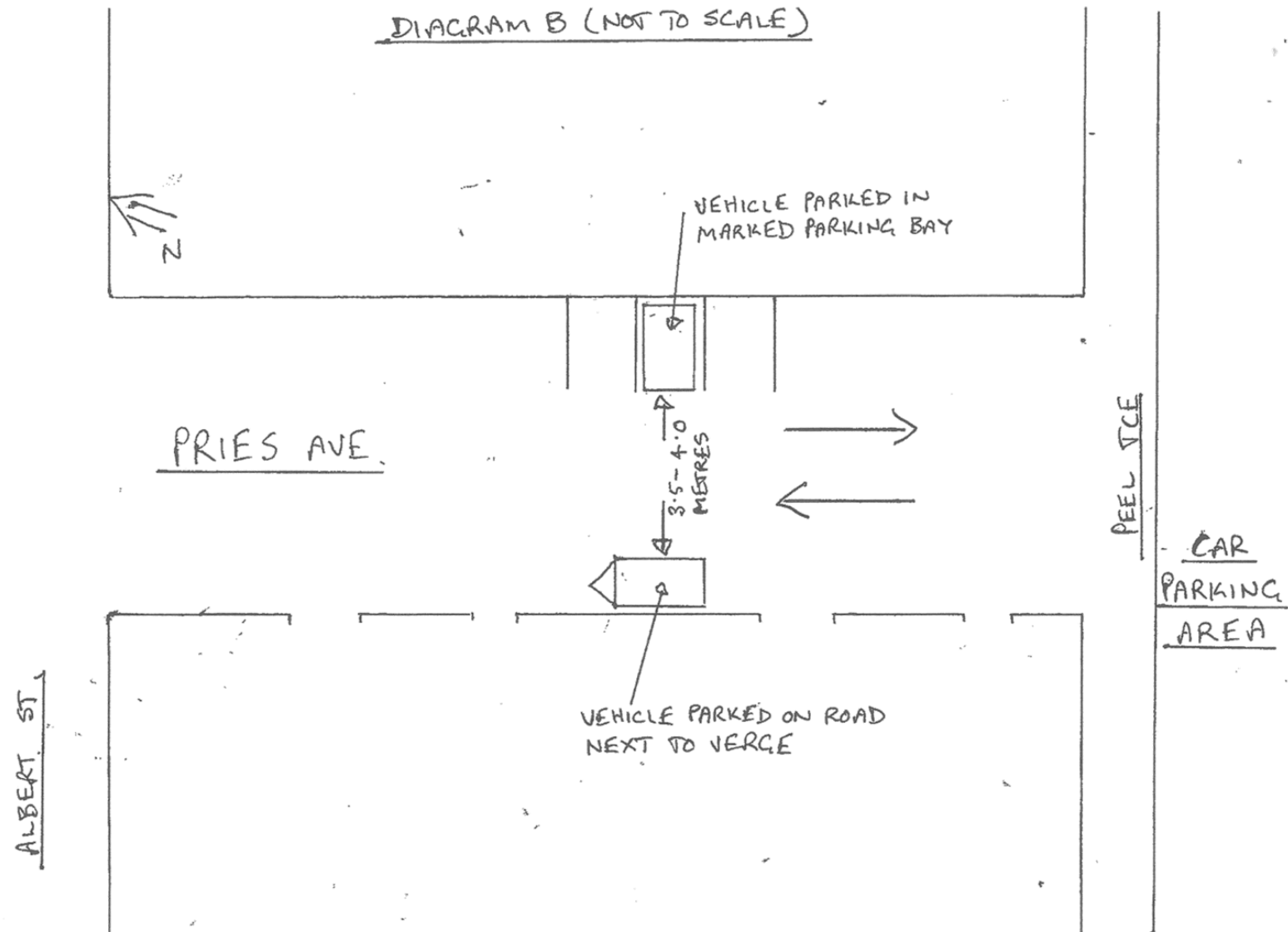
Louisa Bateman  
Manager  
*L Bateman*  
**Paradise Motor Inn**  
6 Pries Ave  
Busselton WA 6280

P: (08) 9752 1200  
F: (08) 9754 1348  
E: [paradisemotorinn@bigpond.com](mailto:paradisemotorinn@bigpond.com)

City of Busselton	Application No		Receipt No		City of Busselton
	C/O ID				
	- 1 NOV 2016				
	Property ID		Doc ID		
	Retention				

27/10/2016













**10.4      Policy and Legislation Committee - 17/08/2017 - REVIEW OF POLICY 236 RATING**

<b>SUBJECT INDEX:</b>	Policy Budget and Administration
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Financial Services
<b>ACTIVITY UNIT:</b>	Rates
<b>REPORTING OFFICER:</b>	Rates Coordinator - David Whitfield
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Existing Policy 236 Rating  

**This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

As part of the ongoing policy review process a review of the existing Rating Policy has been conducted. The current policy was originally adopted in 2006 and reviewed in September 2011 with no changes being made. Since that time the Department of Local Government and Communities (DLGC) has published several policy and guideline documents that override/duplicate many of the components of Council's 2011 Rating Policy. This item seeks to cancel the current policy to avoid unnecessary duplication as more suitable guidelines exist reflecting the rating functions of Local Government.

**BACKGROUND**

The current policy was written at a time where there was no specific guidance from the DLGC on rating matters generally, however, from 2011 onwards the following policies and guidelines have been developed and issued by the DLGC for local governments to follow with respect to their rating processes:

- DLGC Policy – Valuation of Land
- DLGC Policy – Differential Rates
- DLGC Policy – Minimum Payments
- DLGC Policy – Rateable Land
- DLGC Policy – Giving Notice (Advertising of Rates)
- DLGC Guidelines: Possession of Land for Recovery of Rates and Service Charges
- DLGC Guidelines – Changing Methods of Valuation of Land

A number of these policies have been reviewed as recently as November 2016.

These guidelines exist to provide commentary in relation to the provisions of the Local Government Act at Division 6 – Rates and Service Charges.

In light of the introduction of these policies/guidelines it is considered that the existing rating policy is no longer required and as such should be cancelled and deleted from the City's Policy Manual.

**STATUTORY ENVIRONMENT**

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

## RELEVANT PLANS AND POLICIES

This report proposes to cancel the existing Rating Policy as the policy currently unnecessarily duplicates Statewide guidelines and policies provided by the Department of Local Government and Communities.

## FINANCIAL IMPLICATIONS

There are no financial implications arising from the cancellation of this policy.

### Long-term Financial Plan Implications

There are no long-term financial implications arising from the cancellation of this policy.

## STRATEGIC COMMUNITY OBJECTIVES

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

## RISK ASSESSMENT

There is no associated risk with the cancellation of the Rating policy.

## CONSULTATION

Not applicable.

## OFFICER COMMENT

The current policy covers rating methods and practices that, upon review, have generally been in place for over 20 years if not longer and are based on the rating provisions of the 1995 Local Government Act. As such the current rating practices are both stable and well tested over that time. The current policy was introduced in 2006 and re-adopted in 2011 with no recommended change.

It is proposed to cancel the Policy as it is now considered redundant as the subject matter is now covered by the new Department of Local Government and Communities policy documents.

## CONCLUSION

The Department of Local Government and Communities now provides specific policy advice and guidelines for Local Governments to follow and it is considered appropriate that these documents be followed. Further, in view of this, it is considered that there is no need for a Rating Policy and as a consequence it should be cancelled.

## OPTIONS

The Council could:

1. Choose not to cancel the existing Rating Policy and allow the policy to remain in place, or
2. Choose to seek further review and/or amendment to the existing Rating Policy for presentation to Council at a later date.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The cancellation of the existing Rating Policy would be effective immediately upon the adoption of the Officer's recommendation.

**COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

That the Council cancels Policy 236 Rating and remove it from the City's Policy Manual.

Last updated 14/09/2011

236	Rating	V1 Current
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#### PURPOSE

The purpose of this policy is to provide a rating framework that observes the principles of objectivity, fairness and equity, consistency and transparency, and is administratively efficient within the confines of statutory requirements, regulations and guidelines.

#### SCOPE

##### Definition - Land

That Council, for the purpose of rating land within its district, defines the meaning of rural to be;

*Land utilised for commercial farming (agricultural) activities.*

And non-rural to be;

*Land not utilised for commercial farming (agricultural) activities.*

##### Definition - Rating Principles

##### General Rating

That Council treat the rating of all rateable land for rating purposes by reference to:

- \* Land used predominantly for rural purposes to be rated on the basis of an unimproved valuation as supplied by the Valuer Generals Office.
- \* Land used predominantly for non-rural purposes to be rated on the basis of a gross rental valuation as supplied by the Valuer Generals Office.

##### Differential Rating

That Council supports the use of differential rating as a tool in which to realise equitable rating to the extent possible, and applied to rateable land on the basis of;

##### Unimproved Valuations (UV)

- \* The predominant purpose for which the land is held or used as determined by Council.

##### Gross Rental Valuations (GRV)

- \* The purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 1928;

Last updated 14/09/2011

- \* Whether or not the land is vacant land.

#### General Rating Terms

That the following rating terms be used when reporting to Council, regarding the need to change a property/s current manner of assessment.

- \* Urbanisation

Used in respect to land on the border or fringe of Council's current gross rental valuation prescribed area and zoned accordingly. Properties within this category are to be rated in accordance to the lands GRV and appropriate differential rating groups.

- \* Spot Rating

Used in respect to land outside of Council's gross rental prescribed area, not on the border or fringe of said area, where the land is used as a whole, for non-rural purposes. Properties within this category are to be rated in accordance to the lands GRV and appropriate differential rating groups.

- \* Split Rating\*

Used in respect to land outside of Council's gross rental prescribed area, that demonstrates both rural and non-rural uses. Properties within this category are to be rated in accordance to the lands GRV in respect to the non-rural use and the lands UV in respect to the rural use and appropriate differential rating groups.

#### 1. Reason

To address Council's responsibility in providing good governance in the area of rateable land within its district that will embrace objectivity, consistency, with fairness and equity, in a transparent and appropriate manner.

#### Examples

##### Urbanisation

A rural rated property re-zoned on the border of the Shire's gross rental prescribed valuation area and subdivided into urban sized properties, i.e. newly created residential estates.

##### Spot rating

A rural rated property surrounded by properties used for rural purposes but used for non-rural purposes, i.e. used exclusively for holiday accommodation etc.

Last updated 14/09/2011

#### Split rating\*

A rural rated property with both rural and non-rural uses, i.e. vineyard and winery.

The following table provides an indicative sample of current uses used in identifying the suitable rating of land outside of the Shire's gross rental valuation prescribed area in accordance with identified rating principles.

USE/ZONE	VALUE TYPE	COMMENTS
Animal Establishments	GRV	Spot Rating.
Caravan Park	GRV	Spot Rating.
Cellar Door Sales	UV/GRV  GRV	Split Rating* - Land used for the purpose of growing vines for the production of wine off site and then sold on site. Spot Rating - Where no rural activity is undertaken from the land.
Chalets	GRV	Spot or Split Rating*.
Golf Course	GRV	Spot Rating.
Guest House	GRV	Spot or Split Rating*.
Restaurant	GRV	Spot Rating.
Saw Mill	GRV	Spot Rating.
Rural Residential	GRV  UV  UV/GRV	Spot Rating - Land currently zoned Rural Residential, is presumed prima facie to be used for non-rural purposes as the underlying characteristics of the land is for residential purposes. Land known to be used for rural purposes Split Rating* - Land known to be used for rural and non-rural purposes.
Wineries	UV/GRV  GRV	Split Rating* - Land used for the growing of vines and the manufacture and production of wine and or sold from the land and may or may not include additional commercial activities of a non-rural nature. Spot Rating - Land used for the manufacture and production of wine from vines grown from off site.

Last updated 14/09/2011

As the above table shows a broad approach, it is acknowledged; in determining the appropriate rating method to be used, the whole of the land is to be taken in to account

- \* Given the potential for split rated properties to be overrated (in effect paying two distinct rate amounts on the one assessment), that consideration is given to those properties where the change in assessment increases the overall amount payable by 50% or more than the original assessment, then the overall payment be reduced by way of deducting the UV rates from the GRV rates.

#### **POLICY CONTENT**



A review is to be conducted annually to ensure compliance with this policy consisting of the following;

- \* The identification of property/s requiring a change in the manner of assessment, by way of, rezoning, permit to use, subdivision (endorsed deposited plan) etc.
- \* All ratepayers affected by way of a change in assessment, to be advised in writing of the change, the rationale behind such change, and the opportunity to comment in writing in relation to the change in assessment. Written comments to be received within 21 days from the date of notification.
- \* A report provided to Council identifying the property/s recommended for a change in the manner of assessment, together with the ratepayer's written comments if any. The report will seek Councils endorsement to request the Minister for Local Government to approve the change in the manner of assessment.
- \* Following Councils endorsement, a submission is to be made as soon as practicable, to the Minister of Local Government. The submission to include all relevant material to supports Councils request.
- \* A letter sent to all ratepayers whose property/s are affect by a change in assessment, advising of the Minister's decision, the effective date of the change and an indication of the effects of such a change.

#### **History**

Council Resolution	Date	Information
C1109/279	14 September, 2011	Reviewed by Council. No changes
C0611/350	8 November, 2006	Date of implementation. Replacing former Rural Rating Policy and Framework (policy 224). Version 1

10.5 Policy and Legislation Committee - 17/08/2017 - POLICY - AASB124 RELATED PARTY DISCLOSURES

<b>SUBJECT INDEX:</b>	Policies, Plans and Procedure
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Finance and Corporate Services
<b>REPORTING OFFICER:</b>	Manager Financial Services - Kim Dolzadelli
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Draft AASB124 Related Party Disclosure Policy  

**This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

The purpose of this report is for Council to consider a new policy regarding Related Party Disclosures.

A copy of the proposed policy is attached and outlines the City's disclosure requirements in regard to the existence of relationships regardless of whether or not any transaction has occurred, in accordance with Australian Accounting Standards Board Accounting Standard AASB124 (Related Party Disclosures).

**BACKGROUND**

The scope of Australian Accounting Standards Board Accounting Standard AASB124 (Related Party Disclosures) was amended in July 2015 to encompass not for profit entities including local governments. AASB124 now imposes a number of obligations upon elected members and senior City staff in relation to disclosure of their financial dealings with related parties. These obligations come into effect for the 2016-17 financial year for Local Government and the information is to be disclosed as a note within future Annual Financial Statements.

The primary objective of AASB124 is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and potential profit or loss (surplus or deficit) may have been affected by the existence of related parties and their transactions

**STATUTORY ENVIRONMENT**

AASB124 imposes a number of obligations upon Elected Members and senior City staff in relation to disclosure of their financial dealings with related parties. These obligations come into effect for the 2016-17 financial year with information to be disclosed as a note within the 2016-17 (and subsequent) Annual Financial Statements.

**RELEVANT PLANS AND POLICIES**

Council through the Policy and Legislation committee is being requested to adopt a new Policy with respect to "AASB124 Related Party Disclosures".



**FINANCIAL IMPLICATIONS**

There are only minor administrative costs with respect to compliance and reporting related to the requirements of AASB124 Related Party Disclosures requirements; these costs will see no impact on Council's financial position.

**Long-term Financial Plan Implications**

Nil

**STRATEGIC COMMUNITY OBJECTIVES**

The draft policy aligns with and supports Council's Key Goal Area 6.1 "Governance Systems, processes and practices are responsible ethical and transparent".

**RISK ASSESSMENT**

There is no known risk in Council adopting the attached Policy.

**CONSULTATION**

Council's Auditor has been consulted with respect to the impact and requirements of AASB124 Related Party Disclosures.

**OFFICER COMMENT**

The objective of AASB124 is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and any profit or loss may have been affected by the existence of related parties and transactions with those parties.

This means that readers of the City of Busselton Annual Financial Statements will become aware of any relationships that may affect the financial position and profit or loss of the City. The Annual Financial Statements provide information at a summary level of the financial remuneration of related parties, key management personnel and the financial value of transactions with related parties such as services or goods purchased from businesses operated by related parties.

Individual financial details of related parties are not disclosed during the reporting process, and the transactions are presented as aggregated information in the financial reports.

The information collated and aggregated from the Annual Financial Statements is proposed to be obtained a Related Party Declaration form, which forms an appendix to the draft policy.

The Policy proposes that Key Management Personnel be required to complete this form twice each financial year in December and June, and upon resignation.

Disclosure requirements apply to the existence of relationships regardless of whether or not any transaction has occurred. Each financial year, the City of Busselton must make an informed judgement as to what is considered to be a related party, and what transactions should be considered when determining if disclosure is required.

AASB 124 advises that if a local government has had related party transactions during a financial year, it shall disclose the nature of the related party relationship as well as information about those transactions, including commitments, that are necessary for users to understand the potential effect of the relationship on the financial statements.

To progress the implementation of AASB 124 for 2016-17 as required, Council is required to consider and adopt the following, which are contained within the policy:

1. Positions to be included as Key Management Personnel (KMP) in the assessment of related parties; and
2. Transactions that are considered to be Ordinary Citizen Transactions (OCT) that will not be included as related party transactions.

#### Key Management Personnel

AASB 124 specifically includes Elected Members as part of the definition of Key Management Personnel (KMP). It is expected that in local government, KMP will include Elected Members, the Chief Executive Officer and the next level of management, which in the case of the City is Directors.

#### Ordinary Citizen Transactions

In order to identify which transactions are related party transactions and subject to disclosure it is necessary to consider and exclude Ordinary Citizen Transactions (OCT) from disclosure requirements.

OCTs are those transactions provided on terms and conditions no different to those applying to the general public and are unlikely to influence the decisions that users of the City's financial statements make. These Ordinary Citizen Transactions include the following:

- Using the council's facilities after paying the normal fee;
- Fines on normal terms and conditions; and
- Paying rates and council fees and charges.

There is no obligation to disclose Ordinary Citizen Transactions. Transactions between the City and Related Parties that would normally be considered Ordinary Citizen Transactions but where the terms and conditions differ from normal practice however must be disclosed (if material).

The exclusion of the above effectively limits the related party transactions that are to be declared to typically be:

- purchases of sales or goods (finished or unfinished);
- purchases or sales of property or other assets;
- rendering or receiving services;
- leases;
- transfers under finance arrangements (including loans and equity contributions in cash or kind);
- provisions of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); and
- settlement of liabilities on behalf of Council or by Council on behalf of the related party.

It should be noted that the value of the transactions must be material, for the purpose of the attached Draft Policy, it is considered appropriate to set a dollar value of \$5,000 for any individual transaction or \$25,000 for collective transactions to determine materiality.

These transactions do not include those where members of the Key Management Personnel have a connection as a member of a community group that has a relationship with the City.

**CONCLUSION**

Officers believe that adoption of the attached Policy will provided guidance to all effected Key Management Personnel (KMP) with respect to AASB 124 Related Party Disclosures. Whilst legislation does not require a Policy in relation AASB124, the Department of Local Government and Communities suggests that councils adopt a policy.

**OPTIONS**

Council could choose to:

1. Adopt the attached Policy with or without amendment, or
2. Not adopt the attached Policy – but it is desirable to have a policy on this subject.
- 3.

In any event, disclosure is required to be made in the Financial Statements.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

If adopted, the Draft Policy will be put in place immediately.

**COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

That Council adopts the AASB124 Related Party Disclosure draft policy shown at Attachment A.

NEW	AASB124 Related Party Disclosures	V1
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### 1. PURPOSE

To define the parameters for Related Party Relationships and the level of disclosure and reporting required for the City to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

### 2. SCOPE

Under the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

The Australian Accounting Standards Board has determined that from 1 July 2016, AASB 124 (Related Party Disclosures) will apply to government entities, including local governments. The City is now required to disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.

This Policy provides guidance on:

- the identification of the City's related parties;
- management of related party transactions;
- recording such transactions; and
- disclosure of the transactions in the City of Busselton annual financial statements in accordance with AASB 124;

And addresses the four (4) different types of related party that must be considered by the City:

1. Entities related to the City;
2. Key Management Personnel;
3. Close family members of Key Management Personnel; and
4. Entities that are controlled or jointly controlled by either 2 or 3 above.

### 3. POLICY CONTENT

#### DEFINITIONS:

Australian Accounting Standards Board, Related Party Disclosures Standard 124

#### ***Close family members of Key Management Personnel (KMP)***

Those family members who may be expected to influence, or be influenced by, that KMP in their dealings with the City of Busselton and include:

- the KMP's children, and spouse or domestic partner;
- children of that KMP's spouse or domestic partner; and
- dependants of the KMP or the KMP's spouse or domestic partner.

**Entity**

Can include a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.

**Entity Related to a KMP**

Related Entities to Key Management Personnel are entities that are:

- \*controlled or jointly controlled by a KMP;
- apart from Council, where a KMP has significant influence over, or is a member of the key management personnel of the entity or parent of the entity; or
- controlled or jointly controlled by a close family member of a KMP of the City.

\*A person or entity is deemed to have *control* if they have:

- power over the entity;
- exposure, or rights, to variable returns from involvement with the entity; or
- the ability to use power over the entity to affect the amount of returns.

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

**Entity Related to the City**

This includes any entity that is either controlled, jointly controlled or over which the City has a significant influence. A person or entity is a Related Party of the City if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which the City is part of;
- they and the City are joint ventures of the same third party;
- they are part of a joint venture of a third party and the City is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either the City or an entity related to the City;
- they are controlled or jointly controlled by close family members of the family of a KMP;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of the City; or
- they, or any member of a group of which they are a part, provide KMP services to the City.

**Key Management Personnel (KMP)**

AASB 124 defines KMP as *“those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity”*.

Key Management Personnel for the City of Busselton are:

- Elected Members; and
  - Persons employed under s5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Director.
-

***Material (materiality)***

Means the assessment of whether a transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this Policy, it is considered appropriate to set a dollar value of \$5,000 for any individual transaction or \$25,000 for collective transactions to determine materiality.

***Ordinary Citizen Transaction***

A transaction that an ordinary member of the community would undertake in the ordinary course of business with the City of Busselton.

***Related Party***

A person or entity that is related to the entity preparing its financial statements.

***Related Party Transaction***

A transfer of resources, services or obligations between the City of Busselton and a related party, regardless of whether a price is charged.

***Significant (significance)***

Likely to influence the decisions that users of the City's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the City and related party outside a public service provider/ taxpayer relationship.

**POLICY DETAILS:**

**1. Key Management Personnel (KMP)**

All Key Management Personnel (KMP) are responsible for assessing and disclosing their own, their close family members' and their related entities' relationship with the City. All related parties must be included in the self-assessment. A disclosure form is provided as an Attachment to this Policy.

**2. Related Party Transactions**

**2.1 Ordinary Citizen Transaction**

For the purpose of this Policy, an Ordinary Citizen Transaction is one that occurs between the City and KMP and/or related parties which satisfy the following criteria. The transaction must:

- occur during the normal course of the City delivering its public service goals;
- be under the same terms that would be available to a member of the community; and
- belong to a class of transaction that an ordinary member of the community would normally transact with the City.

This includes for example the following:

- Using the council's facilities after paying the normal fee;
- Fines on normal terms and conditions; and
- Paying rates and council fees and charges.

There is no obligation to disclose Ordinary Citizen Transactions.

Transactions between the City and Related Parties that would normally be considered Ordinary Citizen Transactions but where the terms and conditions differ from normal practice however must be disclosed.

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## **2.2 Non-ordinary Citizen Transactions**

All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (as per 2.1) must be disclosed in accordance with AASB 124.

The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:

- purchases of sales or goods (finished or unfinished);
- purchases or sales of property or other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or kind);
- provisions of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); and
- settlement of liabilities on behalf of the City or by the City on behalf of the related party.

## **3. Disclosure of Information**

### **3.1 City disclosure**

AASB 124 provides that the City must disclose the following financial information in its financial statements for each financial year period:

- the nature of any related party relationships;
- the amount of the transactions;
- the amount of outstanding balances, including commitments, including:
  - (i) their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement; and
  - (ii) details of any guarantees given or received;
- provisions for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- significance of transaction in terms of size;
- whether the transaction was carried out on non-market terms;
- whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- whether the transaction is disclosed to regulatory or supervisory authorities;
- whether the transaction has been reported to senior management; and
- whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

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All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

### **3.2 Key Management Personnel disclosure**

In accordance with this Policy, KMP must provide a Related Party Disclosure in the form set out in the Attachment twice yearly, no later than the following dates each financial year:

- 30 December each year; and
- 30 June each year.

### **4. Review of Related Parties**

A review of KMP's and their related parties will be completed every 6 months. Particular events, such as a change of Elected Members, Chief Executive Officer or Directors or a corporate restructure will also trigger a review of the City's related parties immediately following such an event.

The Chief Executive Officer shall implement a suitable system to identify related parties. The primary identification method of close family members and associated entities of Key Management Personnel shall be by (but not limited to) KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

The Chief Executive Officer shall identify suitable methodology and procedures for identifying and reporting on related party transactions such that accurate data will be collated from 01 July 2017. Identification and reporting methods shall consider:

- transactions occurring via the City's accounting and electronic records management systems;
- other transactions not passing through the City's electronic accounting / management systems;
- the identification of the associated terms and conditions of the related party transactions;
- declarations in the Financial Interests Register; and
- information provided in Primary and Annual Returns.

If any elected member or employee believes a transaction may constitute a related party transaction they must notify the Chief Executive Officer who will, in consultation with the Director, Finance and Corporate Services, make a determination on the matter.

### **5. Privacy & Confidentiality**

#### **5.1 Access to information**

The following persons are permitted to access, use and disclose the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of 5.2.

- the Chief Executive Officer;
  - Director, Finance and Corporate Services ;
  - an Auditor of the City (including an Auditor from the WA Auditor General's Office); and
-



- other officers as determined by the Chief Executive Officer.

### 5.2 Permitted purposes

Persons specified in 5.1 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:

- assess and verify the disclosed related party transaction;
- reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions;
- comply with the disclosure requirements of AASB 124; or
- verify compliance with the disclosure requirements of AASB 124.

### 5.3 Confidentiality

The following information is classified as confidential and is not available for inspection by or disclosure to the public:

- Information (including personal information) provided by a KMP in a related party disclosure; and personal information contained in a register of related party transactions.

### LEGISLATION AND OTHER REFERENCES:

- *Local Government Act 1995*
- *Australian Accounting Standards AASB 124 Related Party Disclosures*
- *AASB 10 Consolidated Financial Statement AASB 11 Joint Arrangements*
- *AASB 128 Investments in Associates and Joint Ventures*
- *City of Busselton Code of Conduct*

#### ***Attachment 1 – Related Party Declaration – Key Management Personnel***

#### **Policy Background**

Policy Reference No. - NEW

Owner Unit – Financial Services

Originator – Director, Finance and Corporate Services

Policy approved by – Council

Date Approved –

Review Frequency –





Related Documents –

- *Local Government Act 1995*
- *Australian Accounting Standards AASB 124 Related Party Disclosures*
- *AASB 10 Consolidated Financial Statement AASB 11 Joint Arrangements*
- *AASB 128 Investments in Associates and Joint Ventures*
- *Department of Local Government and Communities AASB 124 Related Party Disclosures Implementation Guide*
- *City of Busselton Code of Conduct*
- *Attachment 1 – AASB124 Related Party Declaration*

**History**

Council Resolution	Date	Information
		Version 1

10.6 Policy and Legislation Committee - 17/08/2017 - REVIEW OF POLICY 001 - FEES, ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS

<b>SUBJECT INDEX:</b>	Councillor
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Council & Councillor Service
<b>REPORTING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A Revised Policy 001 - Fees, Allowances and Expenses for Elected Members   Attachment B Revised Policy 001 – Fees, Allowances and Expenses for Elected Members - Tracked Changes  

**This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.**

## **PRÉCIS**

It is appropriate to review Policy 001 – Fees, Allowances and Expenses for Elected Members so that it reflects current practice.

## **BACKGROUND**

As part of the regular review of Council Policies, it is apparent that there is a need to review Council Policy 001 - Fees, Allowances and Expenses for Elected Members so that it reflects current and appropriate practice.

The issue of ‘Corporate Attire’ has been informally discussed by Councillors at a Budget briefing held on 31 May 2017 and more recently at an elected members briefing held on Wednesday 26 July 2107. The subject of mileage claims has also been discussed at an Elected Member briefing held on 7 June 2017. The content of this discussion was detailed in an email to all Councillors dated 9 June 2017. The policy has been amended based on all of these discussions.

The changes referred to above and considered by Councillors are now reflected in the proposed new policy. In addition, minor other changes to the policy are proposed and are reflected in the Policy at Attachment B. Further details of the changes proposed are contained in the “Comment” section of this report.

## **STATUTORY ENVIRONMENT**

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the Local Government’s policies.

## **RELEVANT PLANS AND POLICIES**

This report recommends that Policy 001 - Fees, Allowances and Expenses for Elected Members be updated to take into account informal discussions held at a recent Budget Meeting, Elected Member briefing session and changes to reflect current practice.

## **FINANCIAL IMPLICATIONS**

There are only minor financial implications associated with the changes proposed to the Policy.

### **Long-term Financial Plan Implications**

Nil

## **STRATEGIC COMMUNITY OBJECTIVES**

The Strategic Community Plan includes the community objective of having an effectively managed organisation that achieves positive outcomes for the community. One of the key ways for this to occur is to provide financial recognition of the extensive responsibilities performed by Elected Members.

## **RISK ASSESSMENT**

Not required for this policy review.

## **CONSULTATION**

The major changes to this Policy have previously been discussed with Councillors at informal meetings.

## **OFFICER COMMENT**

As part of the regular review of Council Policies it has been recognised that there is a need to review Policy 001 - Fees, Allowances and Expenses for Elected members in the following areas to reflect current and appropriate practice.

- Clause 3.1.1 – provision of equipment

This clause has been changed by the inclusion of a brief case / satchel for use by elected members.

- Clause 3.1.5 - Reimbursement of travel expenses

Numerous changes have been made to reflect discussions held at an Elected Members briefing session held on 7 June 2107. The changes made reflect an appropriate and balanced approach to mileage claims and detail the circumstances under which elected members may make claims for reimbursement of costs incurred whilst representing the City on Council business.

- 3.1.7.2 Corporate attire

The Policy has been amended by the inclusion of what is meant by the expression “Corporate attire” and was the subject of discussions held at the Budget Workshop held on 31 May 2107. The basic premise is that elected members should first acquire ‘Corporate attire’ as described and any balance of funds available may be used for purchase of additional ‘business attire’. The annual amount has been reduced (from \$1,000pa) but the allowance for the brief case / satchel has been moved to clause 3.1.1 of the Policy referred to above.

Minor other changes have been made to the Policy and these are identified by reference to the ‘tracked changes’ version of the Policy shown at Attachment B.

**CONCLUSION**

The policy is presented for updating, noting that an Absolute Majority is required as this Policy as it includes reference to the annual allowance paid to the Mayor and the percentage of the Mayor's allowance to which the Deputy Mayor will be entitled. However no changes are proposed to be made to these particular Policy provisions. The actual amount of the Mayors allowance (and therefore the Deputy Mayors allowance) is considered by Council when the annual budget is adopted.

The majority of the changes have been discussed with elected members on a number of occasions in recent months.

**OPTIONS**

Changes to the proposed Policy can be considered and modified, however, the budget has been developed in accordance with the allowances described, taking into account the cost of clothing and travel reimbursement.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The new policy adopted will be effective immediately.

**OFFICER RECOMMENDATION**

That the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown in Attachment A be adopted.

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

That the Council:

1. Adopt the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown in Attachment A which excludes proposed changes to clause 3.1.7.2 Corporate Attire; and
2. Consider a further report relating to clause 3.1.7.2 Corporate Attire at a future meeting.

Last updated 14 December 2016

001	Fees, Allowances and Expenses for Elected Members	V9 Current
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## 1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

## 2. SCOPE

**"Elected member"** - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

**"Schedule"** – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any *Local Government Elected Council Members Determination* under the *Salaries and Allowances Act 1975*.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

All allowances in relation to elected members are reviewed annually by the City and become effective following adoption of the annual budget.

## 3. POLICY CONTENT

### 3.1 Elected members

#### 3.1.1 Provision of equipment

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A brief case up to the value of \$150;
- A standard-issue mobile telephone;
- A standard issue mobile device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.

Any equipment provided in accordance with this policy can be retained by the elected member at the completion of their term of office or if they serve a minimum of 24 months as an elected member.

Last updated 14 December 2016

### **3.1.2 Meeting attendance fees**

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

### **3.1.3 Information and Communications Technology allowance**

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule.

This allowance is to cover an elected member's costs in relation to expenses that relate to information and communications technology, for example telephone rental and call charges and internet service provider fees and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

### **3.1.4 Reimbursement of childcare expenses**

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

Last updated 14 December 2016

### **3.1.5 Reimbursement of travel expenses**

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the State Salaries and Allowances Tribunal. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the State Salaries and Allowances Tribunal for incurring travel expenses.

- Council meetings - ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings - annual and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown or other distinguished visitors of similar status;
- City organised inspection tours of matters arising before the Council or as a JDAP member;
- Any City-convened meeting by the Mayor or CEO requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses;
- City organised meetings with ratepayers;
- Attendance at "Flagship" functions and events held within the boundaries of the City and as determined by the Mayor and CEO at the commencement of each calendar year or as determined during the year\*;
- Where the Mayor is unable to attend a function or event and has requested another elected member to attend on his behalf;
- Seminars and conferences attended in the capacity of an elected member as approved by the City in accordance with Policy 08 "Councillors Induction, Training and Professional Development";
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative / delegate by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

\*Flagship events and functions will be published in the Friday factsheet or will be the subject of a specific invitation sent by the City's administration.

Where large distances are involved and when practicable a City-owned motor vehicle should be used in the first instance.

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates determined by the State Salaries and Allowances Tribunal. Elected members are encouraged to use a City-owned motor vehicle (subject to availability) for the types of travel approved under this section

Subject to the approval of the Chief Executive Officer or delegate, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

### **3.1.6 Reimbursement of expenses while away from home on sanctioned activities**

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.



Last updated 14 December 2016

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Y	Y
Taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided	Y	Y when with Member
Daily sustenance per day allowance in accordance with the <i>Public Service Award 1992</i>	Y	N
Specific conference related dinners/meals	Y	Y

### 3.1.7 Reimbursement of other expenses

#### 3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts.

#### 3.1.7.2 Corporate attire allowance

Each elected member is eligible to be provided Corporate attire with City logo up to the value of the amount provided in the annual budget (currently \$750pa), which may include:

- Corporate suit (male – Trousers and Jacket)
- Corporate suit (female – Skirt, Dress, Pants and Jacket)
- Corporate shirts/blouses etc
- Casual/Light weight Fleecy Jacket
- Polo top
- City tie/scarf
- Shoes (up to the value of \$150)
- Dry cleaning and maintenance of Corporate attire

All of the above clothing attire acquisitions (other than shoes) should be acquired through the City's approved uniform supplier.

As it is likely that on election as an elected member, a full suite of attire will be required soon after being sworn in, the entire allowance is available in the first year (commencing October). In relation to the second and subsequent years following election, the use of the allowance will be limited to two thirds of the allowance for the period October to April and one third of the allowance for the period May to October.

All items of corporate clothing which are branded with the City of Busselton should be returned of expiry of office.

### 3.2 Mayor

#### 3.2.1 Mayoral allowance

Last updated 14 December 2016

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

### **3.2.2 Provision of a Mayoral vehicle**

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members with the agreement of the Mayor or CEO.

The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis.

The Mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City by agreement in one of the following ways:

- By deduction from the quarterly members allowance payment ; or
- An invoice be given to the Mayor for reimbursement.

The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal for Local Government Elected Council Members.

Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA.

## **3.3 Deputy Mayor**

### **3.3.1 Deputy Mayor's allowance**

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

Last updated 14 December 2016

#### 4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt or other relevant documentation.

#### Policy Background

Policy Reference No. - 001  
Owner Unit – Governance  
Originator – Director of Finance and Corporate Services  
Policy approved by – Council  
Date Approved – 27 August 2008  
Review Frequency – As required  
Related Documents –  
    *Local Government Act 1995*  
    Local Government Department Circular 9-2011  
    *Local Government (Administration) Regulations 1996*  
    *Local Government Elected Council Members Determinations*  
Background/History - Initiated June 2008 to replace former policies:  
    054/1 - Councillors' Travelling Expenses;  
    055/1 - Attendance at Conferences, Training and Seminars;  
    193 - Communications Allowances - Councillors;  
    212/1 - Vehicle for Use by Shire President and Councillors;  
    226 - Laptop Computers - Councillors and Officers;  
    227 - Printer Consumables.

#### Last Policy Change

Council Resolution	Date	Information
C1612/156	14 December 2016	Adjustments of the Policy to reflect current practice and to allow the Mayor private use of vehicle. Version 9
C1608/200	10 August, 2016	Adjustments to state that fees and allowances to be determined in accordance with the relevant <i>Local Government Elected Council Members Determination</i> . Version 8

Last updated 14 December 2016

001	Fees, Allowances and Expenses for Elected Members	V9 Current
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## 1. PURPOSE

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The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

All allowances in relation to elected members are reviewed annually by the City and become effective following adoption of the annual budget.

## 3. POLICY CONTENT

### 3.1 Elected members

#### 3.1.1 Provision of equipment

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- A brief case up to the value of \$150;
- A standard-issue mobile telephone;
- A standard issue- mobile device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.

Any ~~mobile telephone or mobile device purchased equipment~~ provided in accordance with this policy can be retained by the elected member at the completion of their term of office or if they serve a minimum of 24 months as an elected member.

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Last updated 14 December 2016

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### 3.1.2 Meeting attendance fees

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

### 3.1.3 Information and Communications Technology allowance

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule.

-This allowance is to cover an elected member's costs in relation to ~~the following equipment and services:~~

- ~~Telephone rental charges;~~
- ~~Any other~~ expenses that relate to information and communications technology, for example telephone ~~rental and~~ call charges and internet service provider fees, and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

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The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

### 3.1.4 Reimbursement of childcare expenses

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

Last updated 14 December 2016

### 3.1.5 Reimbursement of travel expenses

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the State Salaries and Allowances Tribunal. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the State Salaries and Allowances Tribunal for incurring travel expenses.

- Council meetings - ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings - annual ~~general~~ and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown ~~or other distinguished visitors of similar status~~;
- ~~City organised~~ inspection tours of matters arising before the Council ~~or as a JDAP member~~;
- Any City-convened meeting ~~by the Mayor or CEO~~ requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses;
- ~~Officially convened~~ City organised meetings with ratepayers;
- ~~Attendance at community functions with a formal invitation as an elected member~~;
- ~~Attendance at "Flagship" functions and events held within the boundaries of the City and as determined by the Mayor and CEO at the commencement of each calendar year or as determined during the year\*~~;
- ~~Where the Mayor is unable to attend a function or event and has requested another elected member to attend on his behalf~~;
- ~~—~~
- Seminars and conferences attended in the capacity of an elected member ~~as approved by the City in accordance with Policy 08 "Councillors Induction, Training and Professional Development"~~;
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative / ~~delegate~~ by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

~~\*Flagship events and functions will be published in the Friday factsheet or will be the subject of a specific invitation sent by the City's administration.~~

Where ~~large distances are involved and when~~ ~~a~~ practicable a City-owned motor vehicle should be used in the first instance.

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates ~~set out in determined by~~ the *Public Service Award 1992* State Salaries and Allowances Tribunal. ~~Nothing in this section prevents an elected member from utilising a City-owned motor vehicle (subject to availability) for the types of travel approved under this section and this is encouraged where practical for the elected member's purposes.~~

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Last updated 14 December 2016

Subject to the approval of the Chief Executive Officer or delegate, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

### 3.1.6 Reimbursement of expenses while away from home on sanctioned activities

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Y	Y
Taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided	Y	Y <u>when with Member</u>
Daily sustenance per day allowance in accordance with the <i>Public Service Award 1992</i> <del>(1)</del>	Y	N
Specific conference related dinners/meals	Y	Y
Limited authority exists to purchase alcohol for networking purposes in a similar manner to the way the Council offers community members an invitation to share a drink after a Council meeting <u>ie a bottle of wine up to the value of \$45</u>		

### 3.1.7 Reimbursement of other expenses

#### 3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts, ~~to the CEO.~~

#### 3.1.7.2 Corporate attire reimbursement allowance

Each elected member is eligible to be provided Corporate attire with City logo up to the value of the amount provided in the annual budget (currently \$750pa), which may include:

- Corporate suit (male – Trousers and Jacket)
- Corporate suit (female – Skirt, Dress, Pants and Jacket)
- Corporate shirts/blouses etc
- Casual/Light weight Fleecy Jacket
- Polo top
- City tie/scarf
- Shoes (up to the value of \$150)
- Dry cleaning and maintenance of Corporate attire

All of the above clothing attire acquisitions (other than shoes) should be acquired through the City's approved uniform supplier.



Last updated 14 December 2016

~~As it is likely that on election as an elected member, a full suite of attire will be required soon after being sworn in, the entire allowance is available in the first year (commencing October). In relation to the second and subsequent years following election, the use of the allowance will be limited to two thirds of the allowance for the period October to April and one third of the allowance for the period May to October.~~

~~All items of corporate clothing which are branded with the City of Busselton should be returned of expiry of office.~~

~~Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.~~

### 3.2 Mayor

#### 3.2.1 Mayoral allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

#### 3.2.2 Provision of a City-owned Mayor vehicle

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members ~~or officers~~ with the agreement of the Mayor ~~or CEO~~.

The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis.

The ~~M~~Mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City ~~by agreement~~ in one of the following ways:

- ~~➤ Calculation of the amount due and~~By deduction from the quarterly members allowance payment ~~be reduced accordingly; or~~
- ~~➤ Calculation of the amount due and a~~An invoice be given to the Mayor for reimbursement.

~~The CEO and Mayor shall agree which of the two methods should apply. The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal for Local Government Elected Council Members, which refers to the rate payable contained by reference to the decision of the Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975.~~

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Last updated 14 December 2016

Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA.

### **3.3 Deputy Mayor**

#### **3.3.1 Deputy Mayor's allowance**

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

## **4. APPLICATION OF THE POLICY**

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt or other relevant documentation.

### **Policy Background**

Policy Reference No. - 001

Owner Unit – Governance

Originator – Director of Finance and Corporate Services

Policy approved by – Council

Date Approved – 27 August 2008

Review Frequency – As required

Related Documents –

*Local Government Act 1995*

*Local Government Department Circular 9-2011*

*Local Government (Administration) Regulations 1996*

*Local Government Elected Council Members Determinations*

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

055/1 - Attendance at Conferences, Training and Seminars;

193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

Last updated 14 December 2016

**Last Policy Change**

Council Resolution	Date	Information
C1612/156	14 December 2016	Adjustments of the Policy to reflect current practice and to allow the Mayor private use of vehicle. Version 9
C1608/200	10 August, 2016	Adjustments to state that fees and allowances to be determined in accordance with the relevant <i>Local Government Elected Council Members Determination</i> . Version 8

**Note in relation to Policy 001 – Fees, Allowances and Expenses for Elected Members**

**Elected Member Fees & Allowances – 2016/17**

Mayoral Allowance ——— \$62,727

Deputy Mayors Allowance ——— \$15,681

Mayoral attendance fees ——— \$34,900

Councillors attendance fees ——— \$25,090

Communications Allowance ——— \$3,500

These amounts are reviewed each year during the budget setting process having regard for determinations made by the Salaries & Allowances Tribunal.

10.7 Policy and Legislation Committee - 17/08/2017 - REVIEW OF WORKING GROUPS

<b>SUBJECT INDEX:</b>	Council and Committee Meetings
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Governance support
<b>REPORTING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Nil

**This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

This report proposes that the Council reviews whether or not to retain its non statutory Committees/Groups and determines whether it requires those Committees/Groups to continue in their present form or in a different form for the term of the next Council commencing in October 2017. This review includes the City's internal working groups and participation of Councillors on various external groups.

The practice of appointing Councillors to Standing working groups, internal groups and external organisations will necessarily be dealt with after the Council election to be held on Saturday, 21 October, 2017. Memberships of the various Committees and working groups will be determined at a Special Meeting of Council that is scheduled to occur on Monday, 23 October, 2017.

**BACKGROUND**

The Council over the years has formed many working Committees and working groups to assist with progressing various works and services through the development and implementation stages of many initiatives. In addition, Council is also represented on many local community committees and working groups principally to provide a link between Council and members of the organisation.

It is appropriate to review, on a regular basis, whether or not the Council and working groups are still performing the function originally designed to achieve and whether membership of the community groups is warranted.

This report recommends that Council reviews the need for a wide range of Working Groups to continue to exist and whether membership to external organisations is necessary.

The list of working groups and other organisations on which Councillors are currently represented together with brief comments on their need and status is as follows:

<b>City-formed Groups</b>	<b>Proposed action</b>
<b>Administration Building Working Group</b> The group assists the CEO and Project Manager with decisions relating to the building program and interior design for the new administration and civic centre.	<b>Delete – Building completed – no longer required</b>
<b>Busselton Jetty Reference Group</b> The reference group includes three Councillors, three members of the Busselton Jetty Inc and City officers for jetty-related discussions.	<b>Retain – Reference Group performs important function and provides link to City's most important asset and local community group</b>

<b>Local Planning Strategies Reference Group</b> A discussion forum for the development and review of local planning strategies following the implementation of the new town planning scheme.	<b>Delete – This role and issues previously considered by this Group now replaced by discussion at Council briefing sessions</b>
<b>Waste Advisory Group</b> The group participates in the development of strategies, both local and regional, for the future management of waste.	<b>Retain – Advisory Group performs important function and with input to the Regional Waste Strategy</b>
<b>Waterways Improvement Reference Group</b> The group assists with strategies relating to improvement of the Vasse River and other local waterways.	<b>Retain – Projects in place need to be progressed</b>
<b>Marketing and Events Reference Group</b> The group makes recommendations to Council on the allocation of marketing and events funding raised through the commercial differential rate.	<b>Retain – Reference Group performs important function</b>
<b>Busselton Wetland Project Team</b> The team provides guidance on the development of the Busselton Wetlands concept through education, promoting the international significance and conservation.	<b>Delete – Has transitioned to a Friends Group with no Council appointed representative</b>
<b>Energy Working Group - Could be renamed as Sustainability and Energy Working Group</b> The group considers the development and implementation of energy efficiency initiatives.	<b>Retain – Working Group performs important function – recommend name change and new Terms of Reference incorporating broader scope could be considered at future meeting</b>
<b>Environmental Reference Group</b> The group assists the development and implementation of the City's Environment Strategy and provides a forum for discussion of environmental issues.	<b>Delete – now a wholly Community Reference Group – new status adopted by Council in April 2017 – C1704/073</b>
<b>Disability Access and Inclusion Plan Reference Group</b> The group assists with the implementation of initiatives identified in the Disability Access and Inclusion Plan.	<b>Retain – Reference Group performs important function</b>
<b>Performing Arts / Convention Centre Working Group</b> The group is charged with the responsibility of developing a business case to demonstrate the feasibility and viability of a future Performing Arts / Convention Centre.	<b>Retain – Committee performs important function – and will need to exist as project progresses.</b>
<b>Vasse Recreational Facilities Working Group</b> This Group exists to assist with the development of recreational facilities at Vasse.	<b>Retain – Working group meets regularly as facilities continue to be planned and developed</b>
<b>Local Emergency Management Committee</b>	<b>Retain - Committee performs important function</b>
<b>Ministerial appointments</b>	
<b>Yallingup Land Conservation District Committee (LCDC)</b> The Councillor is appointed by the Minister to assist in Land Conservation initiatives in the Yallingup area.	<b>Retain - Committee performs important function</b>
<b>Development Assessment Panel</b> The Councillors are appointed by the Minister to the DAP which is charged with considering development applications above a certain value instead of the Council.	<b>Retain - Committee performs statutory function</b>
<b>Lower Vasse Taskforce Committee – Geo Catchment</b>	<b>Retain – Committee performs important function</b>

<b>External Groups</b>	
<b>Busselton Senior Citizens' Centre Board</b> The Councillor participates on the Board of Management established to run the Busselton Senior Citizens' Centre in accordance with Boards Constitution.	<b>Retain – Committee performs important function</b>
<b>GeoCatch</b> The Board implements priority natural resource management action in the Geographe catchment area.	<b>Retain – Committee performs important function</b>
<b>Regional Roads Group - MRWWA</b> The group exists to prioritise and resolve projects for the allocation of monies received by the RRG from State and Federal Government car-related taxes.	<b>Retain – Committee performs important function</b>
<b>Citizens' Advice Bureau</b> Offers an information and referral service that is free, confidential, impartial and community-based.	<b>Delete – Board has resigned</b>
<b>Busselton and Sugito Sister Cities Association</b> The incorporated association manages the Sister City relationship with Sugito, Japan and arranges adult and youth exchanges.	<b>Retain – Committee performs important function</b>
<b>Port Geographe Community Consultation Forum</b> The liaison group includes State Government representatives and local residents to discuss Port Geographe Harbor and Groyne issues	<b>Delete – Forum no longer operational since Groyne works completed</b>
<b>South West Zone Local Government Association</b> The association of 12 South West Local Governments that meets to consider WA Local Government Association initiatives.	<b>Retain – Committee performs important function</b>
<b>Busselton Historical Society</b> The society provides information on the history of the Busselton region to the public and runs the museum.	<b>Retain – Committee performs important function</b>
<b>Rails to Trails</b> <b>Now called Wadandi Track Steering Committee</b> The group consists of representatives from the City and Shire of Augusta-Margaret River to oversee the development of the master plan for the Wadandi Track.	<b>Delete – The rail-trail from Busselton to Augusta has moved from the Planning phase and is now in the implementation phase and works are now subject to annual budget allocations.</b>
<b>Higher Education Forum – now known as CQU Advisory Group</b> The group investigates opportunities for the provision of higher education facilities and programs in the City of Busselton.	<b>Retain – particularly as CQU is now in 'Growth mode'</b>
<b>Naturaliste Roadwise Committee – now known as Roadwise Committee</b> Formerly had the responsibility for Undertaking school leavers education program about the dangers of drink driving, advocated for the reduction of speed limits and provided roundabout education.	<b>Retain under new name 'Roadwise Committee' which reviews Roadwise issues over whole City district.</b>
<b>Rural Clinical School</b> The School has the explicit goal of attracting more doctors to regional, rural and remote practice.	<b>Delete</b>

<p><b>Sea Change Taskforce (now called Australian Coastal Councils' Association) and Peron-Naturaliste Partnership (PNP)</b></p> <p>The ACCA runs events and an annual conference to discuss issues of importance to coastal local governments. The objective of the PNP is to provide a regional mechanism to facilitate effective adaptation responses to climate change.</p>	<p><b>Retain – Committee performs important function. City represented by two Councillors and Director Planning &amp; Development Services</b></p>
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Those Groups that are **not proposed to be re-established** in their present form are as follows:

- **Administration Building Working Group**
- **Local Planning Strategies Reference Group**
- **Busselton Wetland Project Team**
- **Environmental Reference Group**
- **Citizens' Advice Bureau**
- **Port Geographe Community Consultation Forum**
- **Rails to Trails - Steering Committee**
- **Naturaliste Roadwise Committee**
- **Rural Clinical School**

## **STATUTORY ENVIRONMENT**

Under Section 5.8 of the *Local Government Act 1995* (LG Act), a local government, by absolute majority, may establish Committees of three or more persons to assist the Council, and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Separately, Section 5.10 and 5.11A of the LG Act relates to the appointment of Committee members and Deputy Committee members. It is noted that these requirements will be dealt with at a separate meeting following the election.

Section 5.16 of the LG Act also applies, whereby a local government may delegate to a Committee any of its powers and duties, other than this power of delegation.

## **RELEVANT PLANS AND POLICIES**

Appointing members of the Council to Committees is subject to the requirements of Council Policy 014 – *Convening the Council Following an Election*.

A Special Meeting of the Council will be convened on the Monday evening immediately following the ordinary election day. The proceedings will commence with the “Swearing In” ceremony for newly elected members who need to make a declaration. Once this has occurred, consideration of membership of the Council’s Committees and the appointment of Council delegates to other various groups can commence.

This report provides the opportunity for the Councillors who have participated in all of the Committees in the past two years to review their operation and make a decision as to whether the Committees should continue during the term of the next Council.

## **FINANCIAL IMPLICATIONS**

Apart from minor representation costs, there are no financial implications associated with the proposal to review Committees and working groups.

## STRATEGIC COMMUNITY OBJECTIVES

The practice of matters being considered by various Committees and working groups established by the Council contributes to Governance systems that deliver responsible, ethical and accountable decision-making.

## RISK ASSESSMENT

Risk	Controls	Consequence	Likelihood	Risk Level
Committees consider matters outside of their scope or Committee members fail to recognise interests	Provision of advice and officer attendance at various Committee meetings	Minor	Possible	Medium

## CONSULTATION

No external consultation required.

## OFFICER COMMENT

The vast majority of Committees and Working Groups are recommended to continue intact or be merged to consolidate activities. There are however a number of Committees / Working Groups that are proposed not to continue or have a name change to reflect their present role. These are:

- **Administration Building Working Group**
- **Local Planning Strategies Reference Group**
- **Busselton Wetland Project Team**
- **Energy reference Group – could be renamed Sustainability & Energy Reference Group**
- **Environmental Reference Group**
- **Citizens' Advice Bureau**
- **Port Geographe Community Consultation Forum**
- **Rails to Trails - now called Wadandi Track Steering Committee**
- **Naturaliste Roadwise Committee – now called Roadwise Committee**
- **Rural Clinical School**

## CONCLUSION

The Council is requested to assess the effectiveness of its Committee system over the past two years and to make a determination as to those Committees and working groups it requires to continue.

## OPTIONS

The Council may determine that it does not require any or all of these Committees and working groups, with the exception of the Audit Committee, or may require changes to be made to any of the terms of reference.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Members will be appointed to any Committees that the Council establishes at a Special Meeting of Council scheduled for 19 October, 2015.

**OFFICER RECOMMENDATION**

That the Council:

1. Retains the following working/reference/advisory groups:

Busselton Jetty Reference Group  
Waste Advisory Group  
Waterways Improvement Reference Group  
Marketing and Events Reference Group  
Disability Access and Inclusion Plan Reference Group  
Performing Arts / Convention Centre Working Group  
Vasse Recreational Facilities Working Group

2. Endorses name changes to the following Committees /groups:

<u>Existing name</u>	<u>Proposed name</u>
Energy Working Group	Sustainability & Energy Working Group
Naturaliste Roadwise Committee	Roadwise Committee

3. Endorses the participation of Councillors on the following external Committees/ groups:

Busselton Senior Citizens' Centre Board  
GeoCatch  
Regional Roads Group  
Busselton and Sugito Sister Cities Association  
WALGA – SW Zone  
Busselton Historical Society  
CQU Advisory Group  
Australian Coastal Councils' Association and Peron-Naturaliste Partnership (PNP)

4. Notes that the following Committees require the members nomination to be approved by the relevant Minister:

Yallingup Land Conservation District Committee (LCDC)  
Development Assessment Panel  
Lower Vasse Taskforce Committee Geo catchment

5. Notes that the following Committees / groups are no longer required:

Administration Building Working Group  
Local Planning Strategies Reference Group  
Busselton Wetland Project Team  
Environmental Reference Group  
Citizens' Advice Bureau  
Port Geographe Community Consultation Forum  
Rural Clinical School

**COMMITTEE RECOMMENDATION****ABSOLUTE MAJORITY DECISION REQUIRED**

That the Council adopts the Officer Recommendation and in addition notes that the Higher Education Forum – now known as CQU Advisory Group is no longer required.



Note:

At the P & L Committee discussion occurred on 3 Committees not included in the report for review. This advice updates members on the status of these committees.

Western Ringtail Possum Working Group  
Phoebe Abbey House Working Group

















These Working parties are not affected by any review as they have been specifically created as Working Groups formed by the CEO in order to assist in the management and direction of activities associated with them. Interested Councillors are invited to attend the meetings and are not appointed by Council. As a consequence, Councillors who attend these meetings do not need to be 're-appointed' by Council as Council has not appointed them to the Working Group.

Community Resource Centre Working Group

It is acknowledged that this Group meets on a regular basis and continues to operate. This Working Group will be listed as one of those Groups whose membership will be reviewed at the Special Meeting of Council to be held on Monday 23rd October, 2017 following the election process.

## 11. PLANNING AND DEVELOPMENT SERVICES REPORT

### 11.1 PROPOSED SCHEME AMENDMENT 27 TO LOCAL PLANNING SCHEME 21 AND DRAFT STRUCTURE PLAN FOR LOT 10 COMMONAGE ROAD, DUNSBOROUGH

<b>SUBJECT INDEX:</b>	Town Planning Schemes and Amendments
<b>STRATEGIC OBJECTIVE:</b>	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
<b>BUSINESS UNIT:</b>	Strategic Planning and Development Services
<b>ACTIVITY UNIT:</b>	Strategic Planning
<b>REPORTING OFFICER:</b>	Principal Strategic Planner - Louise Korovesi
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Location Plan <a href="#"> </a>
	Attachment B District Open Space Concept Plan <a href="#"> </a>
	Attachment C Existing Zoning <a href="#"> </a>
	Attachment D Proposed Zoning <a href="#"> </a>
	Attachment E Proposed Structure Plan Extract <a href="#"> </a>
	Attachment F Endorsed Dunsborough Lakes Structure Plan <a href="#"> </a>
	Attachment G Proposed Overall Structure Plan <a href="#"> </a>
	Attachment H BAL Contour Map <a href="#"> </a>

## PRÉCIS

The Council is requested to consider initiating for public consultation Amendment 27 to Local Planning Scheme 21 (LPS21). The Amendment seeks to rezone Lot 10 Commonage Road, Dunsborough from 'Reserve for Public Purposes' to 'Special Purpose (Dunsborough Lakes Development Area)' and amend Schedule 3 – 'Special Provision Areas' to include the subject land within Special Provision Area No. 42. Modifications to the endorsed Dunsborough Lakes Structure Plan are also proposed that reflect land use changes sought through the Amendment.

The proposed would allow residential subdivision to occur in the southern part of the site.

The proposal will also help facilitate the subdivision and acquisition of a 7.56 hectare northern portion of Lot 10 by the City for the future development of district-level sporting and active recreation ovals and associated infrastructure.

Officers are recommending that the Council adopts the Amendment and Structure Plan for initiation and consultation, which will include referral to the EPA and relevant State Government agencies and advertising. The Amendment is viewed as a 'standard' amendment for the purposes of Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## BACKGROUND

The proposal comprises a Scheme amendment and modifications to the endorsed Dunsborough Lakes Structure Plan. The subject land is approximately 20 hectares in area and is located 2km south of the Dunsborough Town Centre, adjacent to Dunsborough Lakes Estate. A location plan and aerial photograph are provided at Attachment A.

Lot 10 is relatively flat and partially cleared. Remnant vegetation exists predominantly through the centre of the land, along Commonage Road and in the northeast corner at Dunsborough Lakes Drive. The remainder of the site is either 'parkland' or wholly cleared.

Lot 10 is reserved in LPS21 for 'Public Purposes (Sewer Treatment Plant)' and is owned in freehold title by the Water Corporation. The southern portion of the site previously accommodated the Dunsborough Waste Water Treatment Plant (DWTP). The DWTP was ultimately considered surplus to operational requirements and was decommissioned in 2001, with the levelling of treatment ponds and removal of storage tanks and sludge completed by 2004. Groundwater monitoring and soil testing was undertaken to assess contamination levels. The subject land was officially reclassified as a 'decontaminated site' by the Department of Environmental Regulation in September 2013 and, consequently, deemed suitable for alternative 'sensitive' land uses such as residential and recreation.

The potential opportunity to utilise the northern 'third' (7.56 hectares) of Lot 10 for the development of two sporting and active recreation ovals and associated infrastructure in a manner that would provide a contiguous, district-level facility with a third, 'shared use' oval (on land to be ceded to, and developed by, the City immediately south of the future Dunsborough Lakes primary school site and east of Lot 10 on abutting Lot 9058) has been previously identified by the City. An acquisition/sale price for the northern third of the subject land has been agreed between the City and the Water Corporation, with the Council formally deciding to proceed with the purchase and finalisation/execution of the Contract of Sale at its meeting of 22 February 2017. This contract was executed on 4 May 2017 (with settlement and transfer of tenure circa June 2018, conditional upon the Gazettal of this Amendment).

A conceptual plan showing how a contiguous three oval and active recreational area development could be constructed across the northern third of Lot 10 (and incorporating the 'shared use' oval proposed alongside the future Dunsborough Lakes primary school on the adjoining property) is provided at Attachment B. Development of the first oval, the 'shared use' oval, is identified to occur in the 2018/19 financial year in the City's current Long Term Financial Plan. It should be noted that at this stage the State has not allocated funds to development of the Dunsborough Lakes Primary School. Given funding cycles that means development of the school is unlikely to commence prior to 2022/23. Development of the shared use oval is not dependent upon a school funding commitment. If the oval is built before the school, as seems very likely, the Department of Education would need to negotiate access with the City, including retrospective capital contribution.

Each element of the proposal is outlined below under appropriate sub-headings.

### **Scheme Amendment**

The Scheme Amendment proposes to –

1. Rezone Lot 10 Commonage Road, Dunsborough from 'Reserve for Public Purposes' to 'Special Purposes (Dunsborough Lakes Development Area)'.
2. Amend Schedule 3 – 'Special Provision Areas' to include reference to Lot 10 Commonage Road, Dunsborough in Special Provision Area 42.
3. Amend the boundary of Special Provision Area 42 to include the whole of the subject land.

Existing and proposed zoning maps are provided at Attachments C and D respectively.

### **Proposed Modified Dunsborough Lakes Structure Plan**

It is proposed to modify the endorsed Dunsborough Lakes Structure Plan to include the whole of Lot 10 Commonage Road. The key elements of the proposed structure plan as it relates to the subject land are summarised below (Attachment E) –

- Approximately 12 hectares of public open space for recreation and conservation.
- Approximately 7 hectares of residential land that will yield 102 residential lots ranging in size from 375m<sup>2</sup> to 737m<sup>2</sup>. The majority of the residential cell is proposed at a density of R20, with R30 towards the western boundary of the subject land.
- A road network that provides for connectivity to adjacent land within the Dunsborough Lakes estate and a single centralised access point to Commonage Road.
- A 20m landscape buffer to Commonage Road.

The endorsed Dunsborough Lakes Structure Plan is provided at Attachment F and the proposed modified overall structure plan is provided at Attachment G.

The proposal is supported by the following technical assessments and key findings of each are discussed below under appropriate sub-headings.

- i. Flora, Vegetation and Fauna Assessment
- ii. Bushfire Management Plan
- iii. Local Water Management Strategy

### **Flora, Vegetation and Fauna Assessment**

A Flora, Vegetation and Fauna Assessment undertaken in early spring 2012 identified the ecological values, opportunities and constraints across the subject land. The key findings of the assessment are summarised as follows –

#### *Flora & Vegetation*

- 70 flora species from 27 families were recorded on the site, including 32 introduced species.
- No threatened (declared rare) or priority listed flora species were recorded during the survey.
- Six vegetation types were identified broadly representing the Abba vegetation complex of which less than 2% of the pre-European extent remains. Where there is less than 10% of the pre-European extent of a complex remaining, remnants of the vegetation complex are considered to be significant and a priority for conservation. Wetland areas occur in the northern area of the subject land and have been modified with constructed drains and sumps.
- Jarrah/Marri/WA Peppermint occur across drier areas of the site, with Melaleuca species present in wetland areas. The understorey is dominated by introduced species.
- The condition of the vegetation over the majority of the subject land was assessed as being degraded to completely degraded, with some areas either in good condition or cleared.

### *Fauna*

- Eucalyptus (Jarrah/Marri) and WA Peppermint woodland, Melaleuca woodland, artificial ponds and paddock comprise the four fauna habitat types. The majority of fauna habitat was assessed as disturbed or highly degraded, other than the narrow corridor of Eucalyptus and WA Peppermint Tree woodland along Commonage Road which was assessed as being in good condition.
- 40 fauna species were recorded and of those three species are listed as conservation significant (Vulnerable, Endangered or Threatened), being: Baudin's Black Cockatoo; Carnaby's Cockatoo; and Western Ringtail Possum.
- Areas of Black Cockatoo breeding and foraging habitat and Western Ringtail Possum habitat are the primary habitat features of significance within the subject land. These areas include the central vegetation corridor (that links with vegetation on adjoining land), along Commonage Road and a small pocket in the north eastern corner of the subject land.

Key recommendations of the assessment are -

- Consider the rehabilitation of appropriate parts of the site for conservation.
- Retain and manage the vegetation which is in good condition.
- To minimise impacts on fauna, retain and improve remnant vegetation patches that are in good condition, including corridors, such as through the centre of the site and along Commonage Road.
- Retain WA Peppermint trees with a diameter of >100mm and large mature Eucalypt trees, especially those surrounded by remnant vegetation.

An assessment of the environmental significance of vegetation within the proposed future residential portion of the subject land and the requirement for referral to the Department of Environment and Energy has also been provided in support of the Amendment.

The assessment finds that vegetation clearing that would result from the implementation of the residential development area, as shown on the proposed structure plan, is unlikely to have a significant impact on black cockatoo species or the Western Ringtail Possum. This is primarily due to the following factors:

- large areas of reserved potential habitat for all species exist nearby to the subject land;
- the proposed action will not fragment the existing remnant vegetation corridor within the subject land;
- the vegetation that will be cleared within the residential development area of the subject land is of poor quality; and
- the vegetation that will be included in public open space is the best representation of habitat within the subject land.

### **Bushfire Management Plan**

A portion of the subject land is designated bushfire prone on the State Map of Bushfire Prone Areas. In response, a Bushfire Management Plan (BMP) has been prepared in accordance with the WAPC *State Planning Policy 3.7 – Planning in Bushfire Prone Areas 2015/Guidelines for Planning in Bushfire Prone Areas 2017*.

The key findings of the BMP are summarised as follows -

- Pre-development vegetation is assessed as: 'Class A Forest' in the south and west of the subject land; 'Class B Woodland' in the centre, east and northeast areas of the subject land; and 'Class G Grassland' in the northern and southern portions of the subject land.
- Effective slope is assessed as flat ground.
- The vegetation to be retained post-development in the central public open space and landscape buffer along Commonage Road is not considered to present bushfire threat to future development.
- The BMP BAL contour map suggests that four residential lots have a *marginal* intrusion of the BAL-40 contour, however with the proposed internal road network, combined with the building setbacks required by the Residential Planning Codes of WA for R20 and R30, the separation distance between future development (houses) and classified vegetation will achieve BAL-29 or lower. The BAL contour map is provided at Attachment H.
- The BMP finds that the southern portion of Lot 10 is suitable for residential subdivision and development as set out by the proposed structure plan.

### **Local Water Management Strategy**

The Local Water Management Strategy (LWMS) for the subject land describes drainage strategies for the management of 1:1, 1:5, 1:10 and 1:100yr stormwater (flood) events using a combined system of on-lot detention, swales, conveyance pipes, bio-retention and detention basins of various sizes. Post-development peak flow rates are estimated to be equal to or less than the estimated pre-development peak flow rates for the 1:5 flood event. The LWMS does not propose off-site treatment/disposal of stormwater.

### **Services**

The Amendment report states that the future development of Lot 10 can be serviced by extending the reticulated water, sewer, power and telecommunications infrastructure located within the adjacent Dunsborough Lakes estate.

## **STATUTORY ENVIRONMENT**

The key elements of the statutory environment with respect to this proposal are set out in the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Each is discussed below under appropriate subheadings.

### **Planning and Development Act 2005**

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

### **Planning and Development (Local Planning Schemes) Regulations 2015**

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

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

## **RELEVANT PLANS AND POLICIES**

The key policies relevant to the proposal are:

1. *State Planning Policy 6.1 Leeuwin Naturaliste Ridge Policy.*
2. *State Planning Policy 3.7 Planning for Bush Fire Prone Areas/Guidelines for Planning in Bushfire Prone Areas 2015.*
3. *City of Busselton Draft Local Planning Strategy.*
4. Dunsborough Lakes Structure Plan.

### **State Planning Policy 6.1 Leeuwin Naturaliste Ridge Policy**

State Planning Policy 6.1 Leeuwin Naturaliste Ridge Policy (LNRSP) identifies the subject land as a 'Development Investigation Area'. A Development Investigation Area is a guide to potential development, but requires detailed investigation (structure planning and rezoning) prior to subdivision and development, including form, function and design. In the vicinity of a 'Principal Centre' i.e. Dunsborough, a Development Investigation Area may comprise urban development.

### **State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas**

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

The key elements of the Guidelines relevant to the proposal are:

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

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

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

The BMP finds that the southern portion of the subject land is suitable for subdivision and development consistent with Element 1 – Performance Principle 1, Acceptable Solution A1.1 and Element 2 - Acceptable Solution A2.1.

### **City of Busselton Draft Local Planning Strategy**

The draft LPS sets the long term broad planning direction for the whole of the District of the City of Busselton and provides the strategic rationale for decisions related to the progressive review and amendment of LPS21.

The draft LPS identifies Lot 10 Commonage Road as forming part of Current Urban Growth Area 'Dunsborough Lakes 12' and notes that the broader area is already zoned and structure planned for urban development. 'Dunsborough Lakes 12' is also identified as a location for a 'Planned Potential Major Outdoor Recreation Site'.

The draft LPS was adopted for final approval by the Council in September 2016 and is currently pending endorsement by the WAPC.

### **Dunsborough Lakes Structure Plan**

The Dunsborough Lakes Structure Plan has guided the progressive subdivision and development of land within its boundaries for urban development. Whilst not currently included within the structure plan boundary, the subject land carries the notation: *"Potential future urban subject to future scheme amendment"*.

### **FINANCIAL IMPLICATIONS**

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

#### **Long-term Financial Plan Implications**

Development of this land will support the continued planned growth of Dunsborough, and will ensure continued contributions towards development and upgrading of community facilities to service the Dunsborough Community.

### **STRATEGIC COMMUNITY OBJECTIVES**

The Officer Recommendation is consistent with community objective 2.1 of the *City of Busselton Strategic Community Plan 2017*, which is - *'planning strategies that foster the development of neighbourhoods that meet our needs as we grow'*.

### **RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The implementation of the Officer Recommendation will involve initiating the proposed Amendment for referral to the Environmental Protection Authority and adopting the proposed Structure Plan for advertising. In this regard, there are no significant risks identified.

### **CONSULTATION**

There is no requirement under the *Planning and Development (Local Planning Schemes) Regulations 2015* to advertise a proposed scheme amendment prior to it being initiated by the Council. Accordingly, no advertising has occurred to date.



If the Council resolves to initiate the proposed Amendment, the relevant amendment documentation would be referred to the Environmental Protection Authority for consideration of the need for formal assessment under Part IV of the Environmental Protection Act 1986. Should the EPA resolve that the Amendment does not require formal assessment it will be advertised for 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Western Australian Planning Commission has been consulted regarding the submission of a combined scheme amendment request and a structure plan since the new local planning schemes regulations came into effect. The approach to this application will be to process the Structure Plan and Amendment concurrently.

#### **OFFICER COMMENT**

The City's draft Local Planning Strategy identifies Lot 10 Commonage Road, Dunsborough as forming part of the broader Dunsborough Lakes urban growth area.

The proposal is consistent with *State Planning Policy 6.1 Leeuwin Naturaliste Ridge* which includes the land within a 'Development Investigation Area' for prospective urban development, subject to rezoning and structure planning. The subject land is in proximity to the Dunsborough town centre and its associated commercial and community services and facilities and forms a logical extension to the existing Dunsborough Lakes estate.

The proposed structure plan layout over Lot 10 responds to the physical attributes of the site, namely the identification of remnant vegetation and habitat areas occupying the central third and adjacent to Commonage Road. These are seen as warranting environmental preservation and protection, in accordance with the findings of the environmental assessment, with the northern third set aside for the future development of district-level active open space, and the southern third for residential subdivision and development.

The proposal would also assist in facilitating the acquisition of a 7.56 hectare portion of Lot 10 by the City for the future development of district-level sporting and active recreation ovals and associated infrastructure.

#### **CONCLUSION**

Officers are recommending that proposed Scheme Amendment 27 to Local Planning Scheme 21 and the proposed Structure Plan be adopted for public consultation, which will include referral to the EPA and subsequent advertising and referral to relevant state government agencies.

#### **OPTIONS**

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

1. To decline the request to initiate the proposed amendment (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 decision.
3. To initiate the proposed amendment subject to further identified modification(s) as required.

Officer assessment has not revealed any substantive issue or reasonable grounds that would support any of these options and it is considered that options 2 and 3 could be more appropriately considered following the receipt of advice from the relevant state government agencies.

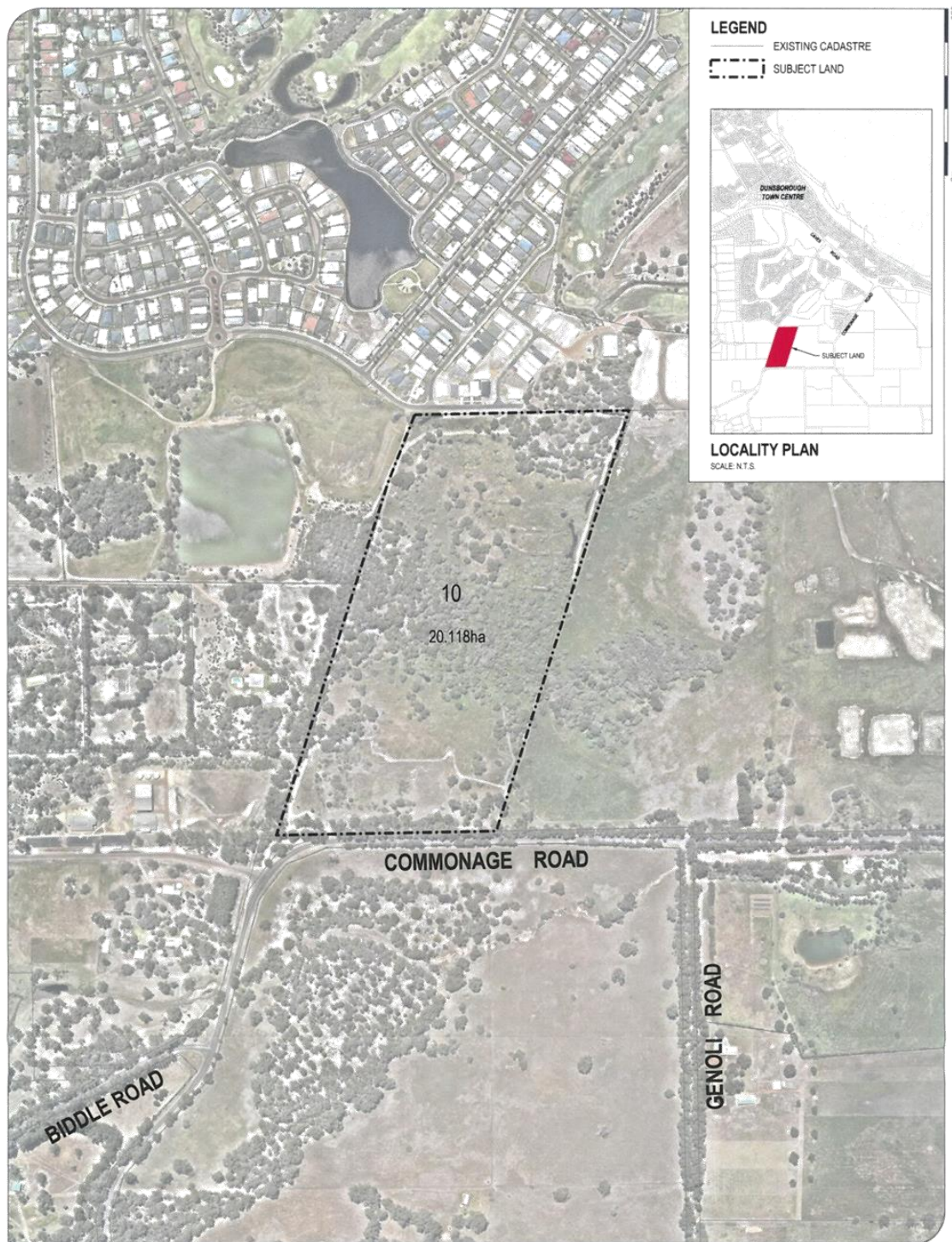
**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The implementation of the Officer Recommendation would include advising the applicant of the Council resolution and referring the Amendment to the Environmental Protection Authority, which will occur within one month of the resolution.

**OFFICER RECOMMENDATION**

That the Council:

1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 21 to the City of Busselton Local Planning Scheme 21 for the purposes of:
  - a. Rezoning Lot 10 Commonage Road, Dunsborough from 'Reserve for Public Purposes' to 'Special Purposes (Dunsborough Lakes Development Area)'.
  - b. Amending Schedule 3 – 'Special Provision Areas' to include Lot 10 Commonage Road, Dunsborough.
  - c. Amending the boundary of Special Provision Area 42.
  - d. Amending the Scheme map accordingly.
2. That, as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and Regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by the Act, and on receipt of a response from the EPA indicating that the draft Amendment is to be subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.
3. Advises the Western Australian Planning Commission that the proposed Amendment is considered a 'standard' amendment pursuant to the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reasons:
  - i. The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
  - ii. The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
4. Adopts the draft Dunsborough Lakes Structure Plan depicted at Attachment E for public consultation, pursuant to the deemed provisions of Part 7 of the City of Busselton Local Planning Scheme 21.



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**LOCATION PLAN**  
Lot 10 Commonage Road, Dunsborough  
Figure 1



Plan No: 14023P-MP-02

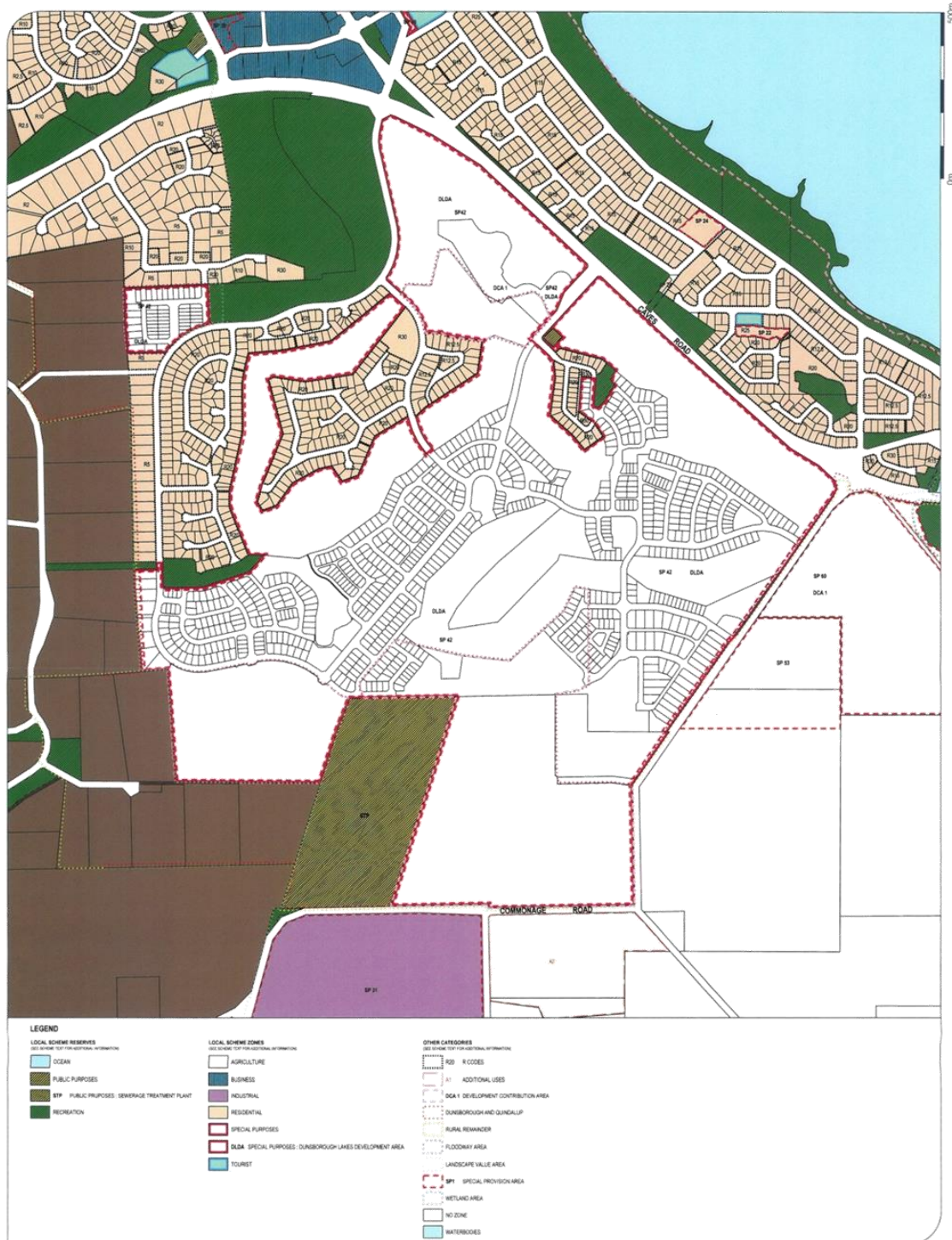
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Rev: ORIGINAL  
Scale: A1 @ 1:2500, A3 @ 1:5000  
Co-ords: MGA  
Aerial: Nearmap Dec 2016

This plan has been prepared for planning purposes. Areas, contours and dimensions shown are subject to survey.









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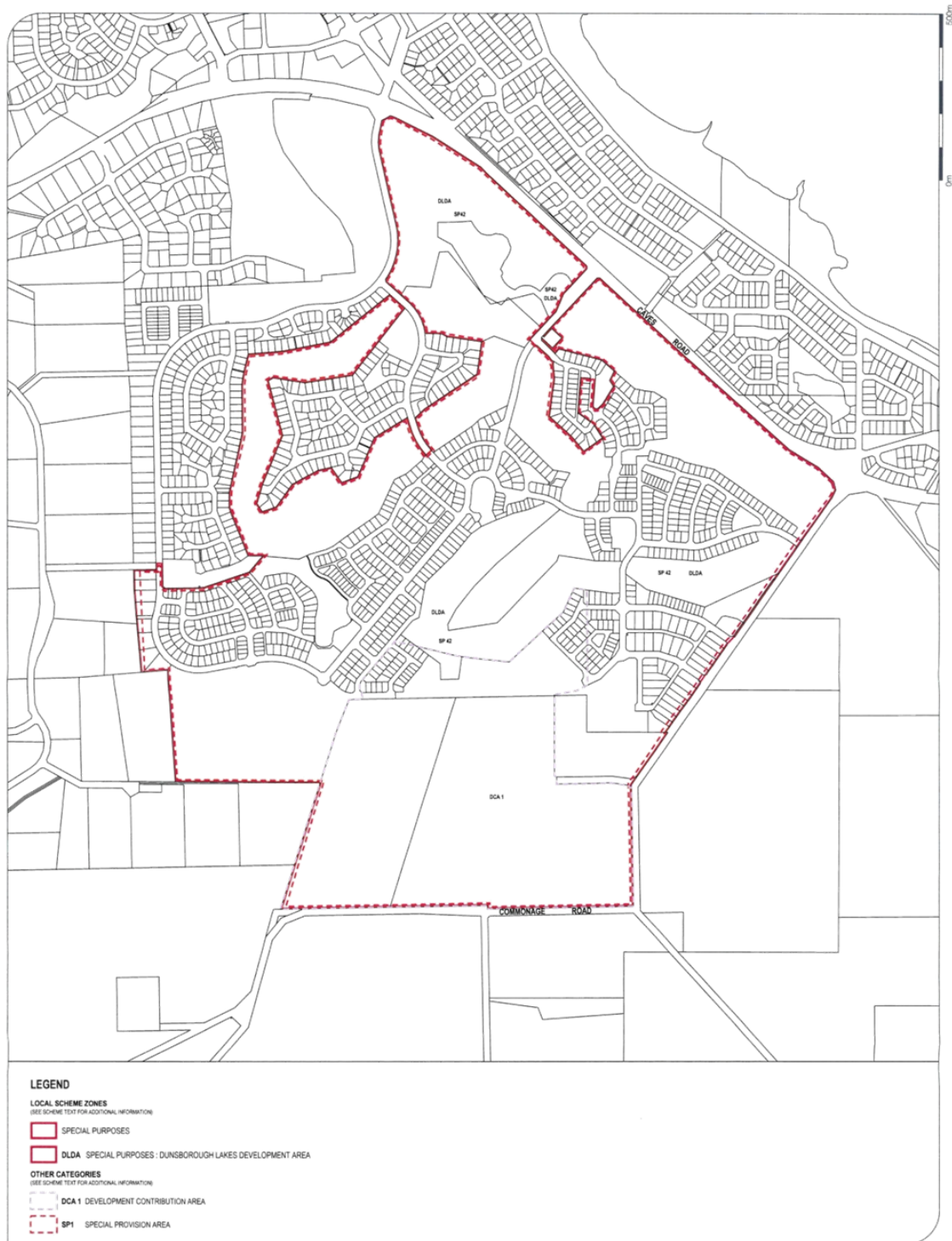
EXISTING LOCAL PLANNING SCHEME No. 21  
Lot 10 Commonage Road, Dunsborough



Plan No: 14023P-AM-01

Date: 13.09.2016  
Rev: ORIGINAL  
Scale: A1 @ 1:5000, A3 @ 1:10000  
Co-ords: MGA  
Aerial: N/A

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PROPOSED LOCAL PLANNING SCHEME No. 21  
Lot 10 Commonage Road, Dunsborough



Plan No: 14023P-AM-02

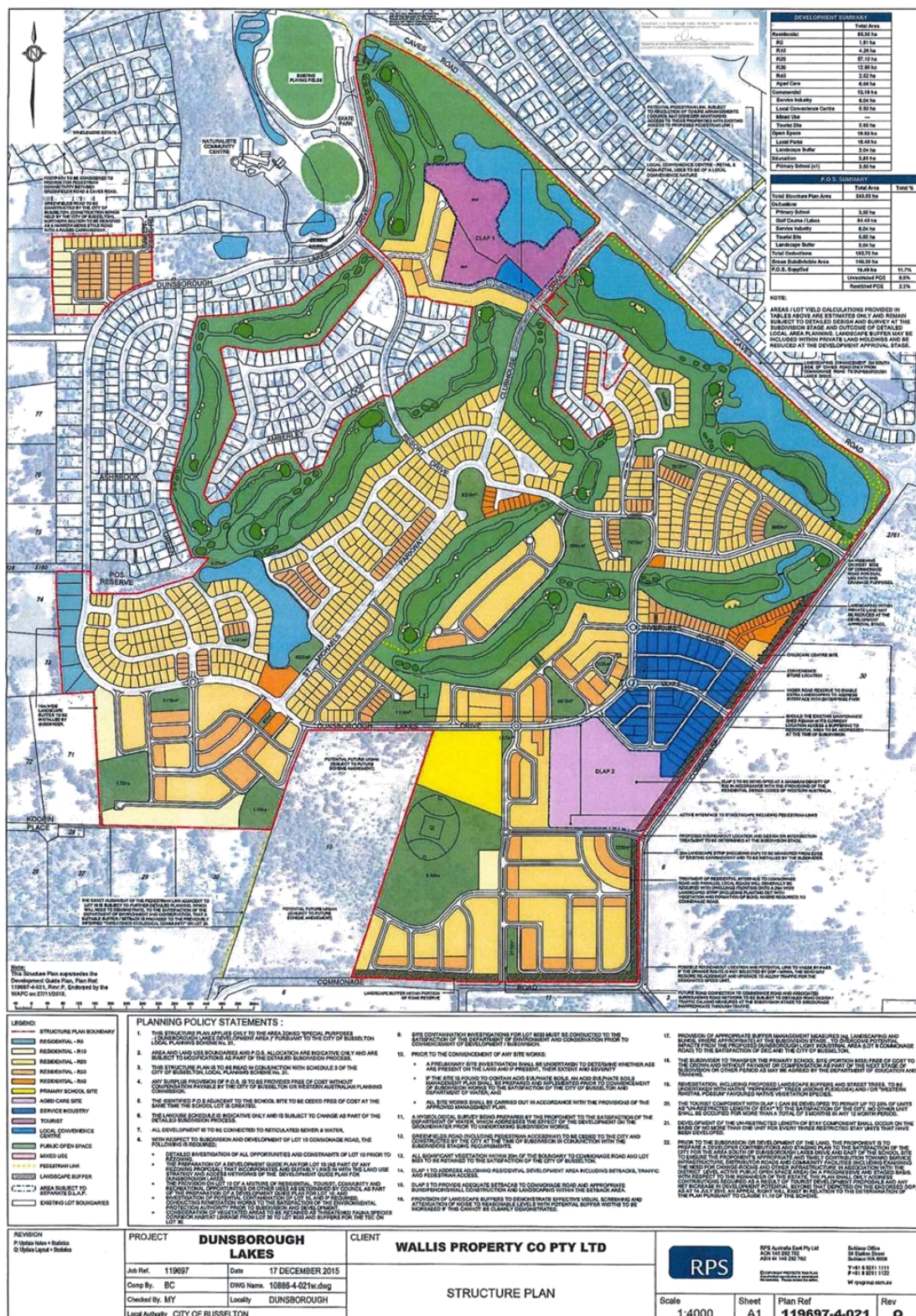
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Co-ords: MGA  
Aerial: N/A

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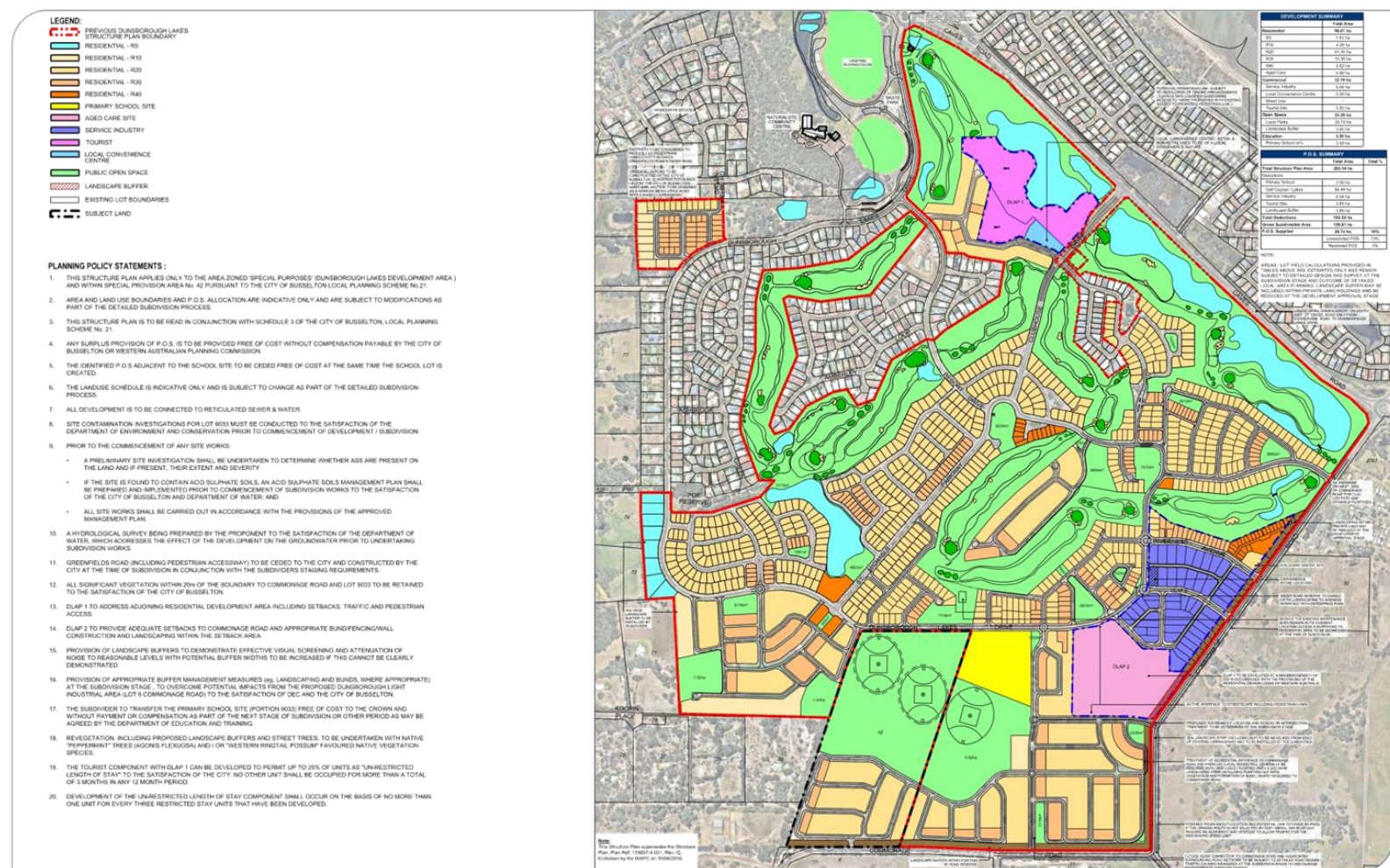














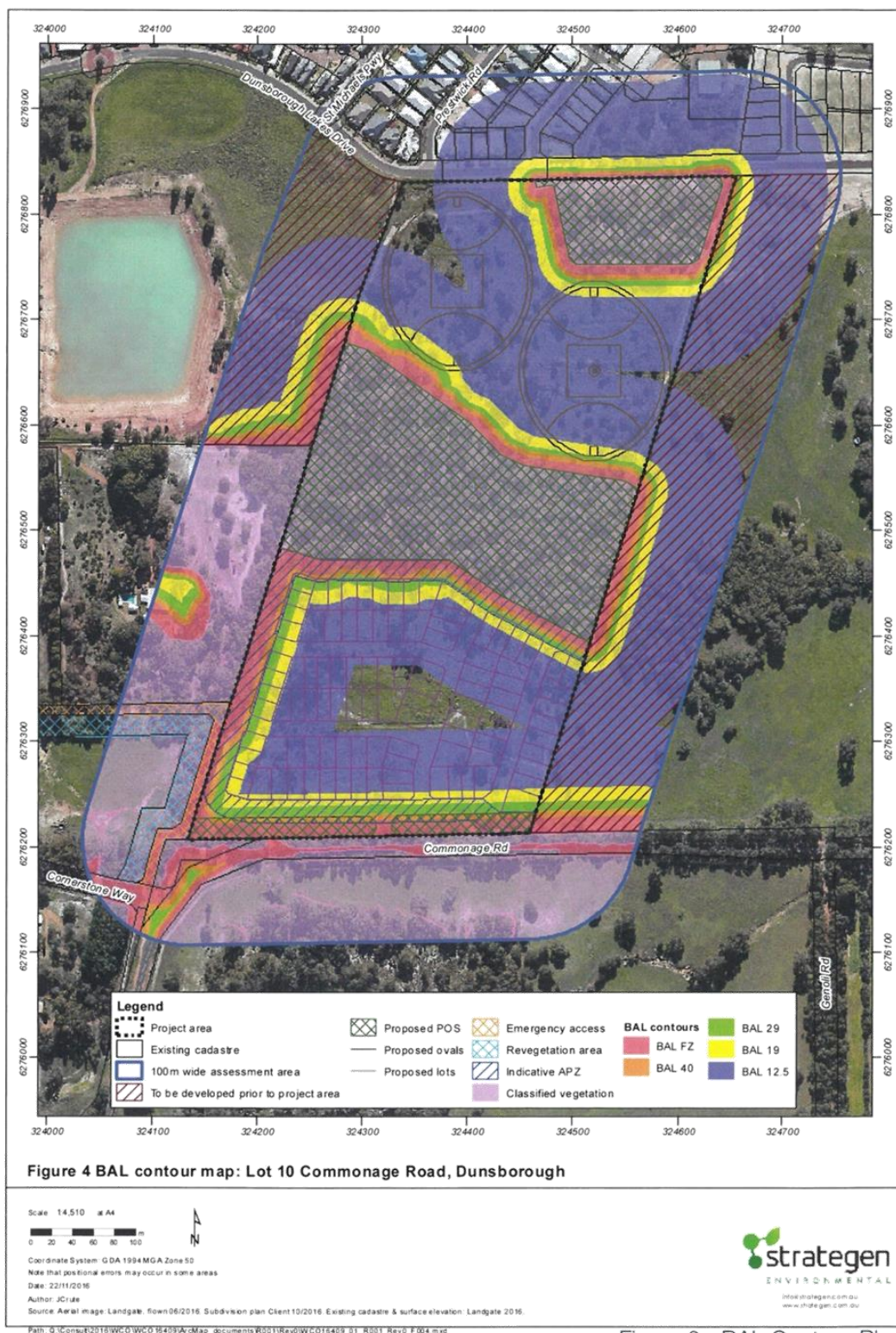
























Figure 3 - BAL Contour Plan

11.2 APPLICATION FOR DEVELOPMENT APPROVAL FOR AN EXTRACTIVE INDUSTRY (LIMESTONE) AND CRUSHING FACILITY AT LOT 3 (130) & LOT 237 LUDLOW PARK ROAD WONNERUP

<b>SUBJECT INDEX:</b>	Development/Planning Applications
<b>STRATEGIC OBJECTIVE:</b>	Development is managed sustainably and our environment valued.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Statutory Planning
<b>REPORTING OFFICER:</b>	Statutory Planning Coordinator - Joanna Wilson
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Aerial  
	Attachment B Original Development Proposal  
	Attachment C Amended Development Plan  
	Attachment D Summary of Submissions  
	Attachment E Agency Submissions  
	Attachment F Soil Mapping  
	Attachment G HA Report May-17  
	Attachment H 28 June 2017 Report  
	Attachment I Haul Routes  
	Attachment J Conditions Fire Access Track - Option 1  
	Attachment K Conditions Ludlow Park Road - Option 2  

## PRÉCIS

Councillors will recall that this application was deferred from the Council meeting of 28 June 2017, pending further investigation on the availability of Theresa Road, as an alternative access to Ludlow Park Road, for the heavy vehicles associated with the proposed extractive industry. This is discussed in detail in the Officer Comment section of the report.

Since this time, a further site visit has been undertaken by officers in light of concerns raised by community members about ground water issues.

The report from the 28 June meeting is attached as Attachment H, the reports need to be understood together. The content of this report has additional information or changes/updates to the 28 June report. The following outlines the updates within the report:

- a response from the applicant in regard to the Department of Biodiversity, Conservation and Attraction's (DBCA, formerly DPaW) submission;
- corrections to Local Rural Planning Strategy related information;
- Further discussion regarding separation distance to the Vasse-Wonnerup Ramsar Wetland System;
- Update relating to Federal Department of Environment referral;
- Information updating compliance investigations by the City; and
- Revised officer recommendation and option.

As a result of the outcomes of the site visit and further consideration of groundwater issues, it is considered that the proposal is inconsistent with the relevant planning framework and is recommended for refusal. This is set out in more detail in the body of the report.

## **BACKGROUND**

Consideration of this application was deferred at the Council meeting of 28 June 2017, pending further investigation on the availability of Theresa Road, as an alternative access to Ludlow Park Road, for the heavy vehicles associated with the proposed extractive industry. DBCA have advised that the use of Theresa Road would not be supported (note that 'Theresa Road' is not actually constructed); however there is a fire-access track immediately adjacent to Theresa Road. In order to utilise DBCA's fire-access track, they have advised that an agreement with DBCA would need to be entered and the City would be required to commence the process of the de-gazettal of Theresa Road, and amalgamation of that land into the adjoining Tuart Forest National Park.

Since the deferral of the application, officers have been on site again after numerous complaints from adjoining landowners. It was noted on site that it appeared that extraction of limestone has already been carried out without approval and numerous breaches of the current development approvals for extraction of sand from the site appear to have taken place, in particular, it appears that ground water has been intercepted.

In light of the groundwater concerns, officers have concerns about the hydrological assessment that was submitted and the ability to extract limestone above the groundwater level.

For further background, please refer to the 28 June 2017 report.

## **STATUTORY ENVIRONMENT**

Refer to 28 June 2017 report.

## **RELEVANT PLANS AND POLICIES**

Refer to 28 June 2017 report, other than with report to the following.

### ***Local Rural Planning Strategy***

Under the Local Rural Planning Strategy the site is located within the 'rural wetlands' precinct. Within this precinct an Environmental objective is to provide for extraction of mineral sand only where impact can be managed and sustainable rehabilitation can be achieved. It is noted that the site is currently used for dairy cattle and horticulture. As horticulture is an intensive user of fertilisers, the drain water is likely to be high in nutrients, especially Nitrogen. In light of the limited information submitted, it is considered that the proposal would pose an unacceptable risk to the wetlands.

## **FINANCIAL IMPLICATIONS**

There are no significant financial implications to the City arising from the staff recommendation in this report.

### **Long-term Financial Plan Implications**

There are no significant long-term financial plan implications.

## **STRATEGIC COMMUNITY OBJECTIVES**

Refer to 28 June 2017 report.

## **RISK ASSESSMENT**

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

## **CONSULTATION**

Refer to 28 June 2017 report.

The comments from DBCA with regard to the haul route are provided at Attachment E.

## **OFFICER COMMENT**

The City has assessed the application having regard to the objectives and policies of the "Agriculture" Zone and Clause 11.2 - Matters to be Considered of the Scheme (clause 67 of Part 8 of the regulations). Officers have also had regard to the requirements as set out in Local Planning Policy 5A - Extractive Industry. Key considerations are outlined and discussed below.

### ***Proximity to Vasse-Wonnerup Ramsar Wetland System***

Officers are of the opinion that the pivot irrigation system is not an appropriate reason to reduce the separation distance. The separation distance to the Ramsar Wetland System is recommended by the Department of Environment and Energy to ensure that there will not be an impact on the wetland. In order to reduce the distance, assessments should be undertaken to ensure there is sufficient depth to the water table to ensure that the quality of water is not compromised and drainage can be managed appropriately. Based on the outcome of the site visit and that it appeared that groundwater has been intercepted and already compromised, officers are of the opinion that the separation distance should not be reduced until it can be shown through a revised hydrological assessment that the water quality can be managed during and post extraction. Officers have concerns that reducing the buffer distance would have a detrimental impact on the Ramsar wetland and would be contrary to relevant matters to be considered.

### ***Ground Water***

Concerns have been raised that Department of Water have been inconsistent in their approach to separation distance to groundwater across the South-West. Officers have discussed this with DWER who have advised that the minimum separation to groundwater is generally 300mm, but the minimum separation in a public drinking water supply area is 2m. Some local governments across the South-West have imposed within their local planning policies a minimum separation of 2m to groundwater.

The extraction in Myalup that some in the community have referred to is public land that Department of Mines and Petroleum have been inviting expressions of interest (EOI) for. Within the EOI they were informing contractors that they required a minimum 2m separation to groundwater.

DWER have been made aware of the outcomes of the site visit and provided the following comments:

*“With regards to the groundwater issue, without in-situ water table monitoring over time, from suitably constructed monitoring bores with known screen depths and stratigraphy, it is not possible to establish conclusively maximum seasonal groundwater levels (MSGL) at the site of the proposed extraction operations.*

*Therefore DWER’s advice that extractive activities should not occur below 300mm of the estimated MSGL is subject to a crucial factor that remains unknown.*

*If the MSGL was determined with surety, it would be possible for the City to set a maximum pit depth, rather than proposing to maintain a minimum vertical separation between the MSGL and the pit depth, with all the uncertainty that the latter implies.*

*Put simply, in the absence of surveyed pit floor levels, correlated with relevant groundwater level monitoring data, in this location the risk of intercepting groundwater is high.*

*DWER’s response to this proposal has been consistent, in that it does not wish to see extractive industry occur below the MSGL with a minimum separation distance being maintained at 300mm.*

*In this extent, on 8th June 2017 DWER (formerly DoW) recommended to the City of Busselton that given the implied uncertainty of the MSGL, any condition for approval should include:*

*“If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and an advice notice provided to the City of Busselton within 48 hours, followed by agreed remedial action and if necessary, a review of operational integrity”.*

*This in essence was a safeguard to prevent quarrying below an MSGL that is unknown.*

*To summarise the situation, with the lack of certainty about the MSGL, a precautionary approach must be taken to assessing the veracity of the proposal.*

*If the City of Busselton has any doubt about the capacity for this proposal to proceed conditionally, i.e. no quarrying below the MSGL, in the absence of key information backed by credible data, it would be well advised to err on the side of caution”.*

### **Haulage Route**

The DBCA have provided comments in respect of the request from Councillors to consider the use of Theresa Road as an alternative access route. DBCA have advised:

***Preferred Haulage Option***

*Legal access to Lots 3 and 237 via Ludlow Park Road, is the proponent's proposed access route for heavy truck movements from the extraction site. In addition the original proposal indicated that there would be approximately nine truck movements per day from (NB: 18 vehicle movements per day) the proposed extraction site.*

*The BSO Development Consultant's letter dated 20 January 2017 (BS017) to the CoB indicated that the proponent would be willing to transport from the extraction site on pre-determined days and suggested Monday Tuesday and Wednesday in any week, with some smaller contracts supplied on Thursday and Fridays.*

*Given this, the proposed maximum use of Ludlow Park Road for the extractive haulage generally only coincides with Forest Adventures South West operating times on one day of the week (Mondays) and occasionally on Tuesdays and Wednesdays for large group bookings, outside of the school holiday period.*

*The use of this access minimizes potential impacts to the Ramsar wetland system, State forest and National Park and is DBCA's preferred haulage access route from the proposed extractive industry site and all heavy truck movements from the Lots.*

*It is suggested that truck movements for Mondays and occasionally on Tuesdays and Wednesdays, could be managed with suitable signage, a formed crosswalk, pedestrian track and fencing to ensure high ropes patrons cross the road at a designated point and even a crosswalk attendant if deemed necessary.*

*Potential dust impacts from haulage trucks could be managed with the sealing of the section of Ludlow Park Road where it passes alongside the high ropes course. DBCA would not object to the sealing of the road to reduce potential dust impacts to the Forest Adventures South West High Ropes Course.*

***Alternative Haulage Option***

*It is noted that Theresa Road is not formally constructed and retains native vegetation along its entire northern extent. The existing track adjacent to the southern portion of Theresa Road between Tuart Drive and the southern corner of Lot 101 is a DBCA-managed fire access track. The fire access track, within and adjacent to Theresa Road is a well-constructed track*

*Under this scenario DBCA would prefer that Theresa Road is not constructed for the proposed extractive industry haulage route. Rather, that the existing DBCA fire access track from Tuart Drive to Lot 237 be upgraded and used as the proposed haulage route for the proposed extractive industry. The use of the existing constructed fire access track would not require any additional clearing of native vegetation.*

*If DBCA's preferred haulage route along Ludlow Park Road cannot be accommodated, and the CoB agree to progress the closure and degazettal of Theresa Road, with vesting of Theresa Road to DBCA, and approves the use of the fire access track for extractive haulage, then the proponent would need to formally seek permission from DBCA for the use of the fire access track, when CoB have approved the proposed extractive industry.*

In order for DBCA's fire-access track to be utilised, an agreement with the DBCA would need to be entered into before a development application is approved and the City would be required to commence the process of the de-gazettal of Theresa Road. Note that conditions of approval that require approval of a third party or approval under separate legislation cannot be valid planning conditions. As such, a condition requiring the applicant to enter into an agreement with DBCA and/or a road closure would not be a valid condition.

It is noted that the current operations have experienced periods of peak demand which has resulted in additional vehicle movements above those that were advised as part of the application. The applicant has indicated that negotiations over a large contract has not come to fruition at the time of writing this report and has suggested that condition limiting 10 truck loads per day would be adequate for any future contracts (i.e. 20 vehicle movements per day). .

The applicant has also agreed that vehicles would not exit the site during the weekend and if the high rope business has a large volume of children (i.e buses of school children) arriving on a particular day then they would not operate on that day.

Based on the proposed vehicle numbers, the applicant does not want to utilise DBCA fire access track for haulage.

#### **Dust and Noise Management**

Refer to 28 June 2017 report.

#### **Referral to Federal Department**

The Compliance Branch of the Federal Environment Department has contacted the City requesting information on the proposal, in particular when the application will be determined by Council. It is now the role of the Compliance Branch to undertake an investigation by making further enquiries and work with the proponent to resolve any matters.

#### **Compliance Investigation by the City**

City officers have conducted a number of site visits as a result of complaints received from the community that breaches of the conditions of the current development application have taken place. As a result of the latest site visit, it was noted several conditions appear to have been breached and further development may have been undertaken without approval. Once this application has been determined, officers envisage undertaking more detailed investigations.

#### **CONCLUSION**

It was observed on site from an existing excavation that the height of the limestone sheet appeared to be very close to the groundwater level, in light of this observation it questions the validity of the hydrological assessment and the projections of the amount of limestone that can be extracted. On this basis, officers consider that the proposed extractive could not be undertaken without intercepting the groundwater table and there is not considered to be an economic resource above the groundwater table. In the absence of clear and credible information indicating the level to which extraction can occur, it is not considered that approval can be contemplated.



It is considered highly unlikely that post extraction the finished pit floor is going to be inundated in winter. The land, after the pit is finished, has to be suitable for the included post-extraction use i.e. horticulture. To make the land suitable for horticulture it would need to be drained to the wetlands. As horticulture is an intensive user of fertilisers, any run-off is likely to be high in nutrients, especially nitrogen. As a result, it is considered that the proposal could pose an unacceptable risk to the wetlands.

Officers consider that the proposal is unacceptable and is contrary to Local Planning Scheme No.21 and should be refused.

## **OPTIONS**

Should the Council be of the view that the groundwater and wetland issues are adequately addressed, options available to the Council would include the following -

1. Approve the proposal with the use of DBCA's Fire-access track as the haul route and subject to the revocation of the Approval granted for the extraction of sand on the 29 October 2014 and attached conditions (Attachment J), once the applicant has entered into an agreement with DBCA for the use of the access track and the City commences the de-gazettal of Theresa Road and amalgamation of that land into the adjoining Tuart Forest National Park.
2. Approve the proposal with the use of Ludlow Park Road as the haul route and subject to the revocation of the Approval granted for the extraction of sand on the 29 October 2014 and attached conditions (Attachment K).

If Council are minded to approve the development application, the use of DBCA's fire-access track would be the preferred option. It is considered by officers that this would be the safest haul route, and that it would remove any potential conflict with the high ropes course and neighbouring residents. Furthermore it would result in the vehicles exiting directly onto Tuart Drive, which has a much more significant capacity to accommodate heavy vehicle traffic. It would also negate the need to enforce limits on vehicle movements, and provide greater potential and flexibility of supply from the operation.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The proponent will be advised of the Council decision within two weeks of the Council meeting.

## **OFFICER RECOMMENDATION**

That the Council resolve to refuse the development application (as submitted) for Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 Ludlow Park Road, Wonnerup because it is inconsistent with Local Planning Scheme No. 21 for the following reasons –

1. The proposal would intercept with groundwater to the detriment on the natural environment and water resources.
2. The post extraction change in ground level would result in the site being inundated in winter, exposure of groundwater to pollutants and hydrological dysfunction. As a result, it is considered that the proposal would pose an unacceptable risk to the wetlands.
3. The haulage route would not be adequate for the number of vehicle movements associated with the development to the detriment of the safety of the users of the surrounding road network.

4. Clause 67 of the Planning and Development Regulations 2015 Deemed Provisions lists matters that local government is to have due regard to when considering a development application. The following are considered to be of relevance to the subject proposal:

- (a) The aims and provisions of the Scheme and any other local planning Scheme operating within the Scheme Area*
- (g) Any local planning policy for the Scheme area*
- (n) The amenity of the locality including the following –*
  - (i) environmental impacts of the development*
- (o) The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource*
- (q) The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk*
- (za) The comments or submissions received from any authority consulted under clause 66*

Approval of the proposal would be in conflict with provisions (a), (g), (n), (o), (q) and (za) listed under Clause 67 of the Regulations.

5. As a result of the above the proposal is inconsistent with Local Planning Scheme 21 Clause 4.2.6 objectives of the Agriculture zone:

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

6. Approval of this development would be inconsistent with the orderly and proper planning of the locality for the reasons noted above.







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



Dear Sir or Madam,

**RE: APPLICATION FOR EXTRACTIVE INDUSTRIES AND CRUSHING LICENCE ON LOTS 3 AND 237 (No. 130) LUDLOW PARK ROAD, WONNERUP.**

We act for John Forrest, the owner of Lots 3 and 237, which gain access from Ludlow Park Road in Wonnerup. Lot 3 contains an area of 217.15 hectares, while Lot 237 contain an area of 11.837 hectares which has been mostly cleared for many years for grazing and pastoral uses. The subject land is located behind the old Ludlow townsite and gains its access through to Tuart Drive via Ludlow Park Road. This roadway only serves properties owned by our client.

The BCP Group have been removing some sand from a smaller pit located in the southwestern corner of this application area however, this application is for limestone removal and crushing and should be treated as a separate process altogether. Likewise, it is lodged as a separate application to the sand extraction currently before the City (Reference DA16/0590).

In accordance with the adopted Extractive Industry Policy, the following information is enclosed:

- i) **Development Application Form;**
- ii) **Credit Card Authority Form (application and advertising fee);**
- iii) **Social Impact Statement;**
- iv) **Four Copies of Site Plan; and**
- v) **Draft Dust Management Plan.**

We will now address each of the details outlined within the Policy on Pages 27 and 28.

#### 1.0 **LOCATION AND SITE DETAILS**

##### 1.1 **Property Details and Location on Property**

The enclosed location plan and site plan identifies the proposed extraction area quite clearly. The subject land is located within *Extractive Industry Policy Area No. 3 – Extractive Industry Less Constrained*.

Extractive Industry will be expected to be approved within Policy Area 3, where such operations can meet the requirements of this Policy and the Scheme.

##### 1.2 **Contoured Topography of Site and Surrounds**

The site plan incorporates Landgate 2016 digital aerial photography, together with 0.25 metre contours from a detailed site survey carried out by BSO Development Consultants in August 2016.

Drainage patterns within this locality and the property are well defined. A number of drains (both natural and constructed) are maintained within and adjacent to the property to accommodate seasonal overland water flows.

The majority of this 63 hectare area from which limestone will be removed is dominated by two large horticultural irrigation pivots. Consequently, the area is very flat.





### 1.3 Existing and Surrounding Landuses including Extractive Industry.

Land use abutting and within the property is all grazing, pastoral and horticultural land use. BCP Group operate a sand extraction from the southernmost corner of this property, supplying brickies sand locally. State Forest exists to the south, managed by the Department of Parks and Wildlife, while there are extensive wetlands to the west.

### 1.4 Property Access

Access to the proposed extraction will be via Ludlow Park Road, the same access currently being utilized by the BCP Group. Ludlow Park Road is virtually a private access – only our client uses it for access. To this end, upgrading of the roadway is considered unnecessary rather, its upkeep and maintenance during extraction could be the responsibility of the landowner, given he is the sole user of this roadway.

### 1.5 Existing Vegetation

The proposed extraction area is mostly cleared horticulture and pastureland, and it will be returned to pasture following sand extraction. Some of the individual paddock trees may be removed to access the limestone however, many will be retained where this is practical.

A clearing permit is not considered necessary from the Department of Environment Regulation.

### 1.6 Existing and Surrounding Watercourses, Dams and Wetlands – Drainage Management.

Extraction of limestone for crushing will be carried out to maintain the natural drainage direction to the north and west. No drainage structures are expected to be required for this proposal.

Our clients are committed to closely monitoring drainage/run-off within the excavation areas and will address any problems which may arise.

## 2.0 SCALE AND NATURE OF OPERATON

### 2.1 Size and Depth of Pits

It can be seen from the site plan that limestone extraction is proposed up to a total area of approximately 63 hectares, mostly occupied by two large pivot irrigation sytems. The limestone is located at a depth of 0.75 – 1.2 metres, and is generally 2 – 3 metres thick. The proposal is to remove 1 metre of this limestone before replacing the sand and topsoil and reactivating the horticultural irrigation pivots.

Our client does not expect to encounter ground water at that depth.

The overburden topsoil is to be stripped over a maximum area of approximately 5000m<sup>2</sup> at any one time to a depth of 100-150mm, taking the seed and humus matter which is to be stockpiled. Please refer to the cross section details on the site plan, which indicate the proposed excavation floors and it will be noted that the extraction area will be set back at least 20 metres from the property boundaries.

The limestone will be stockpiled and crushed in batches, with the crusher most likely to be located in the northern sector of the application area as indicated on the plan.





## 2.2 Onsite Maintenance of Vehicles

Vehicles shall not be serviced on site, except in the case of a breakdown. This would more likely take place back at the existing machinery sheds.

## 2.3 Estimated Amount of Resource for Extraction.

It is estimated that the total maximum volume of limestone to be removed from this property will be approximately 500,000 banked cubic metres. The crushing process will require licensing through the Department of Environment Regulation.

## 2.4 Period Over Which Operation Will Occur

The landowner requests that the permit be given the longest lifespan allowable (5 years).

## 2.5 Proposed Operating Times

Operation of the pit will be constrained between the hours of 7am and 6pm Monday to Friday, and it is not proposed to include public holidays. Should individual contracts require operation outside these times, our clients are committed to notifying Council accordingly, outlining the specific details of the contract.

It should also be noted that trucks may not operate on designated school bus routes between 7.30 – 8.40am and 3.20 – 4.20pm, Monday to Friday, during school periods.

## 2.7 Types of Equipment to be Used

As the proposal is for the extraction of lateritic limestone, it is anticipated that equipment will be limited to trucks (rigid body and trailer or semi-trailer), excavators fitted with rockbreakers and front end loaders.

The type of crusher to be utilized is unknown at this time however, its location is remote and it will not cause a nuisance to any adjoining landowners, either from dust or noise.

## 2.8 Staging of Operation

The site plan shows clearly the proposed area of excavation. Our clients are committed to rehabilitating the pastured areas upon completion of the extraction and this rehabilitation will be commissioned at an appropriate time of the season when the respread topsoil will germinate and stabilise quickly ie. during the months of late May to September.

The majority of the area is dominated by the two large horticulture areas which are irrigated by pivots. Our client will be keen to get these areas back into production as quickly as possible, so it is expected that each of these areas will be extracted separately in a relatively short period of time. The limestone will be stockpiled for crushing and this will occur over a period of time, determined by the requirements of specific contracts.





### 3.0 RESOURCE HAULAGE – TRAFFIC IMPACT ASSESSMENT

#### 3.1 Number of Truck Movements Per Day/Week

Assessment of the estimated banked volume of 500,000 cubic metres against the truck movement calculations contained within the Policy, leads to an average removal volume of 164 truck cubic metres per day (five days per week over five years).

**Based on the 19 cubic metre capacity of a semi-trailer, this equates to just nine truck movements per day.**

Obviously, this is likely to fluctuate however, at this stage, average truck movements are all that can be estimated. Our client is committed to notifying the City of any larger contracts which may be secured, if an approval is issued.

#### 3.2 Size of Trucks

The size of trucks will be limited by the designations specific to heavy haulage routes within this locality. It is anticipated that haulage will be limited to the use of semi-trailers and rigid truck/trailer combinations whose combined mass and overall length will not exceed 42.5 tonnes and 19 metres respectively.

#### 3.3 Access to Operation Site

Access to the proposed extraction will be via Ludlow Park Road out on to Tuart Drive, the same access currently being utilized by the BCP Group. Ludlow Park Road is virtually a private access – only our client uses it for access. To this end, upgrading of the roadway is considered unnecessary rather, its upkeep and maintenance during extraction could be the responsibility of the landowner, given he is the sole user of this roadway.

#### 3.4 Haulage Routes and Destinations

The haulage routes and destinations will be subject to specific contracts. Obviously, trucks will have to utilise the identified heavy haulage routes which may be accessed directly from Tuart Drive.

Our clients are committed to advising Council of specifics as contracts are prepared.

#### 3.5 Location of Road Signage

Our clients are committed to maintaining the existing road signage as required by Council which is specific to their proposal.

#### 3.6 Road Maintenance and/or Upgrading

As Ludlow Park Road is used exclusively by our client, it is considered appropriate that he be responsible for its maintenance for the course of the extraction. No upgrades are considered necessary.

### 4.0 ENVIRONMENTAL CONSIDERATIONS

#### 4.1 Noise, Dust, Vibrations

The extraction site is a significant distance from adjoining residences and noise from the operation will only occur during normal, daylight operating hours. The excavation and







processing of limestone will be staged (ie. Extraction, pre-crushing movement/stock pile, crushing then removal from stockpile off site). Due to the various steps involved with intermittent stockpiling, none of the noise will be continuous ie. There could be a few days of excavation followed by one day of crushing.

A draft Dust Management Plan is supplied, the landowners acknowledge that if water carts or spraying is required during crushing, then a Licence for this use will need to be secured from the Department of Water.

#### 4.2 Dieback Status

The subject land is dieback indeterminate to the best of our clients' knowledge and it is not expected that dieback will be introduced by haulage vehicles because the crushed limestone will generally be used in newer subdivisions and the trucks will be travelling primarily on bitumen roads.

#### 4.3 Visual Impact Management

The excavation areas will not be visible from existing roads or adjoining properties.

#### 4.4 Drainage Implications

The extraction of limestone as proposed is not expected to exacerbate drainage problems or interfere with natural drainage patterns. Our clients are committed to closely monitoring drainage/run-off within the excavation areas and will address any problems which may arise.

#### 4.5 Proposed End Use of Site / Rehabilitation

As previously discussed, our clients are proposing to reinstate the topsoil following extraction of the limestone deposits and return the area to either pastured paddock or irrigated, horticultural areas as quickly as possible.

We trust that sufficient information has been supplied for your assessment of our Clients' proposal for the extraction of sand, and if any further information is required, please do not hesitate to contact the undersigned.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Peter Harding', is written over a faint circular stamp.

**PETER HARDING**  
**MANAGING DIRECTOR**  
**BSO DEVELOPMENT CONSULTANTS**  
12<sup>th</sup> September 2016

Encl: As listed



**Draft Dust Management Plan**  
**Lot 3 and 237 on P 3280,**  
**130 Ludlow Park Road WONNERUP**

**OVERVIEW**

The following management plan for dust and air pollution has been prepared in respect to limestone extraction and crushing works at Lot 3 (No. 130) Ludlow Park Road, Wonnerup. The work site conditions are such that the wind conditions may subject adjacent reserves and residences to nuisance from dust and wind borne material from the pit site during the course of the extraction.

**DUST CONTROL - RESPONSIBILITY**

The landowner is responsible for controlling and minimizing the generation of dust on the work site. They will comply with the provisions included in "*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*", published by the Department of Environment and Conservation in March 2011.

A site classification in accordance with the guidelines is attached to the end of this document.

The objective is to put in place measures to control and limit dust and air pollution generated from site works carried out by abstraction works from the commencement date to completion.

**PREVENTATIVE MEASURES**

The landowner will apply working methods to minimize dust and air pollution generation and will monitor weather forecasts for wind velocity and direction and personnel will be placed on standby to undertake dust suppressions measures as required. Timing of construction to coincide with favourable weather conditions, i.e. at times of low winds.

A water cart and other methods of dust and air pollution control will be provided as required in compliance with the guidelines.

**PUBLIC NOTIFICATION**

If required, residents will be advised by letter drop or information board on site to advise the adoption of adequate measures to prevent the generation of unacceptable levels of dust. Notification will include contact details of stakeholders in the event of a complaint.

**DUST NUISANCE – COURSE OF ACTION**

Acceptable dust level at the work site will be estimated by visible dust crossing the site boundary and by comment from affected residents, indicating the potential for adverse dust impacts and the control measures to be implemented.

A register will be maintained to record dust related complaints from members of the public, issues arising and actions taken.

## **ENVIRONMENTAL PROCEDURE**

### **AIR QUALITY (DUST CONTROL AND PLANT EMISSIONS)**

#### **Risk Detail**

The potential for wind blown dust to be generated on a construction site is high. The amount of dust generated depends on planning, weather, activities, materials being worked, controls in place etc.

The other form of air pollution potentially generated on a construction site is from plant emissions. Such emissions are usually as a result of poorly maintained or old equipment being used.

#### **Preventative Measures**

The following preventative measures can be used to limit the amount of dust generated on site:

- (a) Programming work so that large sections of bare areas are not exposed at any one time, less than 2 Hectares to be open / un-rehabilitated.
- (b) use of water carts, sprinkler systems on stockpiles
- (c) limiting traffic to haul roads/definition of trafficable areas
- (d) All trucks will be tarped (covered) when leaving the site laden
- (e) use of dust screens (shade cloth or similar on boundary fences)
- (f) use of hydro seeding to stabilize areas that would otherwise be left bare for extended periods of time and pose a dust hazard
- (g) maintaining machinery in accordance with manufacturers specifications so that emissions would comply with the State Environment Protection Policy (The Air Environment)
- (h) replacing old machinery when no longer operating efficiently
- (i) keeping dust suppression equipment on line for when it is needed
- (j) assessing whether dust-generating activities should be stopped in circumstances where preventative measures are not controlling the problem i.e. during periods of high wind speeds
- (k) vegetation should be mulched where possible, not burned on site
- (l) no fires permitted on site unless necessary approval has been obtained
- (m) ensure smooth surface areas are ripped or left rough to lower wind velocity at soil surface

#### **Objective**

Dust generation to be minimized and controlled at all sites. Plant to be kept in good working order.

#### **Target**

Minimal dust moving off site and minimum dust on site. Zero complaints from residents, public, client, EPA or council. Plant to be operated according to manufacturer's specifications.

## Maintenance

Dust control measures are to be maintained and soil will not be allowed to accumulate behind dust screens or other controls. Plant to be regularly serviced.

### Measurement

Dust Measurement is to be by observation of the site manager and by comment from affected residents. Review of enquiry/complaint register to assess whether target has been met.

If machinery is emitting smoke continuously for longer than 10 seconds, during normal operation, then that piece of machinery will be serviced or replaced.

## DUST AND AIR POLLUTION

Pollution relating to Dust and Airborne Pollution is caused by but not limited to;

<b>Dust</b>	Plant and Equipment Movements and Wind erosion
<b>Airborne Pollution</b>	Vehicle Exhaust, Burning off and Fires, Odors or Toxic Gas

The Landowner and Operators are aware of what caused the pollution, and how it can be minimized on the extraction site.

Control measures that The Landowner can use include;

<b>Dust</b>	Use Water Cart or other means to keep tracks and work areas free of dust. Contain Plant movements to a minimum and do not destroy any more vegetation than is required.
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Ceasing operation during particularly windy periods.

**Air Pollution** Maintain exhaust and engine systems to reduce exhaust emission.

Supervisors and key staff including operators shall assess the risks associated with the pollution hazard, and take the necessary action from control measures above. Where a different type of pollution occurs, the Construction Manager shall be notified and new control measures developed, and passed onto the employees by Environmental Instructions through the toolbox meetings.

All employees are encouraged to notify supervisors of incidents, or practices that cause pollution of any kind, to allow them to be adequately controlled.

**Site Classification.****Sheet 1: Site classification assessment chart****Part A. Nature of site**

Item	Score options				Allocated score
1. Nuisance potential of soil, when disturbed	Very low.....1	Low.....2	Medium.....4	High.....6	2
2. Topography and protection provided by undisturbed vegetation	Sheltered and screened.....1	Medium screening...6	Little screening.....12	Exposed and wind prone.....18	1
3. Area of site disturbed by the works	Less than 1ha.....1	Between 1 and 5ha...3	Between 5 and 10ha.....6	More than 10ha.....9	1
4. Type of work being done	roads or shallow trenches.....1	roads, drains and medium depth sewers.....3	Roads, drains, sewers and partial earthworks.....6	Bulk earthworks and deep trenches.....9	9
<b>TOTAL score for Part A</b>					<b>13</b>

**Part B. Proximity of site to other land uses**

Item	Score options				Allocated score
1. Distance of other land uses from site	More than 1km.....1	Between 1km and 500m.....6	Between 100m and 500m.....12	Less than 100m.....18	6
2. Effect of prevailing wind direction (at time of construction) on other land uses	Not affected.....1	Isolated land uses affected by one wind direction.....6	Dense land uses affected by one wind direction.....9	Dense/sensitive land uses highly affected by prevailing winds.....12	6
<b>TOTAL score for Part B</b>					<b>12</b>

<b>SITE CLASSIFICATION SCORE (A X B) = 156</b>
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☐ **Classification 1 (score under 199, considered negligible risk)**

Provisions:

- None required.

Contingency arrangements:

- None required.

**NOTE: between the 1<sup>st</sup> October and 31<sup>st</sup> March all classification increase by 1 ie. Classification 2. The following therefore applies:-**

☐ **Classification 2 (score between 200 and 399, considered low risk)**

Provisions:

- The developer shall supply a contingency plan to the local government, which shall detail the activities to be undertaken should dust impacts occur.

Contingency arrangements:

- Include an allowance for water-cart operation, wind fencing and surface stabilisation during the construction period for the purposes of dust suppression.
- All areas of disturbed land should be stabilised to ensure that the disturbed area exposed at any time is kept to a practical minimum.

Monitoring requirements:

- Complaints management system in place (complaints recorded and acted on promptly).
- Notice to be erected at the site, providing contact details of the person to be contacted and works.

**Notice to residents**

Land development is being carried out in your area by:

\_\_\_\_\_ ( Name of developer)

The development commencement date is: \_\_\_\_\_

Completion date is expected to be: \_\_\_\_\_

A site risk assessment has been conducted in consultation with the City of Busselton.

It has been agreed by all parties concerned that the:

Cell G sand extraction under City Reference \_\_\_\_\_ must adopt adequate measures to prevent the generation of unacceptable

levels of dust. You are advised that the developer of the site has agreed to implement the provisions as outlined in the Department of Environment and Conservation's '*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*' (A copy of this guideline may be obtained from your local government). Should you feel that excessive dust or other air pollutants are being generated due to the site works, you are advised to contact the site engineer for the developer:

\_\_\_\_\_ (Name of engineer) by  
telephoning \_\_\_\_\_ to discuss the issue.

The Environmental Health Officer at the City of Busselton may be contacted on 9781 0463.



No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT
<b>Agency Submissions</b>			
1.	Water Corporation	No objection	Noted.
2.	Main Roads	No objection	Noted.
3.	Department of Water – Now Department of Water, Environment and Regulation (DWER)	<p>Following a review of the Hydrological Assessment provided by the applicant on 31 May 2017 the following conditions are recommended:</p> <ul style="list-style-type: none"> <li>a. Groundwater levels and quality are to be monitored monthly, and reported to the City of Busselton at the end of each winter, in accordance with Section 6.1 of the Hydrogeological Assessment (Water Direct Pty Ltd, 2017).</li> <li>b. Extractive activities should not occur below beyond 300 mm of the maximum seasonal groundwater level, estimated to be 0.1m to 0.3m AHD from the western to the eastern side of the site.</li> <li>c. If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and an advice notice provided to the City of Busselton within 48 hours, followed by agreed remedial action and if necessary, a review of operational integrity.</li> <li>d. No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.</li> <li>e. The pit to be rehabilitated with clean free draining fill overlain by topsoil to create a minimum separation to the MSGSL (as proven by on-site monitoring during the operation of the pit) of 1.0m.</li> </ul>	<p>The City has recommended refusal based on concerns that the groundwater will be intercepted. Further information is required indicating the level to which extraction can occur.</p> <p>The applicant has been advised referral to Department of the Environment and Energy under the Environmental Protection and Biodiversity Conservation Act 1999 is recommended due to the proximity of the extractive activities to the RAMSAR wetlands.</p>



	Revised comments	<p>DWER's</p> <p>DoW strongly supports the CoB's intent to condition any licence approval upon the provision of a 'Staging Plan' for the EI, whereby no more than 2 hectares is actively quarried at any one time.</p> <p>This proposal by virtue of its proximity to a RAMSAR wetland (Vasse Wonnerup) and the Tuart Forest National Park, carries risks that need to be cautiously addressed.</p> <p>DWER's advice that extractive activities should not occur below 300mm of the estimated MSGL is subject to a crucial factor that remains unknown.</p> <p>If the MSGL was determined with surety, it would be possible for the City to set a maximum pit depth, rather than proposing to maintain a minimum vertical separation between the MSGL and the pit depth, with all the uncertainty that the latter implies.</p> <p>Put simply, in the absence of surveyed pit floor levels, correlated with relevant groundwater level monitoring data, in this location the risk of intercepting groundwater is high.</p> <p>In this extent, on 8th June 2017 DWER (formerly DoW) recommended to the City of Busselton that given the implied uncertainty of the MSGL, any condition for approval should include:</p> <ul style="list-style-type: none"> <li>· "If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and an advice notice provided to the City of Busselton within 48 hours, followed by agreed remedial action and if necessary, a review of operational integrity".</li> </ul>	<p>The City has recommended refusal based on concerns that the groundwater will be intercepted. Further information is required indicating the level to which extraction can occur.</p>
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		<p>This in essence was a safeguard to prevent quarrying below an MSGL that is unknown.</p> <p>To summarise the situation, with the lack of certainty about the MSGL, a precautionary approach must be taken to assessing the veracity of the proposal.</p>	
4.	Department of Parks and Wildlife	<p>Any development should aim to avoid impacts to the Ramsar Wetland, Threatened Ecological Community (TEC), poorly reserved native vegetation, potential threatened flora, the proposed Nature Reserve and National Park, minimise disturbance to Black Swan nesting sites and retain Western Ringtail Possum, black cockatoo and waterbird habitat trees.</p> <p>The proponent has advised that extractive to take place up to 1m in depth. This is likely to result in a depth of -0.25 to 0.5 AHD. These depths would likely be below average maximum ground water levels and therefore would be unacceptable. Detailed hydrological investigations to demonstrate that the proposal will not impact groundwater or the adjacent Ramsar wetland and TEC are to be provided.</p> <p>Sand berms can be important for hydrology and water quality of wetlands as even shallow lenses of sand provided a freshwater capture and seepage function which supports the wetland's ecosystem. Proponent to ensure no extractive occurs below 0.5m above the average maximum ground water level and the applicant to provide details of post extraction rehabilitation to ensure no long-term impact on wetland system.</p> <p>DPAW recommends this proposal is referred to Department of the Environment and Energy under the Environmental Protection and Biodiversity Conservation Act 1999. It is the responsibility of the proponent to refer the application.</p>	<p>Impact on nesting water birds, including Black Swan, have been addressed in the report.</p> <p>The City has recommended refusal based on concerns that the groundwater will be intercepted. Further information is required indicating the level to which extraction can occur.</p> <p>Applicant has been advised that DPAW recommends referral to Department of the Environment and Energy under the Environmental Protection and Biodiversity Conservation Act 1999.</p>

		<p>Bamford 1995 found that adjacent activities can disturb inactive (ie nesting) Black Swan at a distance of approximately 200m. To minimise potential disturbance to nesting Black Swan sites a minimum buffer of 300m between the proposed disturbance area of water bird nest sites is suggested.</p> <p>Vegetation on site to be retained on sites as it contacts potential WRP, black cockatoo and waterbird habitat.</p> <p>Proposed limestone crusher to be relocated to avoid disturbance to threatened fauna and waterbirds, the compaction of tree roots and lime dust coverage to foliage.</p>	<p>Applicant has advised that no clearing is to take place.</p> <p>Crusher has been located furthest from surrounding residents to minimise visual and audible impacts on surrounding neighbours properties.</p>
5.	Department of Aboriginal Affairs	No known Aboriginal Heritage sites within Lot 237.	
<b>Community Submissions</b>			
1.	Alasdair and Rhonda Jackson Lot 345 Forrest Beach Rd	<p>Objection</p> <ul style="list-style-type: none"> <li>Concerns regarding spill over of contaminated water into wetlands.</li> <li>Potential acid sulphate soils</li> <li>Proximity to swan breeding ground</li> <li>Concerns regarding noise impact on local residential across the lake.</li> </ul>	<p>Refer to Officer comment section of report for further discussion on impact on wetlands and swan breeding ground.</p> <p>Refer to Officer comment section of report for further discussion on proximity to ground water.</p>
2.	Roy And Suellen Payne 426 Forrest Beach Road Wonnerup	<p>Objection</p> <ul style="list-style-type: none"> <li>Concerns regarding noise</li> <li>Can hear current operations on site from their property across the wetlands</li> <li>Concerns regarding water taken and proximity of water table to the surface.</li> </ul>	<p>Refer to Officer comment section of report for further discussion on proximity to ground water.</p>
3.	Jamie Sullivan 434 Forrest Beach Road Wonnerup	<p>Objection</p> <ul style="list-style-type: none"> <li>Concerns regarding proximity to Wonnerup Conservation Area and Estuary wetlands. Full environmental assessment should be undertaken due to proximity to environmentally sensitive areas.</li> </ul>	<p>Refer to Officer comment section of report for further discussion on impact on wetlands and swan breeding ground.</p> <p>Concerns about noise and dust have been noted.</p>

		<ul style="list-style-type: none"> <li>• Considered to be significant impact people who living within the area, wider community as well as on birds and wild life.</li> <li>• Concerns regarding timeframe and potential of extension after 5 years.</li> <li>• Concerns regarding dust, noise and visual impact. There are minimal trees to hide provide visual screening on the proposed area.</li> <li>• No details on cultural or heritage impact surveys have been completed.</li> <li>• Concerns regarding noise and vibrations.</li> </ul>	
4.	Guy Kerrell-Vaughan	<p>Objection</p> <ul style="list-style-type: none"> <li>• Concerns regarding potential impact on the Ramsar wetlands</li> <li>• Concerns regarding ground water being intercepted</li> <li>• Removing the material to lower than the current natural surface will, in this area particularly, lead to greater waterlogging, insect breeding &amp; hydrological dysfunction.</li> <li>• Concerns regarding acid sulphate soils</li> <li>• Concerns regarding further removal of vegetation and impact on hydrological function of the wetlands</li> <li>• Concerns regarding noise and environmental degradation</li> </ul>	<p>Refer to Officer comment section of report for further discussion on impact on wetlands and ground water.</p> <p>Concerns about noise and dust have been noted.</p>
5.	Michael Brown Operator of Forest Adventures South West Pty Ltd	<p>Objection</p> <ul style="list-style-type: none"> <li>• Forest Adventures South West Pty Ltd has secured a 21-year lease with the Department of Parks and Wildlife for approximately 9 Ha of land. Ludlow park road which the proponent indicates is essentially a private road bisects our leased area, with activities on one side and car and bus parking on the other.</li> <li>• Concerns regarding potential contamination of wetlands</li> <li>• Concerns regarding impact of development on amenity of surrounding properties and tourism activities.</li> <li>• Concerns regarding trucks resulting in dust along Ludlow Park Road and impact upon their business</li> </ul>	<p>Refer to Officer comment section of report for further discussion on impact on wetlands.</p> <p>Refer to Officer comment section of report for further discussion on haulage route.</p>

		<ul style="list-style-type: none"> <li>Concerns regarding truck movements and pedestrian and vehicle safety. Patrons of the business will be required to cross the road from the car park to the high-rope activities.</li> <li>No details on water or pollution management has been provided.</li> <li>Concerns regarding vehicle movement figures provided in application being inaccurate.</li> <li>Concerns regarding state of existing road.</li> </ul>	<p>The City has recommended refusal based on concerns that the groundwater will be intercepted. Further information is required indicating the level to which extraction can occur.</p>
6.	Eden Gardiner Address not provided	<p>Objection</p> <ul style="list-style-type: none"> <li>Concerns regarding impacts on wetlands, RASMAR, Tuart Nation park.</li> <li>Concerns regarding haulage route and impact on other users of the roads within the area.</li> <li>Concerns regarding impact on nearby residential properties, including heritage properties, short stay accommodation premises and other tourist activities within the area.</li> <li>Concerns regarding compliance with parameters indicated within proposal.</li> <li>Concerns regarding traffic and figures provided being incorrect.</li> </ul>	<p>The applicant has been advised referral to Department of the Environment and Energy under the Environmental Protection and Biodiversity Conservation Act 1999 is recommended due to the proximity of the extractive activities to the RAMSAR wetlands.</p> <p>Refer to Officer comment section of report for further discussion on haulage route.</p> <p>Refer to Officer comment section of report for further discussion on dust and noise management.</p> <p>Should the applicant fail to comply with conditions the City may take compliance action.</p> <p>Refer to Officer comment section of report for further discussion on haulage route.</p>
7.	Albert Tassone 512 Forrest Beach Rd Wonnerup 6271	<p>Objection</p> <ul style="list-style-type: none"> <li>Concerns regarding impacts on surrounding properties in terms of noise, dust and visual amenity.</li> <li>Concerns regarding impacts on nearby tourist attractions.</li> </ul>	<p>Refer to Officer comment section of report for further discussion on dust and noise management.</p>

		<ul style="list-style-type: none"><li>• Not consistent with City of Busselton Wetlands Conservation Strategy &amp; Local Planning Policy.</li><li>• Significant environmental considerations due to the RAMSAR Wonnerup Estuary.</li><li>• Currently experience dust from the current operations on the site.</li><li>• Concerns regarding impact on swan breeding areas.</li></ul>	<p>The City has recommended refusal based on concerns that the groundwater will be intercepted. Further information is required indicating the level to which extraction can occur.</p> <p>Refer to Officer comment section of report for further discussion on the proximity to Vasse-Wonnerup Ramsar Wetland System</p>
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Department of Environment Regulations  
Referral Comments



Government of Western Australia  
Department of Environment Regulation

Your ref: DA16/0699  
Our ref: CEO3966/16  
Enquiries: Adam Harbeck  
Phone: 6467 5383  
Email: [advice.coordinator@der.wa.gov.au](mailto:advice.coordinator@der.wa.gov.au)

Mr Mike Archer  
Chief Executive Officer  
City of Busselton  
Via email: [city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

Attention: Ms Stephanie Izzard

Dear Mr Archer

**EXTRACTIVE INDUSTRY AND CRUSHING FACILITY (LIMESTONE) – LOT 3 (HOUSE No 130) AND LOT 237 ON PLAN 250375 LUDLOW PARK ROAD, LUDLOW**

I refer to the letter dated 7 October 2016 from Ms Stephanie Izzard, Planning Officer – Statutory Planning, requesting comment from the Department of Environment Regulation (DER) in relation to the above Application before Council.

A review of the application package has been undertaken and advice in regard to DER's regulatory responsibilities in relation to the *Environmental Protection Act 1986* (EP Act) and the *Contaminated Sites Act 2003* (CS Act) is attached.

Should you wish to discuss any aspects of this correspondence please contact DER's Planning and Advice Coordinator, Mr Adam Harbeck, on 6467 5383.

Yours sincerely



Jason Banks  
DIRECTOR GENERAL

2 November 2016

Att – Advice Sheet



Advice requested by	Description	DER Reference number
City of Busselton	EXTRACTIVE INDUSTRY AND CRUSHING FACILITY (LIMESTONE) – LOT 3 (HOUSE No 130) AND LOT 237 ON PLAN 250375 LUDLOW PARK ROAD, LUDLOW	GEO3966/16

**Advice under Part V of the *Environmental Protection Act 1986***

A review of DER records indicates that there is no current licence or registration on file for Lot 3 and 237 Ludlow Park Road, and no application for approval has been received by DER at the time of this correspondence.

The proponent has identified that it will need DER licensing in section 2.3 of its application to the City of Busselton.

The proposal involves the extraction of approximately 500,000 cubic metres of lateritic limestone over five years, and the crushing of an unspecified amount of this total using an as yet unspecified crushing plant. It is likely that the production or design capacity of the crushing plant will exceed the 50,000 tonnes per year licensing threshold for a Category 12 (*Premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated*) prescribed premises as defined under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations).

As such, the EP Act requires a works approval to be obtained before constructing a prescribed premises and make it an offence to cause an emission or discharge, unless a licence or registration (for operation) is held for the premises.

The purpose of a works approval is to allow DER to assess the environmental acceptability of potential emissions and discharges of a proposal against standards and policies. Works approvals also contain conditions to ensure the premises can operate in an environmentally acceptable manner and that the works themselves do not cause unacceptable

Emissions typically associated with Category 12 prescribed premises typically include dust, noise and contaminated stormwater.

Any works approval or licence issued for a Category 12 activity will only regulate emissions associated with the crushing of limestone and related stockpiling operations. Bringing mobile crushing plant on to the site will cause the premises to become a prescribed premises Category 12 under the EP Regulations.

As a general guideline, DER considers that a minimum separation distance of 1,000m is appropriate between sensitive land uses and Category 12 prescribed premises, with a higher risk of impacts to public health and amenity where this separation is not met. The application identifies that the closest receptor is approximately 1.3 km away, and that there are no residences within 1,000 m of the proposed crushing operations.

It is recommended that the proponent submit an application form to DER for the project. Application forms can be found on DER's website at <http://www.der.wa.gov.au>.

DER will undertake parallel processing of applications, however works approvals may not be granted until such time as planning approval is in place. DER's process allows for the provision of a draft decision to the proponent. The proponent may consequently provide this draft decision in support of their planning assessment.

#### Advice in relation to the clearing of native vegetation

DER has not received a clearing permit application to clear native vegetation on Lot 3 or Lot 237 for the purpose of developing an extractive industry and limestone crushing, and no clearing permits have been granted previously on these properties. It is noted that the boundary of the proposed extraction area on the enclosed location plan appears to extend into the adjacent Lot 889 on Plan 231033, Ludlow.

Section 1.5, 'Existing Vegetation' states that some individual paddock trees will be removed to access the limestone and that a clearing permit is not considered necessary from DER. From a review of aerial imagery and the information provided it appears that native vegetation will be required to be cleared.

The clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained in accordance with the *Environmental Protection Act 1986* (EP Act) or is of an exempt kind.

If clearing of native vegetation is required, the proposed clearing may be exempt under Regulation 5, Item 1 or Item 19 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. These provide an exemption for clearing to construct a building or structure and clearing of isolated paddock trees, respectively. These exemptions do not apply within environmentally sensitive areas (ESAs) declared under Section 51B of the EP Act.

The entire proposed extraction area is mapped as an ESA, therefore these exemptions are not applicable and a clearing permit may be required to clear native vegetation for these purposes.

Further information regarding the conditions of this exemption can be found in DER's guide to exemptions available on DER's website at <https://www.der.wa.gov.au/our-work/clearing-permits> along with a range of other fact sheets and guides on the clearing of native vegetation. Further information on the clearing permit process can be obtained by email: [NVP@der.wa.gov.au](mailto:NVP@der.wa.gov.au) or by telephone 9333 7469.

#### Advice under the Contaminated Sites Act 2003

Lot 3 Ludlow Park Road and Lot 237 on plan 250375 Wonnerup have not been reported or classified under the CS Act. The application indicates that the subject land has been used for grazing and pastoral land uses. The area for which the target limestone resource will be removed is dominated by two large horticultural irrigation pivots.

At the time of writing, DER does not hold any information regarding known or suspected contamination of this land.

Lots 3 and 237 are located within and adjacent to an area mapped as representing a moderate to high risk of encountering acid sulfate soils within 3 metres of the natural ground surface.

The application indicates that the target limestone resource is generally 2-3 metres thick and located at depths of 0.75 - 1.2 metres below the ground surface. The application proposes the removal of 1 metre of the limestone resource followed by replacement of the sand and topsoil before reactivating the horticultural irrigation pivots.

Based on the available information, a contamination or acid sulfate soil condition is not considered necessary in this instance. Should the nature of the proposal change to include deeper soil disturbance or dewatering, DER would welcome the opportunity to provide further comment.

It is noted that the removal of 1 metre of material from this location prior to a return to horticultural activities may result in an increased likelihood of nutrients associated with horticultural land uses leaching to the underlying groundwater and migrating to the adjacent Wonnerup Estuary.

Department of Parks and Wildlife  
Referral Comments



Department of Biodiversity,  
Conservation and Attractions



Your ref: DA16/0699  
Our ref: PRS 40154 2013/000578  
Enquiries: Peter Hanly  
Phone: 08 9725 4300  
Email: [swlanduseplanning@dpaw.wa.gov.au](mailto:swlanduseplanning@dpaw.wa.gov.au)

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

ATTENTION: Stephanie Navarro

**EXTRACTIVE INDUSTRY & CRUSHING FACILITY (LIMESTONE) - ACCESS – LOTS 3 & 237 LUDLOW PARK ROAD WONNERUP**

I refer to your email dated 22 June 2017 (CoB17) seeking advice from the Department of Parks and Wildlife (Parks and Wildlife) regarding access for the proposed extractive industry at the above property.

On 1 July 2017, Parks and Wildlife merged with the Botanic Gardens and Parks Authority, Zoological Parks Authority and Rottnest Island Authority to form the Department of Biodiversity Conservation and Attractions (DBCA). Parks and Wildlife has now become a service in DBCA, and any further correspondence will be provided under the banner of the new Department.

DBCA Parks and Wildlife Service South West Region provides the following comments regarding access for the proposed extractive industry:

Previous Comments

The modified BSO Extractive Industries Plan dated 19 August 2016 Rev 4 (Drawing 2332-L3&237) [BSO4] (Figure 1) depicts a proposed access road from Ludlow Park Road to the western (Lot 3) and eastern (Lot 237) proposed extraction areas.

Our response dated 2 March 2017 (PW17) advised that the proposed access way depicted on BSO4, from Ludlow Park Road to the western pit area, is likely to pass through the proposed tree retention area within the extractive industry site. We recommend that access to the proposed western extraction area should not pass through the strip of retained native vegetation.

In addition, PW17 advised that it was unclear what route was proposed to transport the extracted material from the western pit area to the proposed crusher site. PW17 also advised that a small track within the strip of proposed retained native vegetation may be unsuitable for haulage purposes and track widening is likely to result in clearing of native vegetation.

PW17 recommended that no vehicles travel within the proposed strip of retained native vegetation between the proposed western extraction area and the proposed crusher site.

Additional comments

CoB17 referred to increased truck movements to and from the proposed extractive industry site along Ludlow Park Road if the proposal is approved by the City of Busselton (CoB).

South West Region  
South West Highway, Bunbury WA 6230  
Phone: 08 97254300 / Fax: 08 97254351  
PO Box 1693, Bunbury, WA 6230  
[www.dbca.wa.gov.au](http://www.dbca.wa.gov.au)



CoB17 advised that the nearby Forest Adventures South West raised concerns regarding the proposal, as increased truck movements along Ludlow Park Road may result in increased dust levels and potentially impact the safety of patrons attending the High Ropes Course. Forest Adventures South West patrons are required to cross Ludlow Park Road from the Forest Adventures South West carpark to access the course.

The proponent has proposed an alternative haulage access route from Lot 237, to resolve concerns raised by Forest Adventures South West. The proposed alternative access route is along Theresa Road to Tuart Drive. However, Theresa Road does not abut Lot 237, as it ends at the south western portion of Lot 889. Lot 889 forms part of the Ludlow State forest and Lot 889 is proposed as future National Park under the Conservation Commission of Western Australia's Forest Management Plan 2014-2013 (FMP).

If Theresa Road is approved as the proposed haulage route for the proposed extractive industry, the proponent would need to access a portion of the future National Park within Lot 889, to gain access to Lot 237.

Lots 342 and 4975 abut the southern portion of Theresa Road. Lot 342 is also proposed future National Park and Lot 4975 is within the existing Tuart Forest National Park (Figure 2).

Theresa Road abuts the Vasse-Wonnerup Ramsar Wetland system. A map of the Ramsar Wetland system is attached (Figure 2)

#### Theresa Road

Theresa Road is an unformed road created to service Lots 2, 100 and 101.

The Tuart Forest National Park Management Plan 79 was approved by the Government of Western Australia in August 2014 (TFNPMP). Table 2 indicates that Lots 2, 100 and 101 have been identified as beneficial additions to the Tuart Forest National Park and its management.

The TFNPMP states on page 5 that "...one of the ministerial requirements (Minister for Environment 2003) for approval for Bemax to mine part of Ludlow State forest was the provision of funding for the long term benefit to conservation of tuart forest..." which is why Lots 2, 100 and 101 were proposed as additions to the National Park.

DBCA has managed and rehabilitated Lots 2, 100 and 101 since 2006.

The TFNPMP states on page 5 that there are several undeveloped road reserves within the National Park and recommended that these undeveloped road reserves could possibly be closed and added to the National Park, including Theresa Road.

Recently Parks and Wildlife gated and fenced a portion of Theresa Road to protect the Ramsar wetland areas and rehabilitation works, from increasing incidents including car dumping and burning, rubbish dumping and illegal hunting. I have attached a photo of the installed gate (Figure 3).

#### Proposed haulage times

The original proposal indicated that the proposed extractive industry would operate between 7am and 6pm Monday to Friday only and that trucks would not operate on designated school bus routes between 7.30am and 8.40am and 3.20pm and 4.20pm Monday to Friday during school periods.

In addition the original proposal indicated that there would be approximately nine truck movements per day from the proposed extraction site.

The BSO Development Consultant's letter dated 20 January 2017 (BSO17) to the CoB indicated that the proponent would be willing to transport from the extraction site on pre-determined days and suggested Monday Tuesday and Wednesday in any week, with some smaller contracts supplied on Thursday and Fridays.

BSO17 also reaffirmed that haulage from the extraction site would not occur on weekends, public holidays or school holidays.

The Forest Adventures South West website indicates that they operate seven days a week during Western Australia school holidays and from Thursday to Monday outside of school holidays. The website indicates that they may operate on Tuesdays and Wednesdays only for groups of 12 or more outside of school holidays.

Given this, the proposed maximum use of Ludlow Park Road for the extractive haulage generally only coincides with Forest Adventures South West operating times on one day of the week (Mondays) and occasionally on Tuesdays and Wednesdays for large group bookings, outside of the school holiday period.

#### Additional haulage

Ludlow Park Road may also be used as the transport route for the nearby potato farm and potato chip factory also managed by the proponent. DBCA is unaware of the approved haulage truck movement numbers, or the operating hours and days associated with the nearby potato farm and potato chip factory.

#### DBCA's Preferred Haulage Option

Legal access to Lots 3 and 237 via Ludlow Park Road, is the proponent's proposed access route for heavy truck movements from the extraction site.

The use of this access minimizes potential impacts to the Ramsar wetland system, State forest and National Park and is DBCA's preferred haulage access route from the proposed extractive industry site and all heavy truck movements from the Lots.

It is suggested that truck movements for Mondays and occasionally on Tuesdays and Wednesdays, could be managed with suitable signage, a formed crosswalk, pedestrian track and fencing to ensure high ropes patrons cross the road at a designated point and even a crosswalk attendant if deemed necessary.

Potential dust impacts from haulage trucks could be managed with the bituminization of the section of Ludlow Park Road where it passes alongside the high ropes course. DBCA would not object to the bituminization of the road to reduce potential dust impacts to the Forest Adventures South West High Ropes Course.

#### Alternative Haulage Option

The proponent has suggested the use of Theresa Road as an alternative to the use of Ludlow Park Road for the haulage of extracted material from Lots 3 and 237.

DBCA notes that this option does not resolve the potential dust and truck movement issues associated with the use of Ludlow Park Road for the existing potato farm, potato chip factory and current agricultural machinery and truck movements.

It is noted that Theresa Road is not formally constructed and retains native vegetation along its entire northern extent. The existing track adjacent to the southern portion of Theresa Road between Tuart Drive and the southern corner of Lot 101 is a DBCA-managed fire access track (Figure 4).

This fire access track then travels from the south eastern corner of Lot 101 within the future National Park Lot's 324, and Lot 889 adjacent to Lot 237.

The fire access track, within and adjacent to Theresa Road is a well-constructed track as depicted on the attached photo (Figure 5).

Given the TFPMP refers to the degazettal of several undeveloped road reserves including Theresa Road, recommending that these be closed and added to the National Park, it is suggested that if the Department's preferred haulage route along Ludlow Park Road, cannot be accommodated then DBCA may be willing to consider granting the proponent permission to use the existing fire track from Tuart Drive to Lot 237. This would be for extractive industry haulage purposes only, for the proposed five year term of the current extractive industry proposal (or less if the CoB approves the proposal for a shorter period), on the understanding that CoB facilitates/progresses the degazettal of Theresa Road and vesting of the land with DBCA.

Under this scenario DBCA would prefer that Theresa Road is not constructed for the proposed extractive industry haulage route. Rather, that the existing DBCA fire access track from Tuart Drive to Lot 237 be upgraded and used as the proposed haulage route for the proposed extractive industry.

The use of the existing constructed fire access track would not require any additional clearing of native vegetation.

If DBCA's preferred haulage route along Ludlow Park Road cannot be accommodated, and the CoB agree to progress the closure and degazettal of Theresa Road, with vesting of Theresa Road to DBCA, and approves the use of the fire access track for extractive haulage, then the proponent would need to formally seek permission from DBCA for the use of the fire access track, when CoB have approved the proposed extractive industry.

If DBCA's preferred haulage route along Ludlow Park Road, cannot be accommodated, and the CoB considers the approval of the use of the DBCA fire access track for extraction haulage purposes, then DBCA would expect the CoB require the proponent to manage and maintain the track to a suitable standard in consultation with DBCA.

CoB17 refers to limestone track upgrades to a minimum width of 4m. If the CoB approves the use of the fire access track and DBCA formally allow the use of the fire access track, DBCA supports the fire access track being upgraded using limestone to a maximum width of 6m.

Thank you for the opportunity to comment on this application. Please contact Peter Hanly at the DBCA's Parks and Wildlife Service South West Region office on 9725 4300 if you have any queries regarding this advice.



For Regional Manager

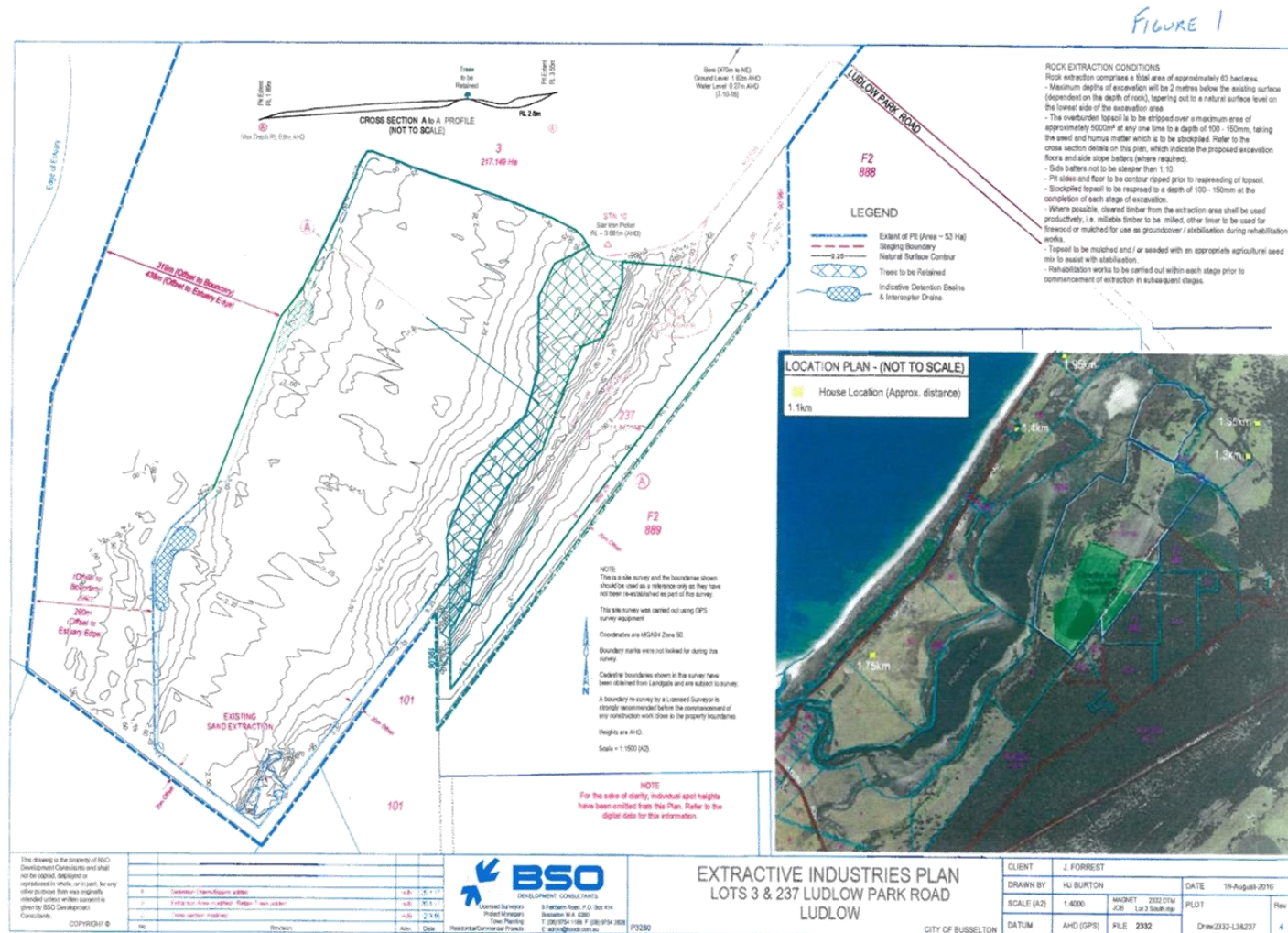
10 July 2017

Att.

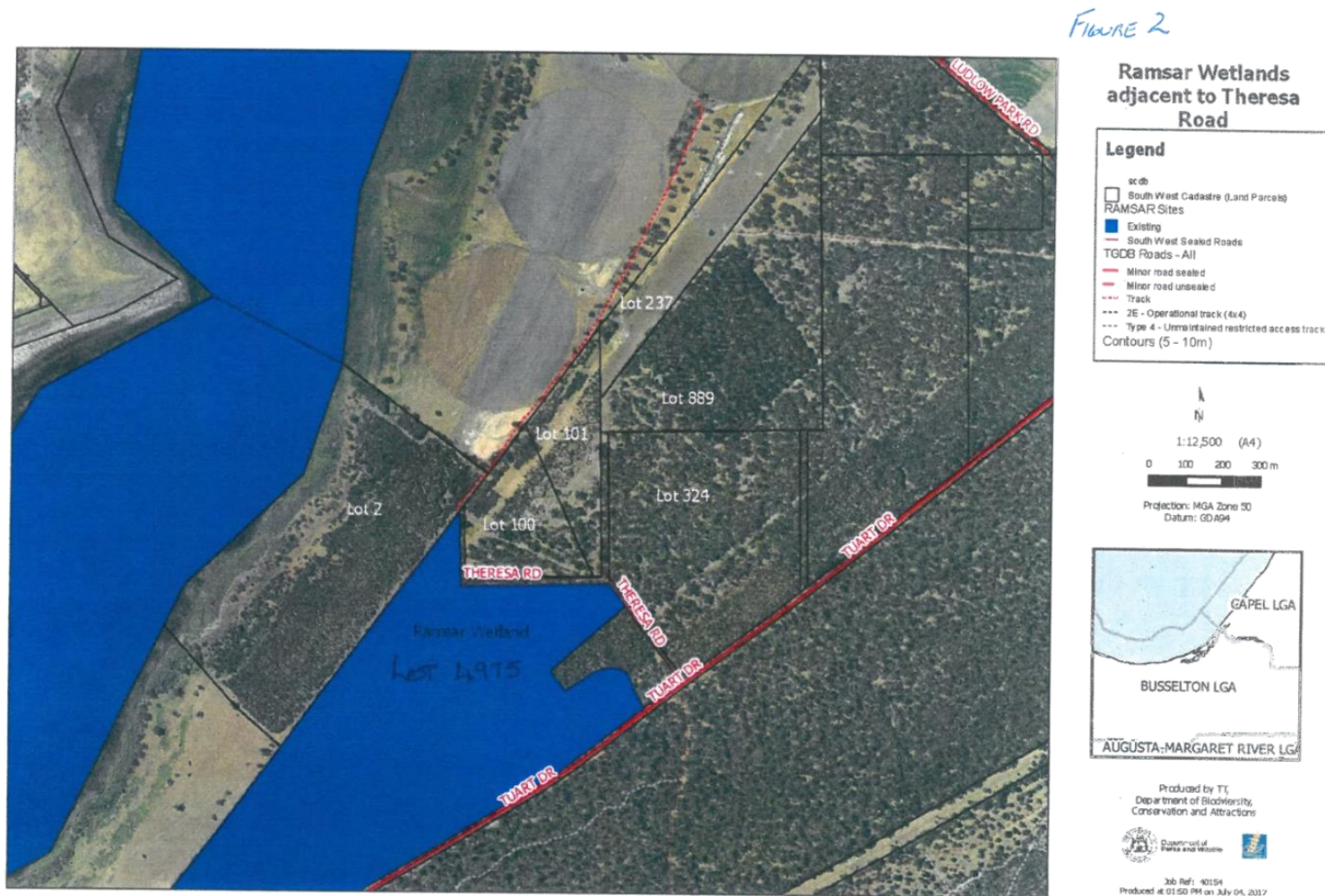
#### References

Molloy, S., Wood, J., Hall, S., Walldrodt, S and Whisson, G. (2009). *South West Ecological Linkages Technical Report*, Western Australian Local Government Association and Department of Environment and Conservation.

Shedley E and Williams K (2014) *An assessment of habitat for western ringtail possum (Pseudocheirus occidentalis) on the southern Swan Coastal Plain*. Unpublished report for the Department of Parks and Wildlife, Bunbury, Western Australia







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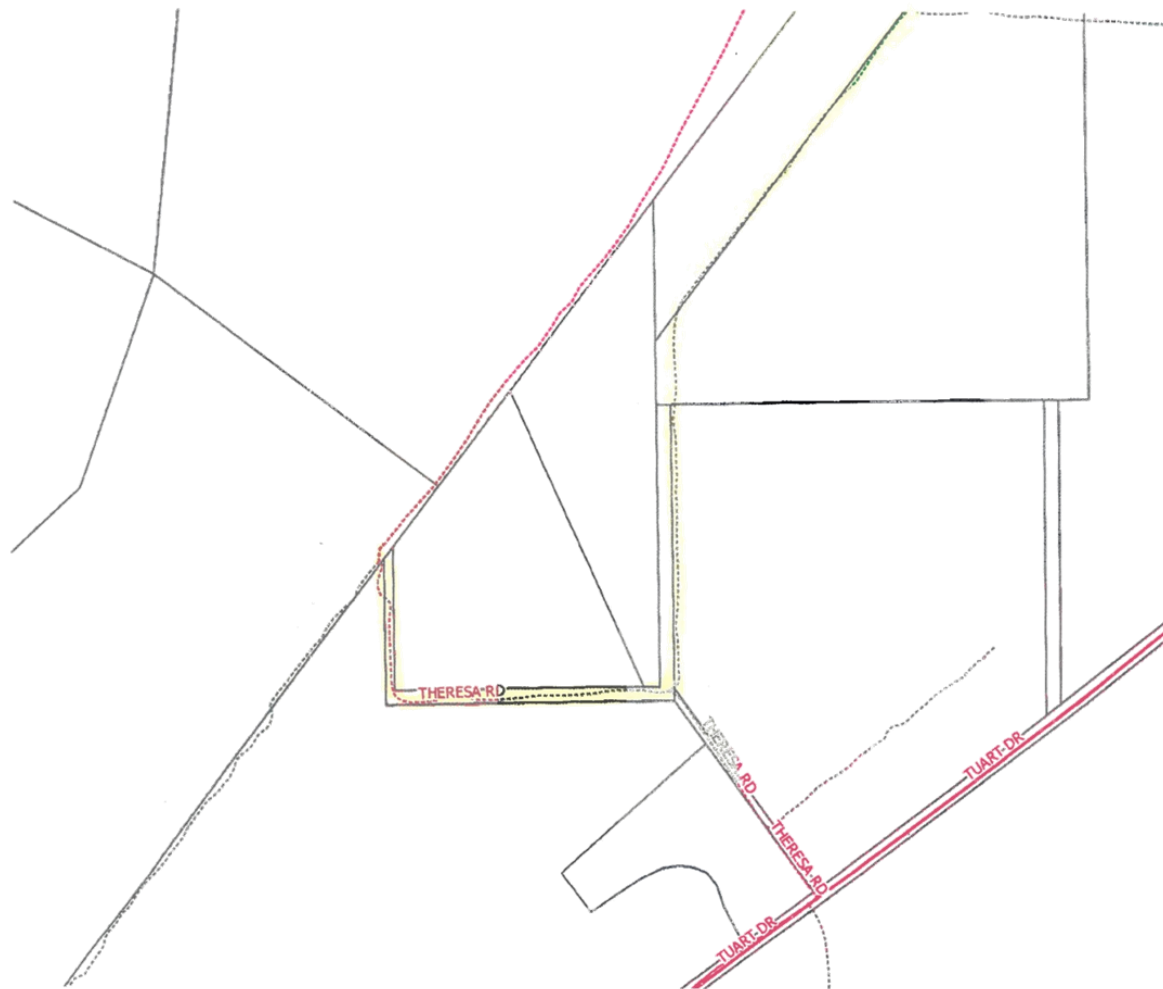
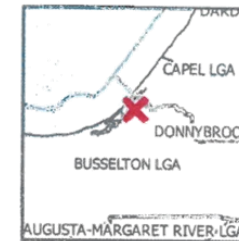
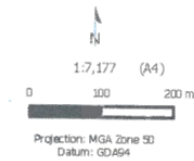
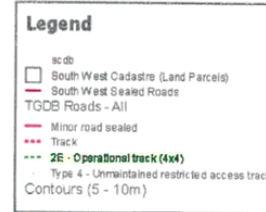


FIGURE 4

### Exiting tracks / Theresa Road



Produced by TT,  
Department of Biodiversity,  
Conservation and Attractions



Job Ref: 40154  
Produced at 02:06 PM on July 04, 2017

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Government of Western Australia  
Department of Parks and Wildlife  
Regional Services Division

Your ref: DA16/0699  
Our ref: PRS 40154 2013/000578  
Enquiries: Peter Hanly  
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Chief Executive Officer  
City of Busselton  
Locked Bag 1  
BUSSELTON WA 6280

ATTENTION: Stephanie Izzard

**EXTRACTIVE INDUSTRY & CRUSHING FACILITY (LIMESTONE) (MODIFIED) –  
LOTS 3 & 237 LUDLOW PARK ROAD WONNERUP**

I refer to your email dated 2 February forwarding a modified extractive industry application for the above property for the Department of Parks and Wildlife's (Parks and Wildlife) comment.

Parks and Wildlife provided comments dated 13 June 2014 (PW14) and 3 November 2016 (PW16) on previous Lot 3 extraction industry applications. PW16 referred to a proposal depicted on the BSO Extractive Industries Plan dated 19 August 2016 Rev 2.

The modified BSO Extractive Industries Plan dated 19 August 2016 Rev 4 (BSO4) for the current proposal, indicates that the extent of the proposed pit has been reduced by 10 hectares and there is an area proposed for tree retention.

The following additional comments, to be read in conjunction with PW16, are provided on the modified BSO4.

Biodiversity values

PW16 advised that the proposal has the potential to impact the Ramsar Vasse-Wonnerup System, an *Environment Protection and Biodiversity Conservation Act 1999's (EPBC Act)* Threatened Ecological Community (TEC), poorly reserved regional ecological linkage remnant vegetation, Priority flora, threatened fauna and waterbird habitat.

WRP and black cockatoos are listed as threatened species under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and Western Australia's *Wildlife Conservation Act 1950*.

PW16 also advised that Lot 3 contains Conservation Category wetlands (CCW) and Multiple Use estuary-peripheral wetlands (MU) which are hydrologically linked to the adjacent Ramsar wetlands and TEC and an area gazetted as an Environmentally Sensitive Area (ESA).

In addition PW16 advised the proposal area is adjacent to the Ludlow State forest and that some areas within the State forest were proposed as future Nature Reserve and National Park.

Comments

Any development should aim to avoid impacts to Ramsar wetlands, TEC's, poorly reserved native vegetation, potential threatened flora, the proposed Nature Reserve and National Park, minimise disturbance to Black Swan nesting sites and retain WRP, black cockatoo and waterbird habitat trees where possible.

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The application states that buffers to wetland areas have been increased and refers to Black Swan nesting sites. It appears that buffer areas have been measured from the lot boundaries, which are more distant from the proposal area than the wetland boundary.

Parks and Wildlife advises that the Black Swan nesting sites are not restricted to the north of the Ludlow river diversion channel that dissects Lot 3. Nesting also occurs in wetlands to the west of the proposal.

Parks and Wildlife advises that wetland buffers should be measured from the estuary based on high water levels, and not average surface water levels. Water bird activities are associated with high and low surface water levels.

Parks and Wildlife recommends buffer areas are measured from the Quindalup Coast land system soils, depicted in the soil derived mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "*Busselton, Margaret River, Augusta Land Capability Study*" as these soil types correspond closely to the mapped wetland areas.

The Quindalup Wet Flats and Quindalup Very Wet Saline Flats soil types provide a better interpretation of the wetland system area and waterbird habitat.

The Busselton Wetlands Conservation Strategy includes a copy of the Quindalup Coast land system soils mapping at Figure 6, and uses these soil types to define the core wetland area.

Based on advice from the "*Water and Rivers Commission Position Statement: Wetlands*" the minimum buffer should be 200 metres. As mentioned in PW16, the buffer for inactive water birds, eg nesting swans, should be 300m.

The application states that no clearing of native vegetation will be required. Parks and Wildlife acknowledges this as an important improvement from the previous application, and will help retain significant biodiversity values.

The proponent states that groundwater (GW) measurements have been taken in the Ludlow Drain and drainage sumps immediately north of the site, from a single bore within the proposal area and includes anecdotal GW information.

The GW level information provided is insufficient to determine actual maximum GW levels across the whole proposed extraction area. A GW contour map should be provided.

Parks and Wildlife's concerns include the risk of excavation intercepting the maximum GW level and potential impacts to GW level quality and local flow patterns both now and in the long term. The proponent should consult with the Department of Water to determine the requirements for adequate detailed GW level information that can be used to guide the maximum excavation depth if at all feasible, and rehabilitation requirements.

BSO4 depicts a proposed crusher site within the eastern portion of the proposed pit area, east of the retained belt of Tuart trees. Parks and Wildlife considers the proposed crusher location to be the most suitable in relation to minimizing potential impacts to water birds.

BSO4 depicts a proposed access road from Ludlow Park Road to the western and eastern proposed extraction areas.

BSO4 indicates that the proposed access way from Ludlow Park Road to the western pit area may pass through the proposed tree retention area. Parks and Wildlife recommends that access to the proposed western extraction area should not pass through the strip of retained native vegetation.



In addition, it is unclear what route is proposed to transport the extracted material from the western pit area to the proposed crusher site. Orthophotos indicate a small track within the strip of proposed retained native vegetation, but this track is unlikely to be suitable for haulage purposes and track widening is likely to result in clearing of native vegetation.

Parks and Wildlife recommends that no vehicles travel within the proposed strip of retained native vegetation between the proposed western extraction area and the proposed crusher site.

Parks and Wildlife recommends that if the proposal is approved, a buffer from the proposed extraction and stockpile areas be provided to protect adjacent retained trees from potential impacts associated with the proposed extraction activities.

Potential impacts include reduced tree root zone moisture levels due to hydrological alterations resulting from the proposed extraction activities. The trees are also at risk from accidental machinery damage and increased risk of being blown over.

Parks and Wildlife recommends that if the proposal is approved, no extraction activities should occur within 10m of any native tree crown drip zones.

Parks and Wildlife recommends that a suitable temporary demarcation barrier be erected 10m from the crown drip zone of trees along the proposed extraction areas to protect the trees and root systems from accidental machinery damage.

The application states that horticulture and pasture production will continue after the limestone is extracted. Parks and Wildlife is concerned about the possibility of future horticulture and pasture production practices creating increased nutrient loads to wetland areas, given there will be reduced soil depth to GW levels, and hence less nutrient buffering capacity.

The application shows two indicative detention basins and interceptor drains. It is expected that these would need to be moved eastwards and the position would be determined using the extra maximum GW level contour data that is sought for evaluating this proposal.

Given the proximity to the Ramsar wetland system, TEC, CCW and other biodiversity values, the potential risk of impacts needs to be minimized. The applicant should seek advice from the Department of the Environment and Energy under the EPBC Act to determine if there is a requirement for the action to be referred for assessment given the risk of potential impacts to significant biodiversity values.

The application advises that the current landowner has not encountered any Acid Sulfate Soils (ASS). The application area is within an area mapped as having moderate to high ASS and therefore the ASS risk needs to be adequately evaluated. Parks and Wildlife recommends that the applicant seeks advice from the Department of Environment Regulation regarding ASS.

PW16 advised that the proposal area is within a gazetted Environmentally Sensitive Area (ESA). The entire proposal area is within the ESA which relates to potential impacts to wetland areas. Parks and Wildlife recommends the proposal should be referred to the Environmental Protection Authority for assessment given the extent of the ESA and potential impacts to the site's significant biodiversity values.

Parks and Wildlife notes there is an Aboriginal burial site registered within Lot 3 and suggests the proponent seek advice from the Department of Aboriginal Affairs.

The application states that there is a possibility that overall timeframes for extraction could be shortened however there is no certainty regarding limestone extraction time frames.



PW16 referred to rehabilitation, dieback management and water monitoring. These comments remain applicable to the current modified application.

Thank you for the opportunity to comment on this application. Please contact Peter Hanly at the Parks and Wildlife's South West Region office if you have any queries regarding this advice.



For Regional Manager

2 March 2017

Att.

cc: Parks and Wildlife Wetlands Branch  
Parks and Wildlife Blackwood district  
Department of Water

#### References

Molloy, S., Wood, J., Hall, S., Walldrodt, S and Whisson, G. (2009). *South West Ecological Linkages Technical Report*, Western Australian Local Government Association and Department of Environment and Conservation.

Shedley E and Williams K (2014) An assessment of habitat for western ringtail possum (*Pseudocheirus occidentalis*) on the southern Swan Coastal Plain. Unpublished report for the Department of Parks and Wildlife, Bunbury, Western Australia



Government of Western Australia  
Department of Parks and Wildlife  
Regional Services Division

PN16

Your ref: DA16/0699  
Our ref: PRS 40154 2013/000578  
Enquiries: Peter Hanly  
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Chief Executive Officer  
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**COPY**

ATTENTION: Stephanie Izzard

**EXTRACTIVE INDUSTRY & CRUSHING FACILITY (LIMESTONE) –  
LOTS 3 & 237 LUDLOW PARK ROAD WONNERUP**

I refer to your letter dated 7 October 2016 forwarding an extractive industry application for the above property for the Department of Parks and Wildlife's (Parks and Wildlife) comment.

The following comments are provided on the proposal.

Biodiversity values

Lot 3 is adjacent to a Ramsar Convention on Wetlands of International Importance (Ramsar) wetland (Vasse-Wonnerup System). These wetlands would be vulnerable to changes in water quality and quantity, sedimentation, erosion and land degradation.

The Lot 3 wetlands also support an area of an *Environment Protection and Biodiversity Conservation Act 1999's (EPBC Act)* Threatened Ecological Community (TEC), "*Subtropical and Temperate Coastal Saltmarsh*".

Lots 3 and 237 contain areas of remnant vegetation and mature paddock trees identified in *Molloy et al, 2009*, as being part of and contributing to a core regional ecological linkage. Any development should aim to minimise the impacts and fragmentation of the vegetation within the property and to adjoining vegetated areas.

The Priority flora *Verticordia attenuata* and *Lasiopetalum membranaceum* are known to occur within 2km of the area.

The subject site contains areas of the poorly reserved remnant Ludlow (Lw) vegetation complex which has less than 30% of the pre-European extent remaining.

Parks and Wildlife has recently undertaken an extensive western ringtail possum (WRP) habitat study within the South West Region (*Shedley et al, 2014*). Parks and Wildlife's goal is to retain the mapped WRP Habitat Quality vegetation, identified within the *Shedley et al, 2014* study where possible.

The subject site contains high habitat quality vegetation, identified in *Shedley et al, 2014* as being important in maintaining the integrity of WRP habitat and also contains potential habitat for black cockatoos and brush-tailed phascogales.

WRP and black cockatoos are listed as threatened species under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Western Australia's *Wildlife Conservation Act 1950*. Major threats to WRP and black cockatoos include habitat loss and fragmentation.

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The trees on Lot 3 contribute to waterbird habitat values including nesting sites for ducks.

Lot 3 contains Conservation Category wetlands (CCW) and both Lots 3 and 237 contain Multiple Use estuary-peripheral wetlands (MU) mapped on the Department's Geomorphic Wetlands Swan Coastal Plain dataset. The CCW and MU wetlands are hydrologically linked to the adjacent Ramsar wetlands and TEC.

The proposal area is contained within a gazetted Environmentally Sensitive Area (ESA). A map showing the boundary of the Ramsar and MU wetlands, TEC and ESA, which covers the whole area, is shown on the attached map.

Resident and migratory waterbirds using the wetlands would also be impacted by vibration, noise and increased heavy vehicle traffic. This will be critical during nesting times of resident waterbirds. The attached map depicts small circular Black Swan nesting sites located immediately to the west of the northern portion of Lot 3 and the nesting sites extend southwards, along the wetland to the west to the proposed extraction area. This nesting site is considered to be one of the highest concentrations of swan nesting sites within Western Australia.

Lot 3 is adjacent to unallocated crown land (Lot 5595). The Parks and Wildlife's Forest Management Plan 2014-2023 lists the Lot 5595 UCL as a proposed future Nature Reserve and it is part of the Ramsar wetland area.

Lots 3 and 237 are adjacent to the Ludlow State forest on Lots 888 and 889. The Parks and Wildlife's Forest Management Plan 2014-2023 lists the Lots 888 and 889 State forest, and surrounding Lots 2, 100 and 101 as a proposed National Park.

Approval of the development should not result in impositions being placed upon the values and management of the adjoining Parks and Wildlife managed land.

#### Comments

Any development should aim to avoid impacts to Ramsar wetlands, TEC, poorly reserved native vegetation, potential threatened flora, the proposed Nature Reserve and National Park, minimise disturbance to Black Swan nesting sites and retain WRIP, black cockatoo and waterbird habitat trees where possible.

The proposed extraction area appears to be approximately 80m from the Ramsar wetland boundary. The proponent has advised that excavation is proposed to be one metre below the natural land surface and that groundwater is not expected to be exposed.

The proposed excavation depth as explained in the application is ambiguous. It could be interpreted that removal of one meter of the 3m thick limestone would result in a depth of - 0.25m to + 0.5m AHD. These depths are expected to be below average maximum groundwater levels and would be considered unacceptable.

The application needs to, but does include, a report of detailed hydrological investigations to demonstrate that the proposal will not impact groundwater or the adjacent Ramsar wetland and TEC site.

It is considered that the superficial groundwater level is highly likely to be within one metre of the surface. Sand berms can be important for the hydrology and water quality of wetlands as even the shallow lenses of sand provide a freshwater capture and seepage function which supports the wetland's ecosystem.

As a minimum the proponent would need to ensure that no extraction occurs below 0.5m above the average maximum groundwater level and the proponents should explain how post extraction rehabilitation will ensure no long-term negative impacts to the wetlands system.

The Lot 3 wetlands are currently listed as MU. Aerial imagery indicates that there are some densely vegetated areas within the TEC buffer boundary which may contain good condition or better vegetation, and may meet the criteria for Conservation Category wetlands (CCW). These vegetated areas are located adjacent to the proposed extraction area.

The Department of Water (DoW) is the lead agency in relation to assessing and providing comments on land use planning proposals that relate to estuary-peripheral wetlands. Parks and Wildlife understands that DoW has previously provided comments to the City of Busselton (City) on a nearby Lot 3 proposed extractive industry application, recommending that site specific hydrogeological investigations be undertaken prior to the application being considered by the City.

Given the proposal is likely to result in hydrological impacts that may affect the adjacent Ramsar wetlands and TEC and possibly the proposed Tuart National Park, it is requested that a copy of hydrological information for this proposal area is also provided to Parks and Wildlife to assist in the assessment of this application.

Parks and Wildlife notes the proposed development area is within close proximity to the Lot 3 Ramsar wetland and TEC areas. Matters that might have a significant impact on the ecological character of a Ramsar Wetland and EPBC Act TEC, should be referred to the Department of the Environment and Energy (DoEE) under the EPBC Act and it is the responsibility of the proponent to refer it.

Parks and Wildlife recommends this proposal is referred to the DoEE for assessment as it is likely to impact upon wetland hydrology.

*Barnford 1995* found that roosting and inactive water birds were more sensitive to disturbance than active birds. Nesting water birds are considered to be inactive. *Barnford 1995* found that adjacent activities can disturb inactive Black Swans at a distance of approximately 200m.

To minimize potential disturbance to nesting Black Swan sites, a minimum buffer of 300m between proposed disturbance areas and water bird nesting sites is suggested.

Parks and Wildlife advises that the vegetation within the proposal area should be retained as it contains potential WRP, black cockatoo and waterbird habitat. Trees have an important wetland ecology value including essential nesting sites for chicks. Hydrological changes to the proposal area could detrimentally affect the survival of these fauna habitat tree species.

Clearing of native vegetation is prohibited, unless the clearing is authorised by a clearing permit obtained from the Department of Environment Regulation (DER), or is a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulations) under the *Environmental Protection Act 1986*.

Exemptions under Regulation 5 do not apply in Environmentally Sensitive Areas (ESA). Given Lots 3 and 237 are completely encompassed in an ESA, the proposal should be referred to DER regarding clearing permit requirements.

The proposed limestone crusher site also needs to be relocated to avoid risks including disturbance to threatened fauna and waterbirds, the compaction of tree roots and lime dust coverage to foliage.

#### Previous comments

Parks and Wildlife provided comments dated 13 June 2014 (PW14) and 30 September 2016 (PW16) on previous Lot 3 extraction industry applications. A copy of PW14 and PW16 are attached for your information.

It is recommended that the current proposal is also assessed considering cumulative impacts from altered land uses, including existing nearby sand extraction, irrigated pasture production, likely loss of wetland habitat, introduced weed species burden and the potential for cumulative impacts to the hydrological regime of the Ramsar listed Vasse-Wonnerup system and the nationally listed TEC.

If no further hydrological information is provided, Parks and Wildlife considers sand extraction should be excluded from any Lot 3 wetlands, including MU wetlands, in order to reduce the risk of any altered hydrological regime of the Ramsar wetlands and TEC.

#### Summary

Parks and Wildlife advises that this proposal has the potential to impact upon significant biodiversity values including Ramsar wetlands, TEC, proposed Nature Reserve and National Park, poorly reserved native vegetation and fauna habitat (including important Black Swan nesting sites) and detailed hydrological information is required to assist in the assessment of this proposal.

Given the lack of detailed hydrological information, and potential impacts to the area's significant environmental values, Parks and Wildlife does not support the proposal as it is currently presented.

However, Parks and Wildlife would be happy to provide additional comments when detailed hydrological information is available, including the consideration of whether some extraction may be possible at this site.

Thank you for the opportunity to comment on this application. Please contact Peter Hanly at the Parks and Wildlife's South West Region office if you have any queries regarding this advice.



For Regional Manager

3 November 2016

Att.

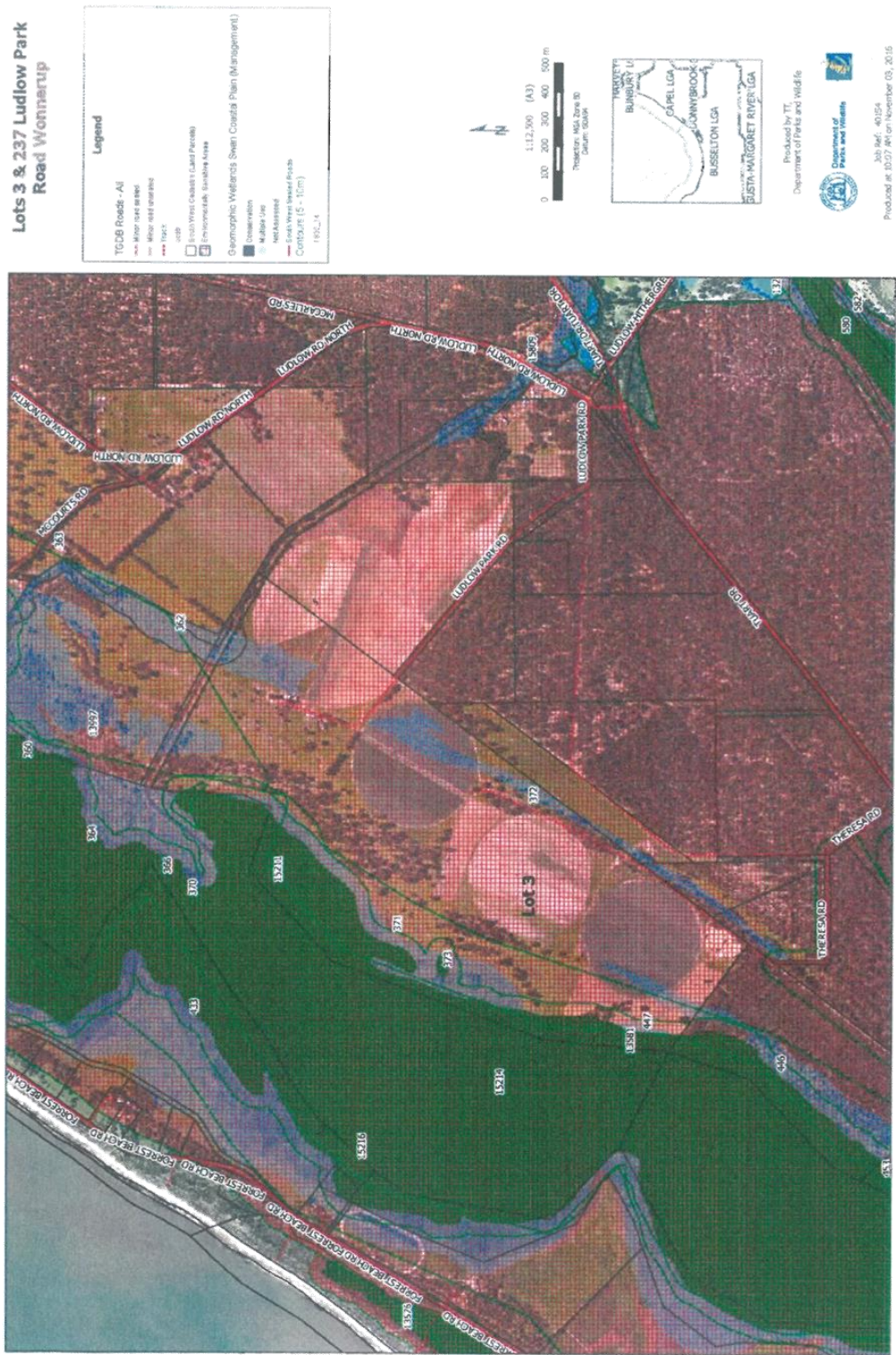
cc: Parks and Wildlife Wetlands Branch  
Parks and Wildlife Blackwood district  
Department of Water

#### References

Molloy, S., Wood, J., Hall, S., Walldrodt, S and Whisson, G. (2009). *South West Ecological Linkages Technical Report*, Western Australian Local Government Association and Department of Environment and Conservation.

Shedley E and Williams K (2014) An assessment of habitat for western ringtail possum (*Pseudocheirus occidentalis*) on the southern Swan Coastal Plain. Unpublished report for the Department of Parks and Wildlife, Bunbury, Western Australia















Government of Western Australia  
Department of Parks and Wildlife  
Regional Services Division

Your ref: DA16/0590  
Our ref: PRS 39945 2013/000578  
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**COPY**

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ATTENTION: Stephanie Izzard

#### EXTRACTIVE INDUSTRY (GRAVEL) – LOT 3 LUDLOW PARK ROAD WONNERUP

I refer to your letter dated 24 August 2016 forwarding an extractive industry application for the above property for the Department of Parks and Wildlife's (Parks and Wildlife) comment.

The following comments are provided on the proposal.

##### Biodiversity values

Lot 3 is adjacent to a Ramsar Convention on Wetlands of International Importance (Ramsar) wetland (Vasse-Wonnerup System). These wetlands would be vulnerable to changes in water quality and quantity, sedimentation, erosion and land degradation.

The Lot 3 wetlands also support an area of an *Environment Protection and Biodiversity Conservation Act 1999's (EPBC Act)* Threatened Ecological Community (TEC), "*Subtropical and Temperate Coastal Saltmarsh*".

Lot 3 contains areas of remnant vegetation and mature paddock trees identified in *Molloy et al, 2009*, as being part of and contributing to a core regional ecological linkage. Any development should aim to minimise the impacts and fragmentation of the vegetation within the property and to adjoining vegetated areas.

The Priority flora *Verticordia attenuata* and *Lasiopetalum membranaceum* are known to occur within 2km of the area.

Lot 3 contains areas of the poorly reserved remnant Ludlow (Lw) vegetation complex which has less than 30% of the pre-European extent remaining.

Parks and Wildlife has recently undertaken an extensive western ringtail possum (WRP) habitat study within the South West Region (*Shedley et al, 2014*). Parks and Wildlife's goal is to retain the mapped WRP Habitat Quality vegetation, identified within the *Shedley et al, 2014* study where possible.

The subject site contains high habitat quality vegetation, identified in *Shedley et al, 2014* as being important in maintaining the integrity of WRP habitat.

Lot 3 also contains potential habitat for black cockatoos and brush-tailed phascogales.

WRP and black cockatoos are listed as threatened species under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and Western Australia's *Wildlife Conservation Act 1950*. Major threats to WRP and black cockatoos include habitat loss and fragmentation.

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Lot 3 contains Multiple Use category estuary-peripheral wetlands (MU) mapped on the Department's Geomorphic Wetlands Swan Coastal Plain dataset. The MU wetlands are hydrologically linked to the adjacent Ramsar wetlands and TEC.

The proposal area is contained within a gazetted Environmentally Sensitive Area (ESA). A map showing the boundary of the Ramsar and MU wetlands, TEC and ESA, which covers the whole area, is shown on the attached map.

Resident and migratory waterbirds using the wetlands would also be impacted by vibration, noise and increased heavy vehicle traffic. This will be critical during nesting times of resident waterbirds. The attached map depicts small circular Black Swan nesting sites located immediately to the west of Lot 3. This nesting site is considered to be one of the highest concentrations of swan nesting sites within Western Australia.

Lot 3 is adjacent to unallocated crown land (Lot 5595). The Parks and Wildlife's Forest Management Plan 2014-2023 lists the Lot 5595 UCL as a proposed future Nature Reserve. Approval of the development should not result in impositions being placed upon the values and management of the adjoining UCL.

The UCL adjoining the east of Lot 3 contains the old Ludlow River bed which feeds into the northern end of the Wonnerup Estuary.

#### Comments

Any development should aim to avoid impacts to Ramsar wetlands, TEC, poorly reserved native vegetation, potential threatened flora, the proposed Nature Reserve, minimise disturbance to Black Swan nesting sites and retain WRP, black cockatoo and waterbird habitat trees where possible.

The proposed extraction area appears to be approximately 70m from the Ramsar wetland boundary. The proponent has advised that excavation is proposed to be up to two metres below the natural land surface and that groundwater is not expected to be exposed.

The application needs to, but does include, a report of detailed hydrological investigations to demonstrate that the proposal will not impact groundwater or the adjacent Ramsar wetland and TEC site.

It is considered that the superficial groundwater level is highly likely to be within one metre of the surface. Sand berms can be important for the hydrology and water quality of wetlands as even the shallow lenses of sand provide a freshwater capture and seepage function which supports the wetland's ecosystem.

The Lot 3 sand berm, proposed to be excavated, is up to 2.75m AHD and may be providing some water storage function for the Ramsar wetlands site, and the nearby old Ludlow River bed. The Department of Water (DoW) may be able to provide technical advice on the potential for water storage and the depth of groundwater.

As a minimum the proponent would need to ensure that no extraction occurs below 0.5m above the average maximum groundwater level and the proponents should explain how post extraction rehabilitation will ensure no long-term negative impacts to the wetlands system.

While the Lot 3 wetlands are currently listed as MU, aerial imagery indicates that some areas of dense vegetation within the TEC boundary are located adjacent to the proposed extraction area. Areas within the TEC that retain good condition or better vegetation may be considered to meet the criteria for Conservation Category wetlands (CCW).

DoW is the lead agency in relation to assessing and providing comments on land use planning proposals that relate to estuary-peripheral wetlands. Parks and Wildlife understands that DoW provided comments dated 19 September 2016 on the Lot 3 proposed development recommending that site specific hydrogeological investigations be undertaken prior to the application being considered by the City of Busselton.

Given the proposal is likely to result in hydrological impacts that may affect the adjacent Ramsar wetlands and TEC, it is requested that a copy of detailed hydrological information is also provided to Parks and Wildlife to assist in the assessment of this application.

Parks and Wildlife notes the proposed development area is within close proximity to the Lot 3 Ramsar wetland and TEC areas. Matters that might have a significant impact on the ecological character of a Ramsar Wetland and EPBC Act TEC, should be referred to the Department of the Environment (DoE) under the EPBC Act and it is the responsibility of the proponent to refer it.

Parks and Wildlife recommends this proposal is referred to the DoE for assessment.

*Bamford 1995* found that roosting and inactive waterbirds were more sensitive to disturbance than active birds. Nesting waterbirds are considered to be inactive. *Bamford 1995* found that adjacent activities can disturb inactive Black Swans at a distance of approximately 200m. The proposed extraction site is less than 100m to the adjacent Black Swan nesting site.

To minimize potential disturbance to nesting Black Swan sites, a minimum buffer of 300m between proposed disturbance areas and waterbird nesting sites is suggested.

Parks and Wildlife advises that the vegetation within the proposal area should be retained as it contains potential WRP, black cockatoo and waterbird habitat. Trees have an important wetland ecology value including essential nesting sites for chicks. Hydrological changes to the proposal area could detrimentally affect the survival of these fauna habitat tree species.

Clearing of native vegetation is prohibited, unless the clearing is authorised by a clearing permit obtained from the Department of Environment Regulation (DER), or is a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulations) under the *Environmental Protection Act 1986*.

Exemptions under Regulation 5 do not apply in Environmentally Sensitive Areas (ESA). Given Lot 3 is completely encompassed in an ESA, the proposal should be referred to DER regarding clearing permit requirements.

#### Previous comments

Parks and Wildlife provided comments dated 13 June 2014 (PW14) on a previous Lot 3 extraction industry application. A copy of PW14 is attached for your information. In that instance the extraction site was more elevated and more than 700m from the Ramsar wetland site.

It is recommended that the current proposal is assessed considering cumulative impacts from altered land uses, including existing nearby sand extraction, irrigated pasture production, likely loss of wetland habitat, introduced weed species burden and the potential for cumulative impacts to the hydrological regime of the Ramsar listed Vasse-Wonnerup system and the nationally listed TEC.

If no further hydrological information is provided, Parks and Wildlife considers sand extraction should be excluded from any Lot 3 wetlands, including MU wetlands, in order to manage the risk of any altered hydrological regime of the Ramsar wetlands and TEC.

Summary

Parks and Wildlife advises that this proposal has the potential to impact upon significant biodiversity values including Ramsar wetlands, TEC, poorly reserved native vegetation and fauna habitat (including important Black Swan nesting sites) and detailed hydrological information is required to assist in the assessment of this proposal.

Given the lack of detailed hydrological information, and potential impacts to the area's significant environmental values, Parks and Wildlife does not support the proposal as it is currently presented.

However, Parks and Wildlife would be happy to provide additional comments when detailed hydrological information is available, including the consideration of whether some extraction may be possible at this site.

Thank you for the opportunity to comment on this application. Please contact Peter Hanly at the Parks and Wildlife's South West Region office if you have any queries regarding this advice.

  
For Regional Manager

30 September 2016

Att.

cc: Parks and Wildlife Wetlands Branch  
Parks and Wildlife Blackwood district  
Department of Water

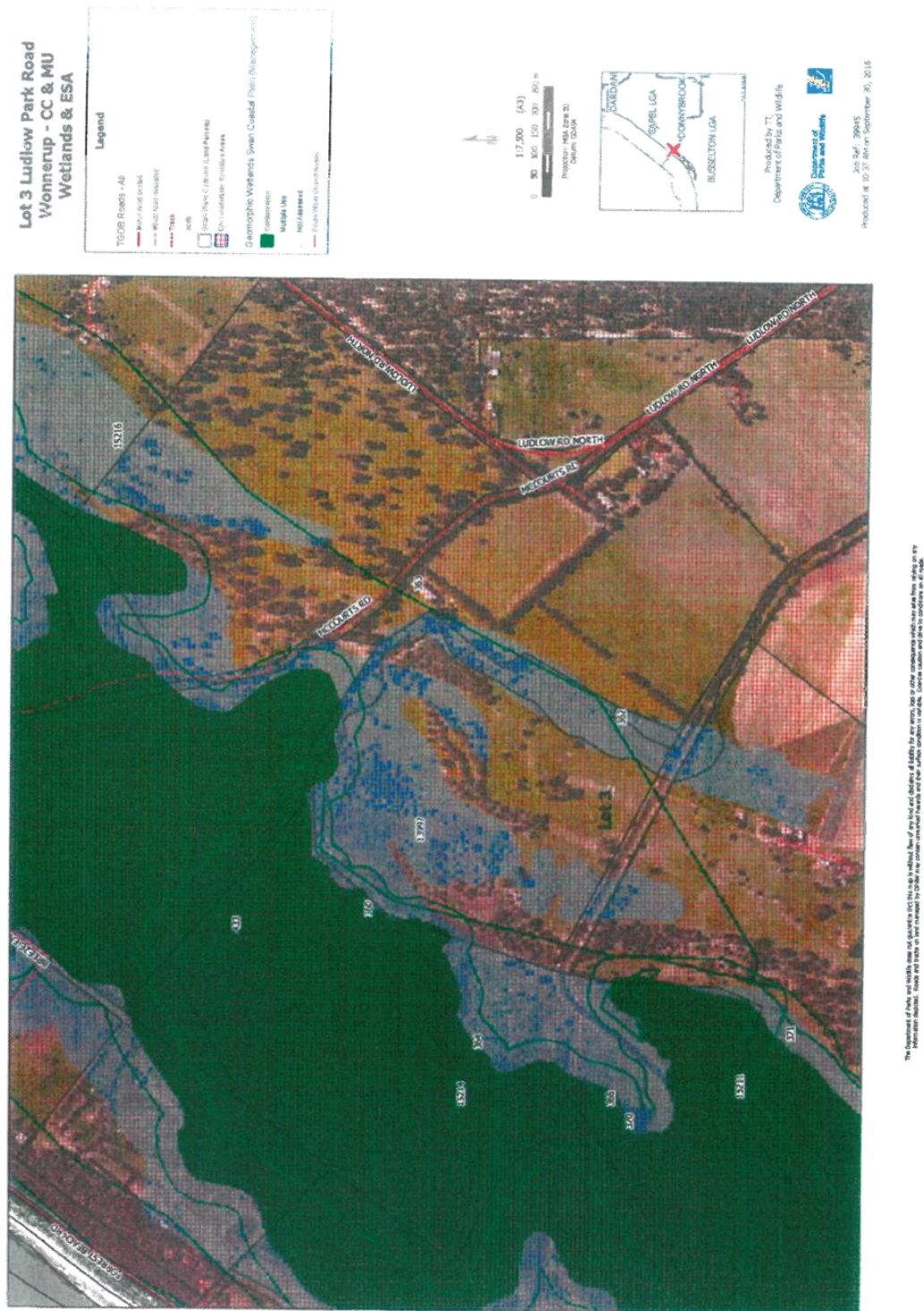
References

Molloy, S., Wood, J., Hall, S., Walldrodt, S and Whisson, G. (2009). *South West Ecological Linkages Technical Report*, Western Australian Local Government Association and Department of Environment and Conservation.

Shedley E and Williams K (2014) An assessment of habitat for western ringtail possum (*Pseudochirus occidentalis*) on the southern Swan Coastal Plain. Unpublished report for the Department of Parks and Wildlife, Bunbury, Western Australia

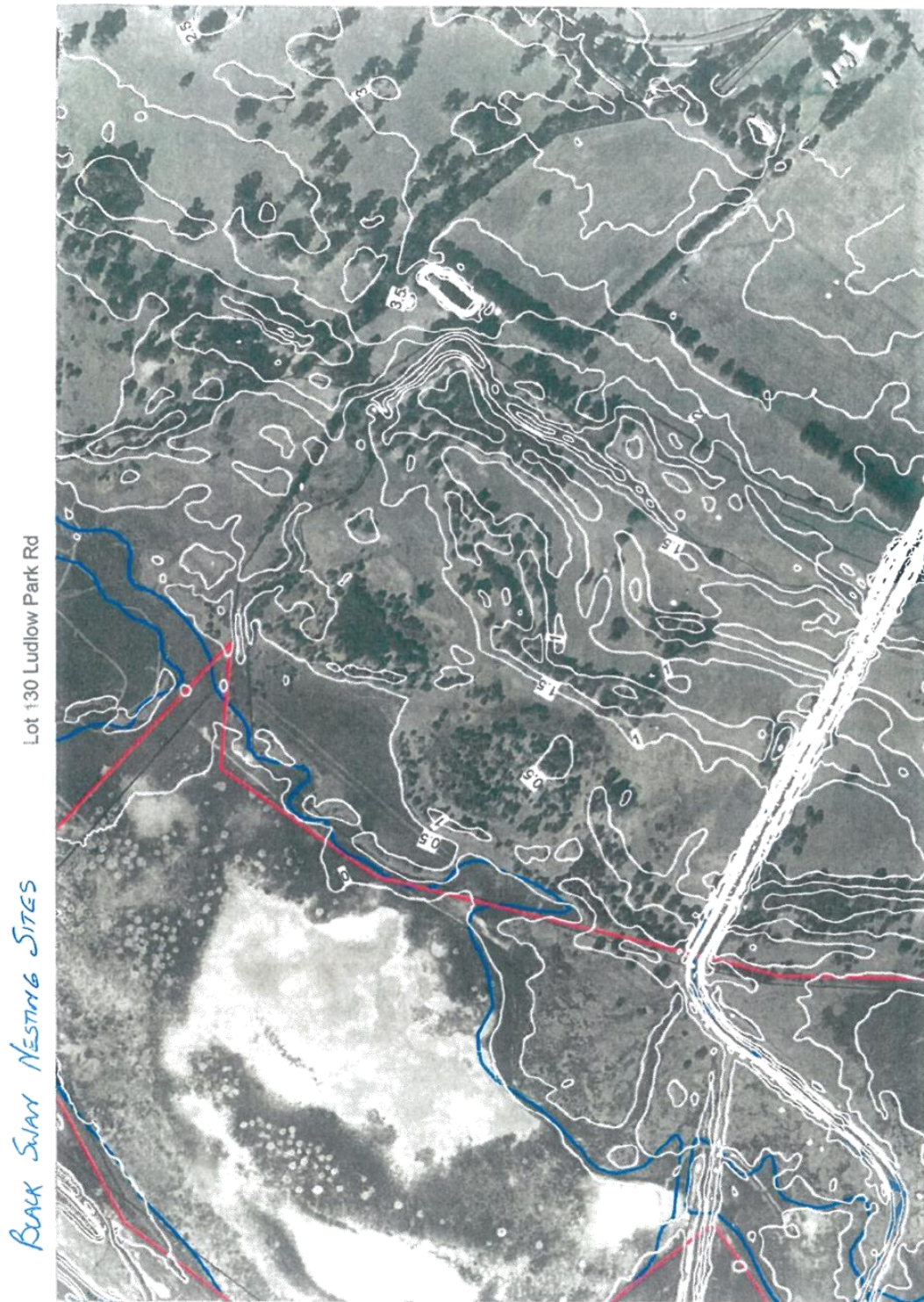
Barnford, MJ&AR (1995) Waterbirds on the Floodplains of the Vasse and Wonnerup Estuaries :Patterns of Usage and the Effect of Disturbance. Final report to the Western Australian Department of Conservation and Land Management.















Government of Western Australia  
Department of Parks and Wildlife  
Regional Services Division

COPY

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Chief Executive Officer  
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ATTENTION: Andrew Wallis

**PROPOSED EXTRACTIVE INDUSTRY (SAND) –  
LOT 3 LUDLOW PARK ROAD WONNERUP**

I refer to your letter of 7 May 2014 forwarding an extractive industry application for the above property for the Department of Parks and Wildlife's (Parks and Wildlife) consideration and comment.

Parks and Wildlife offers the following comments on the proposal.

Lot 3 contains remnant vegetation. The properties surrounding Lot 3 also contain remnant vegetation. The remnant vegetation on the property is identified in *Molloy et al, 2009*, as being part of and contributing to a core regional ecological linkage. Any development should aim to minimise the impacts and fragmentation of the vegetation within the property and to adjoining vegetated areas.

The *Draft Tuart Conservation and Management Strategy* (Govt of WA 2004) recommends the conservation and management of remnant tuart trees and woodlands due to the decline in tuart trees and communities on the Swan Coastal Plain.

The Parks and Wildlife datasets indicate that the Lot 3 vegetation corridor contains native vegetation which is potential habitat for Western Ringtail Possums (WRP) and Black Cockatoos. WRP and Black Cockatoos are listed as threatened species under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Western Australia's *Wildlife Conservation Act 1950*. Major threats to WRP and Black Cockatoos include habitat loss.

Lot 3 contains wetlands registered under the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* (Wetlands EPP) and Conservation Category Wetlands (CCW) mapped on the Department's Geomorphic Wetlands Swan Coastal Plain dataset and is adjacent to a Ramsar Convention on Wetlands of International Importance (Ramsar) wetland. These wetlands would be vulnerable to changes in water quality and quantity, erosion and land degradation. Resident and migratory waterbirds using the wetlands would also be impacted by vibration, noise and increased heavy vehicle traffic. This will be critical during nesting times of resident waterbirds.

Wetlands identified under the EPP are protected from land uses that will impact on their environmental values. The Wetlands EPP prohibits the filling, excavation and mining; discharging or disposal of effluent; alterations to water levels or drainage of additional water into or out of these lakes.

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The Vasse-Wonnerup Wetlands System has considerable social and ecological importance. It is listed under the Ramsar Convention as a wetland of international importance due to its significance as habitat for over twenty thousand water birds comprised of over 80 species including significant populations of rare and other migratory species subject to international treaties for their protection.

Parks and Wildlife notes the proposed development area varies from approximately 300 to 700m east of the Lot 3 CCW, EPP and Ramsar wetland areas. Matters that might have a significant impact on the ecological character of a Ramsar Wetland have to be referred to the Department of the Environment under the EPBC Act and it is the responsibility of the proponent to refer it.

The application states that no clearing of native vegetation will be required. Clearing of native vegetation is prohibited, unless the clearing is authorised by a clearing permit obtained from the Department of Environment Regulation, or is a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulations) under the *Environmental Protection Act 1986*. Exemptions under Regulation 5 do not apply in Environmentally Sensitive Areas (ESA).

The Parks and Wildlife's datasets indicate that Lot 3 is gazetted as an ESA (see attached).

The proponent's *"Development Operations and Rehabilitation Plan – Lot 3 Tuart Road Ludlow"*; Greg Harewood, July 2013 (DORP) indicates on Figure 5 that the proposed extraction area is within close proximity to the Lot 3 regional ecological linkage remnant vegetation, tuart trees and potential threatened fauna habitat trees along the eastern boundary.

Parks and Wildlife advises that a buffer from the proposed development area should be provided to protect the regional ecological linkage, tuart trees and potential threatened fauna habitat trees from potential impacts associated with the proposed extraction activities.

Potential impacts include reduced tree root zone moisture levels due to hydrological alterations resulting from the proposed excavation activities. The trees and the tree root zones are also at risk from accidental machinery damage.

The buffer to the regional ecological linkage, tuart trees and potential threatened fauna habitat trees, from the proposed development area is recommended to be at least a distance equal to the height of the trees, measured from the tree crown outer drip line. Vehicle transport should be excluded from the tree root zones as well.

Permanent markers to define the extent of the pit works and ensure no machinery encroaches beyond that boundary would be a highly advisable operational requirement.

The DORP Appendix F Rehabilitation Management Plan states on Page 2 that fertilizers will be applied at a rate of 240 kg/ha.

As Lot 3 contains areas of EPP and CCW and is adjacent to Ramsar wetlands, the proponent should advise of measures to be undertaken to ensure any proposed fertilizer use does not result in nutrient runoff to these wetland areas. It is recommended that a setback from areas where fertilizers are applied is maintained of 200 m on transmissive soils, 100 m on non-transmissive soils. It is recommended that only slow-release fertilizers are used to minimize the risk of nutrient contamination of the groundwater and adjacent wetlands.

Where remnant native vegetation is cleared, it is advised that native species from the surrounding Tuart forest vegetation community should be replaced in the rehabilitation, rather than agricultural pasture species as proposed in the rehabilitation plan. Further advice on wetland buffer requirements can be gained from the Department of Parks and Wildlife website at <http://www.dec.wa.gov.au/management-and-protection/wetlands/wetland-management-in-wa.html>

Lot 3 is adjacent to the Ludlow State forest managed by Parks and Wildlife. The Ludlow State forest is proposed as a future addition to the Tuart Forest National Park. Approval of the proposal should not result in impositions being placed upon the management of the adjoining Parks and Wildlife-managed land.

*Phytophthora cinnamomi* Dieback – Parks and Wildlife recommends the proponent develop a site specific hygiene management plan for biosecurity, road upgrades and dust suppression activities.

The DORP states on Page 4 that the “area consists of a superficial aquifer containing unconfined groundwater at a depth of between 2 and 4m below the ground surface” and that the superficial water table oscillates approximately 1 m during the year.

The DORP states on Page 5 that the superficial water table for the proposed extraction area is approximately 4 to 8m.

Particularly because of the significance of the wetlands, it is important that actual groundwater levels are recorded at least monthly and the average maximum ground water level should be interpreted from these measurements and other information from the Department of Water. Water quality parameters should also be measured, prior to mining operation to establish a monitoring baseline, and then ongoing monitoring of both water levels and water quality should be undertaken during pit operation and for 3-5 years post pit rehabilitation.

The Department advises that the Lot 3 groundwater is likely to be shallow and has the potential for perched aquifers. The proposed extraction should be maintained a minimum 0.5m (preferably 1m) above the average maximum groundwater level. Transect cross sections starting from the wetlands and across the proposed excavation site to the eastern property boundary spaced 100m apart to provide topographic profiles should be provided for evaluation of the proposal and separate proposed finished rehabilitated cross sections across these transects should be provided. The maximum groundwater level can also be depicted on these cross sections. Pre and post contour mapping at 25cm elevation intervals should also be provided. A contingency plan should be included in the proposal that covers the action that will be taken should the parameters of a vertical buffer to groundwater be breached during mining operations.

The Department of Water (DoW) is the lead agency in relation to assessing and providing comments on land use planning proposals that relate to surface water and groundwater. The Department recommends this application be referred to DoW for advice in regard to potential impacts on surface water and groundwater, monitoring and management requirements to avoid possible impacts upon the wetlands.

Lot 3 is within close proximity to areas mapped as having a high to moderate risk of Acid Sulfate Soil (ASS) (see attached). The Department of Environment Regulation (DER) is the lead agency in regard to potential impacts from ASS. The Department recommends this application be referred to DER in regard to potential ASS impacts as activation of ASS could have a significant impact upon the health of the wetlands.

The proponents state that dust management for the pit operation and road haulage route will be undertaken. This is endorsed by Parks and Wildlife.

Disturbance to the soil and the change in land use may result in an increase in weeds within the proposal area, and although the top soil mounds will be between an estimated 75m and 250m from the national park, it is possible that weeds establishing on these banks will be able to throw seed further. It is recommended that any declared weeds (eg. cotton bush) that germinate within the proposal area be controlled prior to seed set.

Aboriginal Heritage: There are a number of aboriginal burial sites nearby. As a first step Parks and Wildlife suggests the proponent should seek advice from the Department of Aboriginal Affairs.

Please contact Tracy Teede at the Parks and Wildlife South West Region office if you have any queries in regard to this advice.



For Regional Manager

13 June 2014

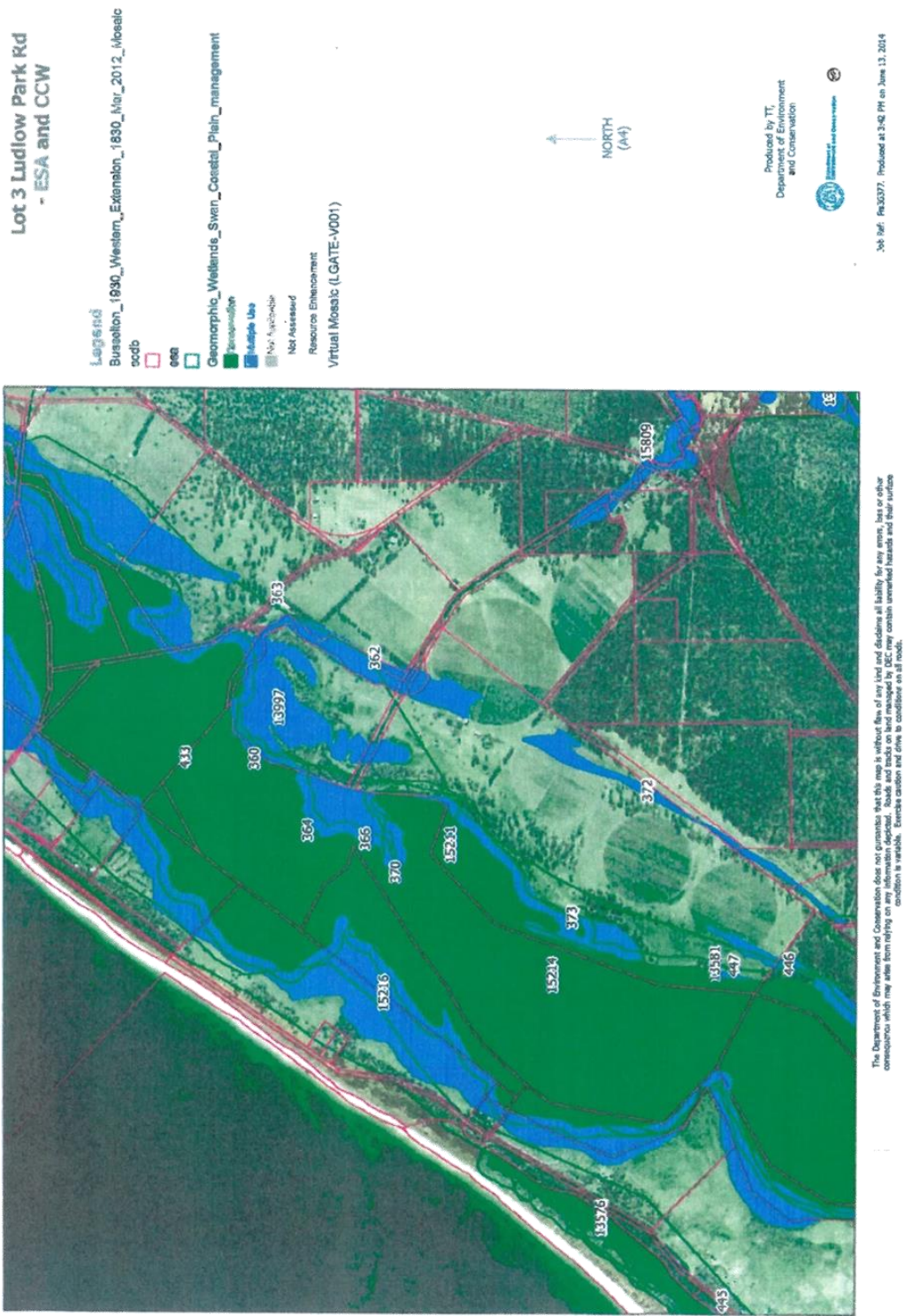
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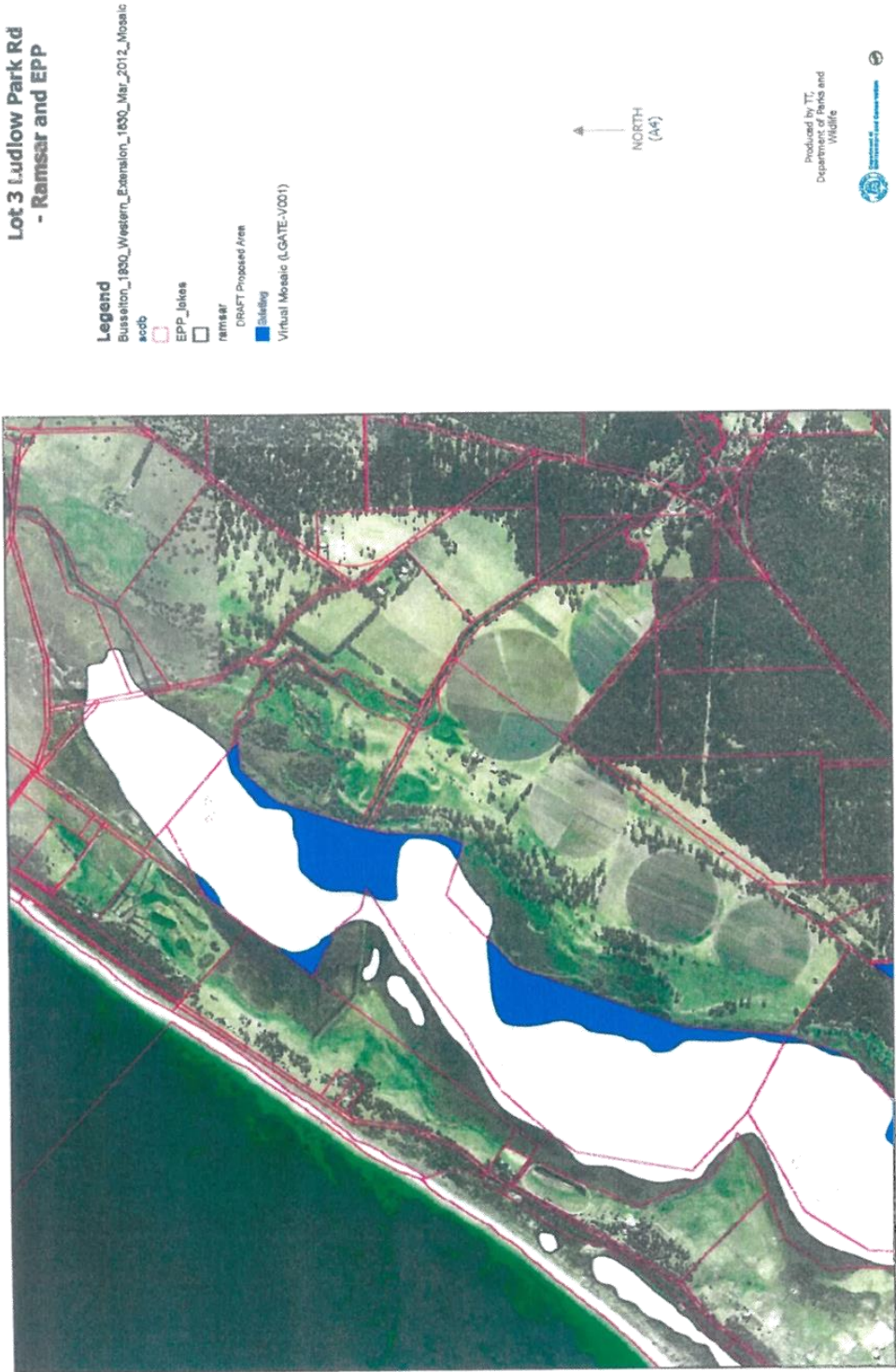
cc: Department of Water  
Department of Parks and Wildlife Blackwood District

References

Molloy, S., Wood, J., Hall, S., Waldrodt, S and Whisson, G. (2009). *South West Ecological Linkages Technical Report*, Western Australian Local Government Association and Department of Environment and Conservation.







Department of Water  
Referral Comments

**From:** KELLY Brendan  
**To:** [Stephanie Navarro](#)  
**Cc:** [BENNETT Owen](#)  
**Subject:** Lot 3 and Lot 237 Ludlow Park Road, Wonnerup  
**Date:** Thursday, 8 June 2017 11:30:22 AM

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Date: 8<sup>th</sup> June 2017

Our Reference: PA12451 (RF14817)

To: Stephanie Izzard, City of Busselton

From: Brendan Kelly, Department of Water

cc: Owen Bennett, Department of Water

RE: Extractive Industry Application (Limestone) - Lot 3 and Lot 237 Ludlow Park Road, Wonnerup.

Dear Stephanie,

Thank you for the telephone conversation this morning, related to the above Extractive Industry (EI) proposal.

Previously, the Department of Water (DoW) requested additional hydrogeological information be provided by the EI proponent, in order to make a better informed recommendation on this proposal.

Subsequently a draft report was prepared: *'Hydrogeological Assessment Extractive Industries Approval for John Forrest - Lot 3 and Lot 237 Ludlow Park Road, Ludlow - Water Direct Pty Ltd, May 2017'* (the WD Report) and forwarded to DoW on 10<sup>th</sup> May 2017.

I was on long service leave at the time the WD Report was reviewed by DoW and a response was sent to Water Direct Pty Ltd (Mr Rian Moore), copied to you at the City of Busselton (CoB) on 31<sup>st</sup> May 2017.

I understand that the DoW response is being used as a referral document, as CoB staff prepare their recommendation on the EI proposal, towards a resolution by Council.

It is not known if the proponent has modified their proposal/application as a result of the WD Report and/or the DoW response, however I now wish to provide this supplementary advice.

Firstly, in DoW's response of 31<sup>st</sup> May, the WD Report was accepted on the basis that the following conditions were placed by the CoB on any EI licence:

- a. **Groundwater levels and quality are to be monitored monthly, and reported to the City of Busselton at the end of each winter, in accordance with Section 6.1 of the Hydrogeological Assessment**



(Water Direct Pty Ltd, 2017).

- b. **Extractive activities should not occur below beyond 300 mm of the maximum seasonal groundwater level, estimated to be 0.1m to 0.3m AHD from the western to the eastern side of the site.**
- c. **The operations must not expose groundwater at any time.**
- d. **No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.**
- e. **The pit to be rehabilitated with clean free draining fill overlain by topsoil to create a minimum separation to the MSGL (as proven by on-site monitoring during the operation of the pit) of 0.5m.**

Further to my examination of these conditions, the following amendments are recommended.

Condition (c)

With respect to condition (c), establishing the definitive maximum seasonal groundwater level (MSGSL) across the proposed EI area was left to be proven by on-site monitoring (refer to condition (a)) during the operation of the pit.

Given the implied uncertainty of the MSGSL, it is recommended that condition (c), should read:

- **“If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and an advice notice provided to the City of Busselton within 48 hours, followed by agreed remedial action and if necessary, a review of operational integrity”.**

Condition (e)

With respect to condition (e), it is important to note that this condition was recommended on the misunderstanding that the EI area was to be rehabilitated to pasture.

Following our discussion today and my understanding of the proposal, the intent of the proponent is to rehabilitate the EI area to horticulture, supported by centre-pivot irrigation.

If so, DoW's South West Region Guideline: *'Water resource considerations for extractive industries, June 2014'* recommends (for horticulture) that pits are backfilled with clean free draining material to a minimum of 1.0m above the maximum seasonal groundwater level.

As such, it is recommended that condition (e) should now read:

- **The pit to be rehabilitated with clean free draining fill overlain by topsoil to create a minimum separation to the MSGL (as proven by on-site monitoring during the operation of the pit) of 1.0m.**

In addition to the above, DoW strongly supports the CoB's intent to condition any licence approval upon the provision of a 'Staging Plan' for the EI, whereby no more than 2 hectares is actively quarried at any one time.

DoW also supports the inclusion of a condition that requires substantial rehabilitation works to have commenced on any one stage, prior to the commencement of a subsequent stage.

As previously discussed, this proposal by virtue of its proximity to a RAMSAR wetland (Vasse Wonnerup) and the Tuart Forest National Park, carries risks that need to be cautiously addressed.

If the proposal is to be approved, it would be wholly appropriate for reporting and regulatory conditions to be carefully supervised.

Please contact this office for discussion as required.

**Brendan Kelly**  
Senior Natural Resource Management Officer  
Department of Water, South West Region

T: 08 97264194 | (m) 0407219515 | [www.water.wa.gov.au](http://www.water.wa.gov.au)



Government of **Western Australia**  
Department of **Water**



**From:** WONG Daniel  
**To:** [rianmoore@wdl.com.au](mailto:rianmoore@wdl.com.au)  
**Cc:** [BENNETT Owen](#); [SEEWRAJ Krish](#); [DERRINGTON Cathie](#); [Stephanie Navarro](#); [Peter Harding](#) ([peter@bsodc.com.au](mailto:peter@bsodc.com.au)); [KELLY Brendan](#)  
**Subject:** Hydrogeological Assessment Extractive Industries Approval For John Forrest – Lots 3 and 237 Ludlow Park Road, Ludlow – Extractive Industry Application (Limestone)  
**Date:** Wednesday, 31 May 2017 11:55:31 AM  
**Attachments:** [Screenshot\\_Figure 3 - Hydrogeological assessment of report by Water Direc.....png](#)  
[WRD248457 Water resource considerations for extractive industries - June.....pdf](#)

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31<sup>st</sup> May 2017

Our Reference: PA 014130, WRD357549

Your Reference: Job No. JSF/PEI/312 (May 2017)

To: Rian Moore, Water Direct Pty Ltd

CC: Stephanie Izzard, City of Busselton & Peter Harding, BSO

From: Department of Water

**RE: Hydrogeological Assessment Extractive Industries Approval For John Forrest – Lots 3 and 237 Ludlow Park Road, Ludlow – Extractive Industry Application (Limestone)**

Dear Rian,

Thank you for sending us the above hydrogeological assessment (the report) to the Department of Water (DoW) for our comments, which are provided below under each heading:-

Extraction depth

It is indicated that extraction activities will occur right up to the water table, as noted in Section 5.0 of the report that states the following:-

"The proposed extractive industry activity will involve the lowering of the ground surface level during extraction of the limestone to the water table (+0.1m AHD)"

"The extraction being mainly above water table will result in no change to the quantity of water flowing through to the wetlands during the extraction phase."

In accordance with DoW's South West Region Guideline 'Water resource considerations for extractive industries' (June 2014), the minimum acceptable separation depth between the base of a proposed excavation and the maximum seasonal groundwater level (MSGL) is 300 mm.

Therefore, the DoW recommends that extractive activities should not occur below 300 mm of the estimated MSGL and that a condition(s) be applied by the City of Busselton on the extractive industry licence that the operations must not expose

groundwater.

Maximum seasonal groundwater level

The MSGL has not yet been determined, however noting in Section 7 of the report that states the MSGL is estimated to be approximately 0.1m AHD on the western side of the site and approximately 0.3m AHD on the eastern side of the site; and a small annual water level variation is estimated to be about 0.1m due to the highly transmissive nature of the soils.

Measurements of a shallow private bore PB3 (the report notes a depth of approximately 5 metres and located about 800 metres north east of the proposed extraction site) in October 2016 and February 2017 both show a level of 0.27m AHD, indicating a low annual variation in groundwater levels.

In light of the above information, the above recommendation that extractive activities should not occur below 300 mm of the estimated MSGL, and the establishment of 5 shallow monitoring bores (MB1 to MB5) that will be monitored monthly for groundwater levels DoW is satisfied with the level of detail provided for the MSGL estimation. However, DoW recommends that monitoring results are reported to the City of Busselton at the end of each winter to allow a review of the observed maximum annual seasonal groundwater levels and permitted pit floor levels.

Final rehabilitated surface level

Section 5 states the excavated area is intended to be backfilled, noting that the lower diagram in Figure 3 (see attachment) shows the backfill extent to being below the watertable:-

“Following extraction of the limestone the floor will be raised at least 0.5m back to (+0.6m AHD) using sands and then about 100mm of topsoil will be reinstated.”

This is different to the statement in Section 7 that states:-

“The pit floor (0.1m AHD) will then be backfilled using sands during rehabilitation back to a level of approximately 0.8m AHD.”

In accordance with DoW's South West Region Guideline 'Water resource considerations for extractive industries' (June 2014), the pit is recommended to be backfilled with clean free draining material to a minimum of 0.5m above the MSGL for the proposed future land uses of pasture. Therefore, on the basis that the operations will be conditioned not to expose groundwater the DoW recommends that a condition be applied by the City of Busselton to the extractive industry licence that requires the pit to be rehabilitated with clean free draining fill overlain by topsoil to create a minimum separation to the MSGL (as proven by on-site monitoring during the operation of the pit) of 0.5m.

Acid sulphate soils (ASS)

Due to the high total alkalinity and negligible total acidity of the superficial water (as measured in Warners Dam, Table 3 of the report), underlying limestone soils, and requirement not to expose and hence alter the water table DoW deems the risk of ASS to be low.

However, the DoW supports the proposed monitoring regime as provided in Section 6.1 which includes the pH and total acidity of the groundwater.

-  
Risk assessment

The DoW does not support the statement made in Section 5 that:

“Any lost lubricants or fuels would be diluted significantly before reaching the wetlands”

While this risk will be mitigated to a degree by requiring earthmoving equipment to have spill kits, the DoW recommends that a condition(s) be applied by the City of Busselton on the extractive industry licence that all refuelling and maintenance must be carried outside of the pit in bunded areas where the depth to groundwater is increased to minimise the risk to the groundwater and wetlands.

In summary

The report is accepted on the basis that:

1. The pit floor levels are:
  - a. Restricted to 300mm above the estimated MSGL, i.e. 0.4m to 0.6m AHD from the western to the eastern side of the site.
  - b. Reviewed annually based on the groundwater levels that are to be monitoring and reported to the City of Busselton annually.
2. The following conditions are placed by the City of Busselton on the extractive industry licence:
  - a. Groundwater levels and quality are to be monitored monthly, and reported to the City of Busselton at the end of each winter, in accordance with Section 6.1 of the Hydrogeological Assessment (Water Direct Pty Ltd, 2017).
  - b. Extractive activities should not occur below beyond 300 mm of the maximum seasonal groundwater level, estimated to be 0.1m to 0.3m AHD from the western to the eastern side of the site.
  - c. The operations must not expose groundwater at any time.
  - d. No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.
  - e. The pit to be rehabilitated with clean free draining fill overlain by topsoil to create a minimum separation to the MSGL (as proven by on-site monitoring during the operation of the pit) of 0.5m.

Should you have any further inquiries, please do not hesitate to contact this office at the number below.

Thank you.

Yours faithfully,

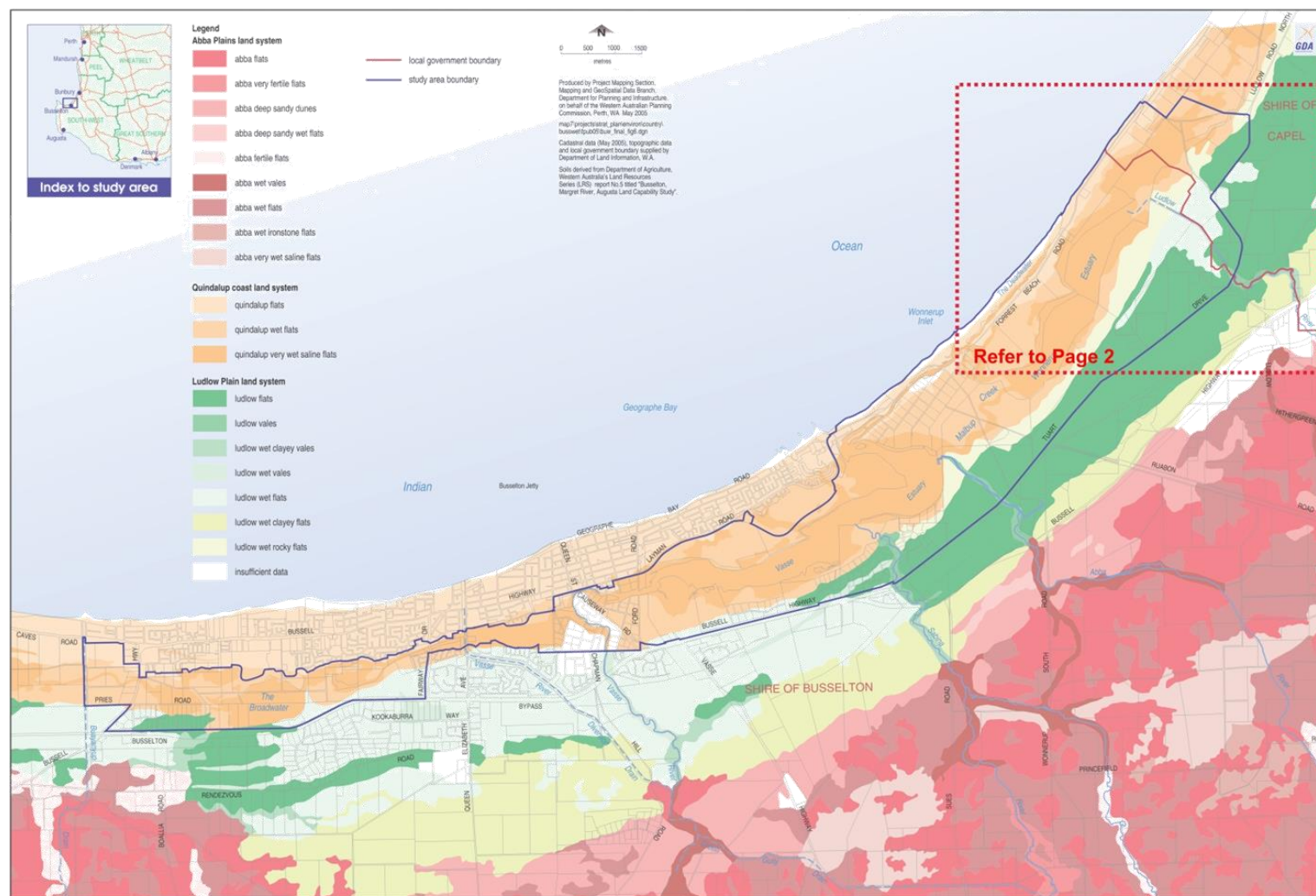
*Daniel Wong*

Environmental Officer  
Department of Water  
South West Region

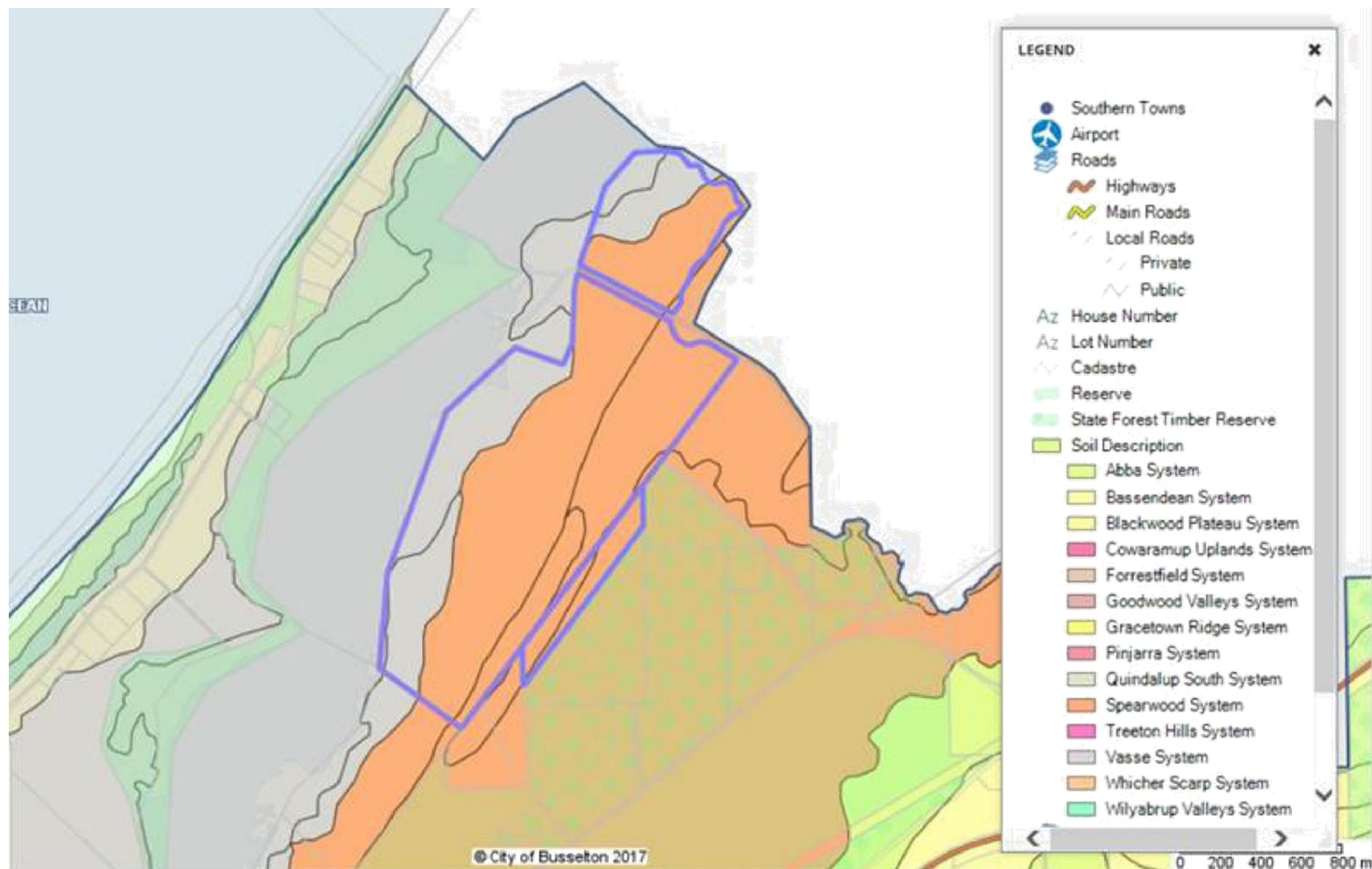
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**HYDROGEOLOGICAL ASSESSMENT  
EXTRACTIVE INDUSTRIES APPROVAL**

**For**

**JOHN FORREST**

**Lots 3 and 237 Ludlow Park Road, Ludlow**

**Water Direct Pty Ltd**

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**Job No. JSF/PEI/312  
May 2017**

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## **1. INTRODUCTION**

### **1.1 Location**

The proposed extractive industry is on Lots 3 and 237 Ludlow Park Road, Ludlow located approximately 11 kilometres west southwest of Busselton, Western Australia (Figure 1). The site also forms the south-eastern edge of the Wonnerup Estuary and associated Ramsar wetlands and forms the north-western boundary of the Tuart Forest National Park.

### **1.2 Proposed Development & Project Particulars**

The proposed extractive industry, crushed limestone for road building, will be located on 63 hectares of existing pastoral and horticultural land consisting of Lots 3 and 237 Ludlow Road, Ludlow (Figure 2).

The development plan is to initially remove and stockpile between 100mm and 150mm of topsoil on up to individual 5,000 m<sup>2</sup> areas. Any sand will then be removed and stockpiled. The underlying limestone will be extracted to a maximum depth of 2m below natural land surface.

The sands will then be replaced on the pit floor to raise the surface to a relative level of 0.8m AHD. Up to 150mm of topsoil will be reinstated on top of the sands and then sown with grasses for pasture.

A cross-section of the proposed extractive industry is shown on Figure 3. The height at the lowest point on the western side at the end of the project will be 0.8m AHD.

## **2. LOCALITY DESCRIPTION**

### **2.1 Topography**

The proposed extractive industry site is located on the Swan Coastal Plain which is bounded to the north-west by the Geographe Bay and to the south-east by the Whicher Scarp. The Swan Coastal Plain is generally flat and in the vicinity of the proposed extractive industry site has an elevation varying from 0 (Wonnerup Estuary) to approximately 5m AHD (Tuart Forest National Park).

The proposed extractive industry site slopes very gradually to the west north-west into the Wonnerup Estuary and the surface elevation varies from 1.9m AHD on the north-western side to just over 3.5m AHD on the south-eastern side.

### **2.2 Drainage**

The proposed extractive industry site is to the south-eastern side of the Wonnerup Estuary. The Ludlow River catchment, located to the north and east, discharges into the Wonnerup Estuary prior to the estuary water entering the Geographe Bay. Floodgates installed in the early 1900's to stop saline water from Geographe Bay entering the estuary during high tides and assist in maintaining a steady water level unaffected by tidal influences in the associated wetlands. The floodgates work by allowing fresh water to flow out of the Wonnerup Estuary when the estuary water level is higher than the Geographe Bay level and shut stopping saline inflow when the tide raises the Geographe Bay level above the estuary water level. The Wonnerup Estuary water level can therefore be below 0m AHD during the summer and autumn months when the Ludlow River is not flowing.

The proposed extractive industry site has no natural drainage on it although the Ludlow River channel passes to the immediate north of Lot 3 prior to entering the estuary. The high porosity of the surface lithologies of the proposed extractive industry site (limestone and sand) and a thin sandy soil profile, results in non-existent surface runoff during normal rainfall events. Rainfall (or excess irrigation) drains directly through the surficial sediments to the water table.

### 2.3 Vegetation

The vegetation of the Swan Coastal plain varies considerably over its length. In the Ludlow area the proposed extractive industry site sits between two iconic vegetation types. The Wonnerup Estuary consists of the estuary and the associated wetlands which are Ramsar listed. On the south-eastern side of the site is the Tuart Forest National Park.

The proposed extractive industry site has been cleared for several decades and used for farming, mainly horticulture and grazing. A thin strip of trees is to be retained on the eastern edge of the extractive industry.

### 2.4 Climate/Rainfall

The Ludlow area experiences a typically Mediterranean climate, characterised by cool, wet winters and warm, dry summers. The nearest long term meteorological station is at Busselton Shire (009515), located 11km to the west southwest of Lot 3, for which a reliable rainfall recording commenced in 1877.

The average annual rainfall at Busselton Shire is approximately 811 mm with most rainfall being recorded during the months of May through to September. Rainfall exceeds potential evaporation only during May to August. The monthly rainfall averages and the monthly rainfall for 2016 for Busselton Shire are presented in Table 1.

**Table 1**  
**Rainfall Data – Busselton Shire (9515)**

Month	Average (mm)	2016
January	10.1	72.5
February	10.2	11.0
March	20.7	52.3
April	41.4	50.1
May	115.6	104.7
June	167.1	92.7
July	163.0	149.6
August	115.4	137.8
September	74.9	62.8
October	49.4	47.7
November	24.6	4.9
December	12.7	7.5
<b>Total</b>	<b>811.4</b>	<b>793.6</b>

Busselton Shire (9515) rainfall figures, as supplied by the Bureau of Meteorology, for 2016 indicate that it was a nearly average year with a total of 793.6mm of rainfall.



### **3. HYDROGEOLOGY**

#### **3.1 Local Geology**

The proposed extractive industry site and the surrounding area is part of the southern Perth Basin. Structurally the site is in the Bunbury Trough to the west of the Dardanup Scarp.

The proposed extractive industry site is underlain by three significant aquifer systems. These are from the surface the Superficial Formations aquifer, the Leederville Formation aquifer and the Yarragadee Formation aquifer. The Leederville Formation aquifer extends to a depth in excess of 150m below ground level in the Bunbury Trough and the Yarragadee Formation exists at greater depths.

The base of the Superficial Formations aquifer at the proposed extractive industry site varies from about 3m below ground level on the north-western side to about 5m below ground level on the south-eastern side (Figure 3). Immediately below the Superficial Formations aquifer is the Leederville Formation aquifer.

In the Busselton area the Superficial Formations aquifer consists of mainly the Tamala Limestone. At the proposed extractive industry site the Tamala Limestone is overlain by weathered Tamala Limestone sands and underlain at a shallow depth by the Leederville Formation. Associated with the limestone are some discontinuous thin layers and bands of sands and minor clays.

Lithological logs from water bores around the general area and test pits on the site indicate that the geology immediately below the ground surface consists of a thin veneer of top-soil sands between 0.25 and 0.6m in thickness underlain by up to 0.8m of limestone. Immediately below may be up to 1m of yellow sand then up to 2.8m of limestone all of which is underlain by orange to orange-brown clays. The clays at the site are understood to be the top of the Leederville Formation. Figure 3 shows a hydrogeological cross-section through the site with the lithologies encountered at four excavation sites.

In the immediate vicinity of the proposed extractive industry site the Leederville Formation consists of sandy clays which act as an aquitard. The very transmissive limestones and sands of the Superficial Formations aquifer would result in most

groundwater flowing horizontally westwards the Wonnerup Estuary and a very flat groundwater level gradient (Figure 2). The limestones and sands of the Tamala Limestone form a very transmissive lithology with hydraulic conductivities estimated to between 0.5 and 5m per day (Hirschberg, 1989).

Hirschberg indicates that the Leederville Formation discharges into the Superficial Formations aquifer in this area.

### 3.2 Groundwater Investigations

Twelve test pits have been excavated on site to determine the suitability of the limestone for extractive purposes, to identify lithologies and to determine standing water levels. The locations and water levels, including contours, are shown on Figure 2. Some of the test pits have been surveyed for location and ground surface. Where possible the standing water level has been surveyed using differential GPS. Most of the water level data was surveyed in February, March and April of 2017. These are considered to be the lowest standing water levels (minimum seasonal groundwater level). A cross-section showing the lithologies the ground surface and recorded water levels is shown in Figure 3.

The groundwater level has been measured in production bore PB3, to the north of the extractive industry site, on 7 October 2016 and 7 February 2017. On both occasions the water level was measured at 0.27m AHD.

The water levels measured at the site and their locations are shown in Table 2 and on Figure 2.

**Table 2**  
**Site Water Level Measurements**

Site ID	Easting	Northing	Water Level	Date Measured	Type
	m	m	m AHD		
1	357120	6280952	-0.041	27-Apr-17	Sample pit
2	357015	6281010	-0.046	27-Apr-17	Sample pit
3	356958	6280711	-0.085	27-Apr-17	Sample pit
4	356798	6280732	-0.088	27-Apr-17	Sample pit
5	356671	6280510	-0.118	27-Apr-17	Sample pit
Warners Dam	357090	6280530	0.152	07-Feb-17	Excavation 2
	357298	6280884	0.236	07-Feb-17	Trench
	357408	6281103	0.248	07-Feb-17	Trench
PB3	357771	6281872	0.27	7-Oct-16 & 7-Feb-17	Production bore
Sand Pit	356727	6280184	0.032	07-Feb-17	Sand pit

### **3.3 Depth – Maximum Seasonal Groundwater Level**

The Maximum Seasonal Groundwater Level is the highest normal water level in an annual cycle period. In the Busselton region this is generally experienced in the Superficial Formations between September and November and is the result of rainfall recharge raising the water level in the shallow aquifer. In the Superficial Formations aquifer near the Whicher Scarp, clayey lithologies with a low hydraulic conductivity, where the groundwater cannot be easily transmitted away, have annual variations in the order of 2 to 5m (Hirschberg 1989) with the highest water level being caused by rainfall recharge. Close to the coast of Geographe Bay the higher hydraulic conductivity sandy and limestone lithologies have smaller recorded annual variations in the order of 0.5 to 1m.

At this site all water levels except one have been measured February and April 2017 when the water levels would be at their lowest. One exception is the water levels measured in October 2016 and February 2017 at production bore PB3. The water level on both occasions was 0.27m AHD. This shows that the annual variation in this location may be significantly lower than 0.7m such as BN5S and probably in the order of less than 0.4m, similar to BN9S. The long term water levels of these two bores are shown in Figure 4. In the late 1990's the annual variation in BN9S was close to 0.1m.

Therefore the limited water table variation at the proposed extractive industry site is controlled by the high hydraulic conductivity of the sands and the limestone and the flood-gate system at the exit of the Wonnerup Estuary regulating the water level. After the winter/spring inflows from the Ludlow River into the Wonnerup Estuary the water level continues to decline as the flood waters flow into Geographe Bay. The water levels recorded in the western parts of the site in April 2017 are below average sea level (-0.041 to -0.118m AHD).

The Maximum Seasonal Groundwater Level is therefore likely to be in the order of 0 to 0.1m AHD on the western parts of the site near the Wonnerup wetlands and in the order 0.2 to 0.3m AHD in the eastern parts of the site near the Tuart Forest National Park.

### 3.4 Flow Direction

The Superficial Formations aquifer groundwater flow direction in the proposed extractive industry site is from the east (Tuart Forest National Park) to the west towards the Wonnerup Estuary Ramsar listed wetlands (Figure 2). Under normal conditions the groundwater would end its journey in Wonnerup Estuary however in periods of a high water inflow from the Ludlow River some of the groundwater may continue west and north-west into Geographe Bay.

Figure 2 shows contours constructed from water levels measured within the property in February and April 2017. The low gradients ( $<0.0005$ ) indicate a high transmissivity of the underlying Tamala Limestone. The flood gate controlled water level in the Wonnerup Estuary is likely to be very similar to the groundwater level across the proposed extractive industry site.

### 3.5 Groundwater Chemistry

The groundwater in at the site has also been sampled since 2014, for regulatory reasons, and analysed for groundwater chemistry which is shown below in Table 3. This site is on the upstream side of the property and reflects the chemistry of the groundwater entering the site from the Tuart Forest National Park. The analytical data shows that the groundwater is slightly alkaline (7 - 8) with a brackish quality that is generally between 1,000 and 2,000mg/L.

**Table 3**  
**Superficial Groundwater Chemistry**

Analyte/ID	Historical Range (pre Jan-14)	Excavation 2 (Warners Dam)						Department of Water Triggers
Date		30-Oct-14	30-Apr-15	28-Oct-15	6-Jan-16	26-Apr-16	8-Mar-17	
pH	7.4 – 7.6	7.7	7.4	7.0	7.6	7.5	8.0	<4
Electrical Conductivity ( $\mu\text{S}/\text{cm}$ )	2,200 – 2,800	2,950	2,750	2,210	3,770	3,540	2,000	
Total Dissolved Salts	1,300 – 1,500	<b>1,600</b>	<b>1,500</b>	<b>1,200</b>	<b>2,400</b>	<b>1,950</b>	<b>1,000</b>	1000
Total Nitrogen	-	<b>23.6</b>	<b>14.8</b>		<b>33</b>	<b>44.4</b>	<b>21</b>	>5
Nitrate/Nitrite as N	-	20	14		33	44	19	
Ammonia as N	-	4.1	1.5		0.6	<0.1	<0.005	
Total Phosphorus	-	<0.01	<b>0.11</b>		0.02	0.06	<0.05	>0.1
Phosphate as P	-	<0.01	0.03		<0.01	0.06	<0.005	
Sulphate	-	190	160		190	210	96	
Chloride	-	690	670		860	790	390	
Total Acidity	-	<5	5		5	2	<5	<2

**Lots 3 & 237 Ludlow Park Road  
Hydrogeological Assessment**

Total Alkalinity	-	<b>205</b>	<b>115</b>		<b>250</b>	<b>230</b>	<b>210</b>	>100
Iron	<0.10 – 0.35	<b>0.011</b>	<b>0.0062</b>		<b>0.072</b>	<b>0.13</b>	<b>0.03</b>	<30
Aluminium		<b>0.075</b>	<b>0.0073</b>		<b>0.012</b>	<b>0.081</b>	<b>&lt;0.01</b>	<4

All results in mg/L unless otherwise stated. Figures in bold are analyses exceeding the Department of Water guidelines.

The groundwater analyses show that the groundwater also contains significant nitrogen levels mainly in the form of nitrate, due to horticultural practices, but low to negligible phosphorus. The sulphate and chloride levels are similar to those analysed in BN4S in 1984 and therefore considered normal. The low iron and low aluminium levels are typical of this area.

#### **4. EXISTING GROUNDWATER USE**

The existing Superficial Formations Licence to Take Water (GWL62779(6)) for these properties has been most recently been used for the growing of market garden vegetables. This was done on a third party basis with an Approval of Agreement to Take Water (AGR178162(1)) that has now ceased. The GWL allows for the abstraction of up to 240,000kL per annum. The water was abstracted from three excavations and trenches into the very transmissive limestone underlying the property and from two shallow (5m) deep bores (PB2 and PB3) that are located about 800m to the northeast of the extractive industry site.

A small amount of water from irrigation would normally return back to the aquifer beneath irrigated areas. A similar sized Yarragadee aquifer Licence to Take Water exists on the property and this would also add to the irrigation recycling. The Yarragadee bore has not been used for over twelve months.

##### **4.1 Groundwater Dependent Ecosystems**

Environmentally there are two groundwater users in the area. To the southeast is and bordering the property is the Tuart Forest National Park (Figure 1). The Tuart trees and associated flora of this forest derive a small amount of water from groundwater. The bulk of the area to the immediate southeast is mapped as Zone 5 – Mature tall tuart woodland with a smaller area to the south being mapped as Zone 1 – Vasse-Wonnerup riparian woodland. The tuart woodlands require well drained soils and therefore are not a groundwater dependent ecosystem.

The major groundwater dependent ecosystem is the Ramsar listed Vasse-Wonnerup wetlands. These are the western and north-west boundaries of the extractive industry properties. The wetlands are very dependent on the groundwater from the Tamala Limestone maintaining the brackish water supply especially in the summer/autumn months when a lack of flow from the Ludlow River and high evaporation would increase salinity levels in the estuary. Brackish groundwater flowing westwards would reduce the salinity on the fringes maintaining plant growth.



## **5. RISK ASSESSMENT**

As mentioned previously the proposed extractive industry site is located between the Ramsar listed Vasse-Wonnerup wetlands and the Tuart Forest National Park and groundwater flows westwards from the forest to the wetlands. Therefore any activity that affects the water table, the water quantity or the water quality could have potential effects on these ecosystems. This section discusses the potential risks of the activity.

The proposed extractive industry activity will involve the lowering of the ground surface level during extraction of the limestone to the water table (+0.1m AHD). Following extraction of the limestone the floor will be raised at least 0.5m back to (+0.6m AHD) using sands and then the about 100mm of topsoil will be reinstated. During the extraction and after the rehabilitation there is potential to cause groundwater related impacts on the two important ecosystems in the vicinity.

The Tuart Forest National Park is located up-gradient of the proposed extractive industry site and therefore least likely to be affected by any activities at the proposed extractive industry site. During the extraction phase the water level will not be lowered or altered and groundwater dependent ecosystems within the forest reliant on the water level and /or water quantity would be unaffected. The groundwater flow is to the west any changes in the water quality will be moving away from the forest.

The Ramsar listed Vasse-Wonnerup wetlands are located in the northwest to west of the activity site and the following points are related to the extraction and rehabilitation.

1. During the extraction phase the water level will not be lowered or altered and groundwater dependent ecosystems within the wetlands reliant on the water level would be unaffected.
2. The extraction being mainly above water table will result in no change to the quantity of water flowing through to the wetlands during the extraction phase.
3. During the extraction phase there is potential to have some ponding of groundwater/rain water. Evaporation of the ponded water may increase the salinity of the water although the amount would be minimal. The extraction will

- take place over small areas (0.5ha) and therefore the potential increase in salinity would be minimal.
4. The other source of water quality problems would be failure of earthmoving equipment which could be the cause of pollution due to equipment lubricants and fuels. This is possible and earthmoving contractors are required to carry spill kits etc. to contain and recover any spilled lubricants or fuels. Any lost lubricants or fuels would be diluted significantly before reaching the wetlands.
  5. As part of the rehabilitation of each small extractive area the floor of the area would be deep ripped to break up any compaction caused by the earthmoving equipment. This will assist in maintaining rainfall recharge into the aquifer and therefore water quantity and quality following rehabilitation.
  6. Following rehabilitation there is potential for some ponding of water following significant rainfall events. There is no evidence of ponding currently and as the existing topsoil will be reinstated on sands the potential for ponding is limited. The site will have a slight southeast to northwest slope to it with a capture area along the north-western edge of the rehabilitated capture area.

The above information demonstrates that the potential risk of impact on the groundwater dependent ecosystems of the proposed extractive industry is acceptable and manageable with a suitable water management plan.

**6. MANAGEMENT APPROACH**

The previous sections have shown that the proposed extractive industry at Lot 3 and 237 Ludlow Road are likely to have minimal no negligible impacts on the groundwater system and that the potential risk of impact on the groundwater dependent ecosystems of the Tuart Forest National Park and the Ramsar listed Vasse-Wonnerup wetlands will be low.

**6.1 Water Management Plan**

The following plan is proposed to monitor the groundwater quality and levels at the proposed extractive industry site.

A borefield of five shallow monitoring bores will be excavated and constructed using 50 mm PVC casing slotted for the final metre. There will be three bores located on the western boundary (down gradient), one near each corner and one in the centre. The other two bores will be located on the eastern boundary (up gradient) will be located at each corner. All five monitoring bore locations and a relative level at the top of the PVC casing are to be surveyed. The following table indicates suggested locations and preferred total depths and slotted casing depths.

**Table 4**  
**Proposed Monitoring Bores**

Site ID	Easting	Northing	Total Depth	Slotted Depth
	m	m	m BGL*	m BGL*
MB1	356,900	6,281,300	3	2 - 3
MB2	356,700	6,280,820	3	2 - 3
MB3	356,530	6,280,500	3	2 - 3
MB4	357,070	6,280,390	4.5	3.5 - 4.5
MB5	357,580	6,281,050	4.25	3.25 - 4.25

\* m BGL = metres below ground level

Using the proposed monitoring bores a water level and quality monitoring program is proposed to determine the Maximum Seasonal Groundwater Level for the site and to identify the up gradient and the down gradient salinity and down gradient water chemistry. This program will be commenced immediately that the proposed extractive industry is approved.

**Table 5**

Lots 3 & 237 Ludlow Park Road  
Hydrogeological Assessment

**Proposed Monitoring Program**

<b>Bores to be monitored</b>	<b>Parameters being monitored</b>	<b>Monitoring Frequency</b>
MB1 – MB5	Water Level below top of casing	Monthly on the last working day of the month
MB1 – MB5	Electrical conductivity, pH	Monthly bailed sample on the last working day of each month
MB2	Chemical analysis including: pH, Electrical conductivity, total dissolved salts, total nitrogen, nitrate/nitrite as N, ammonia as N, total phosphorus, phosphate as P, sulphate, chloride, total acidity, total alkalinity, Iron and aluminium.	September/October and March/April each year to be submitted to a laboratory using NATA certified methods

The data is to be submitted on a quarterly basis to the Department of Water.

## **7. CONCLUSIONS**

- An extractive industry site is being proposed for Lots 3 and 237 Ludlow Road, Ludlow where it is proposed to excavate limestone for road building purposes.
- The limestone is shallow and will be extracted from above the water table (0.1m AHD). The pit floor (0.1m AHD) will then be backfilled using sands during rehabilitation back to a level of approximately 0.8m AHD.
- The Superficial Formations aquifer consisting mainly of the Tamala Limestone extends from the surface to about -1m AHD.
- The Maximum Seasonal Groundwater Level has not been measured at the site but is estimated to be approximately 0.1m AHD on the western side of the site and approximately 0.3m AHD on the eastern side of the site. The annual water level variation is estimated to be about 0.1m.
- The potential impacts of the proposed extractive industry on the Tuart Forest National Park groundwater dependent ecosystems are considered to be low and therefore acceptable.
- The potential impacts of the proposed extractive industry on the Vasse-Wonnerup wetlands and the associated groundwater dependent ecosystems are also considered to be low but because of the high environmental value of the wetlands the impact is considered manageable.
- A water management plan has been proposed to enable monitoring of the groundwater table and quality before, during and after the extractive industry is in operation to assist in the management.

Lots 3 & 237 Ludlow Park Road  
Hydrogeological Assessment

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## 8. REFERENCES

**Hirschberg, K-J.B., 1989.** *Busselton shallow-drilling groundwater investigation, Perth Basin*, Geological Survey of Western Australia. Professional Papers, Report 25, pp17 – 37.



## **9. LIMITATIONS OF REPORT**

### **LIMITATIONS ON INTERPRETATION, USE AND LIABILITY OF THIS REPORT**

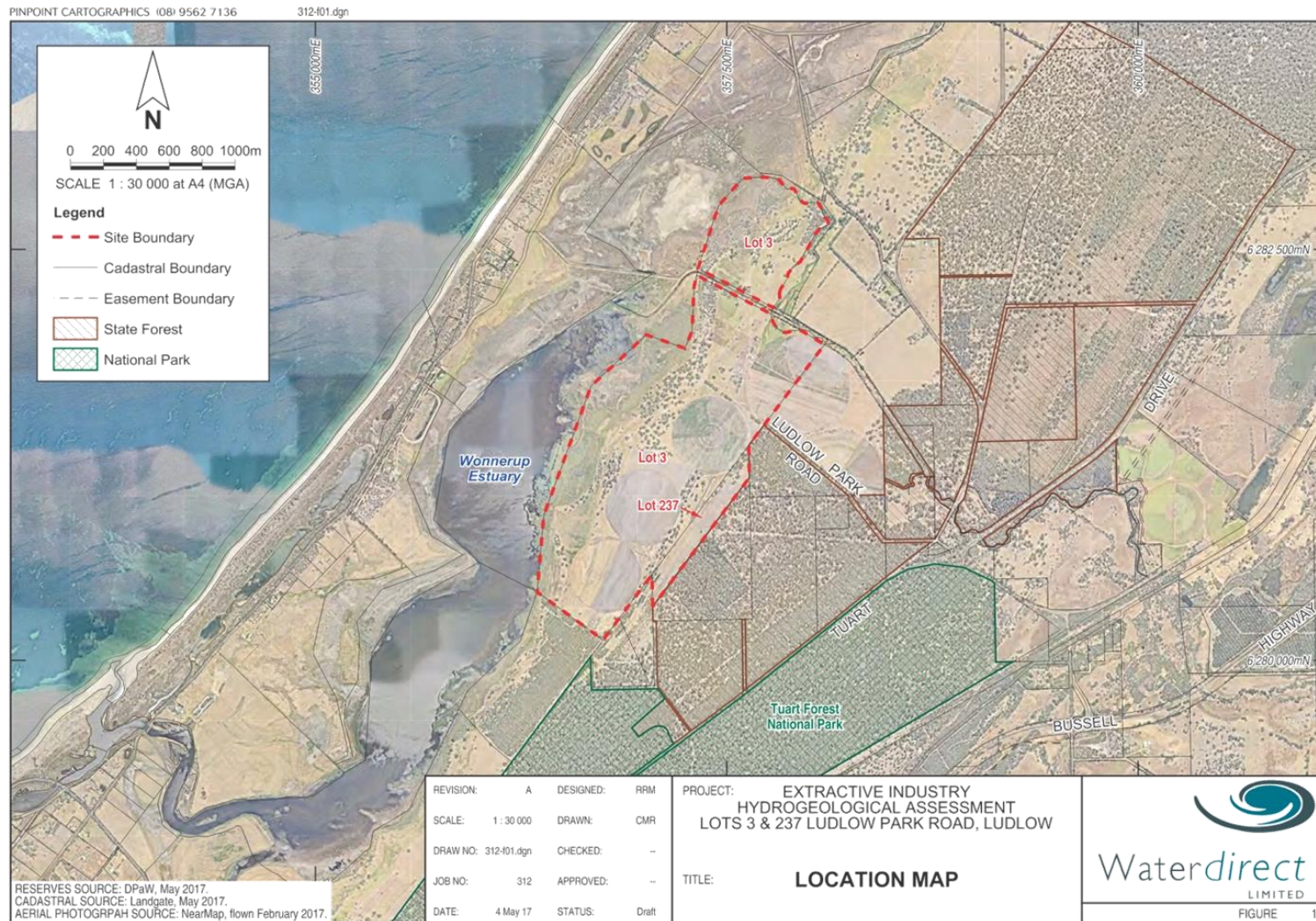
Water Direct Pty Ltd has prepared this report exclusively for John Forrest, in accordance with generally accepted consulting practice. The work has been undertaken for the client and for review by regulatory agencies.

Aquifer materials and groundwater flow systems are a product of continuing natural and manmade processes and thus exhibit a variety of characteristics and properties that vary from place to place and can change with time. Geology/hydrogeology involves gathering and assimilating limited facts about these characteristics and properties in order to understand and predict the behaviour of the ground on a particular site under certain conditions. This report may contain such facts obtained by inspection, drilling, excavation, probing, sampling, testing or other means of investigation, particularly pumping and drawdown data. If so, they are directly relevant only to the groundwater system at the place where, and the time when the investigation was carried out. Any groundwater modelling predictions presented should not be regarded as matters of fact.

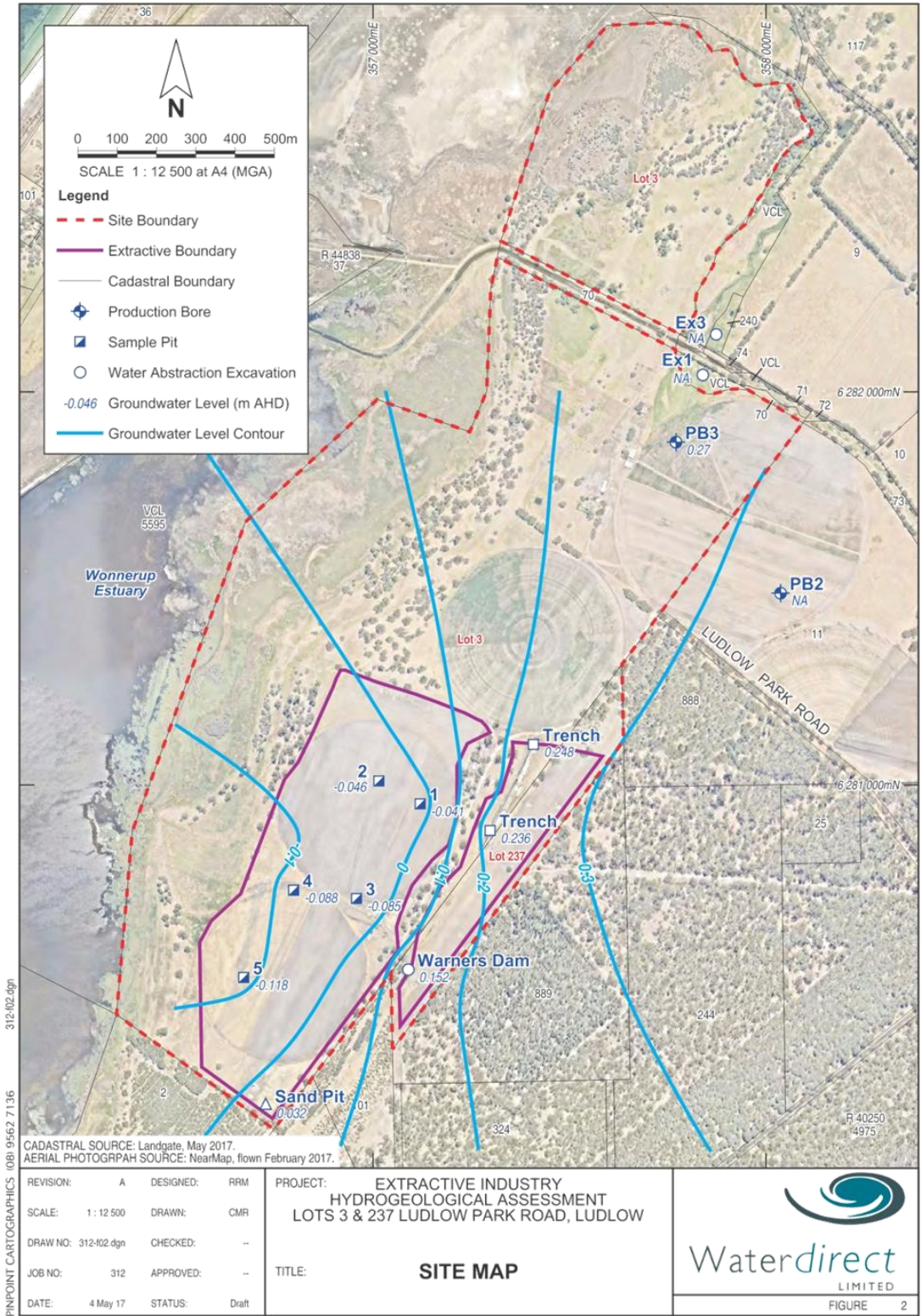
This report and other reports referred to may contain comments on works being carried out by others. The Company cannot and will not take responsibility for works carried out by others on site to date. We do not guarantee the performance of the project in any respect, only that our work and judgement meet the standard of care of our profession at this time.

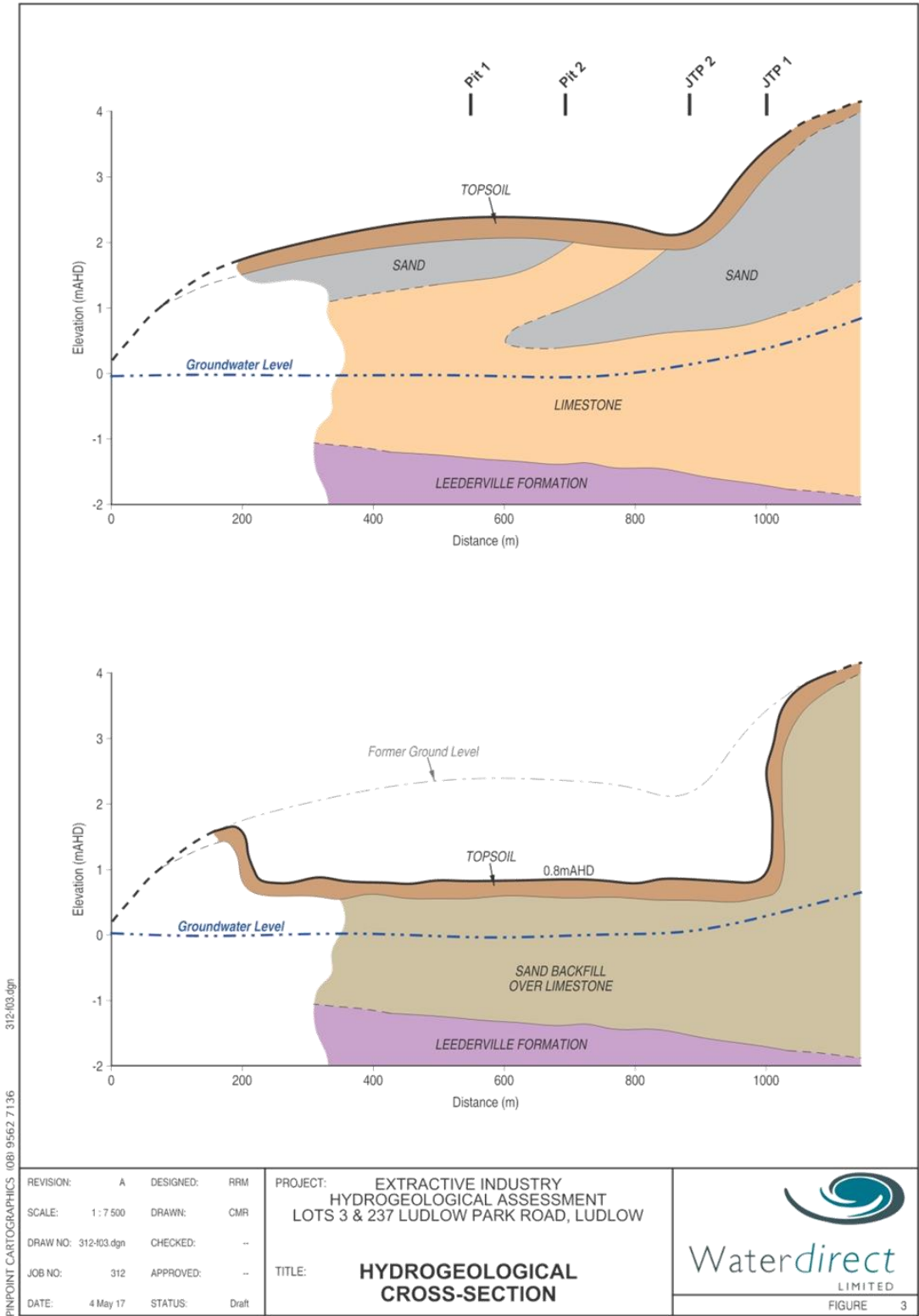
Any interpretation or recommendation given in this report shall be understood to be based on judgement and experience, not on greater knowledge of facts other than those reported.

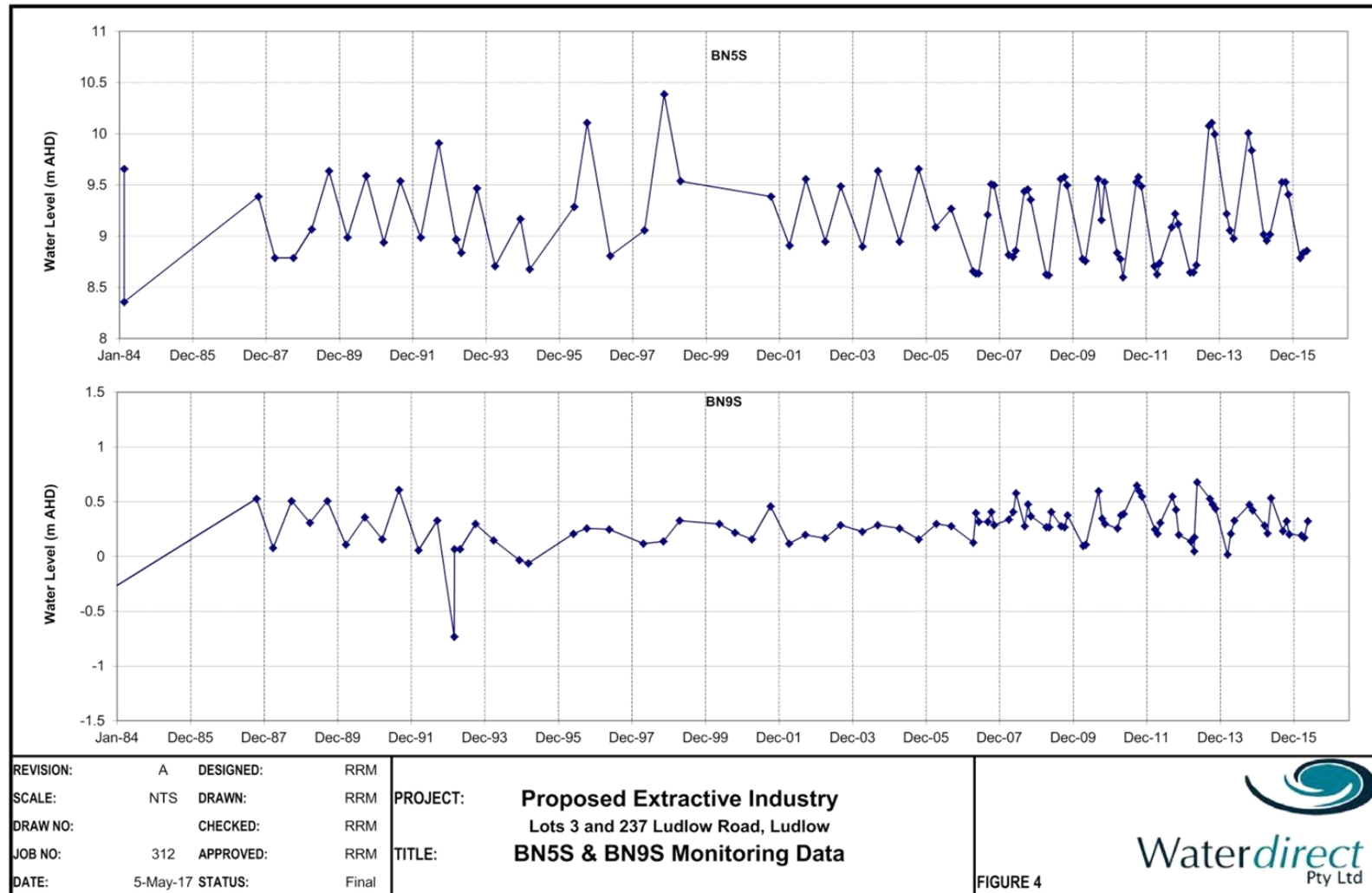
## FIGURES













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11.2 APPLICATION FOR DEVELOPMENT APPROVAL FOR AN EXTRACTIVE INDUSTRY (LIMESTONE)  
AND CRUSHING FACILITY AT LOT 3 (130) & LOT 237 LUDLOW PARK ROAD WONNERUP

<b>SUBJECT INDEX:</b>	Development/Planning Applications
<b>STRATEGIC OBJECTIVE:</b>	Development is managed sustainably and our environment valued.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Statutory Planning
<b>REPORTING OFFICER:</b>	Planning Officer - Stephanie Navarro
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Location Plan
	Attachment B Original Development Plans and Dust Management Plan
	Attachment C Amended Development Plan
	Attachment D Summary of Submissions
	Attachment E Agency Submissions
	Attachment F Figure 6 - Land Systems and Soil Types from Busselton Wetlands Conservation Strategy
	Attachment G Hydrogeological Assessment Report

#### PRÉCIS

The Council is asked to consider a development (planning) application seeking approval for an Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 (130) Ludlow Park Road Wonnerup (the site).

The proposal has been placed before the Council due to a number of issues raised during consultation and the level of community interest.

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

#### BACKGROUND

The City has received a development application seeking approval for an Extractive Industry (Limestone) and Crushing Facility at the site. A location plan is provided at Attachment A.

The site is bound by state forest to the south-east and the Vasse-Wonnerup System Ramsar wetland to the north-west. The Vasse-Wonnerup System Ramsar wetland is subject to the Ramsar Convention which is an international treaty on the conservation of important wetlands. Australia is a signatory of the Ramsar Convention and as such Australia has an undertaking to ensure our internationally important wetlands are conserved.

There is an existing sand extraction operating on the site that was approved by the City under Delegated Authority on 29 October 2014. This application was approved for 50,000m<sup>3</sup> with a maximum 10,000m<sup>3</sup> per annum of sand to be extracted. The proposed limestone extraction subject to this application will include the same area that was approved as part of this earlier extraction. The extraction of the sand will cease to allow for the extraction on the limestone and therefore the two approvals will not be able to operate co-currently.

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The current application was advertised for public comment and was also referred to relevant agencies. Both public and agency referral submissions raised various issues and concerns with the proposal and these concerns were subsequently presented to the applicant for consideration and response prior to the City determining the application.

The area to be extracted mostly contains two existing pivot irrigation systems. The initial application was for a total of 500,000m<sup>3</sup> of limestone to be removed from 63 hectares over 5 years. The applicant originally proposed extractive activities with a minimum separation distance of 150 metres to the north-western lot boundary. The original development application submission, including plans, are provided at Attachment B. Following comments from DPAW regarding concerns of the proposed extractive activities on the wetlands, including the Black Swan Breeding grounds within the wetlands, the applicant amended the proposal to increase the setback to this lot boundary to 300m.

The amount of material to be extracted is likely to be less than that proposed by the applicant to ensure that a minimum separation to the water table is maintained. The exact volume of material to be removed will depend on maintaining the separation to the water table and therefore is not possible to be quantified at this time. Revised development application plans are provided at Attachment C. Further discussions regarding this are within the Officer Comment section of this report.

#### **STATUTORY ENVIRONMENT**

The key statutory environment is set out in the City of Busselton *Local Planning Scheme No. 21* ('the Scheme'), as modified by the *Deemed provisions for local planning schemes* set out in Schedule 2 of the Planning and Development Regulations 2015. The site is zoned "Agriculture" under the Scheme and within this zone "Extractive Industry" is an "A" land use and therefore the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving public notice in accordance with clause 10.4 (clause 64 of Part 8 of the regulations).

#### **RELEVANT PLANS AND POLICIES**

The assessment of the proposed extractive industry is guided by a number of policies which relate to the zoning and proposed use of the land. The key policy implications are outlined below.

##### ***Local Rural Planning Strategy***

Under the Local Rural Planning Strategy the site is located within the 'primary rural' precinct. Within this precinct basic raw material and mineral sand mining is a conditional land use. It is an economic objective of the precinct to retain the majority of area, especially low lying areas, for dairy/grazing. It is noted that the site is currently used for dairy cattle, and it is proposed that the site be returned to pasture upon the completion of the extractive activities.

##### ***Agricultural Zone - Objectives and Policies***

The objectives and policies of the Agriculture zone relevant to this application are provided below:

##### **Objectives**

- (a) To conserve the productive potential of rural land.
- (b) To provide for new forms of agricultural development (including agro-forestry), and changing patterns of existing agricultural development.
- (d) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect the amenity of any existing or proposed nearby development.
- (i) To encourage the development of cluster or communal farming.

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- (j) To encourage sustainable farming practices.
- (k) To control the clearing of trees and encourage generally the retention of vegetation and vegetation corridors concomitant with the agricultural use of the land.

Policies

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

Within the Agriculture zone "Extractive Industry" is a discretionary land use which requires advertising ("A"). The City is unable to control the location of the resource however it is considered that due to the temporary nature of sand extraction and the fact that the land is to be returned to pasture that the proposal is consistent with the policy and objectives of the zone.

**Local Planning Policy 5A: Extractive Industries (LPP5A)**

LPP 5A recognises that extractive industries have the potential for incompatibility with other land uses. Under this Policy the sites are located within Policy Area 3. In relation to this area the Policy states:

*"Extractive industry proposals will need to comply with the same criteria, requirements and conditions as Policy Area 2. However, as Policy Area 3 is recognised as primarily an agricultural area, it is important to ensure the long-term protection of prime agricultural land. Extractive industry will be expected to be approved within Policy Area 3, where such operations can meet the requirements of these provisions and the Scheme."*

LPP 5A requires the advertising of all extractive industry proposals to involve advising to all landowners within a 1 km of the site. Further assessment against the requirements of this Policy are provided within the Officer Comment section of this report.

**FINANCIAL IMPLICATIONS**

There are no significant financial implications to the City arising from the staff recommendation in this report.

**STRATEGIC COMMUNITY OBJECTIVES**

The recommendation of this report reflects Community Objective 5.2 of the 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 identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risks have been identified.

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## CONSULTATION

Under Clause 10.4 of the Scheme (Clause 64 of Part 8 of the regulations) the local government is not to grant approval for an "A" land use unless notice is given in accordance with clause 10.4.3. In accordance with clause 10.4.3, as well as the requirements of Local Planning Policy 5A, the application was advertised to all surrounding landowners within a 1km radius of the sites. In addition a notice was placed in the local newspaper on 19 October 2016 as well as a notice being placed on the City's website. The closing date for submissions was 21 days after the notice was printed in the local newspaper with referral sent to surrounding landowners a week prior to the notice being published.

Seven submissions from neighbouring or nearby residents were received on the proposal. A summary of the concerns raised in these submissions is provided below:

- Concerns regarding proximity and impact of extractive activities to the Vasse-Wonnerup Ramsar Wetland system, including nesting water birds;
- Concerns regarding proximity to water table both during extraction and final levels after extraction;
- Concerns regarding noise and dust;
- Concerns regarding vehicle movements along Ludlow Park Road;

A schedule of submissions is provided at Attachment D.

### ***Agency comment***

Submissions were received from five referral agencies. A summary of these submissions is provided within Attachment D. Key issues were identified by Department of Water and Department of Parks and Wildlife (DPAW) and includes:

- Proximity of the extractive activities to the water table;
- Proximity to the Vasse-Wonnerup Ramsar Wetland System and potential impact of the activities on nesting water birds.

A complete copy of these agencies submissions is provided at Attachment E and further discussion regarding these matters are within the officer comment section of this report.

## OFFICER COMMENT

The City has assessed the application having regard to the objectives and policies of the "Agriculture" Zone, Local Planning Policy 5A - Extractive Industry and Clause 11.2 - Matters to be Considered of the Scheme (clause 67 of Part 8 of the regulations).

### ***Proximity to Vasse-Wonnerup Ramsar Wetland System***

DPAW have advised that a 300m buffer from the proposed extractive area to the water bird nesting sites is to be provided to ensure that the extractive activities do not disturb their breeding activities. It is noted that this portion of the wetland provides a significant breeding ground for *Cygnus atratus* (Black Swan). DPAW have advised that the 300m buffer should be measured from the high water level and not the edge of the water body that forms the estuary. They have advised that the most appropriate way of measuring the high water level mark is to use the change in soil type as identified in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study." This soil mapping is reflected in Figure 6 – Land Systems and Soil types of the Busselton Wetland Conservation Strategy. DPAW have therefore advised that the buffer should be taken from the Quindalup Coast land system soils as depicted on this mapping as these soils types correspond closely to the mapped wetland areas. A copy of this mapping is provided at Attachment F.

Following comments from DPAW, the applicant subsequently amended the proposed extractive area to achieve a 300m buffer to the north-western lot boundary and advised that the extractive area will need to follow the edge of the existing pivot irrigation systems to allow for these systems to be operational at the end of the extractive industry. Only extracting from half of the pivot area will result in a level difference between the mined and not mined area and therefore the pivots will not be able to function.

The main concern with the proximity to the wetland is the impact on nesting water birds, including Black Swans. The applicant has agreed that any extractive activities within 300m of the wetland boundaries, as defined by the Quindalup Coast land system soils, are to occur outside the breeding times of the water birds. The resource will then be stockpiled elsewhere on site to be crushed and transported as required. DPAW has advised that the breeding times for black swans within the area are the winter and spring months. Therefore it is recommended that a condition be placed on the approval limiting extractive activities within 300m of the Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled 'Busselton, Margaret River, Augusta Land Capability Study' and Figure 6 - Land Systems and Soil Types from Busselton Wetlands are to occur only during summer and autumn (1 December through until 31 May).

#### ***Ground Water***

The applicant has submitted a Hydrogeological Assessment, provided at Attachment G, which has been reviewed by the Department of Water. The Department of Water is satisfied that the proposed extractive could be undertaken without intercepting the ground water table however it is recommended that as per a condition of approval if the ground water table it intercepted that the City of Busselton and Department of Water be contacted within 48 hours. A copy of the Department of Water's submission is provided at Attachment E.

The Department of Water has also advised that the finished ground level post the extractive activities will be required to be a minimum of 1 metre above the maximum seasonal groundwater. This is in accordance with Department of Water's South West Region Guideline: 'Water resource considerations for extractive industries, June 2014' which recommends (for horticulture) that pits are backfilled with clean free draining material to a minimum of 1.0m above the maximum seasonal groundwater level. To ensure the development complies with this requirement it has been recommended as a conditioned of approval.

#### ***Haulage Route***

The extractive is proposed to enter and exit the site using Ludlow Park Road. As part of the applicant for the existing extractive on site the applicant advised that there would be 10 truck movements per day. It is noted that since this approval, in 2016, a high rope adventure course was issued a lease with DPAW to operate in the state forest in close proximity to Ludlow Park Road. The nature of the operations means that the car parking area for the business is located on the north of Ludlow Park Road and patrons are required to cross the road to the high rope course. As this was considered to be "public works by a public authority" by DPAW the City did not issue an approval for this business.

The operator of this high rope business has expressed concerns regarding the volume of trucks that will be utilising Ludlow Park Road. Signage has already been installed along Ludlow Park Road in close proximity to the high ropes course to warn trucks of pedestrians crossing ahead.

The applicant has advised as part of the original development application that it is anticipated that there will be nine truck movements per day. This is similar to what is already approved on the site and therefore will not have a significant impact in terms of additional vehicle movements along Ludlow Park Road than what is already permitted.

It is noted that the current operations have experienced periods of peak demand which has result in additional vehicle movements above those that were advised as part of the application. The applicant has indicated that this may also be the case for this proposal and there may be times when a large volume of the material is required to be extracted in a short period of time. It is recommended that during the times of higher than normal vehicle movements (i.e. more than 10 vehicle movements per day) that additional traffic management measures be undertaken by the applicant and that a traffic management plan be submitted to the City for these period.

#### **Dust and Noise Management**

The applicant submitted a Dust Management Plan with the development application. The Dust Management Plan details measured proposed to prevent dust impact on adjoining properties and includes, but is not limited to the following:

- Use of water carts, sprinkler systems on stockpiles;
- All trucks will be tarped (covered) when leaving the site laden; and
- Use of hydro seeding to stabilize areas that would otherwise be left bare for extended periods of time and pose a dust hazard.

The proposed provisions for the suppression of dust are in keeping with practices undertaken at other sand extraction sites and it is considered that these are adequate to minimise the impact of dust from the extractive activities on nearby residences. Further to this, under LPP5A, and imposed by a condition of approval, a maximum of 2 ha is permitted to be open at any one time with rehabilitation to restore the sites back to pasture to be completed as new areas are extracted. The purpose of this requirement is to ensure that timely rehabilitation is completed which minimises the amount of area exposed and therefore reduces the risk of dust affecting nearby residences. An annual report is required to be submitted by way of condition to ensure that the applicant complies with this requirement.

A noise management plan has not been submitted as part of the development. It is recommend that a noise management plan be submitted to the City prior to the commencement of crushing on site to demonstrate that the proposal can comply with the *Environmental Protection (Noise) Regulations 1997* and demonstrate the noise mitigation measures in place.

#### **Referral to Federal Department**

Due to the proximity of the extractive activities to a Ramsar wetland the City and the Department of Parks and Wildlife have advised the applicant that the application should be referred to the Department of Environment and Energy under the *Environment Protection and Biodiversity Conservation Act 1999*. Under the EPBC Act 1999 "A person proposing to take an action must refer a proposed action if it has, will have, or is likely to have a significant impact on the world heritage values of a declared World Heritage property." A significant impact includes matters of national environmental significance protected under national environment law including Ramsar wetlands of international importance. The responsibility for referring an action lies with the person proposing to take the action. Therefore, a local government is responsible for referring actions that the local government proposes to take itself. It is not responsible for referring the actions of other developers.

The City has advised the applicant that the City is of the opinion that the application should be referred to the Department of Environment and Energy. The applicant has advised that their client (the owner) does not intend to refer the application under the EPBC Act 199. No further justification from the application in support of their decision as to why referral was not required was provided.



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## **CONCLUSION**

The proposed development is considered to be consistent with the Policy and Objectives of the "Agriculture" zone, as well as the requirements of Local Planning Policy 5A - Extractive Industries, and therefore it is recommended that the application be approved.

## **OPTIONS**

The Council could:

1. Refuse the proposal, setting out reasons for doing so.
2. Apply additional or different conditions.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The proponent will be advised of the Council decision within two weeks of the Council meeting.

## **OFFICER RECOMMENDATION**

### **General Conditions**

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 500,000 cubic metres volume of material or in accordance with condition 5.8, whichever is the lesser. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans and Approved Management Plans and except as may be modified by the following conditions.

### **Prior to Commencement of Any Works Conditions:**

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
  - 3.1 The northern fork of Ludlow Park Road, indicated in red on the approval plans, to be upgraded for 27 metres as measured from its intersection with Ludlow Road North;
  - 3.2 Staging plan dividing the approved extractive area into 2 hectare cells and indicating the timeframe each individual cell is to be extracted and rehabilitated;
  - 3.3 A Noise Management Plan submitted to the City.
4. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City within 2 months of the date of this development approval:
  - 4.1 A dust bond to the value of \$5,000, which shall be held against satisfactory compliance with Condition 5.11 of this approval.
  - 4.2 A rehabilitation bond to the value of \$20,000, which shall be held against satisfactory compliance with Condition 5.9 of this approval.

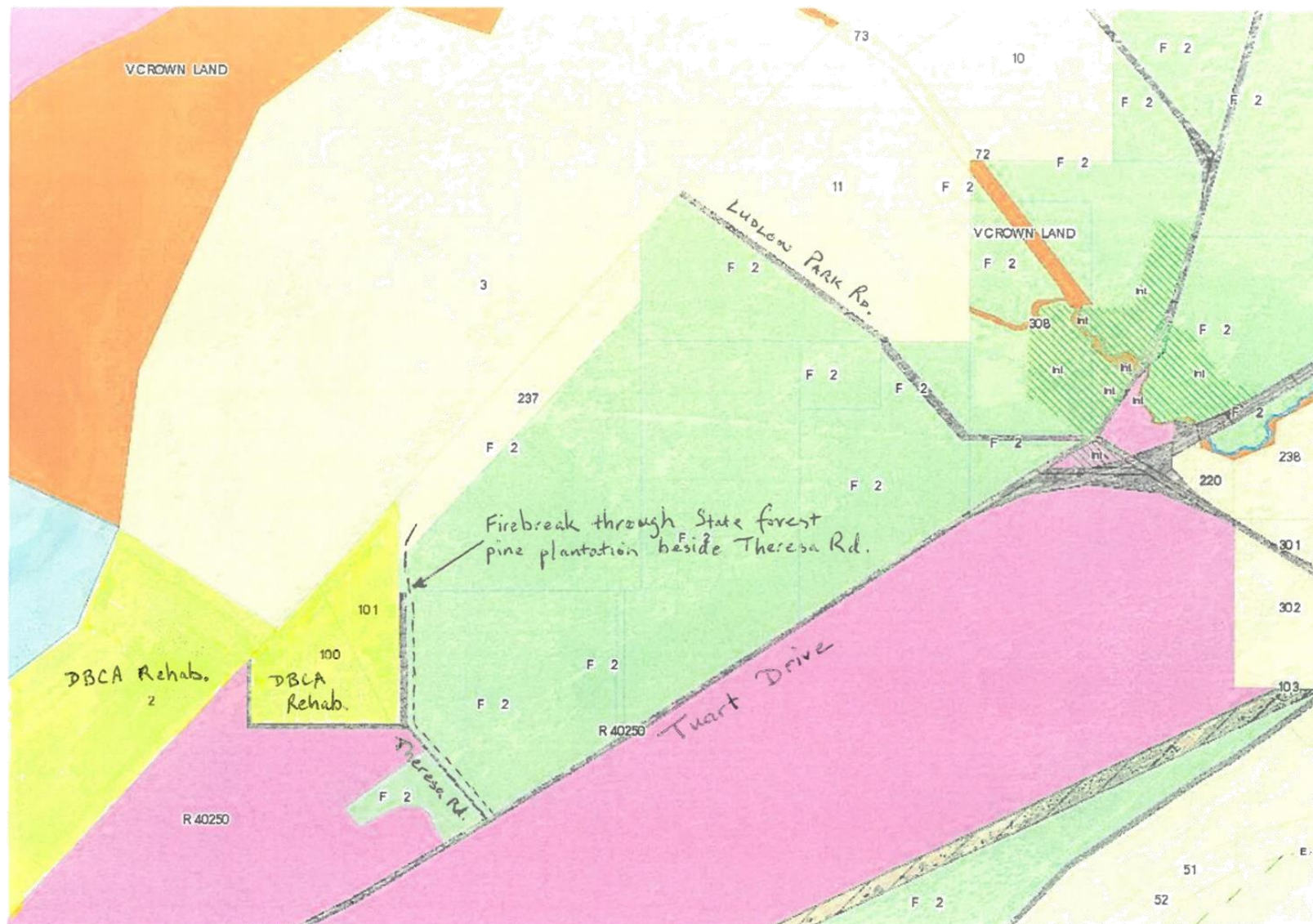
- 4.3 A road maintenance bond of \$10,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at cost to the applicant; such bond may be utilised for road maintenance purposes where necessary as a result of the operation. The bond shall be accompanied by an executed legal agreement with the City at the full cost of the owner.
- 4.4 Further to conditions 4.1 - 4.3, the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
- (i) The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs.
  - (ii) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City.

**On-Going Conditions:**

5. The works undertaken to satisfy Conditions 1 - 4 (inclusive) shall be subsequently maintained for the life of the development including, and in addition to, the following conditions:
- 5.1 The development hereby approved shall be limited to: the extraction of limestone from the site; screening of material; crushing; associated drainage works; and rehabilitation works.
- 5.2 Notwithstanding Condition 5.1 above, working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between: 7.00am and 5.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
- 5.3 The designated haulage route is to be along the northern fork of Ludlow Park Road turning only south along Ludlow Road North and then in either a westerly or easterly direction along Tuart Drive.
- 5.4 Trucks are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route (Ludlow Road North and Tuart Drive), or between other times as agreed in writing between the applicant and the local government.
- 5.5 A maximum number of 10 truck movements (i.e. 10 trucks entering and 10 trucks exiting the site) shall be permitted on the operating days and times as permitted per Condition 5.2 and 5.4 above.
- 5.6 Further to condition 5.5 above, should more than 10 truck movements per day be proposed in any 24 hour period a Traffic Management Plan is to be submitted to, and approved by the City, at least 7 working days prior.
- 5.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 3.2

concurrently with the extraction of the following 2 hectare area.

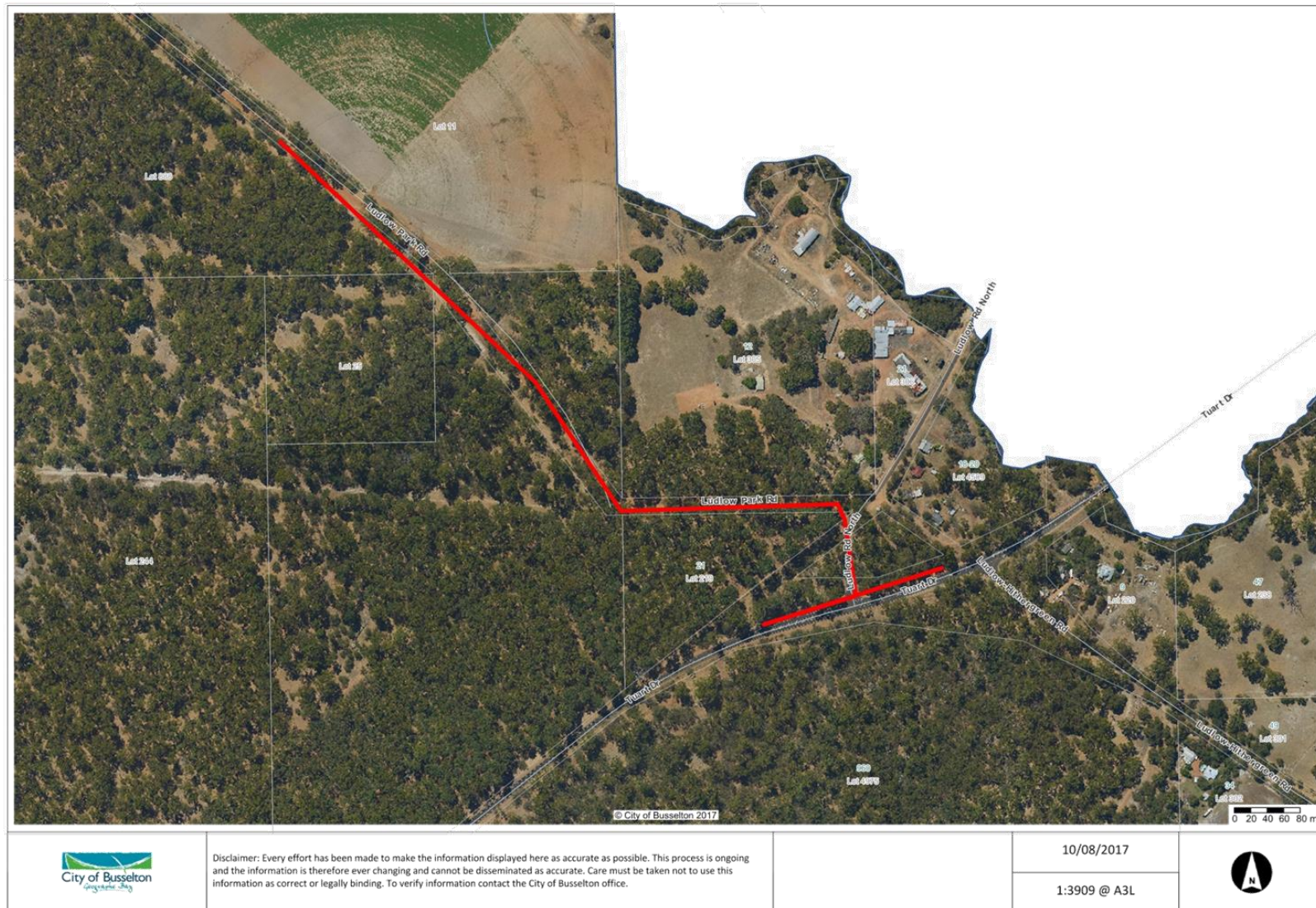
- 5.8 The lowest level of excavation shall always be a minimum of at least 300mm above the maximum water table level and no dewatering works are to be undertaken. The City is to be notified within 24 hours if the water table is intercepted.
- 5.9 Further to condition 5.8, the final land surface (after rehabilitation for horticulture) shall be 1 metre above the maximum seasonal groundwater level. The pit is to be rehabilitated with clean free draining fill overlain by topsoil.
- 5.10 The following minimum setback from extractive activities shall be achieved at all times:
  - > 20 metres to the south-eastern and south-western lot boundaries;
- 5.11 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 5.12 The Noise Management Plan required to satisfy condition 3.3 above shall be implemented and carried out in accordance with the approval details.
- 5.13 Extractive within 300m of Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study" and Figure 6 - Land Systems and Soil Types from Busselton Wetlands shall not occur during Black Swan nesting peak times and shall only occur during Summer and Autumn (1 December through until 31 May).
- 5.14 No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.
- 5.15 No vegetation is to be removed as part of the extractive activities hereby approved without first obtaining approval from the City.
- 5.16 No dewatering of the extraction area shall be permitted without prior approval from the City and Department of Water.
- 5.17 The applicant must submit to the City, annually and within 3 (three) months of the anniversary of this approval a report detailing the following:
  - a) Survey conducted by a licensed surveyor certifying;
    - The extent/size and location of the area which has been extracted;
    - The extent/size and location of the areas which has been rehabilitated;
    - The extent/size and location of the area which is currently under operation;
  - b) Details as to which conditions of this development approval have been complied with and how this has been achieved; and
  - c) Details as to which conditions of this development approval have not been complied with and the reasons for such non-compliance ("Compliance Report").
- 5.18 In addition to the above, prior to the applicant commencing construction on a new cell a report is to be submitted to the City detailing the following:
  - a) Finished ground level in AHD of the cell post extractive activities (Refer to condition 5.8);
  - b) Finished ground level in AHD of the cell post rehabilitation (Refer to condition 5.9).





Access = Firebreak through State forest pine plantation beside Theresa Rd.







## **FIRE-ACCESS TRACK**

That the Council resolve:

That application DA16/0699 submitted for Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 Ludlow Park Road, Wonnerup, is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.

Once the applicant has entered into a lease agreement with DBCA for the use of the access track and the City commences the de-gazettal of Theresa Road and amalgamation of that land into the adjoining Tuart Forest National Park. That Development Approval is issued for the proposal referred to above subject to the revocation of the Approval granted for the extraction of sand on the 29 October 2014 and the following conditions:

### **General Conditions**

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 500,000 cubic metres volume of material or in accordance with condition 5.8, whichever is the lesser. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans and Approved Management Plans and except as may be modified by the following conditions.

### **Prior to Commencement of Any Works Conditions:**

3. The development hereby approved, or any works required to implement the development, shall not commence until the owner/applicant has applied for, and obtained, a Permit to Commence certificate from the City. The following plans/details are to be submitted to and approved by the City prior to requesting the issue of a Permit to Commence:
  - 3.1 Details of the upgrading of the fire access track. The fire access track shall be constructed 4m wide using limestone. Every 200m, a 7m wide by 20m long overtaking bay shall be constructed using limestone formation.
  - 3.2 Staging plan dividing the approved extractive area into 2 hectare cells and indicating the timeframe each individual cell is to be extracted and rehabilitated;
  - 3.3 A Noise Management Plan submitted to the City.
  - 3.4 Details of road signage to be erected along Tuart Drive. The installation of the signs shall be completed by the City of Busselton for which fees are payable. Signage shall include signs on both approaches to the pit along Tuart Drive 100m from the access.
  - 3.5 Details of the sealing of the crossover. The crossover to be sealed and drained 20m in length from the edge of Tuart Drive seal. Crossover to be sealed 7m wide with splays of 5m x 5m where it meets Tuart Drive
  - 3.6 A revised Hydrological assessment that includes, but not limited, in-situ water table monitoring over time, from suitably constructed monitoring bores with known screen

depths and stratigraphy, to establish conclusively maximum seasonal groundwater levels (MSGL) at the site of the proposed extraction operations.

4. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City within 2 months of the date of this development approval:
  - 4.1 A dust bond to the value of \$5,000.00 which shall be held against satisfactory compliance with Condition 5.11 of this approval.
  - 4.2 A rehabilitation bond to the value of \$20,000.00 which shall be held against satisfactory compliance with Condition 5.9 of this approval.
  - 4.3 A road maintenance bond of \$30,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at cost to the applicant; such bond may be utilised for road maintenance purposes where necessary as a result of the operation. The bond shall be accompanied by an executed legal agreement with the City at the full cost of the owner.
  - 4.4 Further to conditions 4.1 - 4.3, the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
    - (i) The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs.
    - (ii) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City.

**On-Going Conditions:**

5. The works undertaken to satisfy Conditions 1 - 4 (inclusive) shall be subsequently maintained for the life of the development including, and in addition to, the following conditions:
  - 5.1 The development hereby approved shall be limited to: the extraction of limestone from the site; screening of material; crushing; associated drainage works; and rehabilitation works.
  - 5.2 Notwithstanding Condition 5.1 above, working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between: 7.00am and 5.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
  - 5.3 The designated haulage route is to be either north or south along Tuart Drive until the road meets Bussell Hwy. From these locations, the trucks are free to travel in either direction along Bussell Hwy.

- 5.4 Trucks are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route (Ludlow Road North and Tuart Drive), or between other times as agreed in writing between the applicant and the local government.
- 5.5 A maximum number of 100 truck movements (i.e. 50 trucks entering and 50 trucks exiting the site) shall be permitted on the operating days and times as permitted per Condition 5.2 and 5.4 above.
- 5.6 Further to condition 5.5 above, should more than 100 truck movements per day be proposed in any 24 hour period a Traffic Management Plan is to be submitted to, and approved by the City, at least 7 working days prior.
- 5.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 3.2 concurrently with the extraction of the following 2 hectare area.
- 5.8 The lowest level of excavation shall always be a minimum of at least 300mm above the maximum water table level and no dewatering works are to be undertaken. The City is to be notified within 24 hours if the water table is intercepted.
- 5.9 Further to condition 5.8, the final land surface (after rehabilitation for horticulture) shall be 1 metre above the maximum seasonal groundwater level. The pit is to be rehabilitated with clean free draining fill overlain by topsoil.
- 5.10 The following minimum setback from extractive activities shall be achieved at all times:
  - > 20 metres to the south-eastern and south-western lot boundaries;
- 5.11 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 5.12 The Noise Management Plan required to satisfy condition 3.3 above shall be implemented and carried out in accordance with the approval details.
- 5.13 Extractive within 300m of Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study" and Figure 6 - Land Systems and Soil Types from Busselton Wetlands shall not occur during Black Swan nesting peak times and shall only occur during Summer and Autumn (1 December through until 31 May).
- 5.14 No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.
- 5.15 No vegetation is to be removed as part of the extractive activities hereby approved without first obtaining approval from the City.
- 5.16 No dewatering of the extraction area shall be permitted without prior approval from the City and Department of Water.
- 5.17 The applicant must submit to the City, annually and within 3 (three) months of the anniversary of this approval a report detailing the following:
  - a) Survey conducted by a licensed surveyor certifying;
    - The extent/size and location of the area which has been extracted;
    - The extent/size and location of the areas which has been rehabilitated;

- The extent/size and location of the area which is currently under operation;
  - b) Details as to which conditions of this development approval have been complied with and how this has been achieved; and
  - c) Details as to which conditions of this development approval have not been complied with and the reasons for such non-compliance ("Compliance Report").
- 5.18 In addition to the above, prior to the applicant commencing construction on a new cell a report is to be submitted to the City detailing the following:
- a) Finished ground level in AHD of the cell post extractive activities (Refer to condition 5.8);
  - b) Finished ground level in AHD of the cell post rehabilitation (Refer to condition 5.9).

## **LUDLOW PARK ROAD**

That the Council resolve:

That application DA16/0699 submitted for Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 Ludlow Park Road, Wonnerup, is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.

That Development Approval is issued for the proposal referred to above subject to the revocation of the Approval granted for the extraction of sand on the 29 October 2014 and the following conditions:

### **General Conditions**

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 220,000 cubic metres with a maximum 44,000 cubic metres per annum volume of material has been extracted. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans and Approved Management Plans and except as may be modified by the following conditions.

### **Prior to Commencement of Any Works Conditions:**

3. The development hereby approved, or any works required to implement the development, shall not commence until the owner/applicant has applied for, and obtained, a Permit to Commence certificate from the City. The following plans/details are to be submitted to and approved by the City prior to requesting the issue of a Permit to Commence:
  - 3.1 The northern fork of Ludlow Park Road, indicated in red on the approval plans, to be upgraded for 27 metres as measured from its intersection with Ludlow Road North;
  - 3.2 Staging plan dividing the approved extractive area into 2 hectare cells and indicating the timeframe each individual cell is to be extracted and rehabilitated;
  - 3.3 A Noise Management Plan submitted to the City.
  - 3.4 A revised Hydrological assessment that includes, but not limited to, in-situ water table monitoring over time, from suitably constructed monitoring bores with known screen depths and stratigraphy, to establish conclusively maximum seasonal groundwater levels (MSGL) at the site of the proposed extraction operations.
4. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City within 2 months of the date of this development approval:
  - 4.1 A dust bond to the value of \$5,000.00 which shall be held against satisfactory compliance with Condition 5.11 of this approval.
  - 4.2 A rehabilitation bond to the value of \$20,000.00 which shall be held against satisfactory compliance with Condition 5.9 of this approval.

- 4.3 A road maintenance bond of \$40,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at cost to the applicant; such bond may be utilised for road maintenance purposes where necessary as a result of the operation. The bond shall be accompanied by an executed legal agreement with the City at the full cost of the owner.
- 4.4 Further to conditions 4.1 - 4.3, the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
- (i) The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs.
  - (ii) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City.

**On-Going Conditions:**





5. The works undertaken to satisfy Conditions 1 - 4 (inclusive) shall be subsequently maintained for the life of the development including, and in addition to, the following conditions:
- 5.1 The development hereby approved shall be limited to: the extraction of limestone from the site; screening of material; crushing; associated drainage works; and rehabilitation works.
- 5.2 Notwithstanding Condition 5.1 above, working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between: 7.00am and 5.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
- 5.3 The designated haulage route is to be along the northern fork of Ludlow Park Road turning only south along Ludlow Road North and then in either a westerly or easterly direction along Tuart Drive.
- 5.4 Trucks are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route (Ludlow Road North and Tuart Drive), or between other times as agreed in writing between the applicant and the local government.
- 5.5 A maximum number of 10 truck movements (i.e. 10 trucks entering and 10 trucks exiting the site) shall be permitted on the operating days and times as permitted per Condition 5.2 and 5.4 above.
- 5.6 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 3.2 concurrently with the extraction of the following 2 hectare area.
- 5.7 The lowest level of excavation shall always be a minimum of at least 300mm above the maximum water table level and no dewatering works are to be undertaken. The City is to be notified within 24 hours if the water table is intercepted.



- 5.8 Further to condition 5.7, the final land surface (after rehabilitation for horticulture) shall be 1 metre above the maximum seasonal groundwater level. The pit is to be rehabilitated with clean free draining fill overlain by topsoil.
- 5.9 The following minimum setback from extractive activities shall be achieved at all times:
- > 20 metres to the south-eastern and south-western lot boundaries;
- 5.10 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 5.11 The Noise Management Plan required to satisfy condition 3.3 above shall be implemented and carried out in accordance with the approval details.
- 5.12 Extractive within 300m of Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study" and Figure 6 - Land Systems and Soil Types from Busselton Wetlands shall not occur during Black Swan nesting peak times and shall only occur during Summer and Autumn (1 December through until 31 May).
- 5.13 No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.
- 5.14 No vegetation is to be removed as part of the extractive activities hereby approved without first obtaining approval from the City.
- 5.15 No dewatering of the extraction area shall be permitted without prior approval from the City and Department of Water.
- 5.16 The applicant must submit to the City, annually and within 3 (three) months of the anniversary of this approval a report detailing the following:
- a) Survey conducted by a licensed surveyor certifying;
    - The extent/size and location of the area which has been extracted;
    - The extent/size and location of the areas which has been rehabilitated;
    - The extent/size and location of the area which is currently under operation;
  - b) Details as to which conditions of this development approval have been complied with and how this has been achieved; and
  - c) Details as to which conditions of this development approval have not been complied with and the reasons for such non-compliance ("Compliance Report").
- 5.17 In addition to the above, prior to the applicant commencing construction on a new cell a report is to be submitted to the City detailing the following:
- a) Finished ground level in AHD of the cell post extractive activities (Refer to condition 5.7);
  - b) Finished ground level in AHD of the cell post rehabilitation (Refer to condition 5.8).

## **12. ENGINEERING AND WORKS SERVICES REPORT**

### **12.1 PROCLAMATION OF MAIN ROADS - BUSSELL HIGHWAY, NORTHERLY STREET AND WALGER CLOSE**

<b>SUBJECT INDEX:</b>	Thoroughfares
<b>STRATEGIC OBJECTIVE:</b>	Road networks that provide for a growing population and the safe movement of all users through the District.
<b>BUSINESS UNIT:</b>	Engineering and Facilities Services
<b>ACTIVITY UNIT:</b>	Land matters
<b>REPORTING OFFICER:</b>	Land and Infrastructure Officer - Andrew Scott
<b>AUTHORISING OFFICER:</b>	Director, Engineering and Works Services - Oliver Darby
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Main Roads Western Australia proclamation plans <a href="#"></a> <a href="#"></a> Attachment B Overall Development Guide Plan - Vasse Newtown - October 2015 <a href="#"></a> <a href="#"></a>

#### **PRÉCIS**

This report seeks the Council's endorsement for Main Roads Western Australia proclamation plans 201021-0155-02 and 201621-0101-00 (Attachment A) for the proclamation of a new section of Bussell Highway as a highway; and the de-proclamation of Northerly Street and Walger Close (both formerly Bussell Highway).

#### **BACKGROUND**

During 2015, Main Roads WA constructed a new section of highway around the Vasse development. Project named 'The Vasse Bypass', the new highway was opened 29 January 2016.

At a meeting held 11 May 2016, the Council endorsed for the new section of highway to be named 'Bussell Highway', and for the 'Old Bussell Highway' through the Vasse village to be renamed following a period for public submissions (Council decision C1605/113). At a subsequent meeting held 14 September 2016, the Council endorsed the names Northerly Street and Walger Close for the 'Old Bussell Highway' (Council decision C1609/239). The new road names were then submitted to and approved by Landgate Geographic Naming.

Following the opening of the new section of highway (now known as Bussell Highway), Main Roads WA made road, drainage and other improvements to Northerly Street. Then by agreement with Main Roads WA, on 1 July 2017 the City accepted the handover of Northerly Street and Walger Close from Main Roads WA. The agreement includes provision of \$97,523 from Main Roads WA to the City for road, drainage and path construction works, to bring the road to a standard suitable to the City's Engineering and Works Services department.

Northerly Street and Walger Close are now assets of the City of Busselton.

'Highways' and 'main roads' are proclaimed as such under the *Main Roads Act 1974*. By default, public roads are vested with local government, as a 'local road'; but after proclamation under the Act, roads are vested with the Commissioner for Main Roads. De-proclamation is the reversal of the classification of a highway or main road to a local road.

Attachment A is are Main Roads WA plans for the section of Bussell Highway to be proclaimed as a highway and for Northerly Street and Walger Close to be de-proclaimed from highway to local roads. Main Roads WA seeks the Council's endorsement for the plan.

## STATUTORY ENVIRONMENT

- [Main Roads Act 1930](#) section 13, 'Proclamation of highways and main roads'

## RELEVANT PLANS AND POLICIES

Overall Development Guide Plan for Vasse Newtown, endorsed 5 October 2015 (Attachment B), shows the Vasse bypass around the development. The same guide plan shows the 'Old Bussell Highway' (now Northerly Street) passing through a built-up area of commercial, educational and residential zones. The implication from the guide plan is that the bypass would become the new highway around the development and the old highway through the village centre would become a local road.

## FINANCIAL IMPLICATIONS

City of Busselton budget for the year ended 30 June 2018 includes provision for the following works:

Cost code	Description	Amount
D0016	Vasse Highway drainage works	\$22,523
F0076	Vasse Bypass road footpath	\$65,000
W0207	Busselton highway pavement deformation	\$10,000
		<u>\$97,523</u>

The works are to be funded by Main Roads WA under the handover agreement of the road asset to the City.

Northerly Street and Walger Close have been handed over by Main Roads WA and are now assets of the City. Budget for roads are part of the City's road asset management plans.

### Long-term Financial Plan Implications

Nil

## STRATEGIC COMMUNITY OBJECTIVES

Key goal area	Community objective
5. Transport – Smart, connective and accessible	5.1 Public transport services that meet the needs of the community.

## RISK ASSESSMENT

Presently, there may be some legal doubt about responsibility for the new section of Bussell Highway, Northerly Street and Walger Close. Proclamation should negate any doubt.

## CONSULTATION

Nil.

## OFFICER COMMENT

The proclamation of the new section of Bussell Highway around the Vasse development, and the de-proclamation of Northerly Street and Walger Close formalises the status of the respective roads under the *Main Roads Act 1930* and provides certainty over management responsibility.

Proclamation allows the two road authorities (Main Roads WA and the City of Busselton) to assume full care, control and management responsibility of the roads under the overarching legislation for each authority.

## **CONCLUSION**

The Council should endorse the Main Roads Western Australia proclamation plan 201621-0101-00 (Attachment A) pursuant to the *Main Roads Act 1930*.

## **OPTIONS**

The alternative of not endorsing the proclamation plan is not recommended this may leave doubt about the management responsibility of the new section of Bussell Highway around the Vasse development and Northerly Street and Walger Close.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

A signed copy of the proclamation plan may be forwarded to Main Roads WA within a month of the publishing of the minutes of the Council decision.

## **OFFICER RECOMMENDATION**

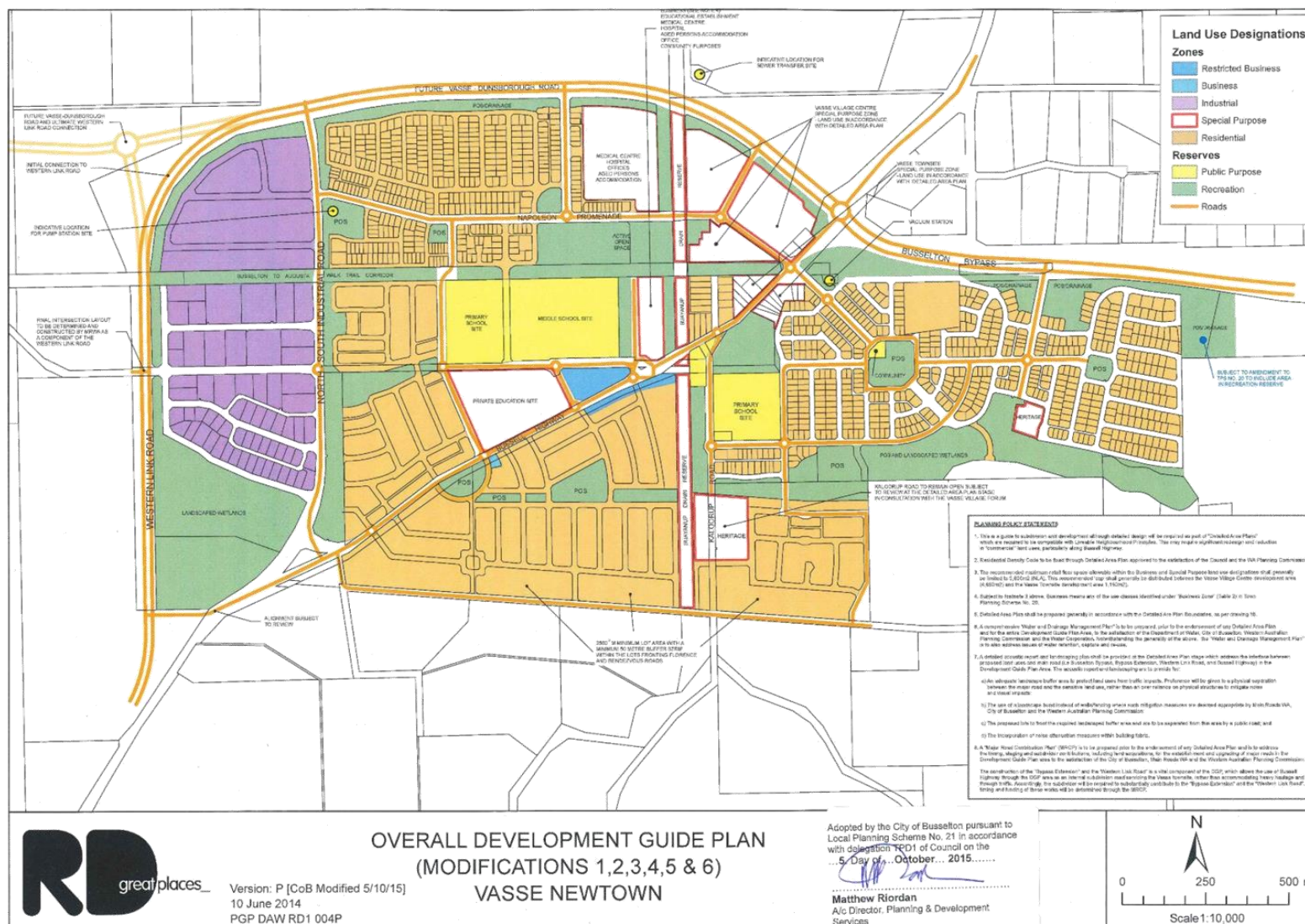
That, pursuant to the *Main Roads Act 1930*, the Council endorses Main Roads Western Australia proclamation plans 201021-0155-02 and 201621-0101-00 (Attachment A) showing:

1. the proclamation of the new section of Bussell Highway around the Vasse development as a highway; and
2. the de-proclamation of Northerly Street and Walger Close as a highway.

<p><b>AMENDMENTS</b></p> <ol style="list-style-type: none"> <li>1. Proclaim H043, Bussett Hwy</li> <li>2. Deproclaim H043, Bussett Hwy - (Old Bussett Hwy)</li> <li>3. Proclaim Rotary - H406 - Busseton Bypass West Rotary</li> </ol> <p><b>PROCLAMATION LEGEND</b></p> <p>EXISTING PROCLAIMED ROUTE</p> <p><b>H006</b> Highway (<sup>1</sup> Road Name)</p> <p><b>M042</b> Main Road (<sup>1</sup> Road Name)</p> <p>SECTION TO BE DE-PROCLAIMED</p> <p><del><b>H002</b></del> <del><b>M012</b></del></p> <p>SECTION TO BE PROCLAIMED</p> <p><b>H006</b> Highway</p> <p><b>M042</b> Main Road</p> <p><sup>1</sup> Landgate approved local usage name.</p> <p><b>P018</b> Main Roads Controlled Path</p> <p>Controlled paths (shared, pedestrian or bicycle) depicted on this drawing are those for which Main Roads Western Australia has responsibility.</p> <p>Paths, shared, pedestrian or bicycle, the responsibility of other entities are not shown.</p> <p>This is to certify that Council endorses the proposal shown on this plan.</p> <p>Council Resolution:.....of</p> <p>Council Meeting Held On:.....</p> <p><b>OR DELEGATED AUTHORITY</b> in accordance with Section 5.41(d) of the Local Government Act 1995.</p> <p>Chief Executive Officer</p> <p>Date:.....</p> <p>Gazette:.....</p> <p>Page No:.....</p> <p>DATE OF ORIGINAL ISSUE: 02 June 11</p> <p>DRAWING AMENDMENT DATE: 28 Jan 16</p>	<p><b>CITY OF BUSSETON</b></p> <p>For more detail see Dwg No 201521-0101-00</p>	<p><b>NOTES:</b></p> <p>Roads and/or paths are represented by centrelines which are a notional reference line that generates and approximates the centre of the pavement extent.</p> <p>Ramp intersections are shown schematically. The point at which the lines meet represents the end of the median which separates the converging or diverging carriageways.</p> <p>Slip lanes where ramps intersect other roads are not shown.</p> <p><b>SOUTH WEST REGION</b></p> <p><b>CITY OF BUSSETON</b></p> <p><b>BASE MAP LEGEND</b></p> <ul style="list-style-type: none"> <li>Town Site Area And Boundary</li> <li>Local Government Area And Boundary</li> <li>Cadastre</li> <li>Local Road</li> </ul> <p>NOTE: FOR DETAILS OF TOWNLOTS - REFER TO TOWNLOT DRAWINGS</p>						
<p>Signature: <i>[Signature]</i> Position: <i>NPDM</i> Date: <i>10/8/2017</i></p>	<p>Signature: <i>[Signature]</i> Position: <i>EDPTS</i> Date: <i>10/8/2017</i></p>	<p><b>PROCLAMATION PLAN</b> Declared Roads CITY OF BUSSETON</p> <p>CITY of BUSSETON - LG No. 205</p> <p>Planning and Technical Services Directorate</p> <p>SHEET 1 of 1</p>						
<p><b>MAIN ROADS WESTERN AUSTRALIA</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Dwg TYPE</td> <td style="width: 20%;">FILE No</td> <td style="width: 60%;">Dwg NUMBER</td> </tr> <tr> <td>20.00</td> <td>08/04</td> <td>201021-0155-02</td> </tr> </table>			Dwg TYPE	FILE No	Dwg NUMBER	20.00	08/04	201021-0155-02
Dwg TYPE	FILE No	Dwg NUMBER						
20.00	08/04	201021-0155-02						



AMENDMENTS		CITY OF BUSSELTON	
<p><b>PROCLAMATION LEGEND</b></p> <p>EXISTING PROCLAIMED ROUTE</p> <p><b>H006</b> Highway (* Road Name)</p> <p><b>M042</b> Main Road (* Road Name)</p> <p>SECTION TO BE DE-PROCLAIMED</p> <p><del>H002</del> <del>M012</del></p> <p>SECTION TO BE PROCLAIMED</p> <p><b>H006</b> Highway</p> <p><b>M042</b> Main Road</p> <p>NOTE: State Road Number is abbreviated, for example H002 is displayed as H2</p> <p>* Landgate approved local usage name.</p> <p><b>P018</b> Main Roads Controlled Path</p> <p>Controlled paths (shared, pedestrian or bicycle) depicted on this drawing are those for which Main Roads Western Australia has responsibility.</p> <p>Paths, shared, pedestrian or bicycle, the responsibility of other entities are not shown.</p>		<p><b>NOTES:</b></p> <p>Roads and/or paths are represented by centrelines which are a notional reference line that generates and approximates the centre of the pavement extent.</p>	
<p>This is to certify that Council endorses the proposal shown on this plan.</p> <p>Council Resolution.....of</p> <p>Council Meeting Held On:</p> <p>OR DELEGATED AUTHORITY in accordance with Section 5.41(d) of the Local Government Act 1995.</p> <p>Chief Executive Officer</p> <p>Date:</p> <p>Gazette:</p> <p>Page No:</p> <p>DATE OF ORIGINAL ISSUE 01 Sep 16</p> <p>DRAWING AMENDMENT DATE:</p>		<p><b>NOTE:</b> Old Bussell Hwy was handed to City of Bussellton, 1/7/2017, and renamed Northerly Street (Local Road No. - 2051500)</p> <p><b>NOTE:</b> Old Bussell Hwy was handed to City of Bussellton, 1/7/2017, this section is renamed Walper Close (Local Road No. - 2051501)</p> <p><b>BASE MAP LEGEND</b></p> <ul style="list-style-type: none"> <li>Local Government Boundary</li> <li>Town Site Area</li> <li>And Boundary</li> <li>Cadastre</li> <li>Local Road</li> </ul> <p><b>CITY OF BUSSELTON</b></p>	
<p>Signature: <i>R.P.</i></p> <p>Position: <i>NPD</i></p> <p>Date: <i>10/8/2017</i></p>		<p>Signature: <i>[Signature]</i></p> <p>Position: <i>ED</i></p> <p>Date: <i>10/8/2017</i></p>	
<p>0 100 200 300 400 500</p> <p>Metres</p>		<p><b>PROCLAMATION PLAN</b></p> <p>Proclaim H043 Bussell Hwy.</p> <p>Proclaim H406 Bussellon Bypass West Rotary</p> <p>Deproclaim H043 Bussell Hwy (Old Bussell Hwy)</p> <p>CITY OF BUSSELTON - LG No. 205</p>	
<p>Planning and Technical Services Directorate</p>		<p><b>MAIN ROADS WESTERN AUSTRALIA</b></p> <p>DWG TYPE: 20-00</p> <p>FILE NO: 08/24</p> <p>DWG NUMBER: 201621-0101-00</p>	





### **13. COMMUNITY AND COMMERCIAL SERVICES REPORT**

#### **13.1 DRAFT LIBRARY SERVICES STRATEGY 2017-2027**

<b>SUBJECT INDEX:</b>	Library Operations
<b>STRATEGIC OBJECTIVE:</b>	A community with access to a range of cultural and art, social and recreational facilities and experiences.
<b>BUSINESS UNIT:</b>	Community Services
<b>ACTIVITY UNIT:</b>	Library Services
<b>REPORTING OFFICER:</b>	Manager, Community Services - Maxine Palmer
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Draft Library Strategy 2017-2027  

#### **PRÉCIS**

In response to significant changes at a State Library level and at local community level a strategy for library services has been developed to guide and set the priority focus areas for the growth and development of library services over the next ten (10) years.

Further to a recent Council briefing, this report seeks Council's consideration to approve the advertising of the Library Services Strategy for a period of 21 days and subject to any feedback received, adopt the Library Services Strategy 2017-2027 as a guide for future planning.

#### **BACKGROUND**

Changes affecting library services have been recognised for some time. Extensive research and consultation has been conducted by the Public Library Service of Western Australia (PLWA) in partnership with the Western Australian Local Government Association (WALGA) in order to develop a strategic plan for library services in WA. The Research and Consultation Findings Report was released in June 2015. The report groups findings into four key areas: Integrated Planning, Good Governance, Best Value Service Delivery and Strategic Positioning.

The Research and Consultation Findings report led to the development of Vision 2025 and the Framework for Strategic Action PLWA. The PLWA Vision for library services in Western Australia is to "Build connection, creativity and learning," by a focus on four areas: Building capacity and fostering community engagement, promoting learning and literacy, preserving, sharing and celebrating our rich heritage and inspiring new ideas and creativity.

The Research and Consultation Findings report, the Vision 2025 Framework, a local community survey and the City of Busselton's Economic and Demographic Profile 2016 have informed the development of a local library services strategy for the City of Busselton.

On 9 August 2017, Council were provided with an overview of the draft Library Services Strategy 2017-2027 which included the key drivers for changes, survey results, alignment to other key strategies and the goals and strategies that have been developed to integrate with future planning and delivery of library services with Business Plans, Long Term Financial Plans and Workforce Plans.

#### **STATUTORY ENVIRONMENT**

The Library Board of Western Australia Act 1951-1983 specifies the funding arrangement between the Minister for Culture and the Arts and WALGA for Western Australian Public Libraries.

Library Board Regulations 1985 is the Local Level Agreement for the Delivery of Public Library Services .i.e. the services required to be provided by Local Governments from their Public Libraries.

## RELEVANT PLANS AND POLICIES

Libraries play a key role in delivering the City's Social Plan with actions identified in the Youth, Seniors, Cultural Services and Business Industry and Employment sectors including:

1. Improved home care services for seniors via home delivery
2. Internet services for training and employment opportunities.
3. learning opportunities for all ages
4. Helping children have the best start in life by the provision of the Better Beginnings program and school holiday programs.
5. Collation and development of aboriginal history and other cultures as part of the Libraries Local History Studies.
6. Support business on the move by the provision of Wi-Fi.

## FINANCIAL IMPLICATIONS

The majority of the strategies contained within the draft Library Services Strategy can be achieved through existing resources. There are four strategies, which have costs that are not currently forecast in the City's planning framework, these are:

1. Vehicle for outreach services to Vasse and Provenge (staff resources of 0.4FTE to be considered in future workforce planning)
2. Expansion of, or a purpose built new library and service development for Dunsborough
3. Expansion of Busselton library
4. Options for future library services in Vasse, Yalyalup and Ambergate North

Subject to the adoption of the Library Services Strategy, these strategies will be considered against other priorities in future reviews of the Long Term Financial Plan.

## STRATEGIC COMMUNITY OBJECTIVES

The City of Busselton Libraries Strategy supports the City's vision for a City "where environment, lifestyle and opportunity meet." In particular libraries contribute to achieving this vision by supporting the following key goal areas:

Key Goal Area 1 – COMMUNITY: Welcoming, friendly and healthy.

Libraries are accessible to everyone and by connecting people to information, knowledge and services libraries provide the community with access to life-long health and education opportunities.

Key Goal Area 2 - PLACE AND SPACES: Vibrant, attractive and affordable.

By their locations and incorporation in and around other community and business services libraries support the development of vibrant, pedestrian friendly central business districts and village centres.

Key Goal Area 4 – ECONOMY: Diverse, robust and prosperous.

Public libraries make education, training and employment processes accessible to everyone, supporting a better trained and educated workforce with increased opportunity and success in today's knowledge-based society.

Key Goal Area 6 – LEADERSHIP: Visionary, collaborative and accountable.

Our libraries engage broadly and proactively with the community, collaborate with other libraries and develop successful partnerships with other stakeholders in government, community services and the private sector.

## **RISK ASSESSMENT**

There are no identified risks of medium or greater associated with the officer recommendation, with the recommendation serving to mitigate the risks associated with not seeking further public comment prior to the adoption of the Strategy as a guide for future planning.

## **CONSULTATION**

WALGA and PLWA have consulted extensively with public library staff and Local Government representatives. Consultation with key stakeholders was held in April and May 2015, based on key discussion questions developed in the Public Library Services Background Paper. These discussion questions were derived from research and were informed by consultations organised by WALGA and PLWA with CEOs and professional library staff during late 2014. 55 Local Governments were represented, 24 from metropolitan and 31 from non-metropolitan areas.

During April 2016 a library survey was conducted which aimed to attract responses from current users and non-users. The survey was promoted in the media, by advertising, Facebook, City website and displays at the libraries, Naturaliste Community Centre (NCC), Dunsborough shopping centre, Geographe Leisure Centre, ArtGeo Cultural Complex, City's Customer Service, Busselton Senior Citizen's Centre, Youth Advisory Council and through Bess Home and Community Care. A total of 680 valid responses were received.

Subject to Council approval of the Officer recommendation the Library Services Strategy 2017-2027 will be advertised for further public comment in the Council for Community page, in Busselton and Dunsborough library and on the library website and Facebook page.

## **OFFICER COMMENT**

Libraries play a vital role in building the capacity of a community by being open and accessible to all regardless of background or stage of life. They inspire and enrich lives, connect people, build literacy, learning and knowledge, preserve and share community history and support the local economy.

The need to change and adapt library services and facilities is being accelerated by the increasingly digital world in which we live. Libraries need to keep pace with this change to remain relevant in today's society, but it is also fundamental that our libraries remain relevant to our local communities. This presents the challenge of maintaining services to high standards whilst establishing the capabilities to respond to growing, changing and new needs.

The Library Services Strategy 2017-2027 defines the driving change for our library services at a State Library level and at local community level and considers technological advancements, demographic change and consumer preferences. Planning accessible services for all sectors of an increasingly diverse community is vital with a particular focus on increasing services and service appeal to our Aboriginal and multicultural communities, our aging community and in early years development. Key statistics from the City's current library services have been analysed which clearly demonstrate the increasing demand for eServices. Strategies have been considered to address the evolution of the virtual library in addition to the maintenance and development of the City's two physical spaces at Busselton and Dunsborough.

680 responses were received from a current library user and non-library user survey. Information from the survey informed strategies around increasing accessibility to library services. As work and life patterns change libraries need to be accessible when people are able to use them. The survey has shown that there is a strong desire to extend current opening hours and days. There will also be an increased need for outreach services and eService provision for remote accessibility. There remains a strong attachment to libraries as a meeting place and social hub and continuing demand

for traditional library services and therefore it is important to continue to develop and maintain a diverse, high quality collection that meets local community need.

Both physical library spaces are benchmarked against industry standards. Population forecasts for both Busselton and Dunsborough demonstrate the need to expand current facilities in the future to address increased utilisation for libraries as work and study hubs, learning portals, connection points and social hubs within our community. Strategies consider opportunities at both existing libraries to capitalise on existing infrastructure and alternatives such as a new purpose built library at Dunsborough.

The future vision for libraries focusses on their importance as community connectors transforming lives through inspiring and enabling learning, innovation, literacy, creativity and change. Underpinning this vision are four key goals to:

- Goal 1 – Establish the library as a connection point for our communities.
- Goal 2 - Inspire passion for reading, personal growth and learning
- Goal 3 – Provide spaces for learning, work, play, knowledge exchange and relaxation
- Goal 4 – Develop collections and services and the skills to deliver them

The majority of the strategies can be achieved by changing focus and doing things differently within existing resources. However, there are four strategies, which have costs that are not currently forecast in the City's planning framework, these are:

1. Vehicle for outreach services to Vasse and Provençe (staff resources of 0.4FTE to be considered in future workforce planning)
2. Expansion of, or a purpose built new library and service development for Dunsborough
3. Expansion of Busselton library
4. Options for future library services in Vasse, Yalyalup and Ambergate North

Subject to the adoption of the Library Services Strategy, these strategies will be considered against other priorities in future reviews of the Long Term Financial Plan.

## **CONCLUSION**

Council is requested to approve the advertising of the Library Services Strategy for a period of 21 days. Subject to any feedback the Strategy will be adopted and consideration given against other priorities in future reviews of the Long Term Financial Plan.

## **OPTIONS**

Council could determine that sufficient consultation has been undertaken already and may choose to adopt the Strategy for future planning without further feedback.

Council could seek specific changes to the Strategy prior to any further consultation or adoption.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Subject to Council approval, the Library Services Strategy will be advertised for a period of 21 days as soon as practicable. It is proposed that Council adopts the Strategy for public comment but if there are any adverse comments the strategy will be the subject of a further report to Council.

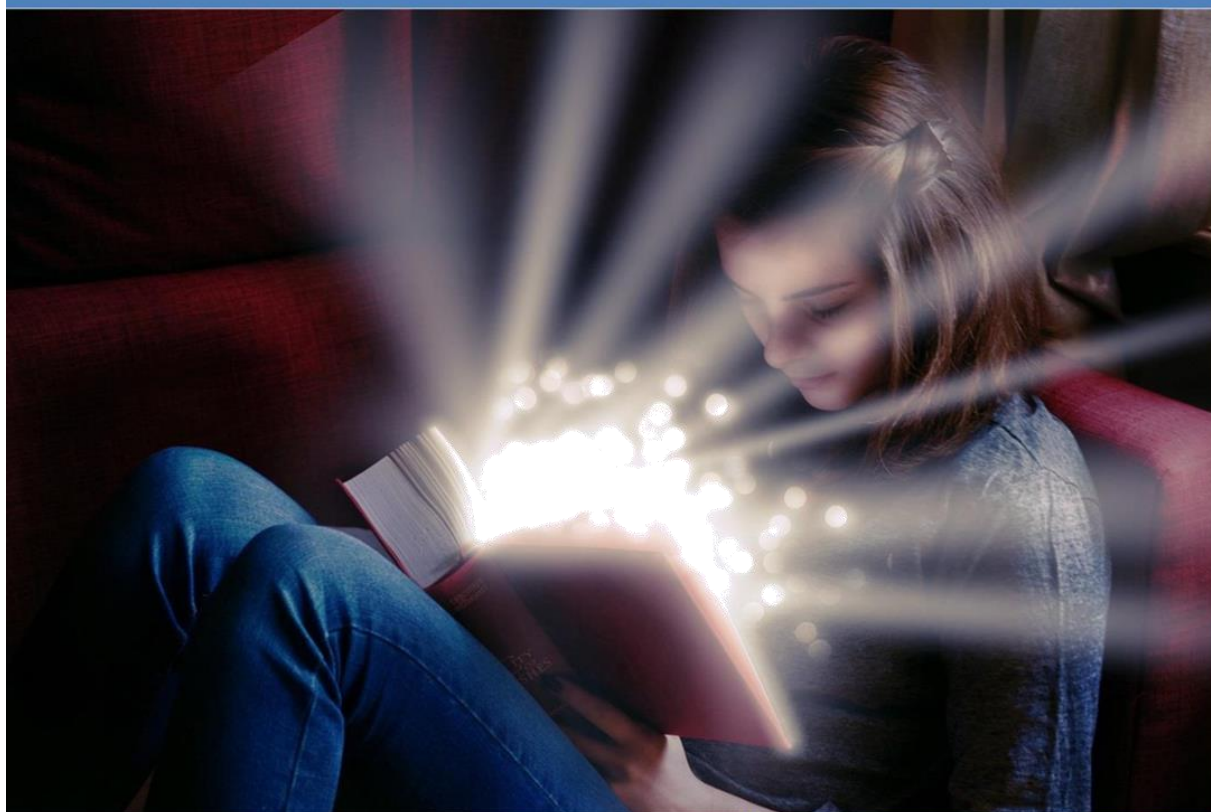
**OFFICER RECOMMENDATION**

That the Council:

1. Approves the advertising of the Library Services Strategy 2017-2027 for a period of 21 days for public comment and, if there are no adverse objections, adopts the Strategy; and
2. The contents of the strategy be considered in future reviews of the City of Busselton's Long Term Financial Plan.



# Library Services Strategy 2017 - 2027



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## 1.0 Executive Summary

Libraries are ever changing, but now more than ever, change is being accelerated by the increasingly digital world in which we live. Libraries need to keep pace with this change to remain relevant in today's society, but it is also fundamental that our libraries remain relevant to our local communities where some needs remain unchanged and are not declining. This presents the challenge of maintaining services that we know and confidently deliver to high standards each day whilst establishing the capabilities to respond to growing, changing and new needs. This strategy explores what is driving change for our library services at a State Library level and at local community level and considers technological advancements, demographic change and consumer preferences. Planning accessible services for all sectors of an increasingly diverse community is vital with a particular focus on increasing services and service appeal to our Aboriginal and multicultural communities, our aging community and in early years development.

Key statistics from our current library services have been analysed which clearly demonstrate the increasing demand for eServices. Strategies have been considered to address the evolution of our virtual library in addition to the maintenance and development of our current two physical spaces at Busselton and Dunsborough.

680 responses were received from a current library user and non-library user survey. Information from the survey informed strategies around increasing accessibility to library services. As work and life patterns change libraries need to be accessible when people are able to use them. The survey has shown that current opening hours and days need to be extended. There will also be an increased need for outreach services and eService provision for remote accessibility. There remains a strong attachment to libraries as a meeting place and social hub and continuing demand for traditional library services and therefore it is important to continue to develop and maintain a diverse, high quality collection that meets local community need.

Both physical library spaces are benchmarked against industry standards. Population forecasts for both Busselton and Dunsborough demonstrate the need to expand to current facilities in the future to address increased utilisation for libraries as work and study hubs, learning portals, connection points and social hubs within our community. Strategies consider opportunities at both existing libraries to capitalise on existing infrastructure within adjoining Community Centres to achieve this.

So what will libraries look like in the future?

The following statement represents the future vision for the City of Busselton's library services:

***Our libraries are community connectors transforming lives through inspiring and enabling learning, innovation, literacy, creativity and change.***

There are four key goals to achieve this vision:

- Goal 1 – Establish the library as a connection point for our communities.
- Goal 2 - Inspire passion for reading, personal growth and learning
- Goal 3 – Provide spaces for learning, work, play, knowledge exchange and relaxation
- Goal 4 – Develop collections and services and the skills to deliver them





## 2.0 Drivers for change

### 2.1 State level change

The changing face of library services has been recognised for some time. Extensive research and consultation has been conducted by the Public Library Service of Western Australia (PLWA) in partnership with the Western Australian Local Government Association (WALGA) in order to develop a strategic plan for library services in WA. The Research and Consultation Findings Report was released in June 2015. The report led to the development of Vision 2025 and the Framework for Strategic Action PLWA. The report groups findings into four key areas: Integrated Planning, Good Governance, Best Value Service Delivery and Strategic Positioning. The findings which affect the City's libraries at a local level and are driving new strategic directions are:



#### 2.1.1 Integrated Planning

- The expansion in Local Government services over recent decades has led to a mismatch between expenditure demands and current levels of revenue. Libraries like other Local Government services constantly have to deliver more with the same resources.
- The recognition that planning for public library services cannot be done in isolation and must sit within State and Local Government policy frameworks and priorities.
- New ways of thinking are emerging about how services can be delivered to ensure services are affordable and remain relevant.
- Opportunities to work and plan with other State Government Agencies need to be considered e.g. closer integration with Regional Development Commissions may be an opportunity.

#### 2.1.2 Good Governance

- The Library Board of Western Australia Act 1951 and its Regulations (1985) need to be amended to support the effective delivery of public library services in WA.
- Local Government is now funding 88% of public library services as State funding reduces, yet under the Act the State is the controlling body.
- Reconsideration of how State funding could be used more effectively to address diverse needs across the State including alternative ways in which services can be delivered e.g. outsourcing and greater collaboration between libraries.
- Strategies agreed from the Structural Reform of Public Libraries Report.
- Changes to the funding model and stock ownership.
- Service reviews that question who delivers what services and why, and the benefits at the local level.

#### 2.1.3 Best value service delivery

- Opportunities for increased co-location and partnerships for service delivery, increased revenue or community amenity. This includes working with other agencies, community groups, the private sector and across the Local Government's own resources.
- Redefining core services and what is value added.
- Neighbouring libraries working more collaboratively to plan, share information and share specialised labour resources.
- The changing skills required for library staff.
- Inefficiencies in the exchange service, inter library loans and other services
- Changes to hand held and smaller technologies and the configuration and use of both physical and virtual space.

#### 2.1.4 Strategic Positioning

- Libraries will require flexible space, effective partnerships, and some re-skilling of staff.
- Strategies will need to be put in place to transition thinking about the public library from a focus on books on shelves and bricks and mortar to a focus on the outcomes that library services deliver and how these outcomes can be best met.
- Public libraries occupy valuable real estate in the community and could add additional value through a more diverse service offer.
- By 2025, the uptake of the e-book and access to content from a range of mobile platforms will mean that libraries will not need as much space for traditional collections. Although collection space will be reduced, collection budgets will need to be maintained or enhanced as the collection mix changes.
- Libraries will need the capability to enable services to be accessed by a growing range of mobile devices.
- Increased tendency for business and governments to push business online. Public libraries are increasingly filling the gap to provide access to online services and develop the digital literacy skills to use them.





## 2.2 City of Busselton demographic profile changes

The City of Busselton's Economic and Demographic Profile 2016 reports an estimated resident population at June 2014 of 35,562, representing average annual growth of 3.7%. Over the period to 2026, the population of the City of Busselton is expected to increase by 8,388 persons to a level of approximately 43,950 persons.

The City of Busselton is a popular holiday destination. In addition to permanent residents the City experiences an average of 1,138,900 visitors annually. Many of whom use the library's services, particularly public PCs and Wi-Fi.

There are currently three major town sites: Busselton, Vasse and Dunsborough with significant developments also happening at Yalyalup. The future town site of Ambergate North will need to include significant growth to the library service and consider another facility as part of Ambergate's development plans.

The populations by the current town sites of Busselton, Vasse and Dunsborough are shown in the table below:

Key Demographic Indicators, 2011 Census						
	Busselton/Vasse Urban Area		Dunsborough Urban Area		Rural Remainder	
	No.	% of total	No.	% of total	No.	% of total
<b>Person Characteristics</b>						
Total persons	21,407	-	4,531	-	4,392	-
Males	10,244	47.9	2,243	49.5	2,280	51.9
Females	11,163	52.1	2,288	50.5	2,112	48.1
<b>Age group (years):</b>						
0-14	4,534	21.2	1,060	23.4	953	21.7
15-24	2,411	11.3	423	9.3	393	8.9
25-39	3,622	16.9	1,087	24.0	732	16.7
40-54	4,376	20.4	936	20.7	1,114	25.4
55-64	2,612	12.2	489	10.8	684	15.6
64+	3,850	18.0	535	11.8	521	11.9
Median age	40	-	36	-	-	-

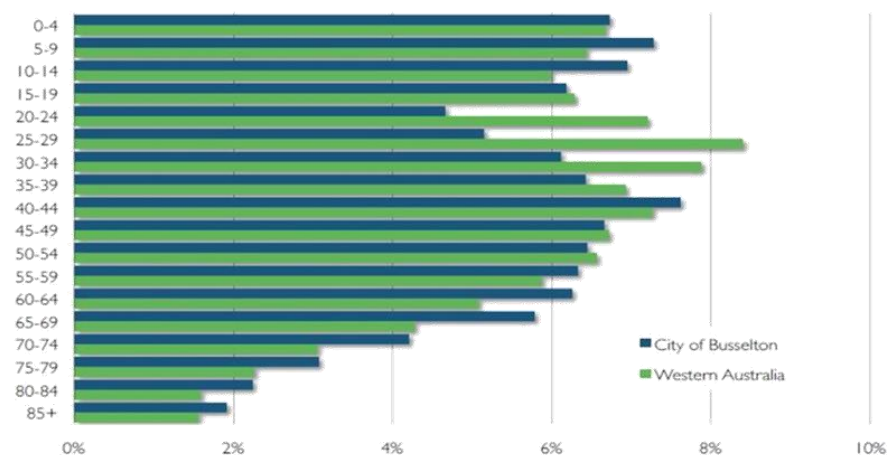
- Ultimately Vasse will cater for approximately 5000 people.
- Yalyalup is estimated to reach up to 7000 people.
- The Dunsborough district (including Commonage, Yallingup, Eagle Bay) has an estimated population of 8,481 as at 30 June 2016; by 2025 this is projected to reach 11,410 and eventually it is assumed a maximum population of around 20,000 people will be reached around 2050.

The newer town sites are seeing a change in demographic profiles compared to the City as a whole and the town site of Busselton. The data shows a different demographic in the Dunsborough urban area with a higher proportion of 0-14 and 25-39 year olds. Busselton has a higher proportion of 15-24 year olds and people 55 and over. It is important to consider these differences when providing and planning for future services at each of the current Busselton and Dunsborough library sites. For example, libraries play a key role in early childhood development and literacy, through early exposure to storytelling for programs for young people and development of literacy skills.

**Early childhood programs and services which cater for working adults and families are highly relevant for the population of Dunsborough, whereas youth and seniors program are of higher importance to Busselton library.**

Age distribution and other key differences about the demographic profile of the City of Busselton community follow:

**Age Distribution**  
2014

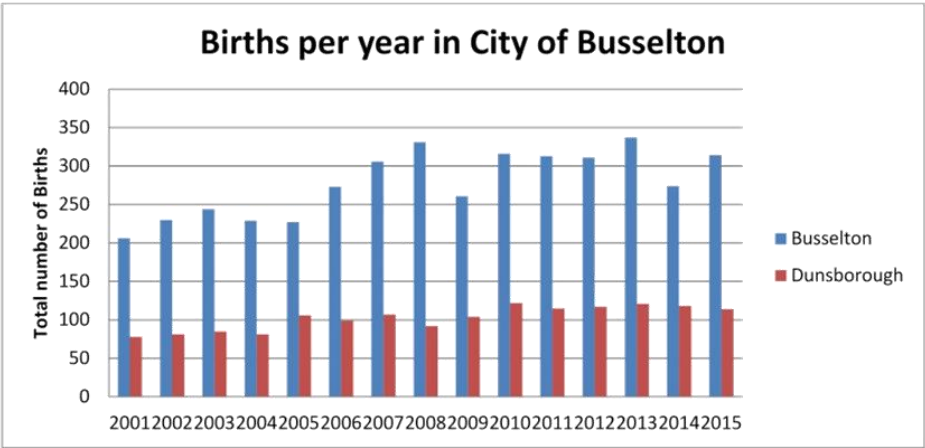


Source: ABS 3235.0

- The largest share of the population of the City is 40-44 years age group (7.6%), followed by the 5-9 years (7.3%) and 10-14 years age groups (6.9%).
- The City has a higher proportion of persons aged between 0-14 years, 40-44 years and 55 years and older age brackets than Western Australia and
- A higher dependency ratio than the State (50%), which is expected to increase by 5.4% to 67.1% in 2026.
- The City of Busselton has a slightly lower per capita income (\$27,865) than the averages for the South West (\$29,244) and Western Australia (\$32,872),
- The unemployment rate was 4.5% in the September Quarter 2015 lower than the averages for the South West (4.8%) and Western Australia (5.7%).
- The workforce participation rate in 2014 was 62% lower than the average rate for the South West (64.9%) and Western Australia (66.9%).
- There are pockets of disadvantage, with a correlation to poor health, employment and education outcomes, particularly for younger people.

2.3 Early Years Development

Children aged up to four increased by more than 30% in the last five years. This is due to new families moving to the region and increased birth rates. The chart below shows the rise in birth rates since 2001.



At the March 2016, Australian Early Years Summit it was observed that “parents have forgotten that sitting down with children and reading a book is essential for their development’. Early language and literacy activities are crucial in the early years of a child’s life for later literacy outcomes. The results of the Australian Early Development Census (AEDC) 2015 have showed an improvement in early literacy since the introduction of the survey in 2009 when 23% of five-year-olds were at risk of not developing the literacy skills they needed to succeed later in life. In 2015, the figure had fallen to 15%.

The AEDC provides information to focus on improving early childhood development through the early identification of key development areas of Physical health and wellbeing (Physical), Social competence (Social), language and cognitive skills (Lang), communication skills and general knowledge (Comm) and emotional maturity (Emot). Shown in the table below is the current 2015 scores of those children with Vulnerability in all areas and shows the percentage of children with Vulnerability in one domain or more (Vul 1) and Vulnerability in two domains or more (Vul 2), for the City of Busselton and the Shire of Augusta Margaret River, with Western Australia and Australian results shown for comparison.

**AEDC Results for City of Busselton and Shire of Augusta Margaret River**

Community	No	Physical	Social	Emot	Lang	Comm	Vul 1	Vul 2	SEIFA	SEIFA	
Broadwater/Abbey		3.9	3.9	5.3	4.0	2.6	12.0	5.3	997	931-1074	Sig Improvement in Physical, social and emotional domains 2012 to 2015. Sig improvement from 2009 to 2015 in Language.
<b>City of Busselton</b>	<b>591</b>	<b>8.2</b>	<b>7.3</b>	<b>7.3</b>	<b>5.7</b>	<b>4.0</b>	<b>17.6</b>	<b>8.4</b>	<b>894</b>	<b>892-896</b>	<b>Improved sig in Language in 2009 to 2015 but signs of declined social. No change from 2012 to 2015 in all domains.</b>
Dunsborough/ Quindalup /Quedjinup		2.8	4.2	5.2	3.7	0.7	12.4	4.3	1059 1054 1068	990-1124 1025-1092 1068-1068	Improved sig in Physical, emotional and language since 2009 to 2015 no sign change 2012 to 2015
Geographe		17.0	9.4	9.4	7.8	5.7	27.5	9.4	958	870-1117	Declined sig in Physical from 2009 to 2015 and sig improvement in Emotional Domain from 2009 to 2015.
Vasse		10.0	8.6	10.0	13.0	5.7	21.7	11.4	1040	1008-1049	Declined significantly in Language from 2009 to 2015 and 2012 to 2015. No sig change in other domains
West Busselton		15.8	13.2	11.5	4.4	7.9	25.7	14.9	953	838-1068	Declined significantly in all domains except Language from 2009 to 2015 but significant improvement from 2012 to 2015 in Language

Yallingup/ Wilyabrup /Marybrook		2.6	0.0	0.0	2.7	2.6	8.6	0.0	1080 1073 1030	1047- 1124 1073- 1073 1030- 1030	Improved sig in Emotional from 2009 to 2015 but no sig change in other domains.
<b>Community</b>	<b>No</b>	<b>Physical</b>	<b>Social</b>	<b>Emot</b>	<b>Lang</b>	<b>Comm</b>	<b>Vul 1</b>	<b>Vul 2</b>	<b>SEIFA</b>	<b>SEIFA</b>	
Yongarillup and surrounds		6.8	10.2	6.9	6.8	3.4	17.2	11.9	1037	1037- 1037	Improved significantly in Emotional domain. NS in other domains from 2012
Augusta/ Karridale		9.1	4.5	13.6	4.5	4.5	13.6	13.6	941 1012	913-981 1012- 1012	Unable to compare
Cowaramup /Gracetown		10.9	7.3	9.1	5.7	3.6	24.5	7.3	1048 1074	1028- 1084 1074- 1074	Sig Decline in Emotional and Social since 2009 to 2015 and significant Decline in Physical from 2012 to 2015.
Margaret River/ Gnarabup		6.1	4.7	4.8	9.6	4.7	20.5	6.1	1025 1085	849- 1116 1085- 1085	Sig Decline in /social from 2009 to 2012. Sig Improvemetn in Social in 2012 to 2015.
Rosa Glen/Rosa Brook									1021	1021- 1021	
Augusta Margaret river Shire	255	7.6	5.5	7.2	7.7	4.2	20.5	7.2	1025	849- 1116	Sig Decline in Social Domain from 2009 to 2015. No sig change in any domain from 2012 to 2015
<b>Community</b>	<b>No</b>	<b>Physical</b>	<b>Social</b>	<b>Emot</b>	<b>Lang</b>	<b>Comm</b>	<b>Vul 1</b>	<b>Vul 2</b>	<b>SEIFA</b>	<b>SEIFA</b>	
Australia	273,922	9.7	9.9	8.4	6.5	8.5	22.0	11.1	1000		Improved
Western Australia	30,834	9.9	8.4	8.5	6.6	8.0	21.3	10.5	1007		Improved

\*Highest disadvantage in Australia are those with SEIFA scores of 875 and below

The results above identify three target areas within our community where early year's activity would provide benefit to the community. These localities are the communities of Geographe, Vasse and West Busselton. These areas also correlate with low Socio Economic Disadvantage scores below 1,000. Areas of West Busselton have scores of 847 to 863, other areas within Busselton have scores of 872 – 895 and Geographe has a score of 882.

**This shows the continued importance of the libraries Better Beginnings, Baby Bounce and Toddler Time programs and the increased need to outreach specific services to these communities in collaboration with schools and child health whilst continuing the delivery of services from the libraries themselves.**



## 2.4 Planning for an ageing community

The following section: Planning for an ageing community has been extracted from the *Public Library Services Research and Consultation Findings Report, June 2015* and describes the significant impact this demographic shift will have on library services into the future:

*An ageing population will have significant implications. This is being caused by 'baby boomers,' who have or are transitioning to retirement. This will affect the economy and the services and facilities these retirees will require and will place financial pressure on all levels of government. Declining health and the rising risk of disability with advancing age are also impediments to community participation. Increasing rates of dementia and Alzheimer's and implications for aging carers will also have social impacts.*

*In 2009, close to one in ten people in Australia aged 65–69 years and just under two in ten people aged 75–79 had a severe or profound disability. In 2011, approximately 3.8% of the Western Australian population required assistance with core activities. In addition, 8.2% of the population aged over 15 years provided unpaid assistance to a person with a disability (Hayes, Weston & Baxter, 2011, p.9).*

***Libraries will need to continue to provide services to support an ageing population, including adaptive technology, services for clients with special needs, ongoing support to increase digital literacy for seniors, and flexible spaces for social engagement. The increase in one person households will make the library increasingly important in breaking down social isolation and facilitating community engagement. Outreach services, potentially in partnership with other providers or volunteers will need to be flexible to meet mobility and access needs. Skilling up older persons to access digital content and e-books in their own home or in nursing and retirement homes will provide for more efficient distribution models. Clearly, social engagement strategies will also be critical through bringing older people in to library spaces in partnership with care providers or through housebound services.***



*There are also some opportunities for library services. Active retirees are often more likely to participate in **volunteer activities** that are of benefit to the community. Libraries could increasingly tap into this labour resource with the added benefit of further building social capital. This group will also have a wealth of knowledge, skills and experience that could be harnessed to share with the younger generations.*

## 2.5 Our Aboriginal communities

Our Aboriginal community is approximately 1.7% of population and libraries experience a low level of use from this sector. **Libraries need to increase their engagement with this valuable sector and explore ways in which libraries can support them further. Recognition and recording of our Aboriginal culture and history is also a vital component to our local history study service. Activities which encourage story telling and sharing of local history with elders plus conversations that understand how younger generations can make use of and find value in library services need to be investigated with representatives from our local Aboriginal people.**



## 2.6 English as a second language

In 2011, about one third of Western Australia's population was born overseas, (over 200 languages are now spoken in Western Australia). Our local libraries are starting to see increased demand for books in other languages particularly Japanese, German, Thai and more recently Arabic and Farsi. Libraries are a meeting place where people from the same ethnic backgrounds can meet and form social groups and also share their cultures with Australian and other cultures.

**Libraries need to ensure collections are provided in languages and formats which reflect the cultural diversity of the community and find ways in which to invite and facilitate libraries as meeting places and community connection so that libraries continue to be accessible to all.**



### 3.0 Survey results and what our statistics are telling us.

The Australian Bureau of Statistics *Arts & Culture in Australian – a Statistical Overview* (2009-10) identifies that 34% of the population attended a local library, with survey results showing that the highest attendance rate was for the 15 to 17 year old age group (38%) followed by the 35 to 44 year old age group (36%). Unlike many other cultural institutions, public libraries generally attract repeat visitors with almost half of those who had visited public libraries (46%) doing so on more than 10 occasions during the survey period. Those in older age groups were more likely to make multiple return visits, with almost one third of persons aged 75 years and over who visited a public library attending 26 times or more during the 12 month survey period.

#### 3.1 Key statistics for the City's Libraries

Key statistics for combined Libraries for the period July to December 2016 reveal:

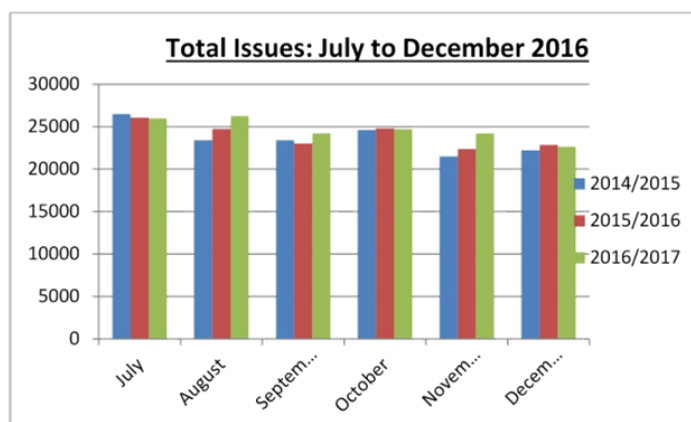
- A total of 17,475 active library members, approximately 50% of the City's population.
- 1507 new members, representing a 26% increase over the same period last year
- A total of 148,102 items (print + eBook) issued, representing a 3% increase over the previous year.
- eBook loans increased by 87% to a total of 18,202 loans.
- eBook loans now represent over 12% of total (print + eBook) loans – up from 7% last year.
- A total of 88,965 visits to our libraries representing a 2% decrease over the same period last year.
- A total of 40,297 visits to the new "Online Library" website. In the 5 months since the launch of the new website, the number of visits increased by 48%.
- The number of users accessing the libraries' WiFi Service increased by 15% over the same period last year. (From 5766 in 2015 to 6589 in 2016).
- The library Facebook page had 601 "likes" as at 31 December 2016, compared to 434 on 31 December 2015 – an increase of 39%.

The statistics for the period July to December 2016 clearly highlight the changes and challenges currently impacting on our libraries as we transition into an increasingly digital environment.

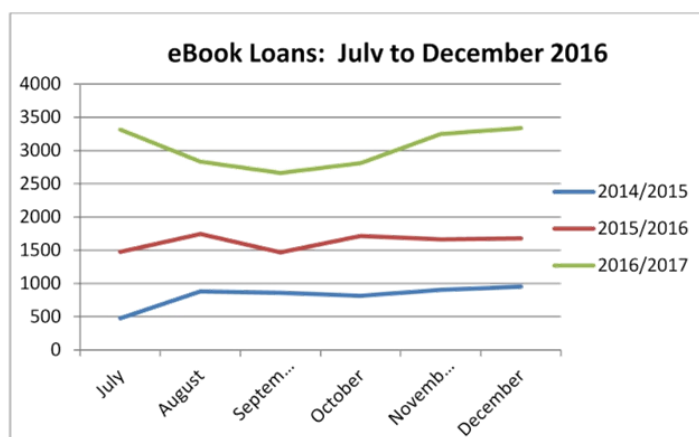
The number of library members continues to increase in line with the population growth. As at 31<sup>st</sup> December 2016 there were 17,475 active library members, approximately 50% of the City's household population.

The past 6 months saw a total of 148,102 items (print + eBook) issued, representing a 3% increase over the previous year. However, it was the digital resources which incurred the most significant increases with eBook loans rising by 87% to a total of 18,202 loans. eBooks now represent 12% of total (print + eBook) loans, up from 7% last year (See Graphs 1 and 2).

Graph 1. Total Issues: July to December 2016



Graph 2. eBook Loans: July to December 2016



It is predicted that the percentage of eBook loans will continue to rise over the next few years and will then plateau at around 20% of total loans in line with a recently amended Australian Library and Information Association (ALIA) statement which predicts that by 2020 library print and eBook collections will establish an 80:20 ratio.

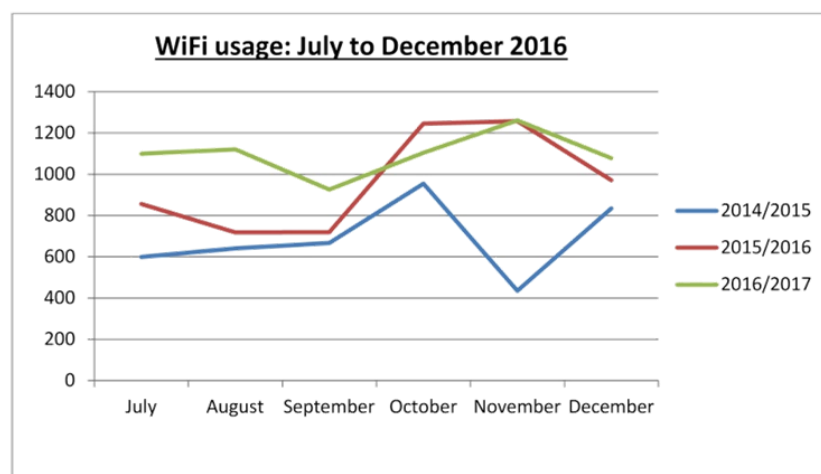
Whilst the popularity of eBooks is rising, it is evident that print will remain the foundation of many people's reading habits for the foreseeable future. Print books will not disappear and will remain the dominant format in our libraries, but the focus and subject areas of print collections are transitioning from the traditional reference and information focus to the more popular "recreational reading" collections. Results from the recent Library Survey found that 88% of survey respondents listed library resources (books, audio books, music CDs and Dvds) as a top priority for the City of Busselton's public library service over the next two to three years.



Visitor numbers reduced slightly across both libraries to a total of 88,965 visits - a 2% decrease over the same period last year. This is largely indicative of the shift towards eResources which can readily be accessed from home or work or by using WiFi around the library building. It needs to be emphasised that the reduction in overall visitor numbers to our buildings was offset by a 48% rise in the number of visits to the new "Online Library" website. Launched in August 2016, the "Online Library" has generated a lot of interest and usage with a total of 40,297 visits in the 5 months up until December 31<sup>st</sup>. This trend is likely to continue, with further development of the "Online Library" scheduled to provide a full suite of library services across a digital operating environment. The Online Library functions as a third library branch for the City of Busselton.

The City's libraries continue to experience a significant demand for public WiFi and internet services. A total of 10,282 sessions were booked on the public internet computers, whilst the number of users accessing the libraries' WiFi Service increased by 15%, from 5,766 in 2015 to a total of 6,589 in 2016 (see Graph 3).

Graph 3. WiFi Usage: July to December 2016



With the libraries' Facebook page showing a 39% increase in the number of "likes" over the previous year, social media continues to be a highly effective means of communicating with younger members of our community and has played an important role in library promotions, particularly for children's services and events.

In today's technological environment, library clients are demanding an increasingly higher level of servicing than ever before. We are seeing this in demand for public internet access services. More people coming into our libraries to access the increasing number of government services that are only available online as well as the library's own growing range of online resources. More people come into our libraries wanting to access the internet using their own devices via the library WiFi services. This has also generated a whole new level of customer service, with enquiries from people who are unsure how to use their device, access the service they need or even use the internet.

The challenges associated with the rollout of eGovernment need to be highlighted. The Australian Government has committed to providing online services for all high volume federal services by 2017.

It is intended that by 2020, 80% of Australian Government service interactions will be performed through a digital channel. While these changes are expected to create an easier and more efficient service, a competent level of digital literacy is required to navigate the new systems. Our libraries have already experienced increased demand for eGovernment assistance and this is likely to intensify over the next few years. In order to tackle the difficulties arising from eGovernment, our libraries will need to continue taking steps to appropriately support their community. Digital literacy training for library staff and the public will play an integral part of the success.

These trends are indicative of the changing role of public libraries in an increasingly digital environment.

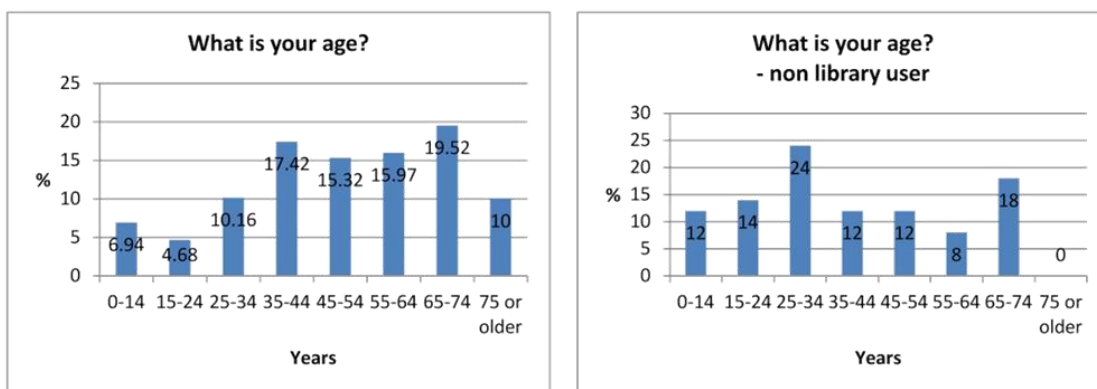


### 3.2 Survey results

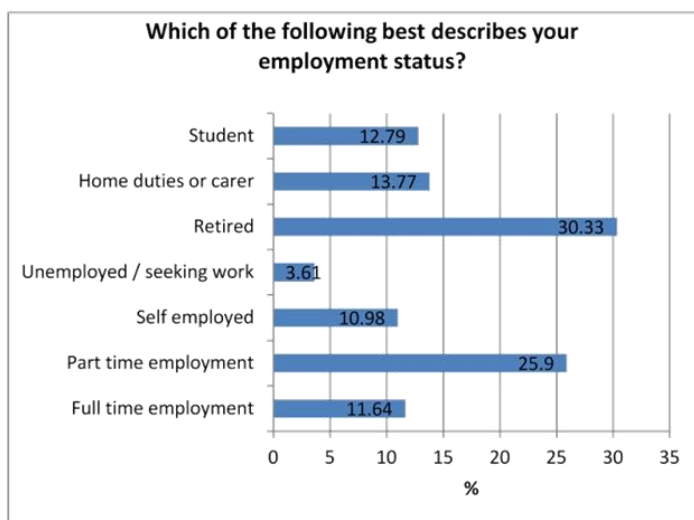
During April 2016 a library survey was conducted which aimed to attract responses from current users and non users. The survey was promoted in the media, by advertising, Facebook, City website and displays at the libraries, Naturaliste Community Centre (NCC), Dunsborough shopping centre, Geographe Leisure Centre, ArtGeo Cultural Complex, City's Customer Service, Busselton Senior Citizen's Centre, Youth Advisory Council and through Bess Home and Community Care.

A total of 680 valid responses were received. The majority 76% were from female respondents. The highest returning age groups were in line with the local demographic profile in the age groups 35-44 and 65-74.

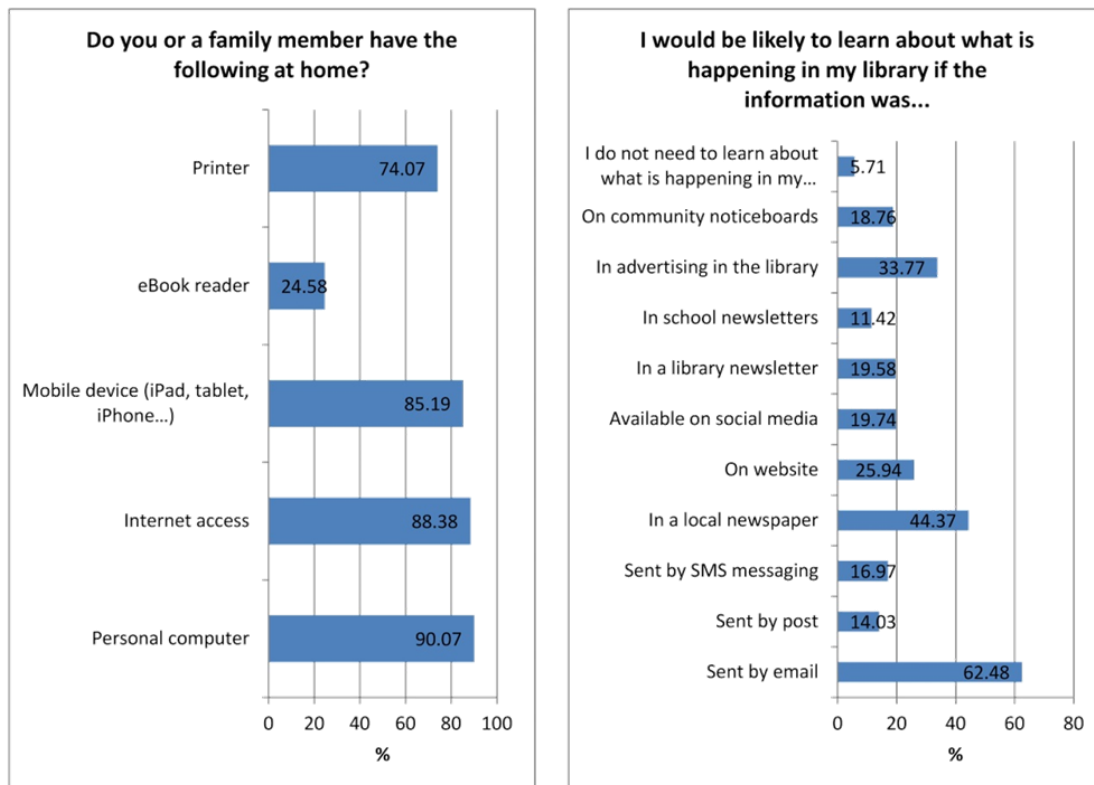
The highest non library user group were respondents aged 25 – 34 years.



Most respondents were retired 30.33% or working part time 25.9%.

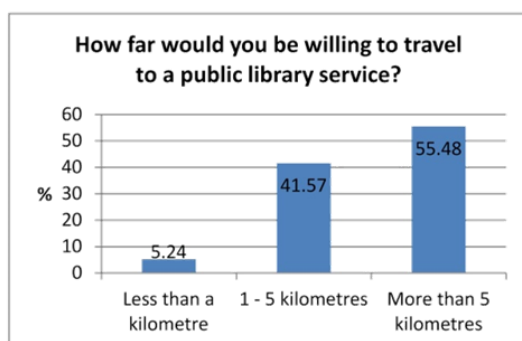


The majority of people (85%), including home delivery users have a mobile device (iPad, tablet, smart phone) and a personal computer at home (90%) and would prefer to receive information about the library by email with home delivery users preferring a newsletter.

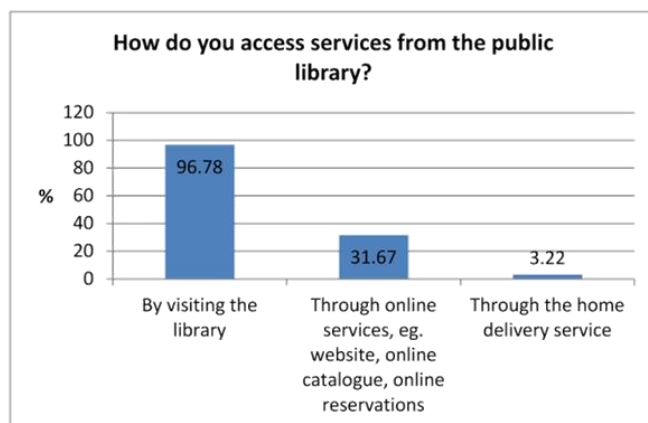


#### Accessibility

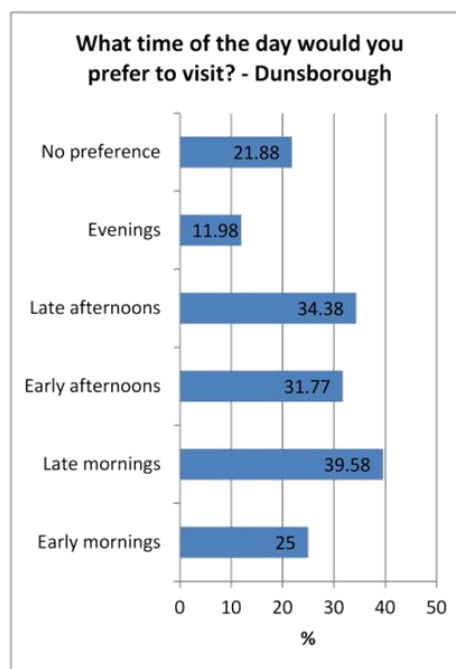
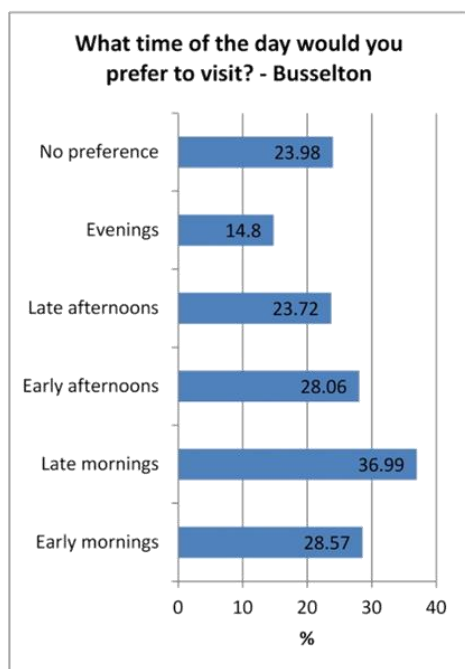
The majority of respondents are prepared to travel more than 5 kilometres to a public library service.



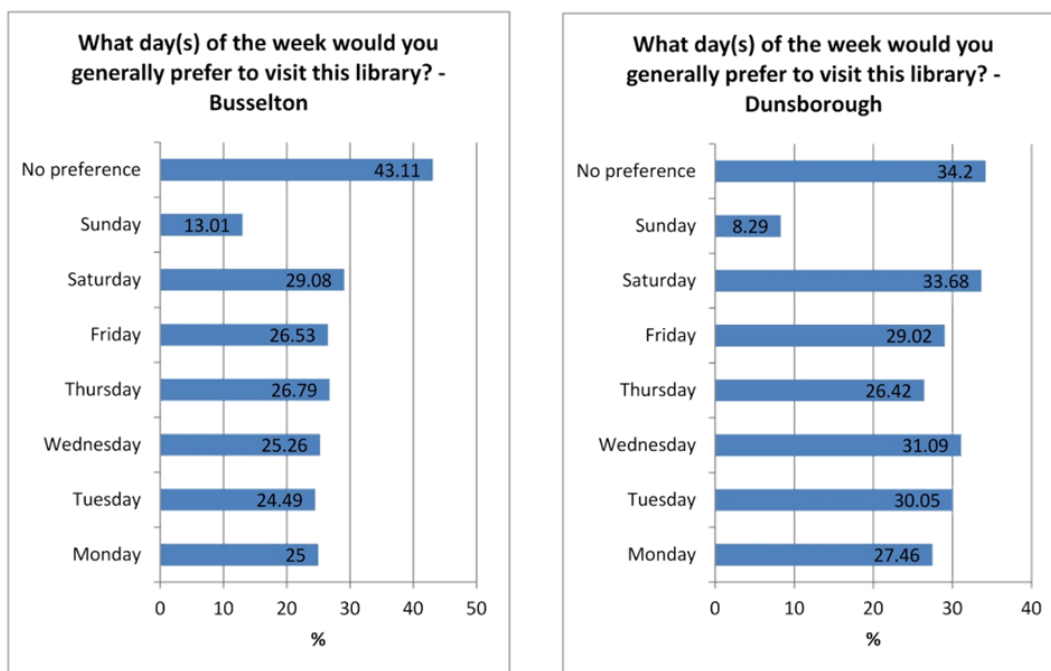
Respondents were asked to specify how they access services and whilst the majority visit the library a surprisingly large number of 31.67% access through on line services, the continued growth in this area is shown in the library statistics above in section 3.1. However, it should be noted this growth in service is in addition to physical visitors to the library and is not replacing them.



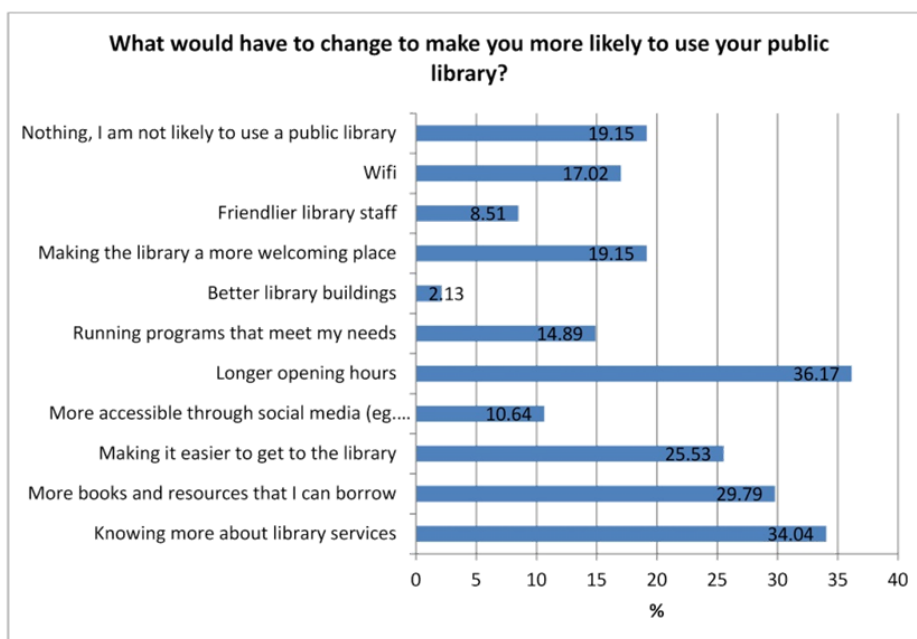
Respondents were asked which library branch they use. Results for both libraries were very similar. However, Dunsborough library usage times correlate with other activities run at the centre with a higher level of usage preference for late afternoons (34.38%) and late mornings (39.58%). Whilst early mornings are popular at both libraries, especially with older visitors when the library is quieter, it ranked higher in Busselton (28.57%) than Dunsborough (25%). Evenings were the lowest preferred time at both libraries.



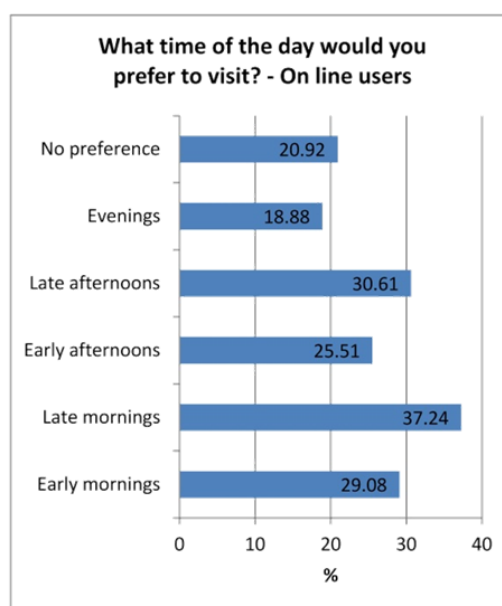
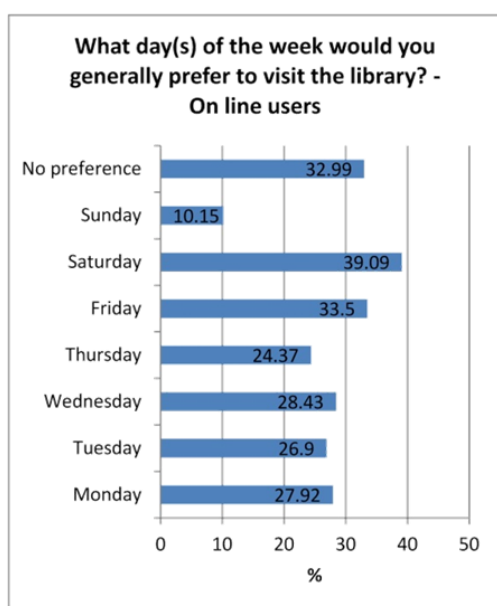
Preferred days to visit both libraries were very similar with little preference for a particular weekday; however Saturday was the highest preferred day to visit overall, 29.08% in Busselton and 33.68% in Dunsborough with 13% of respondents in Busselton stating they would prefer to visit Sundays and 8.29% in Dunsborough. Currently, our libraries are open until 12pm on Saturday and closed on Sundays.



Of the non-library users surveyed, the highest percentage (24.49%) worked fulltime or were retired (20.41%). The main reason non users gave to be more likely to use the library was longer opening hours (36.17%). Supporting comments raised issues with working hours and having family needs that made libraries difficult to get to during the week. 25.53% of non users said they would be more likely to use the library if it was easier to get to with comments also relating to relying on others for transport.



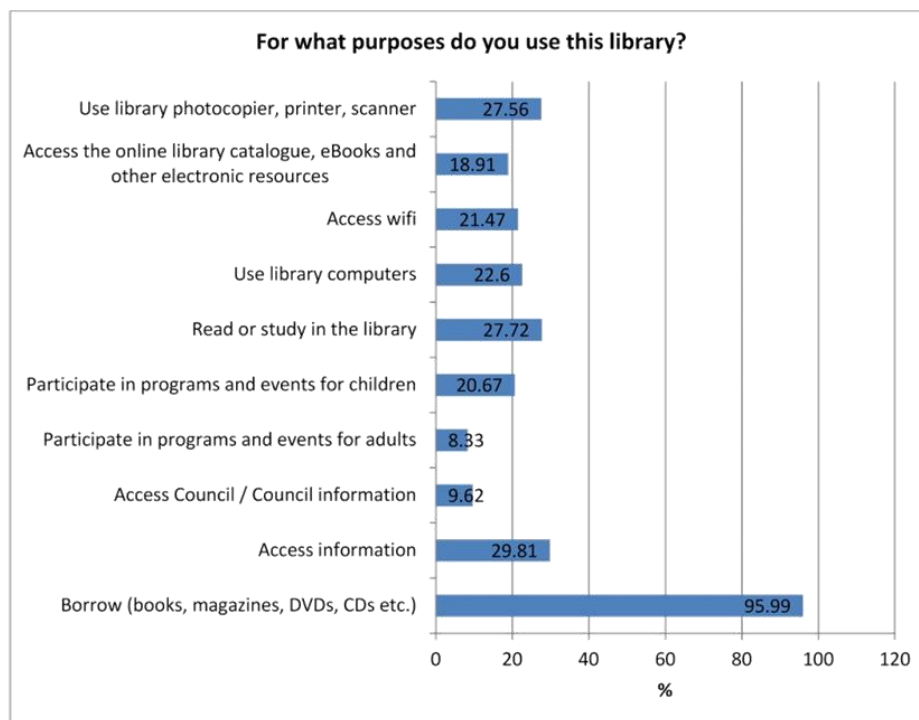
Unsurprisingly, on line service users had the highest no preference rate for days to access services. Saturday and Friday ranked the highest. In terms of time of use, late afternoons and late mornings were the most preferred. This indicates the extent on line services are used for after school and work study and recreation activities.



As work and life patterns change, libraries need to be accessible when people are able to use them. The survey revealed a need to revisit current opening hours and days with a view to opening earlier on weekdays and closing later on Saturdays.

Collections and services

Whilst the survey results showed all service areas have good usage rates the highest percentage of respondents (95.99%) still use the library for borrowing (books, magazines, DVDs, CDs etc.) and to access information (29.81%). **This evidences the continuing strong demand for traditional library services and the importance of developing and maintaining a diverse, high quality collection that meets local community need.**



Use of the library photocopier, printer and scanner is also high at 27%. This supports the growth seen in the use of these services which interestingly is one of the few services that libraries charge a fee to use. **This demonstrates that users are willing to pay small fees for service and there is scope to explore cost recovery fees when developing future services in some areas. It also highlights the importance of continued automation and updates to technology for resourcing efficiency and to keep pace with demand.**

Reading and studying also rated 27%. This data supports the growth libraries have seen in the use of the public PCs, Wi-Fi as people bring in their own devices.

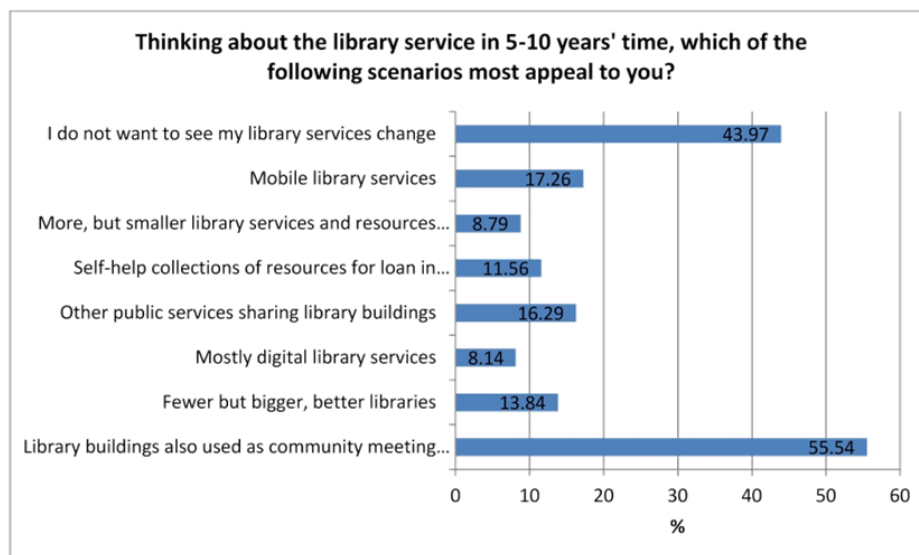


Current satisfaction levels and areas for improvement

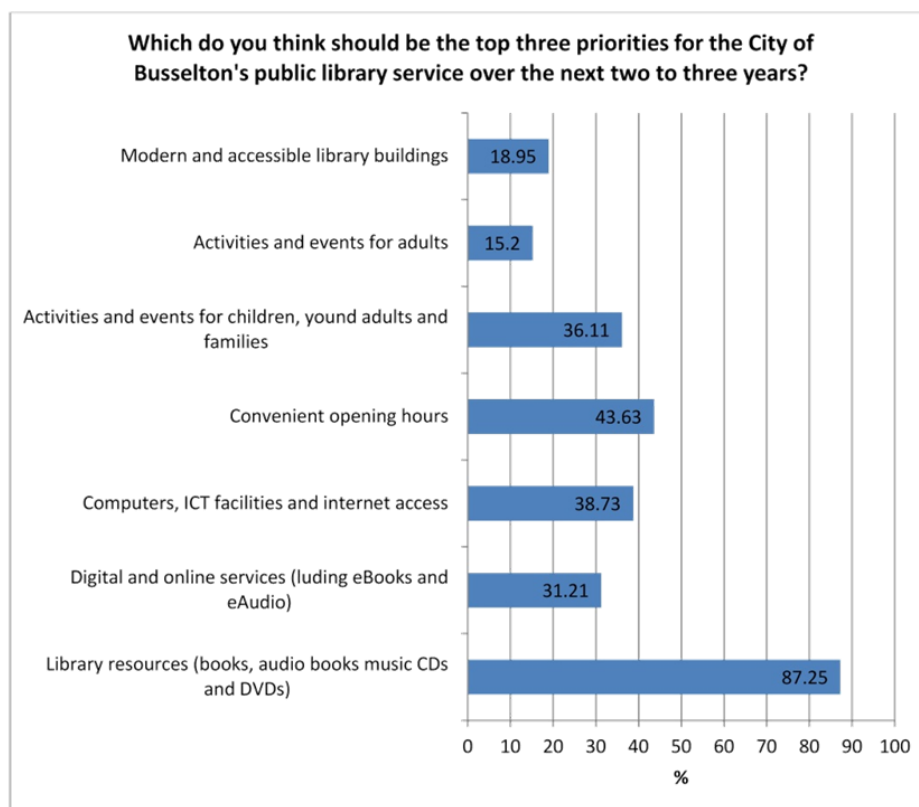


Whilst over 90% of respondents indicated they are either very satisfied (exceeding their needs) or satisfied (no improvements needed) there were many comments in response to question 9 which asked “what (if anything) would make the library and its services even better?” about longer hours, insufficient room, more computers and noise particularly in Dunsborough.

The following section describes in more detail the current facilities and the need to plan for future expansions of them both to, in particular, provide quiet study areas and more space as the relationship with libraries becomes less transactional and more of a place to stay for a while. This trend is evidenced by the response to question 14 in the graph below. **Most people, 55.54%, would like library buildings to also be used as community meeting places, for community groups, exhibitions or other activities. However, in a close second place 43.97% don’t want to see library services change at all.**



In terms of priorities for the next two to three years most respondents selected library resources 87%. Once more stressing the importance of a broad range of physical resources, convenient opening hours and almost tied in third place are the technological services in computers, ICT facilities and internet access and activities and events for children, young adults and families



## 4.0 Library facilities

The City has two libraries Busselton and Dunsborough.

### 4.1 Busselton Library

Busselton is a district facility that was extended in 2012, from 700m<sup>2</sup> to 950m<sup>2</sup>. The 250m<sup>2</sup> extension allowed the library to provide a quieter study/work zone away from the children's area, additional seating and more public access computers. The library is located in the CBD near the Busselton Central Shopping complex, post office and car parks. A Community Resource Centre (CRC) was built at the same time as the library expansion in 2012. The CRC houses local history groups who largely resource the City's Local History Study services and leased areas to community groups such as the Busselton and Dunsborough Volunteer Centre and the Active Foundation. The CRC also has meeting rooms available to hire which are managed by the City.



Although increased public space was created in 2012, the back office work room space has not remaining congested and unpractical as the scale of transactions increase. The extension allowed the separation of the children's area to be somewhat distanced from the quieter library areas but the problem of noise still comes up and is a common comment in the library survey results discussed in an earlier section.



### 4.2 Dunsborough Library

Dunsborough has a local library in approximately 250m<sup>2</sup> of the Naturaliste Community Centre (NCC). The NCC also houses offices for the Department of Child Protection and Child Health and there is a community run toy library and meeting room used weekly by a local Justice of the Peace. The NCC runs its own fitness programs including group instructed classes, seniors programs, soccer and basketball and the multipurpose rooms and stadium are hired by users who provide a wide range of programs

such as yoga, seniors table tennis, dance and kindy gym.

Dunsborough library experiences growing congestion for space in particular for events, study and use of the public PCs. Noise transfer is a problem in such a small area. The introduction of Wi-Fi has helped reduce some of this issue by allowing those with their own device to work in the generous NCC foyer and outdoor space, however the increasing need to access services such as government, on-line study and other on-line applications with printing dependencies will require a suitable expansion of the facility to cater for the growth in these services into the future.

#### 4.3 Benchmarking to facility standards

In August 2012 the Western Australian Branch of Parks and Leisure Australia released guidelines for the standard provision of community infrastructure. This model is based on the categories of Regional, District and Neighbourhood. The general catchments for each category are:

- Neighbourhood facility – 1: <5,000 people
- District facility – 1: 5,001 – 49,999 people
- Regional facility – 1: 50,000 – 250,000 people

The Parks and Leisure WA recommended guidelines for library infrastructure recommend:

<u>Facility</u>	<u>Guideline</u>
• Regional library in excess of 1,500m <sup>2</sup>	1:30,000 – 150:000
• District library Gross Floor Area approx. 1,000m <sup>2</sup>	1:15,000 – 30,000
• Neighbourhood library Gross Floor Area approx. 500m <sup>2</sup>	1:6,000 – 15,000

The State Planning Policy 3.6 – Local Government Guidelines more loosely recommend a district/sub district library for every 1:15,000 – 20,000 people.

Whilst there are no specific sizing guidelines for WA the State Library of New South Wales (NSW) has an industry respected “Guide for Public Library Buildings in New South Wales – People Places.” The guide contains both service based benchmarks and population based benchmark calculations which are easier to apply in the currently rapidly changing environment for library services. The population based benchmark uses a Local Area Factor (LAF) which is the projected local resident and non resident workforce served, divided by 1000 multiplied by the Building Area Factor shown in the table below, plus a Central Area Factor (CAF) which is 15% of the product of the projected LGA or regional population divided by 1000 and multiplied i.e.

$$\text{GFA} = (\text{LAF} + \text{CAF}) \times 1.2$$

Projected Population Served	Net Building Area Factor per 1000 population
Less than 10,000*	42 sq m
10,001 – 20,000	42 sq m
20,001 – 35,000	39 sq m
35,001 – 65,000	35 sq m
65,001 – 100,000	31 sq m
More than 100,000	28 sq m
* In communities where the projected population is less than 2,750 persons, use the recommended minimum size for a public library of 139 sq m gross. In communities where the population is declining use the existing population served.	

Therefore a branch/neighbourhood library such as Dunsborough with a projected catchment of 10,000 people by 2025 would be:

$$\begin{aligned}
 &[(10,000/1000 \times 42) + (\text{no central area factor})] \times 1.2 \\
 &= (10 \times 42) \times 1.2 \\
 &= 420 \times 1.2 \\
 &= 504 \text{ m}^2
 \end{aligned}$$

On the basis of the planning guidelines detailed above, and the population forecasts for Dunsborough and surrounds (currently 250 m2) and Busselton (currently 950 m2) both libraries should be doubled in size. Dunsborough will need to expand within the next 10 years as it is already insufficient to service the existing catchment and Busselton within the next 10 to 20 years. The feasibility of expansion on both sites will need to be explored including the ability to expand Dunsborough library further in 25 to 35 years time as the population approaches the 20,000 forecast.

Busselton library was constructed to provide for a second storey at its existing location. Consideration should also be given to connect the library to the CRC. This would create opportunities for better use of space, removal of duplicate facilities such as ablutions and kitchens and greater activation and cross population of services.

Another branch/neighbourhood library should be considered when planning for the significant Ambergate North population growth.

## 5.0 Strategic alignment

### 5.1 Vision 2025 and Framework for Strategic Action for Public Libraries Western Australia

Vision 2025 provides Western Australian libraries with a Framework for Strategic Action to Build Connection, *Creativity and Learning* within our communities by:

1. Building capacity and fostering community engagement
2. Promoting learning and literacy
3. Preserving, sharing and celebrating our rich heritage and
4. Inspiring new ideas and creativity.



The City's Library Strategy supports the achievement of these goals at a local level by:

- Recognising the important role our libraries play in connection people with other people and services they need to access.
- Breaking down isolation and bringing people from diverse backgrounds in a safe welcoming place
- Provide opportunities for lifelong learning by the development of traditional and new digital literacies, access to knowledge and promoting the love of reading
- Preserving our rich heritage through our Local Histories Studies Services
- Building a creative community by providing opportunities that inspire new ideas and innovation

### 5.2 South West Regional Blueprint

The South West Regional Blueprint outlines 'Regional Imperatives,' required to support the successful growth of the South West Community. There are four themes: Infrastructure, Industry and Business, Community and People and Place. This library strategy particularly supports the imperatives of Community and People and Place by growing services and improving accessibility to opportunities for education and wellbeing by developing libraries further into places that are "vibrant, interesting and stimulating helping to ensure the region remains a region of choice." Libraries help support resilient and diverse communities and "build a sense of belonging, self worth and local decision making ability."

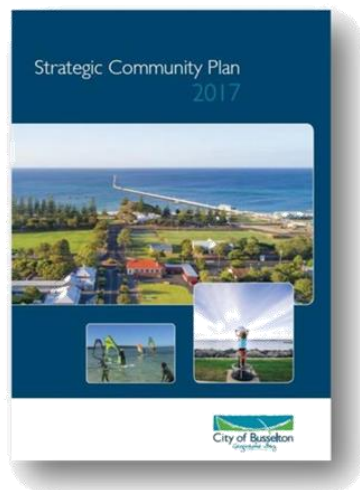




This library strategy also supports Blueprint priorities for:

- Active Aging through a focus on increased outreach services and the importance of the development of existing services such as home delivery.
- Health and Education by 'building human capacity, healthy minds' and increasing access to educational services such as on line study and information sources.
- Improved Regional Capacity and Engagement by collaborating with not for profit community organisations such as the Busselton Senior Citizens Centre and Busselton and Dunsborough Historical groups to deliver services.
- Volunteerism by recognising its importance and vitality in the continued delivery and development of library services.

### 5.3 City of Busselton Strategic Community Plan 2017



The City of Busselton Libraries Strategy supports the City's vision for a City "where environment, lifestyle and opportunity meet." In particular libraries contribute to achieving this vision by supporting:

Key Goal Area 1 – COMMUNITY: Welcoming, friendly and healthy.

- Public libraries are a hub of civic engagement, fostering new relationships and strengthening the human capital of the community.
- Our libraries are open to everyone and the services they deliver bring people together from all walks of life helping "to improve social connectedness and inclusion".
- Through collaboration with community groups and working with the City's Community

Development Team, libraries "Host and facilitate events and programs that bring the community together."

- By connecting people to information, knowledge and services our libraries are uniquely positioned to provide the community "with access to life-long health and education opportunities".
- Partnering with local educational facilities our libraries are ideally placed for "providing transitional learning opportunities".

Key Goal Area 2 - PLACE AND SPACES: Vibrant, attractive and affordable.

- Public Libraries are free public spaces where everyone is welcome and can participate.
- Attractive library buildings in central parkland settings encourage and facilitate "a City with pedestrian access, green spaces, shady trees, and high quality public amenities".

- By their locations and incorporation in and around other community and business services both now and into the future, libraries support the development of vibrant, pedestrian friendly central business districts and village centres.
- In the creative design of its physical and virtual spaces our public libraries define what make a great public space.

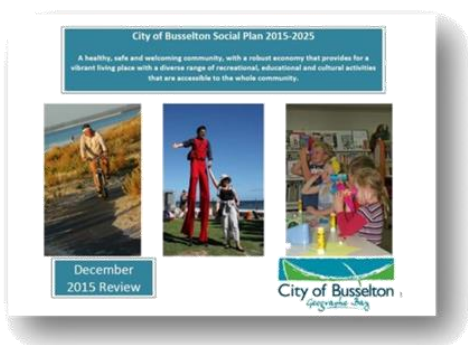
Key Goal Area 4 – ECONOMY: Diverse, robust and prosperous.

- Public libraries inspire learning and empower people of all ages. By making education, training and employment processes accessible to everyone, our libraries not only promote a better trained and educated workforce but have the capacity to drive opportunity and success in today's knowledge-based society.
- By fostering an inclusive, connected community with increased participation in lifelong learning, research and innovation, our public libraries provide an anchor for economic development.
- Through the provision of free universal public access to the internet and as an essential portal for eGovernment services, our libraries are uniquely positioned to help "improve digital and internet connectivity across the District".

Key Goal Area 6 – LEADERSHIP: Visionary, collaborative and accountable.

- Thriving library places, spaces and programs "Provide opportunities for the community to participate in decision making processes".
- As a member of the South West Libraries Consortia (SWLC), Public Libraries Western Australia (PLWA) and Libraries Australia, our libraries "Actively participate in regional, state and national alliances to return benefit to the community".
- By collaborating with other libraries and developing partnerships with other stakeholders in government, community services and the private sector, our libraries foster and enable communities and public libraries that thrive and succeed together.
- Our libraries "engage broadly and proactively with the community" through outreach services and programs such as Better Beginnings and Home Library Services.

## 5.4 Social Plan 2015-2025



Libraries play a key role in delivering many outcomes identified in the City's Social Plan with actions in Youth, Seniors, Cultural Services and Business Industry and Employment sectors including:

- Improved home care services for seniors by planning to return to a fortnightly home delivery library service,
- Increased local training and employment options and providing internet services to find and apply for opportunities.

- Learning opportunities for children and youth offered at the libraries.
- Helping children have the best start in life by the provision of the Better Beginnings program and school holiday programs.
- Collation and development of Aboriginal history and other cultures as part of the Libraries Local History Studies.
- Support business on the move by the provision of Wi-Fi.

## 6.0 The value of libraries

From the above it is clear that libraries play a vital role in building the capacity of a community by being open and accessible to all regardless of background or stage of life. They inspire and enrich lives, connect people, build literacy, learning and knowledge, preserve and share community history and support the local economy.

Libraries are valuable because they:

- Enrich lives – Libraries open doors and expand horizons by providing access to information, education and stories, dreams and visions of our past and for the future. The library open these doors to everyone from babies to elders, integrating literacy, learning and knowledge into daily life.
- Are inviting places - Our libraries bring people together to connect, share, inspire, educate and inform but they also provide tranquillity and a place for quiet reflection, study or escapism in today's busy world. Library services are not exclusive to members or contained in one place. Our services reach outside the physical buildings via Eservice, Wi-Fi, home delivery and Better Beginnings. Our services can come to you wherever you may be.
- Are easy to use –Our systems are fast, and easy to use and service is automated wherever possible for efficiency. Our staff are knowledgeable and helpful and have time for you.
- Share the love of reading – Our collections are fresh and interesting. Through innovation and collaboration we have what people need or provide the inspiration to try something new or different.

Our mission is "To create a literate and informed community by providing a responsive and inclusive library service to our growing population which will inspire and enrich lives regardless of social or economic backgrounds."

## 7.0 The Future

So what will libraries look like in the future?

The following statement represents the future vision for the City of Busselton's library services:

***Our libraries are community connectors transforming lives through inspiring and enabling learning, innovation, literacy, creativity and change.***

Our goals to achieve this vision are:

Goal 1 – Establish the library as a connection point for our communities.

Goal 2 - Inspire passion for reading, personal growth and learning

Goal 3 – Provide spaces for learning, work, play, knowledge exchange and relaxation

Goal 4 – Develop collections and services and the skills to deliver them





## 7.1 Strategies

The following details the strategies which will achieve our vision and goals

### Goal 1 – Establish the library as a connection point for our communities.

<i>Strategies</i>	<i>Potential Long Term Financial Plan Considerations</i>	<i>Timeframe to Implement</i>
Collaboration and partnerships to reach a broader audience and demographic	None use existing resources	Short term
Leverage current assets to integrate and increase services available at NCC	Costs to establish a central service area and expand library space out into existing areas	Within next 5 years
Outreach services, for people with mobility constraints and new communities	Vehicle and staff resources for services to Vasse and Provenance	5 years +
Support older persons to access digital content at the library and from home	Existing resources and grant funding	Short term
	Growth of casual resource budget in line with customer growth	2 years +
Connect our most vulnerable community members with information and services	Growth of casual resource budget in line with customer growth	2 years +
Develop programs, services and spaces shaped by young people for young people	None use existing resources	Short term
Welcome immigrants and refugees	None use existing resources	Short term
Develop services and increase opening hours particularly at weekends so that libraries are open when people are able to visit.	0.4 FTE	Short term
Implement a One Card membership system with the South West Library Consortia	Shared Consortia System Administrator. Full or Partial offset opportunity exists by increasing Consortia members which will reduce License Fees	Short term



**Goal 2 - Inspire passion for reading, personal growth and learning**

<b>Strategies</b>	<b>Potential Long Term Financial Plan Considerations</b>	<b>Timeframe to Implement</b>
Match community interest and inspire the joy of reading and continual learning	None use existing resources	Short term
Libraries to expo new reads, hobbies, innovations and learning opportunities	None use existing resources	Short term
Establish new ways to engage new residents, parents, young people, professionals and enterprises to try library services	None use existing resources	Short term
Provide more ways for people to join the conversations about books and culture through clubs, blogs, online reviews and other social media platforms	None use existing resources	Short term
Expansion of Eservices, Wi-Fi and development of the website and social media engagement tools to provide more entry points into the libraries services	None use existing resources	Short term
Develop the Local History Studies Service to capture our culture and stories of significance from the past and as we move forward	0.2 FTE	Short term





### Goal 3 – Provide spaces for learning, work, play, social interaction and relaxation

<i>Strategies</i>	<i>Potential Long Term Financial Plan Considerations</i>	<i>Timeframe to Implement</i>
Consider expansion of or a purpose built new library and service development for Dunsborough to cater for growth, separate the needs of children, from those of study, work, research and relaxation.	Design and construction costs. Additional resourcing to be forecast in Workforce Plan	5 years +
Review design of Busselton Library to assess the opportunity to create expansion space for staff, a dedicated work/study lounge and children's areas.	Design and construction costs. Additional resourcing to be forecast in Workforce Plan	5 years +
Make greater use of surrounding outdoor space around both libraries	Current capital budget	Short term
Investigate options for future library services in Vasse, Yalyalup and Ambergate North	To be identified through planning	10 years +
Develop further and implement Asset Management Plans to ensure library buildings and their furnishings and equipment are well maintained, safe and inviting	To be identified through planning	Short term



#### Goal 4 – Responsive services and the resources to deliver them

<i>Strategies</i>	<i>Potential Long Term Financial Plan Considerations</i>	<i>Timeframe to Implement</i>
Replace outdated and inefficient processes with new LMS	None use existing resources	Short term
Develop and implement a workforce plan to fill skill and resource gaps	None use existing resources to develop plan	Short term
Attract young people to the profession	None use existing resources	Short term
Develop volunteer attraction/retention plan supporting active aging	None use existing resources	Short term
Explore outsourcing to overcome skill gaps for specific service delivery	To be identified through workforce planning	5 years +
Investigate chargeable services and commercial opportunities	Revenue opportunities to be identified	Short term
Continue to automate manual processes as new technologies allow	None use existing resources	Short term
Review IT infrastructure and develop an IT strategy which considers the need to be responsive to technological change, mobile work/ study, a shift to tablets, hand helds, self-serve, the new LMS capabilities and Wi-Fi	To be identified through strategy development	Short term

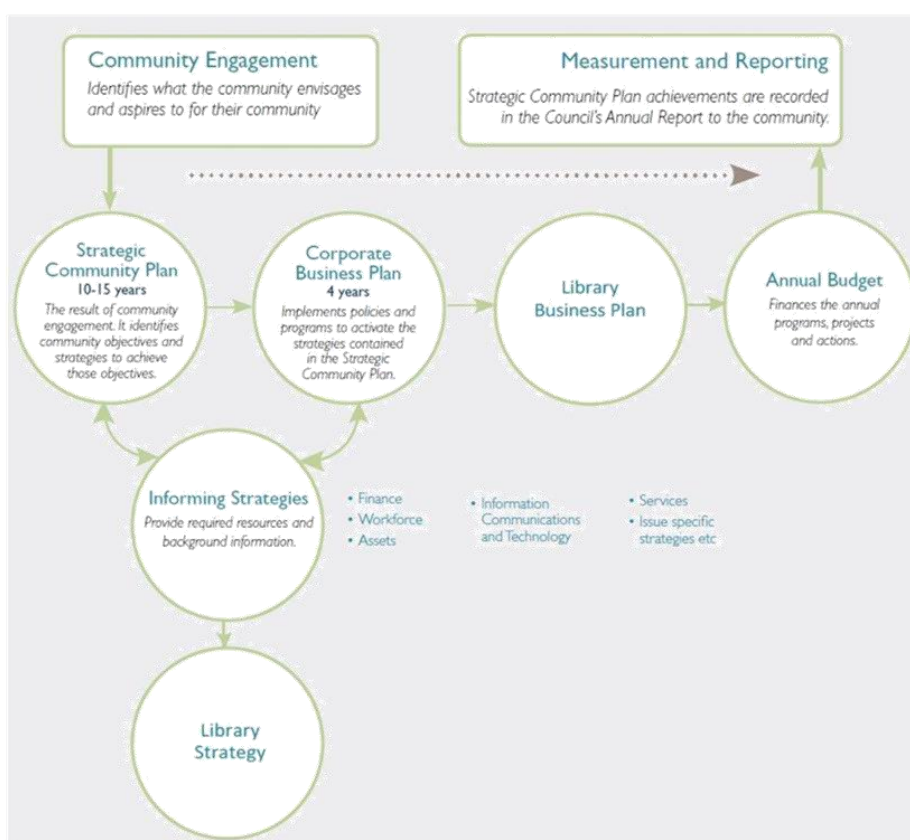


## 8.0 Implementation

The diagram pictured right depicts the Library Strategy in the context of our integrated planning and reporting framework. The library strategy will inform other strategies such as the Long Term Financial Plan, Workforce Plan, Asset Management Plans and IT Strategy. These Strategies inform and are informed by the Strategic Community Plan.

The Strategic Community Plan identifies priorities for the organisation as a whole which are in turn translated into services and projects in the Corporate Business Plan. The Libraries Business Plan provides in more detail the actions, services and resources that determine along with other organisational priorities the annual budget.

Strategic Community Plan achievements are recorded and reported back to the community in the Council's annual report



## **9.0 Measurement**

The implementation of this strategy will be measured by achievement of actions identified in the City's Corporate Business Plan and the following key performance indicators:

1. Growth in number of library visits – physical + virtual
2. Growth in number of library issues – print + eResource
3. Level of customer satisfaction rated in community feedback processes





Document Background

Owner Unit – Community Services  
Originator – Manager Community Services  
Approved by –  
Date Approved –  
Review Frequency –  
Related Documents –  
Background / History –

Date	Information
	Approved, Council Resolution -







**14. FINANCE AND CORPORATE SERVICES REPORT**

Nil



## 15. CHIEF EXECUTIVE OFFICER'S REPORT

### 15.1 COUNCILLORS' INFORMATION BULLETIN

<b>SUBJECT INDEX:</b>	Councillors' Information
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Executive Services
<b>ACTIVITY UNIT:</b>	Governance Systems
<b>REPORTING OFFICER:</b>	Reporting Officers - Various
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	<p>Attachment A Planning Applications received by the City between 1 August, 2017 and 15 August, 2017 <a href="#">↓</a> </p> <p>Attachment B Planning Applications determined by the City between 1 August, 2017 and 15 August, 2017 <a href="#">↓</a> </p> <p>Attachment C Current Status of State Administrative Tribunal Appeals <a href="#">↓</a> </p> <p>Attachment D Local Planning Scheme No. 21 - Amendment 1 <a href="#">↓</a> </p> <p>Attachment E Local Planning Scheme No. 21 - Amendment 22 <a href="#">↓</a> </p> <p>Attachment F CapeROC Minutes - 18 August 2017 <a href="#">↓</a> </p>

### PRÉCIS

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

### INFORMATION BULLETIN

#### 15.1.1 Planning & Development Services Statistics

**Attachment A** is a report detailing all Planning Applications received by the City between 1 August, 2017 and 15 August, 2017. 56 formal applications were received during this period.

**Attachment B** is a report detailing all Planning Applications determined by the City between 1 August, 2017 and 15 August, 2017. A total of 33 applications (including subdivision referrals) were determined by the City during this period with 33 approved / supported and 0 refused / not supported.

#### 15.1.2 State Administrative Tribunal Appeals

**Attachment C** is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 24 August, 2017.

## **Scheme Amendments**

### **15.1.3 Scheme Amendment No.1**

#### **Attachment D**

The Scheme Amendment was published in the Western Australian Government Gazette on the 4 August, 2017.

The purpose of this amendment is to amend the Scheme Text and Scheme Maps as outlined in the amendment.

### **15.1.4 Scheme Amendment No.22**

#### **Attachment E**

The Minister for Planning and Infrastructure has refused to grant final approval to the above Scheme Amendment for the following reasons:

- 1. The proposed increase in residential density proposed by the amendment is ad hoc and not supported by the current strategic planning framework for the locality. In particular, the City's draft Local Planning Strategy identifies the subject land outside the urban consolidation area and where increases in density are considered inconsistent with the urban consolidation criteria outlined in the Strategy;*
- 2. The proposed site specific increase in density pre-empts the Local Planning Strategy's required strategic planning investigation into 'broad scale up-coding' of residential densities.*
- 3. It has not been demonstrated that the proposed increase in density will not impact adversely upon the character and amenity of the Quindalup Special Character Area, or that this site specific recoding will not establish an undesirable precedent for further amendments, resulting in a cumulative impact upon the area.*
- 4. The increase in density and the resultant potential to double the dwelling yield on the site is considered inconsistent and incompatible with protecting the site's vegetation/Western Ringtail Possum habitat.*
- 5. The amendment has not addressed coastal hazard risk management and if any adaptation planning measures would be required to be implemented as specified in State Planning Policy No.2.6 – State Coastal Planning Policy (2003).*

### **15.1.5 CapeROC Minutes 18 August 2017**

**Attachment F** is the CapeROC minutes for the meeting held on 18 August 2017.

## **OFFICER RECOMMENDATION**

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

- [15.1.1 Planning & Development Services Statistics](#)
- [15.1.2 State Administrative Tribunal Appeals](#)
- [15.1.3 Scheme Amendment No.1](#)
- [15.1.4 Scheme Amendment No.22](#)
- [15.1.5 CapeROC Minutes 18 August 2017](#)

Applications Received (Deemed Complete) Report									
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Application Received Date	Date Application Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
<b>Development Applications</b>									
DA17/0577	Ancillary Accommodation and Studio(Special Control Areas)	24 Ella Gladstone Drive~EAGLE BAY WA 6281	Lot 60 DIAGRAM 56803	1/08/2017		120000	Goodwin Bay Pty Ltd	Willcox and Associates Pty Ltd	21
DA17/0582	Single House (Over Height Boundary Wall)	6 Monclair Circuit~DUNSBOROUGH WA 6281	Lot 708 PLAN 48310	2/08/2017	2/08/2017	270000	Suzanne May Vidler	Mark Webster Design	14
DA17/0583	Outbuilding and Water Tank (Landscape Value Area)	Marrinup Drive~YALLINGUP WA 6282	Lot 21 PLAN 20018	7/08/2017	14/08/2017	60000	Timothy James Venn Dixon, Kali Shannon Dixon, Susan Jean Dixon	Sheds Down South	17
DA17/0584	Over Sized Outbuilding (Landscape Value Area)	36 Howson Rise~YALLINGUP WA 6282	Lot 221 PLAN 33315	2/08/2017	4/08/2017	40000	Robert Hugh Poynton	Busselton Sheds Plus	22
DA17/0585	Single House and Ancillary Dwelling (Reduced Setback)	9 Camargo Loop~DUNSBOROUGH WA 6281	Lot 221 PLAN 407786	1/08/2017	2/08/2017	316482	Michael Andre Townsend	Dale Alcock Homes South West Pty Ltd	8
DA17/0587	Single House : Special Character Area - Lot 102 No 1A Gifford Road, Dunsborough	1A Gifford Road~DUNSBOROUGH WA 6281	Lot 102 PLAN 64709	1/08/2017	15/08/2017	1000000	Jacqueline Williams	Craig Steere Architects	16
DA17/0588	Holiday Home (Single Home) 10 People	22 Atherden Court~QUEDJINUP WA 6281	Lot 76 PLAN 21148	2/08/2017	9/08/2017	1	Arnawaz Sohrab John	Arnawaz Sohrab John	22
DA17/0589	Two Sea Containers	13 Neville Street~BUSSELTON WA 6280	Lot 45 PLAN 12594	4/08/2017	21/08/2017	1	K Daff Super Pty Ltd	K Daff Super Pty Ltd	20
DA17/0590	Holiday Home (Grouped Dwelling) 6 People	14 Chester Way~DUNSBOROUGH WA 6281	Lot 1 STPLN 43663	3/08/2017	7/08/2017	1	Jetblue Pty Ltd	Lindsay Carter, Leonie Carter	15
DA17/0591	Holiday Home (Single House) 10 people	18 Beach Road~DUNSBOROUGH WA 6281	Lot 1 SSPLN 50577	3/08/2017	9/08/2017	1	Francesca Antonia Goode & Nicholas John Goode	Francesca Antonia Goode, Nicholas John Goode	15
DA17/0592	Holiday Home (Single House) 10 people	37 Elsegood Avenue~YALLINGUP WA 6282	Lot 32 PLAN 8037	7/08/2017	11/08/2017	1	Antonia Mary Wise	Antonia Mary Wise	12

DA17/0593	Lean-To Addition to Existing Outbuilding and Two Carports (Special Character Area)	7B Gibney Street~DUNSBOROUGH WA 6281	Lot 2 STPLN 20051	8/08/2017	8/08/2017	8000	Phillip John Rundin & Diane Rundin	Phillip John Rundin, Diane Rundin	2
DA17/0594	Single House (Landscape Value Area) : Change of Use from Outbuilding - Lot 203 No 37 O'Byrne Road, Quindalup	37 O'Byrne Road~QUINDALUP WA 6281	Lot 203 PLAN 406421	8/08/2017		12000	Phillip Ronald Wilkinson & Tina Gayle Wilkinson	Phillip Ronald Wilkinson, Tina Gayle Wilkinson	0
DA17/0595	Single House Renovation with reduced setbacks (Special Character Area)	8 Geographe Close~QUINDALUP WA 6281	Lot 5 PLAN 12649	8/08/2017		450000	Andrew Robert Sime & Nikki Sime	Andrew Robert Sime, Nikki Sime	14
DA17/0596	Residential Enterprise (Change of Use)	10 Woodynook Court~DUNSBOROUGH WA 6281	Lot 208 PLAN 19120	8/08/2017	14/08/2017	1000	David Maxwell Hopkins	David Maxwell Hopkins	9
DA17/0597	Single House, Ancillary Accommodation & Building Envelope (Landscape Value Area)	63 O'Byrne Road~QUINDALUP WA 6281	Lot 205 PLAN 406421	9/08/2017	9/08/2017	650000	Brendan John Wood & Lisa Jane Pickering	Brendan John Wood, Lisa Jane Pickering	0
DA17/0598	Single House - timber framed addition (Yallingup Special Character Area)	46 Hammond Road~YALLINGUP WA 6282	Lot 27 PLAN 8037	10/08/2017		20000	Jeremy Geoffrey Ellis Warren & Elizabeth Anne Warren	Mark Graham	12
DA17/0599	Holiday Home (Single House) 10 people	498 Geographe Bay Road~ABBEY WA 6280	Lot 109 DIAGRAM 49323	10/08/2017	16/08/2017	0	Craig Thomas Briggs	Craig Thomas Briggs	10
DA17/0600	DA15/0559 : Application for extension of planning consent : Rural Workers Dwelling - Lot 733 Hse 203 Wilyabrup Road, Wilyabrup	203 Wilyabrup Road~WILYABRUP WA 6280	Lot 733 PLAN 131940	10/08/2017		1	Jessica Michele Cullen	Jessica Michele Cullen	0
DA17/0601	Single Dwelling (Landscape Value Area)	14 Calamari Street~KEALY WA 6280	Lot 1220 PLAN 407112	11/08/2017	11/08/2017	0	Douglas Smith & Deborah Kathleen Smith	Deborah Kathleen Smith, Douglas Smith	1
DA17/0602	Activity Room Addition	110 Caves Road~SIESTA PARK WA 6280	Lot 5303 PLAN 220583	7/08/2017		385000	Masonic Care WA	Masonic Care WA	17
DA17/0603	Single Dwelling (Landscape Value Area)	5 Calamari Street~KEALY WA 6280	Lot 1305 PLAN 407112	11/08/2017	11/08/2017	0	Ian Basil Fitzgerald & Jan Lorraine Fitzgerald	Ian Basil Fitzgerald, Jan Lorraine Fitzgerald	1

DA17/0604	Outbuilding (Reduced Setback)	2 Grevillea Cove~DUNSBOROUGH WA 6281	Lot 170 DIAGRAM 85887	9/08/2017	11/08/2017	8500	Lee Pettengell & Shannon Christie Pettengell	Lee Pettengell, Shannon Christie Pettengell	9
DA17/0605	Building Envelope Modification, Outbuilding & Water Tank (Landscape Value Area)	125 Quedjinup Drive~QUEDJINUP WA 6281	Lot 5 PLAN 21470	11/08/2017	16/08/2017	40000	Michael Llewellyn Parry & Suzanne Margaret Millichamp	Busselton Sheds Plus	1
DA17/0606	Industry- Primary Production (Workshop)	10 Commerce Road~VASSE WA 6280	Lot 5 PLAN 52479	11/08/2017	16/08/2017	270000	Nathan Day Holdings Pty Ltd	Busselton Sheds Plus	8
DA17/0607	Single House (Professional Consulting Rooms): Extension	198 Bussell Highway~WEST BUSSELTON WA 6280	Lot 111 PLAN 8731	14/08/2017	17/08/2017	200000	Red Okra Pty Ltd	Big Ben Builders Pty Ltd	7
DA17/0608	Sea Container - Lot 18 No 37 Frederick Street, Busselton	37 Frederick Street~BUSSELTON WA 6280	Lot 18 PLAN 10018	14/08/2017		3000	Estelle Edgell Rynvis	Yahava Kwik Koffee Busselton	6
DA17/0610	Store Room Addition (Landscape Value Area) - Lot 48 No 32 Fern Road, Eagle Bay	32 Fern Road~EAGLE BAY WA 6281	Lot 48 PLAN 12895	14/08/2017	17/08/2017	13000	City of Busselton	Eagle Bay Community Hall Assc Inc	1
DA17/0611	Fixed Jetty (Port Geographe Development Area) - Lot 480 No 6 Twine Court, Geographe	6 Twine Court~GEOGRAPHE WA 6280	Lot 480 PLAN 22273	14/08/2017		25000	Arna-Lee Jensen & Djordje Zlatkovic	West Coast Jetties	7
DA17/0612	Storage Shed (Reduced setbacks) - Lot 75 No 23 Jolliffe Street, West Busselton	23 Jolliffe Street~WEST BUSSELTON WA 6280	Lot 75 PLAN 10211	14/08/2017	17/08/2017	11000	Leslie Catherine Healy & Trenton William Healy	Busselton Sheds Plus	7
DA17/0613	Carport (Reduced Front Setback) - Lot 1 No 7A Edwards Street, Busselton	7A Edwards Street~BUSSELTON WA 6280	Lot 1 STPLN 65708	15/08/2017		7800	Neville Clive Vellacott	Cape Shades	6
DA17/0614	Flat patio (reduced setback) - Lot 63 No 4 Dunsborough Lakes Drive, Dunsborough	4 Dunsborough Lakes Drive~DUNSBOROUGH WA 6281	Lot 63 PLAN 50441	15/08/2017	16/08/2017	11700	Michelle Yvette Philpott & Bruce William Philpott	Cape Shades	6
DA17/0615	Bulk earthworks : Relocation of surcharge stockpiles - Lot 9507 Layman Road, Geographe	Layman Road~GEOGRAPHE WA 6280	Lot 9507 PLAN 59251	15/08/2017		315625	Aigle Geographe Pty Ltd	Tabec Pty Ltd	2

DA17/0618	Single House (special character area) - Lot 335 Carnarvon Castle Drive, Eagle Bay	Carnarvon Castle Drive~EAGLE BAY WA 6281	Lot 335 PLAN 55023	15/08/2017		600000	Roderick Charles Ehlers & Rebecca Marie Makeham-Bateson	Roderick Charles Ehlers, Rebecca Marie Makeham-Bateson	4
DA17/0621	Caravan Park (Outbuilding & Camp Kitchen / Amenities)	23 Yallingup Beach Road~YALLINGUP WA 6282	Lot 5037 PLAN 192410	15/08/2017		75000	State of WA	Busseton Sheds Plus	4
DACP17/0054	Unauthorised Development - Over height Fill - Lot 12 (HSE22) Chapman Street Dunsborough	22 Chapman Street~DUNSBOROUGH WA 6281	Lot 12 PLAN 51789	3/08/2017		0	Geoffrey David Allison & Naomi Witham		13
DACP17/0055	Unauthorised Development - Lot 41 (HSE 1701) Wildwood Road Yallingup	1701 Wildwood Road~YALLINGUP WA 6282	Lot 41 PLAN 44272	3/08/2017		0	AGL Property Investments Pty Ltd		13
DACP17/0056	Unauthorised Development - Unauthorised Building works - Lot 1 (8a) GIBNEY STREET, DUNSBOROUGH	8A Gibney Street~DUNSBOROUGH WA 6281	Lot 1 STPLN 18112	7/08/2017		0	Stephen Keith Twartz		11
DACP17/0057	Unauthorised Development - Natural water course issues - Lot 101 (HSE255) Hayes Road, Yallingup Siding	255 Hayes Road~YALLINGUP SIDING WA 6282	Lot 101 DIAGRAM 97480	7/08/2017		0	Methuen Nominees Pty Ltd		0
DACP17/0058	Unauthorised Development (Holiday Home) - Lot 13 (No. 80) Jones Road, Quedjinup	80 Jones Road~QUEDJINUP WA 6281	Lot 13 PLAN 20129	8/08/2017		0	Ananda Kathiravelu		10
DACP17/0059	Unauthorised Development (Holiday Home) - Lot 1 (No. 8) Smith Street, Dunsborough	8 Smith Street~DUNSBOROUGH WA 6281	Lot 1 SSPLN 66032	9/08/2017		0	Wade George Taseff & Rebecca Louise Taseff		9
DACP17/0060	Unauthorised Development (Holiday Home) - Lot 1 (No. 14) Chester Way, Dunsborough	14 Chester Way~DUNSBOROUGH WA 6281	Lot 1 STPLN 43663	9/08/2017		0	Jetblue Pty Ltd		9



DACP17/0061	Unauthorised Development (Holiday Home) - Lot 167 (No. 5) Grevillea Cove, Dunsborough	5 Grevillea Cove~DUNSBOROUGH WA 6281	Lot 167 DIAGRAM 85887	9/08/2017		0	Cullen John Long, Erin Jade Long, Judith Mary Whitehurst, Luke Andrew Whitehurst		9
DACP17/0062	Unauthorised Development (Holiday Home) - Lot 86 (No. 30) Chester Way, Dunsborough	30 Chester Way~DUNSBOROUGH WA 6281	Lot 86 PLAN 14244	9/08/2017		0	Donna McColl & Cameron Andrew McColl		9
DACP17/0063	Unauthorised Development (Holiday Home) - Lot 196 (No. 62) Geographe Bay Road, Dunsborough	62 Geographe Bay Road~DUNSBOROUGH WA 6281	Lot 196 PLAN 8543	9/08/2017		0	Scott Anthony Dorey & Corina Eve-Marie Dorey		9
DACP17/0064	Unauthorised Development (Holiday Home) - Lot 2 (No. 30A) Beach Road, Dunsborough	30A Beach Road~DUNSBOROUGH WA 6281	Lot 2 SSPLN 70775	9/08/2017		0	Sai Yan Fong		9
DACP17/0065	Unauthorised Development (Holiday Home) - Lot 181 (No. 55) Peppermint Drive, Dunsborough	55 Peppermint Drive~DUNSBOROUGH WA 6281	Lot 181 PLAN 8543	9/08/2017		0	Gregory Edwin Harrison		9
DACP17/0066	Unauthorised Development (Holiday Home) - Lot 152 (No. 7) Swallow Cove, Dunsborough	7 Swallow Cove~DUNSBOROUGH WA 6281	Lot 152 PLAN 16745	9/08/2017		0	Wayne Marc Roachat & Robyn Patricia Roachat		9
DACP17/0067	Unauthorised Development (Holiday Home) - Lot 33 (No. 162) Geographe Bay Road, Quindalup	162 Geographe Bay Road~QUINDALUP WA 6281	Lot 33 DIAGRAM 47792	9/08/2017		0	Marie Louise Zoller & Simon Lorenzo Zoller		9
DACP17/0068	Unauthorised Development (Holiday Home) - Lot 172 (No. 1) Thornbill Court, Dunsborough	1 Thornbill Court~DUNSBOROUGH WA 6281	Lot 172 DIAGRAM 85887	9/08/2017		0	Mark David Sampson		9
DACP17/0069	Unauthorised Development (Holiday Home) - Lot 154 (No. 8) Swallow Cove, Dunsborough	8 Swallow Cove~DUNSBOROUGH WA 6281	Lot 154 PLAN 16745	9/08/2017		0	Malcolm Henry George Shepherd & Jennifer Megan Songhurst Shepherd		9

DACP17/0070	Unauthorised Development (Holiday Home) - Lot 1 (No. 1B) Wilson Avenue, Quindalup	1B Wilson Avenue~QUINDALUP WA 6281	Lot 1 STPLN 20385	9/08/2017		0	John James Taylor & Pamela Anne Taylor		9
DACP17/0071	Unauthorised Development (Holiday Home) - Lot 15 (No. 392) Geographe Bay Road, Quindalup	392 Geographe Bay Road~QUINDALUP WA 6281	Lot 15 PLAN 9047	9/08/2017		0	Chivelle Investments Pty Ltd		9
DACP17/0072	Unauthorised Development (Holiday Home) - Lot 204 (No. 11) Lomond Court, Quindalup	11 Lomond Court~QUINDALUP WA 6281	Lot 204 PLAN 68461	9/08/2017		0	Timothy Tan		9
WAPC17/0027	Amalgamation of Lots 35 & 36 Caves Road, Siesta Park	436 Caves Road~SIESTA PARK WA 6280	Lot 35 DIAGRAM 23925	1/08/2017	1/08/2017	0	Catherine Rachel Watson	Survcon Surveying Services	23
WAPC17/0029	Form 24 : Strata Plan 59673 : 4 Strata Lots - Lots 1 & 2, No 34 Faure Lane, Dunsborough	1/34 Faure Lane~DUNSBOROUGH WA 6281	Lot 1 STPLN 59673	3/08/2017		0	Kenneth Michael Hooper & Joan Patricia Hooper	Thompson Surveying Consultants	21

Applications Determined Report										
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Applic Determined Date	Application Determined Result	Decision	Clock Days	Estimated Cost	Primary Property Owners	Applicant Name
Development Applications										
DA17/0120	Use Not Listed (Telecommunications Facility)	231 Quindalup Siding Road~QUINDALUP WA 6281	Lot No:102 & 101	14/08/2017	Approved	Approved	124	250000	K D Power & Co	Optus Mobile Pty Ltd (C/- Daly International)
DA17/0192	Extractive Industry (Removal of Stockpiles)	995 Gale Road~KALOORUP WA 6280	Lot 2653 PLAN 203049	4/08/2017	Approved	Approved	131	15000	Naszko Trading Pty Ltd	Leeuwin Civil Pty Ltd
DA17/0302	4 Storey Hotel Development	555 Bussell Highway~BROADWAY WA 6280	Lot 110 PLAN 28883	14/08/2017	Approved	Approved	91	15500000	Whitemark Pty Ltd	D'Agostino and Luff Architects Pty Ltd
DA17/0311	Use Not Listed (Caravan and Horse Float Storage Facility)	115 Yalyalup Road~ABBA RIVER WA 6280	Lot 843 PLAN 134692	1/08/2017	Approved	Approved	47	135000	Peter Harvey Macleay & Anna Maree Macleay	Peter Harvey Macleay, Anna Maree Macleay
DA17/0336	Grouped Dwelling (Two New Grouped Dwellings)	146 Duke Street~BUSSELTON WA 6280	Lot 7 DIAGRAM 16368	3/08/2017	Approved	Approved	29	500000	Jedi Master Pty Ltd	Dale Alcock Homes South West Pty Ltd
DA17/0339	Single House (Special Control Areas - reduced front and rear setback & reflective building materials in Landscape Value Area)	26 Eagle Bay-Meelup Road~EAGLE BAY WA 6281	Lot 42 DIAGRAM 40953	7/08/2017	Approved	Approved	6	250000	Gary Wayne Watkins & Debra Doreen Watkins	Build N Develop
DA17/0362	Signage (New Land Estate Signage)	Busselton Bypass~VASSE WA 6280	Lot 2 DIAGRAM 25825	11/08/2017	Approved	Approved	40	4000	QUBE Property Group Pty Ltd	QUBE Property Group Pty Ltd
DA17/0407	Outbuilding (Reduced Rear Setback)	48 Everlasting Crescent~AMBERGATE WA 6280	Lot 53 PLAN 69016	7/08/2017	Approved	Approved	9	30000	Terence Andrew Doe	Sheds Down South
DA17/0412	Holiday Home (Single House) 12 People	61 Lanyard Boulevard~GEOGRAPH HE WA 6280	Lot 495 PLAN 22274	14/08/2017	Approved	Approved	42	0	Maureen Deale	Maureen Deale
DA17/0445	Single House (Reduced Setback)	69A Norfolk Street~DUNSBOROUGH WA 6281	Lot 2 SSPLN 75036	14/08/2017	Approved	Approved	54	315000	Patricia June Battye & David Battye	33 South Building Group Pty Ltd

DA17/0460	Single House (Vehicle Access)	1 Hennessey Loop~DUNSBOROUGH WA 6281	Lot 23 PLAN 50804	7/08/2017	Approved	Approved	12	345797	Inverloddan Pty Ltd	Dale Alcock Homes South West Pty Ltd
DA17/0461	Extension to Single House (Port Geographe Development Area)	10 Casuarina Drive~GEOGRAPHE WA 6280	Lot 91 PLAN 20376	14/08/2017	Approved	Approved	49	120000	Stephen Michael Clapp & Anne Patricia Giele	Stephen Michael Clapp, Anne Patricia Giele
DA17/0480	Workshop & Boat Sales Yard	10 Faure Lane~DUNSBOROUGH WA 6281	Lot 919 PLAN 45007	8/08/2017	Approved	Approved	36	450000	Ashzone Pty Ltd & Petlin Nominees Pty Ltd	TR MacKinnon & Company
DA17/0481	Single House (Vehicular Access)	52 Heritage Drive~VASSE WA 6280	Lot 832 PLAN 52481	11/08/2017	Approved	Approved	11	186115	Luigi Cocco	Dale Alcock Homes South West Pty Ltd
DA17/0482	Grouped Dwelling (over-height boundary wall)	2/13 King Street~WEST BUSSELTON WA 6280	Lot 2 SSPLN 68630	3/08/2017	Approved	Approved	3	270000	Daniele Scafetta & Daniela Rosaria Scafetta	Viva Developments
DA17/0483	Modified Building Envelope (over-height and oversized outbuilding within a Landscape Value Area)	2 Hayley Close~YALLINGUP WA 6282	Lot 26 PLAN 24326	8/08/2017	Approved	Approved	38	50000	Christopher Wallis Hockey & Julie-Ann Hockey	Busselton Sheds Plus
DA17/0489	Tourist Accommodation	12/700 Caves Road~MARYBROOK WA 6280	Lot 12 SSPLN 46392	3/08/2017	Approved	Approved	28	350682	Marybrook Investments Pty Ltd	Plunkett Homes (1903) Pty Ltd
DA17/0497	Animal Establishment (Clearing and Extension of Dressage Arena)	Queen Elizabeth Avenue~AMBERGATE WA 6280	Lot 4133 PLAN 91569	2/08/2017	Approved	Approved	16	1	State of WA	Busselton Horse and Pony Club Inc
DA17/0502	Outbuilding (over-height with reduced setbacks)	164 Norwood Pass~VASSE WA 6280	Lot 21 PLAN 76953	2/08/2017	Approved	Approved	23	36000	Robert John Allart & Barbara Allart	Busselton Sheds Plus
DA17/0511	Amended Building Envelope and Outbuilding (Landscape Value Area)	35 Blue Orchid Court~YALLINGUP WA 6282	Lot 4 PLAN 24327	3/08/2017	Approved	Approved	21	35000	Paula Helen Morgan & Phillip Ian Morgan	Busselton Sheds Plus
DA17/0515	Single House (Reduced Setback and Vehicular Access)	84 Switchback Parade~WEST BUSSELTON WA 6280	Lot 843 PLAN 408159	8/08/2017	Approved	Approved	12	252480	Phillip Charles Quartermaine & Jill Lorraine Quartermaine	Dale Alcock Homes South West Pty Ltd
DA17/0521	Outbuilding (over-height with reduced side setback)	71 Switchback Parade~WEST BUSSELTON WA 6280	Lot 893 PLAN 407130	4/08/2017	Approved	Approved	12	14000	Malcolm Don Hamish Farmer & Nadia Caterina Simonetta Farmer	Malcolm Don Hamish Farmer, Nadia Caterina Simonetta Farmer

DA17/0524	Holiday Home (Single House) 12 People	412 Geographe Bay Road~QUINDALUP WA 6281	Lot 23 PLAN 9047	7/08/2017	Approved	Approved	14	1	Barry John O'Toole & Kristina Lilian Mary O'Toole	Barry John O'Toole, Kristina Lilian Mary O'Toole
DA17/0525	Over-height Outbuilding	2 Walpole Loop~YALYALUP WA 6280	Lot 181 PLAN 69925	10/08/2017	Approved	Approved	28	12241.22	Raymond Arthur Costello & Cherie Louise Costello	Raymond Arthur Costello, Cherie Louise Costello
DA17/0528	Modified Building Envelope to Accommodate an Water Tank (Landscape Value Area)	75 Seascapes Rise~YALLINGUP WA 6282	Lot 213 PLAN 75059	7/08/2017	Approved	Approved	18	11000	Lester James McGown & Linda Jean McGown	Lester James McGown, Linda Jean McGown
DA17/0535	Holiday Home (Single House) 8 People	25 Turner Street~DUNSBOROUGH WA 6281	Lot 84 PLAN 206061	8/08/2017	Approved	Approved	19	0	Peter Alan Wright & Rosa Pellegrina Wright	Peter Alan Wright, Rosa Pellegrina Wright
DA17/0537	Tourist Accommodation	14/700 Caves Road~MARYBROOK WA 6280	Lot 14 SSPLN 46392	3/08/2017	Approved	Approved	14	229084	John Harold Sisley & Sally Angela Sisley	Plunkett Homes (1903) Pty Ltd
DA17/0543	Masonry Fence (Port Geographe Development Area)	64 Lanyard Boulevard~GEOGRAPHE WA 6280	Lot 91 PLAN 59251	4/08/2017	Approved	Approved	14	30000	Lisa Anne Stott & Bradley Alexander Stott	Bradley Alexander Stott, Lisa Anne Stott
DA17/0544	Holiday Home (Single House) 6 People	5 Geographe Close~QUINDALUP WA 6281	Lot 11 PLAN 12649	10/08/2017	Approved	Approved	14	1	Julie Kathleen Waddingham & Stephen Richard Waddingham	Julie Kathleen Waddingham, Stephen Richard Waddingham
DA17/0549	Grouped Dwelling - 1/264 Bussell Highway West Busselton	1/264 Bussell Highway~WEST BUSSELTON WA 6280	Lot 1 SSPLN 58494	4/08/2017	Approved	Approved	9	154171	G & T Investments WA Pty Ltd	BGC Residential Pty Ltd
DA17/0550	Single Dwelling (Landscape Value Area)	932 Cape Naturaliste Road~NATURALISTE WA 6281	Lot 64 PLAN 400662	7/08/2017	Approved	Approved	15	285305	Michael Sydney Simm	WA Country Builders Pty Ltd - Busselton
DA17/0559	Ancillary Accommodation (reduced side setback)	35 William Drive~BROADWATER WA 6280	Lot 93 PLAN 11867	10/08/2017	Approved	Approved	16	113406	Graham Evan Loud & Lorrae Olive Loud	Tangent Nominees Pty Ltd
DA17/0560	Holiday Home (single house) 8 people	148 Marine Terrace~BUSSELTON WA 6280	Lot 286 PLAN 222229	8/08/2017	Approved	Approved	11	1	Barry John Edwardson	Barry John Edwardson
DA17/0563	Single Dwelling (Vehicle Access)	41 Gribble Circuit~KEALY WA 6280	Lot 1215 PLAN 407112	14/08/2017	Approved	Approved	17	230957	Dwaine Matthew Furniss & Diana Toseska	BGC Residential Pty Ltd

[illegible]



(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 August 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
<b>CITY OF BUSSELTON APPEALS</b>							
<b>24DB Pty Ltd v City of Busselton</b>	24 Dunn Bay Road, Dunsborough	March, 2017	Market	Paul Needham	<ul style="list-style-type: none"> <li>• Notice of Directions Hearing on 17 March, 2017 against City of Busselton decision to refuse application.</li> <li>• Mediation on 22 March 2017 where it was resolved that by 28 April 2017 the applicant must provide additional and amended information. The City is invited to reconsider its decision at its meeting on 14 June 2017;</li> <li>• Directions hearing on 23 June 2017 was vacated and adjourned to a further directions hearing on 18 August 2017.</li> <li>• Directions hearing on 18 August 2017 was vacated and adjourned to a further directions hearing on 20 October 2017.</li> </ul>	Directions hearing 20 October, 2017 pending reconsideration.	
<b>Lissa Wypynaszko &amp; Andrew Blee vs City of Busselton</b>	Lot 2653 No 995 Gale Road, Kaloorup	April, 2017	Review of a decision to give a direction under s214		<ul style="list-style-type: none"> <li>• Directions hearing listed at 2pm on 28 April, 2017 was vacated.</li> <li>• Further directions hearing scheduled to be held on the 21 July, 2017.</li> <li>• Directions' hearing on 21 July 2017 was vacated, further directions hearing to be held on 1 September 2017.</li> <li>• Directions' hearing on 1 September 2017 is vacated, further directions hearing to be held on 29 September 2017.</li> </ul>	Directions hearing on 29 September, 2017.	
<b>JOINT DEVELOPMENT ASSESSMENT PANEL APPEALS</b>							
<b>DCSC vs Southern JDAP</b>	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"> <li>• Parties circulated documents categorising the land use within 14 days.</li> <li>• Land use has been determined by SAT to be a convenience store;</li> <li>• Mediation took place on 5 October 2016, where JDAP requested amended plans to be submitted for a</li> </ul>	• No further action.	

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
					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. • Decision published 24 August 2017, appeal upheld.		
<b>WESTERN AUSTRALIAN PLANNING COMMISSION APPEALS</b>							
<b>Rapsey v Western Australian Planning Commission</b>	Lot 7 Caves Road, Quedjinup		Appeal against conditions of subdivision	State Solicitors Office / Justin Biggar	• Notice of Directions Hearing on 31 March, 2017 against conditions of a subdivision. • Mediation hearing 20 April 2017. • Directions hearing on 2 June 2017 where it was decided to vacate the appeal for 6 months to provide both parties time to carry out investigations.	Direction hearing to be set.	

LOCAL PLANNING SCHEME NO. 21

**Scheme Amendment No. 1**

The above scheme was published in the Western Australian Government Gazette on 4<sup>th</sup> August 2017

The purpose of this amendment is to amend the Scheme Text and Scheme Maps as outlined in Amendment.

LOCAL PLANNING SCHEME NO. 21

**AMENDMENT NO. 22**

The Minister for Planning and Infrastructure has refused to grant final approval to the above Scheme Amendment for the following reasons:

1. *The proposed increase in residential density proposed by the amendment is ad hoc and not supported by the current strategic planning framework for the locality. In particular, the City's draft Local Planning Strategy identifies the subject land outside the urban consolidation area and where increases in density are considered inconsistent with the urban consolidation criteria outlined in the Strategy;*
2. *The proposed site specific increase in density pre-empts the Local Planning Strategy's required strategic planning investigation into 'broad scale up-coding' of residential densities.*
3. *It has not been demonstrated that the proposed increase in density will not impact adversely upon the character and amenity of the Quindalup Special Character Area, or that this site specific recoding will not establish an undesirable precedent for further amendments, resulting in a cumulative impact upon the area.*
4. *The increase in density and the resultant potential to double the dwelling yield on the site is considered inconsistent and incompatible with protecting the site's vegetation/Western Ringtail Possum habitat.*
5. *The amendment has not addressed coastal hazard risk management and if any adaptation planning measures would be required to be implemented as specified in State Planning Policy No.2.6 – State Coastal Planning Policy (2003).*

A copy of the WA Planning Commission's advice is attached for your information.

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ALL INFORMATION AVAILABLE IN  
VARIOUS FORMATS ON REQUEST  
[city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

Please note: These minutes  
are yet to be confirmed as a  
true record of proceedings

**CITY OF BUSSELTON**

**MINUTES FOR THE CAPEROC MEETING HELD ON 18 AUGUST 2017**

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## MINUTES

MINUTES OF A MEETING OF THE CAPEROC HELD IN COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 18 AUGUST 2017 AT 9:00AM.

The Presiding Member opened the meeting at 9.00am

### 1. ATTENDANCE AND APOLOGIES

Members:	Cr Grant Henley	Mayor, Busselton
	Cr Terry Best	Busselton
	Cr John McCallum	Busselton
	Cr Felicity Haynes	Augusta-Margaret River
	Cr Mike Smart	Augusta-Margaret River
	Mr Mike Archer	Chief Executive Officer, Busselton
	Ms Annie Riordan	A/Chief Executive Officer, Augusta Margaret River
Officers:	Mr Jon Berry	Economic and Business Development Coordinator, Busselton
	Ms Tracey King	Strategic Projects Officer, Busselton
	Mrs Lisa Haste	Executive Assistant to Council, Busselton
Observers:	Tony Brown	Executive Manager Governance & Organisational Services, WALGA
	Anne Banks McAllister	Regional Capacity Building Manager, WALGA
Apologies:	Cr Ian Earl	Shire President, Augusta Margaret River
	Mr Gary Evershed	Chief Executive Officer, Augusta-Margaret River
	Cr Kylie Kennaugh	A/ Shire President, Augusta-Margaret River



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**2. CONFIRMATION OF MINUTES**

**2.1 Minutes of the CapeROC meeting held 17 February 2017**

That the minutes of the CapeROC meeting held on 17 February 2017 be confirmed as a true and correct record.

**MINUTES CONFIRMED  
CARRIED 7/0**

**3. PRESENTATIONS**

David Eaton, Commissioner of the Small Business Development Commission, gave a presentation to CAPEROC on the Commission and how they assist small businesses. The presentation also covered issues such as dispute resolution, unfair contracts, business loans, payment terms & loans and the "Small Business Friendly" Initiative.

Amanda Whiteland and Cath Oates gave a presentation to CAPEROC on the Margaret River Wine Association. A brief update on the Association in general, such as the new branding logo, the Margaret River Wine Show and the APC Member fees. Amanda also provided an update on the 50<sup>th</sup> anniversary. MRWA also talked about signage and the Public Art Trail as these were items on the agenda.

Tony Brown, Executive Manager Governance and Organisational Services at WALGA gave a joint presentation with Anne Banks McCallister the Regional Capacity Building Manager at WALGA. Tony gave CAPEROC a presentation on the Local Government Act 1995 Review.

Two Phase approach:

Phase 1 – Modernising Local Government (Regional subsidiaries, reducing red tape)

Phase 2 – Services for the Community (Increasing Participation in Local Government elections, Strengthening public confidence in LG elections, increasing community participation, enabling LG enterprises and improving financial management)

The Minister has formed an Act Review Reference Group with the Department discussion paper being released in November 2017.

**4. BUSINESS ARISING FROM PREVIOUS MEETINGS**

Nil

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## 5. REPORTS

### 5.1 MARGARET RIVER WINE ASSOCIATION (ENTRY STATEMENT / PUBLIC ART TRAIL)/ PROPOSED SIGNAGE AT THE 'GLADSTONES LINE'

**REPORTING OFFICER:** Economic and Business Development Coordinator - Jon Berry, Busselton

**ATTACHMENTS:** Attachment A Proposed curatorial approach to the Margaret River Wine Region Public Art Trail

Attachment B Letter of Support from the South West Development Commission

#### **IN BRIEF**

The Margaret River Wine Association (MRWA) has previously been granted \$30,000 by Caperoc to progress a proposed public art trail, with the major element being an entry statement (public art sculpture, landscaping and interpretation) at the visitor information bay on the Bussell Highway bypass on the approach to Vasse in the City of Busselton.

#### **BACKGROUND**

The MRWA has been leading a stakeholder working group made up of wine industry representatives, South West Development Commission, Member for Vasse, Margaret River Busselton Tourism Association and local government staff from the City of Busselton and the Shire of Augusta Margaret River to facilitate the establishment of an inspiring Public Art Entry Statement and regional artwork trail. The Entry Statement was proposed to consist of a large scale public art installation and associated landscaping and interpretation to be located at the approach to the township of Vasse, which is close to the northern entry point to the Gladstones Line, the official boundary of the Margaret River Wine region (technically at Redgum Way in the City of Busselton). Its purpose was to capture the imagination and provide the visitor with a symbolic gateway to the wine region, connecting visitors with relevant geographical information and guiding them along a proposed new captivating public art trail through the region. The project proposed to combine contemporary public art with interpretive signage and digital media.

A concept designed by Artist Greg Banfield of Dunsborough was selected by the stakeholder working group as the winning entry in a design competition. The concept was a 26m high timber and metal structure symbolising a grape vine, along with an oversized seating bench (1.5m high) for visitors to sit and contemplate stories of the history of the wine industry. It also included a 4.4m entry doorway structure welcoming visitors to the wine region, landscaping and boardwalks. It was proposed to be located on Main Roads land within the Busselton Bypass information bay/rest area on the approach to the Bussell Highway turnoff at Vasse.

On 24 November 2016, Caperoc supported a funding contribution of \$30,000 (\$15,000 from each Council) towards design development of the entry statement concept. These funds were to be a contribution towards a potential budget of \$100k. MRWA was granted the CapeROC funds of \$30,000 in January 2017, with \$3,000 expended as prize monies for the winner of the design competition, leaving \$27,000 unexpended.

The total project budget for capital works for both the entry statement and proposed public art trail (not conceptualised at this point) was estimated by MRWA at circa \$1m.

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A special meeting of the stakeholder working group was held on 20 February 2017 in response to industry feedback received by the MRWA in relation to the location of the entry statement. The meeting resolved that the proposed location for the entry statement work was no longer considered suitable, due to significant, recent commercial changes to the surrounding Vasse area. The working group resolved that the project required increased stakeholder and community engagement prior to proceeding any further. The working group also resolved that with the exception of the entry statement element at Vasse, community and stakeholder support for the public art trail remained strong.

#### **CURRENT STATUS**

The MRWA is seeking to retain the balance of the \$30,000 funds allocated by CapeROC in the 2016/17 budget (\$27,000 remains unspent) to contract 'Maker and Co' to lead development of the proposed public art trail. Maker and Co are a south west based social enterprise, with a major focus on the creative industries and Aboriginal enterprise development. Maker and Co will work with the WA Indigenous Tourism Operators Council (WAITOC) to investigate innovative ways to use art and new technology to tell the Margaret River wine story in high impact ways with the Noongar Six Seasons and the corresponding seasons of the viticultural calendar as the central theme (see Attachment 1).

Specifically, MRWA are requesting the \$27k CapeROC funds are used for the following redefined work scope and deliverables:

- A significant community and industry (wine, tourism, arts, innovation) engagement campaign across the City of Busselton and the Shire of Augusta Margaret River;
- Identification of public art and interpretation concepts and potential project partners;
- Development of a detailed business case to support future funding (e.g Building Better Regions (Federal) and State and Federal arts grants; and,
- Development and submission of funding applications and partnership agreements

The proposed timeline for the project is:

Task	Timing
Reconvene the project working group	August-September 2017
Community and industry engagement, concept development	Oct 2017-Dec 2017
Continued stakeholder and industry liaison and development of business case for art trail funding	Jan 18-Feb 18
Secure partners and submit funding applications	March 18-June 18

#### Options for CapeROC consideration:

MRWA is seeking to retain \$27,000 granted by CapeROC in the 2016/17 budget as a contribution towards design development of a public art entry statement concept at Vasse and use the funds for a redefined work scope and deliverables outlined above.

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CapeROC may elect to either:

1. Request the \$27k funds held by MRWA be returned to each local government (\$13,500 each); or
2. Approve MRWA retaining the \$27k funds and apply them to a revised work scope and deliverables for a Capes region public art trail, including an engagement program, public art and interpretation concepts, business case and funding applications (subject to the CEO's of both local governments approving a detailed scope of works, deliverables and milestones); or,
3. Approve MRWA retaining a reduced amount of the \$27k funds granted

The President of the MRWA (Ms Cath Oates) and Executive Officer (Amanda Whiteland) will present the revised scope of the public art trail as part of their presentation to CapeROC.

**Proposed sign at Gladstones Line**

In recognition of the 50<sup>th</sup> anniversary of the regional wine industry and recognising a major entry statement will no longer be pursued, the MRWA is also seeking endorsement for new signage recognising the boundary of the Margaret River Wine region at road entry points crossing Gladstones line. The proposed signs are proposed to include the text:

*GLADSTONES LINE*

*115S 18E*

*Welcome to the Margaret River Wine Region*

The costs of these signs will be the sole responsibility of the MRWA.

**RECOMMENDATION**

That CapeROC:

1. Considers the options in this report and resolves a preferred alternative;
2. Supports 'in-principle' the concept of roadside signage recognising the Margaret River Wine region boundary (*the 'Gladstones Line'*) and supports each individual local government working with the Margaret River Wine Association to identify specific locations within each municipal area with uniform design and specifications for the signage.

**CAPEROC DECISION**

**CAP1708/001** Moved Mayor G Henley, seconded Councillor J McCallum

That the MRWA returns the \$27,000 (50/50) back to each Local Government and the project is assessed by each local government as a separate item in the future on its merits.

**CARRIED 7/0**

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5.2 MRBTA REQUEST FOR EVENT FUNDING: CABIN FEVER WINTER FESTIVAL PROPOSAL

**REPORTING OFFICER:** A/Chief Executive Officer – Annie Riordan, Augusta-Margaret River  
**ATTACHMENTS:** Nil

**IN BRIEF**

The Margaret River Busselton Tourism Association Inc (MRBTA) sought a contribution of \$20k toward a proposed regional food and wine event in the winter months. This proposal was put to the CapeROC meeting of 24 November 2016 and endorsed in principle with the funds to come out of the 2017-2018 CapeROC budget.

**BACKGROUND**

MRBTA held a new annual event titled 'Cabin Fever' which provided an opportunity for visitors and locals to experience the region in the winter, with a focus on showcasing food, wine and beer produced in the region and musicians and artists from the region.

The event was a major initiative of the Your Margaret River Region Wine and Food Promotional Plan supported by the South West Development Commission (SWDC) and the Margaret River Busselton Tourism Association (MRBTA).

Feedback on the event from the MRBTA was as follows:

- The Inaugural Cabin Fever Event ran over 10 days from July 14 to 24, and involved 50 local businesses working in collaboration for 35 events, held at 30 venues. Of these events, 11 were sold out
- The festival was attended by 5,500 people, with an estimated 51% of attendees being overnight visitors. It is estimated that 43% of those who attended and stayed overnights, stayed for 3 nights.
- The festival was incredibly well received by both those who attended, and the businesses involved. When asked to use a scale of 1 to 10 to indicate how likely they would be attend/being involved in the Festival next year, the weighted average was 8.5 for attendees and 9 for businesses. When asked to use a scale of 1 to 10 to indicate how likely they would be recommend the Festival to a friend, the weighted average was 8.5 for attendees and 8.3 for businesses

Given its success, the MTBTA hope that Cabin Fever 2018 will include more events and attract even more attendees, thereby making a positive impact on not only the Margaret River Region's tourism industry, but the region's economy as a whole.

The Margaret River Busselton Tourism Association Inc (MRBTA) sought a contribution of \$20k toward this wine event which was put to the CapeROC meeting of 24 November 2016 and endorsed in principle with the funds to come out of the 2017-2018 CapeROC budget. This report is required for the authorisation of the payment of those funds.

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**COMMENT**

The event aligns with the economic development strategies of the Shire of Augusta Margaret River and the City of Busselton, which both aim to reduce seasonality of tourism visitation.

A budget of around \$85,000 was sought by MRBTA to meet event management, marketing and operational costs. MRBTA and SWDC both committed to seed-fund the event to the value of \$20,000 each, totalling \$40,000. A further \$45,000 was sought by MRBTA including \$20k from CapeROC.

Both the City of Busselton and the Shire of Augusta Margaret River were acknowledged as sponsors of the event.

**RECOMMENDATION**

That CapeROC:

Contributes \$20k from the 2017/18 budget to the Margaret River Busselton Tourism Association Inc, to support the 2017 Cabin Fever event.

**CAPEROC DECISION**

**CAP1708/002** Moved Mayor G Henley, seconded Councillor M Smart

That CapeROC

1. Seeks a financial report from the Organisers of Cabin Fever to quantify the need for funding;
2. Authorises the CEOs to contribute up to \$20,000 from the 2017/18 budget to the Margaret River Busselton Tourism Association Inc., to support the 2017 Cabin Fever event.

**CARRIED 7/0**



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5.3 TOURISM DIRECTIONAL SIGNAGE AND ROADSIDE VISITOR INFORMATION REVIEW

**REPORTING OFFICER:** Economic and Business Development Coordinator - Jon Berry, Busselton  
**ATTACHMENTS:** Attachment A Upgraded Information Bay Signage Using Unified Branding on Bussell Highway (Entry to Busselton) and Caves Road (near Gracetown turn off)

**IN BRIEF**

A Request for Quotation seeking professional services to prepare a report on the current condition and potential costs of a recommended improvement program for regional tourism directional signage and roadside visitor information has been issued.

This item recommends CapeROC consider making a budget allocation in 2017/18 following a verbal report on the responses to the RFQ (closing 15 August 2017).

**BACKGROUND**

Both member Councils of CapeROC have previously resolved to endorse a review of tourism directional signage and roadside visitor information bays with a (generally) unified approach to branding and function.

Stakeholder meetings have been conducted with the City of Busselton, Shire of Augusta Margaret River, Main Roads WA, Margaret River Busselton Tourism Association, South West Development Commission and the Margaret River Wine Industry Association, to confirm 'in-principle' support for upgrading of visitor information bays and specific technical standards for directional signage.

A notional amount of seed funding (\$20,000) has been allocated by CapeROC in previous budgets, with a view to seeking external matching grants to prepare a business case report and recommendations including current condition of signage, potential cost of a recommended improvement program for both directional signage and information bays and concepts for new advance warning signage including an element of unified branding.

Following a previous CapeROC decision supporting Officers to seek grant funding to match the CapeROC allocation of \$20,000, funding applications were prepared to the South West Development Commission Regional Grants Scheme, however were unsuccessful. Consequently the CapeROC funds were not expended.

As an interim measure, two Category 1 information bay signs that were in urgent need of replacement were upgraded using the new unified tourism branding combined with individual local government logos. These were funded by the internal resources of each local government (one at the entry to Busselton and one near the turn-off to Gracetown). These are shown in Attachment 1.

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#### **CURRENT STATUS**

To better define the cost of preparing an audit and condition report with recommendations, the City of Busselton (on behalf of CapeROC) has issued a Request for Quotation (RFQ32/17) to prepare the report. Specific deliverables include:

- Electronic database of existing asset condition information (with geo-co-ordinates) supplied in MS Excel and Esri ArcGIS compatible digital format, including all photographs in digital format linked to the assets
- Written report including any assumptions, methodology used, asset condition reports (including images of signage and surrounding landscape), and recommendations and indicative replacement/upgrade costs based on the recommendations
- Design drawings (including draft graphic content design) for single prototypes of each of the POTENTIAL NEW OR REPLACEMENT signage concepts as previously endorsed by both local governments and illustrated within the RFQ for:
  - Tourism Region gateway signage
  - Advance directional signs
  - Intersectional directional signage
  - Information Bays Cat 1 and Cat 1A
  - Roadside local information points (Cat 2)
  - Finger board Signs on MRWA roads and major intersecting roads

Indicative cost estimates are being sought for design, manufacture and installation of any new signs recommended and supporting infrastructure so the capital and maintenance costs of a future upgrade program is better defined.

The RFQ closes on 15 August 2017 and responses will be communicated at the CapeROC meeting, prior to a potential allocation of funds in the 2017/18 CapeROC budget.

In addition to the above, the City of Busselton has allocated funds in its municipal budget for 2017/18 to upgrade municipal entry signs for the City of Busselton (excluding the large sign approaching Busselton from the North at the Shire of Capel boundary) so they are uniform in appearance and style with the recently upgraded Shire of Augusta Margaret River municipal entry signage.

#### **RECOMMENDATION**

That CapeROC notes a Request for Quotation for the provision of professional services to prepare a report on the current condition and potential costs of a recommended improvement program for regional tourism directional signage and roadside visitor information has been issued, with submissions closing on 15 August 2017.

#### **CAPEROC DECISION**

**CAP1708/003** Moved Mayor G Henley, seconded Councillor J McCallum

1. That CapeROC notes a Request for Quotation for the provision of professional services to prepare a report on the current condition and potential costs of a recommended improvement program for regional tourism directional signage and roadside visitor information;
2. Seek to ascertain if any local providers can undertake the service within the CapeROC budget and delegate authority to the CEO's to approve.

**CARRIED 7/0**

CapeROC

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18 August 2017

#### 5.4 CAPEROC BUDGET

**REPORTING OFFICER:** Strategic Projects Officer - Tracey King, Busselton  
**ATTACHMENTS:** Nil

#### IN BRIEF

Each year, the Shire of Augusta Margaret River and the City of Busselton allocate up to \$50,000 of their respective budgets (up to \$100,000 in total) towards CapeROC approved regional economic development initiatives.

#### BACKGROUND

Table 1 shows the allocations for 2016-2017

Table 1.

2016-2017 Allocations

2016 CapeROC Projects	Approved Allocation \$100,000	Expenditure (AMR)	Expenditure (BSN)	Total Expenditure	Comments
Margaret River Wine Association – 50 <sup>th</sup> Anniversary	\$20,000	\$10,000.	\$10,000	\$20,000	Exc GST
Tourism Directional Signage	\$20,000	0	0	0	Unspent- provided as a request for 2017/18 budget.
Margaret River Region Calendar of Events	\$25,000	\$6,937.50	\$6937.50	\$13,875	Capes Calendar Printing Costs
Margaret River Wine Association - Public Art Trail	\$30,000	\$15,000	\$15,000	\$30,000	
Total Approved Allocations	\$95,000				
Total Expenditure		\$31,937.50	\$31,937.50	<b>\$63,875</b>	

CapeROC is asked to identify projects to be funded from the 2017/18 budget allocation of up to \$100,000.

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18 August 2017

The following projects within Table 2 have been previously identified as supported in principle to be funded from the 2017/18 CapeROC Budget.

**Table 2:**

<b>2017-18 in Principle Allocations</b>				
<b>2017/18 CapeROC Projects</b>	<b>In principal Allocation</b>	<b>Expenditure (AMR)</b>	<b>Expenditure (BSN)</b>	<b>Comments</b>
	<b>\$100,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	
Margaret River Busselton Tourism Association – 2017 Cabin Fever Event	20,000	10,000	10,000	In principle support given in 24.11.16 meeting, subject to approval at this meeting
Joint Trails Strategy	30,000	15,000	15,000	In principle support given as per meeting 17.2.17
Tourism Directional Signage and Roadside Visitor Information Bays	20,000	10,000	10,000	Unspent from 2016/17 budget
Potential Total Expenditure:	70,000	35,000	35,000	
Total Unallocated	30,000	15,000	15,000	

The entire budget does not need to be allocated at this meeting and may be allocated throughout the financial year as worthy projects arise.

**CAPEROC DECISION**

**CAP1708/004** Moved Councillor J McCallum, seconded Councillor T Best

1. That CapeROC receives the information provided in the 2016/17 budget allocation report.
2. The Shire of Augusta-Margaret River and the City of Busselton each allocate \$50,000 of their individual budgets towards a total CapeROC budget of up to \$100,0000 to progress regional economic development initiatives; and

3. CapeROC identifies the following projects and provisional allocations to be included in the 2017/18 CapeROC budget:

2017/18 CapeROC Projects	In principal Allocation	Expenditure (AMR)	Expenditure (BSN)	Comments	2017/18 CapeROC Projects
	\$100,000	\$50,000	\$50,000	\$100,000	
Margaret River Busselton Tourism Association – 2017 Cabin Fever Event	20,000	10,000	10,000		<i>In principle support given in 24.11.16 meeting, subject to approval at this meeting</i>
Tourism Directional Signage and Roadside Visitor Information Bays	30,000	15,000	15,000	0	<i>Unspent from 2016/17 budget</i>
Joint Trails Strategy	30,000	15,000	15,000		<i>In principle support given as per meeting 17.2.17</i>
Potential Total Expenditure:	80,000	40,000	40,000		
Total Unallocated	20,000	10,000	10,000		

CARRIED 7/0

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18 August 2017

5.5 TERMS OF REFERENCE REVIEW

**REPORTING OFFICER:** Strategic Projects Officer - Tracey King, Busselton  
**ATTACHMENTS:** Attachment A CAPEROC Terms of Reference

**IN BRIEF**

CapeROC are asked to review the attached Terms of Reference and provide input into any required updates to best reflect the current objectives of the Committee.

**BACKGROUND**

The current Terms of Reference were last reviewed and updated October 2013. The City of Busselton is currently undertaking a review of all Terms of Reference for committees of Council and requests CapeROC provides input into any required changes to the Terms of Reference for the CapeROC committee.

**COMMENT**

Comments on suggested updates or points for discussion have been marked up on the attached Terms of Reference.

**CAPEROC RECOMMENDATION TO COUNCIL**

**CAP1708/005** Moved Councillor F Haynes, seconded Councillor J McCallum

That CapeROC endorse the following changes to the Terms of Reference:



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18 August 2017

CAPEROCAPES REGION ORGANISATION OF COUNCILS (CAPEROC)

TERMS OF REFERENCE

~~\* Proposed for re-establishment on 14 October, 2015.~~

Terms of Reference

1.0 Introduction

The Councils of the Shire of Augusta-Margaret River and the City of Busselton (the Councils) following a resolution of the respective Councils establish a Voluntary Regional Organisation of Councils (VROC) to be known as the *Capes Region Organisation of Councils (CapeROC)*.

The Councils jointly appoint to CapeROC those positions whose names appear in Section 4.0 below. Membership of CapeROC shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the local government elections are held, after which time the Councils may appoint members for a further term.

The CapeROC shall act for and on behalf of the two Councils in accordance with provisions of the *Local Government Act 1995*, local laws and the policies of the respective Councils and this document.

2.0 Name

The name of the Voluntary Regional Organisation of Councils shall be the Capes Region Organisation of Councils (CapeROC).

3.0 Objectives

CapeROC seeks to enhance the capacity of both local governments to deliver social, economic and environmental benefits to their communities and the region.

The objectives of the CAPEROC are:

- To explore opportunities to foster Economic Development in the Capes Region;
- To explore avenues to foster tourism in the Capes Region and improve the coordination of major regional events;
- To safeguard, strengthen and grow the Margaret River and ~~Geographe~~ Busselton brands;
- To explore opportunities to undertake projects of mutual benefit to the Shire and the City eg Rails to Trails network; joint waste management facilities; joint funding of infrastructure requirements;
- To develop opportunities to undertake capacity building activities for Councillors and staff in the Shire and the City;
- To explore opportunities to develop funding submissions on a regional basis;
- To evaluate possible resource sharing arrangements between the Shire and the City;
- To identify skill shortages and to undertake workforce planning on a regional basis;
- To explore opportunities to simplify and standardise policies in the region where appropriate;
- To consider the feasibility of establishing a Capes Regional Council.

CARRIED

4.0 Membership

The membership of the CapeROC shall be:

1. The President of the Shire of Augusta-Margaret River;
2. The Mayor of the City of Busselton;
3. Two Councillors appointed by the Shire and two Councillors appointed by the City;
4. The CEO of the Shire and the CEO of the City.

Deputy Members may be appointed by each Local Government.

5.0 Presiding Member

The role of Presiding member shall be rotated between the Shire and the City on an annual basis and the administration of the meetings will be conducted by the organisation from which the Presiding Member is appointed. The Deputy Presiding Member shall be appointed by the alternative organisation from the Presiding Member.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in a less formal manner than Council meetings but in accordance with the accepted rules of conduct for the Shire's and City's Council and committee meetings.

The Presiding Member must cast a second vote if the votes of the members present are equally divided.

The *Local Government Act 1995* places responsibility for speaking on behalf of the Councils with the President and Mayor, or the CEOs if the President and Mayor agree. Statements on behalf of the CapeROC shall be by joint communiqué by the President and Mayor.

The members of the CapeROC with the exception of the President and Mayor are to refrain from speaking publicly on behalf of the CapeROC, or to issue any form of written material purporting to speak on behalf of the CapeROC without the prior approval of the President and Mayor.

6.0 Meetings

The CapeROC shall meet on a quarterly basis or as required.

- 6.1 Notice of meetings shall be given to members at least 5 days prior to each meeting.
- 6.2 If any member is absent from 3 consecutive meetings without leave of the CapeROC, they shall forfeit their position on the CapeROC. The respective Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.
- 6.3 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 days after each meeting, provide both Councils with a copy of such minutes.
- 6.4 All members of the Committee shall have one vote. If the votes of the members present are equally divided, the person presiding is to cast a second vote as is required under the Local Government Act.

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CapeROC

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7.0 Quorum

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

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8.0 No Delegated Powers

The CapeROC ~~has no delegated powers and~~ is a facilitation, advocacy and advisory body established to assist both Councils to achieve greater effectiveness and efficiency. ~~CapeROC is funded by the Councils to conduct activities consistent with the Objectives of the Committee shown at Section 3.0 of this Terms of Reference. Other than to consider proposals that are presented to CapeROC which must be consistent with the Objectives of the Committee, the Committee has no delegated powers.~~

~~CapeROC may approve proposals referred to above provided that the cost of all proposals is within the funding limit allocated by the Councils.~~

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9.0 Termination of Committee

Termination of the CapeROC shall be by decision of either Council or jointly to discontinue participation in the Voluntary Regional Organisation of Councils.

10.0 Amendment to the Terms of Reference

This document may be altered at any time by the two Councils jointly passing a motion of their respective Councils on the recommendation of the CapeROC, or independently by joint decision of the two Councils.

11.0 Committee Decisions

~~Other than to approve proposals that are presented to CapeROC which are consistent with the Objectives of the Committee shown at Section 3.0 of this Terms of Reference, CapeROC decisions shall not be binding on the two Councils and need to be ratified by either the Councils.~~

<u>History</u>	
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315
25 November, 2009	C0911/410

CARRIED 7/0

CapeROC

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18 August 2017

5.6 CHANGE OF MEETING DATE: 24 NOVEMBER 2017

**REPORTING OFFICER:** Strategic Projects Officer - Tracey King, Busselton  
**ATTACHMENTS:** Nil

**IN BRIEF**

CapeROC are asked to consider moving the date of the November 2017 meeting as the current date of 24 November 2017 clashes with the South West Zone of WALGA meeting.

As Friday the 17<sup>th</sup> November is the commencement of Gourmet Escape, CapeROC may wish to consider a suitable alternate date sometime in December, however will also need to keep in mind any end of year activities that could impact on either organisation.

**BACKGROUND**

Meetings of CapeROC are held on a quarterly basis, generally held in the months of February, May, August and November, with dates to be decided by the group according to other commitments.

Administration for the group alternates between the Shire of Augusta-Margaret River and the City of Busselton on an annual basis. Change over occurs at the August meeting to allow for ease of transition after the end of the financial year.

At its meeting held 24 November 2016, CapeROC endorsed the following meeting dates:

- Shire of Augusta Margaret River – Friday, 24 February 2017 (including district inspection)
- Shire of Augusta Margaret River – Friday, 12 May 2017
- City of Busselton – Friday 18 August 2017
- City of Busselton – Friday 24 November 2017 (including Busselton district inspection)

**COMMENT**

The November meeting was also to include a Busselton district inspection. If the Committee still wishes for a district tour to be included as part of the next meeting, CapeROC is asked to confirm a preferred change of date so planning activities can occur to arrange this in a timely fashion.

Current events scheduled on or around November / December 2017 that may impact on CapeROC members include:

- Friday 17<sup>th</sup> November – Sunday 19<sup>th</sup> November 2017 – Margaret River Gourmet Escape
- Monday 20<sup>th</sup> November – Thursday 23<sup>rd</sup> November 2017 – Leavers Week
- Saturday 2<sup>nd</sup> December – Sunday 3<sup>rd</sup> December 2017 – Sunsmart Ironman WA and Ironman 70.3 WA

Friday 10 November 2017 may be an option to consider as a suitable date for the next meeting of CapeROC.

**CAPEROC DECISION**

**CAP1708/006** Moved Mayor G Henley, seconded Councillor M Smart

That CapeROC endorse a change of date for the November 2017 meeting to instead be held on Thursday 23 November 2017 at 9.30am.

**CARRIED 7/0**

CapeROC

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18 August 2017

**6. VERBAL UPDATES OF MAJOR PROJECTS AND GENERAL DISCUSSION ITEMS**

Chief Executive Officer from the City of Busselton, Mike Archer updated CapeROC members on the Regional Tip Site and the Busselton – Margaret River Airport funding determination.

A/Chief Executive Officer from the Shire of Augusta-Margaret River, Annie Riordan updated CapeROC members on the Perimeter Road funding and the Margaret River Cultural Centre project.

**7. NEXT MEETING DATE**

Thursday, 23 November 2017 at 9.30am.

**8. CLOSURE**


The meeting closed at 12.30pm

THESE MINUTES CONSISTING OF PAGES 1 TO 19 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON THURSDAY , 23 NOVEMBER 2017.

DATE: \_\_\_\_\_ PRESIDING MEMBER: \_\_\_\_\_

## 15.2 CapeROC- REVIEW OF THE TERMS OF REFERENCE

### **SUBJECT INDEX:**

<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	
<b>REPORTING OFFICER:</b>	Strategic Projects Officer - Tracey King
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A Terms of Reference - CapeROC reviewed 18 August 2017 

### **PRÉCIS**

The Terms of Reference (ToR) for CapeROC last updated 21 October 2013 were reviewed by the CapeROC Committee at its meeting 18 August 2017. The revised ToR are now required to be adopted by the individual Councils of the City of Busselton and the Shire of Augusta-Margaret River.

Council is requested to adopt the attached updated ToR.

### **BACKGROUND**

The City of Busselton is currently undertaking a review of all ToR for Committees of Council. The current CapeROC ToR last reviewed and updated October 2013 were presented to the CapeROC committee at its 18 August 2017 meeting for review. CapeROC have revised and endorsed the ToR to be presented to each individual Council for adoption.

#### ***CAPEROC RECOMMENDATION TO COUNCIL***

***CAP1708/005 Moved Councillor F Haynes, seconded Councillor J McCallum***

***That CapeROC endorse the following changes to the Terms of Reference: (Attachment A)***

### **STATUTORY ENVIRONMENT**

The Capes Regional Organisation of Councils (CapeROC) is a voluntary committee of the City of Busselton and Shire of Augusta-Margaret River, formed to enhance the capacity of both local governments to deliver social, economic and environmental benefits to their communities and the Capes region. CapeROC, as a voluntary organisation of Councils, has no formal statutory authority under the Local Government Act 1995, and as such operates under a *Terms of Reference*, agreed to by each individual Council.

### **RELEVANT PLANS AND POLICIES**

The ToR states:

#### ***10.0 Amendment to the Terms of Reference***

***This document may be altered at any time by the two Councils jointly passing a motion of their respective Councils on the recommendation of the CapeROC, or independently by joint decision of the two Councils.***



## FINANCIAL IMPLICATIONS

Each year, the Shire of Augusta Margaret River and the City of Busselton allocate up to \$50,000 of their respective budgets (up to \$100,000 in total) towards CapeROC approved regional economic development initiatives. The ToR provides the mechanism for projects that meet the stated objectives of the CapeROC Committee to be funded from this budget allocation.

## STRATEGIC COMMUNITY OBJECTIVES

This report refers to the ToR that the CapeROC committee operates, so therefore aligns mostly to the City of Busselton *Key Goal Area 6.1 Governance systems, process and practices are responsible, ethical and transparent.*

The CapeROC committee has been formed to enhance the capacity of both the Shire of Augusta-Margaret River and the City of Busselton to deliver social, economic and environmental benefits to their communities in collaboration, in accordance with the Objectives agreed to within the ToR. These Objectives have broad relevance to several other key goal areas within the Strategic Community Plan including:

- *1.2 A community with access to life-long health and education opportunities;*
- *1.3 A community with access to a range of cultural and art, social and recreational facilities and experiences;*
- *2.1 Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow;*
- *3.2 Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations;*
- *3.1 Development is managed sustainably and our environment valued;*
- *4.1 An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice;*
- *4.2 A community where local business is supported and in turn drives our economy;*
- *4.3 Events and unique tourism experiences that attract visitors and investment;*
- *5.2 Road networks that provide for a growing population and the safe movement of all users through the District.*

## RISK ASSESSMENT

An assessment of the potential risks of implementing the Officers recommendation was undertaken and as a result, no risks were rated as 'medium' or above were identified.

## CONSULTATION

The ToR have been reviewed, updated and endorsed by CapeROC at its meeting 18 August 2017 with input from relevant staff of both local governments.

The Shire of Augusta-Margaret River will also consider adoption of the updated ToR. Both the City of Busselton and Shire of Augusta-Margaret River are requested to advise CapeROC of the outcome of this consideration prior to the next meeting to be held Thursday 23 November 2017.

## OFFICER COMMENT

The CapeROC Committee ToR have recently have been reviewed and the following updates were unanimously endorsed by CapeROC to better reflect current administration and objectives of the Committee.

The following changes have been proposed

### CAPEROCAPES REGION ORGANISATION OF COUNCILS (CAPEROC)

#### TERMS OF REFERENCE

~~\* Proposed for re-establishment on 14 October, 2015.~~

#### Terms of Reference

##### 1.0 Introduction

The Councils of the Shire of Augusta-Margaret River and the City of Busselton (the Councils) following a resolution of the respective Councils establish a Voluntary Regional Organisation of Councils (VROC) to be known as the *Capes Region Organisation of Councils (CapeROC)*.

The Councils jointly appoint to CapeROC those positions whose names appear in Section 4.0 below. Membership of CapeROC shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the local government elections are held, after which time the Councils may appoint members for a further term.

The CapeROC shall act for and on behalf of the two Councils in accordance with provisions of the *Local Government Act 1995*, local laws and the policies of the respective Councils and this document.

##### 2.0 Name

The name of the Voluntary Regional Organisation of Councils shall be the Capes Region Organisation of Councils (CapeROC).

##### 3.0 Objectives

CapeROC seeks to enhance the capacity of both local governments to deliver social, economic and environmental benefits to their communities and the region.

The objectives of the CAPEROC are:

- To explore opportunities to foster Economic Development in the Capes Region;
- To explore avenues to foster tourism in the Capes Region and improve the coordination of major regional events;
- To safeguard, strengthen and grow the Margaret River and Geographe-Busselton brands;
- To explore opportunities to undertake projects of mutual benefit to the Shire and the City eg Rails to Trails network; joint waste management facilities; joint funding of infrastructure requirements;
- To develop opportunities to undertake capacity building activities for Councillors and staff in the Shire and the City;
- To explore opportunities to develop funding submissions on a regional basis;
- To evaluate possible resource sharing arrangements between the Shire and the City;
- To identify skill shortages and to undertake workforce planning on a regional basis;
- To explore opportunities to simplify and standardise policies in the region where appropriate;
- To consider the feasibility of establishing a Capes Regional Council.

#### 4.0 Membership

The membership of the CapeROC shall be:

1. The President of the Shire of Augusta-Margaret River;
2. The Mayor of the City of Busselton;
3. Two Councillors appointed by the Shire and two Councillors appointed by the City;
4. The CEO of the Shire and the CEO of the City.

Deputy Members may be appointed by each Local Government.

#### 5.0 Presiding Member

The role of Presiding member shall be rotated between the Shire and the City on an annual basis and the administration of the meetings will be conducted by the organisation from which the Presiding Member is appointed. The Deputy Presiding Member shall be appointed by the alternative organisation from the Presiding Member.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in a less formal manner than Council meetings but in accordance with the accepted rules of conduct for the Shire's and City's Council and committee meetings.

The Presiding Member must cast a second vote if the votes of the members present are equally divided.

The *Local Government Act 1995* places responsibility for speaking on behalf of the Councils with the President and Mayor, or the CEOs if the President and Mayor agree. Statements on behalf of the CapeROC shall be by joint communiqué by the President and Mayor.

The members of the CapeROC with the exception of the President and Mayor are to refrain from speaking publicly on behalf of the CapeROC, or to issue any form of written material purporting to speak on behalf of the CapeROC without the prior approval of the President and Mayor.

#### 6.0 Meetings

The CapeROC shall meet on a quarterly basis or as required.

- 6.1 Notice of meetings shall be given to members at least 5 days prior to each meeting.
- 6.2 If any member is absent from 3 consecutive meetings without leave of the CapeROC, they shall forfeit their position on the CapeROC. The respective Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.
- 6.3 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 days after each meeting, provide both Councils with a copy of such minutes.
- 6.4 All members of the Committee shall have one vote. If the votes of the members present are equally divided, the person presiding is to cast a second vote as is required under the Local Government Act.

#### 7.0 Quorum

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

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#### 8.0 No Delegated Powers

The CapeROC ~~has no delegated powers and~~ is a facilitation, advocacy and advisory body established to assist both Councils to achieve greater effectiveness and efficiency. CapeROC is funded by the Councils to conduct activities consistent with the Objectives of the Committee shown at Section 3.0 of this Terms of Reference. Other than to consider proposals that are presented to CapeROC which must be consistent with the Objectives of the Committee, the Committee has no delegated powers.

CapeROC may approve proposals referred to above provided that the cost of all proposals is within the funding limit allocated by the Councils.

#### 9.0 Termination of Committee

Termination of the CapeROC shall be by decision of either Council or jointly to discontinue participation in the Voluntary Regional Organisation of Councils.

#### 10.0 Amendment to the Terms of Reference

This document may be altered at any time by the two Councils jointly passing a motion of their respective Councils on the recommendation of the CapeROC, or independently by joint decision of the two Councils.

#### 11.0 Committee Decisions

Other than to approve proposals that are presented to CapeROC which are consistent with the Objectives of the Committee shown at Section 3.0 of this Terms of Reference, CapeROC decisions shall not be binding on the two Councils and need to be ratified by either the Councils.

<u>History</u>	
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315
25 November, 2009	C0911/410

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The updated document not showing tracked changes is provided at Attachment A.

The revised changes are required to be adopted by both the Shire of Augusta-Margaret River and the City of Busselton, by absolute majority.

## CONCLUSION

CapeROC has reviewed the ToR and has made minor changes to best reflect current administration practises and objectives of the Committee. Before these ToR can take effect, both Councils of the Shire of Augusta-Margaret River and the City of Busselton are required to adopt the updates by absolute majority. The revised ToR are provided at attachment A for Council adoption.

## OPTIONS

Council can choose to either adopt the revised Terms of Reference or not.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Both the City of Busselton and Shire of Augusta Margaret River are requested to advise CapeROC of the outcome of this consideration prior to the next meeting to be held Thursday 23 November 2017.

## OFFICER RECOMMENDATION

### ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That Council adopt the Capes Region organisation of Councils (CapeROC) Terms of Reference, reviewed by CapeROC at its meeting 18 August 2017 provided as Attachment A.

CAPES REGION ORGANISATION OF COUNCILS (CAPEROC)

TERMS OF REFERENCE

1.0 Introduction

The Councils of the Shire of Augusta-Margaret River and the City of Busselton (the Councils) following a resolution of the respective Councils establish a Voluntary Regional Organisation of Councils (VROC) to be known as the *Capes Region Organisation of Councils (CapeROC)*.

The Councils jointly appoint to CapeROC those positions whose names appear in Section 4.0 below. Membership of CapeROC shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the local government elections are held, after which time the Councils may appoint members for a further term.

The CapeROC shall act for and on behalf of the two Councils in accordance with provisions of the *Local Government Act 1995*, local laws and the policies of the respective Councils and this document.

2.0 Name

The name of the Voluntary Regional Organisation of Councils shall be the Capes Region Organisation of Councils (CapeROC).

3.0 Objectives

CapeROC seeks to enhance the capacity of both local governments to deliver social, economic and environmental benefits to their communities and the region.

The objectives of the CAPEROC are:

- To explore opportunities to foster Economic Development in the Capes Region;
- To explore avenues to foster tourism in the Capes Region and improve the coordination of major regional events;
- To safeguard, strengthen and grow the Margaret River and Busselton brands;
- To explore opportunities to undertake projects of mutual benefit to the Shire and the City eg Rails to Trails network; joint waste management facilities; joint funding of infrastructure requirements;
- To develop opportunities to undertake capacity building activities for Councillors and staff in the Shire and the City;
- To explore opportunities to develop funding submissions on a regional basis;
- To evaluate possible resource sharing arrangements between the Shire and the City;
- To identify skill shortages and to undertake workforce planning on a regional basis;
- To explore opportunities to simplify and standardise policies in the region where appropriate;
- To consider the feasibility of establishing a Capes Regional Council.

4.0 Membership

The membership of the CapeROC shall be:

1. The President of the Shire of Augusta-Margaret River;
2. The Mayor of the City of Busselton;
3. Two Councillors appointed by the Shire and two Councillors appointed by the City;
4. The CEO of the Shire and the CEO of the City.

Deputy Members may be appointed by each Local Government.

5.0 Presiding Member

The role of Presiding member shall be rotated between the Shire and the City on an annual basis and the administration of the meetings will be conducted by the organisation from which the Presiding Member is appointed. The Deputy Presiding Member shall be appointed by the alternative organisation from the Presiding Member.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in a less formal manner than Council meetings but in accordance with the accepted rules of conduct for the Shire's and City's Council and committee meetings.

The Presiding Member must cast a second vote if the votes of the members present are equally divided.

The *Local Government Act 1995* places responsibility for speaking on behalf of the Councils with the President and Mayor, or the CEOs if the President and Mayor agree. Statements on behalf of the CapeROC shall be by joint communiqué by the President and Mayor.

The members of the CapeROC with the exception of the President and Mayor are to refrain from speaking publicly on behalf of the CapeROC, or to issue any form of written material purporting to speak on behalf of the CapeROC without the prior approval of the President and Mayor.

6.0 Meetings

The CapeROC shall meet on a quarterly basis or as required.

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

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

6.3 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 days after each meeting, provide both Councils with a copy of such minutes.

6.4 All members of the Committee shall have one vote. If the votes of the members present are equally divided, the person presiding is to cast a second vote as is required under the Local Government Act.

7.0 Quorum

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

8.0 Delegated Powers

The CapeROC is a facilitation, advocacy and advisory body established to assist both Councils to achieve greater effectiveness and efficiency. CapeROC is funded by the Councils to conduct activities consistent with the Objectives of the Committee shown at section 3.0 of this Terms of Reference.

Other than to consider proposals that are presented to CapeROC which must be consistent with the Objectives of the Committee, the Committee has no delegated powers.

CapeROC may approve proposals referred to above provided that the cost of all proposals is within the funding limit allocated by the Councils.

#### 9.0 Termination of Committee

Termination of the CapeROC shall be by decision of either Council or jointly to discontinue participation in the Voluntary Regional Organisation of Councils.

#### 10.0 Amendment to the Terms of Reference

This document may be altered at any time by the two Councils jointly passing a motion of their respective Councils on the recommendation of the CapeROC, or independently by joint decision of the two Councils.

#### 11.0 Committee Decisions

Other than to approve proposals that are presented to CapeROC which are consistent with the Objectives of the Committee shown at section 3.0 of this Terms of Reference, CapeROC decisions shall not be binding on the two Councils and need to be ratified by the Councils.

<u>History</u>	
18 August, 2017	CAP1708/005 Review
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315
25 November, 2009	C0911/410



**16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****16.1 Amendment to the 2017/18 budget to co-fund extensions to the John Edward Pavillion**

Mayor Grant Henley has given notice that at the Council meeting on 13 September 2017, he will move the following motion:

**MOTION**

That the Council:

1. Approves a budget amendment for a contribution of \$100,000 from the Infrastructure Development Reserve to co-fund the extension to the John Edwards Pavilion at the Dunsborough Playing Fields (within the 2017/18 Budget).
2. Delegates authority to the CEO to enter into negotiations with the Dunsborough Sharks Football Club for a lease for the John Edward's Pavilion, including provisions that ensure reasonable access for other user groups including but not limited to netball and an orderly transition to future facilities.
3. Delegates authority to the CEO to formalise a Funding Agreement with the Dunsborough Sharks Football Club outlining the necessary terms and conditions to be granted the \$100,000 contribution including the required acquittal process.
3. Requires the CEO to review Active Public Open Space in Dunsborough to ensure orderly planning of built infrastructure prior to entering into the funding agreement.

**COUNCILLOR COMMENT**

The John Edwards Pavilion is an inadequate and tired community asset that requires an upgrade. The request by the new combined Dunsborough AFL club represents an opportunity to increase clubroom space that will meet the immediate needs of the clubs until such time as a facility is developed as planned at Lot 10 in the future. At that time the existing facility may be surrendered to meet the needs of the remaining user groups or for other uses and will not become redundant infrastructure.

**BACKGROUND**

On 7 August 2017, the Mayor and Manager for Community Services met with representatives from the Dunsborough Sharks Football Club (DFC), Redmond Sweeney, Acting President and Evan Williams, Club Member and appointed Architectural Draftsman, to be presented with a proposal to extend the John Edward Pavilion (JEP) at the Naturaliste Community Centre (NCC) at Dunsborough Lakes Playing Fields. (See Attachment D Location Plan).

The DFC is a collective of the Dunsborough Sharks (Juniors), the Dunsborough-Yallingup Mulies (Mens), the Dunsborough Ducks (Masters), and the Dunsborough Dragon Slayers (Womens). They have a total 390 registered players this season. Club representatives explained how growth in football, other sports, spectators and the local population now means the John Edward Pavilion is no longer large enough to accommodate current or future community needs. A key issue is the lack of a large undercover area for players; especially the juniors and their families, to shelter from the inclement weather experienced playing winter sport. A suitably sized pavilion is also a priority for most clubs to hold fundraising activities the proceeds from which are reinvested back into the Clubs for their future sustainability. Currently, clubs have to hire other venues away from their playing grounds to hold these events.

The Football Club proposed a 12m by 10m extension of the JEP clubroom facility which could be approached in two stages. The first being a freestanding veranda over a concrete hardstand area, which the Club could finance themselves as an interim quick fix. At a later stage, the Club proposed the sides could be enclosed with doors and windows added, the existing exterior wall knocked through, the bar relocated and the kitchen upgraded to commercial standard. (See attachments B and C for the proposed concept design and floor plan). The Club requested the City consider funding stage two or co-fund the total project in one stage. Completing the total project in one stage would achieve efficiencies in the build cost and timeframes and meet all the Clubs immediate needs in time for the 2018 season. The Club have estimated a total project cost of \$200,000, which includes \$40,000 of in kind support from the Club and \$60,000 cash.

In a letter dated 18 August 2017, the Club's proposal was outlined in a formal request for funding (Attachment A).

#### **OFFICER COMMENT**

Whilst Officers acknowledge, the circumstances for receipt of this proposal and funding request are unusual in that they have not transpired through any funding program consultation such as Community Bids or CSRFF, and therefore are not currently considered in the City's Long term Financial Plan, the proposal presents an opportunity to address an immediate need in a short timeframe, prior to the next football season, from appropriate reserve funds.





The Club's feedback about the JEP also supports a recently commissioned asset condition assessment and user consultation undertaken for the Naturaliste Community Centre (NCC) masterplan which identified the JEP can no longer adequately service the needs of the numerous groups which utilise the Dunsborough ovals and NCC complex.

Whilst there are future plans to build new ovals, clubrooms and associated facilities in Dunsborough Lakes at Lot 10 Commonage Road, the first oval is planned to be developed in 2018/19, but the development of the further two ovals and shared clubhouse are some years away. Whilst it is expected that Football will move to the new sporting complex, netball, basketball, cricket and soccer, all of which are also growth sports, are likely to remain at the current site. Based on this, and given the current demands associated with the existing playing fields, the future growth of other sporting groups and the current unusable condition of the JEP, Officers support the proposed expansion to meet the immediate needs of the Dunsborough community.

An expanded JEP shared with other clubs, including Basketball, Netball, Yallingup Boardriders and the Smiths Beach Surf Lifesaving Club (proposed in the letter), will be a well utilised addition to Dunsborough community facilities. The extension will not only cater for immediate needs, it will also be utilised by other sporting associations or clubs who will utilise the existing playing fields when Lot 10 Commonage Road is fully developed and operational. Further, opportunities also exist to repurpose the facility in line with future planning for the NCC and the surrounding area.

Currently there is \$2.03m in the New Infrastructure Development Reserve, which is anticipated to be reduced to \$1.54m by the end of financial year as a result of planned infrastructure development works that could be utilised to co-fund the extension up to \$100,000. The Council could also consider allocating funds through the October 2017 Community Bid funding round noting that the total budget available is \$91,860 and that it is likely to be a competitive round with other community priorities. The Council could also consider requesting the Dunsborough AFL club make an application in the February 2018

CSRFF grants round, however this would mean the Club's timeframes to have the extensions complete prior to the 2018 season would not be achievable.

- ATTACHMENTS**
- Attachment A Proposed extension to JEP letter from Club 
  - Attachment B  Concept Plan - Proposed Extension to John Edwards Pavilion 
  - Attachment C Concept Floor Plan - Proposed Extension to John Edwards Pavilion 

18<sup>th</sup> August 2017

Grant Henley  
Mayor  
City of Busselton  
BUSSELTON WA 6280

Dear Grant

**RE: CO FUNDING APPLICATION WITH THE DUNSBOROUGH FOOTBALL CLUB (DFC)**

Firstly we appreciate your interest in considering this worthy project.

**BACKGROUND**

The DFC is a collective of the Dunsborough Sharks (Juniors), the Dunsborough-Yallingup Mulies (Mens), the Dunsborough Ducks (Masters), and the Dunsborough Dragon Slayers (Womens). The juniors have 390 registered players this season. When you couple this with the parents and volunteers and the participants in the senior levels, we have close to 600 users of the oval and related facilities during a winter week.

The Naturaliste locality has nearly a 7000 head of population according to the 2011 ABS statistics and is 25% of the City's population. The 2016 census data shows a 30% increase since 2011 for the Dunsborough node. This locality, like Busselton and surrounds, has a higher population of youth (up to 15 years old) in comparison to the state averages. The demands on sporting facilities are something you are all too familiar with.

The John Edwards Pavilion (JEP) has been overgrown by the sporting community. The open area for events is 60 square metres and is inadequate. The extension will add 120 square metres, tripling the current indoor hosting space.

**BENEFITS**

This new space will provide more appropriate facilities to serve the sporting community need. Fundraising events can now be conducted at the JEP to continue to make these clubs sustainable. No longer holding events at the Pub, Clancey's, the Lakes Tavern etc will be necessary and will provide the ability to re-invest into sport (eg; equipment etc) via more profitable events.

So often grandparents come down to winter sports to watch their grand children play and are forced to sit in their cars as there is no shelter during inclement weather. The extension will provide a better viewing opportunity and shelter.

These benefits will be shared with other clubs, including Basketball (over 350 participants), Netball, Yallingup Boardriders and the Smiths Beach Surf Lifesaving club. We are currently evaluating

management arrangements to ensure they would be co beneficiaries of this extension. We are in the process of receiving these letters of support.

In light of the future planning of sporting within the Naturaliste precinct, in particular Lot 10, the extension to the JEP is a building will always have relevance, as long as there is grass at the Dunsborough Playing Fields.

## **COSTS**

According to Evan Williams, our Architectural Draftsman, he estimates according to benchmark rates, he expects a project cost of \$170,000 - \$210,000. We have chosen to set a budget of \$200,000 to complete stage 1 and 2 simultaneously.

Currently, the DFC has raised and pulled from retained earnings, cash of \$60,000 for this extension. We have also received commitment from trades and builders of \$40,000 "in-kind" for the project.

We are requesting matching funding from the CoB of \$100,000 so we can complete stage 1 and 2 simultaneously, and deliver a significant sporting benefit to the users within Naturaliste.

## **TENURE**

We will also be applying for grants, namely the Department of Sport and Recreation, West Australian Football Commission and Holden. These applications which will look to contribute towards the fit out, requires evidence of tenure. This requires the DFC securing a long term lease, an agenda item that has been in the air for some time since the dissolution of the NSC.

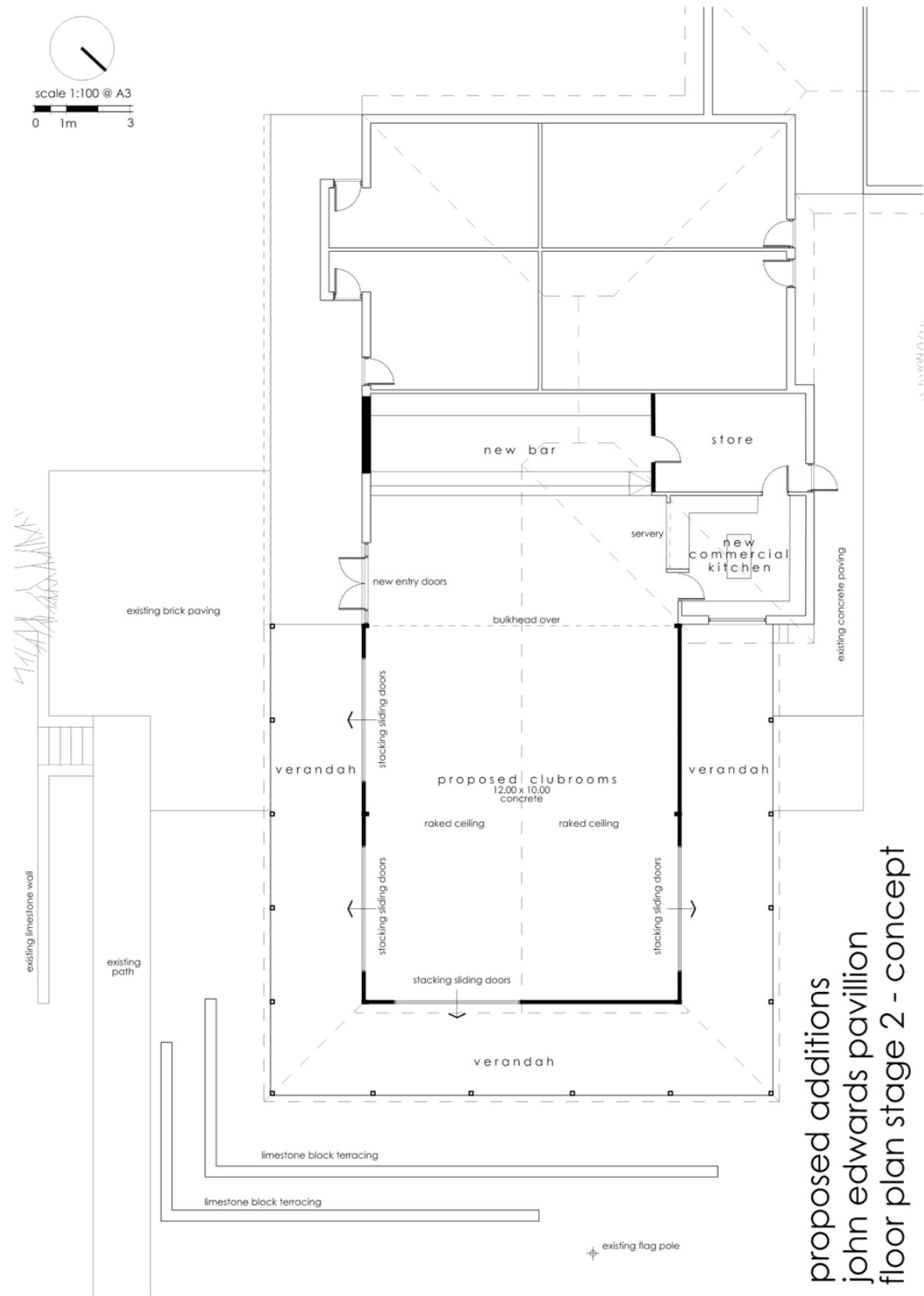
Thank you for your consideration on this important matter.

Yours sincerely,

**Redmond Sweeny**

Acting President – Dunsborough Sharks FC.







**17. CONFIDENTIAL REPORTS**

Nil

**18. QUESTIONS FROM MEMBERS**

**19. PUBLIC QUESTION TIME**

**20. NEXT MEETING DATE**

Wednesday, 27 September 2017

**21. CLOSURE**