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are yet to be confirmed as a  
true record of proceedings

## CITY OF BUSSELTION

### MINUTES FOR THE COUNCIL MEETING HELD ON 13 DECEMBER 2017

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## MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 13 DECEMBER 2017 AT 5.30PM.

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

The Presiding Member opened the meeting at 5.38pm.

### 2. ATTENDANCE

#### Presiding Member:

Cr Grant Henley    Mayor

#### Members:

Cr John McCallum          Deputy Mayor  
Cr Ross Paine  
Cr Lyndon Miles  
Cr Rob Bennett  
Cr Paul Carter  
Cr Robert Reekie  
Cr Kelly Hick

#### Officers:

Mr Mike Archer, Chief Executive Officer  
Mr Oliver Darby, Director, Engineering and Works Services  
Mr Paul Needham, Director, Planning and Development Services  
Mrs Naomi Searle, Director, Community and Commercial Services  
Mr Cliff Frewing, Director, Finance and Corporate Services  
Miss Kate Dudley, Administration Officer, Governance

#### Apologies

Cr Coralie Tarbotton

#### Approved Leave of Absence

Nil

#### Media:

"Busselton-Dunsborough Times"  
"Busselton-Dunsborough Mail"

#### Public:

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### 3. PRAYER

The prayer was delivered by Pastor Emily Seinemeier of Cornerstone Church.

**4. PUBLIC QUESTION TIME****Response to Previous Questions Taken on Notice**

Nil

**Public Question Time**

Nil

**5. ANNOUNCEMENTS WITHOUT DISCUSSION****Announcements by the Presiding Member**

Nil

**Announcements by other Members at the invitation of the Presiding Member**

Nil

**6. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**7. PETITIONS AND PRESENTATIONS**

Ms Jess Driscoll presented on item 11.1 Amendment No. 29 (Omnibus No. 4) To Local Planning Scheme No. 21 – Consideration For Initiation For Community Consultation. Ms Driscoll was in strong support of the proposed changes.

Mr Gary Barbour from Calibre Group presented on item 11.1 Amendment No. 29 (Omnibus No. 4) To Local Planning Scheme No. 21 – Consideration For Initiation For Community Consultation on behalf of his client.

**8. DISCLOSURE OF INTERESTS**

The Mayor noted that a declaration of impartiality interest had been received from:

- Cr Paul Carter in relation to Agenda Item 13.2 Community Bids 2017/18 Round Two Allocations.

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 13.2 was discussed.

**9. CONFIRMATION AND RECEIPT OF MINUTES****Previous Council Meetings****9.1 Minutes of the Council Meeting held 22 November 2017****COUNCIL DECISION**

**C1712/314**

Moved Deputy Mayor J McCallum, seconded Councillor R Reekie

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

**CARRIED 8/0**



9.2 Minutes of the General Electors Meeting held 27 November 2017

**COUNCIL DECISION**

**C1712/315**

Moved Councillor P Carter, seconded Councillor L Miles

That the Minutes of the General Electors Meeting held 27 November 2017 be confirmed as a true and correct record.

**CARRIED 8/0**

**Committee Meetings**

9.3 Minutes of the Finance Committee Meeting held on 16 November 2017

**COUNCIL DECISION**

**C1712/316**

Moved Deputy Mayor J McCallum, seconded Councillor R Reekie

That the Minutes of the Finance Committee Meeting held on 16 November 2017 be confirmed as a true and correct record.

**CARRIED 8/0**

9.4 Minutes of the Policy and Legislation Committee Meeting held 30 November 2017

**COUNCIL DECISION**

**C1712/317**

Moved Councillor P Carter, seconded Councillor R Paine

That the Minutes of the Policy and Legislation Committee Meeting held 30 November 2017 be confirmed as a true and correct record.

**CARRIED 8/0**

**ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION**

At this juncture the Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion, that the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc.

**COUNCIL DECISION/ COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION****C1712/318**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:

- 10.4 Finance Committee - 16/11/2017 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 OCTOBER 2017
- 10.5 Policy and Legislation Committee - 30/11/2017 - REVOCATION OF 135/2 - STREET APPEALS POLICY
- 10.6 Policy and Legislation Committee - 30/11/2017 - REVIEW OF 017 URBAN ART POLICY
- 10.7 Policy and Legislation Committee - 30/11/2017 - REPEAL OF POLICY: COMMUNITY FACILITY BOOKINGS (#027)
- 10.8 Policy and Legislation Committee - 30/11/2017 - MINOR UPDATING OF COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS
- 11.2 DRAFT LEEUWIN-NATURALISTE SUB-REGIONAL PLANNING STRATEGY - CITY SUBMISSION
- 11.3 AMENDMENT TO 'DUNSBOROUGH LAKES ESTATE DEVELOPER CONTRIBUTIONS PLAN (2015) - CONSIDERATION FOR FINAL ADOPTION BY THE COUNCIL
- 11.4 PROPOSED SCHEME AMENDMENT 34 TO LOCAL PLANNING SCHEME 21 AND DRAFT STRUCTURE PLAN FOR LOT 34 SHEOAK DRIVE, YALLINGUP - CONSIDERATION FOR ADOPTION FOR PUBLIC CONSULTATION
- 12.1 RFT18/17 SUPPLY & DELIVERY OF DRAINAGE PRODUCTS
- 13.1 PUBLIC ART POLICY
- 13.3 BUSSELTON SENIOR CITIZENS CENTRE - PROPOSED EXPANSION
- 14.1 WASTE AMENDMENT LOCAL LAW
- 15.1 COUNCILLORS' INFORMATION BULLETIN

**CARRIED 8/0****EN BLOC**

## 10. REPORTS OF COMMITTEE

### 10.4 Finance Committee - 16/11/2017 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 OCTOBER 2017

<b>SUBJECT INDEX:</b>	Budget Planning and Reporting
<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>	Financial 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 Statement of Financial Activity Period Ending 31 October 2017 
	Attachment B Investment Report - Period Ending 31 October 2017 

**This item was considered by the Finance Committee at its meeting on 16 November 2017, the recommendations from which have been included in this report.**

#### **PRÉCIS**

Pursuant to Section 6.4 of the Local Government Act ('the Act') and Regulation 34(4) of the Local Government (Financial Management) Regulations ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the City's financial performance in relation to its adopted/ amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year to date basis for the period ending 31 October 2017.

#### **BACKGROUND**

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis; and are to include the following:

- Annual budget estimates
- Budget estimates to the end of the month in which the statement relates
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates
- Material variances between budget estimates and actual revenue/ expenditure/ (including an explanation of any material variances)
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 26 July 2017, the Council adopted (C1707/163) the following material variance reporting threshold for the 2017/18 financial year:

*"That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2017/18 financial year as follows:*

- *Variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/ Statement of Financial Activity report, however variances due to timing differences and/or seasonal adjustments are to be reported on a quarterly basis; and*
- *Reporting of variances only applies for amounts greater than \$25,000.”*

## **STATUTORY ENVIRONMENT**

Section 6.4 of the Local Government Act and Regulation 34 of the Local Government (Financial Management) Regulations detail the form and manner in which a local government is to prepare financial activity statements.

## **RELEVANT PLANS AND POLICIES**

Not applicable.

## **FINANCIAL IMPLICATIONS**

Any financial implications are detailed within the context of this report.

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

Any financial implications are detailed within the context of this report.

## **STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with Key Goal Area 6 – ‘Open and Collaborative Leadership’ and more specifically Community Objective 6.1 - ‘Governance systems, process and practices are responsible, ethical and transparent’. The achievement of the above is underpinned by the Council strategy to ‘ensure the long term financial sustainability of Council through effective financial management’.

## **RISK ASSESSMENT**

Risk assessments have been previously completed in relation to a number of ‘higher level’ financial matters, including timely and accurate financial reporting to enable the Council to make fully informed financial decisions. The completion of the monthly Financial Activity Statement report is a control that assists in addressing this risk

## **CONSULTATION**

Not applicable

## **OFFICER COMMENT**

In order to fulfil statutory reporting requirements, and to provide the Council with a synopsis of the City’s overall financial performance on a full year basis, the following financial reports are attached hereto:

### ▪ Statement of Financial Activity

This report provides details of the City’s operating revenues and expenditures on a year to date basis, by nature and type (i.e. description). The report has been further extrapolated to include details of non-cash adjustments and capital revenues and expenditures, to identify the City’s net current position; which reconciles with that reflected in the associated Net Current Position report.

▪ Net Current Position

This report provides details of the composition of the net current asset position on a full year basis, and reconciles with the net current position as per the Statement of Financial Activity.

▪ Capital Acquisition Report

This report provides full year budget performance (by line item) in respect of the following capital expenditure activities:

- Land and Buildings
- Plant and Equipment
- Furniture and Equipment
- Infrastructure

▪ Reserve Movements Report

This report provides summary details of transfers to and from reserve funds, and also associated interest earnings on reserve funds, on a full year basis.

Additional reports and/or charts are also provided as required to further supplement the information comprised within the statutory financial reports.

## COMMENTS ON FINANCIAL ACTIVITY TO 31 October 2017

The Statement of Financial Activity for the period ending 31 October 2017 shows a better than expected Net Current Position (Surplus) of \$30.65M being \$10.58M more than Year to Date Budget.

The following summarises the major variances in accordance with *Council's adopted material variance reporting threshold* that collectively make up the above difference:

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud (A) Variance	2017/18 YTD Bud (A) Variance
	\$	\$	\$	%	
<b>Revenue</b>	<b>55,546,762</b>	<b>55,160,978</b>	<b>66,213,170</b>	<b>0.70%</b>	385,784
<b>Expenses</b>	<b>(21,777,537)</b>	<b>(23,996,993)</b>	<b>(68,380,282)</b>	<b>9.25%</b>	2,219,456

0

<b>Non-Operating Grants, Subsidies and Contributions</b>	1,520,741	7,974,542	43,437,175	-80.93%	(6,453,801)
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### Capital Revenue & (Expenditure)

0

Land & Buildings	(2,531,127)	(5,949,856)	(16,556,693)	57.46%	3,418,729
Plant & Equipment	(756,749)	(1,910,468)	(4,029,400)	60.39%	1,153,719
Furniture & Equipment	(181,703)	(425,543)	(830,212)	57.30%	243,840
Infrastructure	(8,152,160)	(19,256,193)	(60,472,821)	57.66%	11,104,033
Proceeds from Sale of Assets	214,959	125,000	635,150	71.97%	89,959
Transfer to Restricted Assets	(735,016)	(207,501)	(625,751)	-254.22%	(527,515)
Transfer from Restricted Assets	4,062,850	5,354,556	27,808,739	-24.12%	(1,291,706)

### Operating Revenue:

Revenue from ordinary activities is \$385K more than expected when compared to Year to Date (YTD) Budget with the following items meeting the material variance reporting threshold set by Council for the 2017/2018 Financial Year.

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud (A) Variance	2017/18 YTD Bud (A) Variance
	\$	\$	\$	%	\$

#### Revenue from Ordinary Activities

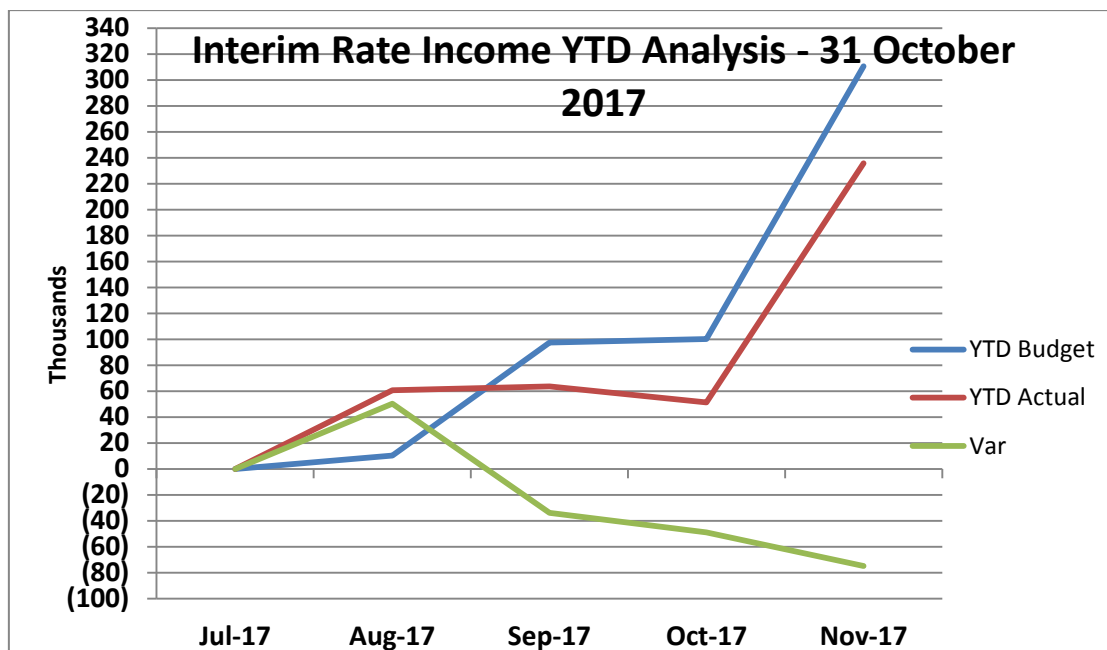
Other Revenue	221,831	136,372	403,838	62.67%	85,459
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The item predominately impacting the above "Other Revenue" performance is CLAG (Contiguous Local Authority Group) Funding in the amount of \$69K, this item is to be transferred to Trust.

The Officer notes that the above positive performance of "Other Revenue" is added to by collective performance of \$292k for Rates, Operating Grants and Subsidies, Fees and Charges and Interest Earnings; these items fall below the Material Variance reporting thresholds. The above variations are considered to be that of a timing difference at this stage of the Budget Year.

#### Interim Rates:

Officers continue to monitor Interim Rating Income levels and present the following information noting a small variance to YTD Budget:



#### Operating Expenditure:

Expenditure from ordinary activities is \$2.22M less than expected when compared to Year to Date (YTD) Budget with the following items meeting the material variance reporting threshold set by Council for the 2017/2018 Financial Year.

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud (A) Variance	2017/18 YTD Bud (A) Variance
	\$	\$	\$	%	\$
<b>Expenses from Ordinary Activities</b>					
Materials & Contracts	(3,917,704)	(5,811,760)	(16,676,598)	32.59%	(1,894,056)
Utilities (Gas, Electricity, Water etc)	(742,542)	(866,099)	(2,580,822)	14.27%	(123,557)
Other Expenditure	(952,744)	(833,609)	(3,273,767)	-14.29%	119,135

**Materials and Contracts:**

The main items affected are list below, at this stage these variance are considered to be that of a timing nature:

Cost Code Description / GL Activity	Variance YTD
Information & Communication Technology Services	198,073
Business Systems	259,699
	<b>457,772</b>
Community Services Administration	36,601
Geographe Leisure Centre	37,310
Kookaburra Caravan Park	56,518
Regional Centres Program	40,000
	<b>170,429</b>
Strategic Planning	63,854
Preventative Services - CLAG	37,397
Meelup Regional Park	38,180
	<b>139,431</b>
Engineering Services Administration	98,119
Street Lighting Installations	50,000
Busselton Jetty	184,157
Pedestrian Bridge (Port Geographe)	30,000
Miscellaneous Bridge Maintenance	44,577
Domestic Recycling Collections	89,480
Busselton Transfer Station	43,170
Rubbish Sites Development	29,202
BTS External Restoration Works	80,970
Road Maintenance Bal Of Budget	130,846
	<b>780,520</b>
Transport - Fleet Management	131,652
	<b>131,652</b>
<b>Total</b>	<b>1,679,804</b>

**Utilities:**

With over 364 individual accounts at a better than expected result of \$742K, a favourable position of \$123K is considered likely to be a timing difference at this early stage of the reporting year specifically when we are now entering the summer period.

Officers are monitor Utility charges each month and are also happy to note that the new Administration Building is tracking positively against YTD Budget expectations.

**Other Expenditure:**

Other expenditure is currently tracking above YTD Budget by \$119K with the following items predominately making up this variance. The Officer notes that the 2 main items of "Iron Man" and "Cinefest Oz" have already been finalised or are being funded in readiness for the events.

Cost Code Description / GL Activity	Variance YTD
Iron Man	● (123,332.00)
Cinefest Oz	● (63,332.00)
Peel Tce Building & Surrounds	● (38,125.00)
Recreation Administration	● (20,779.94)
Property and Business Development	● 10,114.55
Public Relations	● 14,633.62
Human Resources & Payroll	● 14,918.09
Half Iron	● 15,400.00
Office of the CEO	● 15,959.74
Community Services Administration	● 17,913.96
Micro Brewery - Public Ablution	● 30,000.00

**Non-Operating Grants, Subsidies and Contributions:**

The main item impacting on the above result is the timing of the receipt of "Airport Development - Project Grant" with a current negative result of \$6.2M; this is a timing difference in nature only.

**Capital Expenditure**

As at 31 October 2017, there is a variance of -57.8% or -\$15.94M in total capital expenditure with YTD Actual at -\$11.62M against a YTD Budget of -\$27.54M; with the table below showing those categories exceeding the 10% material variance threshold. The Airport Development makes up for \$10.35M or 72.5% of the overall variance which also assists in explaining the above current YTD shortfall in Non-Operating Grants.



Description	2017/18 Budget YTD Variance
<b>Major Project - Busselton Foreshore</b>	
Foreshore East-Youth Precinct Community Youth Building/SLSC	220,416
<b>Major Project - Administration Building</b>	
Civic and Administration Centre Construction	(336,851)
<b>Buildings (Other)</b>	
GLC - Pool Relining	(139,506)
Airport Terminal Stage 2	(3,000,000)
<b>Plant &amp; Equipment</b>	
Plant Purchases (P10)	(1,462,144)
<b>Major Project - Busselton Foreshore</b>	
Busselton Foreshore - Stage 3	1,154,092
Busselton Tennis Club - Infrastructure	(854,857)
Busselton Foreshore Jetty Precinct	(842,958)
<b>Major Project - Administration Building</b>	
Administration Building Carpark	(100,995)
<b>Footpaths Construction</b>	
Bussell Highway Footpath Sections	(129,940)
<b>Townscape Construction</b>	
Dunsborough Road Access Improvements Stage 1	(195,478)
<b>Parks, Gardens &amp; Reserves</b>	
Administration Building Landscaping Works	270,277
Port Geographe - Reticulation Upgrade Scheme to Bore Water	(111,954)
Vasse Newtown - AFL Oval Stage 2	174,605
<b>Sanitation Infrastructure</b>	
New Cell Development	(281,859)
Site Rehabilitation - Busselton	(150,110)
<b>Airport Development</b>	
Airport Construction Stage 2, Landside Civils & Services Inf	(2,866,664)
Airport Construction Stage 2, Noise Management Plan	(146,145)
Airport Construction Stage 2, Airfield	(3,271,984)
Airport Construction Stage 2, External Services	(865,193)
Airport Construction Stage 1B, Jet Fuel	(205,000)
<b>Main Roads</b>	
Strelly Street	(176,739)
Layman Road	299,039
Peel Terrace	(351,970)
Layman Road - Reconstruction Between 3250 and 6190	(200,861)
<b>Roads to Recovery</b>	
Yelverton Road- Rural reconstruction & widening	(195,587)
<b>Council Roads Initiative</b>	
Marine Terrace	(168,400)
Yelverton Road	(350,533)

The attachments to this report include detailed listings of the following capital expenditure (project) items, to assist in reviewing specific variances.

All capital expenditure variances are considered to be a timing adjustment at this time, with no impact expected against the net current position.

### **Investment Report**

*Pursuant to the Council's Investment Policy, a report is to be provided to the Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The report is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.*

As at 31 October 2017, the value of the City's invested funds totalled \$95.24M, steady from the balance as at 1st October.

During the month of September \$19.5M in term deposit funds matured. All deposits were renewed for an average of 91 days at an average rate of 2.32%. The lower than normal result is due to the Airport Development deposits being renewed for shorter periods as funds will be required as the work load increases with the spring weather.

The balance of the 11am account (an intermediary account which offers immediate access to the funds compared to the term deposits and a higher rate of return compared to the cheque account) remained steady. The balance of the Airport development ANZ cash account also remained steady.

The RBA left official rates on hold during September and October with future rate movements are unclear at this stage.

### **Chief Executive Officer – Corporate Credit Card**

Details of monthly (October) transactions made on the Chief Executive Officer's corporate credit card are provided below to ensure there is appropriate oversight and awareness of credit card transactions made.

Date	Amount	Payee	Description
24-Oct-17	\$375.00	Naturaliste Travel	Flights (M Archer) Airport Meetings
24-Oct-17	\$375.00	Naturaliste Travel	* Flights (K Sullivan) Airport Meetings

*\*Funds debited against CEO Annual Professional Development Allowance as per employment Contract Agreement*

*+ Allocated against CEO Hospitality Expenses Allowance*

### **CONCLUSION**

As at 31 October 2017, the City's financial performance is considered satisfactory.

### **COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**C1712/319**



Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Council receives the statutory financial activity statement reports for the period ending 31 October 2017, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

**CARRIED 8/0**

**EN BLOC**

10.5 Policy and Legislation Committee - 30/11/2017 - REVOCATION OF 135/2 - STREET APPEALS POLICY

<b>SUBJECT INDEX:</b>	Plans, Policies and Procedures
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Community Services
<b>ACTIVITY UNIT:</b>	Community Services
<b>REPORTING OFFICER:</b>	Cultural Development Officer - Jacquie Happ
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A cp135-2_street_appeals superseded  Attachment B cp135-2_street_appeals 

**This item was considered by the Policy and Legislation Committee at its meeting on 30 November 2017, the recommendations from which have been included in this report.**

## **PRÉCIS**

As part of the ongoing policy review process, a review of Policy 135 Street Appeals has been conducted. This report recommends that Council revokes the Street Appeals Policy.

## **BACKGROUND**

The Street Appeals Policy was created to address issues at the time relating to the collection of donations in public areas. The policy was endorsed however the date was not recorded in the Policy Manual held by Governance. In this policy there were four clauses (Attachment A cp135-2\_street\_appeals superseded).

The Policy was reviewed in 2012, when Officers recommended that it be revoked. However, after committee discussion, Clauses 1 and 2 were maintained while Clauses 3 and 4 were made redundant. Clause 1 refers to one street appeal per week being permitted in each of the Busselton and Dunsborough Central Business District Areas and Clause 2 limits charitable organisations to have a maximum of two (2) street appeals per calendar year in Busselton and Dunsborough Central Business Districts. (Attachment B cp135-2\_street\_appeals).

## **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**

*Local Government Property Local Law 2010, section 3.13* manages activities that occur on local government property. A permit is provided by the City for activities of this nature. Charitable organisations are not required to apply for a permit due to the not for profit nature of their activities such as street appeals or selling of pins, poppies or other paraphernalia.

## **FINANCIAL IMPLICATIONS**

Nil

**Long-term Financial Plan Implications**

Nil

**STRATEGIC COMMUNITY OBJECTIVES**

Removal of unnecessary and outdated policies such as this aligns with and supports the Council's Key Goal Area 6 Leadership

6.1 Governance systems, process and practices are responsible, ethical and transparent.

**RISK ASSESSMENT**

There is no associated risk with revoking the Street Appeals Policy.

**CONSULTATION**

Consultation has occurred with relevant City Officers across areas such as Governance, Finance and Corporate, Rangers, Environmental Health, Economic Development and Events who could identify no relevant use of this Policy.

**OFFICER COMMENT**

The Street Appeals Policy was created at a point in time to deal with specific issues.

Charitable organisations now apply to the City for permission to hold a street appeal or sell items or raffle tickets for fundraising purposes on City property. The City responds with a letter citing the *Local Government Property Law 2010, section 3.13* where they do not require a permit and that the City has no objection to the activity. The letter asks the applicant to ensure the local business adjacent is aware of the activity and that the business has no objection (Attachment C Street Appeals activity permit 121017).

This is a common-sense and positive approach to activities of this nature. It ensures that all participants including City, business and charitable organisation are aware of the activity.

The existing Street Appeals Policy is redundant given that the City has provided a mechanism that has the same power and effect to manage street appeals.

**CONCLUSION**

The Street Appeals Policy was likely to have been implemented because of issues at the time. A common-sense approach is achieved in a less formal manner with good results and there is a process for street appeals and fundraising activities to be conducted on City property. For this reason, it is recommended that the Street Appeals Policy is revoked.

**OPTIONS**

The Council could:

1. Choose not to revoke the Street Appeals Policy, or
2. Choose to seek further review and/or amend it at a later date.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The revocation of the Street Appeals Policy would be effective upon the adoption of the Officer's recommendation

**COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**



**C1712/320** Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Council revokes 135/2 Street Appeals Policy.

**CARRIED 8/0**

**EN BLOC**

10.6 Policy and Legislation Committee - 30/11/2017 - REVIEW OF 017 URBAN ART POLICY

<b>SUBJECT INDEX:</b>	Plans, Policies and Procedures
<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>	Community Services
<b>REPORTING OFFICER:</b>	Cultural Development Officer - Jacquie Happ
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A 017 Urban Art Policy  Attachment B 017 Urban Art Policy Marked Up 2017 

**This item was considered by the Policy and Legislation Committee at its meeting on 30 November 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

The City's rolling review of Council policies continues via the Policy and Legislation Committee. This report presents Policy 017 Urban Art (Attachment A 017 Urban Art) which has been reviewed by Officers.

**BACKGROUND**

Council previously adopted Policy 017 Urban Art Policy on 26 June 2013 (C1306/161).

The principles of Urban Artworks are:

- To encourage community participation in the creation of Urban Artworks within the City;
- To encourage responsible Urban Artwork and deter graffiti and vandalism of City property;
- To encourage a range of Urban Artwork styles which reflect the diversity of the community's aspirations and vision;
- To provide community access to high quality Urban Artwork projects for education and art appreciation purposes;
- To build on and promote the character and identity of the Busselton region;
- To provide spaces within the City for artists' creative ideas and expression;
- To develop potential designs for infrastructure, public facilities, bins and structures located near public facilities; and
- To encourage pride and ownership of infrastructure in our community.

The policy guides the City and organisations on undertaking Urban Artwork on City owned or managed buildings and infrastructure.

While only one project has been implemented since the policy was adopted, many have been created on private property, and have added life and vibrancy to the City's town centres, and all reflect the cultural and heritage aspirations of the community.

## STATUTORY ENVIRONMENT

The term “graffiti vandalism” refers to defacing private and public property without consent from the property owner. Graffiti vandalism can take the form of writing, drawing or scratching onto surfaces using different implements such as paint, chalk, markers and stickers. It is illegal under the Western Australian Criminal Code Sections 444, 445, 446, 557G and 557H.

In terms of Regulation 5 of the *Local Government (Uniform Local Provisions) Regulations 1996* a person who, without lawful authority interferes with anything on land that is local government property, commits an offence.

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

Urban Artwork plays a key role in delivering the City’s Social Plan 2015 – 2025 in providing a welcoming community with vibrant and attractive places and spaces where local heritage and culture is valued. In particular, the Social Plan 2015-2025 identifies the need to facilitate the development of arts and culture by the continued implementation of the Cultural Plan and Local Cultural Planning Strategy (LCPS).

The City of Busselton adopted the LCPS in August 2011. The aim of the strategy is to conserve the key cultural elements of the City of Busselton and its towns and rural areas and to maintain these elements over time.

The City’s Cultural Plan was adopted in 2005 and provides recommendations on the future directions of arts and culture in the City of Busselton and encourages the development of a collective community cultural vision and plan.

## FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

### Long-term Financial Plan Implications

Nil.

## STRATEGIC COMMUNITY OBJECTIVES

This policy is consistent with fostering the following strategic objective:

Key Goal Area 1 Community

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

## RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation have been undertaken using the City’s risk assessment framework, and no risks were identified where the residual risk, once controls are considered, is medium or greater.

## CONSULTATION

As the revised Policy is based on the City's existing policy, and there is no change in focus of the policy, no public consultation is required.

## OFFICER COMMENT

During the course of reviewing the Urban Art policy, the following changes were made:

- a. Removal of the Urban Art Project Reference Group. This has been replaced with procedures that will be managed internally.
- b. Update of Scope to be high level statement and includes what is covered.
- c. Consistent use of wording for approval and Urban Artwork.
- d. Update and removal of Definitions which are about the approval process.
- e. Formatting changes.
- f. Changes in Policy Content
  - i. Removal of Assessment Criteria and Procedure
  - ii. Inclusion of statement of approval process
  - iii. Locations of Urban Artworks
  - iv. Consultation requirements
  - v. Maintenance and removal information
  - vi. Addition of a the Policy Background and History.

A copy of the marked up policy is attached (Attachment B 017 Urban Art Marked Up 2017.)

## CONCLUSION

The City owns property and infrastructure that where the creation of Urban Art Projects plays a part in creating vibrant spaces and reflects the aspirations of the community. As part of the regular practice of reviewing Council policies, a review was carried out on Policy 017 Urban Art. Officers recommend that the policy be adopted with the changes.

## OPTIONS

The Council may agree or may not agree to change the existing policy.  
The Council may seek to make alterations to the policy.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised policy would take effect immediately following its adoption by Council.

## **COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**C1712/321**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Council adopts the changes and updates to Policy 017 – Urban Art as shown in Attachment B.

**CARRIED 8/0**

**EN BLOC**



## Attachment B

017	Urban Art Policy	V2 Current
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**1.0 PURPOSE**

The Urban Art Policy (UAP) is designed to engage and encourage the community in the creation of Urban Artwork projects reflecting the cultures and lifestyles of the people who live within the City of Busselton.

The purpose of the UAP is to assist in achieving the following objectives:

- To encourage community participation in the creation of Urban Art Projects within the City;
- To encourage responsible Urban Artwork and deter graffiti and vandalism of City property;
- To encourage a range of Urban Artwork styles which reflect the diversity of the community's aspirations and vision;
- To provide community access to high quality Urban Artwork projects for education and art appreciation purposes;
- To build on and promote the character and identity of the Busselton region;
- To provide spaces within the City for artists' creative ideas and expression;
- To develop potential designs for infrastructure, public facilities, bins and structures located near public facilities; and
- To encourage pride and ownership of infrastructure in our community.

**2.0 SCOPE**

The Policy will guide the City and the community who want to undertake an Urban Artwork. Council supports the development of public Urban Artwork to promote tourism, business, culture and lifestyle and add vibrancy to public spaces within the district and this policy outlines the circumstances and process required to approve an Urban Artwork.

2.1 The policy covers all Urban Artworks on

- a. City owned or managed buildings; and
- b. City owned or managed infrastructure

2.2 The policy does not cover Urban Artworks on

- a. State or Federal Government buildings; and
- b. Privately or commercially owned property or infrastructure.

**3.0 DEFINITIONS**

For the purpose of this policy the following definitions apply: -

**Artist/s:** are generally professional artists, experienced community artists, or arts groups will be eligible to carry out Urban Art Projects. Refer to Guidelines for further information.

**Artwork Design Concepts:** means design artwork proof or concepts submitted to the City at the Location for approval.

**Graffiti:** refers to illegal artwork on private and public property without consent from the property owner and is also termed graffiti vandalism. Graffiti vandalism can take the form of writing, drawing or scratching onto surfaces using different implements such as paint, chalk, markers and stickers. Graffiti vandalism is illegal and is punishable by the Western Australian Criminal Code Sections 444, 445, 446, 557G and 557H.

**Location:** is the site of the Urban Artwork on City owned and managed property, fences, playgrounds, skate parks, outdoor walls, traffic underpass, or other public infrastructure.

**Organiser/s:** means the person, Company or Organisation, including City of Busselton managed projects, which is responsible for organising and makes application to the City for to create an Urban Art Project.

**Urban Artwork:** is an artwork that has been approved by the City to be created on a City Location. It is a well organised, skilled activity which has a strong aesthetic dimension, and in which artistic effort is the major consideration. Locations can include buildings, fences, playgrounds, skate parks, outdoor walls, traffic underpass, bus stop or other public infrastructure. For the purpose of the policy, the definition may also include other forms of art works, temporary or fixed and is not confined to paint.

#### **4.0 POLICY CONTENT**

##### **4.1 Approval**

All Urban Artwork on Locations require approval from the City before they commence.

The Urban Artwork Design Concepts will be reviewed and assessed by the City and the Organiser will be informed of the approval in writing.

##### **4.2 Locations**

Locations where Urban Artworks may be sited include City owned or managed properties and infrastructure.

##### **4.3 Consultation**

The Organiser/s must ensure that relevant stakeholders are identified and consulted with throughout the project.

##### **4.4 Maintenance and Removal**

As a condition of the Urban Artwork being approved, the Organiser will, in principle, be responsible for the Artwork's maintenance and removal of graffiti at the Location. A maintenance plan is required as part of the procedures.

The maintenance period for acquired artworks will be five (5) years from the date of creation unless agreed otherwise. If the Urban Artwork Location is not maintained and graffiti removed in a timely manner, the City reserves the right to remove it by repainting the surface.

**6.0 RESPONSIBILITIES****Community and Commercial Services Directorate**

Approval, consultation, location, artist liaison

**Engineering Works and Services Directorate**

Location, maintenance, removal

**Finance & Corporate Services Directorate**

Asset Register, insurance

**7.0 POLICY BACKGROUND & HISTORY**

Policy Reference No: 017




Owner Unit: Community Services

Policy Adopted: 26 June 2013

Review Frequency: As Required

Council Resolution	Date	Information
	December 2017	Reviewed
C1306/161	26 June 2013	Adopted and implemented

10.7 Policy and Legislation Committee - 30/11/2017 - REPEAL OF POLICY: COMMUNITY FACILITY BOOKINGS (#027)

<b>SUBJECT INDEX:</b>	Facility Bookings
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Information Services
<b>ACTIVITY UNIT:</b>	Information Services
<b>REPORTING OFFICER:</b>	Manager, Information Services - Hendrik Boshoff
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Policy 027 - Community Facility Bookings 
	Attachment B Policy 249 - Non-Exclusive Use of City Land - Marked Up 
	Attachment C Policy 249 - Non-Exclusive Use of City Land - Final 

**This item was considered by the Policy and Legislation Committee at its meeting on 30 November 2017, the recommendations from which have been included in this report.**

## PRÉCIS

In November 2016, Council adopted a new policy 'Non-exclusive Commercial Use of Land' (#249). This report recommends Council amends this policy to include short-term and seasonal hire and repeals a related policy that has guided community facility bookings of City owned and/or controlled land on a seasonal and short-term basis, namely 'Community Facility Bookings' (#027) Policy.

## BACKGROUND

Prior to development of this Policy, the City had been managing a significant amount of non-exclusive use of City land and facilities, but without an overarching or integrated policy framework. Because of the level of interest in the subject, the potential implications of such activity, both positive and negative, and the need for administrative fairness, consistency, efficiency and robust decision-making, this policy was developed. Since it was first adopted, the scope of the policy has been expanded to include short-term or seasonal hire of City land and facilities, which was originally excluded. Further background to the development of this Policy can be found in the reports to the Council that have supported the Policy's consideration, adoption and review by the Council.

## STATUTORY ENVIRONMENT

The following legislation provides legal parameters for commercial and community use of public land:

- Land Administration Act 1997 and associated regulations
- Local Government Act 1995 and associated regulations
- Planning and Development Act 2005 and associated regulations
- Building Act 2012 and associated regulations
- Health Act 1911 and associated regulations
- Public Health Act 2016
- Food Act 2008 and associated regulations
- Local Planning Scheme 21 and associated structure plans and policies
- Activities in Thoroughfares and Public Places and Trading Local Law
- Property Local Law
- Jetties Local Law
- Airport Local Law

## RELEVANT PLANS AND POLICIES

The following plans and policies reference commercial and community use of public land:

- Busselton Foreshore Master Plan
- Busselton City Centre Conceptual Plan
- Dunsborough Town Centre Conceptual Plan
- Mobile Vendors on the Busselton Jetty Policy – Reference No. 006
- *Community Facilities Bookings Policy – Reference No. 027\**
- Markets Policy – Reference No. 074
- Events Policy – Reference No. 231
- Leases of City Land and Buildings Policy – Reference No. 248
- Non-exclusive Commercial Use of Land (Policy #249)

*\* the Officer recommendation in this report recommends this policy be repealed and replaced with the single policy 'Non-exclusive Commercial Use of Land (Policy #249)'.*

## FINANCIAL IMPLICATIONS

There are no financial implications arising from the Officer recommendation. Relevant elements of the schedule of fees and charges have been updated in the City's 2017/18 budget to reflect the individual hire rates for each venue and hire type as appropriate. The hire fees and charges are reviewed annually in accordance with the City's budget processes.

### Long-term Financial Plan Implications

Nil

## STRATEGIC COMMUNITY OBJECTIVES

These policies are aligned to Key Goal Area 6: Leadership that is Visionary, collaborative and accountable.

## RISK ASSESSMENT

There are no risks rated medium or high associated with the Officer recommendation.

## CONSULTATION

No specific community consultation was undertaken during the development of this report. However, officers engaged with other Local Governments and the various City Officers who administer the bookings of City facilities and land on both short-term and seasonal hire basis.

## OFFICER COMMENT

The City manages a large variety of short-term and seasonal hireable facilities, each with their own specific attributes and capabilities. To guide the management of these facilities Officers utilised operational guidelines, adopted fees and charges, relevant legislation and refer to internal departments where appropriate. The opening of the new Civic and Administration Centre and in particular the availability of the Undalup Room initiated a full review of short-term hire information provision and it was found the operational parameters might differ between facilities. Therefore Officers progressed the development of individual hire forms, which contains all the relevant information and terms and conditions for each facility.

The aim being a single document per facility or facility group that can be presented to a potential hirer without the need to include excessive information not relevant to the facility being booked.

As such there has been a reduced need to use the Community Facility Bookings (#027) Policy and in fact a number of generic items contained in the policy contradict with the desired use of facilities. For example the policy restricts the commercial hire of a City facility to no more than sixteen hours (16) in any one week, clearly there would be various occasions where the commercial hire exceeding 16 hours might be appropriate.

During the review officers also assessed Non-exclusive Commercial Use of Land (Policy #249) and it was found the principles and desired outcomes set out in this Policy are consistent with the overarching principles and desired outcomes of both short-term and seasonal hire of City facilities, but it allows enough operational leeway to ensure the best use is made of the various facilities. That said, utilising the higher level Policy as a guiding principle will necessitate the need for more detailed individual or like type grouped operational documentation to ensure the facilities are appropriately managed.

## CONCLUSION

As noted the City's number of short-term and seasonal hireable spaces have increased over the years, adding complexities in the desired use of these facilities. As the operational needs of the facilities became relevant officers developed corresponding guidelines, predominantly in the shape of hire forms, to assist with the appropriate management of the facilities. It is anticipated the City will continue to see an increase in the number of managed facilities and correspondingly a growth in the diversity of use.

Currently Officers are no longer using the 'Community Facility Bookings' (#027) Policy, as the operational documents, other relevant regulatory items and the City fees and charges have superseded this Policy. That said there is still a need to ensure a high level procedural fairness and equity for the access and use of short-term and seasonal hire of City facilities.

The overarching principles contained within Non-exclusive Commercial Use of Land (#249) Policy are deemed a good fit for the desired outcomes of procedural fairness and equity, and the following changes are recommended to include short-term and seasonal hire into this policy:

1. The title of the policy to be amended to read  
*'Non-exclusive Use of City Land and Facilities'*
2. The scope of the policy amended to include short-term and seasonal hire:  
*'• Short-term and seasonal hire of City land and facilities such as sporting grounds, halls, public open spaces or reserves.'*
3. Remove the exclusion of the short-term and seasonal hire from the scope exclusion by the deletion of:  
~~*'Activities associated with the short-term hiring of City property;  
General sporting use of ovals or similar'*~~
4. Amend objective one to include community and individuals:  
*'1. Achieving fair outcomes, in both procedural and outcome terms, in relation to the treatment of different businesses, business models, activities, community groups and individuals;'*
5. Inclusion of a guiding principle directly related to short-term and seasonal hire:  
*'6. Notwithstanding clause 1 above, where there is a need for short term or seasonal hire of City land and/or facilities for a specific use, these will be managed through appropriate guidelines specific to each portion of land or facility, in keeping with the broader policy direction.'*

It is also recommended that Council repeals the 'Community Facility Bookings (#027)' Policy, which deals with community and commercial short-term and seasonal hire of City managed facilities and public spaces.

#### **OPTIONS**

Council may elect not to repeal the Policy as recommended by Officers and request a further review of the policy framework for non-exclusive use of City land.

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

Should Council adopt the Officer recommendation, the policy will be repealed immediately

#### **COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**C1712/322**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Council, with respect to the non-exclusive commercial and community use of City land:

1. Revokes the 'Community Facility Bookings (#027)' Policy, which deals with community and commercial short-term and seasonal hire of City managed facilities and public spaces (see Attachment A);and,
2. Adopts the minor changes to 'Non-Exclusive Commercial Use of Land Policy (#249)' (see Attachment B), to include short-term and seasonal hire of City Land, which supersedes the above policy and is the principal framework for administering permits and licenses for hire activities on City land

**CARRIED 8/0**

**EN BLOC**

## Attachment B

Implemented 09/11/2016

249	NON-EXCLUSIVE USE OF CITY LAND AND FACILITIES	VI Current
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**PURPOSE**

This Policy provides a consistent framework and methodology to facilitate, control and regulate the non-exclusive commercial use of City owned and managed land across the District.

**BACKGROUND**

Prior to development of this Policy, the City had been managing a significant amount of non-exclusive of commercial land, but without an overarching or integrated policy framework. Because of the level of interest in the subject, the potential implications of such activity, both positive and negative, and the need to provide for administrative fairness, consistency, efficiency and robust decision-making, this policy was developed. Further background to the development of this Policy can be found in the report to the Council that supported the Policy's consideration and adoption by the Council.

**SCOPE**

The Policy relates to the following kinds of non-exclusive commercial use of City land -

- Mobile traders (i.e. traders that operate from particular locations for certain periods of time);
- Itinerant traders (i.e. traders that offer goods and services by travelling around the District, stopping only for as long as it takes to serve customers in a particular location);
- Al fresco dining on footpaths or other City land adjacent or close to a permanent, fixed business (other than where this is facilitated via a lease);
- Recreational activities of various kinds (including fitness classes or similar - i.e. 'exercise permits' - and things like mobile climbing walls or water playgrounds);
- The running of tours or similar, which wholly or partly take place on City land and/or using City infrastructure;
- Businesses involved in the short-term hiring of recreational equipment, such as bikes, kayaks or jet skis; and
- Trading that operates from more or less temporary premises and/or from fixed premises, but on the basis of relatively short-term arrangements, such as trading from a converted/adapted sea container, or from some other relocatable and/or relatively low cost structure (although note that once there is a significant degree of 'permanence' associated with a business and/or structure in this kind of example, it becomes indistinguishable from a more conventional leasehold situation, and is therefore not subject of this policy).
- Short term and seasonal hire of City land and facilities such as sporting grounds, halls, public open spaces or reserves.



Implemented 09/11/2016

The Policy does not relate to the following kinds of activities -

- Events, and the trading activity associated with events;
- **Markets;**
- Buskers/street entertainers;
- ; or
- Leasehold use/development of City land.

#### STATUTORY/POLICY ENVIRONMENT

- *Land Administration Act 1997 and associated regulations*
- *Local Government Act 1995 and associated regulations*
- *Planning and Development Act 2005 and associated regulations*
- *Building Act 2012 and associated regulations*
- *Health Act 1911 and associated regulations*
- *Public Health Act 2016*
- *Food Act 2008 and associated regulations*
- *Local Planning Scheme 21 and associated structure plans and policies*
- *Activities in Thoroughfares and Public Places and Trading Local Law*
- *Property Local Law*
- *Jetties Local Law*
- *Airport Local Law*
- *Busse/ton Foreshore Master Plan*
- *Busse/ton City Centre Conceptual Plan*
- *Dunsborough Town Centre Conceptual Plan*
- *Commercial Hire Site Policy- Reference No. 008\**
- *Trading in Public Places Policy- Reference No. 020\**
- *Mobile Vendors on the Busselton Jetty Policy- Reference No. 006\**
- *Community Facilities Bookings Policy- Reference No. 027*
- ***Markets Policy- Reference No. 074***
- *Events Policy- Reference No. 231*
- *Leases of City Land and Buildings Policy- Reference No. 248*

Implemented 09/11/2016

#### OBJECTIVES

1. Achieving fair outcomes, in both procedural and outcome terms, in relation to the treatment of different businesses, business models, activities, community groups and individuals;
2. Preserving and enhancing the vibrancy and attractiveness of City, Town and other activity centres, and other important public spaces, such as the Busselton and Dunsborough Foreshores;
3. Providing convenient and attractive services to residents and visitors;
4. Encouraging innovation, new business development, and economic and employment growth;
5. Generating financial return to ratepayers associated with use of City land and infrastructure;
6. Supporting the delivery of other City strategies and objectives; and
7. Ensuring legal robustness, simplicity and comprehensibility, and administrative efficiency and workability.

#### GUIDING PRINCIPLES FOR IMPLEMENTATION

1. Where there is competition for space/sites (including with other kinds of uses, such as general public recreation or public car parking requirements) and/or concerns that activity should be managed carefully and/or not be supported in certain locations, applications will only be considered as part of an expression-of-interest process and not as a result of *ad hoc* applications;
2. Expression-of-interest sites and assessment criteria will be periodically reviewed and updated, including through appropriate Council consultation/consideration and industry/community consultation;
3. Novel proposals or *ad hoc* proposals may, however, be considered where it is clear they are supportable, given the broader policy direction, and/or to trial a new kind of activity and/or location;
4. Where there is more than one regulatory option, once it is clear that a particular activity or proposal is broadly supported, the most administratively simple option, or combination of options, will be used; and
5. Where there is identified to be a need to ensure a return on the value of City land and/or infrastructure, there will be a requirement for an 'agreement' and/or 'licence', in addition to a 'permit', with a 'licence' only being required where there is a need for a registerable interest in land.
6. Notwithstanding clause 1 above, where there is a need for short term or seasonal hire of City land and/or facilities for a specific use, these will be managed through appropriate guidelines specific to each portion of land or facility, in keeping with the broader policy direction

#### ADMINISTRATION OF THIS POLICY

The Chief Executive Officer {CEO} has the authority (including through necessary delegations and/or authorisations) to administer the requirements of the Non-Exclusive Use of City Land and Facilities on behalf of Council.

Implemented 09/11/2016

#### Policy Background

Policy Reference No - 249

Owner Unit - Environmental Health

Originator- Manager Environmental Services

Policy considered by Policy and Legislation Committee and approved by- Council

Date Approved - 9 November 2016

Review Frequency-As required

Related Documents -

- Activities in Thoroughfares and Public Places and Trading Local Law 2015
- Properties Local Law
- Jetties Local Law
- Busselton Foreshore Master Plan
- *Busselton City Centre Conceptual Plan*
- *Dunsborough Town Centre Conceptual Plan*
- *Commercial Hire Site Policy*- Reference No. 008
- *Trading in Public Places Policy*- Reference No. 020
- *Mobile Vendors on the Busselton Jetty Policy*- Reference No. 006
- *Community Facilities Bookings Policy*- Reference No. 027
- *Markets Policy*- Reference No. 074
- *Events Policy*- Reference No. 231
- *Leases of City Land and Buildings Policy*- Reference No. 248






#### Background/History-

Implementation of new policy to facilitate, control and regulate the non-exclusive commercial use of City owned and managed land across the District.

#### History

Council Resolution	Date	Information
(1611/123	9 November 2016	Date of Implementation Version 1

10.8 Policy and Legislation Committee - 30/11/2017 - MINOR UPDATING OF COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS

<b>SUBJECT INDEX:</b>	Policies and Procedures
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Engineering and Facilities Services
<b>ACTIVITY UNIT:</b>	Engineering and Work Services
<b>REPORTING OFFICER:</b>	Manager, Engineering and Facilities Services - Daniell Abrahamse
<b>AUTHORISING OFFICER:</b>	Director, Engineering and Works Services - Oliver Darby
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Council Policy 140/3 - Roads - Extra Mass Permit Conditions 
	Attachment B Revised Council Policy 179 - Engineering Technical Standards and Specifications 
	Attachment C Revised Council Policy 179 - Engineering Technical Standards and Specifications - Track Changes 
	Attachment D Revised Council Policy 185/3 - Verge and Public Open Space Improvement - Subdivision 
	Attachment E Revised Council Policy 185/3 - Verge and Public Open Space Improvement - Subdivision - Track Changes 

**This item was considered by the Policy and Legislation Committee at its meeting on 30 November 2017, the recommendations from which have been included in this report.**

## PRÉCIS

The City's rolling review of Council policies continues via the Policy and Legislation Committee. This report presents a range of policies that have been thoroughly reviewed by the responsible officers and assessed as requiring, withdrawal, minimal change with the exception of updating terminology to City. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required.

## BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

## 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.

Each policy referred to in this report has been developed in accordance with and reviewed being aware of the relevant enabling legislation.

## RELEVANT PLANS AND POLICIES

This report proposes the update of a series of existing policies of the Council.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from the review of these policies.

**Long-term Financial Plan Implications**

Not applicable.

**STRATEGIC COMMUNITY OBJECTIVES**

The ongoing review of Council policies helps achieve governance systems that deliver responsible, ethical and accountable decision-making.

**RISK ASSESSMENT**

Having a policy relating to any matter is an effective risk mitigation strategy and there are no risks remaining at a sufficient level for further individual assessment.

**CONSULTATION**

Not required.

**OFFICER COMMENT**

In the main, it is the considered view of the relevant officers that the policies included in this report have been operating efficiently and effectively since the previous review was undertaken by the Policy and Legislation Committee and the Council.

This report presents a range of policies that have been thoroughly reviewed by the responsible officers and assessed as requiring minimal change with the exception of updating terminology to City. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required. A brief comment on the changes associated with each policy is provided below:

**Council Policy 140/3 – Roads – Extra Mass Permit Conditions**

The purpose of the current policy is that the Chief Executive Officer advise Main Roads WA (MRWA) of the route plan and conditions recommended to be imposed by MRWA on all applications seeking heavy and/or multi-combination permit (HVP) approval to use Council's roads.

The policy also requires that standard conditions and other specific conditions relevant to a situation be imposed on all HVP Applications. The HVPs will only be approved for issue where the transported item results from an activity which is legally approved by Council.

City officers have reviewed the current policy and are of the considered view that this policy is obsolete and therefore no longer relevant as all the actions contained within the policy are now addressed through Main Roads WA Heavy Vehicle Services (MRWA HVS) assessment and approval processes.

To this MRWA HVS is responsible for the final assessment and approval for all Restricted Access Vehicles (RAV) and Extra Mass Permits including roads under the care and control of the City. MRWA HVS introduced the *“Standard RAV Route Assessment Guidelines”* to ensure consistency in road suitability assessments and access conditions at a state wide level.

Notwithstanding this the City maintains the ability to include specific conditions when assessed to be in the best interest of the City or Community including limiting hours of operation and school bus curfews.

MRWA HVS have introduced to specific RAV assessment frameworks, being: *“Framework for Applying for Adding Local Government Roads to Restricted Access Vehicle Networks”* and *“Framework for Downgrading Local Roads on the Restricted Access Vehicle Networks”*. This allows the City to manage access to its road network in manner to maximise the benefits to the community as a whole.

In addition to the new frameworks there is also avenues within the Local Government Act to restrict access immediately should significant issues be identified such as road degradation or safety issues.

As a result of the review officers are recommending that this policy be revoked.

#### Council Policy 179 – Engineering Technical Standards and Specifications

The policy was last reviewed on 27 June 2012. The purpose of this policy is to provide a framework for the range of standards and specifications to be applied to civil infrastructure works within the City of Busselton. That the Council has adopted and requires the implementation of a series of standards and specifications as set out in this policy.

The proposed to the existing policy includes minor additions and recommends that these Engineering Technical Standards and Specifications not be referred to the Council when they get updated due as a result of new Australian Standards and/or any other Industry Standards. In order to negate the need of numerous reports to Council, its recommended by officers that the if any changes are to be made to these Standards and Specifications the Chief Executive Officer will implement them without referral to the Council.

If the changes to the Engineering Technical Standards and Specifications are deemed to have an adverse effect on the Council, the Chief Executive Officer will refer these changes to the Council for consideration.

#### Council Policy 185/3 – Verge and Public Open Space Improvement - Subdivision

The policy was last reviewed on 25 July 2007. The intention of this policy is to establish the City's minimum landscaping standard and to provide guidance to the Council if considering any proposal from a developer to implement a higher standard of landscaping, including associated maintenance agreements and arrangements.

Officers have reviewed the current policy and have made some minor changes, these changes are listed as follows:-

- For clarity a definition of 'verge' has been included at the beginning of the Policy.
- A requirement under Option A has been added stating 'a Landscape Maintenance Agreement may be required for Option A at the discretion of the City.'
- Roundabouts and drainage basins have been added requiring verge plantings by the developer in the 'Verge Landscaping' section of the Policy.
- A requirement in Downgrade Items/ Entry Statements section has been added stating 'at the City's discretion, Entry Statements may form part of Landscape Option A or C subdivisions' Landscape Maintenance Agreement'. This is an alternative option to a specific stand-alone (short form) Entry Statement Maintenance Agreement required under this policy.

**CONCLUSION**

The three policies have provided consistent guidance to City decision-making processes, however other than minor updates there are no substantial changes.

**OPTIONS**

The Committee may recommend and the Council may determine that a policy or policies are not required or that further changes are necessary.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The policies remain effective and the updated versions will take effect as soon as a decision is made by the Council.

**COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION****C1712/323**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Council:

1. Revoke Policy 140/3 – Roads – Extra Mass Permit Conditions as shown in Attachment A.
2. Adopts the changes and updates to Policy 179 – Engineering Technical Standards and Specifications as shown in Attachment B.
3. Adopts the changes and updates to Policy Council Policy 185/3 – Verge and Public Open Space Improvement - Subdivision as shown in Attachment D

**CARRIED 8/0****EN BLOC**

## Attachment B

Last updated 27 June 2012

179	Engineering Technical Standards and Specifications	V2 Current
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#### 1. PURPOSE

This policy is to provide a framework for the range of standards and specifications to be applied to civil infrastructure works within the City of Busselton. The Council has adopted and requires the implementation of a series of standards and specifications as set out in this policy.

#### 2. SCOPE

The policy applies to all civil works designed and carried out by consultants, contractors, developers and the City.

#### 3. POLICY CONTENT

The following standards and specifications have been adopted for the City of Busselton and are to be applied:

##### Section 1 - Guidelines and Administration Requirements for Subdivisions and Developments

This will be used for processing subdivision and development applications, plan approvals and control of works.

##### Section 2 - Designs and Plans for Roads, Earthworks, Paths and Stormwater Drainage

Provides guidance for preparing plans for road reserve and drainage works.

##### Section 3 – Construction - Earthworks, Storm Water Drainage, Roads and Other Pavements

Applies to all subdivisions, developments and City construction works.

##### Section 4 - Vehicle Crossovers

Applies to the construction of vehicle crossovers and will be used for processing vehicle crossover applications.

##### Section 5 - Bushfire Protection and Prevention Facilities - Rural and Special Rural Areas

Provides guidance for strategic fire protection in all rural and special rural areas (where required).

##### Section 6 - Property Development - Technical Requirements and Guidelines for Earthworks, Drainage and Parking

Applies for all property development, earthworks, drainage and parking works.



Last updated 27 June 2012

**Section 7 - Requirements and Guidelines for Road, Drain and Path Maintenance and Reinstatements**

Applies to all road, drain and path maintenance and reinstatement works.

**Section 8 - Requirements and Guidelines for Reserve and Foreshore Works, and Tree Management**

Applies to all reserve developments and foreshore works approved by Council.

**Section 9 - Subdivisions and Developments - Landscaping, Revegetation and Stabilisation**

Applies to all clearing, landscaping and revegetation works for subdivisions and developments.

**Section 9b - Street and Road Verge - Landscaping, Revegetation and Stabilisation**

Applies to all clearing, landscaping and revegetation works for streets and road verges.

**Review of Engineering Technical Standards and Specifications**

All relevant Engineering Standards and Specifications are reviewed on an ongoing basis by City Officers. It is acknowledged that accepted industry standards will continuously evolve over time. If any proposed changes to content are deemed to be as a result of industry changes and will not have a significant effect on the Council, the Chief Executive Officer may implement those without referral to Council.

**4. APPLICATION OF THE POLICY**

The policy will be maintained and applied, under authority of the Council, by the Chief Executive Officer and the Director, Engineering and Works Services.

**Policy Background**

Policy Reference No. - 179  
 Owner Unit – Engineering Services  
 Originator – Historical  
 Policy approved by – Council  
 Date Approved – 27 June 2012  
 Review Frequency – As required  
 Related Documents – Section 1 to 9 standards

Last updated 27 June 2012

Council Resolution	Date	Information
	27 June, 2012	Update to new policy format Version 2
C0907/266	22 July, 2009	Policy update with introduction of new and updated standards

## Attachment D

Last Updated 25 July, 2007

185/3	Verge and Public Open Space Improvement - Subdivision	V3 Current
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**Policy Revision Date: July 2007**

**Definition:** 'Verge' means road verges, roundabouts and medians within the road reserve

**A. Policy: Verge Improvement and Public Open Space**

It is the Council Policy to seek a verge and public open space improvement to a minimum standard that makes areas functional, aesthetic and usable, as part of the urban subdivision process, prior to subdivision clearance. Improvements should comply with minimum landscaping standards in Western Australia Planning Commission's (WAPC's) current "Liveable Neighbourhoods Edition" Operational Policy and shall also be financially, socially and environmentally sustainable.

The intention of this policy is to establish the City of Busselton's minimum landscaping standard and to provide guidance to the Council when considering any proposal from a developer to implement a higher standard of landscaping, including associated maintenance agreements and arrangements.

Scope of Policy

This policy applies to passive recreation parks, reserves, and verges. Active sports fields that are designed and developed for organized sport are excluded from the policy provisions but the surrounds to such areas shall be included and assessed as passive recreation areas.

Applicable areas shall include all reserves that are to be landscaped or rehabilitated as part of the subdivision, that are intended to be vested in the City as reserves for recreation, landscape protection, foreshore management, drainage or other purposes, including verges.

Landscape Categories

Three categories of Verge and Public Open Space (POS) are adopted for reference:

Category 1

This category relates to reserves that have a high profile which require a high level of maintenance for whole of community benefit.

Category 2

These are passive activity areas with a medium level of maintenance required and include elements or all of the following; trees, shrubs, lawned areas, mulched gardens, infrastructure and reticulation.

Category 3

These areas are not reticulated and require minimum maintenance.

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The use of native plants and waterwise designs is encouraged in all categories.

It should be noted that a single reserve or area might contain more than one category of landscape treatment.

#### Landscaping to Be Provided By Developers

For all options A, B & C that follow, irrigation demand (if any), whether from bore or scheme water, shall be minimal and shall be from a secure, adequate and sustainable supply source.

#### Option A

This is the preferred option for maintenance of reserves following developer handover as reflected in the City of Busselton's Engineering Technical Standards and Specifications – Section 9 – Subdivisions and Developments – Landscaping, Revegetation and Stabilisation which sets out that the City will not accept maintenance liability for intensively developed open space.

The City's preference is that POS areas and verges ~~are~~ created by subdivision should consist predominantly of Category 3 landscaping, with consideration of limited Category 2 treatments (if any) in key areas. The total annual maintenance cost of all landscaping in the subdivision should not exceed the "Option A standard percentage" of "nominal general rate" revenue from the fully developed subdivision that is nominated by the City to reflect the normal sustainable maintenance spending by the City each year on Public Open Space Maintenance. The Option A standard percentage was set at 15% back in the 2007/08 Financial Year but may be revised by the City each year based on adopted City budgets. The term "Nominal general rate revenue" as applicable to this policy is defined in the guidelines that follow.

Under Option A, basic public open space low maintenance facilities such as playground equipment in addition to the improvement to the landform, appearance and/or vegetation is encouraged. High maintenance landscaping such as artificial water bodies, extensive reticulated lawn, garden bed, exotic vegetation or barbecues is discouraged. This is to avoid the expectation of residents that the Council will accept the cost of high maintenance facilities.

Option A requires:

- \* A landscape maintenance period of 2 years.
- \* A landscape maintenance performance bond equal to two years of estimated maintenance cost (with no margin or loading).
- \* Refer to the Option A example calculation elsewhere in this Policy.

A Landscape Maintenance Agreement ~~is~~ may be required for Option A at the discretion of the City.

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#### Alternatives for a Higher Standard of Landscaping

If a developer wishes for a higher standard than Option A, where annual maintenance costs exceed the Option A standard percentage of nominal general rates, the proposal shall be referred for the Council's approval, prior to the approval for construction of landscape treatments or clearance of subdivision. The proposal shall be an Option B or Option C Proposal as described below, or an alternative "high standard" proposal that the developer might seek to implement based on similar principles.

Proposals shall be considered by the City on individual merit. Arrangements accepted for other subdivisions shall not be construed to establish a precedent. The Council may withhold approval at its discretion, in which case the developer may fall back to Basic Landscape Option A, or may canvass the Council in respect of other High Standard Options not previously canvassed.

Note that the ability to pay for high quality Option B or C landscape treatments in the foreseeable future should not be the sole consideration as to its acceptance and will not over-ride other sustainability considerations. Those considerations will include compliance with Water Sensitive Urban Design (WSUD) guidelines, retention of biodiversity values, use of endemic landscape species and general resource consumption issues.

#### Option B – Specified Area Rate (SAR) Proposal

Option B (SAR Proposals) require:

- \* Council approval;
- \* A Landscape Maintenance Agreement;
- \* Identification of the areas to be landscaped, annual maintenance budgets for each area, the total annual landscape maintenance budget for the whole subdivision as well as the whole of life cost;
- \* Details of the proposed SAR. The SAR should:
  - fund the extra-over landscape maintenance cost that exceeds the Option A standard percentage of the nominal general rate revenue;
  - include an additional minor allowance to cover City expense costs for administering the SAR (amount to be advised by Shire);
  - aim to be no more than a 20% addition to the general rate levy per property (i.e. a SAR limit of about \$329 per lot based on average rate levy of \$1615 in 2017/18 dollars) to support longer term acceptability to ratepayers;
  - identify the proposed SAR commencement date, to be within the developer's landscape maintenance period and as soon as possible following clearance of initial stages of the subdivision;

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- include a cashflow forecast for the developers maintenance period and beyond, that as a minimum shall account for the SAR accumulations in reserve during the maintenance period and the financial (rating) implications of lots remaining undeveloped (vacant) after the maintenance period. The former would be envisaged to offset the latter.
- identify the SAR Area boundary suitably located to avoid equity objections from ratepayers.
- \* A landscape maintenance period of minimum 5 years.
- \* A landscape maintenance performance bond equal to 5 years multiplied by the Option A standard percentage of nominal general rate revenue from the subdivision (with no margin or loading).
- \* Section 70A Notifications on Title by the developer at clearance, to inform purchasers. Any proposal to establish a SAR must gain the Council's endorsement well ahead of the clearance of the first stage of subdivision as failure to establish section 70A Notices on title would normally make Option B SAR proposals untenable.
- \* Provisions to extend the developer's maintenance period (delay handover) until financial and environmental sustainability criteria and other Landscape Maintenance Obligations in the Landscape Maintenance Agreement have been met to the reasonable satisfaction of the City.
- \* Refer to the Option B example calculation elsewhere in this Policy.

Note - the 5 year maintenance period for Option B is nominated to:

- \* ensure adequate time for the developer to achieve and prove sustainability objectives prior to handover;
- \* allow sufficient time to implement the SAR and accumulate SAR revenues in reserve as a buffer against ongoing vacant lots or later cost over-runs; and
- \* allows for the ramping up SAR collections from low starting levels in the initial years.

#### Option C – Developer Funded Landscape Annuity Proposal

Option C proposals should be based on a 40 Year Developer Funded Landscape Maintenance Annuity. Option C proposals require;

- \* The Council's approval;
- \* Identification of the areas to be landscaped, annual maintenance budgets for each area and the total annual landscape maintenance budget for the whole subdivision;

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- \* Funding the extra-over landscape maintenance cost that exceeds the Option A standard percentage of the nominal general rate revenue via a "40-year Developer Funded Landscape Annuity;
- \* A developer maintenance period of minimum 2 years.
- \* A landscape maintenance performance bond equal to 2 years multiplied by the Option A standard percentage of nominal general rate revenue from the subdivision (with no margin or loading).
- \* Refer to the Option C example calculation elsewhere in this Policy.

Option C proposals do not require a formal Landscape Maintenance Agreement from a City perspective. However, it is expected that developers may seek such an agreement to oblige appropriate expenditure of the annuity by the City.

#### **B. Guidelines: Verge and Public Open Space Improvement**

##### Landscaping Generally

- \* The extent of works required and approved will ultimately be determined by the Chief Executive Officer.
- \* More than one WAPC subdivision approval area may be combined in a single proposal under Option B or C.
- \* The works shall be carried out under the direction and the supervision of the Chief Executive Officer.
- \* Works shall be carried out as soon as practicable before clearance of subdivision following completion of civil engineering works on the subdivision, except that outstanding works may be bonded under the provisions of the Council's early clearance subdivision policy as applicable.

##### Verge Landscaping

- \* Road verge landscape plantings are normally intended to be established and maintained by the adjoining landowner. Verge plantings provided by the developer should therefore be limited under ALL landscape Options to no greater than the following:
  - Roundabouts and medians of dual carriageways;
  - drainage basins and swales provided in roundabouts, medians or verges;
  - verges immediately abutting POS and reserves (landscaped to the same detail as the adjoining POS or reserve);
  - road verges that have no directly adjoining lot frontage. These are typically higher order roads classified as arterial roads, district

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distributors or local distributors or the Western Australia Planning Commission's (WAPC's) current "Liveable Neighbourhoods Edition" Operational Policy road equivalents that are designed to prevent or limit direct property access; such verges can include the separator or buffer strips between major roads and adjacent parallel local or service roads.

- generally for local roads, only a single street tree per lot frontage (2 for corner lots) should be provided by the developer in verges that adjoin residential or other development lots.
  - verge landscaping (in excess of single street trees) may be supported for the front verge of rear accessed (laneway) lots where the verge is divorced from the lot via a front retaining wall and there is no front driveway.
- \* Works scope may extend beyond the immediate frontage of the subdivision. In this way verges of the collector and distributor roads associated with the subdivision, can be improved.

#### Estimates of Landscape Maintenance Costs

- \* Estimates of annual landscape maintenance costs shall be provided on request, to the satisfaction of the City, if the City believes that the annual landscape maintenance cost might exceed the Option A standard percentage of the nominal general rate revenue, for the subdivision and the landscaping proposed.
- \* Landscape maintenance costs estimates shall account for all landscape areas developed as part of the subdivision whether internal or external to the subdivision boundary. Estimates and costings may be rejected, accepted or otherwise adjusted at the sole discretion of the City. Estimates shall account for normal annualised operating costs (excluding GST) that include borewater supply costs and license fees, utility (power and water) rates and consumption charges. End of life replacement costs for hard landscaping shall be excluded.
- \* Maintenance cost estimates shall reflect the anticipated annual costs occurring after expiry of the developer's maintenance period and should therefore make due allowance for items downgraded (by agreement) prior to handover and should exclude initial maintenance costs that are of an establishment nature.

#### Definition of "Nominal General Rate Revenue"

- \* Nominal general rate revenue is defined as the estimate (to the satisfaction of the City) of the general rates that would theoretically arise from all lots within the subject subdivision boundary, if the lots were fully developed with housing etc. and rated as such at current year values. Actual rate revenues will differ in early years due to vacant lots.

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#### Downgrade Items/ Entry Statements

- \* Landscape elements should generally not be planned to be downgraded prior to handover, as a means of achieving financial sustainability due to problems with managing public expectations.
- \* An exception is "Entry Statements" that are developed to category 1 or 2 standard. An Entry Statement is any construction or landscaping arrangement constructed with the express aim of promoting and enhancing the entry and presentation of a subdivision or development. These SHOULD be planned to be downgraded prior to handover. A specific stand-alone (short form) Entry Statement Maintenance agreement is required for Entry Statements proposed as part of Landscape Option A or C subdivisions, consistent with – Section 9 – Subdivisions and Developments – Landscaping, Revegetation and Stabilisation of the City of Busselton's Engineering Technical Standards and Specification. . However, at the City's discretion, Entry Statements may form part of Landscape Option A or C subdivisions' Landscape Maintenance Agreement. In Landscape Option B subdivisions equivalent provisions that are specific to the Entry Statement/s (where one or more is proposed) should form part of the larger Landscape Maintenance Agreement that is required in respect of Option B.

#### Landscape Maintenance Performance bonds

- \* These may be cash bonds or bank guarantees of acceptable format, lodged prior to clearance and held until expiry of the developer's maintenance period for the purpose of securing the performance of the developer's landscape maintenance obligations;
- \* Landscape Maintenance Bonds shall be separate to the twelve months maintenance period bonds otherwise provided for subdivision civil works due to the different timeframe for release of bonds; and
- \* Landscape Maintenance bonds should be separate and additional to outstanding works bonds that may be lodged in respect of incomplete landscape works at time of clearance under other City of Busselton policies.

#### Landscape Maintenance Period

- \* The date of expiry of the (Developer's) Landscape Maintenance Period in respect of Options A, B & C (notwithstanding other provisions that extend the date for non-compliance) shall be based on applying the Landscape Maintenance Period from the latest of:
- \* the clearance date of the subdivision, and
- \* the "Date of Practical Completion" of the landscape elements.

In any event, the developer's landscape maintenance period extends from the clearance date until the expiry date. This is significant where early clearance is supported and there is substantial bonding of incomplete landscape works.



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- \* "Practical Completion" of landscape elements shall be based on 95% completion of all Landscape Work by value and no less than 95% completion of all "soft landscape" plantings (grass, shrubs & trees), to the satisfaction of the City.
- \* For multi-staged subdivisions, the maintenance periods and corresponding expiry dates apply independently to each stage. Alternatively a single landscape maintenance period expiry date may be determined for all stages (for simplicity) relative to the final stage, in which case shortening of the landscape maintenance period relative to the final stage may be supported at the discretion of the Chief Executive Officer, to achieve the normally specified maintenance period as an average across all stages. For example, a subdivision progressively staged and cleared over a two year period that otherwise warrants a 5 year maintenance period could have a maintenance period expiry date set for all stages that is 4 years after the practical completion of the final stage.

#### Notifications on Title

All lots created in subdivisions with other than Option A landscaping require section 70A Notices (Transfer of Land Act 1893) to warn purchasers of potential downgrading of high maintenance standards provided at subdivision (despite downgrading only being normally intended for entry statements). For Option B proposals the Section 70A Notice shall also warn of the application of Landscape Specified Areas Rates. Typical text follows:

*This lot is part of the "<insert>" subdivision which upon original development was provided with a higher standard of landscaping in its parks and road reserves than is normally supported by the Shire of Busselton. Considering this higher standard, there is a potential for the Shire of Busselton to impose a Specified Area Rate in relation to landscape maintenance and there is also potential for the Shire to amend the standard of the landscaping and the amount of any such Specified Area Rate in future."*

#### **C. Example Calculations**

##### Option A – Basic Landscaping Calculation:

Example - A 500 lot subdivision anticipates average general rates payable per rated (residential/industrial/commercial) property of \$1,615 (in 2017/18 dollars) per lot when fully developed with housing. The Landscape design is predominantly category 3 with an estimated annual maintenance cost of \$102,625 (at 2017/18 dollars excluding GST);

- \* Maintenance cost = \$102,625/500 lots = \$205 per lot per year;
- \* Maximum acceptable Option A cost is 15% x \$1,615 per lot = \$242 per lot, ( x 500 lots = \$121,000 overall) per year, so the Option A cost criteria is satisfied;

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- \* A landscape maintenance performance bond of 2 years x \$102,625 = \$205,250 is required prior to clearance.

Option B – SAR Proposal:

Example - A 500 lot subdivision anticipates average general rates payable per rated (residential/industrial/commercial) property of \$1,615 (in 2017/18 dollars) per lot when fully developed with housing. The higher quality Landscape design has an estimated annual maintenance cost of \$249,232 (at 2017/18 dollars excl GST).

- \* Maintenance cost =  $\$249,232 / 500 \text{ lots} = \$498 \text{ per lot per year}$ . This amount exceeds the Option A limit by  $\$498 - \$242 = \$256 \text{ per lot}$  ( x 500 lots = \$128,000 in 2017/18 dollars).
- \* The Specified Area Rating Proposal must therefore generate the extra-over amount of \$128,000 per year (in 2017/18) dollars at full development of all 500 lots. Actual SAR revenues will be less in early years prior to full development, but will “ramp up” and accumulate in reserve during this period while the developer meets the full landscape maintenance cost;;
- \* The \$498 average per lot cost is ultimately to be funded \$242 from general rate revenue and \$256 from SAR revenue. All figures escalate annually for inflation. However, general and Specified Area Rates are expected to escalate simply via escalation of underlying gross rental valuations;
- \* A landscape maintenance performance bond of 5 years x 500 lots x \$242 per lot = \$605,000 is to be lodged prior to clearance.
- \* The landscape maintenance period will extend until the developer demonstrates that annual maintenance costs lie within the \$249,232 annual target (indexed to the date of handover).

Option C – Developer Landscape Annuity Example:

Example - A 500 lot subdivision anticipates average general rates payable per rated (residential/industrial/commercial) property of \$1,615 (in 2017/18 dollars) per lot when fully developed with housing. The higher quality Landscape design has an estimated annual maintenance cost of \$249,232 (at 2017/18 dollars Excl GST).

- \* A landscape maintenance performance bond of 2 years x \$249,232 = \$498,464 is required prior to clearance.
- \* The annual Maintenance cost =  $\$249,232 / 500 \text{ lots} = \$498 \text{ per lot per year}$ . This exceeds the Option A limit by  $\$498 - \$242 = \$256 \text{ per lot}$  ( x 500 lots = \$128,000 per year in 2017/18 dollars). The developer must pay an annuity amount (a fee) that is the Present Value of the \$128,000 per year extra-over cost, with appropriate inflation and discount allowances for a 40 year period after clearance, less the component of this amount that is

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applicable to the 2 year maintenance period and otherwise covered by the maintenance bond. The fee is calculated in this manner as follows:

$$\text{Present Value} = \left[ \frac{1 - (1+r)^{-n}}{r} \right] \times \$Y$$

In this example,

- \*  $n = 40$  annual payments of  $Y$ ,
- \*  $Y = \$128,000$  (in FY2017/18 dollars),
- \*  $r$  = the (real) discount rate which, accounting for inflation of maintenance cost ' $Y$ ' at the assumed annual inflation rate ' $i$ ' is reasonably approximated as the difference between the nominal discount rate ' $rn$ ' and ' $i$ '. The nominal discount rate ( $rn$ ) shall be the interest rate available for City investments. In this example the following rates are assumed,
- \* nominal discount rate,  $rn = 8\%$
- \* inflation rate  $i = 6\%$
- \*  $r = \text{real discount rate (approx)} = rn - i = 2\%$

The formula gives present value = \$2,393,604, for which the corresponding fee to be paid prior to clearance is:




$$\$3,501,500 - \$498,464 = \$3,003,036$$

#### History

Council Resolution	Date	Information
C0707/162	25 July, 2007	Completely revised version of former policy 185/3 Version 3
C0111/566	28 November, 2001	Substantially revised version of former policy 185/3 Version 2
(W94/0194) C94/0368	28 September, 1994	Date of implementation Version 1

## 11. PLANNING AND DEVELOPMENT SERVICES REPORT

### 11.2 DRAFT LEEUWIN-NATURALISTE SUB-REGIONAL PLANNING STRATEGY - CITY SUBMISSION

<b>SUBJECT INDEX:</b>	Leeuwin-Naturaliste Sub-Regional Planning Strategy
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Planning and Development Services
<b>ACTIVITY UNIT:</b>	Strategic Planning and Development
<b>REPORTING OFFICER:</b>	Director, Planning and Development Services - Paul Needham Manager, Strategic Planning and Development Services - Matthew Riordan Principal Strategic Planner - Louise Koroveshi Strategic Planner - William Hosken
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Draft Leeuwin-Naturaliste Sub-Regional Planning Strategy  Attachment B Alternative Dunsborough 'Planning Investigation Area'  Attachment C Potential 'Vasse West' future expansion of Vasse Light Industrial Area / Business Park  Attachment D Approximate locations of Abbey South, Vasse North, Vasse South, Vasse East and Ambergate South 

### PRÉCIS

The Council is asked to consider the City's submission on the Draft Leeuwin-Naturaliste Sub-Regional Planning Strategy (LNSS). It is recommended that the City indicate general support for the direction set out in the Draft LNSS, but indicate that changes should be made in relation to the following key issues –

1. Population projections, land supply, and the identification of appropriate 'planning units' for those purposes;
2. The future growth and development of Dunsborough, including urban expansion, urban consolidation and the Dunsborough Town Centre;
3. Potential long-term need for expansion of the Vasse Light Industrial Area / Business Park to meet employment and servicing needs for Vasse, for the western parts of Busselton and for Dunsborough;
4. Planning for tourism, including planning for the Bunker Bay tourist node, key sites at Port Geographe, and length of stay restrictions for tourism land in urban areas;
5. Consideration of the efficacy and impact of current approaches to assessment of bushfire hazard through the planning system; and
6. Basic raw materials demand and supply (especially sand supply for development and coastal management).

### BACKGROUND

The Draft LNSS was adopted by the Western Australian Planning Commission (WAPC) in July 2017. The Draft LNSS was then published in September 2017, with a 60 day period provided for consultation. Consultation closes on 15 December 2017. A copy of the Draft LNSS is included as **Attachment A**.

The Council is asked to consider the Draft LNSS, with the aim of the Council making a resolution regarding the terms of the City's submission. The WAPC would then consider the City's submission, along with any other submissions received, in adopting a final version of the LNSS. Local planning strategies and schemes, which guide more detailed planning at the local government level, are expected to be consistent with the LNSS.

According to the draft document, its purpose and scope is broadly as follows –

1. Be an overarching planning document that outlines the WAPC's approach to future planning and development within the sub-region (i.e. the whole of the City of Busselton and the whole of the Shire of Augusta-Margaret River);
2. Guide urban, industrial, rural and regional land use planning and associated infrastructure delivery in the sub-region for the short, medium and long term;
3. Provide a local context and more detail for actions set out in the WAPC *State Planning Strategy* and *South West Regional Planning and Infrastructure Framework*; and
4. Promote a whole-of-government approach to a wide range of social, economic and environmental considerations in the sub-region.

As well as identifying WAPC policy positions on a range of planning issues, the Draft LNSS identifies a number of 'WAPC future actions'. One of those is a review of *State Planning Policy 6.1: Leeuwin-Naturaliste Ridge* (SPP6.1). SPP6.1 provides guidance for planning and development in the western parts of the City of Busselton and Shire of Augusta-Margaret River. SPP6.1 has been in place for nearly 20 years, with a fairly minor review around 15 years ago. It is anticipated that a review of SPP6.1 will occur following final adoption of the LNSS. The aim of that review would be aligning SPP6.1 with the LNSS, and with other elements of the planning framework that have been introduced and/or reviewed since SPP6.1 was last reviewed.

The City has been closely involved with the development of the Draft LNSS, in two key ways. Firstly, the Mayor, at the invitation of the WAPC, was a member of the steering group. Secondly, officers have provided information to the WAPC that has assisted in preparing the draft document. It has been made clear throughout, however, that the views expressed by the Mayor and officers as part of the process to date do not necessarily represent the views or position of the City or the Council as a whole.

The Council has received an informal briefing on the Draft LNSS from Department of Planning, Lands and Heritage (DPLH) staff, on behalf of the WAPC. The Council has also received an informal briefing from City officers, setting out key aspects of the draft document, outlining officer views on those aspects of the draft document, and allowing for some informal feedback and discussion. The feedback received during that briefing has been considered by officers in preparing this report, but the recommendations of this report represent the professional views of City officers.

Given the significance of the LNSS to the future planning and development of the District, it is seen as appropriate that the formal position of the City at this critical stage of the process be determined through the formal consideration and resolution of the Council. It is worth noting, though, that the ultimate form of the LNSS will be determined on the basis of relevant planning and public policy arguments, rather than on the basis of the preferences of stakeholders *per se*.

Given that, it is important that the Council, if it wishes to make a submission asking that the WAPC change the LNSS before adopting it in final form, explains not only *what* change it would like to see, but just as importantly *why*. This report seeks to do that, in terms of the changes recommended by officers. Importantly, it also seeks to do that in relation to some matters where no change is recommended (because the direction set out in the Draft LNSS is supported by City officers).

If the Council, having considered the issues, decides to identify different or additional changes, it is also important that the Council identify not only what change is proposed, but also why that change is seen as appropriate.

## STATUTORY ENVIRONMENT

The *Planning and Development Act 2005* establishes the WAPC to, *inter alia*, advise the Minister for Planning about –

1. Coordinating and promoting land use, transport planning and land development in a sustainable manner;
2. Local planning schemes and scheme amendments; and
3. Preparing and reviewing planning strategy and planning policy.

The *Planning and Development Act 2005* also empowers the WAPC, with the approval or direction of the Minister, to prepare State planning policies (SPPs), such as SPP6.1 referred to in the ‘Background’ section of this report above. The Act and various subsidiary legislation (including local town planning schemes) then require that SPPs are considered when planning decisions are made.

## RELEVANT PLANS AND POLICIES

The Draft LNSS needs to be understood as one element of a much more substantial ‘planning framework’. Some of the key elements of that framework currently are the –

1. *State Planning Strategy*;
2. *South West Regional Planning and Infrastructure Framework*;
3. *State Planning Policy 1.0: State Planning Framework* (SPP1.0);
4. *State Planning Policy 2.5: Rural Planning* (SPP2.5);
5. *State Planning Policy 2.6: State Coastal Planning* (SPP2.6);
6. *State Planning Policy 3.0: Urban Growth and Settlement* (SPP3.0);
7. *State Planning Policy 3.1: Residential Design Codes* (SPP3.1);
8. *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP3.7);
9. *State Planning Policy 6.1: Leeuwin-Naturaliste Ridge* (SPP6.1);
10. *Draft State Planning Policy 7.0: Design of the Built Environment*;
11. *Liveable Neighbourhoods* (WAPC operational policy);
12. *Busselton Urban Growth Strategy* (1999) – to be superseded by CoBLPS;
13. *City of Busselton Draft Local Planning Strategy* (CoBLPS) – which is currently awaiting a final WAPC decision, which it is understood has been deferred in part because the WAPC is awaiting the finalisation of the LNSS process;
14. *City of Busselton Local Rural Planning Strategy, Local Commercial Planning Strategy, Local Environmental Planning Strategy, Local Tourism Planning Strategy and Local Cultural Planning Strategy*;
15. *City of Busselton Local Planning Scheme 21*;
16. *Dunsborough Structure Plan* (1990) – specifically referenced in SPP1.0;
17. *Commonage Consolidated Structure Plan*;
18. Adopted structure plans for key growth areas, including Yalyalup, Airport North Industrial, Ambergate North, Port Geographe, Vasse and Dunsborough Lakes;

19. *Busselton City Centre Conceptual Plan and Dunsborough Town Centre Conceptual Plan;*  
and
20. *Busselton Foreshore Development Guide Plan.*

These documents are available on the WAPC and City websites respectively.

## **FINANCIAL IMPLICATIONS**

There are no financial implications of the recommendations of this report for the current financial year.

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

The planning direction set out in the LNSS will have potentially significant long term financial implications for the City and our residents and ratepayers. Those implications could arise both within the ten year term of the Long-Term Financial Plan, and well beyond that period. Key potential costs that may arise relate to –

1. Insufficient residential land and housing supply, affecting housing affordability and choice, and constraining growth;
2. Inadequate planning for infrastructure development and funding, with future users, ratepayers and/or taxpayers facing either lower levels of service, or additional costs to ‘retro-fit’ infrastructure;
3. Unsustainable settlement patterns or design, especially those that would be associated with relatively small, isolated settlements, or those associated with low density, heavily vehicle dependent development;
4. Inadequate planning to accommodate economic activity and employment, especially in terms of risks of future unemployment and/or underemployment; and
5. Inappropriate management of environmental risks, such as risks associated with bushfire, flooding, coastal erosion, declining or insufficient water resources, or biodiversity loss.

## **STRATEGIC COMMUNITY OBJECTIVES**

The recommendations of this report relate to a broad range of matters identified as priorities in the *Community Strategic Plan*.

## **RISK ASSESSMENT**

Ordinarily, an assessment of the risks of the recommendations of a report would be undertaken using the City’s risk assessment framework. That framework, however, is difficult to usefully apply in this context. The focus has therefore been on identifying the aspects of the Draft LNSS that officers consider are most in need of change, before a final strategy is adopted by the WAPC. Those aspects are considered to relate to planning for tourism and planning for the future growth and development of Dunsborough. Both of those issues are outlined and discussed in more detail in the ‘Officer Comment’ section of this report.

## **CONSULTATION**

The WAPC is seeking feedback on the Draft LNSS from stakeholders, including the respective local governments and the community. The WAPC will consider all submissions received as part of the process of developing and adopting the LNSS in final form.

The City has not undertaken any specific consultation with the community in developing the recommendations of this report. As noted above, though, community members are able to make submissions direct to the WAPC.

The City has, however, in recent years undertaken several rounds of consultation on broad strategic planning for the District; that has occurred as part of the development of the CoBLPS, development and review of the City's *Community Strategic Plan*, as well as other strategic planning proposals. The outcomes of those consultation processes, as well as the subsequent formal decisions by the Council, have been considered by officers in the preparation of this report.

The City has also had discussions in the past with some of the landowners in the areas affected by planning proposals in the Draft LNSS and/or in areas that may be affected by further planning proposals that are recommended be included in the City's submission on the Draft LNSS. The City has not, however, had an opportunity to have further discussions with all of those landowners in preparing this report, and nor was it considered necessary to do so, as those landowners will have an opportunity to make submissions direct to the WAPC. City officers have, though, had brief, recent discussions with owners of land in three areas subject of this report – Vasse East, Bunker Bay (Farmbreak site) and undeveloped tourism sites at Port Geographe. City officers have considered views expressed by those and other landowners from time to time, but as already noted, the recommendations of this report represent the professional views of City officers.

#### **OFFICER COMMENT**

In preparing this report, officers have compared the direction set out in the Draft LNSS with the *City of Busselton Draft Local Planning Strategy* (CoBLPS), as well as with Council's formal decisions associated with development of the CoBLPS, and other strategic planning decisions made by the Council. As a result, the following issues have been identified for discussion and consideration –

1. Population projections, land supply, and the identification of appropriate 'planning units' for those purposes;
2. The future growth and development of Dunsborough, including urban expansion, urban consolidation and the Dunsborough Town Centre;
3. Potential long-term need for expansion of the Vasse Light Industrial Area / Business Park to meet employment and servicing needs for Vasse, for the western parts of Busselton and for Dunsborough;
4. Potential urban expansion areas at Abbey South, Vasse North, Vasse South, Vasse East and Ambergate South;
5. Potential new settlements / settlement expansion at Carburnup River and Metricup;
6. Rural-residential development, especially potential consolidation in the Commonage and Vasse-Dunbarton areas;
7. Planning for tourism, including planning for the Bunker Bay tourist node, key sites at Port Geographe, and length of stay restrictions for tourism land in urban areas;
8. Consideration of the efficacy and impact of current approaches to assessment of bushfire hazard through the planning system; and
9. Basic raw materials demand and supply (especially sand supply for development and coastal management).

Each of these issues is outlined and discussed below, under appropriate sub-headings.



***Population projections, land supply, and the identification of appropriate 'planning units'***

Fundamental to any strategic planning project of this kind is the identification of appropriate 'planning units'. Those units would then be used as a basis for projecting future population growth (or decline), and related aspects of demographic and economic change, and then to assess land supply and demand. The Draft LNSS largely treats the respective local government areas as the planning units. In part 3.1 of the draft document, for instance, which relates to 'population statistics' and includes information about land supply assessments, the figures provided are largely for each local government area as a whole. There is not considered to be a clear planning rationale for using the respective local government areas as the planning units – in fact, there is not much more rationale for doing so than treating the whole sub-region as a single planning unit.

Were that to be the approach, however, a potential land supply surplus in Augusta (i.e. land identified as being suitable for residential development) would be seen as helping to fill a potential land supply deficit in Dunsborough. The underlying assumption would be that if a person or household could not find a lot or home in Dunsborough, they could choose to live and/or invest in Augusta instead. Whilst both locations are attractive, that is not considered to be an appropriate approach, as the two settlements have different characters and attributes. It is not a sensible outcome for the planning system to require that someone who wants to live in Dunsborough should not be able to do so, on the basis that Augusta is available as an alternative.

There is not necessarily a 'right' or 'wrong' answer to the identification of appropriate planning units for the sub-region, but it is the view of City officers that, once location, character and other attributes are considered, the sub-region is best divided into between 4 and 7 planning units – (1) Busselton-Vasse; (2) Dunsborough-Naturaliste; (3) Augusta; and (4, 5, 6 and/or 7) Margaret River, Prevelly-Gnarabup, Cowaramup and Gracetown possibly being identified as distinct planning units, or being grouped together as 1-3 separate units. There are then a number of smaller existing or planned settlements (e.g. Eagle Bay, Witchcliffe) where decisions about land supply are driven by other factors and which in any case should be grouped in with other, larger settlements, for the purposes of population projections and land supply planning (Eagle Bay as part of a broader Dunsborough-Naturaliste unit, for example).

The City does not need to have a definitive view on how many planning units the Shire of Augusta-Margaret River should be divided into. City officers are, though, strongly of the view that 'Busselton-Vasse' and 'Dunsborough-Naturaliste' should be identified as distinct planning units, and that population projections and land supply planning should be done separately for each. That is because the two areas are different in terms of location, character and other attributes. Importantly it is also clear that the two areas have distinct identities and are physically separate (and maintaining that physical separateness is actually an important aspect of the Draft LNSS, SPP6.1 and the CoBLPS).

Having identified the appropriate planning units, there is then a need to identify the time horizon for purposes of projecting population growth and assessing land supply. The Draft LNSS does not contain an explicit time horizon, but on page 34 of the draft document, in part 4.5 ('Climate change and coastal planning'), there is a reference to; "this strategy's 15 to 20 year horizon". That statement is also more or less consistent with discussions that City officers have had with DPLH staff, which indicate a 20-25 year time horizon. Given that the LNSS will not be adopted in final form until next year, that means a time horizon that stretches out to approximately 2038. In this sub-region or in regional areas generally, and given the current planning and environmental regulatory framework, that is not considered to be a reasonable time horizon. It is in any case considered that there should be some flexibility and subtlety in how a planning time horizon is determined and applied.

There needs to be an understanding that strategic planning decisions made today do not translate into 'lots on the ground' tomorrow.

The lead time between strategic support for subdivision and subdivision actually occurring is considered to be a minimum of five years, often longer, given the timeframes associated with detailed background studies (e.g. flora and fauna, hydrology), environmental assessment, rezoning, structure planning, and then the actual subdivision approval and civil works processes. As examples, the lead time for development at Vasse was around ten years, and the lead time for Ambergate North has been around twenty years, and development has not yet actually commenced.

The overall time period over which an estate will be developed can also extend over two decades or more. The development of Vasse, for instance, commenced around ten years ago, and will continue for at least another decade. The development of Dunsborough Lakes commenced around 25 years ago, and will continue for perhaps another five years. Once it commences, development at Ambergate North will possibly continue for up to 30 years, before development is complete.

If planning is constrained by arbitrary time horizons and population / land supply projections made at a particular point in time (projections which are inherently uncertain in any case), then structure planning for an area like Ambergate North could not provide for an integrated approach to development of the whole growth area. The same is in fact true for the 'Wanju' growth area in Greater Bunbury, planning for which is being led by the WAPC itself, and which it is understood will be developed over an approximately 40 year period, which would not be possible if planning was constrained by an arbitrary 20 or even 25 year time horizon. It is considered that areas identified for urban expansion should be sensible areas to plan for, given physical constraints and given the catchments associated with services and facilities, and recognising that growth and development will most likely continue beyond the arbitrary time horizon.

Whilst the reasons are different, the consequences of failing to have a broader vision and a sensible planning unit can be seen with the development of Dunsborough, where the City is now having to plan (and ratepayers are having to pay) to 'retro-fit' infrastructure in the form of land for additional playing fields, when that infrastructure could and should have been planned for earlier. The benefits of not identifying urban growth boundaries on the basis of arbitrary time horizons or population / land supply projections made at a particular point in time, however, can be seen with the development of Vasse, where the focus has been on developing and refining an integrated plan for a sensible planning unit, essentially independent of the rate at which development was expected to occur.

The WAPC (as the official State demographer) does not currently produce population projections for units smaller than local government areas (so, they have produced projections for the City of Busselton as a whole, but not for any of the individual settlements within the City), and they have also not produced any projections for beyond 2026. That is problematic if the aim is to assess land supply for smaller units (i.e. the planning units outlined above) and for a longer time period (i.e. out to 2038, or more appropriately in the view of City officers, beyond that time). Even more problematic is the fact that current WAPC projections for the City of Busselton population in 2016, published in 2015 (with the most recent preceding Census then having been in 2011), are below the actual recorded population in the 2016 Census. Those 2015 WAPC projections outline five different growth rate scenarios, but the City's 2016 Census population was higher than even the highest of the WAPC scenarios.

It should be noted at this point that it is also not considered sensible to plan on the basis of a single scenario in terms of population projections and land supply. That is because both of those factors are inherently uncertain. There is also the possibility that growth in the past may have been constrained by supply – and it is actually thought by officers that the growth of Dunsborough in particular may have been reduced for much of the last decade because of supply constraints. The key factors that need to be considered when assessing land supply, though, are as follows –

1. The rate of projected population growth (or decline);
2. The average occupancy rate (i.e. the average number of people living in each dwelling);
3. The rate at which infill development can or will occur;
4. The area of land available for urban expansion; and
5. The number or density of dwellings that can be developed on that land.

Using the best available information, including assessment of the actual lot yields provided for in current structure plans for the urban expansion areas (Vasse, Dunsborough Lakes *et al*), the City has built a model that can be used to develop and assess population and land supply projections. That model has been used to consider the factors outlined above, including –

1. WAPC population projections;
2. Census results (although, because sufficiently detailed 2016 Census results have only recently been made available, 2016 results have not been fully integrated yet);
3. Trends in terms of average occupancy rates (which, especially in Dunsborough-Naturaliste, appear to be trending upwards, reflecting a relatively young population in that area and an apparent shift from temporary residency / holiday home ownership to permanent residency in some areas);
4. The proportion of the City's growth occurring in the Busselton-Vasse and Dunsborough-Naturaliste areas respectively (with the proportion occurring in the Dunsborough-Naturaliste area tending to increase over time, although the absolute amount of growth in the Busselton-Vasse is and is expected to remain substantially higher);
5. Estimates of the rate of future infill development (again, projected to increase, but less so in Dunsborough-Naturaliste than in Busselton-Vasse, for reasons in part explained in the section below on 'Dunsborough'); and
6. The actual relationship between the gross area identified for urban expansion, and the net amount of land ultimately available for residential lots (which has in the past been estimated at around 70% of the gross land area, once schools, roads and some other fairly predictable elements have been provided for, but which has actually been around 40-50% in examples such as the Birchfields Estate at Vasse, or the Via-Vasse Estate in Yalyalup, with most of the difference being because of greater constraints / expectations in terms of water quality management, vegetation retention and landscape buffers / ecological corridors).

At the time of the 2016 Census, the City's recorded population was 36,686 persons, including (based on data distribution by locality) 26,200 within Busselton-Vasse and 8,544 within Dunsborough-Naturaliste. Between 2011 and 2016 this equated to average annual growth rates of 3.1% for the City as a whole, 0.2% for the rural areas, 3.1% for Busselton-Vasse and 3.9% for Dunsborough-Naturaliste (4.7% if considering only the Dunsborough, Quindalup and Quedjinup localities as comprising the Dunsborough urban area). Using 2016 Census numbers as a starting point, the City has developed the following population growth scenarios for the City as a whole, as well as for the Busselton-Vasse and Dunsborough-Naturaliste planning units. The scenarios assume that land supply will be available to allow the growth to occur. For beyond 2026, the City population projections are merely mathematic equations, not the kinds of more sophisticated demographic models used by the WAPC or Australian Bureau of Statistics (ABS), although it should be noted that those models have in any case not always been terribly successful in projecting population growth in the City in the past.

*City as a whole*

	<b>2016</b>	<b>2021</b>	<b>2026</b>	<b>2031</b>	<b>2036</b>	<b>2041</b>
<b>4.1% p.a.</b>	36,686	44,849	54,829	67,029	81,944	100,177
<b>3.6% p.a.</b>	36,686	43,782	52,251	62,359	74,421	88,817
<b>3.1% p.a.</b>	36,686	42,736	49,784	57,994	67,558	78,699
<b>2.6% p.a.</b>	36,686	41,710	47,421	53,915	61,298	69,692
<b>2.1% p.a.</b>	36,686	40,703	45,160	50,106	55,592	61,680

Note: The latest WAPC projections for the City's 2016 population were between 34,810 and 36,520 (i.e. marginally less than the 2016 Census population, even in their highest growth scenario), and their projections for 2026 are between 42,290 and 45,620. As can be seen from the table above, there would need to be a substantial drop in growth rates for even the highest of those numbers to not be exceeded.

*Busselton-Vasse*

	<b>2016</b>	<b>2021</b>	<b>2026</b>	<b>2031</b>	<b>2036</b>	<b>2041</b>
<b>4.1% p.a.</b>	26,200	32,030	39,157	47,870	58,522	71,543
<b>3.6% p.a.</b>	26,200	31,268	37,316	44,535	53,149	63,430
<b>3.1% p.a.</b>	26,200	30,521	35,554	41,417	48,247	56,204
<b>2.6% p.a.</b>	26,200	29,788	33,867	38,505	43,777	49,772
<b>2.1% p.a.</b>	26,200	29,069	32,252	35,784	39,702	44,050

*Dunsborough-Naturaliste*

	<b>2016</b>	<b>2021</b>	<b>2026</b>	<b>2031</b>	<b>2036</b>	<b>2041</b>
<b>4.9% p.a.</b>	8,584	10,904	13,850	17,592	22,346	28,384
<b>4.4% p.a.</b>	8,584	10,646	13,204	16,376	20,310	25,188
<b>3.9% p.a.</b>	8,584	10,394	12,585	15,238	18,450	22,340
<b>3.4% p.a.</b>	8,584	10,146	11,992	14,174	16,753	19,802
<b>2.9% p.a.</b>	8,584	9,903	11,425	13,180	15,205	17,542

On the basis of the above, it is considered that the City's population as a whole may grow from around 37,500-38,000 today (i.e. around 1,000 more than the 2016 Census population of 36,686) to around 70,000-75,000 in 2038, of which around 50,000 would be in the Busselton-Vasse area, and around 20,000 in the Dunsborough-Naturaliste area, with the balance being in rural areas and the smaller settlements.

Based on the above projections, the City as a whole has sufficient land supply (in terms of land either zoned for urban development, or identified for urban development at a strategic level), out to 2038 and somewhat beyond, especially if the Vasse East and Vasse South areas are supported (see discussion in section below). The vast majority of that supply, though, is in the Busselton-Vasse area, and a substantial portion of that is in one planned growth area – Ambergate North. The situation in Dunsborough-Naturaliste is quite different.

The City estimates that currently zoned / identified land supply in Dunsborough Lakes will be essentially exhausted by around 2022/23. In Dunsborough-Naturaliste there would be some continued supply in the form of aged persons housing elsewhere in Dunsborough, as well as through new lots in The Commonage and in the Naturaliste Heights / Cape Rise area, but in the form generally of very small releases and, because of the attributes of the land, relatively expensive lots.

The City estimates that the 'Dunsborough Planning Investigation Area' identified in the Draft LNSS could accommodate approximately 1,500-2,000 lots or 2,250-3,600 additional people, extending land supply out to around 2032.

Whilst this may just be sufficient to meet demands for the planning time horizon, if yields are relatively high and demand relatively low, it will not be sufficient if yields are relatively low and /or demand is relatively high. Unless and until more detailed planning occurs, it will also not be possible to determine with much more accuracy what the potential lot yield of the area might actually be. Because of the pattern of land ownership, actual land release would be heavily dependent upon the actions of a small number of landowners, and it is quite likely that development could stall because particular landowners were not sufficiently motivated to develop.

In addition, it would result in a situation where the Dunsborough-Naturaliste population would almost reach threshold levels for additional facilities (e.g. schools, with a public high school being potentially needed with a total population of around 15,000, for instance), but would not provide the basis to actually plan for where those facilities might be located or develop arrangements to assist with funding those facilities (i.e. developer contributions for those purposes). It is considered by officers to be highly likely, that growth would continue and there would, at a later time, be a need for those facilities, but less opportunity to ensure they are well-located and integrated.

### **Dunsborough**

Following from the discussion above, if it is accepted that the appropriate 'planning units' for the City, in terms of population projections and land supply planning, are 'Busselton-Vasse' and 'Dunsborough-Naturaliste', and if it is also accepted that, at a strategic level, land supply planning is sufficient to accommodate projected growth for Busselton-Vasse, but insufficient for Dunsborough-Naturaliste, there is then some consideration required as to what the planning response should be.

The Draft LNSS implicitly accepts both of the above contentions to some degree anyway, in that a 'Planning Investigation Area' is identified to the south and south-east of the existing and currently planned urban development 'footprint' for Dunsborough (and if land supply was only considered on the basis of the City as a single planning unit, there would probably not, with a 2038 time horizon, be a basis to allocate additional land for urban development purposes, in Dunsborough or elsewhere). That footprint currently extends to Commonage Road, and the proposed Planning Investigation Area extends the planned urban footprint to the other side of Commonage Road. As outlined above, though, it is the officer view that the area identified is insufficient, *if the aim is to accommodate projected growth even for the relatively conservative planning time horizon, and identify a sensible planning unit from a community planning perspective.*

The fact that growth is likely to occur if it is allowed to do so, however, is not in and of itself sufficient reason to plan for that growth. There also needs to be a consideration of whether, from a broad planning and public policy perspective, that growth would actually be desirable; the Western Australian planning system does not operate on the basis of an assumption that 'growth is good'. Whilst not particularly clearly set out, the main underlying principle is essentially around 'sustainable development', which is identified as one of the purposes of the *Planning and Development Act 2005*, and is also established in that Act as being integral to the functions of the WAPC.

Officers are of the view that planning to accommodate growth in Dunsborough would be desirable from a broad policy perspective, and would constitute planning for sustainable development, broadly understood. The key rationale for that position is as follows –

1. It offers a lifestyle and has a character and identity which is unique and different to other settlements in the region;
2. It is an attractive and desirable location for people to live, and people want to live there (and if it is accepted that individuals and households should have some genuine freedom to choose where they live, and that is the view of City officers, then this is an important public policy consideration);

3. Growth is likely to occur, as it has in the past, without need for significant public investment to encourage or support that growth;
4. The continued growth and development of Dunsborough provides an additional and viable opportunity for people to live, work and invest in WA, as part of a network of settlements in the region;
5. The local economy is, by regional WA standards, diverse and dynamic;
6. The level of unemployment is relatively low and the level of employment self-sufficiency is relatively high, and that has consistently been the case;
7. Relatively unconstrained land is available for physical expansion (i.e. relatively flat, cleared and suitable for development without significant or hard to overcome challenges in terms of bushfire hazard or environmental constraints);
8. Utility (water, sewer, power, telecoms) and transport infrastructure can cope with growth or be feasibly expanded to cope (e.g. through development of the Vasse-Dunsborough Link, or through development of a non-potable water network);
9. In previous consultation exercises, the local community has expressed broad support for continued growth, provided that growth is well planned for;
10. Again, in previous consultation exercises, the local community has expressed a desire for additional services and facilities (e.g. a public high school, public swimming pool, non-potable water solution), and the viability of those will be increased, or will only exist, if growth continues; and
11. The return on investment from already needed or planned infrastructure investment will be higher with a larger population (e.g. Vasse-Dunsborough Link, non-potable water network).

If it is accepted that planning to accommodate projected growth in Dunsborough would be desirable, there are then questions as to what would be the best process to plan for that growth, and what the key issues would be for future planning. Turning to the issues first, the key issues are considered to be -

1. Ensuring a compact, sustainable urban form, with a diversity of housing options, including both greenfields urban expansion and infill development;
2. Planning for economic and employment as well as population growth;
3. An integrated transport network, with consideration of both motorised and non-motorised transport, as well as planning for public transport, including the potential long-term provision of passenger rail;
4. Protection and enhancement of environment and biodiversity, including creation of new and enhanced environmental corridors;
5. An integrated approach to stormwater management and water quality;
6. An integrated approach to planning to minimise bushfire hazard;
7. Avoiding greenfields development in areas potentially vulnerable to future coastal erosion or inundation risk, and considering proposals for infill development in the context of long-term coastal adaptation planning (i.e. only support infill in potentially vulnerable areas if there are plans in place to protect the land from coastal risk);
8. Provision of recreation, community and education facilities;
9. Equitable and appropriate funding arrangements (specifically, developer contributions arrangements) to support timely delivery of facilities and infrastructure;

10. Planning for walkable, mixed-use activity centres that are genuine hubs of commercial, community and cultural life; and
11. Promoting good urban design, both within the urban area, but also on the edges of the urban area, and ensuring landscape buffers are provided along regional and distributor roads.

In terms of process, the key process envisaged is development of an overall 'Dunsborough Townsite Strategy'. It is envisaged that Strategy would relate to the settlement of Dunsborough as a whole, including both the existing and planned development footprint. The Strategy would look not only at the extent and form of greenfields development, but also at opportunities and planning for infill development, and would then look at the implications for the settlement as a whole in terms of infrastructure needs, employment provision and other issues.

It is envisaged that the City itself would develop the Strategy, in consultation with the community and other stakeholders, and then seek WAPC endorsement. It is not proposed that the Strategy would be a statutory document. It is, though, envisaged that the Strategy would form the basis for amendments to the City's town planning scheme, probably in terms of both including land for future greenfields development in an 'Urban Development Zone' or 'Development Investigation Area', as well as rezoning some existing urban areas to accommodate infill development / urban consolidation. The Strategy would also guide development and assessment of structure plans for urban expansion. In addition, the Strategy would form the basis for determining developer contributions arrangements.

A key question in developing the Strategy would be the extent to which growth can be accommodated through infill development, and the extent to which greenfields development will be required? There are a number of reasons why it is considered that the opportunities for infill development in Dunsborough are relatively low compared with many other settlements in WA, including Busselton, and those reasons are as follows -

1. The lot sizes in the established areas are relatively small, and they are often irregularly shaped lots – relatively large and regularly shaped lots are generally better for accommodating infill development;
2. There are, with some small exceptions, no rear laneways, and in parts there is not a well-defined, interconnected, 'grid' road network – those kinds of attributes are better suited to infill development;
3. Because Dunsborough was quite a small settlement until comparatively recently, the housing stock is relatively recent – the ageing of housing stock is often a significant trigger for redevelopment, including infill development;
4. In the northern parts of the Dunsborough urban area especially, there are constraints related to bushfire hazard and other environmental considerations; and
5. Some areas that might otherwise be suited to infill development are either zoned 'Tourist' currently, or in areas that are potentially vulnerable to future coastal erosion or inundation risk.

On the basis of existing zonings, the infill development potential in Dunsborough, if all conceivable development opportunities are taken (which is extremely unlikely, even over the long term), is only around 300 dwellings. Whilst it is considered that number can be increased, it does serve to further illustrate the challenges of accommodating the growth of Dunsborough through infill development.

As already noted twice, it is the officer view that the Planning Investigation Area identified in the Draft LNSS is insufficient.

It is considered that the LNSS should provide for the growth of Dunsborough from its current population of around 8,500 people (with a broader service catchment population of around 10,000, including nearby rural-residential areas, especially the Commonage, as well as coastal/tourist nodes at Eagle Bay, Yallingup, Bunker Bay and Smiths Beach), to around 15,000 people (with a broader service catchment population of around 20,000 – i.e. approximately the 2038 projected population of the ‘Dunsborough-Naturaliste’ planning unit). The Draft LNSS could be changed to achieve that in either of two ways –

1. Through the expansion of the Development Investigation Area to encompass the larger area illustrated at **Attachment B** (Alternative Dunsborough ‘Planning Investigation Area’); or
2. Through very clear and specific notes and policy statements making it clear that the Planning Investigation Area is indicative and preliminary only, and that the ultimate extent of planned urban expansion will be determined through the development of a Dunsborough Townsite Strategy, in the terms described above (i.e. planning for a Dunsborough urban population of around 15,000, and a service population of around 20,000).

It is estimated that the larger Planning Investigation Area illustrated at Attachment B would increase the capacity of the potential urban expansion area from around 1,500-2,000 lots or 2,250-3,600 additional people, providing land supply out to around 2032, to around 2,200-2,800 lots or 3,300-5,000 additional people, providing land supply out to around 2040.

Of note at this point is that there is an existing *Dunsborough Structure Plan* (1990), which is specifically referenced in SPP1.0 (giving it the effective status, in some respects, of a State Planning Policy). That Plan provided the framework for development that has occurred in Dunsborough since that time, including the Dunsborough Lakes development. In terms of guiding future development, though, the Plan no longer has practical currency. To avoid confusion or uncertainty about the relationship between that Plan and the proposed Dunsborough Townsite Strategy, the WAPC should amend SPP1.0 to remove the reference to the *Dunsborough Structure Plan* (and that reference is, in any case, anachronistic). That could possibly be done in parallel with the mooted review of SPP6.1.

It should be noted that the City has already commenced the process of preparing an ‘Activity Centre Plan’ for the Dunsborough Town Centre. It is envisaged that process will continue, and should be concluded before the Dunsborough Townsite Strategy could be prepared. If, however, the Townsite Strategy makes recommendations in relation to the Town Centre inconsistent with the Activity Centre Plan, that Plan could be reviewed in response.

In terms of urban expansion areas, there are seen as being two potential pathways following the finalisation of the Townsite Strategy. The first is that the Townsite Strategy provides sufficient guidance to allow individual landowners to independently progress rezoning and structure planning, without the need for an over-arching statutory structure plan. The second is that the City prepare a relatively high-level statutory structure plan, which requires development of more detailed structure plans by individual land owners, before subdivision and development could actually occur. The choice as to which pathway is ultimately preferred does not need to be made now, but should be considered through the process of developing the Townsite Strategy.

An underlying aim in planning to follow finalisation of the LNSS would for lots to be able to be delivered in the expansion area by around 2021/22, which is around when it is anticipated the last lots may be delivered in Dunsborough Lakes. It may, however, be possible and necessary for rezoning, structure planning and subdivision to occur first and perhaps ahead of the Townsite Strategy process in relation to Lot 6, Commonage Road – which is currently Zoned ‘Industrial’, so it already has an urban zoning, but both the CoBLPS and Draft LNSS propose that it ultimately be identified for future residential development instead (essentially, because it is now considered unsuitable for industrial development).



The other reason that it may be appropriate for development of this area to occur earlier is that it is the westernmost extremity of any potential Planning Investigation Area, and is bound on three sides by either existing or planned urban development, or areas that will not be subject of urban development, so there are no significant issues related to integration with future development.

### ***Vasse Light Industrial Area / Business Park***

The Vasse Light Industrial Area / Business Park has, in the context of similar developments elsewhere in regional Western Australia, been remarkably successful, both from a commercial and a planning perspective. Whilst there continue to be vacant lots and scope for creation of additional lots, the ultimate planned development footprint is finite, and it has been planned to serve and support currently planned residential development at Vasse. Both the CoBLPS and the Draft LNSS, however, propose an expansion in long-term residential development potential at Vasse (through the 'Vasse East' and 'Vasse South' proposals – see below). The result of that is the Vasse Light Industrial Area / Business Park may now be insufficient to meet future needs.

The consequences for Vasse of that, though, are not necessarily all that great, as the strategic planning allocation of land for industrial and service commercial purposes in the Busselton-Vasse urban area as a whole is sufficient to cope. Most of that allocation is in the form of the existing zoned, but undeveloped Airport North Industrial Area (approximately 200 hectares in area), as well as unzoned, but strategically identified additional land to the east of Airport North, and to the east, south and south-east of the Airport itself (a further 600 hectares plus). The Airport North area is only around 12 kilometres from Vasse, and the two areas are linked by the Busselton Bypass, and may also be linked in future by the planned Busselton Outer Bypass (BOB).

It may, however, not be possible for planning for the expansion of Dunsborough to meet all of Dunsborough's future needs in Dunsborough itself. The nearest alternative is Vasse, but if that area itself is insufficient, the next nearest alternative is then Airport North. Even when the Vasse-Dunsborough Link is built, the travel distance from Dunsborough to Airport North will be approximately 28-30 kilometres. Reliance on travelling that far for some employment and service options is not considered to be an ideal planning outcome.

One alternative means of addressing the potential inability to adequately provide for Dunsborough's needs in Dunsborough, would be to re-introduce into the CoBLPS and Draft LNSS a concept which was included in an earlier version of the CoBLPS, and that is to foreshadow the potential expansion of the Vasse Light Industrial Area / Business Park to the west, into an area that the City had identified as 'Vasse West' – essentially the area to the west of the north-south oriented portion of the Vasse Bypass (see **Attachment C**). The attributes of this land are very similar to those of the land to the east, and extension of services should not be especially challenging. It is proposed that the LNSS be modified to provide for this possibility.

### ***Abbey South, Vasse North, Vasse South, Vasse East and Ambergate South***

'Abbey South' (see **Attachment D**) was identified as a potential urban growth area in the first draft CoBLPS due to the advantages presented by its location, being: the area is the last undeveloped coastal or near-coastal land with significant development potential in the Busselton-Vasse Urban Area; further residential expansion to the west is constrained by land in public ownership (Locke Nature Reserve); it would 'round off' existing residential development / settlement consolidation; there would not be any affect in terms of separateness of settlements; close to neighbourhood shopping, schools, community infrastructure, public transport and servicing infrastructure; and no visual impact or significant environmental constraints.

The WAPC did not support the inclusion of Abbey South in the advertised version of the CoBLPS due to: inconsistency with SPP6.1; not identified in the existing planning framework; and the Minister for Planning's decision to refuse to grant final approval to Amendment 176 to the City's previous District Town Planning Scheme 20, which would have facilitated structure planning for urban development.

In adopting the CoBLPS for final approval, the decision of the Council included the recommendation that 'Abbey South' be considered at the strategic level for urban development through the LNSS. The LNSS does not support Abbey South and the feedback of Councillors at the recent briefing session on the LNSS indicated acceptance of the position of the WAPC, with no further action on this element. Whilst it is considered that the Abbey South area may have urban development potential in the long-term, there are not considered to be any further compelling arguments in favour of identifying the land for urban development at this time.

A submission to extend the 'settlement boundary' of Vasse north of the Vasse Bypass to include Lots 9545 & 9542 Napoleon Promenade and Lot 9001 Bussell Highway and their identification as an urban growth area was considered by the Council in adopting the CoBLPS for final approval in September 2016. In considering the submission, it was noted that the expansion of the Vasse footprint north of the Vasse Bypass is not contemplated by SPP6.1. If this land had been contemplated for inclusion as part of Vasse, the alignment of the Vasse Bypass would most likely have been planned further northwards, to avoid the significant road severance issues that would result. It was also noted that, potentially, part of the land could be considered for the location of institutional uses, such as medical or educational uses, with a District-wide or regional catchment. The Council decision was not to support 'Vasse North' (see **Attachment D**).

The WAPC supported the inclusion of 'Vasse East' (see **Attachment D**) in the advertised version of the CoBLPS but to be considered at the strategic level through the LNSS. 'Vasse South' (see **Attachment D**) however was not supported. In adopting the CoBLPS for final approval, the decision of the Council included a recommendation that Vasse South be retained and considered at the strategic level via the LNSS. The Draft LNSS does now provide support for the identification of Vasse South for future urban expansion. This is supported by City officers, as it will ensure that planning of Vasse as a whole recognise that the Vasse South area will ultimately be developed for urban purposes, and it is an area that is bound by 'hard' urban boundaries, in the form of existing and proposed regional roads, and the Buayanyup River.

The LNSS identifies 'Vasse East' for long term urban expansion and 'Vasse South' as a planning investigation area for structure planning and long term urban expansion. This area is already zoned Rural-Residential, but more conventional residential development is seen as the more appropriate form of development, given the location and attributes of the land, and the broader concerns related to low-density forms of residential development more generally. As the desired outcome has been achieved no further action is required other than to reiterate City support for these strategic planning proposals.

'Ambergate South' (see **Attachment D**) was included in the version of the CoBLPS adopted for advertising in 2013 and largely reflected the land's identification in the *Busselton Urban Growth Strategy 1999* (BUGS) for long term urban development. Ambergate South includes the land bound by the alignment of the future Busselton Outer Bypass (BOB)/southern boundary of Ambergate North, the Vasse River, Ambergate Road and Queen Elizabeth Avenue.

Prior to granting consent to advertise, informal advice received from the DPLH indicated that Ambergate South would not be supported for two key reasons, being: urban development would 'leapfrog' the BOB rather than consolidate and focus urban expansion on existing urban areas; and population growth and land supply projections that underpin the CoBLPS demonstrate that there is sufficient zoned and structure planned urban land to accommodate projected growth for the lifetime of the strategy.

The informal direction of the Council supported the removal of Ambergate South in favour of the identification of appropriate planning units to expand the footprint of Vasse (settlement consolidation) through 'Vasse East' and 'Vasse South', as described above.

***Carbunup River and Metricup***

A potential for settlement expansion for a population of up to 500 at Carbunup River and Metricup is identified in the settlement hierarchy within SPP6.1. A February 2016 Council decision related to a proposal for a settlement expansion at Carbunup River, with that decision being to recommend that the WAPC not support further progression of that proposal at the time, and to instead recommend that the need for settlement expansion at both Carbunup River and Metricup be considered as part of the LNSS process.

The decision was based on several contemporary planning and sustainability principles, including:

1. Settlement expansion would not be focussed on existing urban areas to best utilise infrastructure, services and community facilities;
2. The new settlement would be small, isolated, 'off-grid' and remote from existing infrastructure such as reticulated sewer and water services, community and commercial services, employment and schools, with very few services and facilities and with an almost total reliance on private cars for transport;
3. There is sufficient zoned and structure planned urban land to accommodate projected growth without any substantiated need for a new settlement at Carbunup River, and there are a number of other, better options to provide additional land supply if and when needed; and
4. Future residents would be placed in an established agricultural area surrounded by, and in close proximity to, intensive agricultural operations with a significant potential for land use conflicts.

The Draft LNSS sets out a revised settlement hierarchy that does not support settlement expansion at Carbunup River and Metricup, a direction that City officers support. Given that, officers are not proposing further action in relation to this issue.

***Rural-residential development***

The development of the 'issues, opportunities and directions' implicit in the formulation of SPP6.1 (circa 1995) recognised the proliferation of 'lifestyle' or Rural Residential lots which were becoming increasingly in conflict around that time with the effective operational use of land for agricultural purposes, and also with the increasingly recognised need to protect and preserve significant natural landscape values and identified 'travel route corridors'.

As a strategic means of addressing this *ad hoc* proliferation, Rural Residential areas and subdivision/development opportunities were essentially confined under both SPP6.1 and the City's town planning scheme to two major delineated areas: 'The Commonage', between Dunsborough and Yallingup, and 'Dunbarton' in Busselton.

The general policy position of SPP6.1 (once published in 1998) was that *new* areas of Rural Residential subdivision would not be supported beyond the defined areas and that, where possible, any infill development within them would need to adopt 'cluster principles' that would be more responsive to retaining landscape values and allowing certain agricultural type pursuits to continue. In particular, SPP6.1 stated that closer settlement would not be agreed to in productive, and potentially productive, agricultural areas; or in conservation areas, or in and around wetlands, or in important landscapes, or in locations near designated settlements which could conflict with future planned and orderly urban development. *South West Regional Planning and Infrastructure Framework* goes further, and essentially sets out that no further areas be identified for rural-residential development anywhere in the South West.

In the CoBLPS, this position is echoed through the proviso that subdivision and 'consolidation' within the major existing Rural Residential areas at The Commonage and Dunbarton shall only be supported by the City where there is seen to be a demonstrable 'community benefit', and where there has been due and proper regard paid to environmental, landscape/visual amenity and biodiversity values, as well as planning for bushfire risk and protection.

This proviso was aimed at ensuring the more efficient use of land, provision of services and infrastructure, and to help maintain the overall extent of rural residential lots without needing to alienate additional areas of rural land etc. With particular regard to The Commonage, the City has indicated that it would only consider potential 'consolidation' for those parts of the Commonage Consolidated Structure Plan (CCSP) area as part of an integrated, City-led process, and only in areas that have already been predominantly cleared, are relatively flat, have soil profiles less suitable for rural/horticultural pursuits, are situated closest to the Dunsborough settlement, and which can clearly demonstrate a 'community benefit'.

When referring to 'community benefit' the City considers this to mean, in the main, improvement in connectivity and legibility of public road networks (to ensure better choice and opportunity of emergency access/egress in case of bushfire etc), and improvement in biodiversity outcomes (protection and enhancement of ecological linkages and enhanced, contiguous habitat corridors etc.).

There are no proposals in the Draft LNSS for the creation of additional or expanded Rural Residential areas in the City and this position is one that is supported by City officers. In point of fact, there are still a relatively large number of potential rural residential lots remaining uncreated in both the Dunbarton (and particularly) The Commonage areas.

In the case of Dunbarton, however, and especially considering its location, generally flat landform and ready proximity to roads, infrastructure and the Busselton City Centre, the City is currently liaising with the DPLH in examining ways and means of 'consolidating' that precinct through structure planning initiatives that might enable future development, or redevelopment, as 'low density residential'.

The 'consolidation' of The Commonage precinct, on the other hand, appears decidedly more problematic to City officers at the current time, especially in a policy context, following the introduction of SPP 3.7 *'Planning in Bushfire Prone Areas' (2015)*, which shall be broadly discussed in the following section.

Given the lack of uptake and full implementation of Rural Residential opportunities at The Commonage over the past 20 years, and the obvious dangers of introducing 'vulnerable uses' through closer development and more residents/holiday-makers in an undulating, vegetated and recognisably highly bushfire prone area that has significant shortcomings in terms of road and emergency access connectivity, legibility and safety, officers are now questioning seriously the planning validity and merit of encouraging *any* further consolidation of The Commonage.

Two options regarding this are now being more closely examined in general terms:

- 1) No further subdivision or development should be considered at The Commonage without the prospect of a significant 'community benefit'.

Or, somewhat more contentiously:

- 2) Following comprehensive review of the CPACSP, weighing the planning, environmental, emergency bushfire risk etc justification for seeking to 'de-zone' parts of that Rural Residential area so as to prevent any further subdivision.

WAPC consideration and assessment of these options would be necessary to address issues related to bushfire hazard as outlined below.

### ***Bushfire hazard***

The Draft LNSS only briefly mentions bushfire hazard (s.4.6 'Bushfire' pp. 29) and barely touches upon the issues and implications of the operational effect that the application of SPP3.7 is having on planning and development currently. Many of the issues concerned are far wider-ranging, and more pronounced, than indicated.

For example, the LNSS refers to *'higher order planning documents, such as sub-regional strategies, to include high level consideration of relevant bushfire hazards when identifying or investigating land for future development.'*

Of signal import in relation to this is the execution of the bushfire prone area mapping initiative, which currently relies on a single hazard factor, vegetation coverage, rather than the multiple factors that more realistically influence and determine bushfire risk (e.g. road network connectivity and legibility, degree of accessibility and evacuation alternatives, distance from coordinated fire response centres, proximity to emergency shelter and water supply etc.).

City officers believe that far greater consideration needs to be paid in the Draft LNSS to the efficacy and impact of current approaches to the assessment of bushfire hazard through the planning system.

The policy intention of SPP3.7 concerns the implementation of *'... effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure'*.

Whilst this underlying policy intention and associated objectives of SPP3.7 are acknowledged as being fundamentally important, their practical application often conflicts with other parts of the planning framework, including the aims and objectives of both SPP6.1 and the City's town planning scheme. An unwelcome degree of uncertainty and complexity is therefore being generated, with differences in interpretation and application ('guidelines', 'performance standards' etc) relating to SPP3.7 evident between various governmental agencies and bushfire consultants.

It is considered that SPP3.7 needs to function in a more integrated and holistic way with the overall planning system. Without going into detail about the particular difficulties encountered in trying to adapt and apply the policy objectives of SPP3.7 without, at the same time, undermining or quashing otherwise beneficial planning, biodiversity and/or environmental outcomes, the following simple examples should serve to demonstrate the difficulties that planning for 'bushfire prone areas' can cause:

#### *1. Settlements with single road access where small-scale development or change of use proposed*

Smiths Beach and Yallingup (to cite just two of many examples) are both established settlement nodes accessed by a *single* road. A strict interpretation of the requirements of SPP3.7 would mean that the City should not be introducing any 'vulnerable use' into such 'bushfire prone areas' without multiple means of access being available (or being provided).

Suppose the owner of an existing residential dwelling in either place wishes to apply for approval to register their dwelling with the City as a 'Holiday Home', and that dwelling does not meet current Bushfire Attack Level standards. It can be problematic and very costly to try to 'retrofit' such requirements to existing dwellings, especially for what is, in essence, a change of use with no actual development.

Should such an application therefore be refused outright? It would seem a disproportionate response to refuse any proposal for approval of a holiday home in Yallingup or Eagle Bay on that basis.

Note there are currently more than 700 'Holiday Homes' registered by the City, a number of which are in (e.g.) The Commonage rural residential area, oftentimes where residential development has been long-established within culs-de-sac systems and often unintegrated road networks; or at Eagle Bay (e.g.), where a 'looped' road system passing through Meelup, connects that settlement node in two places to Cape Naturaliste Road, but that road itself is a lengthy and single public road system terminating at Cape Naturaliste.

## 2. *Settlements with single road access where new development proposed*

According to SPP3.7, new development must be serviced by multiple, separate (and meaningfully variable in terms of direction of evacuation) means of public road access in case of emergency bushfire. Should any new development proposed at the 'Caves Caravan Park', or at the 'Caves House Hotel' or at the 'Bunker Bay Resort' (e.g.) be refused outright because of the 'fatal flaw' under SPP3.7 of having only one public road access route available in and out? On some readings of SPP3.7, it should be refused.

## 3. *City of Busselton Biodiversity Incentive Strategy (BIS)*

The purpose of the BIS initiative is to:

*' .... encourage protection and effective management of biodiversity values on private land and recognise the efforts of private landowners who choose to protect and manage biodiversity values on their property.'*

There have been several examples of owners of properties in outlying forested or bushland areas with particularly high biodiversity values who have been willing to meet a set of biodiversity management measures - including the creation, rezoning and covenanting in perpetuity of 'bushland lots' - who have been unable to pursue this desirable environmental initiative due to the specific implications of SPP3.7 and the 'disqualification' of single or otherwise limited public road access et al.

The BIS, in many instances where it would be of pronounced benefit, is now essentially unviable. Opportunities are thereby being lost to protect and conserve highly significant and threatened remnant vegetation attributes where they occur in the City (e.g. Abba vegetation complexes, which currently occupy less than 10% of their original extent) or high order ecological linkages and supporting habitats for the critically endangered Western Ringtail Possum (e.g.) though the simple 'fatal flaw' under SPP3.7 of such more remote properties being unable to get access to more than one public road (or the 'driveway' connection onto such a road being, in effect, a cul-de-sac of excessive length e.g. 600 metres).

With the City of Busselton being, in very large part, 'Bushfire Prone' (according to the DFES State-wide *'Map of Bushfire Prone Areas'*), how can the planning framework be workably adapted to ensure properly planned strategic growth and development, which is important and necessary to achieve, whilst trying also to follow those policy objectives, standards and 'guidelines' required for conformity with SPP3.7?

It is requested that the WAPC acknowledge more broadly in the LNSS the import of such underlying issues and fundamental adverse implications influencing the consistent and confident administration of the planning framework (such as those few simple examples mentioned here) in relation to SPP3.7.

### ***Planning for tourism***

The Busselton Margaret River Regional Airport ('the Airport') expansion and upgrading works are now well under way. Once constructed and operational, the Airport will be capable of accommodating both Eastern States and (ultimately) international flights and processing the concurrent arrival and departure of up to 350 passengers at a time.

Regional support and commitment to this significant infrastructure project has been further strengthened with a recent injection of \$445,000 into a fund aimed at attracting airlines to the SW Region from neighbouring local governments and tourism industry partners. The development of the Airport also continues to receive solid support from the broader South West community, and from industry, which see enormous future benefits from increased tourism exposure and freight opportunities.

With the prospective completion of the Airport, and to capitalise on the important business opportunities and stimuli this will provide the tourism sector and local economy in general, it is crucial that 'planning for tourism' is well-considered, appropriately targeted and 'investor ready'.

Much of the tourist accommodation stock in the City is now somewhat dated and in need of renovation or, in some instances, complete site redevelopment. However, the current planning framework is not especially suited for attracting the levels of investment interest to foster and enhance 'fresh' tourism product and development opportunities, especially those aimed at new and emerging markets.

Also, in the popular tourist attractors along beaches and scenic winery/landscape routes, a somewhat anomalous disparity exists between development potential in the 'Agriculture' and 'Viticulture and Tourism' zones, whereby a 'Rural Holiday Resort' (e.g.) is an 'X' use in the former and an 'A' use in the latter. In short, an example of the effect of that is that anything more than 10 accommodation units at the Bunker Bay 'Farmbreak' site would require a Scheme Amendment, whereas a property in the 'Viticulture and Tourism' zone (essentially those 'rural' areas south of Wildwood Road and situated either side of Caves Road through to the municipal boundary with SoAMR) would have no such constraint, in a strictly statutory sense, in seeking development approval for a 100 or more room hotel. That is not considered to be a sensible planning outcome, but at present there is not the appropriate strategic planning support or direction to implement a more sensible approach.

In particular, it is seen as appropriate that the LNSS provide support to allow opportunities for development of the Farmbreak site to be properly explored, and that further consideration also be given to where larger-scale tourism development may be appropriate elsewhere in the sub-region. There are a relatively small number of sites where larger-scale and high end tourism development could occur in the region, and the Farmbreak site is seen as being a highly suitable site. At the present time, however, it looks very much like there is no possibility of overlap between what may be commercially viable and what the planning framework would actually allow. The result is likely to be that the site remains undeveloped indefinitely. The Farmbreak site is, however, a key example of a site that could be highly suitable for larger-scale and high end tourism development, and where development could be well integrated into the landscape and not create risks of further encroachment into and impact on natural and rural landscapes.

The City has consistently supported the idea of existing tourist sites seeking to redevelop or significantly update their offerings in a way that complies with current policy and where a tangible 'tourism benefit' can be seen to be served. These plans and concepts are often designed and predicated on 'length of stay restrictions' applied under the town planning scheme and supported by the LTPS that are perhaps no longer appropriate.

The underlying assumption about permanent residency/unrestricted lengths of stay is that, unless it is allowed (in overall percentage terms currently permitted for 'strategic' and 'non-strategic' tourism sites identified in the LTPS, *at a minimum*), economic investment in such business conversions will be stymied (with stated difficulties in securing financing), or simply not eventuate at all.

The fact that more than 700 'holiday home' approvals have been granted and registered by the City to date for privately-owned residential homes would seem to demonstrate that short stay tourist accommodation can often, in truth, 'out-compete' residential (permanent stay) components in tourist developments. A case in point is at the Bunker Bay Resort, where approximately 25 permanent occupancy units have been permitted, and yet approximately 18 of which apparently still remain in the Resort's 'rental pool'.

The issue (and business 'principle') of a 'level playing field' in which to operate, however (especially in this age of Airbnb, Stayz and ever-newer commercial platforms) is becoming increasingly more pronounced, especially in terms of investment decisions and potential outcomes. For example, if you own a residential property, you can apply to have it registered as a 'Holiday Home' (a seasonally viable, income-generating business), whereas owners of short stay units do not, conversely, have the same ease of access in converting (should they so wish) to an unlimited length of stay component.

This beggars the question: are particular lengths of stay restrictions still necessary, or functionally relevant, to impose? Or impose in quite the same planning framework and policy setting? Might it be better to allow unrestricted lengths of stay on tourist development sites and then enable the owner/company to decide whether or not to place individual strata units/properties onto the short-term rental market?

In this way, 'landmark sites' that have remained vacant over the longer-term might have far greater incentives for development, including potentially reaping the commercial benefits of an increasingly vibrant and evolving tourist and 'events' market (especially with the operational completion of the Airport and with more Eastern States and overseas visitors arriving). In the City's strong and broadening local economy, it is thought highly likely that consumer demand for quality short-stay tourist accommodation and associated facilities will soon 'shake out' and establish the type and costs of market offerings available. Examples of such landmark sites are two undeveloped tourism sites at Port Geographe.

The question becomes, what is the most 'reasonable' (and most representatively 'fair') policy setting in such situations?

It has been over 10 years since the release of the first 'Tourism Planning Taskforce Report' (2006) and, with the expansion of the regional Airport and pressing need for contemporary, relevant and accurate policy settings being firmly in place for a sustainable and adaptive tourism industry, it is likely that pressure from regional local governments and Tourism WA on the WAPC to address these types of matters will continue to increase.

### ***Basic raw materials***

There is a short reference to the importance of basic raw materials (BRM) in the Draft LNSS and this refers to the previous study for the Bunbury-Busselton Region prepared by the DPLH and the WAPC in 2012, the '*Basic Raw Materials Demand Study for the Bunbury and Busselton Region*'

With the ongoing strong growth and development of the City forecast over the next 10 to 40 years, it is imperative that the need for, and reliable availability of, secured and sustainable BRM (especially silica sand) is accurately measured, and suitably accessible sources identified for reservation/acquisition/sequestration so as to vouchsafe unfettered future access for timely extraction and affordable supply.



The reliable supply of clean and affordable sand as fill for major housing development (e.g. Ambergate North) and infrastructure projects (e.g. the 'Vasse-Dunsborough Link') will be imperative to the successful growth and development of the region, and of the City in particular. Should enough sand not be available, due to competing project needs and demands, or legislative restrictions, strategic planning and associated planned outcomes could be seriously compromised. For example, if the Vasse-Dunsborough Link cannot be built on sand fill across the predominantly wetland route, far more expensive alternative design and construct methods would have to be used instead, such as concrete beds, or piles and struts to elevate the road etc.

With the increasing awareness of climate change and sea-level rise, matters of coastal adaptation and strategic response assessments and planning are well underway. Clean sand will be an important resource to sustain planned beach replenishment projects.

Although previous policies, studies and reports have each examined and assessed this important strategic planning issue, many of these are now outdated (e.g. *'Statement of Planning Policy No 2.4 Basic Raw Materials'* (2000), the *'State Gravel Supply Strategy'* (1998), and the aforementioned 2012 study for 'Bunbury-Busselton').

As this is a regional issue of pronounced importance at the local government level, it is trusted that the methodology, demographic assumptions, development timing and BRM supply assessments already undertaken in these earlier studies can be reviewed and updated by the WAPC to provide confidence to the City. Because of the regional nature of this issue, it is not considered to be an issue that can be sensibly or usefully addressed at the local government level.

## CONCLUSION

Whilst it is quite a conservative document, in that it does not depart substantially from the established planning direction in many respects, it is generally considered that the direction set out in the Draft LNSS is sound, and that the City should acknowledge that, and also thank the WAPC for undertaking the project. In part, that is a reflection of good and pro-active planning by the respective local governments and WAPC, as well as pro-active planning by other State agencies (such as Main Roads WA led planning associated with identifying alignments for the Busselton Outer Bypass and Vasse-Dunsborough Link). It is also important to understand that the LNSS will be only one element of a much more substantial planning framework and broader governance framework, and that it is intended to be a 'high-level', strategic document, not a detailed plan. The LNSS cannot and will not provide direction or detailed guidance on every planning or development issue in the region.

There are nevertheless some important issues on which no meaningful progress can be made without appropriate support and direction being provided at a State or regional level. The LNSS is an opportunity to provide that direction, and it is not at all clear how that direction could be provided, if not through the LNSS. As already described in the 'Officer Comment' section of this report, those issues relate to –

1. Population projections, land supply, and the identification of appropriate 'planning units' for those purposes;
2. The future growth and development of Dunsborough, including urban expansion, urban consolidation and the Dunsborough Town Centre;
3. Potential long-term need for expansion of the Vasse Light Industrial Area / Business Park to meet employment and servicing needs for Vasse, for the western parts of Busselton and for Dunsborough;
4. Planning for tourism, including planning for the Bunker Bay tourist node, key sites at Port Geographe, and length of stay restrictions for tourism land in urban areas;

5. Consideration of the efficacy and impact of current approaches to assessment of bushfire hazard through the planning system; and
6. Basic raw materials demand and supply (especially sand supply for development and coastal management).

It is recommended that the Council supports the lodging of a submission on the LNSS consistent with the discussion in the 'Officer Comment' section of this report, in particular recommending that changes be made to better address the issues outlined above.

## **OPTIONS**

The Council could determine not to make a submission regarding the Draft LNSS, or could modify the terms of the City's submission, relative to those set out in the officer recommendation. As already noted, if the Council decides to do so, it is important that the Council identify not only what change is proposed, but also why that change is seen as appropriate. Officers can assist Councillors in that regard if requested to do so. The provision of assistance should not, however, necessarily be interpreted as officer support for any change that may be proposed.

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

It is anticipated that this report would form the basis of the City's submission; in terms of the views and opinions expressed and their rationale. If the Council makes a resolution consistent, or nearly consistent, with the officer recommendation, it is anticipated that the City's submission would be lodged with the WAPC by no later than 22 December 2017.

If the Council decides to depart substantially from the recommendations of this report, however, then officers will require more time to prepare the City's submission. Officers would aim to lodge a submission with the WAPC by no later than 19 January 2018.

DPLH officers have informally advised that, given the importance of the City as a stakeholder and in recognition of local government governance processes, the WAPC would accept a submission from the City provided within the timeframes set out above, and therefore somewhat later than 15 December 2017, which is otherwise the closing date for submissions.

## **COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1712/324**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Council supports the lodging of a submission on the Draft Leeuwin-Naturaliste Sub-Regional Planning Strategy consistent with the agenda report and in the following general terms –


1. Thanking the WAPC for undertaking the project;
2. Advising that the City considers that the planning direction set out is generally sound; and
3. Requesting that the WAPC considers changes prior to the adoption of the final Strategy in relation to –
  - a. Population projections, land supply, and the identification of appropriate 'planning units' for those purposes;
  - b. The future growth and development of Dunsborough, including urban expansion, urban consolidation and the Dunsborough Town Centre;

- c. Potential long-term need for expansion of the Vasse Light Industrial Area / Business Park to meet employment and servicing needs for Vasse, for the western parts of Busselton and for Dunsborough;
- d. Planning for tourism, including planning for the Bunker Bay tourist node, key sites at Port Geographe, and length of stay restrictions for tourism land in urban areas;
- e. Consideration of the efficacy and impact of current approaches to assessment of bushfire hazard through the planning system; and
- f. Basic raw materials demand and supply (especially sand supply for development and coastal management).

**CARRIED 8/0**

**EN BLOC**

11.3 AMENDMENT TO 'DUNSBOROUGH LAKES ESTATE DEVELOPER CONTRIBUTIONS PLAN (2015)  
- CONSIDERATION FOR FINAL ADOPTION BY THE COUNCIL

<b>SUBJECT INDEX:</b>	Local Planning Policy (Developer Contributions
<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>	Strategic Planning and Development Services
<b>ACTIVITY UNIT:</b>	Strategic Planning and Development
<b>REPORTING OFFICER:</b>	Manager, Strategic Planning and Development - Matthew Riordan
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Amended Dunsborough Lakes Estate Developer Contributions Plan (with 'tracked changes' modifications) 

## PRÉCIS

The Dunsborough Lakes Estate Developer Contributions Plan ('the DCP') was formally adopted by the City on 11 February 2015. The DCP relates to former Lot 9033 Commonage Road, which is in the ownership control of land developer Urban Quarter.

Since original reporting on this matter (please refer to Council Agendas for 10 August 2016, 28 September 2016 and 26 July 2017 for further background detail), incremental subdivision of the subject land has been occurring and cadastral titles have varied several times from the greenfield parcel of land (former Lot 9033) to which the DCP originally referred and related.

Given the ever-changing nature of the staged residential subdivision of this original landholding it is recommended that, for the benefit of clarity and consistency, the DCP shall refer to 'former Lot 9058' (as it was last referred to in reporting to the Council in July 2017), with an attachment to that modified document included to show, spatially, the land concerned. This delineated land is identical to original Lot 9033.

## BACKGROUND

The DCP allocates all future monetary developer contributions towards 'local' community infrastructure; namely, the construction of a 'shared use' sporting oval, car parking and other associated facilities on land to be ceded to the City by Urban Quarter (together with the adjoining Dunsborough Lakes Primary School site).

It is proposed to now amend the original DCP to incorporate four residual parcels of residential land in the Dunsborough Lakes Estate development area. These four parcels are the sole remaining appropriate areas of residential-zoned land within the District not currently subject to formal developer contribution responsibilities and requirements under either an endorsed 'precinct plan' (e.g. Developer Contribution Area 1 Dunsborough and Quindalup ('DCA1')) or an endorsed 'development-specific plan' (e.g. developer contribution plans applying to urban growth areas such as Vasse, Port Geographe, Yalyalup etc.). The continued exclusion of these parcels from a formally endorsed developer contribution plan area is not consistent with the remainder of the City and represents an ongoing situation that is both anachronistic and anomalous.

In an attempt to remedy this, the four residual parcels were initially proposed to be included in DCA1 (Dunsborough and Quindalup) through the Omnibus Amendment 1 process.

During public advertising of draft Omnibus Amendment 1, however, an objection to this proposal was submitted by Urban Quarter on the basis that such an approach would unreasonably impose additional monetary imposts beyond those contributions previously negotiated and agreed between Urban Quarter and the City in the formulation of the original DCP.

The proposed inclusion of the subject four parcels of land in DCA1 was recommended to be withdrawn from the Omnibus Amendment 1 process and proposed instead to be incorporated into the existing DCP through an appropriate amendment to that plan.

The amended DCP will serve to rationalise the Dunsborough Lakes Estate development area and bring it into alignment and conformity with the remainder of the City in terms of developer contribution requirements and responsibilities for all relevant developable residential land. This will be achieved by including the subject four additional parcels of land into the DCP, although the total monetary contribution required to be paid by Urban Quarter under that amended DCP (originally estimated at a total \$1.275 million) will remain entirely unchanged.

At its Meeting on 10 August 2016, the Council resolved to defer consideration of this matter until the Ordinary Meeting of 28 September 2016. This was done at the behest of the representative landowner, Urban Quarter, so that the issues being considered could first be reported to the Board of Directors of that company.

Subsequent to this deferment, an anomaly was also recognised in DCA1 as it related to (then) Pt Lot 9057 St Michael's Parkway, a residential development area in the Dunsborough Lakes Estate with an estimated lot yield potential (after any subdivision approval) of 62 lots. Due to its shape and location, former Pt Lot 9057 is commonly referred to as 'The Island'. As of this writing, the cadastral identity of 'The Island' has been modified to become Lot 9060 St Michael's Parkway (and shall be so referred to throughout this report). Again this relates to the identical parcel of land.

'The Island' was included in DCA1 through Amendment 125 (gazetted August 2013) of District Planning Scheme 20. However, this was anomalous with the intentions and requirements of Special Provision Area 42 of the Scheme (which conditionally *excludes* that and other specified properties from a developer contribution plan). It was recommended that this clear anomaly also be rectified as part of the DCP Amendment proposal now before the Council, and that 'The Island' be removed from DCA1 through a 'complex' Scheme Amendment process (which has since been finalised) and subsequently incorporated into the DCP for former Lot 9058.

## **STATUTORY ENVIRONMENT**

- Local Planning Scheme 21
- Dunsborough Lakes Structure Plan (latest endorsed iteration)
- Planning and Development (Local Planning Schemes) Regulations 2015 ('the Regs 2015')

Additional information regarding statutory context and background may be found in the original report to the Council, of 28 September 2016, when associated 'complex' Amendment 26 was initiated for public consultation purposes.

## **RELEVANT PLANS AND POLICIES**

The key policy consideration in regard to the purpose and intention of Amendment 26, and the proposed amendments to the DCP, is *'State Planning Policy 3.6: Development Contribution Policy for Infrastructure'* (SPP3.6).

SPP 3.6 sets out the principles and considerations that apply to developer contributions in providing community facilities and infrastructure in new and redeveloping urban areas; as well as the form, content and procedure for preparing a DCP (or amendment(s) thereto).

### **FINANCIAL IMPLICATIONS**

Former Lot 9058 has an area of 32.9 hectares and a likely residential lot yield at completion of staged subdivision of about 255 allotments. The developer contributions in the subject DCP were originally assessed (and shall remain thus following any Council final endorsement of the proposed DCP amendment) at a cash equivalent of \$5,000 per lot. This assessment will be continually adjusted in accordance with the Local Government Cost Index for W.A. ('LGCI'), commencing 1 January 2015, and currently stands at \$5,089 per lot.

On this basis, and notwithstanding that some subdivision approvals and lot releases have already occurred on former Lot 9058, there will be a total monetary contribution anticipated to be paid by Urban Quarter, under the identical requirements of both the original and amended DCP, of an estimated minimum \$1.3 million.

Due to 'The Island' being anomalously included in DCA1 through Scheme Amendment 125 to District Planning Scheme 20, any subdivision of that property would presently attract the required payment of a monetary contribution to the City of approximately \$3,099 for each newly created lot (a potential total impost to Urban Quarter at present of \$192,138 for 62 lots). 'The Island' (currently Lot 9060) remains as yet undeveloped, however, with subdivision scheduled for later Stages 32 and 33 in the Urban Quarter overall staging plan.

As agreed between executive officers of the City and representatives of Urban Quarter, and subsequently formally endorsed by the Council, there shall not be any requirement for further monetary contributions being made in regard to those additional parcels (including lots created on 'The Island') proposed to be incorporated into the amended DCP area.

The only newly created residential allotments covered by the amended DCP that *shall* be subject to required financial contributions will continue to be those exclusively released on former Lot 9058.

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

The Officer Recommendation is consistent with the Long Term Financial Plan.

### **STRATEGIC COMMUNITY OBJECTIVES**

The Officer Recommendation is consistent with the community objective 2.2 of Key Goal Area 2 ('Places and Spaces: vibrant, attractive, affordable) in the Strategic Community Plan 2017, viz:

*'Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities'.*

### **RISK ASSESSMENT**

The City has undertaken an assessment of any potential implications of implementing the Officer Recommendations using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The medium risks associated with DCPs, generally, concern shortfalls in funds or the disposal of land prior to subdivision or development. The DCP amendment has been drafted to mitigate those risks to an appropriate level.

## CONSULTATION

The proposed amendment to the Dunsborough Lakes Estate Developer Contributions Plan was advertised by the City for public consultation purposes between 3 May 2017 and 31 May 2017, a minimum 28-day advertising period required in accordance with the provisions of LPS21.

No submissions were received.

The associated Scheme Amendment (Amendment 26) was advertised concurrently with the DCP amendment proposal for public consultation purposes between 3 May 2017 and 4 July 2017, a minimum 60-day advertising period being (at that stage) required under the *Planning and Development (Local Planning Schemes) Regulations 2015* for a 'complex amendment'.

Only one submission was received in respect to Amendment 26, and it was subsequently approved by the Hon. Minister and gazetted on Friday 3 November 2017.

## OFFICER COMMENT

Officers recommend that, as a consequence of the gazettal of Amendment 26 to LPS21 on 3 November 2017, that the property at Lot 9060 St Michael's Parkway (being the as yet undeveloped residential-zoned area in the Dunsborough Lakes Estate commonly referred to as 'The Island') be removed from DCA1 on the Scheme Maps, as it is contrary to the purpose and intention of LPS 21 and is therefore anomalous.

Now that this has been formally endorsed through gazettal of Amendment 26, Lot 9060 can be incorporated into the amended DCP for former Lot 9058, together with the 4 other identified residual parcels of land previously described.

To reiterate, no statutory obligation for payment of any monetary contributions beyond those already assessed and allocated through the *original* DCP in respect to the subdivision of former Lot 9058 only, shall be required under the amended DCP.

The amended DCP (with tracked changes, and as advertised apart from those cadastral updates referred to and with the addition of an inherent spatial representation of the land involved) is shown at Attachment A. Final adoption of this amended DCP is now recommended by the Council. There is no statutory need, in this instance, for any subsequent formal approval of the WAPC being required.

## CONCLUSION

Implementation of the Officer Recommendation will result in the beneficial amendment of the Dunsborough Lakes Estate Developer Contribution Plan, which will serve to formally rationalise identified anomalies and anachronisms in the existing DCP and provide confidence and surety to the subject land developer in terms of monetary contributions required for future residential subdivision and land releases occurring on former Lot 9058 Commonage Road.

## OPTIONS

Given the comprehensive (and prerequisite) statutory process already completed to date, and undertakings given to the subject land developer on behalf of the City, there is considered to be no planning justification or other merit in considering any option other than formal support for the proposed amendment to the Dunsborough Lakes Estate Developer Contribution Plan.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Implementation of the Officer Recommendation shall effectively be immediate, as no formal approval is required of the Western Australian Planning Commission. The amended DCP shall be posted on the City of Busselton public website.

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1712/325** Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Council, pursuant to Clause 7.7.12 of Local Planning Scheme 21, resolves to amend the Dunsborough Lakes Estate Developer Contribution Plan in accordance with those modifications depicted at Attachment A.

**CARRIED 8/0**

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Attachment A



**Local Planning Scheme No. 21**

**Dunsborough Lakes Estate  
DEVELOPER CONTRIBUTIONS PLAN**

This Developer Contributions Plan outlines the developer's responsibilities for contributing towards district level active open space and associated facilities on former Lot 9058 Commonage Road, Dunsborough Lakes.

Adopted by the Council pursuant to the City of Busselton Local Planning Scheme No. 21.

\_\_\_\_\_  
Mike S.L. Archer  
CHIEF EXECUTIVE OFFICER

Date: 13 December 2017

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**CITY OF BUSSELTON****DUNSBOROUGH LAKES ESTATE  
DEVELOPER CONTRIBUTIONS PLAN (DCP)****13 DECEMBER 2017**

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**1. Introduction**

- 1.1 This Developer Contributions Plan (DCP) applies to (now former) Lot 9058 Commonage Road, Dunsborough Lakes and an additional five parcels of land as identified at Figure 1. It deals with cost contributions towards the provision of district level active open space and associated facilities and infrastructure. The area to which this plan applies is shown on Figure 1, although monetary contributions allocated under this Plan shall only apply to former Lot 9058. The DCP area is the subject of the Development Guide Plan for Dunsborough Lakes Estate (now required under Planning and Development (Local Planning Schemes) Regulations 2015 to be called a 'Structure Plan'). The current endorsed version of this structure plan (revision Q) is included at Figure 2..

1.2 The DCP has been prepared to comply with the requirements of the City of Busselton Local Planning Scheme No. 21 (the Scheme).

The WAPC will be requested to impose a condition requiring the implementation of the responsibilities and requirements of the DCP on subdivision approvals which relate to the land comprising former Lot 9058 within the DCP area identified in Figure 1.

- 1.3 The land the subject of this DCP comprises a number of land ownerships currently zoned Special Purpose (Dunsborough Lakes Development Area) and identified on the Dunsborough Lakes Development Guide Plan (Structure Plan) for residential and related development. The total land area is approximately 76 hectares.
- 1.4 Developer contributions will take the form of cash contributions required on a per lot basis at subdivision clearance stage for former Lot 9058 only. The developer contributions will only apply to lots created for the purposes of residential development. Lots created for the purposes of non-residential development such as parks and reserves will not attract a cost contribution requirement pursuant to this DCP. Single lots created with the potential for further residential subdivision by green title, survey strata or built strata title subdivision will only make one single lot contribution at the time of the initial single lot subdivision or at Development Application stage, whichever occurs first. Subsequent creation of residential lots by green title, survey strata or strata title subdivision will attract a cost contribution for each additional lot pursuant to this DCP.
- 1.5 Lot 9060 St Michael's Parkway (known as 'The Island') was formerly included, through Amendment 125 to District Town Planning Scheme 20, in Developer Contribution Area 1 (DCA1) but was subsequently removed from DCA1 through an amendment to Local Planning Scheme 21 which was gazetted on 3 November 2017. Upon Gazettal Lot 9060

was subsequently included in this DCP prior to adoption for final approval by the Council.

- 1.6 The DCP relates to the delivery of district level active open space and associated facilities and infrastructure adjacent to the primary school site. It does not include items of infrastructure that are usually provided by developers as they proceed with subdivision and development, such as local roads, utility services and primary school sites. The definitions used in this DCP are explained in Schedule 1- Interpretation.
- 1.7 The DCP applies to those parcels of land identified at Figure 1, although monetary developer contributions will only be required to be paid in direct relation to the subdivision and development of former Lot 9058, which was estimated to yield a total of 255 lots. The Dunsborough Lakes Development Guide Plan (Structure Plan) designates a significant portion of the DCP area of former Lot 9058 for recreational open space/playing fields to be utilised on a 'shared' basis with the adjacent future Dunsborough Lakes Primary School. Until relatively recently there has been no statutory mechanism to enable the City to require developer contributions towards the provision of recreational facilities within Dunsborough Lakes Estate and, as such, the City has not collected contributions for district-level active open space at Dunsborough Lakes to date. Therefore, it is seen as important and logical that all monetary developer contributions generated by the future subdivision and development of former Lot 9058 be put towards the delivery of that active open space and associated facilities proposed to adjoin the future Dunsborough Lakes Primary School on land to be ceded to the City in the DCP area.
2. **Purpose of the DCP**
  - 2.1 The purpose of the DCP is to apply development contributions beyond the standard provisions required by WAPC policy on the subdivision of land for the development of district level open space and associated facilities and infrastructure and ensure that cost contributions are reasonably required as a result of the subdivision and development of former Lot 9058 in the developer contributions area.
  - 2.2 The developer will be responsible for the contributions in accordance with the DCP, together with other statutory and policy requirements, and agreements, as is relevant to the particular portion or stage of development of former Lot 9058.
3. **Period of the Plan**
  - 3.1 The period for the operation of the DCP is 10 years, or until completion of the subdivision and development of former Lot 9058, if sooner. After 10 years the DCP, if still operational, will be reviewed. In the meantime, the DCP may also be reviewed when appropriate between the City and the developer, having regard to the rate of development and the requirements of WAPC State Planning Policy 3.6.
4. **Basis of the plan**
  - 4.1 The DCP has been prepared having regard to *WAPC State Planning Policy 3.6: Development Contributions for Infrastructure* (2009).

- 4.2 The lot contribution applicable under this DCP will assist in the delivery and development of district level active open space and associated facilities and infrastructure.

**5. Principles**

- 5.1 Development contributions are applied in accordance with the following principles set out in *State Planning Policy 3.6: Development Contributions for Infrastructure*:

- need and nexus;
- transparency;
- equity;
- certainty;
- efficiency;
- consistency;
- right of consultation and review;
- accountable.

- 5.2 The key principle is that the 'beneficiary pays' commensurate with the need generated by the subdivision of the land for community facilities.

**6. Developer Contributions – Infrastructure Items**

- 6.1 The infrastructure items to be provided include: the ceding of land for public purposes (primary school site) and district open space; and the development of district level active open space, including playing fields, change rooms and related infrastructure such as parking, drainage, landscaping and lighting as determined by the City of Busselton. The infrastructure items subject to this DCP may be amended by the Council from time to time based on future identified requirements.

- 6.2 The land required to accommodate the district open space is to be ceded free of cost to the City of Busselton as a reserve for recreation at the first stage of subdivision of former Lot 9058 (if practicable), or at a subsequent stage of subdivision of former Lot 9058, agreed between the City of Busselton and the developer. The Dunsborough Lakes Primary School site is to be ceded, free of cost, to the Department of Education as a reserve for public purposes as part of the first stage of subdivision within Lot 9058. The final boundary between the primary school site and the district open space site will be subject to negotiation.

- 6.3 The calculation of the contribution payable under this DCP will go towards the delivery of district level active open space and associated facilities and infrastructure adjacent to the Dunsborough Lakes Primary School. The contribution is assessed at a cash equivalent of \$5,000 per lot and shall apply only to the subdivision of newly created lots on former Lot 9058. This contribution amount will be adjusted in accordance with movements in the Local Government Cost Index for WA (ABS) commencing 1 January 2015.

- 6.4 Contributions towards road, footpath and cycle network upgrades (pursuant to *Local Planning Policy 6E – Road, Footpath and Cycle Network Upgrade Contributions Provisions*) and community facilities (pursuant to *Local Planning Policy 6D – Community Facilities Contributions Provisions*) will not be imposed by the City of Busselton.

**7. Cost apportionment**

- 7.1 The cost is apportioned to the developer and is based on the estimated dwelling yield of the subdivision and development of former Lot 9058 only within the DCP area
- 7.2 The value of the land, for the purposes of land acquisition and distribution of costs, is not applicable to this DCP.

**8. Liability for Cost Contributions**

- 8.1 Cost contribution requirements shall be satisfied by the payment of a contribution in accordance with the requirements of this plan.
- 8.2 Requirements for and payment of development contributions will be imposed by the WAPC as a condition of subdivision or by the City of Busselton as a condition of development. The liability of the developer to satisfy their cost contribution arises prior to whichever of the following two things occurs first with respect to any particular parcel of land within the DCP area:
- (i) the City endorsing a deposited plan for clearance of the relevant conditions prior to the WAPC endorsing its approval on the deposited plan relating to the subdivision of the developers land; or
  - (ii) the City approving the development of land, other than for the purposes of subdivision works.
- 8.3 There is no liability to pay a cost contribution for the development of the first single house or outbuildings associated with that first single house on an existing lot where the cost contribution for that lot has been paid on the subdivision of the land which created that lot.
- 8.4 In the case of grouped or multiple dwelling developments, cost contributions will be calculated at the rate of 100% contribution for each dwelling less a one lot credit for the creation of the parent lot if a contribution was paid with respect to the creation of the parent lot and paid at Development Approval stage.
- 8.5 For aged or dependent person dwellings the cost contribution will be 50% of the normal contribution.

**9. Pre-Funded Cost Contributions**

- 9.1 A Deed of Agreement facilitating the single, pre-funded payment of the estimated total monetary developer contribution required under this DCP for the subdivision and development of former Lot 9058 may be prepared and executed between the City of Busselton and the representative landowner or developer of former Lot 9058.

**10. Administration of Funds**

10.1 The City will establish and maintain an account in accordance with the *Local Government Act 1995* for the purposes of funding the district level active open space and associated facilities and infrastructure in accordance with the DCP, into which cost contributions will be credited and from which all payments for the cost of infrastructure and administrative costs within the area will be paid. The purpose of the account is to ensure that the expenditure of funds from the development contributions is limited to the purposes set out in the DCP. Interest earned on cost contributions will be credited to the account.

10.2 The City will, on request, provide a statement of income and expenditure pursuant to the DCP to those relevant parties having made contributions pursuant to the DCP.

**11. Reimbursement of cash contributions for works undertaken and crediting of in-kind contributions**

11.1 If the representative landowner or developer of former Lot 9058 undertakes works relating to the provision of infrastructure items specified in the DCP and:

- (i) the City has approved the design of the infrastructure as specified in the DCP;
- (ii) a contract has been awarded for the construction of the infrastructure; and
- (iii) an invoice for the works constructed under that contract has been certified by the Superintendent for the works;

the City will reimburse that developer for each and every claim made during or up to the completion of the works, from contributions received towards that infrastructure item to an amount equivalent to the proportional amount that will be received from all developers relating to specific works that are being undertaken by that developer.

11.2 Where the infrastructure is situated on land owned by that developer that is not transferred to the City at that time, a licence agreement between the developer and the City will be required to allow for the use of the facilities pending the transfer of the land to the City.

11.3 Where subsequent contributions are made towards the infrastructure item, the City will transfer those funds to the developer that undertook work within 3 months of the receipt of such funds. The amount of reimbursement is to be the amount contributed, plus any cost indexation prior to the contribution having been made and interest earned on the contribution once it was made. If a developer undertakes works to provide any of the infrastructure items or costs of the works exceeds the total value of contributions within the DCP area, the City is not required to reimburse the developer for any of the excess.

11.4 Where a developer has provided any infrastructure item ahead of the City having received all contributions relating to that infrastructure item, then subsequent contributions from the owners of the land that provided the infrastructure will be

discounted by an amount proportional to the value of the infrastructure, minus the value of any contributions already received and which relate to that infrastructure.

**12. Shortfall or excess**

- 12.1 If there is a shortfall in the total of cost contributions when all contributions have been made or accounted for, the City of Busselton may make good the shortfall or may negotiate with the developer to fund the shortfall.
- 12.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for and all listed infrastructure has been developed and land transferred, the City is to refund the excess funds to the contributing owners for that development contribution area in a manner proportional to the contribution from that owner. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied to the provision of additional facilities or improvements in the DCP area.
- 12.3 In the event clearances have been issued for the subdivision of lots on former Lot 9058 in the DCP area, before the DCP is endorsed by the City, any shortfall in the value of contributions that would have been attached to that clearance had the DCP been endorsed by the City is to be paid to the City no later than 6 months from the date of endorsement of the DCP or otherwise as by agreement with the City.

**13. Disposal of land prior to subdivision or development**

- 13.1 If a developer disposes of land within former Lot 9058 prior to subdivision or development, the subsequent landowner will be liable for any outstanding development contributions for that land and is to be made aware of responsibilities pursuant to the DCP by the vendor.
- 13.2 If a developer disposes of land such that the whole of the undeveloped portion of former Lot 9058 is no longer in a single ownership, it is the responsibility of the parties to negotiate appropriate arrangements to ensure delivery of contributions in accordance with the DCP.

**14. Development of infrastructure**

- 14.1 The timing of the provision of infrastructure is to be determined by the City, in accordance with its broader responsibilities to meet the infrastructure and community facilities provisions for the City as outlined in the Scheme and this DCP and any relevant local planning policy.

**15. Arbitration**

- 15.1 Any dispute between a developer and the City of Busselton in connection with the cost contribution required to be made by the developer in relation to former Lot 9058 is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

**Schedule 1     Interpretations**

'Administrative Costs' means such costs as are reasonably incurred for the preparation and implementation of the development contribution and staging plan.

'Cost Contribution' means the contribution to the cost of items as identified in the Developer Contributions Plans.

'Developer' means a developer of land proposed for development for residential and related purposes in the developer contribution area of former Lot 9058.



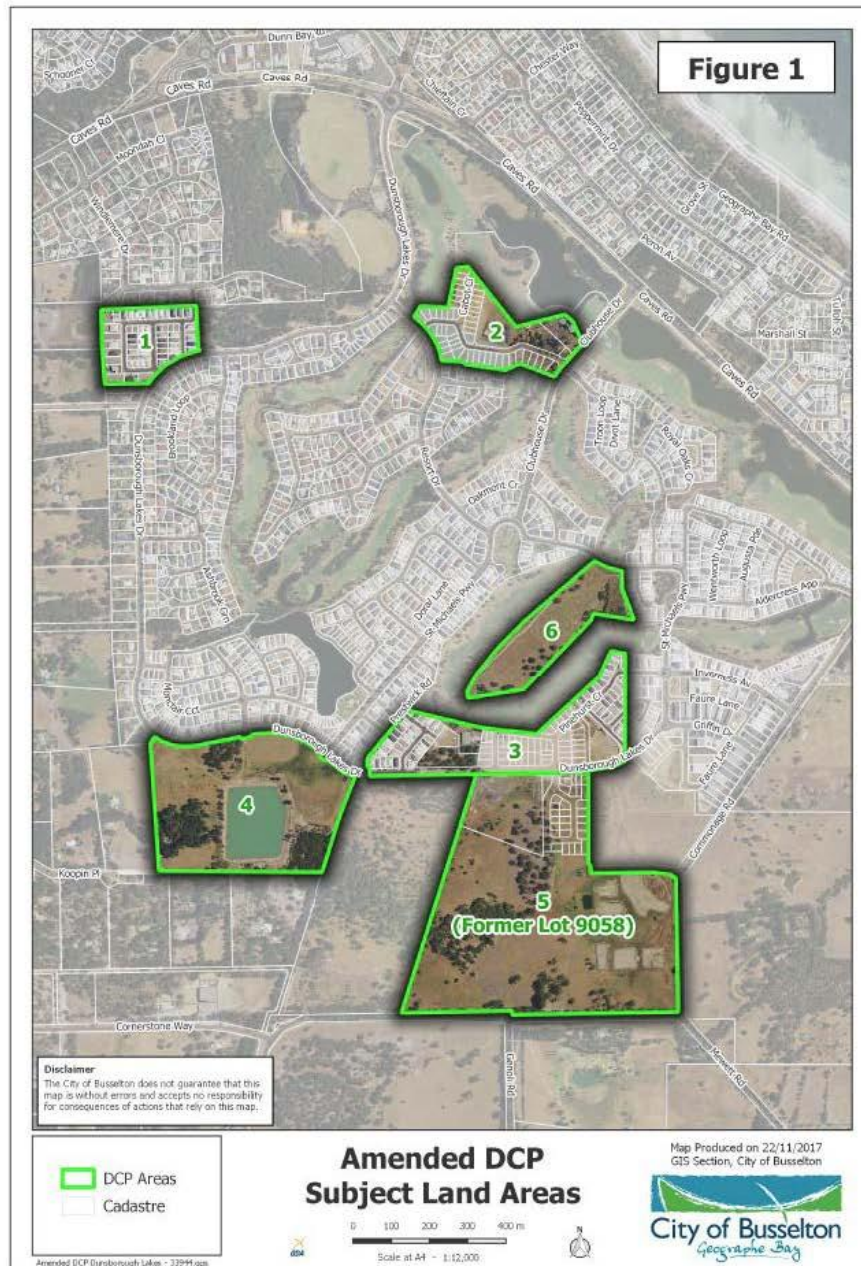
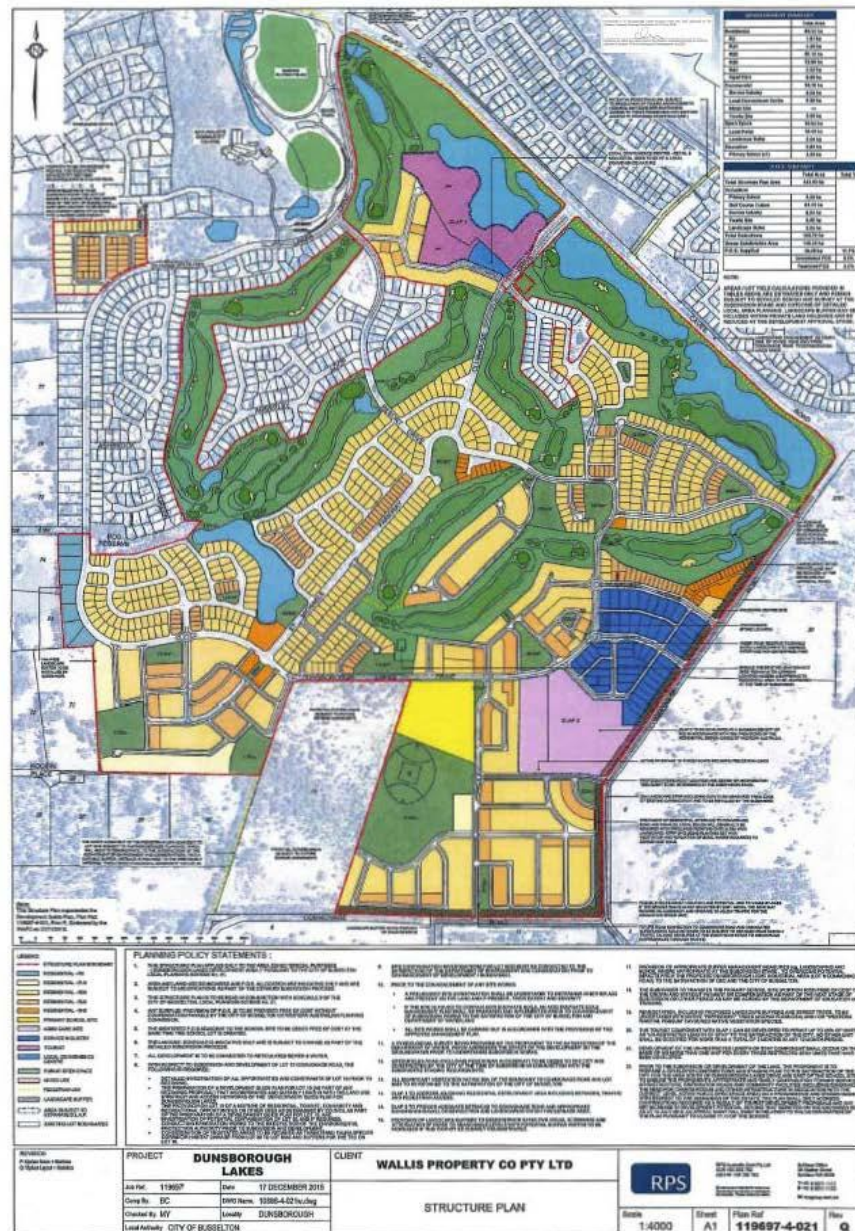








FIGURE 2



11.4 PROPOSED SCHEME AMENDMENT 34 TO LOCAL PLANNING SCHEME 21 AND DRAFT  
STRUCTURE PLAN FOR LOT 34 SHEOAK DRIVE, YALLINGUP - CONSIDERATION FOR  
ADOPTION FOR PUBLIC CONSULTATION

<b>SUBJECT INDEX:</b>	Town Planning Scheme 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 and Development
<b>REPORTING OFFICER:</b>	Principal Strategic Planner - Louise Koroveshi
<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 Aerial Photograph 
	Attachment C Existing and Proposed Zoning 
	Attachment D Proposed Structure Plan 
	Attachment E Bushfire Attack Level Map 
	Attachment F Commonage Structure Plan Community Facility Sites 

## PRÉCIS

The Council is requested to consider initiating for public consultation proposed Amendment 34 to *Local Planning Scheme 21* (LPS21). The Amendment seeks to delete 'Additional Use 39' from Schedule 2 – 'Additional Uses' of LPS21 which currently applies to Lot 34 Sheoak Drive, Yallingup.

The proposed Amendment is accompanied by a draft Structure Plan that proposes the subdivision of the subject land into nine rural residential lots.

Officers are recommending that the Council adopts the proposed 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 a proposed structure plan for Lot 34 Sheoak Drive, Yallingup.

The 15 hectare property is zoned 'Rural Residential' and is located in a 'Landscape Value Area' under LPS21. Lot 34 also has Additional Uses pursuant to Schedule 2 of LPS21 for a range of tourist, recreational, community and commercial uses.

The property is located approximately 5km south west of the Dunsborough Town Centre, within the Commonage rural residential area (Attachment A). The subject land was created via the subdivision of the original landholding approximately 20 years ago (Location 4207 McLachlan Road) which created 75 rural residential lots of varying sizes, including a number of rural production lots. Lot 34 was identified, at that time, for tourist development and a rural service/community centre and fire station.

The subject land is bound by Sheoak Drive to the west, Sonning Loop to the north, the McLachlan Road reserve to the east and a rural residential lot to the south. Lot 34 is vacant and mostly cleared, apart from an area of remnant vegetation in the northern portion of the property. A large dam is located in the western portion of the subject land (Attachment B). The surrounding land has been subdivided and developed for rural residential purposes.



Each component of the proposal is outlined below under appropriate subheadings.

### **Scheme Amendment**

The Scheme Amendment proposes to amend Schedule 2 – ‘Additional Uses’ by removing ‘Additional Use 39’. The permissible uses are: Community Centre; Child Care Centre; Recreation Facility; Art & Craft Studio; Rural Holiday Resort; Private Recreation; Licensed Restaurant; Reception Centre; and Shop having a gross leasable area of 150m<sup>2</sup>.

Existing and proposed zoning maps are provided at Attachment C.

### **Structure Plan**

The draft structure plan would change the planning framework for the land and facilitate future subdivision and development (Attachment D). The key elements of the proposal are –

- nine rural residential lots ranging in size from 0.9ha to 4.4ha;
- a new road that would connect Kinross Loop (which currently terminates to the east of the subject land) with Sheoak Drive;
- connectivity between Sonning Loop and the proposed Kinross Loop ‘extension’ via a pedestrian access way for emergency purposes and a cul-de-sac;
- proposed Lots 1, 3 and 4 have developable areas that would not adversely impact on remnant vegetation; and
- retention of the dam within the largest lot.

The following information has been provided to support the proposal:

- i. Bushfire Management Plan;
- ii. Environmental Assessment;
- iii. Site and Soil Evaluation for On-Site Effluent Disposal; and
- iv. Engineering Services Assessment.

### **Bushfire Management Plan**

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 for the subject land, by a suitably qualified fire consultant, 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 -

- i. Pre-development vegetation is assessed ‘Class B – Woodland’ in the northern corner of the subject land and ‘Class G – Grassland’ for the remainder of the property, excluding the dam.
- ii. The topography has an approximate grade of 10% upslope of the dam to the northeast corner of the land and approximately 3% elsewhere. Gradients are classified as ‘very gently inclined’ to ‘gently inclined’.
- iii. The bushfire hazard level assessment, based on slope and vegetation types, classifies the land as having a ‘Low’ (the grassland area) to ‘Moderate’ (the woodland area) bushfire hazard level.
- iv. The BMP Bushfire Attack Level (BAL) assessment finds that future residential development will be located in areas having a moderate bushfire hazard level at BAL-29 or lower (Attachment E). This meets the performance principle of “Element 1: Location of Development” of the Guidelines.

- v. Each proposed lot can accommodate an Asset Protection Zone that does not exceed BAL-29. This meets the acceptable solution A2.1 of “Element 2: Siting and Design of Development” of the Guidelines.
- vi. Sheoak Drive is a constructed road that provides connection to Biddle Road to the north and Marrinup Drive to the south. The structure plan proposes the delivery of a new road that will connect Kinross Loop to Sheoak Drive. Kinross Loop currently terminates to the east of the subject land. Three alternative access routes would be available for public, private and emergency vehicles once subdivision occurs and this meets the acceptable solution A3.1: Two Access Routes of “Element 3: Vehicle Access” of the Guidelines.
- vii. The proposed cul-de-sac meets acceptable solution A3.3: Cul-de-sac of “Element 3: Vehicle Access” (maximum length 600m and servicing no more than 8 lots) of the Guidelines and will be required to be constructed to standards set out in the Guidelines.
- viii. A proposed pedestrian access way meets acceptable solution A3.6: Emergency Access Way of “Element 3: Vehicular Access” (maximum length 600m and will provide connectivity between the cul-de-sac and Sonning Loop) of the Guidelines and will be required to be constructed to the standards set out in the Guidelines.
- ix. The BMP states that future landowners will be required to provide their own water supply for potable use and emergency firefighting to the standards set out by acceptable solution A4.2: Non-Reticulated Areas of “Element 4: Water” of the Guidelines.

### **Environmental Assessment**

The key findings of the environmental assessment are summarised below –

- *Acid sulfate soils* – The majority of the site is mapped ‘low’ to ‘moderate’ risk with the northern portion of the subject land having no risk.
- *Flora and vegetation survey* – The remnant vegetation in the northern portion of the subject land belongs to the Cowaramup Cd Complex (Marri, Jarrah and Banksia woodland) of which 58% of the pre-European extent remains. The vegetation is in ‘Good’ to ‘Very Good’ condition. No vegetation of conservation significance occurs on the property.
- *Fauna survey* – It is unlikely that the remnant vegetation on the subject land supports a diverse faunal assemblage or provides habitat critical to conservation significant fauna.

### **Site and Soil Evaluation for On-Site Effluent Disposal**

The soils on the subject land were found to be well drained with a high phosphorous retention index making the subject land suitable for on-site effluent disposal without the need for soil amendment.

### **Engineering Services Assessment**

This assessment finds that the subject land can be serviced with power and communications infrastructure from existing nearby networks.

### **Commonage Community and Fire Facility**

Some years ago the City made an agreement with a number of developers in the Commonage area to allow a higher density of subdivision. This was on the basis of delivering a community benefit and resulted in agreements directly with landowners/developers in the ‘South Biddle Road Precinct’ for an additional per lot development contribution over and above the Commonage Implementation Policy Contribution (noting that the policy has since been superseded by the Developer Contribution Area requirements outlined in Local Planning Scheme 21). The contributions collected through that process were to fund the development of basic community facilities in the Commonage/South Biddle area. The City currently holds approximately \$959,347 in contributions from the South Biddle Road Precinct.

At the time of the agreements it was broadly intended that the community facilities would be developed on Lot 34 Sheoak Drive (identified as a 'Rural Service/Community Centre & Fire Station' on the Commonage Policy Area Consolidated Structure Plan – refer to Attachment F). Since that time it has now become apparent that such an extensive community hall would not be appropriate for the community in the Commonage as it would most likely be under-utilised.

The Yallingup Rural Volunteer Bushfire Brigade (VBFB) area includes the Commonage, Injidup and a large portion of the viticulture/tourism area of the City. The location of the VBFB main station is relatively distant from the more populated areas, with some fire appliances housed at a different location. Accessibility to the station/firefighting appliances and response times in some emergency situations has been less than ideal as a result, and it has become apparent that the VBFB may in future benefit from a new station to give better protection to the community, as well as housing firefighting appliances and providing a training centre at a more central location.

The City has previously considered a proposal to accommodate a community and firefighting/training facility on Lot 201 Balmoral Drive, Quindalup (refer to Attachment F). At that time, officers undertook a comparative assessment of the suitability of both sites for that purpose and found Lot 201 Balmoral Drive to be the more practical option. Lot 34 Sheoak Drive is relatively isolated from significant roads by windy local roads and would result in slower response times during emergency situations. Site topography is undulating, cleared of vegetation and highly visible, and such a facility would be therefore likely to generate a perceived negative impact on the amenity of the immediate area.

Lot 201 Balmoral Drive has faster accessibility to the broader road network, better site conditions (flat and screened by established non-native vegetation) and less potential impacts on the surrounding community. The site already accommodates commercial activities (Bakery), with the planning framework allowing for the further development of complementary low-key commercial, community and tourist land uses. The location of a community and firefighting/training facility would consolidate this site as a community hub for the Commonage area.

In light of the above, Amendment 11 to LPS21 (and an associated structure plan) was adopted for final approval by the Council on 10 February 2017 and is pending final approval from the WAPC/Minister for Planning. The Amendment would facilitate the creation of a 'Public Purposes' reserve for the future development of a community and firefighting/training facility for the Commonage area on Lot 201 Balmoral Drive, as well as the acquisition of the proposed reserve by the City for the potential development of such a facility, subject to the terms and conditions of a recently executed Contract of Sale between the City and the landowner.

## **STATUTORY ENVIRONMENT**

The key elements of the statutory environment with respect to this proposal are set out in the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015* and the relevant objectives, policies and provisions of the *City of Busselton Local Planning Scheme No. 21*. 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.

### **Local Planning Scheme No. 21**

The property is zoned ‘Rural Residential’ and is located within a ‘Landscape Value Area’ under LPS21. The Landscape Value Area requires development to be compatible with the maintenance and enhancement of the existing rural and scenic character of the locality.

The proposal is considered to be consistent with the relevant provisions relating to the zoning of the subject land under LPS21.

### **RELEVANT PLANS AND POLICIES**

The key policies relevant to the proposal are:

- I. *State Planning Policy 3.7: Planning for Bushfire Management and Guidelines for Planning in Bushfire Prone Areas 2017*;
- II. *State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy*;
- III. *Draft City of Busselton Local Planning Strategy*; and
- IV. *Commonage Policy Area Consolidated Structure Plan*.

Each is addressed below under appropriate subheadings.

### **State Planning Policy 3.7: Planning for Bushfire Management and Guidelines for Planning in Bushfire Prone Areas 2017**

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 State 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;
- Element 2: Siting and Design of Development;
- Element 3: Vehicle Access.

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 intent of Element 3 is to ensure that residents and the community, as well as emergency services, have safe access and egress from both the subdivision and individual houses/development.

The BMP finds that the subject land is suitable for subdivision and development consistent with SPP 3.7 and the associated Guidelines.

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

State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy (LNRSP) designates the area as 'Rural Residential' and it is referred to as 'Commonage'. The document acknowledges that the area has environmental features worth preserving as well as acknowledging that the area is zoned and identified for Rural Residential development.

### **Draft City of Busselton 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 the subject land as 'Rural Residential' and part of the broader 'Commonage' rural residential area. A relevant strategy of the draft LPS is to support and pro-actively plan to identify suitable areas for re-subdivision/consolidation of existing rural residential development in the Commonage and Dunbarton rural residential areas.

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

### **Commonage Policy Area Consolidated Structure Plan**

The Commonage Policy Area Consolidated Structure Plan (CPACSP) provides the basis for subdivision in the Commonage area and specifies the minimum and average lot sizes for each of the precincts identified thereon. The subject land is located within 'Cluster Precinct 6' and the CPACSP sets out an average lot size of 2ha. The CPACSP however, allows consideration of more intensive development patterns within this precinct with lot sizes ranging upwards from 5,000m<sup>2</sup> and scope to consider smaller lot sizes in certain circumstances.

The subject land is designated as a proposed tourist site and a location for a 'Rural Service/Community and Fire Station'.

The proposal seeks to increase the average lot density from 2ha to 1.88ha. This is discussed further under the 'Officer Comment' section.

### **FINANCIAL IMPLICATIONS**

There are not considered to be any long term financial implications for the City arising from the proposal.



**Long-term Financial Plan Implications**

Nil

**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 proposed Scheme Amendment and related draft Structure Plan would remove 'Additional Use 39' for Lot 34 Sheoak Drive, Yallingup and facilitate the future subdivision of the land for conventional rural residential development.

The landowner has approached the City regarding the proposal in response to the previous decisions of the Council to progress Amendment 11 to LPS21 that essentially identifies Lot 201 Balmoral Drive, Quindalup, in preference to the subject land, as the location for a community and firefighting/training facility within the Commonage area. In assessing the proposal, there are three key considerations –

- 1) Development outcome.
- 2) Lot yield and density.
- 3) Road connectivity.

Each is discussed under appropriate subheadings.

## **Development Outcome**

Under LPS21 and 'Additional Use 39' Lot 34 could potentially accommodate some, or all, of the following land uses: Community Centre; Child Care Centre; Recreation Facility; Art & Craft Studio; Rural Holiday Resort; Private Recreation; Licensed Restaurant; Reception Centre; and Shop having a gross leasable area of 150m<sup>2</sup>. Although the subject land is 15ha in area, it is mostly cleared, visually prominent from Sheoak Drive and is located in an essentially 'residential area' (i.e. there no commercial or tourist land uses in the immediate surrounds).

Lot 201 Balmoral Drive already accommodates a commercial activity (Bakery), with the planning framework allowing for the further development of complementary low-key commercial, community and tourist land uses. The location of a community and firefighting/training facility would consolidate Lot 201 as a community hub for the Commonage area.

Officers are of the view, therefore, that it is neither logical nor necessary to retain the current planning framework for Lot 34 Sheoak Drive and that subdivision of the land into 9 rural residential lots is a reasonable and fair alternative outcome. The prospective development outcome of nine rural residential lots would be commensurate with surrounding land uses, less intensive than the development of the subject land for the range of additional uses potentially possible under LPS21 and would most likely have a reduced overall impact on the amenity of the immediate locality.

It should be noted that the views of adjoining and nearby landowners in response to the changes proposed to the planning framework for the land would be sought during the public advertising period.

## **Lot Yield and Density**

The proposal seeks an increase in the average lot density to 1.88ha, which is marginally below the 2ha average lot size contemplated by the CPACSP.

The CPACSP however, allows consideration of more intensive development patterns (as does the LPS21) within the 'Cluster Precinct 6' (lot sizes ranging upwards from 5,000m<sup>2</sup> with the scope to consider smaller lots sizes in certain circumstances). The CPACSP is also a guiding and not a binding document. Greater lot densities, though, should generally only be considered if there are wider community benefits. These benefits include measures to reduce bushfire risk, retention of remnant vegetation and road connectivity.

The BMP Bushfire Attack Level (BAL) assessment finds that future residential development will be located in areas having a moderate bushfire hazard level at BAL-29 or lower and each lot will have a developable area that will not adversely impact remnant vegetation.

## **Road Connectivity**

The structure plan proposes the delivery of a new road at the southern boundary of the subject land that will connect Kinross Loop (which currently terminates to the east of Lot 34) with Sheoak Drive. Current access to the wider road network from the subject land is via Sheoak Drive (either north to Biddle Road or south to Marrinup Drive). The Kinross Loop/Sheoak Drive connection would provide a third option for access in a different direction and a new, westerly option for access for residents in the 'McLachlan Ridge' subdivision immediately east of the subject land.

The proposal would improve connectivity, accessibility and evacuation options in the event of a bushfire emergency, which is considered to be a significant community benefit.

The structure plan also includes a future pedestrian access way and a cul-de-sac to provide continuity of access between Sonning Loop and the Kinross Road extension in the event of emergency. The cul-de-sac proposed is less than the 600m maximum length provided for in bushfire planning policy.

The draft Structure Plan is considered to represent a valuable opportunity to consolidate rural residential development, coordinate the delivery of safer bushfire evacuation and emergency services access and improve the local road network in the Commonage. This is considered to be consistent with the intent of the CPACSP and the requirements of SPP 3.7.

## **CONCLUSION**

Officers are recommending that proposed Scheme Amendment 34 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.

## **COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1712/326**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Council:

1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 34 to the City of Busselton Local Planning Scheme 21 for the purposes of:
  - a. Removing 'Additional Use 39' from Lot 34 Sheoak Drive, Yallingup.
  - b. Amending Schedule 2 – 'Additional Uses' by deleting 'Additional Use 39'.
  - c. 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 Structure Plan for Lot 34 Sheoak Drive, Yallingup, depicted at Attachment D for public consultation, pursuant to the deemed provisions of Part 7 of the City of Busselton Local Planning Scheme 21

**CARRIED 8/0**

**EN BLOC**

## **12. ENGINEERING AND WORKS SERVICES REPORT**

### **12.1 RFT18/17 SUPPLY & DELIVERY OF DRAINAGE PRODUCTS**

<b>SUBJECT INDEX:</b>	RFT18/17 - Supply & Delivery of Drainage Products
<b>STRATEGIC OBJECTIVE:</b>	Assets are well maintained and responsibly managed.
<b>BUSINESS UNIT:</b>	Operation and Works Services
<b>ACTIVITY UNIT:</b>	Maintenance & Construction
<b>REPORTING OFFICER:</b>	Maintenance and Construction Coordinator - Matthew Twyman
<b>AUTHORISING OFFICER:</b>	Director, Engineering and Works Services - Oliver Darby
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Confidential Tender Evaluation and Recommendation Report

**Attachment A is confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with “a contract entered into or which may be entered into, by the local government”. Copies have been provided to Councillors, the Chief Executive Officer and Directors Only.**

### **PRÉCIS**

The Council is requested to consider the tenders received in response to Request for Tender RFT18/17 – Supply & Delivery of Drainage Products. The purpose of this report is to obtain the Council’s consent to award Tender – RFT18/17 in accordance with the Tender Evaluation panel recommendation.

### **BACKGROUND**

1. A suitably qualified supplier is required for the supply and delivery of Drainage Products to the City of Busselton.
2. The RFT specified the requirements of the City of Busselton and invited suitably qualified and experienced respondents to submit bids to enter into a Contract for the manufacture, testing, supply and delivery of drainage products within the City of Busselton in accordance with the specification.
3. Subject to the Principal’s right to early termination the initial term is for a period of three years from date of award. The Principal may negotiate two additional terms each with a period of twelve months.

Two submissions were received in response to the Request for Tender. Submissions were received from Holcim (Australia) Holdings Pty Ltd and MJB Industries Pty Ltd.

The review process of all submissions for RFT18/17 has been completed by the Tender Evaluation Panel that comprised of the following:

- Engineering Technical Officer
- Maintenance & Construction Coordinator
- Manager, Operations Services

### **STATUTORY ENVIRONMENT**

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 apply. In particular, Regulation 14 (2a).

*"If a local government –*

*(a) is required to invite a tender; or*

*(b) not being required to invite a tender, decides to invite a tender.*

*The local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted."*

## **RELEVANT PLANS AND POLICIES**

The following Council policies have relevance to the Tender process.

Policy 239 – Purchasing:

The procurement process complies with this policy.

Policy 049/1 –Regional Price Preference:

The Regional Price Preference was applied to this tender.

Policy 031 – Tender Selection Criteria:

The procurement process complies with this policy.

## **FINANCIAL IMPLICATIONS**

Application of appropriate selection criteria to the tender has contributed to ensuring that tenderers are offering the "best value" with respect to the supply of services.

In order to evaluate the pricing component of the tender a representative project supply scenario for drainage products was applied to the tendered rates. This shows that there has been a twenty five percent decrease in the recommended Tenderer's rates, when compared against the City's existing tender submitted for these services in 2012.

In comparison the Consumer Price Index for Perth (all groups) has increased by nine and a half percent between March 2012 and September 2017.

Based on the previous three years it is estimated that expenditure relating to this tender will be approximately \$700,000 over the full term, including all extension options (five years in total, three years plus two one year extensions if applied). This equates to approximately \$140,000 per annum. These are estimates only and are subject to annual operational and capital budgets.

The costs of services within this tender are provided for in capital works and operational budgets for each financial year. Purchasing under this contract will be in accordance with these adopted budgets.

## **STRATEGIC COMMUNITY OBJECTIVES**

Key Goal Area 2:

Well Planned, Vibrant and Active Places.

Community Objective 2.3:

Infrastructure assets that are well maintained and responsibly managed to provide for future generations.

## RISK ASSESSMENT

The recommended tenderer has suitable supply contingency measures in place to fulfil the requirements of the tender maintaining stock levels on a weekly basis, undertaking a full stock take monthly, maintaining a full range of spare parts and employing skilled personnel.

MJB Industries Pty Ltd supplies and delivers drainage products to the majority of local governments between Bunbury and Albany, as well as large private enterprises such as APH Contractors and Georgiou Group Pty Ltd. They currently have ongoing contracts with the City of Bunbury and APH Contractors.

The risk of poor service or the tenderer going out of business is therefore considered low.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Poor service	Project quality control	Minor	Unlikely	L5
Insolvency	Financial profile information request	Minor	Unlikely	L5

## CONSULTATION

Nil

## OFFICER COMMENT

As part of the tender evaluation an initial compliance check was conducted to identify submissions that were non-conforming with the immediate requirements of the Request for Tender (RFT). This included compliance with contractual requirements and provision of requested information. The Contract & Tendering Officer informed the Evaluation Panel of the further information required from the tenderers relating to insurances, financial information and ASIC company information. The Evaluation Panel obtained this further information and advised the Contract & Tendering Officer that they had reviewed this further information and was satisfied.

The assessments of the tenders were based on the following Qualitative Criteria as included in the Request for Tender Document:

- (a) Relevant Experience: 10%;
- (b) Key Personnel Skills & Experience: 5%
- (c) Tenderers Resources: 10%
- (d) Demonstrated Understanding: 10%

The Tendered price was given the following weighting and has been assessed in conjunction with the Qualitative Criteria.

- Tendered Price: 65%

Regional Price preference was applicable to Holcim (Australia) Holdings Pty Ltd's tender submission.

The Evaluation panel members individually assessed the compliance and qualitative criteria and then applied an average to provide a final rating. The scores were then added together to indicate the rankings for the tender. The Confidential report attached provides further detail in relation to the relative merits of each of the individual tenderers. Following this evaluation, MJB Industries Pty Ltd, is the preferred tenderer for the reasons outlined in the confidential report.

## CONCLUSION

This report seeks the Council's endorsement of the officer's recommendation to award all requirements of the Contract RFT18/17 – Supply and Delivery of Drainage Products to MJB Industries Pty Ltd. The submission received from MJB Industries Pty Ltd, represents the best value for money option for the City of Busselton and demonstrates the company's ability to complete the contract requirements to the standard required and within the time frames required at a competitive price.

## OPTIONS

The Council may consider the following options:

1. The Council choose not to accept the officer's recommendation and award the Tender to an alternate tenderer. In the view of the officers this could result in a Tender being awarded to a tenderer that has not presented the "best value" for money offer.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of the tender to the successful tenderer can be announced immediately after the Council has endorsed the officers' recommendation. The successful Tenderer will receive formal written notification within seven days of the decision being handed down. The unsuccessful tenderer will also be notified in this time.

## COUNCIL DECISION AND OFFICER RECOMMENDATION

**C1712/327**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Council:

1. Endorses the outcomes of the evaluation panel's assessment in relation to Tender RFT18/17 – Supply and Delivery of Drainage Products which has resulted in the tender submitted by MJB Industries Pty Ltd, being ranked as the best value for money.
2. Delegate authority to the CEO to award the contract resulting from RFT18/17 – Supply and Delivery of Drainage Products to MJB Industries Pty Ltd, to run for a period of three years with an option of two, one year extensions, under the same terms and conditions as the initial period, to be exercised at the Principal's discretion, in accordance with the terms and conditions contained within the RFT document.

**CARRIED 8/0**

**EN BLOC**



### **13. COMMUNITY AND COMMERCIAL SERVICES REPORT**

#### **13.1 PUBLIC ART POLICY**

<b>SUBJECT INDEX:</b>	Policies, Plans and Procedure
<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>	Community Services
<b>REPORTING OFFICER:</b>	Cultural Development Officer - Jacquie Happ
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

**This item was considered by the Policy and Legislation Committee at its meeting on 30 November 2017, the recommendations from which have been included in this report.**

#### **PRÉCIS**

The purpose of this report is to seek Council's consideration to approve a *Public Art Policy (PAP)* (Attachment 1) for public advertising and adoption. The Policy will help facilitate the management process of outdoor or public artworks that are displayed in public places and provide guidance to their locations and designs to reflect the cultures and lifestyles of people who live within the City

#### **BACKGROUND**

The importance of public artwork in reflecting the cultures and lifestyles of the local community and creating a sense of place is now widely acknowledged. The Australia Council in 2017 reported, 'More Australians now recognise the many positive impacts the arts have on our daily lives and in our community.' In 2016, 17 million Australians, 86% of the population aged 15 years or older, acknowledged the significant positive impacts of the arts.

The principles of Public Art are to:

- promote civic, community and cultural identity by introducing public art which makes streets, open spaces and buildings more locally distinctive;
- enhance the sense of place by encouraging public art forms which reinforce and highlight early settlement and Aboriginal history, cultural heritage and contemporary life;
- encourage community reflection, inspiration, celebration and well-being;
- improve visual amenity and the appearance of places by using public art to screen unattractive views and add interest;
- support regional art production where possible by contracting locally-based artists to create artworks;
- encourage the use of a diverse range of traditional and contemporary media and technologies; and
- recognise the importance of the role of art in public places.

Over the last 12 years, the City has seen a high growth in the number of outdoor sculptures it has acquired in numerous ways including: commissions, developer contributions, donations, loans, prizes and community art projects. The City manages and controls public artworks which are located on City owned or managed properties and public spaces. The PAP outlines the processes for acquisition of artworks and how they are managed which involves a number of different areas within the City's administration. The policy provides guidance on the lifecycle of its public artworks from acquisition to deaccessioning.

Supporting the Public Art Policy are Public Art Guidelines (Attachment 2) which outlines the City's requirements for public artworks and the City's Public Art Register (Attachment 3) which provides details of all the public artworks that the City owns as at 30 November 2017.

## **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**

Public Art plays a key role in delivering the City's Social Plan 2015 – 2025 in providing a welcoming community with vibrant and attractive places and spaces where local heritage and culture is valued. In particular the Social Plan 2015-2025 identifies the need to facilitate the development of arts and culture by the continued implementation of the Cultural Plan and Local Cultural Planning Strategy (LCPS).

The City of Busselton adopted the LCPS in August 2011. The aim of the strategy is to conserve the key cultural elements of the City's towns and rural areas and to maintain these elements over time.

The City's Cultural Plan was adopted in 2005 and provides recommendations on the future directions of arts and culture in the City of Busselton and encourages the development of a collective community cultural vision and plan.

Developer Contribution Policy: 6B Percent for Art Provisions require eligible development proposals to provide public artworks on the site of development or on crown land immediately adjacent to the site, in a location approved by the City.

## **FINANCIAL IMPLICATIONS**

Currently the City commissions public artworks on a case by case basis. Other artworks are funded through external funding and community or corporate contributions.

The current annual maintenance cost of artworks is difficult to ascertain as it is not separately costed. It is estimated that anywhere between \$4,000 and \$15,000, or an average of \$7,000 per annum is spent each year on what is largely reactive maintenance of outdoor artwork.

A valuation of the City's assets occurs every three years. This is for both valuation and insurance purposes. Historically this has been internally resourced for public art and not undertaken by an arts specialist. A Public Art Valuation Report and condition assessment by an arts specialist, is recommended to be undertaken every three (3) years and would cost approximately \$3900. A professional condition report will ascertain maintenance requirements including if the artwork needs priority attention, conservation or remedial works or needs to be removed and provide a more accurate valuation.

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

An annual Public Art Maintenance budget of \$7000 initially, is recommended.

The first condition assessment report of all current public artwork pieces will identify any other significant, currently unknown costs and provide more realistic forecasts for future years.

## **STRATEGIC COMMUNITY OBJECTIVES**

This policy is consistent with fostering the following strategic objective:

Key Goal Area 1 Community

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

## **RISK ASSESSMENT**

An assessment of the potential implications of implementing the officer recommendation have been undertaken using the City's risk assessment framework, and no risks were identified where the residual risk, once controls are considered, is medium or greater.

## **CONSULTATION**

If approved, the Public Art Policy will be open for public comment for a period of 21 days.

Consultation for the policy has been undertaken internally with Officers from all directorates.

Information has been sourced from Public Art Policies from other Councils locally and across Australia.

## **OFFICER COMMENT**

The City has a growing number of public artworks in outdoor public spaces that are received through a number of different ways. The Public Art Policy provides guidance on the lifecycle of artwork across the following areas:

- Acquisition
- Consultation
- Maintenance
- Deaccessioning
- Responsibilities

The PAP outlines how the City acquires artworks and informs the process regarding where artworks are located, maintained and decommissioned.

The City acquires works through different means including: awards and prizes; developer contributions; commissioning artwork; and donations. It is recommended that artworks acquired by the City, through these various methods, will conform to the Public Art Guidelines (Attachment 2). Consultation with stakeholders such as adjacent businesses or residents should be undertaken when locating public artworks on City owned or managed property.

Artworks that are acquired and located on public land, are entered into a Public Art Register and Asset Register. Each artwork acquired is required to have a Maintenance Plan as part of its acquisition, and this information can be used to develop a Maintenance Schedule. A Valuation Report and Condition Assessment is recommended to be undertaken every three (3) years to inform the maintenance schedule and identify any decommissioning requirements.

The PAP outlines the process of decommissioning a sculpture that may need to be removed for reasons such as safety, damage or suitability.

The acquisition of artworks and the process by which they are managed involves a number of different areas within the City administration. Responsibilities are clarified in the Policy.

## CONCLUSION

The City has a growing number of public artworks in outdoor public spaces acquired through various means. This policy provides guidance on acquisition, installation and maintenance, through to decommissioning to ensure that public artwork creates vibrant spaces and reflects the cultural and heritage aspiration of the community.

Officers recommend the policy is advertised for public comment for a period of 21 days and subject to no adverse comments be adopted by Council. To implement the Policy an Annual Public Artwork Maintenance budget of \$7,000 will be required plus an allocation every three (3) years, for a Public Artwork Valuation and Condition Assessment Report. The first Report will inform a more accurate forecast for the Annual Public Art Maintenance budget.

## OPTIONS

The City can continue to accept artworks on a case by case basis without a recognised process or policy and continue to provide a more reactive approach to the maintenance of its public art infrastructure.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council approval, the PAP will be advertised for public consultation for a period of 21 days as soon as practicable. It is proposed that Council adopts the PAP for public comment but if there are any adverse comments, the policy will be subject to a further report to Council.

## **COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**C1712/328**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum



That the Council:

1. approves the advertising of the Public Art Policy for a period of 21 days for public comment and adopts the Policy subject to no adverse comments being received
2. reviews the Public Art Policy in 12 months time.

**CARRIED 8/0**

**EN BLOC**

### 13.3 BUSSELTON SENIOR CITIZENS CENTRE - PROPOSED EXPANSION

<b>SUBJECT INDEX:</b>	Busselton Senior Citizens Expansion Proposal
<b>STRATEGIC OBJECTIVE:</b>	Community services and programs that support people of all ages and backgrounds.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Community Services/Property Services
<b>REPORTING OFFICER:</b>	Property Management Coordinator - Sharon Woodford-Jones 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 Senior Citizens Proposed Expansion Area  Attachment B Funding commitment letter from Busselton Senior Citizens Centre 

#### PRÉCIS

The City leases a building on a portion of Lot 73 Peel Terrace, Busselton to the Busselton Senior Citizens Centre Incorporated (BSCC), known as the Senior Citizens Centre (“the Centre”). The City has received a proposal from BSCC to reconfigure and expand their building to cater for an expected growth in membership.

The purpose of this report is to seek Council’s support to fund a third of the total project cost, in the sum of \$250,000, and, subject to the availability of remaining funding and development approval being obtained, enter into a new lease to include the Centre and proposed expansion area.

#### BACKGROUND

The BSCC is located on Lot 73 Peel Terrace, Busselton, which is freehold land owned by the City. The area currently leased to the BSCC comprises the footprint of the building as it existed in 2003. The lease was granted to the BSCC for a period of 20 years and expires on 5<sup>th</sup> August 2023. The cadastral boundaries of the lot are shown edged black on the Plan marked Attachment A.

The Shire of Busselton Strategic Plan 2010-2020 identified a need to provide for an increasingly aging society and introduced a strategic priority to ‘prepare a strategy to assist the aged.’ The City’s current Strategic Community Plan 2017 continues to support this objective.

In 2011, the Age Friendly Communities Project was undertaken, jointly funded by the South West Development Commission (SWDC) and the Department for Local Government and Communities (DFLGC). Workshops and surveys were undertaken with seniors, age care providers and carers. The BSCC and its members were involved in the consultation process. The report had thirty nine recommendations including several about the future planning for senior citizens centre(s).

In October 2012, after a further 12 months of demographic forecasting, research and consultation with agencies, community groups and other government departments the City of Busselton Social and Aging Plan 2012-2020 was adopted by Council. The Social Plan, as its currently termed, contains a Seniors/Aging section which is in effect the City’s ‘strategy to assist the aged.’

As part of Council’s long term financial planning processes, options for expansion, either to expand on the current BSCC site or relocate and build a larger facility, have been presented to Council. Expansion of the Centre was included in the 2016/2017 - 2025/2026 Long Term Financial Plan subject to broader consultation and more detailed planning by the BSCC.

Officers worked with BSCC to progress their plans and on 27 July 2016 a report was presented to Council seeking support for the expansion of the BSCC on their current site to cater for a building of approximately 340m<sup>2</sup>. Council resolved:

*“That the Council gives in-principle support to increase the area of land leased to the Busselton Senior Citizens Centre (BSCC), subject to further planning and design for the whole of Lot 73 Peel Terrace, including the BSCC site, being undertaken and presented back to Council, and to the negotiation of a new lease to incorporate the expanded area at an appropriate time in the future.”*

**(C1607/177)**

In February this year Council was briefed on options for the future use and development of Lot 73. Councillors provided general support for the proposed expansion area of the Centre (approx. 1000m<sup>2</sup>) and for the construction of a crossover and access way aligned to this. These have since been built. So far as the remainder of the lot is concerned Councillors indicated a preference to retain this and consider the future long term uses.

On 5 September 2017, City Officers met representatives from Lotterywest to establish their interest as a funding partner for a number of forecast projects. Lotterywest expressed a keen interest in contributing to the proposed expansion of the Centre but clearly could not commit to the same without receipt of a formal application and supporting documents.

The area identified for the proposed expansion of the Centre is outside of the current leased area. The approximate extent of the area identified for the expansion project is shown hatched yellow on Attachment A. Lotterywest have indicated that grant funding for this project will be subject to the BSCC being granted security of tenure over this land. While it would be possible to grant a separate lease of this portion of land for the purpose of the expansion, it is proposed instead that the existing lease be surrendered and a new lease granted which includes the additional land. The means by which this can be achieved is outlined in the Officer Recommendation section of this report.

## **STATUTORY ENVIRONMENT**

The City of Busselton Local Planning Scheme 2021 will apply to any development proposal received for the land.

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirements of section 3.58 of the Local Government Act 1995 (LGA) to advertise the disposition and have regard to any submissions made. Section 3.58 of the LGA provides exemptions to this process. Regulation 30(2)(b) of the Local Government (Functions and General) Regulations exempts disposals of land to incorporated bodies who are not for profit. The constitution of the BSCC is such that this exemption applies.

The building currently leased by the BSCC and the area identified for expansion are within Lot 73 on Deposited Plan 49894, Volume 2630 Folio 894, Peel Terrace, Busselton. This is land owned freehold by the City.

## **RELEVANT PLANS AND POLICIES**

This report seeks to achieve the goals of the City of Busselton Social Plan (2015 – 2025), specifically to provide for “An age friendly community that encourages ‘active ageing’ by supporting good health, active participation and secure living in order to enhance quality of life as people get older.”

The proposals in relation to the recommended terms and provisions of the lease are consistent with Policy 248 – Leases of City Land and Buildings.

## **FINANCIAL IMPLICATIONS**

The total cost of the project is estimated to be \$750,000. The City's intended monetary contribution is \$250,000, matching the BSCC contribution and Lotterywest funding of \$250,000 each. The City has received a letter (Attachment B) from the BSCC confirming a commitment by the BSCC of \$250,000 (one third) toward the expansion of their facility.

The BSCC would like to commence work in July 2018. Should Council support the recommendation, a budget allocation of \$250,000 will be required in the 2018/19 budget. It is proposed that this allocation be funded from the New Infrastructure Development Reserve which is budgeted to have an amount of \$1.538 million at 30 June 2018.

As the City will be undertaking the expansion project (with the benefit of Lotterywest funding and the contribution from the BSCC) it is recommended that the BSCC provide (or make available) their contribution of \$250,000 to the City before works commence. The method by which this can be secured is expanded on in the Officer Comment section of this report.

If Council is supportive of the proposal to surrender the existing lease and grant a new lease of the Centre and additional land the annual rent will be \$210 per annum (plus annual CPI increases), which is consistent with the annual rent currently charged to sporting and community group lessees. The BSCC currently pay \$150 per annum for their existing lease.

The standard community lease terms include requirements for the tenants to pay outgoings including services and insurance as well as meet the cost of maintenance and repair of the buildings, including structural repairs.

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

Nil.

## **STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation of this report supports all four objectives in Key Goal Area 1 Community:

- 1.1 A friendly safe and inclusive community with a strong community spirit
- 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.
- 1.4 Community services and programs that support people of all ages and backgrounds.

## **RISK ASSESSMENT**

There are no identified risks of a medium or greater level associated with the Officer recommendation.

## **CONSULTATION**

Officers have worked closely with the BSCC to forecast future growth expectations and to identify the key needs of the BSCC to provide for an increasingly aging population.

Officers have consulted with Lotterywest to establish the requirements for a funding application which include a needs assessment and security of tenure in the form of a lease.

Development approval, a detailed project plan and business plan are also required for the funding application. Officers are assisting the BSCC to develop these requirements.

#### **OFFICER COMMENT**

Work done as part of the Age Friendly project estimated that by 2026 the population aged 65 and over will have trebled. Demographic profiling isn't yet showing this scale of increase, however, in 2014 the 65 plus age group was 17% of the total population of the City of Busselton and the latest census 2016 has shown this increase to 19%. Research indicates a growing number of baby boomers will now start to reach retirement and therefore the 65 plus age group will start to increase over the next five to ten years.

In 2016, 19% of the City of Busselton's population was aged 65 or over. The estimated total population was 36,686; therefore around 7,224 people in the City are over 65 years old. Extrapolating this forward, by 2026 the 65 plus population could therefore be 21,672.

BSCC currently has around 800 members, equivalent to 11% of the 65 plus population. Based on the above predictions of the population trebling, and assuming a similar membership BSCC could increase their membership by over 200 new members a year.

The proposed expansion will provide the following benefits:

- An additional hall for the increasing number of participants in activities such as indoor bowls, Boot scooting and Zumba.
- The ability to separate noisier activities
- The flexible expansion of their dining room to cater for a larger number of diners (often at capacity circa 100 people). This is a key revenue stream for the Centre
- An improved library (current library also serves as Board and meeting room)
- Additional storage
- Better access and pedestrian flow to the building
- Improvements to existing toilets particularly for mobility impaired users
- Rectification of current drainage issues

Lotterywest have indicated (at an officer level) that funding for the expansion project would not be considered unless Council have resolved to grant a lease of the land on which it will be constructed. It is therefore proposed that, subject to funding and planning approval being obtained, Council resolve to support the surrender of the existing BSCC lease and simultaneous grant of a new lease of the Centre and the area they wish to expand into.

The term of the current BSCC lease is due to expire on the 6 August 2023. It is proposed that the BSCC be offered a new lease for a total term of 20 years (10 years with an option for a further 10). The proposal to offer a longer lease term is consistent with the principles of the City's leasing policy and is reflective of their proven ability to provide services and facilities to the community; their growing membership; the calibre of their governance and significant historical, and proposed future, capital investment in the building.

The main provisions of the lease will be based on the City's standard not for profit community group lease with a slightly higher annual rent than the BSCC are currently paying of \$210 per annum, increased annually by CPI.

It is proposed that all other terms and conditions of the BSCC's existing lease remain the same, including the BSCC responsibility for maintenance, insurance costs and repair of the entire facility including all services and outgoings.



Council formerly consented to BSCC entering into a sublease of a small part of the Centre to Busnet, being an organisation which compliments the aims and objectives of the BSCC. The current sublease will expire on 31<sup>st</sup> October 2022 if all options are exercised. If Council resolve to accept surrender of the BSCC's existing lease, this will have the effect of automatically terminating the sublease to Busnet. BSCC is happy with the current arrangement with Busnet and would prefer the sublease to continue. It is therefore recommended that Council endorse the consent previously given and agree to the BSCC entering into a new sublease simultaneously with the grant of the new lease to the BSCC for the remainder of the existing sublease term.

With respect to funding of the expansion, there may be a requirement to enter into a funding agreement in relation to the contributions being made by the City and BSCC respectively. As the means by which this is to be facilitated are yet to be agreed, Council are requested to resolve that the CEO be given authority to negotiate and if necessary enter into an appropriate agreement for that purpose.

## **CONCLUSION**

The current site is large enough to accommodate the expansion of the Centre whilst still retaining a large portion of Lot 73 for other community or commercial development.

To support the expansion and growth of the BSCC officers recommend that Council contribute one third (\$250,000) to the total project cost, subject to the signing of an appropriate Funding Agreement committing the same contribution from the BSCC and subject to Lotterywest funding being achieved.

The grant of a new lease will provide the BSCC with the security of tenure expected by Lotterywest to support the funding application for the Centre's expansion. In order to progress with the expansion project it is thus recommended that Council resolve to enter into a new lease with the BSCC subject to the conditions and terms outlined in the Officer Recommendation.

## **OPTIONS**

1. Council could choose not to support an expansion of the Busselton Senior Citizen's Centre on Lot 73 Peel Terrace and request Officers to work with the BSCC to establish an alternative option.
2. Council could resolve not to enter into a new lease encompassing the Centre and the additional land area and instead resolve to enter into a separate lease of the expansion area only to run concurrently with the existing lease term.

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

BSCC will be notified immediately following the decision of Council. It is expected that a new lease of the Centre and expansion area will be entered into once Lotterywest funding is confirmed

**COUNCIL DECISION AND OFFICER RECOMMENDATION****C1712/329**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum

That the Council:

***Subject to:***

(1) the City receiving one third funding from Lotterywest for the proposed expansion of the existing Busselton Senior Citizen's Centre (the Centre) ; and

(2) obtaining planning consent from the City for the expansion of the Centre;

(i) Allocates \$250,000 in the 2018/2019 budget from the New Infrastructure Development Reserve to support the expansion of the Busselton Senior Citizen's Centre on Lot 73 Peel Terrace, Busselton;

(ii) Delegates to the CEO power to negotiate and authorises the CEO to accept the surrender of the current lease between the City of Busselton and the Busselton Senior Citizens Centre Incorporated and enter into a new lease for a portion of Lot 73, Deposited Plan 49894, Volume 2630, Folio 894, 22 Peel Terrace Busselton the approximate area of which is shown hatched yellow on the Plan marked Attachment A with the Busselton Senior Citizens Centre Incorporated, on the following terms:

- a) The term of the lease to be 10 years with a further 10 year option commencing simultaneously with surrender of the Busselton Senior Citizens Centre's existing lease
- b) The rent to commence at \$210.00 inclusive of GST per annum and increased annually by CPI;
- c) All costs associated with the surrender of the existing Busselton Senior Citizen Centre's existing lease and preparation of the new lease to be met by the Lessee; and
- d) Other terms to be consistent with the City's standard community group lease.


(iii) Authorises the CEO to consent to a new sublease between the Busselton Senior Citizens Centre Incorporated and Busnet Computer Club Inc on the same terms as the existing sublease dated 3 August 2016.

(iv) Delegates to the CEO power to negotiate and authorises the CEO to enter into formal funding arrangements with the Busselton Senior Citizen's Centre Incorporated detailing the means by which funds can be secured for the purpose of expansion of the Centre's current facilities.

**CARRIED 8/0****EN BLOC**

## 14. FINANCE AND CORPORATE SERVICES REPORT

### 14.1 WASTE AMENDMENT LOCAL LAW

<b>SUBJECT INDEX:</b>	Local Laws
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Legal Services
<b>REPORTING OFFICER:</b>	Legal Officer - Briony McGinty
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Amendment Local Law 

### PRÉCIS

The City's Waste Local Law 2016 (**Waste Local Law**) was published in the government gazette on 3 January 2017 and came into effect shortly thereafter. An amendment to the Waste Local Law has been prepared (**Amendment Local Law**) for consideration by the Council. It is recommended that the Council initiate the law-making process and authorise the CEO to commence advertising the Amendment Local Law.

### BACKGROUND

The Waste Local Law was based on the model provided by WALGA which did not explicitly include a reference to a person's objection and review rights under Division 1 Part 9 of the *Local Government Act 1995* (**the Act**). The Joint Standing Committee on Delegated Legislation (**JSC**) reviewed the Waste Local Law. On 11 October 2017 the Council resolved to provide the following undertakings to the JSC:

*"That the Council:*

- 1. Undertakes to within 6 months, amend the local law to include an express "Objection and appeal rights clause".*
- 2. Also undertakes:*
  - a) That all consequential amendments arising from the undertaking will be made.*
  - b) That the local law will not be enforced in a manner contrary to the undertaking given.*
  - c) That the undertaking will be completed within six months of the date of the letter giving the undertaking.*
  - d) Where the local law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings."*

### STATUTORY ENVIRONMENT

Section 3.5 of the Act and section 64 of the *Waste Avoidance and Resource Recovery Act 2007* (**WARR Act**) provide Council with the heads of power for making a waste local law.

Section 42 of the *Interpretation Act 1984* allows the WA State Parliament to disallow a local law, which is a mechanism to guard against the making of subsidiary legislation that is not authorised or contemplated by the empowering enactment, has an adverse effect on existing rights or ousts or modifies the rules of fairness.

Parliament has appointed the JSC to undertake an overseeing role on its behalf, which includes the power to scrutinise and recommend the disallowance of local laws to the Parliament.

Any correspondence received by the JSC is confidential and privileged. Disclosure of such information may be referred to the Legislative Council Procedure and Privileges Committee for investigation and possible penalty as contempt of Parliament.

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

Nil.

#### **FINANCIAL IMPLICATIONS**

Costs associated with the advertising and gazettal of an amendment to the Waste Local Law will come from the Legal budget. These costs are unlikely to exceed \$2,000 and there are sufficient funds in the legal budget for this purpose.

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

Nil

#### **STRATEGIC COMMUNITY OBJECTIVES**

The proposal aligns with the *City of Busselton Strategic Community Plan 2013* as follows:

*6.2 Governance systems that deliver responsible, ethical and accountable decision making.*

#### **RISK ASSESSMENT**

The Amendment Local Law will not involve a departure from current practices and is therefore considered low risk.

#### **CONSULTATION**

Should Council resolve to commence the process of amending the Waste Local Law the City is required to undertake the notice requirements under Section 3.12(3) of the Act.

#### **OFFICER COMMENT**

The Waste Local Law is made under the WARR Act and the Act. Division 1, Part 9 of the Act (dealing with objection and review rights) automatically applies to any “authorisation under... any local law” as per section 9.1(1)(a) of the Act.

Further, section 9.4 of the Act requires that any person affected by an unfavourable decision must be given written reasons for the decision and informed of the person’s rights under Division 1 Part 9 of the Act to object against, and apply for a review of, the decision.

However, for reasons stated in previous confidential reports to Council, it is recommended to explicitly include these provisions within the Amendment Local Law.

## CONCLUSION

It is recommended that the Council initiate the law-making process and authorise the CEO to commence advertising the Amendment Local Law.

## OPTIONS

As the City has previously provided an undertaking to the JSC in relation to this matter it is not recommended to pursue other options.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Within two weeks of the Council decision to commence the law-making process, the Amendment Local Law will be advertised for public comment. The statutory consultation period is a minimum of six weeks and following the close of the advertising period a report will be submitted to the Council for further consideration which, depending on the number and nature of submissions received, could be within three months.

## COUNCIL DECISION AND OFFICER RECOMMENDATION

**C1712/330**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum

- (1) That the Council commences the law-making process, for the *City of Busselton Waste Amendment Local Law 2018*, the purpose and effect of the local law being as follows:

Purpose: To explicitly include a reference to a person's objection and review rights under the *Local Government Act 1995*.

Effect: To make people aware of their objection and review rights under the *Local Government Act 1995* in relation to decisions made under the *Waste Local Law*.





- (2) That the Council authorises the CEO to carry out the law-making procedure under section 3.12(3) of the *Local Government Act*, by –
- (i) giving Statewide public notice and local public notice of the Amendment Local Law; and
  - (ii) giving a copy of the Amendment Local Law and public notice to the Minister for Local Government and the Minister for the Environment.
- (3) That the CEO, after the close of the public consultation period, submits a report to the Council on any submissions received on the Amendment Local Law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4) of the Act.

**CARRIED 8/0**

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## **15. CHIEF EXECUTIVE OFFICER'S REPORT**

### **15.1 COUNCILLORS' INFORMATION BULLETIN**

<b>SUBJECT INDEX:</b>	Councillors' Information Bulletin
<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 Services
<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>	Attachment A Planning Applications received by the City between 1 November, 2017 and 15 November, 2017 
	Attachment B Planning Applications determined by the City between 1 November, 2017 and 15 November, 2017 
	Attachment C CapeROC Minutes 
	Attachment D MERG Minutes 

### **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 and Development Statistics**

Attachment A is a report detailing all Planning Applications received by the City between 1 November, 2017 and 15 November, 2017. A total of 51 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 November, 2017 and 15 November, 2017. A total of 40 applications (including subdivision referrals) were determined by the City during this period with 40 approved / supported and 0 refused / not supported.

#### **15.1.2 Current Active Tenders**

### **2017 TENDERS**

#### **EOI 01/17 MANUFACTURE AND INSTALLATION OF THE BUSSELTON FORESHORE PLAYSPACE**

The City of Busselton invited Expressions of Interest for the construction of a new play space located within the Busselton Foreshore Precinct. The EOI was advertised on 28 October 2017, with a closing date of 21 November 2017. The closing date has been extended to 12 December 2017. It is anticipated the EOI evaluation will be completed and a recommendation report presented to the CEO (under delegation) by mid-December 2017.

**RFT16/17 PROVISION OF MAINTENANCE & SERVICING – MECHANICAL SERVICES**

The City of Busselton invited tenders for the maintenance of the mechanical services (air conditioning) of its buildings and facilities. The tender was advertised on 18 November 2017, with a closing date of 5 December 2017. The value of the contract will not exceed the CEO's delegated authority. It is anticipated that the evaluation will be completed and a recommendation report presented to the CEO in December 2017.

**RFT17/17 DESIGN, CONSTRUCTION AND INSTALLATION OF TWO HOLIDAYS CABINS FOR BUSSELTON JETTY TOURIST PARK (FORMERLY KOOKABURRA CARAVAN PARK)**

The City of Busselton invited tenders for the design, construction and installation of two holiday cabins for the Busselton Jetty Tourist Park (formerly known as Kookaburra Caravan Park). The tender was advertised on 7 October 2017, with a closing date of 27 October 2017. A total of 6 tenders were received. The value of the contract will not exceed the CEO's delegated authority. The evaluation has been completed and a recommendation report will be presented to the CEO in December 2017.

**RFT18/17 SUPPLY AND DELIVERY OF DRAINAGE PRODUCTS**

The City of Busselton invited tenders for the manufacture, testing, supply and delivery of drainage products within the City of Busselton. The tender was advertised on 14 October 2017, with a closing date of 31 October 2017. A total of 2 tenders were received. The value of the contract will exceed the CEO's delegated authority. The evaluation has been completed and a recommendation report is presented as part of this agenda.

**RFT19/17 SUPPLY AND DELIVERY OF CONCRETE SERVICES**

The City of Busselton invited tenders for the supply of concrete and ancillary works to the City of Busselton. The tender was advertised on 11 November 2017, with a closing date of 28 November 2017. The value of the contract will exceed the CEO's delegated authority and it is anticipated that a recommendation report will be presented to Council at the first Council meeting scheduled in 2018.

**15.1.3 CapeROC Minutes**

Attachment C shows the minutes for the meeting held on 23 November 2017.

**15.1.4 MERG Minutes**

Attachment D shows the minutes for the meeting held on 22 November 2017.

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1712/331** Moved Councillor P Carter, seconded Deputy Mayor J McCallum

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 Current Active Tenders
- 15.1.3 CapeROC Minutes
- 15.1.4 MERG Minutes

**CARRIED 8/0**

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**\_10. REPORTS OF COMMITTEE****10.1 Finance Committee - 16/11/2017 - PURCHASE OF PRIME MOVER FOR WASTE SERVICES**

<b>SUBJECT INDEX:</b>	Waste Management
<b>STRATEGIC OBJECTIVE:</b>	Assets are well maintained and responsibly managed.
<b>BUSINESS UNIT:</b>	Waste and Fleet Services
<b>ACTIVITY UNIT:</b>	Waste Management
<b>REPORTING OFFICER:</b>	Manager, Waste and Fleet Services - Vitor Martins
<b>AUTHORISING OFFICER:</b>	Director, Engineering and Works Services - Oliver Darby
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Nil

**This item was considered by the Finance Committee at its meeting on 16 November 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

This report seeks approval by Council for the City to purchase a prime mover to operate the transfers of waste between the Busselton Waste Transfer and Recycling Centre and the Dunsborough Waste Facility's waste landfill site.

**BACKGROUND**

As part of the current financial year's plan, the City has awarded the supply and installation of a waste compactor at the Busselton Waste Transfer and Recycling Centre, including the supply of a suitable trailer. The transport of this trailer will require a prime mover.

The original plan was to contract out the required transport of the trailer and, therefore, no budget allowance was considered for the current year for the purchase of a prime mover. Due to operational reasons the proposal is, now, for the City to purchase the prime mover.

**STATUTORY ENVIRONMENT**

Section 3.57 of *Local Government Act 1995* requires "A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services".

Compliance with the *Local Government Act 1995* section 3.57 is required in the issuing and tendering of contracts.

Part 4 (Tenders) of the *Local Government (Functions and General) Regulations 1996* require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$ 150,000.

According to the same regulations, tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

**RELEVANT PLANS AND POLICIES**

NA



## FINANCIAL IMPLICATIONS

The cost of purchase of a prime mover truck is estimated at approximately \$250,000, which has not been budgeted for the current financial year. A budget amendment would be required in order to allocate \$250,000 from the Waste Infrastructure and Plant Reserve to the purchase of the proposed plant.

### Long-term Financial Plan Implications

The end of year forecast for the Waste Infrastructure and Plant Reserve is \$5.6 million and the proposed budget amendment will not impact in the long term financial plan.

## STRATEGIC COMMUNITY OBJECTIVES

The relevant Key Goal areas in the Strategic Community Plan are the following:

- 3.1 Development is managed sustainably and our environment valued
- 6.4 Assets are well maintained and responsibly manage

## RISK ASSESSMENT

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Low utilisation rates for the newly acquired prime mover	Prime mover will be fully compatible with the Works Services prime mover and hence fully interchangeable (both items will serve as back-up for each other)	insignificant	Possible	Low

## CONSULTATION

No consultation undertaken.

## OFFICER COMMENT

Aggregation and consolidation of waste loads at the Busselton Transfer and Recycling Centre are expected to improve waste collection efficiencies through the reduction of travel time of 4 out of the 5 existing rubbish trucks each day, and associated fuel consumption expense. It is also expected to substantially reduce the trips of the hooklift truck between the transfer station and Dunsborough Waste Facility, thus further improving operating efficiencies.

The purchase of the City's own prime mover is justified on the basis of the following operational reasons:

1. Expected utilisation rates of about one to two full loads every business day, 250 days a year).

2. This plant item will be critical for the new waste collection operating scheme based on transfers of consolidated loads from the Busselton Waste Transfer and Recycling Centre to Dunsborough Waste Facility, therefore, reliability is key.
3. Transfer of loads will occur only each time the trailer is full. This will vary substantially each day of the week and each season and, therefore, a Contractor arrangement is not likely to be economical (as the prime mover would likely have to be assigned to the waste facility on stand-by, full time allocation basis, as opposed to on-demand and allocated for the actual transfer hours only).
4. Full compatibility with Works prime mover will allow flexibility and reliability in overall operations in both Works and Waste services, as both plant items would be able to be used as back-up of each other, further increasing expected utilisation rates.

The proposed prime mover can be purchased through the WALGA Preferred Supplier Program. If it is included in the same procurement process as that of the Works prime mover (due for replacement this year) the City will likely be able to benefit from a relevant discount offered by the supplier.

## **CONCLUSION**

Given the newly adopted operational model and the associated requirements pertaining to utilisation rates, reliability and flexibility in the overall provision of operations services (both Works and Waste), the proposed purchase of one prime mover for Waste services is justified.

## **OPTIONS**

The Council can choose not to accept the Officers Recommendation and the transfer of waste from the Busselton Transfer and Recycling Centre to the Dunsborough Waste Facility would be hired out to a contractor. This might, however, not provide the reliability and flexibility that the proposed arrangement would achieve, or even prove beneficial solely from a cost stand point.

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

The City would immediately go out for quotations, immediately after the Council has endorsed the Officer's recommendation, in order to have the prime mover delivered by March 2018, just on time for the commencement of the new compactor facility.

## **COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**C1712/332**

Moved Deputy Mayor J McCallum, seconded Councillor L Miles

## **ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council approves a budget amendment to provide for:

1. The purchase of a prime mover for Waste Services for approximately \$250,000.
2. Transfer of an amount of \$250,000 from the Waste Management Facility and Plant Reserve to the municipal plant account (528.11402.7723.0000) to allow for the purchase of the prime mover.

**CARRIED 8/0**

10.2 Finance Committee - 16/11/2017 - BUDGET AMENDMENT REQUEST - RESOURCING TO SUPPORT DEVELOPMENT OF CITY 'ENERGY MASTER PLAN'

<b>SUBJECT INDEX:</b>	Budget Planning and Reporting
<b>STRATEGIC OBJECTIVE:</b>	Climate change risks and impacts are understood, acknowledged and responded to through appropriate planning and community education.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Environmental Management
<b>REPORTING OFFICER:</b>	Manager Financial Services - Kim Dolzadelli
<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 Finance Committee at its meeting on 16 November 2017, the recommendations from which have been included in this report.**

## **PRÉCIS**

This report seeks recommendation of the Finance Committee to Council for the approval of budget amendments as detailed in this report. Adoption of the Officers recommendation will result in no change to the City's current Amended Budgeted Surplus Position of \$0.

## **BACKGROUND**

The Council has recently identified, through the most recent CEO Performance Review and the setting of a new CEO Key Performance Indicator (KPI), an intent to develop a City 'Energy Master Plan', described as follows -

*"Subject to provision of budget, and working with the Sustainability and Energy Working Group, commence the development of an Energy Master Plan to determine direction for the organisation towards achieving real savings in all energy sources."*

Implicit in the KPI is recognition of the fact that the project had not provided for during the development of the current, 2017/18 financial year budget, and that resources, other than existing staff resources which may be able to be reallocated, will be required to ensure that the organisation is able to meet the KPI.

City officers are currently developing a draft project scope and plan, and have begun related research and investigation, with a view to presenting a draft project scope and plan, for feedback and discussion, to the Sustainability and Energy Working Group (which is the same group, just subtly renamed, as the working group referenced in the KPI itself). It is anticipated that will commence in December 2017.

At this stage, it is not entirely clear what resources and /or skills will be required, or the means by which those resources and / or skills may be procured – that will be determined through the development of the project scope and plan, and through the investigations that follow, and is also outlined a little further in this report. The allocation of \$75,000 is, however, seen as appropriate to ensure the project can properly commence and advance during the current financial year. It is recommended those funds be allocated out of the Strategic Projects Reserve. Further funds may be required in future financial years, although the level and nature of the future needs is not known at present.

The \$75,000 to be allocated out of the Strategic Projects Reserve is proposed to be allocated as additional expenditure as follows –

1. \$26,500 as additional salaries expenditure in Environmental Management, allowing for the allocation of an existing officer in that team (who has substantial experience and knowledge in this field, having led the development and review of the City's Energy Action Plan, work they have been leading for around nine years);
2. \$45,000 as additional consultancy budget in Environmental Management, allowing for the contracting of specialist professional services to assist with the project; and
3. \$3,500 to complete the 'Enquiry' phase of the Western Power process associated with potential development of a mid-scale (approximately 6.0 MW) solar project on City land, being portion of the former Rendezvous Road (Busselton) Refuse Disposal facility, the further pursuance of which would potentially be explored as part of the Energy Master Plan process (and has been subject of an earlier Council briefing – also note this is the Western Power assessment fee and it is anticipated that the work required to lodge the enquiry would be completed in-house).

Whilst it is anticipated that the project will result in the development of an 'Energy Master Plan' that is a discrete document, it is considered that the focus should not be primarily on the development of a document, but rather on a process which results in a real understanding of the issues and opportunities, and a greater capacity for the organisation to achieve ongoing savings in energy use, costs and related greenhouse gas emissions.

The following tables show the detail of amendments proposed, these amendments result in no impact on the City's current Amended Budgeted Surplus Position of \$0:

#### 120 - Strategic Projects Reserve:

<i>Natural Account</i>	<i>Current Budget</i>	<i>Proposed Amended Budget</i>
9101 - Accumulated Reserves at Start of Year	(230,337)	(230,337)
9102 - Transfer from Muni	(25,000)	(25,000)
9103 - Transfer to Muni	25,000	100,000
9104 - Interest transfer to Reserves	(5,340)	(5,340)
<b>Balance of Reserve 30/06/2018</b>	<b>(235,677)</b>	<b>(160,677)</b>

#### Cost Code 10850 - Implement Management Plans Other:

<i>Account Code</i>	<i>Description</i>	<i>Current Budget</i>	<i>Proposed Amended Budget</i>
421-10850-3001-000	Salaries	0	26,500
421-10850-3260-000	Consultancy	0	45,000
421-10850-3498-000	Purchase of Materials	25,720	29,220

#### STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act refers to expenditure from the municipal fund that is not included in the annual budget. In the context of this report, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

**RELEVANT PLANS AND POLICIES**

There are multiple Plans and Policies that support the proposed Budget Amendments.

**FINANCIAL IMPLICATIONS**

Budget amendments being sought will result in no change to Council's Budget Surplus position of \$0.

**Long-term Financial Plan Implications**

N/A

**STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with 2 Key Goal Areas being:

- Community Objective 3.3 'Climate change risks and impacts are understood, acknowledged and responded to through appropriate planning and community education, and
- Community Objective 6.1 - 'Governance systems, process and practices are responsible, ethical and transparent'. The achievement of the above is underpinned by the Council strategy to 'ensure the long term financial sustainability of Council through effective financial management'.

**RISK ASSESSMENT**

There is a risk to the City, as there is with all projects undertaken, that the final cost could exceed budget. If this looks to be the case Council will be notified so a suitable offset / project scope back can be identified.

**CONSULTATION**

Consultation has occurred with the appropriate City of Busselton officers.

**OFFICER COMMENT**

The Officer commends the requested Budget Amendment to the Finance Committee for consideration and recommendation to Council.

**CONCLUSION**

Council's approval is sought to amend the budget as per the details contained in this report. Upon approval the proposed works will be planned, organised and completed.

**OPTIONS**

The Council could decide not to go ahead with the proposed budget amendment request, which would mean that the project would have to proceed through the reallocation of resources from other projects.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Should the Officer Recommendation be endorsed, the associated budget amendment will be processed within a month of being approved.

**COUNCIL DECISION/ COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION****C1712/333**

Moved Councillor R Paine, seconded Deputy Mayor J McCallum

**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Finance Committee recommends to Council endorsement of the Requested Budget Amendments detailed in the following tables resulting in no change to an Amended Budgeted Surplus Position of \$0.

**120 - Strategic Projects Reserve:**

<i>Natural Account</i>	<i>Current Budget</i>	<i>Proposed Amended Budget</i>
9101 - Accumulated Reserves at Start of Year	(230,337)	(230,337)
9102 - Transfer from Muni	(25,000)	(25,000)
9103 - Transfer to Muni	25,000	100,000
9104 - Interest transfer to Reserves	(5,340)	(5,340)
<b>Balance of Reserve 30/06/2018</b>	<b>(235,677)</b>	<b>(160,677)</b>

**Cost Code 10850 - Implement Management Plans Other:**

<i>Account Code</i>	<i>Description</i>	<i>Current Budget</i>	<i>Proposed Amended Budget</i>
421-10850-3001-000	Salaries	0	26,500
421-10850-3260-000	Consultancy	0	45,000
421-10850-3498-000	Purchase of Materials	25,720	29,220

**CARRIED 8/0**

**10.3      Finance Committee - 16/11/2017 - BUDGET AMENDMENT REQUEST**

<b>SUBJECT INDEX:</b>	Budget Planning and Reporting
<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>	Absolute Majority
<b>ATTACHMENTS:</b>	Nil

**This item was considered by the Finance Committee at its meeting on 16 November 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

This report seeks recommendation of the Finance Committee to Council for the approval of budget amendments as detailed in this report. Adoption of the Officers recommendation will result in no change to the City's current Amended Budgeted Surplus Position of \$0.

It will however result in a reduction to the City's "Budget Surplus Contingency Holding Account" from \$93,980 to \$68,209 (by \$25,671).

**BACKGROUND**

Council adopted its 2017/2018 Municipal Budget on Wednesday, 26 July 2017 with a balanced Budget position.

Since this time Council has been advised of certain funding changes that have impacted the original Budget and Council is now being asked to consider Budget Amendments for the following Key Areas/Projects:

**1.    "Recognition of Income"****BACKGROUND**

Officers have located a long term outstanding Creditors Invoice in the amount of \$12,329 which it has been established should not be recorded as an outstanding amount. Officers have transferred this amount to account string 211-10200-1751-000 Misc. Income (no GST) and are requesting an amendment to Budget to recognise this.

**PLANNED EXPENDITURE ITEMS**

Officers propose to have this amount offset within the City's "Budget Surplus Contingency Holding Account" account string 100-10001-3680-0000 by increasing the current Amended Budget from \$93,880 to \$106,209.

Officers propose that the 2017/2018 Adopted Budget be amended to reflect the following funding changes, shown in Table 1.

**Table 1:**

<i>Account Code</i>	<i>Description</i>	<b>Current Budget</b>	<b>Change</b>	<b>Proposed Amended Budget</b>
211-10200-1751-000	Misc. Income (no GST)	(100)	(12,329)	(12,429)
100-10001-3680-0000	Budget Surplus Contingency Holding A/C	93,880	12,329	106,209

**PROPOSED OUTCOME**

Recognition of additional income offset with the Budget Surplus Contingency Holding Account.

**2. "Funding Busselton and Dunsborough Yallingup Chambers of Commerce and Industry"****BACKGROUND**

Council adopted its 2017/2018 Municipal Budget on Wednesday, 26 July 2017 with a balanced Budget position.

At the Council meeting held meeting held 28 June 2017 resolution C1706/156 was carried by Council 8/1.

1. *Allocates \$38k from the 2016/17 'Budget Surplus Contingency Holding Account' (100.10001.3680) to the Busselton and Dunsborough Yallingup Chambers of Commerce and Industry and that the Chief Executive Officer enters into a funding agreement with the organisations on the following basis:*
  - a) *a Memorandum of Understanding is executed between the two organisations within one month*
  - b) *achievement of Key Performance Indicators (KPIs) as outlined in this report*
  - c) *that progress reports be presented to the Council in December 2017 and June 2018 outlining the achievement of KPIs*
  - d) *\$25k be allocated to the Busselton Chamber of Commerce and Industry, and \$13k allocated to the Dunsborough Yallingup Chamber of Commerce and Industry*

Officers note that funds were not held from the 2016/2017 Financial year however the City's *Budget Surplus Contingency Holding Account' (100.10001.3680) for the 2017/2018 Amended Budget* has enough funds to allow for reallocation to give effect to the above resolution of Council.

**PLANNED EXPENDITURE ITEMS**

Officers propose to have this amount offset within the City's "Budget Surplus Contingency Holding Account" account string 100-10001-3680-0000 by increasing the reducing the Amended Budget by \$38,000. The following amendments shown below in Table 2 are being sought for approval.

**Table 2:**

<i>Account Code</i>	<i>Description</i>	<b>Current Budget</b>	<b>Change</b>	<b>Proposed Amended Budget</b>
New	Contribution Busselton and Dunsborough Yallingup Chambers of Commerce and Industry	0	38,000	38,000
100-10001-3680-0000	Budget Surplus Contingency Holding Account	106,209	(38,000)	68,209

**PROPOSED OUTCOME**

Alignment of Budget to actual know commitments.



### 3. **"Bushfire Risk Management Planning - DFES"**

#### **BACKGROUND**

The Department of Fire and Emergency Services (DFES) recently advised that the Bushfire Risk Management Planning program was successful in securing State Government funding for 2017-18.

The City of Busselton was advised that it had been successful in its application to program funding for the 2017/2018 funding period with \$124,356 excluding GST being approved in the form of an operational grant from DFES.

The Approved Purpose of the Grant is to enable the Organisation to purchase items and pay the salary of the Bushfire Risk Planning Coordinator (BRPC) to undertake Bushfire Risk Management Planning (BRMP) activities.

The BRMP program is the identification and classification of bushfire risk within the respective Local Government(s). The program involves the development of a treatment plan in respect of the identified risk(s), through the utilisation of shared resources and the cooperation between Local Governments, State Agencies and private landowners and occupiers.

#### **PLANNED EXPENDITURE ITEMS**

Council's 2017/18 adopted budget does not include any allocation for the above Grant or matching Expenditure, Officers are proposing the Amended Budget allocations for approval as follows in Table 3:

**Table 3:**

<i><b>Account Code</b></i>	<i><b>Description</b></i>	<i><b>Proposed Amended Budget</b></i>
411-10942--0000	Grant Income	(124,356)
411-10942-3001-0000	Salaries – Normal	81,665
411-10942-3004-0000	Salaries – Allowances	1,075
411-10942-3006-0000	Salaries – Annual Leave	7,424
411-10942-3025-0000	Superannuation SGC	8,463
411-10942-3076-0000	Workers Compensation Insurance	2,000
411-10942-3078-0000	Journey/Practices & Officers Liability	90
411-10942-3081-0000	Conference Expenses	1,000
411-10942-3156-0000	Vehicle expenses	17,194
411-10942-3209-0000	Photocopying	500
411-10942-3215-0000	Other Administration / Office Expenses	4,945
<b>Total</b>		<b>0</b>

#### **PROPOSED OUTCOME**

To undertake Bushfire Risk Management Planning (BRMP) activities.

#### 4. "Vasse Public Art Cash-in-Lieu"

##### BACKGROUND

Recent changes have been made to the City's 'Percent for Art' Local Planning Policy. One of the key changes was to identify a 'Vasse' Precinct for the purpose of cash-in-lieu contributions. The policy allows for expenditure of cash-in-lieu contributions from development in that Precinct on artwork in the Vasse Village Centre.

Whilst most developers seek to meet the requirements of the policy through in-kind works, some developers do take the option of meeting their obligations through an equivalent cash-in-lieu payment. Several developers in the Vasse Precinct have chosen the cash-in-lieu option. The City currently holds \$238,797 in the Public Art Reserve of which \$143,482 is held for cash-in-lieu contributions from development in that Precinct on artwork in the Vasse Village Centre.

##### PLANNED EXPENDITURE ITEMS

It is recommended that the Council amend the City's 2017/18 budget to transfer \$85,000 from restricted assets into expenditure in the Cultural Planning area. This would allow for delivery of planned public art projects this financial year, with other projects likely to follow in future years, as agreed by the City. It is anticipated that would occur in partnership with the Vasse JV, the overall developers of the Vasse Estate, including the Vasse Village Centre.

Officers are proposing the Amended Budget allocations for approval as follows in Table 4 and 5:

**Table 4:**

<i>Account Code</i>	<i>Description</i>	<i>Current Budget</i>	<i>Change</i>	<i>Proposed Amended Budget</i>
330-10900-3280-0000	Contractors – Cultural Planning	4,000	85,000	89,000

**Table 5:**

<b>341 – Public Art Reserve</b>	<i>Current Budget</i>	<i>YTD Actual</i>	<i>Change</i>	<i>Proposed Amended Budget</i>
9101 - Accumulated Reserves at Start of Year	(94,836)	(94,836)	0	(94,836)
9102 - Transfer from Muni	(52,000)	(143,482)	(143,482)	(195,482)
9103 - Transfer to Muni	52,000	0	85,000	137,000
9104 - Interest transfer to Reserves	(2,196)	(480)	(304)	(2,500)
<b>Balance of Reserve 30/06/2018</b>	<b>(97,032)</b>	<b>(238,797)</b>	<b>(58,786)</b>	<b>(155,818)</b>

##### PROPOSED OUTCOME

Delivery of precinct on artwork in the Vasse Village Centre.

##### STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act refers to expenditure from the municipal fund that is not included in the annual budget. In the context of this report, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

##### RELEVANT PLANS AND POLICIES

There are multiple Plans and Policies that support the proposed Budget Amendments.

**FINANCIAL IMPLICATIONS**

Budget amendments being sought will result in no change to Council's Budget Surplus position of \$0. It will however result in a reduction to the City's "Budget Surplus Contingency Holding Account" from \$93,980 to \$68,209 (by \$25,671).

**Long-term Financial Plan Implications**

N/A

**STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with Key Goal Area 6 – 'Open and Collaborative Leadership' and more specifically Community Objective 6.1 - 'Governance systems, process and practices are responsible, ethical and transparent'. The achievement of the above is underpinned by the Council strategy to 'ensure the long term financial sustainability of Council through effective financial management'.

**RISK ASSESSMENT**

There is a risk to the City, as there is with all projects undertaken, that the final cost could exceed budget. If this looks to be the case Council will be notified so a suitable offset / project scope back can be identified.

**CONSULTATION**

Consultation has occurred with the appropriate City of Busselton officers.

**OFFICER COMMENT**

The Officer commends the requested Budget Amendment to the Finance Committee for consideration and recommendation to Council.

**CONCLUSION**

Council's approval is sought to amend the budget as per the details contained in this report. Upon approval the proposed works will be planned, organised and completed.

**OPTIONS**

The Council could decide not to go ahead with any or all of the proposed budget amendment requests.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Should the Officer Recommendation be endorsed, the associated budget amendment will be processed within a month of being approved.

**COUNCIL DECISION/ COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**C1712/334**

Moved Deputy Mayor J McCallum, seconded Councillor L Miles

**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Finance Committee recommends to Council endorsement of the Requested Budget Amendments contained within this report, resulting in no change to an Amended Budgeted Surplus Position of \$0; noting that the City's "Budget Surplus Contingency Holding Account" would reduce from \$93,880 to \$68,209 (by \$25,671).

**CARRIED 8/0**

### 13.2 COMMUNITY BIDS 2017/18 ROUND TWO ALLOCATIONS

<b>SUBJECT INDEX:</b>	Donations, Contributions and Subsidies
<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>	Community Services
<b>REPORTING OFFICER:</b>	Community Development Officer - Naomi Davey
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

DISCLOSURE OF INTEREST	
<b>Date</b>	13 December 2017
<b>Meeting</b>	Council
<b>Name/Position</b>	Paul Carter, Councillor
<b>Item No./Subject</b>	13.2 Community Bids 2017/18 Round Two Allocations
<b>Type of Interest</b>	Impartiality Interest
<b>Nature of Interest</b>	Helen Nicholson, the president of Dunsborough Coast and Landcare who are recipients of a funding request through community bids is my sister.

5.56pm At this time Cr Paul Carter left the meeting and did not take part in the debate or voting on this matter.

### PRÉCIS

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

Each year applications are workshopped with Councillors. This report provides a summary of the outcomes from the workshop on 15 November 2017, and seeks formal endorsement regarding the Community Bid submissions to be funded in the second round of the 2017/18 financial year and a review of other expired community funding agreements.

### BACKGROUND

The City of Busselton has historically invited community groups and not-for-profit organisations to apply for funding through the City's annual budget development process. In April 2010 Council resolved to restructure the process under which external organisations applied to the City for financial assistance. This included the following changes to the various funding application schemes:

- Amalgamation of the Community Environment and Minor Sporting, Recreational and Community Grants schemes into a consolidated scheme;
- Development of a two tiered scheme for major and minor projects, with a capping of the overall budget allocations for each tier (resolved by Council);
- Discontinuation of Small Local Project fund of Councillors to be replaced by a Sponsorship and Donations fund (administered by officers).

In August 2010, Councillors considered that a number of established community organisations, who apply for funding each year, warranted ongoing support of Council across a number of financial years.

This would therefore provide organisations with secured financial support over a longer planning period and alleviate the necessity to submit an annual application. These activities/events would become part of the future 'multi-year agreement process' and would not form part of the future annual Community Bids process.

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

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

Application for the second round of Community Bids funding for the 2017/18 financial year opened in October 2017 and a total of fourteen (14) applications were received, requesting funding of \$195,682, plus two put forward by the City's Community Development Business Unit to progress key projects contained within the City's Social Plan.

Applications were assessed by an officer working group, in accordance with the Community Bids guidelines, and recommendations were discussed with Councilors at a workshop held on 15 November 2017. The outcomes of the workshop form the basis of the Officer recommendations in this report.

## **STATUTORY ENVIRONMENT**

NA

## **RELEVANT PLANS AND POLICIES**

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

## **FINANCIAL IMPLICATIONS**

Based on the current funding model, the total funds available for allocation in the Community Bids program for 2017/18 is \$91,860. The City's 2017/18 adopted budget includes these funding contributions. Consequently entering into funding agreements with these organisations will not have adverse financial implications on the City's 2017/18 budget.

**Long-term Financial Plan Implications**

Nil

## STRATEGIC COMMUNITY OBJECTIVES

*Community – Welcoming, friendly, healthy:*

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

### RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. The table below describes identified risks where the residual risk, once controls have been identified, is identified as 'medium' or greater;

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
<i>Applicants do not obtain relevant and adequate insurances such as Public Liability exposing the City and/or Applicant to litigation.</i>	<i>Ensure conditions of funding are clear and copies of relevant insurances are obtained.</i>	<i>Moderate</i>	<i>Rare</i>	<i>Medium</i>

### CONSULTATION

The Community Bids Funding Program was advertised in the Council for the Community page on 27 September, 4 and 11 October 2017 and the City of Busselton website. Recognised Community Groups and Sporting Clubs in the City of Busselton were also notified of the Community Bids process via email. A Community Bids workshop was held on the 14 August 2017 for interested community groups.

### OFFICER COMMENT

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

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

Officers presented the applications to Councillors at a workshop on 15 November 2017, where the following recommendations were made:

APPLICANT	PROJECT TITLE	FUNDING REQUEST	RECOMMENDATION	SPECIFIC CONDITIONS OF FUNDING
<b>Acting Up Academy of Performing Arts Inc.</b>	Youth and ACTIV Audio Visual Equipment	\$4,560	\$4,560	
<b>Busselton Croquet Club Inc.</b>	Upgrade to clubrooms	\$31,165	\$31,165	
<b>Busselton Historical Society</b>	The Old Butter Factory - 100 Years Old Booklet	\$1,454	\$1,454	
<b>Busselton Oral History Society</b>	Support for the Busselton Lives in Snips and Snaps Book	\$2,000	\$2,000	
<b>Busselton Population Medical research Institute</b>	A Diet and Nutrition Analyses Package for Research	\$18,398	\$0	
<b>Busselton Toy Library</b>	New toys of new adventures	\$4,771	\$2,300	
<b>Dunsborough and Districts Progress Association</b>	Wonder Art Dunsborough	\$8,000	\$0	
<b>Dunsborough Coast and Landcare</b>	Blythe Reserve Revitalisation	\$18,686	\$9,000	For the purchase of seedlings, fencing, bollards and signage
<b>Eagle Bay Community Hall Association</b>	Access for the disabled and elderly to Eagle Bay Beach	\$43,000	\$0	
<b>Geographe Bay Yacht Club</b>	Connection of the new training rooms to sewer or ATU unit	\$34,581	\$34,581	Funding of up to \$34,571 subject to provision of quotes and Health Department approval
<b>Geographe Outriggers Canoe Racing Club Inc</b>	Va'a Single Outrigger Canoe	\$4,905	\$0	
<b>South West Home Education Association</b>	SWHEA Lending Library	\$5,000	\$0	
<b>SW Junior Windsurf School</b>	SW Junior Windsurf School	\$3,583	\$2,000	For the purchase of helmets and radio equipment
<b>Undalup Association Inc.</b>	Undalup Mental Health Workshop	\$15,579	\$0	
<b>City of Busselton Community Development Business Unit</b>	Street Libraries	\$2,800	\$2,800	
<b>City of Busselton Community Development Business Unit</b>	Lock and Leave Security Program	\$2,000	\$2,000	
	<b>Total</b>	<b>\$100,482</b>	<b>\$91,860</b>	



## CONCLUSION

The Community Bids funding program is constantly evolving and aims to meet community needs with the funds available within priority areas identified in the City of Busselton Strategic Community Plan 2017.

It is recommended that Council adopts the funding allocations as outlined in the Officer recommendation.

## OPTIONS

That Council may wish to consider differing levels of funding proposed for all or some of the community bid applications. In pursuing this option the Council needs to consider budget availability and the immediacy for some funding items, and the effect this delay could have on organisations being able to finalise their plans and budgets for the 2017/18 year.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

All Community Bid applicants will be individually advised in writing of the outcome of the Council decision within 21 days. Successful applications will be required to sign a grant agreement with the City and meet any specific conditions of funding.

City Officers will continue discussions with the various applicants regarding eligibility for other grant funding opportunities.

## COUNCIL DECISION AND OFFICER RECOMMENDATION

**C1712/335** Moved Councillor R Bennett, seconded Councillor R Paine

That the Council endorses the provision of funding for Round Two of the 2017/18 Community Bids funding program as outlined in the table below, subject to the specific conditions as stated:









**CARRIED 7/0**

APPLICANT	PROJECT TITLE	RECOMMENDATION	SPECIFIC CONDITIONS OF FUNDING
<b>Acting Up Academy of Performing Arts Inc.</b>	Youth and ACTIV Audio Visual Equipment	\$4,560	
<b>Busselton Croquet Club Inc.</b>	Upgrade to clubrooms	\$31,165	
<b>Busselton Historical Society</b>	The Old Butter Factory - 100 Years Old Booklet	\$1,454	
<b>Busselton Oral History Society</b>	Support for the Busselton Lives in Snips and Snaps Book	\$2,000	
<b>Busselton Toy Library</b>	New toys of new adventures	\$2,300	
<b>Dunsborough Coast and Landcare</b>	Blythe Reserve Revitalisation	\$9,000	For the purchase of seedlings, fencing, bollards and signage

<b>Geographe Bay Yacht Club</b>	Connection of the new training rooms to sewer or ATU unit	\$34,581	Funding of up to \$34,581 subject to provision of quotes and Health Department approval
<b>SW Junior Windsurf School</b>	SW Junior Windsurf School	\$2,000	For the purchase of helmets and radio equipment
<b>City of Busselton Community Development Business Unit</b>	Street Libraries	\$2,800	
<b>City of Busselton Community Development Business Unit</b>	Lock and Leave Security Program	\$2,000	
	<b>Total</b>	<b>\$91,860</b>	

5.57pm At this time Cr Paul Carter returned to the meeting.

11.1 AMENDMENT NO. 29 (OMNIBUS NO. 4) TO LOCAL PLANNING SCHEME NO. 21 -  
CONSIDERATION FOR INITIATION FOR COMMUNITY CONSULTATION

<b>SUBJECT INDEX:</b>	Local Planning Scheme 21 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 and Development
<b>REPORTING OFFICER:</b>	Senior Strategic Planner - Helen Foulds
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Council Minutes 26 April 2017 
	Attachment B Review of Terms Referred to in Scheme 
	Attachment C Zoning Table tracked changes 
	Attachment D Busselton City/Town Centre Zone and proposed Drive-through Exclusion Area 
	Attachment E Dunsborough City/Town Centre Zone and proposed Drive-through Exclusion Area 
	Attachment F Dunbarton Proposed Special Provision 
	Attachment G Carnarvon Castle Drive, Eagle Bay proposed Residential zoning 
	Attachment H Okapa Rise and Sloan Drive, Dunsborough proposed Residential zoning 

## PRÉCIS

The primary purpose of this Omnibus Amendment is to generally align sections of Local Planning Scheme No. 21 (the Scheme) to the 'Model Provisions', which are contained within Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The amendment will specifically seek to align the zones within the Scheme with the standard suite of zones set out in the Model Provisions, to review and refine the 'policies and objectives' and other provisions of each of the zones, to review and align the land-use definitions to be more consistent with the Model Provisions and finally to review the zoning table to avoid unintended consequences.

The amendment also proposes to introduce development standards for the new 'City/Town Centre' zone that would apply to the Busselton City and Dunsborough Town Centres and identify areas within the Centres where a prohibition on 'drive-through facilities' would apply.

It is recommended that Amendment No. 29 to the Scheme be initiated and adopted for the purposes of community consultation.

## BACKGROUND

On 15 October 2014, the City of Busselton Local Planning Scheme No. 21 (the Scheme) was published in the Government Gazette. The Scheme, which incorporates the Scheme text and Scheme map, controls and guides development and growth within the City of Busselton.

In October 2015 new *Planning and Development (Local Planning Schemes) Regulations* came into effect. The Regulations affect arrangements for local planning schemes, strategies and amendments. In addition to a 'model scheme text' (known as the Model Provisions), the Regulations introduced a set of 'deemed provisions' that automatically form part of all local planning schemes.

The City is engaged in an orderly process to update and align its Scheme with the *Planning and Development (Local Planning Schemes) Regulations, 2015*. This process will be achieved through consecutive amendments commencing with Omnibus 2 and extending through a range of other initiatives, as set out in a Council resolution of 26 April 2017, pursuant to a report titled “Development Control framework – Review and Proposed Direction” (provided at **Attachment A**). This report sets out planned Omnibus Amendments as follows –

1. **Omnibus Amendment 2 (Amendment 25)** – Deemed Provisions Alignment: currently with the Western Australian Planning Commission and Minister for Planning for final approval;
2. **Omnibus Amendment 3 (Amendment 28)** – Development Zones Consolidation: anticipated to be brought before Council for initiation early in 2018;
3. **Omnibus Amendment 4 (Amendment 29)** – Model Provisions Alignment: this amendment, currently under consideration for initiation;
4. **Omnibus Amendment 5 (Amendment 30)** – Implementation of Adopted Planning Strategy and State Planning Policy Recommendations: details of amendment yet to be scoped;
5. **Omnibus Amendment 6 (Amendment 31)** – Miscellaneous Development Control Changes: details of amendment yet to be scoped;
6. **Omnibus Amendment 7 (Amendment 32)** – Mapping and Schedules Consolidation / Review/rationalization of redundant/outdated structure plans or similar: details of amendment yet to be scoped; and
7. **Omnibus Amendment 8 (Amendment 33)** – Residential Density and Special Character Area Controls Review / review of Special Character Area Policies: details of amendment yet to be scoped.

This particular Amendment seeks to generally align the Scheme with the Model Provisions, more specifically to align the zones within the Scheme with the standard suite of zones set out in the Model Provisions, to review and refine the ‘policies and objectives’ and other provisions of each of the zones, and to review and align the land-use definitions to be more consistent with the Model Provisions, along with a review of the zoning table to avoid unintended consequences.

Also included within this Amendment is the incorporation of a number of standard provisions into the Scheme for the Busselton City and Dunsborough Town Centres, to provide guidance to development within the proposed new ‘City/Town Centre’ zone.

## STATUTORY ENVIRONMENT

The key elements of the statutory environment in relation to the draft amendment are set out in the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Scheme Amendment has been prepared having regard to the Act, the Regulations and Model Provisions and Deemed Provisions contained therein.

The *Planning and Development (Local Planning Schemes) Regulations 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, given the amendment is to provide consistency with the model provisions in Schedule 1 of the Regulations and is consistent with local planning strategies for the District.

## RELEVANT PLANS AND POLICIES

The key policy implications with respect to the proposal are set out in the following, which are discussed below under appropriate subheadings:

- State Planning Policy 2.5: Rural Planning and Development Control Policy 3.4: Subdivision of rural land;
- Draft State Planning Policy 7: Design of the built environment;
- Liveable Neighbourhoods;
- Draft Local Planning Strategy;
- Local Commercial Planning Strategy; and
- Busselton City and Dunsborough Town Centre Conceptual Plans

### **State Planning Policy 2.5: Rural Planning (2016) and Development Control Policy 3.4: Subdivision of rural land (2016)**

*State Planning Policy 2.5: Rural Planning* (SPP 2.5) is the basis for planning and decision-making for rural and rural living land across Western Australia. The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values.

*Development Control Policy 3.4: Subdivision of rural land* (DC 3.4) sets out the principles that will be used by the WAPC in determining applications for the subdivision of rural land. The policy is consistent with the objectives of *State Planning Policy 2.5: Rural Planning*, which establishes the statewide policy framework for rural land use planning in Western Australia.

### **Draft State Planning Policy 7: Design of the built environment**

Draft State Planning Policy 7 for Design of the Built Environment (SPP 7) is the lead policy that establishes the requirement for design quality across the whole built environment. SPP 7 includes ten principles for good design and sets up the requirement for expert design review as a part of the evaluation process.

### **Liveable Neighbourhoods**

*Liveable Neighbourhoods* (LN) is a policy of the Western Australian Planning Commission (Commission) and sets out extensive planning direction relevant to consideration of proposed urban development. LN currently exists in two relevant forms, the adopted 2009 version (LN 2009), and the draft 2015 version (LN 2015). Whilst LN generally applies to structure plans (and other subsidiary planning instruments, such as activity centre plans and local development plans) and applications for subdivision approval, it does set out the Commission's overall direction for planning of urban areas, especially with respect to urban design, and as such provides useful and relevant advice when considering urban design requirements of the Scheme.

### **Draft Local Planning Strategy**

The draft Local Planning Strategy (LPS) was adopted by Council for final approval in September 2016 and is currently with the Western Australian Planning Commission for endorsement.

'Theme 1' of the LPS, 'Settlement and community', includes the direction to "*support and pro-actively plan to identify suitable areas for re-subdivision/consolidation of existing rural-residential development in both the Commonage and Dunbarton rural residential areas.*"

'Theme 2' of the LPS, 'Activity centres and economy', identifies the following, relevant, strategies and objectives:

- Objective (d) – *"The continued growth of the Busselton City Centre and Dunsborough Town Centre as the main centres of the economic, social and cultural life of the District;"*
- Strategy (c) – *"...activity centres shall be...developed along predominantly 'main-street' lines, with activated public streets and high levels of pedestrian amenity..."*

### **Local Commercial Planning Strategy**

The Local Commercial Planning Strategy (LCPS), adopted by Council on 10 November 2010, provides the long term strategic land use planning and strategic direction for the development of commercial land within the District.

The LCPS considered and made recommendations on urban design improvements in and around the Busselton City Centre and Dunsborough Town Centre, including identifying a number of "Key Principles" for both Centres. Relevant principles have been identified as follows:

#### **5.2.3 Urban Design Principles (Busselton)**

- *Encourage mixed uses - residential, offices, hospitality, retail and community – in the town centre, to increase vitality.*
- *Develop a more cohesive, vernacular style for built development in the town and control the intrusion of brands and homogenised building styles.*
- *Encourage pedestrian movement in the town centre.*
- *Traffic circulation in the town centre needs to be managed to ensure that reduced amenity and poor safety does not result.*
- *Provide well located peripheral car parks to encourage pedestrian movement in the town centre.*

#### **5.3.3 Urban Design Principles (Dunsborough)**

- *Encourage mixed uses - residential, offices, hospitality, retail and community – in the town, to increase vitality.*
- *Increase safe and efficient pedestrian movement in the town.*
- *Provide well located car parks to encourage pedestrian movement in the centre of town.*

### **Busselton City and Dunsborough Town Centre Conceptual Plans**

The Busselton City and Dunsborough Town Centre Conceptual Plans further developed the recommendations of the LCPS and have in turn guided this Amendment. These plans were adopted by Council at its meeting of 29 January 2014 following a period of public consultation in April and May of the previous year.

The Conceptual Plans contain a number of recommendations aimed at making the Busselton City Centre and Dunsborough Town Centre more attractive and pedestrian friendly. Those include proposed streetscape upgrades, now partially complete, and 'Development/Redevelopment Cells' requiring site-specific design guidance/integration.

### **FINANCIAL IMPLICATIONS**

There are considered to be no direct financial implications arising from the implementation of the Officer Recommendation.

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

Nil

### **STRATEGIC COMMUNITY OBJECTIVES**

The Officer Recommendation is consistent with the following community objectives of the *City of Busselton Strategic Community Plan 2017*:

2.1 – “*Planning strategies that foster the development of neighbourhoods that meet our needs as we grow*”; and

2.3 – “*Creative 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. The assessment identified ‘downside’ risks only, rather than upside risks as well. The implementation of the Officer Recommendation will involve initiating the proposed scheme amendment and referring it to the Environmental Protection Authority. In this regard, there are no significant risks identified.

### **CONSULTATION**

There is no requirement under the *Planning and Development Act 2005* to advertise a proposed scheme amendment prior to it being initiated by the Council. Accordingly, no advertising has occurred to date. However, the City has consulted with the Department of Planning, Lands and Heritage in drafting the proposed amending text. The proposals outlined in this report also reflect outcomes of earlier consultation in relation to development proposals as well as development of the City’s Community Strategic Plan, Draft Local Planning Strategy and Busselton City Centre and Dunsborough Town Centre Conceptual Plans

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

### **OFFICER COMMENT**

The primary purpose of this Omnibus Amendment is to generally align the Scheme to the Model Provisions, contained within Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The amendment will specifically seek to:

1. Align the zones within the Scheme with the standard suite of zones set out in the Model Provisions;
2. Review and refine the objectives and policies of each of the zones and the relevant provisions more generally;

3. Review and align the land use terms and general definitions with the Model Provisions, along with the zoning table to avoid unintended consequences;
4. Incorporate provisions for the new 'City and Town Centre' zone, including provisions for 'Drive-Through Facilities'; and
5. Pave the way for the future rezoning of the Dunbarton/Vasse Rural Residential area to a low density Residential zone, by applying a Special Provision requiring an overall Structure Plan for road network planning, public open space and urban water planning, amongst others.

Each of these will be discussed in greater detail below.

## 1. Alignment of Zones

The zones have been reviewed with the following table summarising the outcome of this review:

Current Zone name in Scheme	Notes	Recommendation
<b>Residential</b>	Consistent with name in Model Provisions.	Retain zone name.
<b>Business</b>	Separate zone to be established for Busselton and Dunsborough CBDs, to acknowledge primacy of these centres within the Municipality. The Model Provisions identify the 'Centre' zone and 'Commercial' zone, however it is recommended to create zone names that more logically inform the nature of these zones.	'City/Town Centre' zone to be established for Busselton and Dunsborough. 'Local/Neighbourhood Centre' for all other existing 'Business' zones outside of the two main centres. Officers considered separating this into two further zones, 'Local' and 'Neighbourhood', but determined that given permissibilities and provisions would be consistent, it was not necessary to have three 'Centre' zones.
<b>Restricted Business</b>	Referred to as 'Service Commercial' in the Model Provisions.	Update the zone name to 'Service Commercial' for consistency with the Model Provisions and replace all 'Restricted Business' zonings, with the exception of the Old Broadwater Farm commercial site to be rezoned to 'Local/Neighbourhood Centre' (additional information provided below).
<b>Tourist</b>	Referred to as 'Tourism' in the Model Provisions.	Update zone name to 'Tourism' for consistency with the Model Provisions and replace all 'Tourist' zonings.
<b>Industrial</b>	The Model Provisions provide the following Industry zones: <ul style="list-style-type: none"> <li>• 'Light Industry';</li> <li>• 'General Industry'; and</li> <li>• 'Strategic Industry'.</li> </ul> <i>(Note: The 'Industrial Development' zone will be introduced with Amendment 28, Omnibus 3.)</i>	Update zone name to 'Light Industry' for consistency with the Model Provisions and replace all 'Industrial' zonings. Introduce 'General Industry' zone for later use, which would be utilised for the Airport Industry Park once developed.
<b>Agriculture</b>	Referred to as 'Rural' in the Model Provisions.	Update zone name to 'Rural' for consistency with the Model Provisions and replace all 'Agriculture' zonings.



<b>Viticulture and Tourism</b>	No direct match in Model Provisions. Consideration was given towards combining this zone with the 'Rural' zone and applying provisions that would prohibit certain uses that are not currently discretionary in the Viticulture and Tourism zone. However, given the complexity of the proposed change it has been decided to retain the zone as it stands currently.	Retain zone name.
<b>Rural Residential</b>	The Model Provisions provide the following Rural Residential-type zones: <ul style="list-style-type: none"> <li>• <b>'Rural Residential'</b> – lots generally 1 ha to 4 ha in size;</li> <li>• <b>'Rural Smallholding'</b> – lots generally 4 ha to 40 ha in size.</li> </ul> For simplicity, and also because, once subdivision has occurred, there are very few lots smaller than 4ha in area, it is recommended to retain the 'Rural Residential' zoning, rather than split into two zones dependent on lot size. Some areas that are currently zoned 'Rural Residential' are recommended to be rezoned to a low density 'Residential' zone. This matter is discussed in greater detail later within this report.	Retain zone name.
<b>Rural Landscape</b>	No direct match in Model Provisions.	Retain zone name.
<b>Conservation</b>	The Model Provisions provide an <b>'Environmental Conservation'</b> zone. However, a review of zone objectives indicates differing purposes to the City's 'Conservation' zone.	Retain zone name.
<b>Bushland Protection</b>	No direct match in Model Provisions. This zone is in use through the <i>Biodiversity Incentive Strategy</i> , where landowners are encouraged to protect areas of good quality remnant vegetation within their property by undergoing a rezoning from 'Agriculture' or 'Viticulture and Tourism' to 'Bushland Protection', in return for a greater lot yield. This program has been successful in placing large areas of quality vegetation into protection.	Retain zone name.
<b>Special Purpose</b>	Referred to as <b>'Special Use'</b> in the Model Provisions.	Update zone name to <b>'Special Use'</b> for consistency with the Model Provisions and replace all 'Special Purpose' zonings.  Introduce new Schedule into Scheme for Special Use table, whereby acronyms within the Scheme maps will be designated a 'Special Use' number. Some Special Uses are proposed to be combined (i.e. Educational Establishment and Private School, Road Purposes and Bypass, Camping/Caravan Park and Caravan Park).

<b>Vasse Development and Deferred Vasse Development</b>	These zones are intended to be reviewed through Amendment 28 (Omnibus 3), along with the recommended introduction of the 'Urban Development' and 'Industrial Development' zones. This Amendment is anticipated to be brought before the Council for initiation early in 2018.	No change through this Amendment.
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A mapping anomaly has occurred at the Old Broadwater Farm commercial site, where it was intended to be zoned for 'Business'. At some stage it has been incorrectly indicated as 'Restricted Business' on the Scheme map. The zoning is proposed to be corrected to 'Local/Neighbourhood Centre' zone (as the new zone replacing 'Business' for areas outside of the Busselton and Dunsborough Centres) as originally intended (see **resolution 1.2(c)**).

Given the 'Special Purpose' zone is proposed to be replaced with the 'Special Use' zone, consistent with the Model Provisions, the labels on the Scheme map should be replaced by a reference number. This reference number refers to the Special Use designation within a newly created Schedule (see **resolution 1.4**). Clause 4.9 'Special Purpose Zone' is also proposed to be updated (see **resolution 1.3**).

Due to renaming of the 'Agriculture' zone to 'Rural', the Scheme has been examined for instances where 'rural' is used as a general term within substantive clauses (note that reference within a clause title does not impact on the interpretation of a clause). Three instances have been found and are recommended to be modified. Details provided below (see **resolution 1.5**):

Clause	Detail	Recommendation
Cl. 5.16.1(b) 'Corner Shop'	<i>"in the case of a rural area or land in a rural zone..."</i> Only a discretionary use in the Rural, Viticulture and Tourism and Rural Residential zones.	Replace the words "in the case of a rural area or land in a rural zone" with "in the case of land in the Rural, Viticulture and Tourism and Rural Residential zones"
Cl. 5.29 'Development of Dams in Rural Areas'	Title and clause <i>"In rural zones..."</i>	Remove the words "in rural areas" from within the title and "In Rural zones" from within the clause. Cl 9.2 identifies where development approval required.
Cl. 5.31 'Ancillary Accommodation in Rural Areas'	<i>"Where ancillary accommodation is approved in a rural zone..."</i> Clause does not refer to specific zones	Title doesn't impact on interpretation of clause. Replace the words "a rural zone" with "the Rural, Viticulture and Tourism, Rural Residential, Rural Landscape, Conservation or Bushland Protection zone"

## 2. Objectives of the Zones

Whilst reviewing the zone names it is also prudent to review and update the objectives of the zones. These objectives have largely been in place since the introduction of District Town Planning Scheme No. 20, gazetted in September 1999. To give the Scheme currency, the 'Policies' of the zones have been dropped and only 'Objectives' of the zones have been retained, while being updated, consistent with the Model Provisions. Where necessary, consideration has been given to where it may be necessary to retain redundant policies or objectives as provisions within the Scheme.

Officers at the Department of Planning, Lands and Heritage have advised the City to keep the zone objectives broad. The zone objectives recommended for adoption by the Council are largely a combination of the 'old' zone objectives and policies and those provided for within the Model Provisions.

The recommended zone objectives are provided below and at **resolution 2.1**:

Zone name	Objectives
<b>Residential</b>	<ul style="list-style-type: none"> <li>a. To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>b. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>c. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
<b>City/Town Centre</b>	<ul style="list-style-type: none"> <li>a. To provide a genuine centre of community life, socially, culturally and economically.</li> <li>b. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</li> <li>c. To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses.</li> <li>d. To provide for medium to high density residential development.</li> </ul>
<b>Local/Neighbourhood Centre</b>	<ul style="list-style-type: none"> <li>a. To provide for development at a scale sufficient to serve the Centre's catchment, but not detract from the commercial primacy of the City/Town Centre zone.</li> <li>b. Providing for limited expansion of existing smaller centres to ensure access to services at a local level and building neighbourhood identity.</li> <li>c. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</li> <li>d. To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses.</li> </ul>
<b>Service Commercial</b>	<ul style="list-style-type: none"> <li>a. To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.</li> <li>b. To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in the Centre zones.</li> </ul>

	<ul style="list-style-type: none"> <li>c. To provide for development which will not result in a detrimental impact on surrounding commercial centres and has regard to the strategic importance and need to maintain the commercial primacy of the City/Town Centre zone.</li> <li>d. To restrict development which is likely to contribute to ribbon development, the spread of centres, or otherwise detrimentally impact the efficiency of main or arterial roads.</li> </ul>
<b>Tourism</b>	<ul style="list-style-type: none"> <li>a. To promote and provide for tourism opportunities.</li> <li>b. To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area, or on the commercial primacy of the City/Town Centre zone.</li> <li>c. To allow limited residential uses where appropriate.</li> <li>d. To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.</li> </ul>
<b>Light Industry</b>	<ul style="list-style-type: none"> <li>a. To provide for a range of industrial and service commercial uses generally compatible with urban areas, that generally cannot be located in other zones, whilst maintaining the commercial primacy of the City/Town Centre zone.</li> <li>b. To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.</li> </ul>
<b>General Industry</b>	<ul style="list-style-type: none"> <li>a. To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</li> <li>b. To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>c. Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>
<b>Rural</b>	<ul style="list-style-type: none"> <li>a. To provide for the maintenance or enhancement of specific local rural character.</li> <li>b. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as viticulture and horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li> <li>c. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways.</li> </ul>

	<ul style="list-style-type: none"> <li>d. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.</li> <li>e. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> <li>f. To provide for development and expansion of the viticultural, winemaking and associated tourism activities and other industries related to agricultural activities, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.</li> <li>g. To provide for the extraction of basic raw materials, where appropriate.</li> </ul>
<b>Viticulture and Tourism</b>	<ul style="list-style-type: none"> <li>a. To provide for the maintenance or enhancement of specific local rural character.</li> <li>b. To provide for development and expansion of the viticultural, winemaking and associated industries, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.</li> <li>c. To facilitate the development of tourist facilities of a scale and nature appropriate in rural settings without prejudice to the scenic quality of land within this zone and without creating or increasing ribbon development on any road.</li> <li>d. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.</li> <li>e. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> <li>f. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways.</li> </ul>
<b>Rural Residential</b>	<ul style="list-style-type: none"> <li>a. To provide for lots primarily for residential purposes generally in the range of 1 ha to 4 ha.</li> <li>b. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>c. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
<b>Rural Landscape</b>	<ul style="list-style-type: none"> <li>a. To facilitate limited closer rural settlement on land which is recognised as being of high landscape or scenic value, but generally unsuitable for agriculture or farming use, in order to protect and enhance those values.</li> <li>b. To ensure that development maintains the character of the locality, maintains a high level of residential amenity, has consideration for conservation values and minimises disturbance to the landscape.</li> </ul>

<b>Conservation</b>	<ul style="list-style-type: none"> <li>a. To restrict the type and scale of development which will be considered on lands possessing special aesthetic, ecological or conservation values to those compatible with such environments.</li> <li>b. To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.</li> </ul>
<b>Bushland Protection</b>	<ul style="list-style-type: none"> <li>a. To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity.</li> <li>b. To prohibit clearing, grazing or damage to remnant vegetation on the land unless required for bushfire hazard risk mitigation identified on an adopted fire management plan, approved dwellings or any incidental development within building envelopes, or to allow for vehicular access to such buildings.</li> <li>c. To prohibit the clearing, draining, filling or grazing of wetlands on the land.</li> </ul>
<b>Special Use</b>	<ul style="list-style-type: none"> <li>a. To facilitate special land use controls, which do not sit comfortably within any other zone.</li> <li>b. To enable the Council to impose specific conditions associated with the special use.</li> </ul>
<b>Vasse Development Zone and Deferred Vasse Development Zone</b>	<p>As mentioned above, these zones will be reviewed through Amendment 28 (Omnibus 3), along with the recommended introduction of the 'Urban Development' and 'Industrial Development' zones. This Amendment is anticipated to be brought before the Council for initiation early in 2018. At this time, there are no recommended changes to the Vasse Development and Deferred Vasse Development Zones, although they will need to continue to be identified within clause 4.2 until that time, therefore they will appear in the resolution unchanged.</p>

As mentioned above, some objectives and policies of the zones are proposed to be retained within the provisions of the Scheme, these predominantly relate to subdivision requirements within the Agriculture (now Rural), Rural Landscape, Conservation and Bushland Protection zones and protection of environmental values in the Conservation and Bushland Protection zones. The intent of the modifications in this instance is to remain 'policy neutral'.

To achieve this, modifications to the following clauses are proposed (see **resolutions 2.2 to 2.5**):

- Clause 5.34 – Subdivision of lots with more than one dwelling in the Agriculture and Viticulture and Tourism Zone (to be retitled to 'Subdivision of lots in the Rural and Viticulture and Tourism zones');
- Clause 5.36 – Vegetation surveys in the Conservation and Bushland Protection zones (to be retitled to 'Special provisions relating to the Conservation zone' and the relevant clause will be repeated within clause 5.39, below);
- Clause 5.38 – Special provisions relating to the Rural Landscape zone; and

- Clause 5.39 – Special provisions relating to the Bushland Protection zone.

The addition of two new clauses is proposed in relation to the following:

- A new clause 5.20 (and renumbering subsequent clauses) to incorporate policy (f) of the current Business zone, which encourages consolidation of land for integrated development or redevelopment and discourages fragmentation of land (see **resolution 2.6**) –

*“The consolidation of land to assemble larger land parcels suitable for integrated development or redevelopment in the City/Town Centre and Local/Neighbourhood Centre zones is encouraged and supported. Fragmentation of land within these zones, unless it is part of an overall plan for integrated development or redevelopment, will generally not be supported.”*

- A new clause 5.41 (which would become clause 5.42 due to the proposed new clause 5.20 above, but this report will refer to clauses with reference to their *current* clause number for clarity) to incorporate objectives and policies from the Restricted Business, Agriculture, Viticulture and Tourism and Rural Residential zones that related to the discouragement of ribbon development along major roads and tourist routes (see **resolution 2.7**) –

*“Development which is likely to contribute to ribbon development, the spread of town centres, or otherwise detrimentally impact the efficiency of or the rural and natural ambience of main or arterial roads will not be supported by the local government.”*

### 3. Terms Referred to in Scheme

An extensive review of the terms used within the Scheme and their definitions (Schedule 1 of the Scheme) has been undertaken, with a view to aligning – where appropriate – those with the Model Provisions.

As part of this review, the City is seeking to divide Schedule 1 of the Scheme into two parts, being Division 1 “General Definitions used in Scheme” and Division 2 “Land use terms used”. This will assist in the interpretation of the Scheme by identifying terms that are dealt with as ‘land uses’ or ‘general terms’. Terms that have been included in Division 2 for land uses are those that appear within the Zoning table, with the exception of ‘Home Office’ that appears only in clause 9.2 (‘Permitted Development’) and ‘Caretaker’s Dwelling’ (previously known throughout the Scheme as variations of Caretaker’s Residence and Manager’s Residence), which is proposed to be incorporated into the Zoning Table through the amendment. All other terms are included within Division 1, as ‘general terms’.

The review of the terms used in the Scheme and their associated definitions has resulted in a number of proposed modifications to the Scheme as follows:

#### General Terms (Division 1)

- \* Modify the following definitions:
  - Incidental Development
  - Jetty and Mooring Envelope (to become “Mooring Envelope”)
  - Major Road Frontage (to become “Frontage”)

- \* Remove the following obsolete or out-dated definitions:
  - The Act
  - Advertisement
  - Amusement Machine
  - Applicant
  - Building
  - Bulky Goods
  - Communal or Cluster Farming
  - Dry Industry
  - Dwelling
  - Generating Works
  - Manager’s Residence
  - Natural Ground Level
  - Owner
  - Place
  - Retirement Village
  - Stabilised Surface Level of a Lot
  - Waterway Frontage

### **Land Use Terms (Division 2)**

- \* Modify the following use class titles and/or their associated definitions and references within the Scheme:
  - Amusement Parlour
  - Caravan Park & Camping Grounds (to become “Caravan Park”)
  - Caretaker’s Residence (to become “Caretaker’s Dwelling”)
  - Child Care Centre (to become “Child Care Premises”)
  - Club (to become “Club Premises”)
  - Community Centre (to become “Community Purpose”)
  - Convenience Store
  - Display Home Centre
  - Educational Establishment
  - Extractive Industry (to become “Industry – Extractive”)
  - Home Occupation
  - Hospital
  - Industry
  - Light Industry (to become “Industry – Light”)
  - Liquid Fuel Depot (to become “Fuel Depot”)
  - Lunch Bar
  - Marina
  - Marine Filling Station
  - Mineral Resource Development (to become “Mining Operations”)
  - Motel
  - Motor Vehicle and Marine Sales Premises (to become “Motor Vehicle, Boat or Caravan Sales”)
  - Motor Vehicle Repair
  - Office
  - Plant Nursery (to become “Garden Centre”)
  - Private Recreation (to become “Recreation – Private”)
  - Professional Consulting Rooms (to become “Consulting Rooms”)
  - Restaurant (to become “Restaurant/Café”)
  - Restricted Premises
  - Shop
  - Tavern
  - Transport Depot
  - Warehouse (to become “Warehouse/Storage”)



- \* Creating the following new use classes, associated definitions and permissibilities within the Zoning Table:
 

<ul style="list-style-type: none"> <li>– Car Park</li> <li>– Caretaker’s Dwelling</li> <li>– Cinema/Theatre</li> <li>– Funeral Parlour</li> <li>– Motor Vehicle Wash</li> <li>– Nightclub</li> </ul>	<ul style="list-style-type: none"> <li>– Resource Recovery Centre</li> <li>– Small Bar</li> <li>– Telecommunications Infrastructure</li> <li>– Waste Disposal Facility</li> <li>– Waste Storage Facility</li> </ul>
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- \* Remove the following use class definitions only (as they are defined in the Residential Design Codes WA (R-Codes), which forms part of the Scheme), but retaining permissibilities within the Zoning Table:
  - Grouped Dwelling
  - Multiple Dwelling
  - Residential Building
  - Single House
  
- \* Remove the following obsolete or out-dated use classes, permissibilities within the Zoning Table, associated definitions and references within the Scheme:
 

<ul style="list-style-type: none"> <li>– Boarding House</li> <li>– Boatel</li> <li>– Bulk Store</li> <li>– Bus Station</li> <li>– Chandlery</li> <li>– Conservation Tourism</li> <li>– Display Home</li> <li>– Marine Facilities</li> <li>– Offensive or Hazardous Industry</li> </ul>	<ul style="list-style-type: none"> <li>– Place of Assembly</li> <li>– Public Utility</li> <li>– Recreation Facility</li> <li>– Rural Worker’s Dwelling</li> <li>– Salvage Yard</li> <li>– Sawmill</li> <li>– Service Industry</li> <li>– Stock &amp; Sale Yard</li> <li>– Timber Yard</li> </ul>
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- \* Modify the permissibilities for the following existing uses:
  - Display Home Centre, change from ‘X’ to ‘D’ use in the Rural Residential zone, in response to the consolidation of Display Home and Display Home Centre;
  - Industry, change from P to D in the Light Industry and General Industry zone
  - Marina, change from ‘X’ to ‘D’ in the Light Industry and General Industry zone, as the definition also covers Chandlery, boat servicing/repair, storage & associated sale of boating gear;
  - Recreation – Private, change from ‘D’ to ‘A’ in Conservation zone, in response to the consolidation of ‘Private Recreation’ and ‘Recreation Facility’ into one use class;
  - Include Caretaker’s Dwelling within the Zoning Table as a ‘D’ use in the Tourism zone.

In relation to the above, note that:

- ‘P’ is a permitted use provided the use complies with the relevant development standards;
- ‘D’ means the use is permitted if the local government has exercised its discretion by granting planning approval; and
- ‘A’ means the use is permitted if the local government has exercised its discretion by granting planning approval following public consultation.

The majority of the definitions have been brought into line with the Model Provisions after careful consideration. Where the definitions vary from the Model Provisions, this has been justified and details have been provided at **Attachment B**.

Given the extent of the modifications to the Zoning Table due to the review of the zones and land use definitions, the entire Zoning Table is set out at **resolution 3.2**. An additional 'tracked changes' version has been provided at **Attachment C**, to clearly identify the modifications.

A number of provisions associated with land uses require specific modification, these are described below.

- \* Clause 4.5.3(d) to correct the permissibility of Motor Vehicle and Marine Sales Premises (to become "Motor Vehicle, Boat or Caravan Sales") in the Industrial (Light Industry) zone –

It is proposed to delete reference to this use from within subclause 4.5.3(d), which identifies Motor Vehicle and Marine Sales Premises as a use not permitted within a factory unit or industrial unit (see **resolution 3.3**). It is thought that the intent of this clause was to not permit the use in these building types due to the small nature of the building and the definition referring to servicing of vehicles. Whilst the new definition for Motor Vehicle, Boat or Caravan Sales would not disallow servicing of vehicles (as this would be ancillary to the main use, where appropriate), it does clarify the primary intent of the use is for sale or hire of motor vehicles, boats or caravans. It is considered that market forces would more appropriately control the locations of these uses within the Light Industry zone, that is, a smaller scale business (such as a motorcycle hire or sale premises) that could reasonably fit within an industrial unit could be located there.

- \* Delete subclauses 4.5.4(f) and (g) relating to a second dwelling and Rural Worker's Dwelling in the Agriculture (to become 'Rural') and Viticulture and Tourism zones –

It is proposed provisions relating to a second dwelling and Rural Worker's Dwelling within the 'Agriculture' and 'Viticulture and Tourism' zones be deleted (cl. 4.5.4 (f) and (g)) as these are considered inconsistent with SPP 2.5 (Rural Planning) and DC Policy 3.4 (Subdivision of Rural Land) (see **resolution 3.4**). There are concerns that these provisions are being used inappropriately and allowing for pseudo-grouped dwelling style development in the rural zones.

The objectives of SPP 2.5 are to protect rural land, particularly priority agricultural land, promote economic growth and regional development on rural land for rural land uses, avoid and minimise land use conflicts and to promote sustainable settlement in, and adjacent to, existing urban areas.

SPP 2.5 also advises (at cl. 6.3) that –

*"When local planning schemes are prepared or reviewed, planning decision-makers shall:*

*...*

*(b) in rural zones, limit the introduction of land uses that may constrain existing or potential future rural land uses;*

And at cl. 6.5 (d) –

*"the introduction of new dwelling entitlements or other sensitive land uses should not limit or prevent primary production from occurring."*

The above clauses are aimed at protecting the agricultural use of land from sensitive land uses (i.e. dwellings) that would otherwise require protection from impacts of agricultural practice, such as noise and spray drift.

DC 3.4 specifies areas in the State that are appropriate as 'Homestead lots', described as follows at clause 6.6:

*"The creation of homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character and landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.*

The Policy identifies where Homestead lots may be developed, effectively being the Wheatbelt. The City of Busselton is not included within the Homestead lot policy area.

The above proposed changes will have no effect on applications for workforce accommodation, which can be assessed as a 'Residential Building' use and would be considered on their merits.

#### **4. City/Town Centre Zone provisions**

The City is working towards formulating a framework to guide development within the Busselton and Dunsborough City/Town Centres, which will include an Activity Centre Plan for each. However, recent development proposals and the testing of the City's current statutory framework through the State Administrative Tribunal have identified areas requiring strengthening through the addition of provisions within the Scheme itself.

As a result, officers have reviewed the City's Local Planning Policy 4C Busselton Town Centre Urban Design Provisions (LPP 4C), the Western Australian Planning Commission's draft State Planning Policy No. 7: Design of the Built Environment and associated draft Apartment Design policy, to produce a number of provisions for proposed inclusion into Part 5 of the Scheme and directly relating to the 'City/Town Centre' zone.

These recommended provisions relate to:

- Setbacks;
- Articulation;
- Cross-overs;
- Openings;
- Glazing;
- Minimum ceiling heights; and
- Signage.

Clause 5.20 (which would become clause 5.21 due to the proposed new clause 5.20 mentioned above, but this report will refer to clauses with reference to their *current* clause number for clarity) is proposed to be amended to include a number of design principles that development within the City/Town Centre zone is to demonstrate adherence to. These relate to –

- (a) *Context and character*
- (b) *Landscape quality*
- (c) *Built form and scale*

- (d) *Functionality and build quality*
- (e) *Sustainability*
- (f) *Amenity*
- (g) *Legibility*
- (h) *Safety*
- (i) *Community*
- (j) *Aesthetics*

It is intended that the Activity Centre Plan will identify any building design areas that are to have specific design or architectural direction (such as landmark buildings) and an accompanying local planning policy would give additional detail on the design principles. In absence of the guiding detail within the City's framework, draft SPP 7 expands on the above principles.

Clause 5.20 is then proposed to include a number of specific provisions to be applied to development within the City/Town Centre zone, supported by existing City policy (LPP 4C), draft SPP7 (and associated guiding documents) and Liveable Neighbourhoods.

For example, and with specific reference to Liveable Neighbourhoods (LN), elements of 'good design' include –

*"Centres are designed to facilitate and encourage walking, cycling and...not just car access." (p1 of Element 7, LN 2009)*

*"Central to community design is...walkable neighbourhoods whose urban character and design fosters a sense of community, local identity and place. Neighbourhoods are clustered around main street-based mix-use centres...The urban structure must facilitate walking, cycling...The urban structure is further developed and refined through street networks that influence the built form by activating street and land use interaction with building frontages, access and windows facing street." (p11, LN 2015)*

*"Off-street parking is to be sleeved behind buildings...totally or partially screened from the street, not be placed between the front of buildings and the street..." (p 69, LN 2015)*

*"In activity centres, off-street parking is located at the rear of buildings to minimise effect on the streets and designed and managed, as far as practical, as shared, intra-block car parks." (p70 – Requirement 4.12, LN 2015)*

*"Buildings in centres need to address streets and public spaces through activated frontages (windows, doors and seating) to promote vitality and encourage natural street surveillance. Development with direct frontage onto streets provides activity, visual interest and exposure which assists commercial viability. They also help community interaction and enable streets to act as an integrating element in neighbourhoods and towns, rather than as a divider...Centres should seek to achieve a strong and unique sense of place and local identity, and this should be derived from the local natural and cultural context." (p66, LN 2015)*

The review has resulted in a number of proposed provisions recommended to be included into clause 5.20:

- (a) No residential uses shall be permitted at ground floor fronting Queen Street and Prince Street, Busselton and Dunn Bay Road and Naturaliste Terrace, Dunsborough;

- (b) A nil front setback is to be provided to the development, unless otherwise designated in an Activity Centre Plan, or the development is providing for an associated alfresco space within the setback;
- (c) Buildings shall be articulated to break up perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage;
- (d) At the ground floor level, developments shall address the street with a primary business entrance and a shop front façade;
- (e) Ground floor commercial uses shall incorporate transparent glazing for 70% of all building frontages to adjacent streets;
- (f) Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;
- (g) A minimum ceiling height of 3.3 metres shall be achieved for the ground floor level, whilst all other floors shall achieve a minimum ceiling height of 2.7 metres;
- (h) Roller doors or screens of solid material on shop fronts will not be permitted, security measures should be located and installed internally behind the glazing line;
- (i) Pedestrian shelter, through the provision of a verandah, awning or the like, shall be provided over the public footpath for the full width of the lot frontage;
- (j) No vehicle accessways or carparking shall be provided between the building and the street, or be visible from the street, unless required to provide access to car parking or loading areas behind buildings;
- (k) No vehicular access to sites shall be taken from Queen Street, Prince Street or Kent Street (between Queen Street and Brown Street), Busselton or Dunn Bay Road or Naturaliste Terrace, Dunsborough, unless no alternative is available, in which case a single crossover width shall be no greater than 5 metres with a cumulative maximum width of 7 metres;
- (l) Vehicle crossovers and driveways shall be co-located wherever possible with adjoining properties;
- (m) Vehicle access to developments shall be designed in a way which minimises potential pedestrian/vehicular conflict, clearly recognising the primacy of pedestrian amenity;
- (n) Multi-storey car parks shall incorporate interactive street frontages, such as shops or other uses that promote activity and where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors;
- (o) General plant, such as air-conditioning, television antennas, bins, hot water storage tanks, rain water tanks, satellite dishes and the like are to be adequately concealed and screened from the street or public view;
- (p) *(The existing clause 5.20 relating to plot ratio is proposed to be moved to sub-clause (p).)*
- (q) Signage and advertising shall not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally;

The main variation from the existing LPP 4C is the distinction between a *maximum* ceiling height for ground floor developments provided for currently (being 4.5m floor-to-floor for the ground floor, 3.5m for the first floor and 3.0m for subsequent floors) and a *minimum* ceiling height requirement that is proposed (being 3.3m floor-to-ceiling for the ground floor and 2.7m for subsequent floors).

Reference material generally focusses on providing for flexibility in design of mixed use developments, to allow future changes of use. Commercial buildings, particularly restaurants and cafés, have increased service requirements and therefore will generally require greater ceiling heights to enable fitout. Providing for ceiling heights from 2.7m in upper floors and/or residential spaces can have significant advantages with respect to future use. This adaptability broadens the development's market appeal, and therefore its economic viability over the longer-term.

### **Drive-Through Facilities**

Recent work on the Busselton City and Dunsborough Town Centre Conceptual Plans, and associated ongoing works, have focused on enhancing aspects of the pedestrian environment, such as 'permeability' and 'walkability', and also on reducing vehicular congestion by improving traffic flows and car parking. As an adjunct to this, consideration has been given to the takeaway food industry and associated drive-through facilities, especially within the City/Town Centre zone.

Existing use classes that could incorporate a drive-through component might typically include 'Takeaway Food Outlet' (including fast food and/or coffee outlets), 'Shop' (liquor store), 'Hotel' and 'Tavern'. It is noted that commercial enterprises in some places are increasingly employing drive-through facilities for banks and pharmacies, whilst the transient ability to shop at a department store or receive 'flu-shots' via a drive-through facility is purportedly also becoming increasingly popular.

However, there are a number of potentially undesirable impacts from the provision of drive-through facilities, especially in town or city centres such as Dunsborough and Busselton including: queued traffic interfering with on-site and off-site vehicular and pedestrian flow, lighting and ambient noise from idling cars and voice amplification equipment, a lack of civic and retail amenity, and reduced 'main street' activation, community interaction and vibrancy. There are also potentially detrimental commercial flow-on effects, in that businesses which do not offer 'drive-through convenience' may suffer from a lack of patronage and resultant viability. It is considered, therefore, that drive-through facilities should not be encouraged in the central shopping, commercial and pedestrian areas, which are those areas normally corresponding to the proposed City/Town Centre zone.

A modification to the Scheme is proposed to remove the ability for drive-through facilities to seek to operate in areas of the City/Town Centre zone, in order to stimulate and promote active pedestrian environments within the Busselton City and Dunsborough Town Centres. This is consistent with the Strategic Objectives 2.1 and 2.3 of the Strategic Community Plan 2017, to "*foster the development of healthy neighbourhoods that meet our needs as we grow*" and for "*creative urban design that produces vibrant, mixed-use town centres and public spaces*".

This Scheme modification would involve:

- The creation of a 'Drive-through Facility Exclusion Area' Special Control Area within Part 6 of the Scheme (see **resolution 4.3 and 4.4**);

- The provision of a new subclause within clause 5.5 “Variations to site and development standards and requirements” to expressly prohibit new ‘drive-through facilities’ operating within the Exclusion Area (see **resolution 4.2**);
- Inserting a new definition for “Drive-through facility” into Schedule 1, Division 1 of LPS21: “Interpretations” (see **resolution 4.5**); and
- Identifying on the Scheme map the proposed Drive-through Exclusion Area (see **Attachments D and E**).

The proposed definition is as follows –

*“**Drive-through facility**’ means a facility or development involving vehicles entering a site, such as shop, takeaway food outlet or development with fuel bowzers, whereby a product or service is sold or provided direct to customers or patrons driving or seated in a motor vehicle and also includes the provision of fuel to motor vehicles or a Motor Vehicle Wash.”*

The appropriate location of a drive-through facility could be considered as part of a planning application that may be received for a relevant use, outside the ‘Drive-through Exclusion Area’. Within the Busselton City Centre, this area has generally been identified as lots fronting Albert Street and Peel Terrace, excluding the land at the intersection of Albert Street and Queen Street, which are considered to be the entry into the Busselton City Centre. Within the Dunsborough Town Centre, two parcels have been identified as appropriate for a drive-through facility, being a portion of the lot at the corner of Caves Road and Cape Naturaliste Road (the site currently occupied by Chicken Treat) and a portion of the lot fronting Cape Naturaliste Road between the river and Dunn Bay Road (currently a vacant site). These parcels are only proposed to be included in part, as the Dunn Bay Road corner sites are considered critical to the long term main street design intended for the Dunsborough Town Centre. A drive-through facility is considered to be inappropriate fronting Dunn Bay Road and would detract from the pedestrian amenity that the City has been trying to foster over the last couple of years through conceptual planning and on-the-ground works.

The above proposal does not impact on the continued use of existing drive-through facilities that are located within the exclusion area, as they would be treated as a non-conforming use under the relevant clauses of the Scheme, which provides for continued use and changes to non-conforming uses.

## **5. Additional Clauses to align to Model Provisions**

Clause 4.4 ‘Interpretation of the Zoning Table’ is to be modified to be consistent with clauses 18 (3) and (4) of the Model Provisions to resolve any ambiguity in the interpretation of the clause. Clause 4.4 currently reads:

### **“4.4 INTERPRETATION OF THE ZONING TABLE**

*4.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.*

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

- (a) determine that the use is consistent with the objectives and policies of the particular zone and is therefore permitted; or*

- (b) determine that the use may be consistent with the objectives and policies of the particular zone and thereafter follow the advertising procedures of clause 10.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives and policies of the particular zone and is therefore not permitted.”*

The key changes to clause 4.4 relate to the removal of the words “and policies” to coincide with the review of the Objectives (and removal of Policies) of the zones and in the wording of clause 4.4.2(a), with the addition of the words “subject to conditions imposed by the local government”. The proposed wording of Clause 4.4 is consistent with the Model Provisions (see **resolution 5.1**).

Clause 5.5 ‘Variations to site and development standards and requirements’ is also proposed to be modified to be consistent with clause 34 of the Model Provisions for similar reasons.

Clause 5.5 currently reads:

**“5.5 VARIATIONS TO SITE & DEVELOPMENT STANDARDS AND REQUIREMENTS**

- 5.5.1 Except for development in respect of which the R-Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme (including a policy or plan adopted pursuant to the Scheme), the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.*
- 5.5.2 Notwithstanding clause 5.5.1 above, the following development is expressly prohibited:*
  - (a) Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, as specified by clause 5.40.*
- 5.5.3 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to –*
  - (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 10.4; and*
  - (b) have regard to any expressed views prior to making its determination to grant the variation.*
- 5.5.4 The power conferred by this clause may only be exercised if the local government is satisfied that –*
  - (a) approval of the proposed development would be appropriate having regard to the matters to be considered set out in clause 11.2;*



- (b) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and*
- (c) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

Where:

- Cl 5.5.1 is a combination of 34(2) and (3) of the Model Provisions,
- Cl 5.5.3 is consistent with 34(4) of the Model Provisions, and
- Cl 5.5.4 is consistent with 34(5) of the Model Provisions.

Clause 5.5 is proposed to be amended to reflect the Model Provisions, with the exception of retaining the words “Except for development to which R-Codes apply...” and retaining clause 5.5.2 (to be renumbered to 5.5.3 as a result of the conversion). Clause 34(1) is not proposed to be incorporated into cl. 5.5 as it refers to clauses that are not relevant to the Scheme (see **resolution 5.2**).

## **6. Review of Rural Residential areas**

### **Vasse/Dunbarton Rural Residential**

The draft Local Planning Strategy includes the direction to “*support and pro-actively plan to identify suitable areas for re-subdivision/consolidation of existing rural-residential development in both the Commonage and Dunbarton rural residential areas.*” As a consequence the City is considering moving towards a low density Residential zone within the Dunbarton/Vasse Rural Residential area.

City officers have met with DPLH officers to discuss the future for the Vasse/Dunbarton Rural Residential area with officers from both authorities moving toward support of low density Residential in the area. Critical to this process is ensuring that subdivision does not happen in an ad hoc manner in the interim and that orderly and proper planning processes are maintained. Consideration is to be given to road network, public open space, bushfire and urban water management (drainage and wastewater systems), etc.

Officers are considering supporting a Special Provision over the Vasse/Dunbarton Rural Residential area that could pave the way for future consolidation to Residential (see **Attachment F**). This would be facilitated through development of an Overall Structure Plan (OSP), providing an indicative layout, which would identify density, strategic road links and POS areas et al. The OSP would also identify precincts that would preferably be subdivided collaboratively, to ensure that a legible and integrated road network is formed, rather than a multitude of undesirable cul-de-sacs. Further detailed Structure Planning would then be required for specific properties, or precincts, within the OSP area prior to consideration of subdivision approval.

The OSP may consider future density through the following guidelines:

- A Rural Residential ‘buffer’ to the Bypass to the north and Rendezvous Road to the south, consisting of 1 hectare minimum lots \*see further comment below in relation to Lots 242-249;
- Low density Residential provided through the ‘core’ developable area, with a variety of lots ranging from 2,000 m<sup>2</sup> to below 1 ha; and
- Lots will be limited to 1 ha in size in sewerage sensitive areas.

\*In terms of future lots backing onto the Bypass within Lots 242-249 Kookaburra Way, areas less than the 1 ha minimum may be considered, but only where noise from the Bypass can be mitigated. This might also be treated as a 'transition area' from Lot 2 Kookaburra Way (which has a current Structure Plan identifying lot sizes to a minimum of 2,000m<sup>2</sup>) to the larger lots to the west. Over the remainder of the sites, 2,000m<sup>2</sup> would be the absolute minimum lot size that would be likely to be supported.

Landowners in the area would need to await the outcome of the OSP process to ensure a better design outcome for all current and future subdivision intentions, and to take advantage of the low density Residential zoning and detailed planning of services and other matters mentioned above.

The officer recommendation can be found at **resolution 6.1**.

### **Rezoning of a limited number of Rural Residential areas to low density Residential**

Two areas are proposed to be rezoned from Rural Residential to Residential R2.5 and/or R2:

- Portion of Carnarvon Castle Drive, Eagle Bay, proposed to be rezoned to Residential R2.5 as shown at **Attachment G** – this area contains lots ranging from 2,500m<sup>2</sup> to 5,000m<sup>2</sup> and creates a transition between the R5 coded lots to the east, to the Rural Residential zoned lots to the west (see **resolution 6.2(a)**); and
- Subdivisions around Sloan Drive/Okapa Rise, identified within **Attachment H** – lots within this area range from 4,000m<sup>2</sup> to 7,800m<sup>2</sup> for the area affected by A57 and 4,000m<sup>2</sup> to below 1ha for the area affected by A15; the Additional Uses specify the land to be and to be subdivided and developed in accordance with an approved Structure Plan and the Residential R2.5 code, lots greater than 8,000m<sup>2</sup> are proposed to be rezoned to Residential R2, with the remainder to R2.5 (see **resolution 6.3(b) to (e)**).

The proposed rezoning would not provide opportunities for subdivision over the affected lots as the minimum lot size required in the R2.5 code is 4,000m<sup>2</sup> and R2 is 5,000m<sup>2</sup>. However, this amendment will assist in difficulties faced by landowners in complying with the setbacks of the Rural Residential zone. The current situation requires landowners to submit an application for planning approval to vary the Rural Residential setbacks (20m to the front and rear boundaries and 15m to side boundaries). It is intended the setbacks applicable to the R2.5 Code (15m to the front and 7.5m to side and rear boundaries) will ease this somewhat, notwithstanding any specific requirements under the relevant structure plan.

## **CONCLUSION**

The purpose of this Omnibus Amendment is to generally align sections of the Local Planning Scheme No. 21 (the Scheme) to the Model Provisions, contained within Schedule 1 of the *Planning and Development Act 2005*. The information contained within this report confirms that the amendments proposed are an appropriate outcome consistent with the orderly and proper planning of the City of Busselton and as such, it is recommended that the draft amendment be initiated for public consultation.

## OPTIONS

Should the Council not support the Officer Recommendation, the Council could consider the following options –

1. Resolve to decline the request to initiate the proposed amendment in its entirety and provide a reason for such a decision.
2. Resolve to initiate the proposed amendment subject to modification(s).

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will involve the provision of the amendment documentation to the Environmental Protection Authority and this will occur within one month of the resolution.

## OFFICER RECOMMENDATION

That the Council –

- A. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 29 to the City of Busselton Local Planning Scheme 21 for community consultation, for the purposes of:

### **1. Alignment of Zones**

- 1.1 Amending the Scheme by retitling the zone names as follows and, unless specifically mentioned within this resolution, subsequent references throughout the Scheme:

- (a) The “Business” zone to “City/Town Centre” zone and “Local/Neighbourhood Centre” zone;
- (b) The “Restricted Business” zone to “Service Commercial” zone;
- (c) The “Tourist” zone to “Tourism” zone;
- (d) The “Industrial” zone to “Light Industry” zone and “General Industry” zone;
- (e) The “Agriculture” zone to “Rural” zone;
- (f) The “Special Purpose” zone to “Special Use” zone;

- 1.2 Amending the Scheme Maps by:

- (a) Rezoning all land within the Busselton City Centre to “City/Town Centre” zone as depicted on the Scheme Amendment map, being:
  - (i) All land currently zoned “Business” and bound by Marine Terrace, Brown Street, Peel Terrace and West Street;
  - (ii) The portion of Lot 73 Peel Terrace, Busselton currently zoned Business;

- (iii) Lots 74 and 75 Peel Terrace, Lot 1 (No. 69) Adelaide Street, and Lot 2 (No. 9) Brown Street, Busselton;
- (b) Rezoning all land within the Dunsborough Town Centre to “City/Town Centre” zone as depicted on the Scheme Amendment map, being all land currently zoned “Business” and bound by Cape Naturaliste Road, Reserve 42545, Reserve 35758, Reserve 26513, Chieftain Crescent and Caves Road;
- (c) Rezoning Lot 1001 Switchback Parade, West Busselton from “Restricted Business” to “Local/Neighbourhood Centre” as depicted on the Scheme Amendment map;
- (d) Other than Lot 1001 Switchback Parade, West Busselton, identifying all land currently within the “Restricted Business” zone as being within the “Service Commercial” zone;
- (e) Identifying all land currently within the “Tourist” zone as being within the “Tourism” zone;
- (f) Identifying all land currently within the “Industrial” zone as being within the “Light Industry” zone;
- (g) Identifying all land currently within the “Agriculture” zone as being within the “Rural” zone;
- (h) Rezoning Lot 1 (No. 16) Hobson Street, Geographe and Lot 441 (No. 29A) Avocet Boulevard, Geographe from “Special Purpose” zone to “Public Purpose - Water” Reserve;
- (i) Other than Lot 1 (No. 16) Hobson Street, Geographe and Lot 441 (No. 29A) Avocet Boulevard, Geographe, identifying all land currently within the “Special Purpose” zone as being within the “Special Use” zone, with the following labels:

All land within the “Special Purpose” Zone and labelled with the acronym	being identified with the label
“APH”	“1”
“BDA”	“2”
“BF”	“3”
“BRA”	“4”
“CPK” or “C/CPK”	“5”
“CC”	“6”
“CECH”	“7”
“COM”	“8”
“CS”	“9”
“EE” or “PS”	“10”
“H”	“11”
“HA”	“12”
“HL”	“13”
“HP”	“14”
“RP” or “BP”	“15”
“SST”	“16”
“SSTPN”	“17”
“TE”	“18”

"WD"	"19"
"WFS"	"20"
'no label'	"21"
"AADA"	"22"
"ANDA"	"23"
"DLDA"	"24"
"HLDA"	"25"
"OBFDA"	"26"
"YD"	"27"
"YDD"	"28"
"YID"	"29"

1.3 Amending clause 4.9 (Special Purpose Zone) to read as follows:

**"4.9 SPECIAL USE ZONES**

4.9.1 Schedule 5 sets out:

- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
- (b) the classes of special uses that are permissible in that zone; and
- (c) the conditions that apply in respect of the special uses.

4.9.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the class of use that is permissible in that zone and subject to the conditions that apply to that use."

1.4 Introducing a new Schedule 5 as provided below, and renumber the remaining Schedules and Schedule references accordingly:

**SCHEDULE 5 – SPECIAL USES**

[cl. 4.9]

No.	Description of land	Special Use	Conditions
1.	As identified on the Scheme map	Aged Person Housing	Nil.
2.	As identified on the Scheme map	Broadwater Development Area	Development must be in accordance with the requirements of the Broadwater Development Area and Special Provision 57.
3.	As identified on the Scheme map	Busselton Foreshore	Development must be in accordance with Special Provision No. 44.
4.	As identified on the Scheme map	Busselton Regional Airport	Nil.
5.	As identified on the Scheme map	Caravan Park	Nil.
6.	As identified on the Scheme map	Child Care	Nil.
7.	As identified on the Scheme map	Church Site, Educational Establishment, Child Care	Nil.

		<i>and Hall</i>	
8.	<i>As identified on the Scheme map</i>	<i>Community Purposes</i>	<i>Nil.</i>
9.	<i>As identified on the Scheme map</i>	<i>Church Site</i>	<i>Nil.</i>
10.	<i>As identified on the Scheme map</i>	<i>Educational Establishment</i>	<i>Nil.</i>
11.	<i>As identified on the Scheme map</i>	<i>Hotel</i>	<i>Nil.</i>
12.	<i>As identified on the Scheme map</i>	<i>Hall</i>	<i>Nil.</i>
13.	<i>As identified on the Scheme map</i>	<i>Hostel</i>	<i>Nil.</i>
14.	<i>As identified on the Scheme map</i>	<i>Historical Precinct</i>	<i>Nil.</i>
15.	<i>As identified on the Scheme map</i>	<i>Road Purposes</i>	<i>Nil.</i>
16.	<i>As identified on the Scheme map</i>	<i>Service Station</i>	<i>Nil.</i>
17.	<i>As identified on the Scheme map</i>	<i>Service Station/Plant Nursery</i>	<i>Nil.</i>
18.	<i>As identified on the Scheme map</i>	<i>Telephone Exchange</i>	<i>Nil.</i>
19.	<i>As identified on the Scheme map</i>	<i>Waste Disposal</i>	<i>Nil.</i>
20.	<i>As identified on the Scheme map</i>	<i>Waterfowl Study</i>	<i>Nil.</i>
21.	<i>As identified on the Scheme map</i>	<i>Blank</i>	<i>Nil.</i>
22.	<i>As identified on the Scheme map</i>	<i>Ambergate Automotive Development Area</i>	<i>Development must be in accordance with Special Provisions 47 and 48.</i>
23.	<i>As identified on the Scheme map</i>	<i>Ambergate North Development Area</i>	<i>Development must be in accordance with Special Provision 39.</i>
24.	<i>As identified on the Scheme map</i>	<i>Dunsborough Lakes Development Area</i>	<i>Development must be in accordance with Special Provision 42.</i>
25.	<i>As identified on the Scheme map</i>	<i>Heron Lake Development Area</i>	<i>Development must be in accordance with Special Provision 55.</i>
26.	<i>As identified on the Scheme map</i>	<i>Old Broadwater Farm Development Area</i>	<i>Development must be in accordance with Special Provision 43.</i>
27.	<i>As identified on the Scheme map</i>	<i>Yalyalup Development</i>	<i>Development must be in accordance with Special Provision 23.</i>
28.	<i>As identified on the Scheme map</i>	<i>Yalyalup Deferred Development</i>	<i>Development must be in accordance with Special Provision 23.</i>
29.	<i>As identified on the Scheme map</i>	<i>Yalyalup Industrial Development</i>	<i>Development must be in accordance with Special Provision 36.</i>

#### 1.5 Amending Part 5 (General Development Requirements) of the Scheme by:

- (a) Amending subclause 5.16.1(b) (Corner Shop) by replacing the words “in the case of a rural area or land in a rural zone” with “in the case of land in the Rural, Viticulture and Tourism and Rural Residential zones”;
- (b) Amending clause 5.29 (Development of dams in rural areas) by removing the words “in rural areas” from within the title and “In rural zones” from within the clause;
- (c) Amending clause 5.31 (Ancillary Accommodation in rural areas) by replacing the words “a rural zone” with “the Rural, Viticulture and Tourism, Rural Residential, Rural Landscape, Conservation or Bushland Protection zone”.

## 2. Objectives of the Zones

2.1 Amending clause 4.2 (Objectives and Policies of the Zones) to read as follows:

### “4.2 ZONE OBJECTIVES

*The objectives of each zone are as follows –*

<b>Zone name</b>	<b>Objectives</b>
<b><i>Residential</i></b>	<ul style="list-style-type: none"> <li><i>a. To provide for a range of housing and a choice of residential densities to meet the needs of the community.</i></li> <li><i>b. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</i></li> <li><i>c. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</i></li> </ul>
<b><i>City/Town Centre</i></b>	<ul style="list-style-type: none"> <li><i>a. To provide a genuine centre of community life, socially, culturally and economically.</i></li> <li><i>b. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</i></li> <li><i>c. To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses.</i></li> <li><i>d. To provide for medium to high density residential development.</i></li> </ul>
<b><i>Local/Neighbourhood Centre</i></b>	<ul style="list-style-type: none"> <li><i>a. To provide for development at a scale sufficient to serve the Centre’s catchment, but not detract from the commercial primacy of the City/Town Centre zone.</i></li> <li><i>b. Providing for limited expansion of existing smaller centres to ensure access to services at a local level and building neighbourhood identity.</i></li> <li><i>c. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</i></li> <li><i>d. To ensure that development provides for activation of the street and public spaces, high quality design and a variety</i></li> </ul>

	<i>of land uses.</i>
<b>Service Commercial</b>	<ul style="list-style-type: none"> <li>a. <i>To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.</i></li> <li>b. <i>To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in the Centre zones.</i></li> <li>c. <i>To provide for development which will not result in a detrimental impact on surrounding commercial centres and has regard to the strategic importance and need to maintain the commercial primacy of the City/Town Centre zone.</i></li> <li>d. <i>To restrict development which is likely to contribute to ribbon development, the spread of centres, or otherwise detrimentally impact the efficiency of main or arterial roads.</i></li> </ul>
<b>Tourism</b>	<ul style="list-style-type: none"> <li>a. <i>To promote and provide for tourism opportunities.</i></li> <li>b. <i>To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area, or on the commercial primacy of the City/Town Centre zone.</i></li> <li>c. <i>To allow limited residential uses where appropriate.</i></li> <li>d. <i>To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.</i></li> </ul>
<b>Light Industry</b>	<ul style="list-style-type: none"> <li>a. <i>To provide for a range of industrial and service commercial uses generally compatible with urban areas, that generally cannot be located in other zones, whilst maintaining the commercial primacy of the City/Town Centre zone.</i></li> <li>b. <i>To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.</i></li> </ul>
<b>General Industry</b>	<ul style="list-style-type: none"> <li>a. <i>To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</i></li> <li>b. <i>To accommodate industry that would not otherwise comply with the performance standards of light industry.</i></li> <li>c. <i>Seek to manage impacts such as noise, dust and odour within the zone.</i></li> </ul>
<b>Rural</b>	<ul style="list-style-type: none"> <li>a. <i>To provide for the maintenance or enhancement of</i></li> </ul>



	<p><i>specific local rural character.</i></p> <ul style="list-style-type: none"> <li><i>b. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as viticulture and horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</i></li> <li><i>c. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways.</i></li> <li><i>d. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.</i></li> <li><i>e. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</i></li> <li><i>f. To provide for development and expansion of the viticultural, winemaking and associated tourism activities and other industries related to agricultural activities, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.</i></li> <li><i>g. To provide for the extraction of basic raw materials, where appropriate.</i></li> </ul>
<b>Viticulture and Tourism</b>	<ul style="list-style-type: none"> <li><i>a. To provide for the maintenance or enhancement of specific local rural character.</i></li> <li><i>b. To provide for development and expansion of the viticultural, winemaking and associated industries, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.</i></li> <li><i>c. To facilitate the development of tourist facilities of a scale and nature appropriate in rural settings without prejudice to the scenic quality of land within this zone and without creating or increasing ribbon development on any road.</i></li> <li><i>d. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.</i></li> <li><i>e. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</i></li> <li><i>f. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways.</i></li> </ul>
<b>Rural Residential</b>	<ul style="list-style-type: none"> <li><i>a. To provide for lots primarily for residential purposes generally in the range of 1 ha to 4 ha.</i></li> <li><i>b. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</i></li> <li><i>c. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</i></li> </ul>
<b>Rural Landscape</b>	<ul style="list-style-type: none"> <li><i>a. To facilitate limited closer rural settlement on land which</i></li> </ul>

	<p><i>is recognised as being of high landscape or scenic value, but generally unsuitable for agriculture or farming use, in order to protect and enhance those values.</i></p> <p><i>b. To ensure that development maintains the character of the locality, maintains a high level of residential amenity, has consideration for conservation values and minimises disturbance to the landscape.</i></p>
<b>Conservation</b>	<p><i>a. To restrict the type and scale of development which will be considered on lands possessing special aesthetic, ecological or conservation values to those compatible with such environments.</i></p> <p><i>b. To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.</i></p>
<b>Bushland Protection</b>	<p><i>a. To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity.</i></p> <p><i>b. To prohibit clearing, grazing or damage to remnant vegetation on the land unless required for bushfire hazard risk mitigation identified on an adopted fire management plan, approved dwellings or any incidental development within building envelopes, or to allow for vehicular access to such buildings.</i></p> <p><i>c. To prohibit the clearing, draining, filling or grazing of wetlands on the land.</i></p>
<b>Special Use</b>	<p><i>a. To facilitate special land use controls, which do not sit comfortably within any other zone.</i></p> <p><i>b. To enable the Council to impose specific conditions associated with the special use."</i></p>
<b>Vasse Development</b>	<p><u>Objectives</u></p> <p><i>(a) The zone is designed to be flexible in nature so as to overcome the inherent problems associated with detailed zoning of land prior to the creation of lot boundaries through subdivision and survey.</i></p> <p><i>(b) To provide for progressive development of a new, separate community at Vasse.</i></p> <p><i>(c) To progressively provide employment and business opportunities at Vasse.</i></p> <p><i>(d) To encourage a variety of lifestyle opportunities through the use of different development densities.</i></p> <p><i>(e) To create a high quality "village" character by encouraging pedestrian/cycle transport as a preferred mode, a sense of place and a sense of community.</i></p> <p><i>(f) To establish a hierarchy of planning procedures to secure the objectives of the zone.</i></p> <p><i>(g) To provide for the development of neighbourhood retail facilities which support and service the residential population at Vasse only and do not detract from the</i></p>

	<p><i>primacy of Busselton and Dunsborough as the principal commercial centres of the City.</i></p> <p><u>Policies</u></p> <p>(a) <i>To provide, in a timely manner, an alternative route for regional, heavy haulage and through traffic so that the existing Bussell Highway alignment can be used as an internal subdivision road to service Vasse village.</i></p> <p>(b) <i>To require the preparation and approval of a Development Guide Plan in accordance with the provisions of Schedule 11 of the Scheme as a prerequisite to -</i></p> <p>(i) <i>the local government's support for an application to subdivide or amalgamate lots; and/or</i></p> <p>(ii) <i>the local government's consideration of an application for planning approval.</i></p> <p>(c) <i>Ensure development is compatible with the natural environment.</i></p> <p>(d) <i>Programme appropriate road and reticulated service provision.</i></p> <p>(e) <i>Programme appropriate provision of social infrastructure.</i></p> <p>(f) <i>Encourage urban designs which provide a high degree of 'permeability' and 'walkability'.</i></p> <p>(g) <i>Make provision for business, industry, community uses and recreational areas as well as residential areas.</i></p> <p>(h) <i>To ensure that Vasse does not become a satellite, dormitory suburb of Busselton and the local government shall recommend against continuing stages of residential subdivision unless there is progressive development of employment opportunities at Vasse.</i></p> <p>(i) <i>To ensure that subdivision and development conforms to the principal aims of the "Liveable Neighbourhoods Policy".</i></p> <p>(j) <i>To ensure retail uses are limited in scale, type and function to service the residential population of Vasse only, in accordance with the settlement hierarchy objectives of the State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge.</i></p>
<b>Deferred Vasse Development Zones</b>	<p><u>Objectives</u></p> <p>(a) <i>To ensure that the development of Vasse is staged to allow a community size of around 2,000 residents unless the conditions prescribed at Table 5 of the State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge and Schedule 12 of the Scheme are met in which case the village of Vasse may be expected to accommodate a maximum population of approximately 5,000 people by the lifting of the deferment from the Deferred Vasse Development zone through an amendment to the Scheme.</i></p> <p>(b) <i>In the interim, the land within the zone is to be treated as if it were in the Agriculture zone except that the local government has the discretion to refuse incompatible rural land uses that may prejudice the long term</i></p>

	<p><i>development of the area for townsite expansion.</i></p> <p><u>Policies</u></p> <p>(a) <i>It is the objective and requirement of the zone to link further expansion of Vasse to the demonstration of employment creation at the site to support residential growth. Justification of growth should conform to the principle aims of the Liveable Neighbourhoods as it relates to employment, transport and community design.</i></p> <p>(b) <i>It is intended that when the local government deems the above condition and those of Schedule 12 of the Scheme have been met that the deferment will be lifted from the Deferred Vasse Development zone and further residential development permitted in accordance with an adopted Development Guide Plan. Deferment shall be lifted by finalisation and gazettal of an amendment to the Scheme rezoning the site from the Deferred Vasse Development zone to the Vasse Development zone.</i></p>
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2.2 Amending clause 5.34 (Subdivision of lots with more than one dwelling in the Agriculture and Viticulture and Tourism Zones) by –

- (a) Amending the title of the clause to “Subdivision of lots in the Rural and Viticulture and Tourism zones”;
- (b) Inserting new subclauses 5.34.1 and 5.34.2 as follows and renumbering subsequent clauses and clause references accordingly:

*“5.34.1 A lot proposed to be created by subdivision for an agricultural purpose shall contain a minimum area of land that actually is useable for commercial farming. Depending upon the circumstances, the area of a lot may be greater than the area necessary for the farm due to remnant and riparian vegetation considered valuable for conservation; streams, dams, wetlands and foreshores; steep terrain and rocky outcrops; setbacks to the above and any environmental buffers within which development or agriculture is not permitted; and existing tourist development. As a general guide, the minimum arable area for a commercial farm that will be recommended by the local government to the Commission is 30 hectares for viticultural and horticultural pursuits.*

*5.34.2 Where environmental conditions allow, subdivision of rural land into lots comprising a minimum arable area of 40 hectares may be supported by the local government.”*

2.3 Amending clause 5.36 (Vegetation Surveys in the Conservation and Bushland Protection Zones) to read as follows –

**“5.36 SPECIAL PROVISIONS RELATING TO THE CONSERVATION ZONE**

**5.36.1 Development will only be permitted where –**

- (a) *it can be demonstrated that such development can be carried out in a manner that minimises risks from natural hazards, functions efficiently and does not detract from the scenic quality of the land; and*

- (b) *such development is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations and the provision and quality of habitats for both indigenous and migratory species.*

5.36.2 *In satisfying 5.36.1 above, there is a general presumption that development shall be in a clustered form.*

5.36.3 *Subdivision will only be supported where –*

- (a) *there is no detrimental impact on the aesthetic, conservation or ecological values of the land and where the objective of retention of these values of the land in perpetuity will be achieved;*
- (b) *for a lot 40 hectares or greater at 7 September 1999, subdivision based on a ratio of one lot per 20 hectares, preferably in a clustered form;*
- (c) *for a lot less than 40 hectares at 7 September 1999, subdivision of one additional lot, preferably in a clustered form; and*
- (d) *the proposal is consistent with State Planning Policy No. 6.1 - Leeuwin-Naturaliste Ridge where applicable.*

5.36.4 *Clearing of any vegetation on the land will be prohibited, unless required for fire breaks, dwellings or associated outbuildings within defined building envelopes, or to allow for vehicular access to such buildings*

5.36.5 *Prior to subdivision, subdividers shall undertake a vegetation survey to identify rare, endangered or otherwise significant vegetation within the proposed building envelope and vehicle access areas, in addition to any other area of the lot as deemed appropriate by the local government, and provide for its appropriate conservation to the satisfaction of the Department of Biodiversity, Conservation and Attractions and the local government."*

- 2.4 Amending clause 5.38 (Special provisions relating to the Rural Landscape Zone) by inserting new subclauses 5.38.1 and 5.38.2 as follows and renumbering subsequent clauses accordingly:

*"5.38.1 Subdivision should incorporate a range of lots areas, with an average lot area of not less than 10 hectares and a minimum lot area of 5 hectares using conventional subdivision and providing greater flexibility for lots created by strata or survey strata subdivision, dependent upon the special physical and landscape characteristics of the land and only where it can be clearly established to be consistent with the objectives of the zone.*

*5.38.2 Where the keeping of livestock may be acceptable, stocking rates shall be controlled in order to avoid degradation and erosion of the landscape, and to ensure that the keeping of livestock does not occur where this would be inconsistent with the intent and objectives of the zone."*

2.5 Amending clause 5.39 (Special provisions relating to the Bushland Protection Zone) by:

(a) Modifying subclause 5.39.1 to read as follows:

*“5.39.1 Subdivision will only be supported where –*

- (a) there is no detrimental impact on the aesthetic, conservation or biodiversity values of the land and where the objective of retention of these values in perpetuity will be achieved;*
- (b) for lots less than 60 hectares, subdivision of one additional lot;*
- (c) for lots 60 hectares and greater, subdivision based on a ratio of one lot per 20 hectares with a maximum of 3 lots in total;*
- (d) for lots 60 hectares and greater and with a remnant vegetation cover of 50% or more of the total area of the lot, subdivision based on a ratio of one lot per 20 hectares with a maximum of 4 lots in total;*
- (e) a minimum lot area of 3 hectares is achieved;*
- (f) consistent with the Biodiversity Incentive Strategy for Private Land in the Busselton Shire, or the State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge, or other similar strategy as may be adopted by the local government and endorsed by the Commission in the future; and*
- (g) consistent with a Development Guide Plan adopted by local government and endorsed by the Commission.”*

(b) Inserting new subclauses 5.39.2 and 5.39.3 as follows and renumbering subsequent clauses accordingly:

*“5.39.2 No further subdivision of lots created pursuant to the objectives and policies of the Bushland Protection zone is permitted*

*5.39.3 Prior to subdivision, subdividers shall undertake a vegetation survey to identify rare, endangered or otherwise significant vegetation within the proposed building envelope and vehicle access areas, in addition to any other area of the lot as deemed appropriate by the local government, and provide for its appropriate conservation to the satisfaction of the Department of Parks and Wildlife Department of Biodiversity, Conservation and Attractions and the local government.”*

2.6 Inserting a new clause 5.20 to read as follows and renumbering subsequent clauses and clause references accordingly:

***“5.20 CONSOLIDATION AND FRAGMENTATION OF LAND IN THE CITY/TOWN CENTRE AND LOCAL/NEIGHBOURHOOD CENTRE ZONE***

*“The consolidation of land to assemble larger land parcels suitable for integrated development or redevelopment in the City/Town Centre and Local/Neighbourhood Centre zones is encouraged and supported. Fragmentation of land within these zones, unless it is part of an overall plan for integrated development or redevelopment, will generally not be supported.”*

- 2.7 Inserting a new clause 5.41 to read as follows:

***“5.41 DEVELOPMENT ALONG MAIN OR ARTERIAL ROADS***

*“Development which is likely to contribute to ribbon development, the spread of town centres, or otherwise detrimentally impact the efficiency of or the rural and natural ambience of main or arterial roads will not be supported by the local government.”*

**3. Terms Referred to in Scheme**

- 3.1 Amending Schedule 1 (Interpretations) by –

- a. Amending the following titles:

- i. “Caretaker’s Residence” to read “Caretaker’s Dwelling”;
- ii. “Jetty and Mooring Envelope” to read “Mooring Envelope”;
- iii. “Light Industry” to read “Industry – Light”;

and associated references throughout the Scheme accordingly, where, in relation to “Caretaker’s Dwelling”, references within the Scheme to “Caretaker/Staff Accommodation”, “Manager’s/Caretakers House”, “Manager’s Dwelling” and “Manager’s House” shall also be amended;

- b. Amending the following definitions to read:

- i. “‘*Amusement Parlour*’ means premises –
  - (a) that are open to the public; and
  - (b) that are used predominantly for amusement by means of amusement machines including computers; and
  - (c) where there are 2 or more amusement machines;”
- ii. “‘*Convenience Store*’ means premises –
  - (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
  - (b) operated during hours which include, but may extend beyond, normal trading hours; and
  - (c) the floor area of which does not exceed 300m<sup>2</sup> net lettable area;”
- iii. “‘*Display Home Centre*’ means one or more dwellings on the same lot or adjoining, or adjacent lots that are intended to be open for public inspections as examples of dwelling design;”

- iv. *“‘Educational Establishment’ means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;”*
- v. *“‘Home Occupation’ means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation —*
  - (a) *does not involve employing a person who is not a member of the occupier’s household; and*
  - (b) *will not cause injury to or adversely affect the amenity of the neighbourhood; and*
  - (c) *does not occupy an area greater than 20 m<sup>2</sup>; and*
  - (d) *does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and*
  - (e) *does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*
  - (f) *does not —*
    - (i) *require a greater number of parking spaces than normally required for a single dwelling; or*
    - (ii) *result in an increase in traffic volume in the neighbourhood; and*
  - (g) *does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*
  - (h) *does not include provision for the fuelling, repair or maintenance of motor vehicles; and*
  - (i) *does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;”*
- vi. *“‘Hospital’ means premises that are a hospital within the meaning given in the Health Services Act 2016 section 8(4);”*
- vii. *“‘Incidental development’, for development on land to which the R-Codes applies, shall have the meaning as provided for in the R-Codes, for all other development shall mean outbuildings (including sheds, garages, and freestanding structures enclosed more than 50%), verandahs, carports, patios, gazebos and similar structures, swimming pools, water tanks; and other structures incidental to a dwelling;”*
- viii. *“‘Industry’ means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —*
  - (a) *the storage of goods;*



- (b) the work of administration or accounting;
  - (c) the selling of goods by wholesale or retail;
  - (d) the provision of amenities for employees;
  - (e) incidental purposes;”
- ix. “‘*Lunch Bar*’ means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas and does not normally trade outside of normal business hours;”
- x. “‘*Marina*’ means –
- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
  - (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;
- xi. “‘*Marine Filling Station*’ means premises used for the storage and supply of liquid fuels and lubricants for marine craft;”
- xii. “‘*Motel*’ means premises, which may be licensed under the *Liquor Control Act 1988* —
- (a) used to accommodate guests in a manner similar to a hotel; and
  - (b) with specific provision for the accommodation of guests with motor vehicles;”
- xiii. “‘*Motor Vehicle Repair*’ means premises used for or in connection with —
- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
  - (b) repairs to tyres other than recapping or re-treading of tyres;”
- xiv. “‘*Office*’ means premises used for administration, clerical, technical, professional or similar business activities;”
- xv. “‘*Restricted Premises*’ means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —
- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; or

- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
  - (c) smoking-related implements;”
- xvi. “‘*Shop*’ means premises other than a bulky goods showroom, used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
- xvii. “‘*Tavern*’ means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;”
- xviii. “‘*Transport Depot*’ means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —
  - (a) any ancillary maintenance or refuelling of those vehicles; and
  - (b) any ancillary storage of goods brought to the premises by those vehicles; and
  - (c) the transfer of goods or persons from one vehicle to another;”
- c. Amending the following titles and definitions:
  - i. ‘Caravan Park & Camping Grounds’ to read:

“‘*Caravan Park*’ means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);”
  - ii. ‘Child Care Centre’ to read:

“‘*Child Care Premises*’ means premises where —

    - (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
    - (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;”
  - iii. ‘Club’ to read:

“‘*Club Premises*’ means premises used by a legally constituted club or association or other body of persons united by a common interest;”
  - iv. ‘Community Centre’ to read:

“‘*Community Purpose*’ means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;”
  - v. ‘Extractive Industry’ to read:

“‘*Industry – Extractive*’ means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;”

vi. ‘Liquid Fuel Depot’ to read:

“‘*Fuel Depot*’ means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;”

vii. ‘Major Road Frontage’ to read:

“‘*Frontage*’, in relation to a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;”

viii. ‘Mineral Resource Development’ to read:

“‘*Mining Operations*’ means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out;”

ix. ‘Motor Vehicle and Marine Sales Premises’ to read:

“‘*Motor Vehicle, Boat or Caravan Sales*’ means premises used to sell or hire motor vehicles, boats or caravans;”

x. ‘Plant Nursery’ to read:

“‘*Garden Centre*’ means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;”

xi. ‘Private Recreation’ to read:

“‘*Recreation – Private*’ means premises that are —

- (a) used for indoor or outdoor leisure, recreation or sport; and

(b) not usually open to the public without charge;”

xii. ‘Professional Consulting Rooms’ to read:

“‘*Consulting Rooms*’ means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;”

xiii. ‘Restaurant’ to read:

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

xiv. ‘Warehouse’ to read:

“‘*Warehouse/Storage*’ means premises including indoor or outdoor facilities used for —

(a) the storage of goods, equipment, plant or materials; or

(b) the display or sale by wholesale of goods;”

and associated references throughout the Scheme accordingly;

d. Inserting the following new definitions:

i. “‘*Art Gallery*’ means premises —

(a) that are open to the public; and

(b) where artworks are displayed for viewing or sale;”

ii. “‘*Car Park*’ means premises used primarily for parking vehicles whether open to the public or not but does not include —

(a) any part of a public road used for parking or for a taxi rank; or

(b) any premises in which cars are displayed for sale;”

iii. “‘*Cinema/Theatre*’ means premises where the public may view a motion picture or theatrical production;”

iv. “‘*Funeral Parlour*’ means premises used —

(a) to prepare and store bodies for burial or cremation;

(b) to conduct funeral services;”

v. “‘*Motor Vehicle Wash*’ means premises primarily used to wash motor vehicles;”

- vi. *“Nightclub”* means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;
- vii. *“Resource Recovery Centre”* means premises other than a waste disposal facility used for the recovery of resources from waste;
- viii. *“Small Bar”* means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;
- ix. *“Telecommunications Infrastructure”* means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;
- x. *“Waste Disposal Facility”* means premises used –
  - (a) for the disposal of waste by landfill; or
  - (b) the incineration of hazardous, clinical or biomedical waste;
- xi. *“Waste Storage Facility”* means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;
- e. Removing the use class definitions for “Grouped Dwelling”, “Multiple Dwelling”, “Residential Building” and “Single House”, while retaining permissibilities within the Zoning Table and references within the Scheme;
- f. Removing the following obsolete or out-dated definitions and associated permissibilities and references throughout the Scheme where relevant:
 

<ul style="list-style-type: none"> <li>i. “The Act”;</li> <li>ii. Advertisement;</li> <li>iii. Amusement Machine;</li> <li>iv. Applicant;</li> <li>v. Boarding House;</li> <li>vi. Boatel;</li> <li>vii. Building;</li> <li>viii. Bulk Store;</li> <li>ix. Bulky Goods;</li> <li>x. Bus Station;</li> <li>xi. Chandlery;</li> <li>xii. Communal or Cluster Farming;</li> <li>xiii. Conservation Tourism;</li> <li>xiv. Display Home;</li> <li>xv. Dry Industry;</li> <li>xvi. Dwelling;</li> <li>xvii. Generating Works;</li> <li>xviii. Manager’s Residence;</li> </ul>	<ul style="list-style-type: none"> <li>xix. Marine Facilities;</li> <li>xx. Natural Ground Level;</li> <li>xxi. Offensive and Hazardous Industry;</li> <li>xxii. Owner;</li> <li>xxiii. Place;</li> <li>xxiv. Place of Assembly;</li> <li>xxv. Public Utility;</li> <li>xxvi. Recreation Facility;</li> <li>xxvii. Retirement Village;</li> <li>xxviii. Rural Worker’s Dwelling;</li> <li>xxix. Salvage Yard;</li> <li>xxx. Sawmill;</li> <li>xxxi. Service Industry;</li> <li>xxxii. Stabilised Surface Level of a Lot;</li> <li>xxxiii. Stock &amp; Sale Yard;</li> <li>xxxiv. Timber Yard;</li> <li>xxxv. Waterway Frontage;</li> </ul>
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- g. Rearranging the Schedule into two parts, being “Division 1 – General definitions used in Scheme” and “Division 2 – Land use terms used in Scheme”, whereby:

i. The following terms are to be included in Division 1:

Canal Frontage	Mean High Water Mark
Commission	Mooring Envelope
Council	Net Lettable Area
Dam	Prime Agricultural Land
Discount Department Store	Research and Development Facility
Entry Statement	Rural Tourist Accommodation
Floodway	Stabilised Canal Edge
Frontage	Supermarket
Gazettal Date	Vegetation
Incidental Development	

ii. The following terms are to be included in Division 2:

Abattoir	Lunch Bar
Aged Persons' Home	Marina
Agriculture – Extensive	Marine Filling Station
Agriculture – Intensive	Market
Amusement Parlour	Medical Centre
Animal Establishment	Mining Operations
Animal Husbandry – Intensive	Motel
Aquaculture	Motor Vehicle, Boat or Caravan
Bed and Breakfast	Sales
Brewery	Motor Vehicle Repair
Bus Depot	Motor Vehicle Wash
Caravan Park	Nightclub
Car Park	Office
Cinema/Theatre	Park Home Park
Chalet	Place of Worship
Child Care Premises	Produce Sales
Club Premises	Reception Centre
Community Purpose	Recreation Establishment
Consulting Rooms	Recreation – Private
Convenience Store	Research Establishment
Corner Shop	Resource Recovery Centre
Educational Establishment	Restaurant/Café
Exhibition Centre	Restricted Premises
Factory Unit Building	Rural Holiday Resort
Fuel Depot	Rural Pursuit/Hobby Farm
Funeral Parlour	Service Station
Garden Centre	Shop
Guesthouse	Showroom
Holiday Home (Multiple/Grouped Dwelling)	Small Bar
Holiday Home (Single House)	Takeaway Food Outlet
Home Business	Tavern
Home Occupation	Telecommunications Infrastructure
Home Office	Tourist Accommodation
Hospital	Transport Depot
Hotel	Tree Farm
Industry	Veterinary Centre
Industry – Cottage	Warehouse/Storage
Industry – Extractive	Waste Disposal Facility
	Waste Storage Facility

Industry – Light  
Industry – Primary Production

Wind Farm  
Winery

### 3.2 Amending the Zoning Table to read as follows:

Zone / Use Class	Residential	City/Town Centre	Local /Neighbourhood Centre	Service Commercial	Tourism	Light Industry	General Industry	Rural	Viticulture and Tourism	Rural Residential	Rural Landscape	Conservation	Bushland Protection	Special Use	Vasse Development	Deferred Vasse Development
Abattoir	X	X	X	X	X	A	D	A	X	X	X	X	X	In accordance with clause 4.6.1	In accordance Schedule 11, clause 1.7.3	In accordance with Clause 4.2.14 (b) and clause 4.6.3
Aged Persons Home	D	X	X	X	X	X	X	A	X	X	X	X	X			
Agriculture – Extensive	X	X	X	X	X	X	X	P	P	A	D	D	D			
Agriculture – Intensive	X	X	X	X	X	X	X	P	P	X	X	X	X			
Amusement Parlour	X	P	P	D	D	D	D	X	X	X	X	X	X			
Ancillary Accommodation	P	D	D	X	X	X	X	P	P	P	D	D	D			
Animal Establishment	X	X	X	X	X	X	X	D	D	A	A	X	X			
Animal Husbandry – Intensive	X	X	X	X	X	X	X	D	D	X	X	X	X			
Aquaculture	X	X	X	X	X	D	D	D	D	A	A	A	X			
Bed and Breakfast	D	D	D	X	P	X	X	D	D	D	D	D	D			
Brewery	X	A	A	A	A	D	D	A	A	X	X	X	X			
Bus Depot	X	X	X	D	X	D	D	D	X	X	X	X	X			
Car Park	X	D	D	D	X	D	D	X	X	X	X	X	X			
Caravan Park	A	X	X	X	D	X	X	A	A	X	X	X	X			
Cinema/Theatre	X	D	D	D	X	X	X	X	X	X	X	X	X			
Chalet	X	X	X	X	D	X	X	D	D	X	A	A	X			
Child Care Premises	A	D	D	D	A	X	X	D	A	A	X	X	X			
Club Premises	X	D	D	D	D	X	X	A	A	X	X	X	X			
Community Purpose	A	P	P	D	D	D	D	D	A	A	X	X	X			
Consulting Rooms	A	P	P	P	X	X	X	X	X	X	X	X	X			
Convenience Store	X	P	P	D	D	D	D	X	X	X	X	X	X			
Corner Shop	A	P	P	P	X	D	D	A	A	A	X	X	X			
Display Home Centre	D	X	X	X	X	X	X	X	X	D	X	X	X			
Educational Establishment	A	P	P	D	X	D	D	D	D	D	X	X	X			
Exhibition Centre	X	A	A	A	A	X	X	A	A	X	X	X	X			
Factory Unit Building	X	X	X	D	X	P	P	X	X	X	X	X	X			
Fuel Depot	X	X	X	X	X	P	P	X	X	X	X	X	X			
Funeral Parlour	X	D	D	D	X	D	X	X	X	X	X	X	X			
Garden Centre	X	A	A	A	X	D	X	D	D	A	X	X	X			
Grouped Dwelling	D	D	D	X	X	X	X	X	X	X	X	X	X			
Guesthouse	X	D	D	X	D	X	X	A	A	A	A	A	X			
Holiday Home (Multiple/Grouped Dwelling)	A	A	A	X	X	X	X	X	X	X	X	X	X			
Holiday Home (Single House)	D*	D*	D*	X	X	X	X	D*	D*	D*	D*	D*	D*			

Home Business	D	P	P	X	X	X	X	P	P	P	A	A	A
Home Occupation	P	P	P	X	P	X	X	P	P	P	P	P	P
Hospital	A	D	D	D	X	X	X	A	A	X	A	X	X
Hotel	X	A	A	A	A	X	X	A	A	X	X	X	X
Industry	X	X	X	X	X	D	D	X	X	X	X	X	X
Industry – Cottage	X	X	X	X	D	X	X	P	P	A	D	A	A
Industry – Extractive	X	X	X	X	X	A	A	A	X	X	X	X	X
Industry – Light	X	X	X	D	X	P	P	X	X	X	X	X	X
Industry – Primary Production	X	X	X	X	X	D	D	D	D	X	X	X	X
Lunch Bar	X	X	X	D	X	D	D	X	X	X	X	X	X
Marina	X	D	D	D	D	D	D	X	X	X	X	X	X
Marine Filling Station	X	D	D	D	D	D	D	X	X	X	X	X	X
Market	X	D	D	D	A	D	D	D	D	A	X	X	X
Medical Centre	A	P	P	D	X	D	D	X	X	X	X	X	X
Mining Operations	X	X	X	X	X	A	A	A	X	X	X	X	X
Motel	X	A	A	A	D	X	X	X	X	X	X	X	X
Motor Vehicle, Boat or Caravan Sales	X	D	D	P	X	P	P	X	X	X	X	X	X
Motor Vehicle Repair	X	X	X	D	X	P	P	X	X	X	X	X	X
Motor Vehicle Wash	X	D	D	D	X	D	D	X	X	X	X	X	X
Multiple Dwelling	D	D	D	X	X	X	X	X	X	X	X	X	X
Nightclub	X	A	X	X	A	X	X	X	X	X	X	X	X
Office	X	P	P	X	X	X	X	X	X	X	X	X	X
Park Home Park	A	X	X	X	D	X	X	X	X	X	X	X	X
Place of Worship	A	D	D	D	X	D	X	A	A	A	X	X	X
Produce Sales	X	X	X	X	X	X	X	D	D	A	A	A	X
Reception Centre	X	D	D	D	D	X	X	A	A	X	X	X	X
Recreation Establishment	X	X	X	X	D	X	X	D	D	X	A	A	X
Recreation – Private	X	D	D	D	D	D	X	D	A	A	A	A	X
Repurposed Dwelling	D	D	D	X	X	X	X	D	D	D	D	D	D
Research Establishment	X	D	D	D	X	D	D	D	X	X	X	X	X
Residential Building	A	X	X	X	D	X	X	A	A	X	X	X	X
Resource Recovery Centre	X	X	X	X	X	X	A	X	X	X	X	X	X
Restaurant/Cafe	X	P	P	D	D	X	X	D	D	A	X	X	X
Restricted Premises	X	D	D	D	X	X	X	X	X	X	X	X	X
Rural Holiday Resort	X	X	X	X	D	X	X	X	A	X	X	X	X
Rural Pursuit/Hobby Farm	X	X	X	X	X	X	X	P	P	A	A	X	X
Second-hand Dwelling	D	D	D	X	X	X	X	D	D	D	D	D	D
Service Station	X	D	D	D	X	D	D	A	X	X	X	X	X
Shop	X	P	P	X	X	X	X	X	X	X	X	X	X
Showroom	X	P	P	P	X	D	X	X	X	X	X	X	X
Single House	P	D	D	X	X	X	X	P	P	P	P	P	P
Small Bar	X	D	A	A	D	A	X	A	A	X	X	X	X
Takeaway Food Outlet	X	A	A	A	A	X	X	X	X	X	X	X	X
Tavern	X	A	A	A	A	A	X	A	A	X	X	X	X

In accordance with clause 4.6.1

In accordance Schedule 11, clause 1.7.3

In accordance with Clause 4.2.14 (b) and clause 4.6.3



Telecommunications Infrastructure	A	A	A	D	A	D	D	A	A	A	A	X	X			
Tourist Accommodation	X	D	D	X	D	X	X	X	A	X	X	X	X			
Transport Depot	X	D	D	D	X	D	D	X	X	X	X	X	X			
Tree Farm	X	X	X	X	X	X	X	D	D	X	X	X	X			
Veterinary Centre	X	D	D	P	X	D	X	A	A	X	X	X	X			
Warehouse/Storage	X	D	D	P	X	P	P	X	X	X	X	X	X			
Waste Disposal Facility	X	X	X	X	X	X	A	X	X	X	X	X	X			
Waste Storage Facility	X	X	X	X	X	X	A	X	X	X	X	X	X			
Wind Farm	X	X	X	X	X	X	X	A	A	X	X	X	X			
Winery	X	D	D	D	A	P	X	D	D	X	A	X	X			

3.3 Amending subclause 4.5.3(d) (Exceptions to the Zoning Table) to delete the words “*or motor vehicle and marine sales*”.

3.4 Delete subclauses 4.5.4(f) and (g) (Exceptions to the Zoning Table) and renumber subsequent clauses accordingly.

#### 4. City and Town Centre Zone provisions

4.1 Amending clause 5.20 (Development in the Business Zone) to read as follows –

##### ***“5.20 DEVELOPMENT IN THE CITY/TOWN CENTRE ZONE***

*5.20.1 Development within the City/Town Centre zone shall demonstrate adherence to the following design principles –*

- (a) Context and character*
- (b) Landscape quality*
- (c) Built form and scale*
- (d) Functionality and build quality*
- (e) Sustainability*
- (f) Amenity*
- (g) Legibility*
- (h) Safety*
- (i) Community*
- (j) Aesthetics*

*5.20.2 Development within the City/Town Centre zone shall address the following provisions, unless otherwise identified in an endorsed Activity Centre Plan:*

- (a) No residential uses shall be permitted at ground floor fronting Queen Street and Prince Street, Busselton and Dunn Bay Road and Naturaliste Terrace, Dunsborough;*
- (b) A nil front setback is to be provided to the development, unless otherwise designated in an Activity Centre Plan, or the development is providing for an associated alfresco space within the setback;*
- (c) Buildings shall be articulated to break up perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage;*

- (d) At the ground floor level, developments shall address the street with a primary business entrance and a shop front façade;*
- (e) Ground floor commercial uses shall incorporate transparent glazing for 70% of all building frontages to adjacent streets;*
- (f) Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;*
- (g) A minimum ceiling height of 3.3 metres shall be achieved for the ground floor level, whilst all other floors shall achieve a minimum ceiling height of 2.7 metres;*
- (h) Roller doors or screens of solid material on shop fronts will not be permitted, security measures should be located and installed internally behind the glazing line;*
- (i) Pedestrian shelter, through the provision of a verandah, awning or the like, shall be provided over the public footpath for the full width of the lot frontage;*
- (j) No vehicle accessways or carparking shall be provided between buildings and the street, or be visible from the street, unless required to provide access to car parking or loading areas behind buildings;*
- (k) No vehicular access to sites shall be taken from Queen Street, Prince Street or Kent Street (between Queen Street and Brown Street), Busselton or Dunn Bay Road or Naturaliste Terrace, Dunsborough, unless no alternative is available, in which case a single crossover width shall be no greater than 5 metres with a cumulative maximum width of 7 metres;*
- (l) Vehicle crossovers and driveways shall be co-located wherever possible with adjoining properties;*
- (m) Vehicle access to developments shall be designed in a way which minimises potential pedestrian/vehicular conflict, clearly recognising the primacy of pedestrian amenity;*
- (n) Multi-storey car parks shall incorporate interactive street frontages, such as shops or other uses that promote activity and where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors;*
- (o) General plant, such as air-conditioning, television antennas, bins, hot water storage tanks, rain water tanks, satellite dishes and the like are to be adequately concealed and screened from the street or public view;*
- (p) Where land is zoned 'City/Town Centre' and is designated a residential density coding of R-AC3 the maximum plot ratio shall be*

1.5, except for where the following incentives for mixed use development apply:

- (i) *Where residential or short-stay accommodation uses represent more than 25% of the plot ratio area of a proposed mixed use development, the maximum allowable plot ratio area may be 2.0; or*
- (ii) *Where a development incorporates a Restaurant/Café, Tavern or other similar use that will provide for informal social interaction the maximum allowable plot ratio area for the remainder of the development may be 2.0; and*
- (iii) *The plot ratio incentives set out in sub-clauses (a) and (b) above may be combined, provided that the total plot ratio area does not exceed 3.0.*

(q) *Signage and advertising shall not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally;*

- 4.2 Inserting a new clause 5.5.2(b) (Variations to site and development standards and requirements) as follows:

*“(b) Drive-through facilities in the Drive-through Facility Exclusion Area, as specified by clause 6.13.”*

- 4.3 Modifying clause 6.1.1 (Operation of Special Control Areas) by including a new Area - “Drive-through Facility Exclusion” after the Development Contribution Area as listed.

- 4.4 Inserting a new clause 6.13 as follows and renumbering subsequent clauses and clause references accordingly:

**“6.13 DRIVE-THROUGH FACILITY EXCLUSION AREA**

*Drive-through facilities shall not be approved in the Drive-through Facility Exclusion Area.”*

- 4.5 Amending Schedule 1 (Interpretations) by inserting the following new definition:

*“‘Drive-through facility’ means a facility or development involving vehicles entering a site, such as shop, takeaway food outlet or development with fuel bowsers, whereby a product or service is sold or provided direct to customers or patrons driving or seated in a motor vehicle and also includes the provision of fuel to motor vehicles or a Motor Vehicle Wash.”*

- 4.6 Amending the Scheme map to apply the ‘Drive-through Facility Exclusion Area’ to the Busselton City Centre as depicted on the Scheme Amendment map, being:

- (a) Land being rezoned to ‘City/Town Centre’ bound by West Street, Marine Terrace, Brown Street, Harris Road and Albert Street, Busselton; and
- (b) Land bound by Brown Street, Peel Terrace, Cammilleri Street and Harris Road, Busselton;

And subject to the following exclusions:

- (a) Lots 15 (3), 150 (5), 381(7), 110(9), 454 (11), 453 (15), 9 (17), 19 (10), 11 (23), 120 (25), 391 (27), 7 (37), 8 (39), 10 (41) and portion of Lot 26 (45) Albert Street, Busselton;
  - (b) Portion of Lot 170 (56) Prince Street, Busselton.
- 4.7 Amending the Scheme map to apply the 'Drive-through Facility Exclusion Area' to the Dunsborough Town Centre as depicted on the Scheme Amendment map, being:
- (a) Land being rezoned to 'City/Town Centre' and bound by Cape Naturaliste Road, Reserve 42673, Reserve 35758, Reserve 26513, Chieftain Crescent, Seymour Boulevard and Caves Road and excluding portion of Lot 1 (No. 61), portion of Lot 1 (No. 64) and Lot 2 (No. 64) Dunn Bay Road, Dunsborough.

## **5. Additional clauses to align to Model Provisions**

- 5.1 Amending clause 4.4 (Interpretation of the Zoning Table) to read as follows:

### ***"4.4 INTERPRETATION OF THE ZONING TABLE***

*4.4.1 A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.*

*4.4.2 The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –*

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone."*

- 5.2 Modifying clause 5.5 (Variations to site and development standards and requirements) by:

- (a) Replacing subclauses 5.5.1, 5.5.3 and 5.5.4 with the following:

*"5.5.1 Except for development in respect of which the R-Codes apply, the local government may approve an application for a development approval that does not comply with an additional site and development requirements."*

*"5.5.2 An approval under subclause 5.5.1 may be unconditional or subject to any conditions the local government considers appropriate."*

*"5.5.4 If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the*

*development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –*

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and*
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.”*

*“5.5.5 The local government may only approve an application for development approval under this clause if the local government is satisfied that –*

- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

- (b) Renumbering existing subclause 5.5.2 to 5.5.3.

## **6. Review of Rural Residential areas**

- 6.1 Inserting Special Provision No. 63 as follows, and amend the Scheme maps accordingly:

No.	Particulars of land	Zone	Special Provisions
63	Land bound by the Busselton Bypass in the north, Queen Elizabeth Avenue to the east and Rendezvous Road to the south; and with Lots 44 to 50 Belltonia Way, and Lot 348 Rendezvous Road, forming the western boundary.	Rural Residential	<ol style="list-style-type: none"> <li>1. An Overall Structure Plan (OSP) shall be prepared for the Special Provision area, which shall determine as a minimum, indicative layout, residential density, strategic road integration and public open space provision.</li> <li>2. The OSP shall identify precincts for which further detailed structure planning is required prior to any consideration for subdivision approval.</li> <li>3. Subdivision of land shall be generally in accordance with a Detailed Structure Plan for the land approved by the Western Australian Planning Commission pursuant to Schedule 2 (Deemed Provisions) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> <li>4. Immediately following subdivision, a Scheme amendment is to be initiated by the proponent to rezone the land in accordance with the approved detailed structure plan.</li> </ol>

- 6.2 Amending the Scheme maps as depicted on the Scheme Amendment maps and as follows:
- (a) Rezoning Lots 301 to 304 and Lot 311 Carnarvon Castle Drive and Lots 305 to 310 Vixen Close, Eagle Bay from 'Rural Residential' to 'Residential R2.5';
  - (b) Rezoning Lot 2000 Okapa Rise, Dunsborough from 'Rural Residential' to 'Recreation Reserve';
  - (c) Rezoning Lots 2001 and 2002 Okapa Rise, Dunsborough - Rezone from 'Rural Residential' to 'no zone';
  - (d) Rezoning Lots 91 to 95, 401 to 405 Sloan Drive, Lots 96 to 101 Sapphire Place, Lots 406 and 407, Lots 412 to 418, Lots 420 to 421 Okapa Rise, and Lots 408 and 9000 Capstone Close, Dunsborough from 'Rural Residential' to 'Residential R2.5'; and
  - (e) Rezoning Lots 422 to 432 Okapa Rise, Dunsborough from 'Rural Residential' to 'Residential R2'.
- B. Pursuant to the Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), determine that Amendment 29 is a standard amendment in accordance with r.34(b) of the Regulations as it:
- i. Proposes to amend the Scheme text so that it is consistent with the model provisions in Schedule 1 of the Regulations.
  - ii. The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
  - iii. The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
- C. 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 prior to advertising of the draft Amendment.

**ALTERNATIVE RECOMMENDATION****C1712/336**

Moved Councillor R Paine, seconded Councillor K Hick

*(incorporates the changes proposed by officers in their amended recommendation, which are shown in red, and the further change proposed by Cr Paine, shown in blue)*

**PART A:**

That the Council –

1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 35 to the City of Busselton Local Planning Scheme 21 for the purposes of amending Schedule 1 (Interpretations) by –
  - a. Amending the following definitions to read:
    - i. “‘*Amusement Parlour*’ means premises –
      - (a) that are open to the public; and
      - (b) that are used predominantly for amusement by means of amusement machines including computers; and
      - (c) where there are 2 or more amusement machines;”
    - ii. “‘*Convenience Store*’ means premises –
      - (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
      - (b) operated during hours which include, but may extend beyond, normal trading hours; and
      - (c) the floor area of which does not exceed 300m<sup>2</sup> net lettable area;”
    - iii. “‘*Educational Establishment*’ means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;”
    - iv. “‘*Hospital*’ means premises that are a hospital within the meaning given in the *Health Services Act 2016* section 8(4);”
    - v. “‘*Marine Filling Station*’ means premises used for the storage and supply of liquid fuels and lubricants for marine craft;”
    - vi. “‘*Motel*’ means premises, which may be licensed under the *Liquor Control Act 1988* –
      - (a) used to accommodate guests in a manner similar to a hotel; and
      - (b) with specific provision for the accommodation of guests with motor vehicles;”
    - vii. “‘*Motor Vehicle Repair*’ means premises used for or in connection with –
      - (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or

- (b) repairs to tyres other than recapping or re-treading of tyres;”
- viii. “‘Office’ means premises used for administration, clerical, technical, professional or similar business activities;”
- ix. “‘Restricted Premises’ means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —
  - (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; or
  - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
  - (c) smoking-related implements;”
- x. “‘Tavern’ means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;”
- xi. “‘Transport Depot’ means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —
  - (a) any ancillary maintenance or refuelling of those vehicles; and
  - (b) any ancillary storage of goods brought to the premises by those vehicles; and
  - (c) the transfer of goods or persons from one vehicle to another;”
- b. Amending the following titles and definitions:
  - i. ‘Caravan Park & Camping Grounds’ to read:

“‘Caravan Park’ means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);”
  - ii. ‘Child Care Centre’ to read:

“‘Child Care Premises’ means premises where —

    - (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
    - (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;”
  - iii. ‘Club’ to read:

“‘Club Premises’ means premises used by a legally constituted club or association or other body of persons united by a common interest;”



iv. 'Community Centre' to read:

“‘*Community Purpose*’ means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;”

v. 'Extractive Industry' to read:

“‘*Industry – Extractive*’ means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

(a) the processing of raw materials including crushing, screening, washing, blending or grading;

(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;”

vi. 'Liquid Fuel Depot' to read:

“‘*Fuel Depot*’ means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —

(a) as a service station; or

(b) for the sale of fuel by retail into a vehicle for use by the vehicle;”

vii. 'Mineral Resource Development' to read:

“‘*Mining Operations*’ means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out;”

viii. 'Plant Nursery' to read:

“‘*Garden Centre*’ means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;”

ix. 'Restaurant' to read:

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

x. 'Warehouse' to read:

“‘*Warehouse/Storage*’ means premises including indoor or outdoor facilities used for —

(a) the storage of goods, equipment, plant or materials; or

(b) the display or sale by wholesale of goods;”

and associated references throughout the Scheme accordingly.

2. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), determine that Amendment 35 is a basic amendment in accordance with r.34(b) of the Regulations as it proposes to amend the Scheme text so that it is consistent with the model provisions in Schedule 1 of the Regulations.
3. Authorise Council officers to prepare the scheme amendment documentation.
4. Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
5. Pursuant to Section 81 of the *Planning and Development Act 2005*, refers Amendment 35 to the Environmental Protection Authority;
6. Pursuant to Regulation 58 of the Regulations, provides Amendment 35 to the Western Australian Planning Commission.

#### PART B:

That the Council –

- I. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 29 to the City of Busselton Local Planning Scheme 21 for community consultation, for the purposes of:

##### **1. Alignment of Zones**

- 1.1 Amending the Scheme by retitling the zone names as follows and, unless specifically mentioned within this resolution, subsequent references throughout the Scheme:

- (a) The “Business” zone to “City/Town Centre” zone and “Local/Neighbourhood Centre” zone;
- (b) The “Restricted Business” zone to “Service Commercial” zone;
- (c) The “Tourist” zone to “Tourism” zone;
- (d) The “Industrial” zone to “Light Industry” zone and “General Industry” zone;
- (e) The “Agriculture” zone to “Rural” zone;
- (f) The “Special Purpose” zone to “Special Use” zone;

- 1.2 Amending the Scheme Maps by:

- (a) Rezoning all land within the Busselton City Centre to “City/Town Centre” zone as depicted on the Scheme Amendment map, being:
  - (i) All land currently zoned “Business” and bound by Marine Terrace, Brown Street, Peel Terrace and West Street;

- (ii) The portion of Lot 73 Peel Terrace, Busselton currently zoned Business;
- (iii) Lots 74 and 75 Peel Terrace, Lot 1 (No. 69) Adelaide Street, and Lot 2 (No. 9) Brown Street, Busselton;
- (b) Rezoning all land within the Dunsborough Town Centre to “City/Town Centre” zone as depicted on the Scheme Amendment map, being all land currently zoned “Business” and bound by Cape Naturaliste Road, Reserve 42545, Reserve 35758, Reserve 26513, Chieftain Crescent and Caves Road;
- (c) Rezoning Lot 1001 Switchback Parade, West Busselton from “Restricted Business” to “Local/Neighbourhood Centre” as depicted on the Scheme Amendment map;
- (d) Other than Lot 1001 Switchback Parade, West Busselton, identifying all land currently within the “Restricted Business” zone as being within the “Service Commercial” zone;
- (e) Identifying all land currently within the “Tourist” zone as being within the “Tourism” zone;
- (f) Identifying all land currently within the “Industrial” zone as being within the “Light Industry” zone;
- (g) Identifying all land currently within the “Agriculture” zone as being within the “Rural” zone;
- (h) Rezoning Lot 1 (No. 16) Hobson Street, Geographe and Lot 441 (No. 29A) Avocet Boulevard, Geographe from “Special Purpose” zone to “Public Purpose - Water” Reserve;
- (i) Other than Lot 1 (No. 16) Hobson Street, Geographe and Lot 441 (No. 29A) Avocet Boulevard, Geographe, identifying all land currently within the “Special Purpose” zone as being within the “Special Use” zone, with the following labels:

All land within the “Special Purpose” Zone and labelled with the acronym	being identified with the label
“APH”	“1”
“BDA”	“2”
“BF”	“3”
“BRA”	“4”
“CPK” or “C/CPK”	“5”
“CC”	“6”
“CECH”	“7”
“COM”	“8”
“CS”	“9”
“EE” or “PS”	“10”
“H”	“11”
“HA”	“12”
“HL”	“13”
“HP”	“14”
“RP” or “BP”	“15”
“SST”	“16”
“SSTPN”	“17”
“TE”	“18”

"WD"	"19"
"WFS"	"20"
'no label'	"21"
"AADA"	"22"
"ANDA"	"23"
"DLDA"	"24"
"HLDA"	"25"
"OBFDA"	"26"
"YD"	"27"
"YDD"	"28"
"YID"	"29"

1.3 Amending clause 4.9 (Special Purpose Zone) to read as follows:

**"4.9 SPECIAL USE ZONES"**

4.9.1 Schedule 5 sets out:

- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
- (b) the classes of special uses that are permissible in that zone; and
- (c) the conditions that apply in respect of the special uses.

4.9.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the class of use that is permissible in that zone and subject to the conditions that apply to that use."

1.4 Introducing a new Schedule 5 as provided below, and renumber the remaining Schedules and Schedule references accordingly:

**SCHEDULE 5 – SPECIAL USES**

[cl. 4.9]

No.	Description of land	Special Use	Conditions
1.	As identified on the Scheme map	Aged Person Housing	Nil.
2.	As identified on the Scheme map	Broadwater Development Area	Development must be in accordance with the requirements of the Broadwater Development Area and Special Provision 57.
3.	As identified on the Scheme map	Busselton Foreshore	Development must be in accordance with Special Provision No. 44.
4.	As identified on the Scheme map	Busselton Regional Airport	Nil.
5.	As identified on the Scheme map	Caravan Park	Nil.
6.	As identified on the Scheme map	Child Care	Nil.
7.	As identified on the Scheme map	Church Site, Educational Establishment, Child Care and Hall	Nil.

8.	As identified on the Scheme map	Community Purposes	Nil.
9.	As identified on the Scheme map	Church Site	Nil.
10.	As identified on the Scheme map	Educational Establishment	Nil.
11.	As identified on the Scheme map	Hotel	Nil.
12.	As identified on the Scheme map	Hall	Nil.
13.	As identified on the Scheme map	Hostel	Nil.
14.	As identified on the Scheme map	Historical Precinct	Nil.
15.	As identified on the Scheme map	Road Purposes	Nil.
16.	As identified on the Scheme map	Service Station	Nil.
17.	As identified on the Scheme map	Service Station/Plant Nursery	Nil.
18.	As identified on the Scheme map	Telephone Exchange	Nil.
19.	As identified on the Scheme map	Waste Disposal	Nil.
20.	As identified on the Scheme map	Waterfowl Study	Nil.
21.	As identified on the Scheme map	Blank	Nil.
22.	As identified on the Scheme map	Ambergate Automotive Development Area	Development must be in accordance with Special Provisions 47 and 48.
23.	As identified on the Scheme map	Ambergate North Development Area	Development must be in accordance with Special Provision 39.
24.	As identified on the Scheme map	Dunsborough Lakes Development Area	Development must be in accordance with Special Provision 42.
25.	As identified on the Scheme map	Heron Lake Development Area	Development must be in accordance with Special Provision 55.
26.	As identified on the Scheme map	Old Broadwater Farm Development Area	Development must be in accordance with Special Provision 43.
27.	As identified on the Scheme map	Yalyalup Development	Development must be in accordance with Special Provision 23.
28.	As identified on the Scheme map	Yalyalup Deferred Development	Development must be in accordance with Special Provision 23.
29.	As identified on the Scheme map	Yalyalup Industrial Development	Development must be in accordance with Special Provision 36.

#### 1.5 Amending Part 5 (General Development Requirements) of the Scheme by:

- (a) Amending subclause 5.16.1(b) (Corner Shop) by replacing the words “in the case of a rural area or land in a rural zone” with “in the case of land in the Rural, Viticulture and Tourism and Rural Residential zones”;

- (b) Amending clause 5.29 (Development of dams in rural areas) by removing the words “in rural areas” from within the title and “In rural zones” from within the clause;
- (c) Amending clause 5.31 (Ancillary Accommodation in rural areas) by replacing the words “a rural zone” with “the Rural, Viticulture and Tourism, Rural Residential, Rural Landscape, Conservation or Bushland Protection zone”.

## 2. Objectives of the Zones

2.1 Amending clause 4.2 (Objectives and Policies of the Zones) to read as follows:

### “4.2 ZONE OBJECTIVES

*The objectives of each zone are as follows –*

Zone name	Objectives
<b>Residential</b>	<ul style="list-style-type: none"> <li>a. To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>b. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>c. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
<b>City/Town Centre</b>	<ul style="list-style-type: none"> <li>a. To provide a genuine centre of community life, socially, culturally and economically.</li> <li>b. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</li> <li>c. To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses.</li> <li>d. To provide for medium to high density residential development.</li> </ul>
<b>Local/Neighbourhood Centre</b>	<ul style="list-style-type: none"> <li>a. To provide for development at a scale sufficient to serve the Centre’s catchment, but not detract from the commercial primacy of the City/Town Centre zone.</li> <li>b. Providing for limited expansion of existing smaller centres to ensure access to services at a local level and building neighbourhood identity.</li> <li>c. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</li> <li>d. To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses.</li> </ul>
<b>Service Commercial</b>	<ul style="list-style-type: none"> <li>a. To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.</li> <li>b. To provide for a range of wholesale sales, showrooms,</li> </ul>

	<p>trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in the Centre zones.</p> <p>c. To provide for development which will not result in a detrimental impact on surrounding commercial centres and has regard to the strategic importance and need to maintain the commercial primacy of the City/Town Centre zone.</p> <p>d. To restrict development which is likely to contribute to ribbon development, the spread of centres, or otherwise detrimentally impact the efficiency of main or arterial roads.</p>
<b>Tourism</b>	<p>a. To promote and provide for tourism opportunities.</p> <p>b. To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area, or on the commercial primacy of the City/Town Centre zone.</p> <p>c. To allow limited residential uses where appropriate.</p> <p>d. To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.</p>
<b>Light Industry</b>	<p>a. To provide for a range of industrial and service commercial uses generally compatible with urban areas, that generally cannot be located in other zones, whilst maintaining the commercial primacy of the City/Town Centre zone.</p> <p>b. To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.</p>
<b>General Industry</b>	<p>a. To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</p> <p>b. To accommodate industry that would not otherwise comply with the performance standards of light industry.</p> <p>c. Seek to manage impacts such as noise, dust and odour within the zone.</p>
<b>Rural</b>	<p>a. To provide for the maintenance or enhancement of specific local rural character.</p> <p>b. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as viticulture and horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility</p>

	<p>with the primary use.</p> <ul style="list-style-type: none"> <li>c. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways.</li> <li>d. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.</li> <li>e. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> <li>f. To provide for development and expansion of the viticultural, winemaking and associated tourism activities and other industries related to agricultural activities, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.</li> <li>g. To provide for the extraction of basic raw materials, where appropriate.</li> </ul>
<b>Viticulture and Tourism</b>	<ul style="list-style-type: none"> <li>a. To provide for the maintenance or enhancement of specific local rural character.</li> <li>b. To provide for development and expansion of the viticultural, winemaking and associated industries, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.</li> <li>c. To facilitate the development of tourist facilities of a scale and nature appropriate in rural settings without prejudice to the scenic quality of land within this zone and without creating or increasing ribbon development on any road.</li> <li>d. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.</li> <li>e. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> <li>f. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways.</li> </ul>
<b>Rural Residential</b>	<ul style="list-style-type: none"> <li>a. To provide for lots primarily for residential purposes generally in the range of 1 ha to 4 ha.</li> <li>b. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where</li> </ul>



	<p>those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</p> <p>c. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</p>
<b>Rural Landscape</b>	<p>a. To facilitate limited closer rural settlement on land which is recognised as being of high landscape or scenic value, but generally unsuitable for agriculture or farming use, in order to protect and enhance those values.</p> <p>b. To ensure that development maintains the character of the locality, maintains a high level of residential amenity, has consideration for conservation values and minimises disturbance to the landscape.</p>
<b>Conservation</b>	<p>a. To restrict the type and scale of development which will be considered on lands possessing special aesthetic, ecological or conservation values to those compatible with such environments.</p> <p>b. To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.</p>
<b>Bushland Protection</b>	<p>a. To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity.</p> <p>b. To prohibit clearing, grazing or damage to remnant vegetation on the land unless required for bushfire hazard risk mitigation identified on an adopted fire management plan, approved dwellings or any incidental development within building envelopes, or to allow for vehicular access to such buildings.</p> <p>c. To prohibit the clearing, draining, filling or grazing of wetlands on the land.</p>
<b>Special Use</b>	<p>a. To facilitate special land use controls, which do not sit comfortably within any other zone.</p> <p>b. To enable the Council to impose specific conditions associated with the special use."</p>
<b>Vasse Development</b>	<p><u>Objectives</u></p> <p>(a) The zone is designed to be flexible in nature so as to overcome the inherent problems associated with detailed zoning of land prior to the creation of lot boundaries</p>

	<p>through subdivision and survey.</p> <p>(b) To provide for progressive development of a new, separate community at Vasse.</p> <p>(c) To progressively provide employment and business opportunities at Vasse.</p> <p>(d) To encourage a variety of lifestyle opportunities through the use of different development densities.</p> <p>(e) To create a high quality "village" character by encouraging pedestrian/cycle transport as a preferred mode, a sense of place and a sense of community.</p> <p>(f) To establish a hierarchy of planning procedures to secure the objectives of the zone.</p> <p>(g) To provide for the development of neighbourhood retail facilities which support and service the residential population at Vasse only and do not detract from the primacy of Busselton and Dunsborough as the principal commercial centres of the City.</p> <p><u>Policies</u></p> <p>(a) To provide, in a timely manner, an alternative route for regional, heavy haulage and through traffic so that the existing Bussell Highway alignment can be used as an internal subdivision road to service Vasse village.</p> <p>(b) To require the preparation and approval of a Development Guide Plan in accordance with the provisions of Schedule 11 of the Scheme as a prerequisite to -</p> <p>(i) the local government's support for an application to subdivide or amalgamate lots; and/or</p> <p>(ii) the local government's consideration of an application for planning approval.</p> <p>(c) Ensure development is compatible with the natural environment.</p> <p>(d) Programme appropriate road and reticulated service provision.</p> <p>(e) Programme appropriate provision of social infrastructure.</p> <p>(f) Encourage urban designs which provide a high degree of 'permeability' and 'walkability'.</p> <p>(g) Make provision for business, industry, community uses and recreational areas as well as residential areas.</p> <p>(h) To ensure that Vasse does not become a satellite, dormitory suburb of Busselton and the local government shall recommend against continuing stages of residential subdivision unless there is progressive development of employment opportunities at Vasse.</p> <p>(i) To ensure that subdivision and development conforms to the principal aims of the "Liveable Neighbourhoods Policy".</p> <p>(j) To ensure retail uses are limited in scale, type and function to service the residential population of Vasse</p>
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	only, in accordance with the settlement hierarchy objectives of the State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge.
<b>Deferred Vasse Development Zones</b>	<p><u>Objectives</u></p> <p>(a) To ensure that the development of Vasse is staged to allow a community size of around 2,000 residents unless the conditions prescribed at Table 5 of the State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge and Schedule 12 of the Scheme are met in which case the village of Vasse may be expected to accommodate a maximum population of approximately 5,000 people by the lifting of the deferment from the Deferred Vasse Development zone through an amendment to the Scheme.</p> <p>(b) In the interim, the land within the zone is to be treated as if it were in the Agriculture zone except that the local government has the discretion to refuse incompatible rural land uses that may prejudice the long term development of the area for townsite expansion.</p> <p><u>Policies</u></p> <p>(a) It is the objective and requirement of the zone to link further expansion of Vasse to the demonstration of employment creation at the site to support residential growth. Justification of growth should conform to the principle aims of the Liveable Neighbourhoods as it relates to employment, transport and community design.</p> <p>(b) It is intended that when the local government deems the above condition and those of Schedule 12 of the Scheme have been met that the deferment will be lifted from the Deferred Vasse Development zone and further residential development permitted in accordance with an adopted Development Guide Plan. Deferment shall be lifted by finalisation and gazettal of an amendment to the Scheme rezoning the site from the Deferred Vasse Development zone to the Vasse Development zone.</p>

2.2 Amending clause 5.34 (Subdivision of lots with more than one dwelling in the Agriculture and Viticulture and Tourism Zones) by –

- (a) Amending the title of the clause to “Subdivision of lots in the Rural and Viticulture and Tourism zones”;
- (b) Inserting new subclauses 5.34.1 and 5.34.2 as follows and renumbering subsequent clauses and clause references accordingly:

*“5.34.1 A lot proposed to be created by subdivision for an agricultural purpose shall contain a minimum area of land that actually is useable for commercial farming. Depending upon the circumstances, the area of a lot may be greater than the area necessary for the farm due to remnant and riparian vegetation considered valuable for conservation; streams, dams, wetlands*

*and foreshores; steep terrain and rocky outcrops; setbacks to the above and any environmental buffers within which development or agriculture is not permitted; and existing tourist development. As a general guide, the minimum arable area for a commercial farm that will be recommended by the local government to the Commission is 30 hectares for viticultural and horticultural pursuits.*

*5.34.2 Where environmental conditions allow, subdivision of rural land into lots comprising a minimum arable area of 40 hectares may be supported by the local government."*

- 2.3 Amending clause 5.36 (Vegetation Surveys in the Conservation and Bushland Protection Zones) to read as follows –

***"5.36 SPECIAL PROVISIONS RELATING TO THE CONSERVATION ZONE***

*5.36.1 Development will only be permitted where –*

- (a) it can be demonstrated that such development can be carried out in a manner that minimises risks from natural hazards, functions efficiently and does not detract from the scenic quality of the land; and*
- (b) such development is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations and the provision and quality of habitats for both indigenous and migratory species.*

*5.36.2 In satisfying 5.36.1 above, there is a general presumption that development shall be in a clustered form.*

*5.36.3 Subdivision will only be supported where –*

- (a) there is no detrimental impact on the aesthetic, conservation or ecological values of the land and where the objective of retention of these values of the land in perpetuity will be achieved;*
- (b) for a lot 40 hectares or greater at 7 September 1999, subdivision based on a ratio of one lot per 20 hectares, preferably in a clustered form;*
- (c) for a lot less than 40 hectares at 7 September 1999, subdivision of one additional lot, preferably in a clustered form; and*
- (d) the proposal is consistent with State Planning Policy No. 6.1 - Leeuwin-Naturaliste Ridge where applicable.*

*5.36.4 Clearing of any vegetation on the land will be prohibited, unless required for fire breaks, dwellings or associated outbuildings within defined building envelopes, or to allow for vehicular access to such buildings*

*5.36.5 Prior to subdivision, subdividers shall undertake a vegetation survey to*

*identify rare, endangered or otherwise significant vegetation within the proposed building envelope and vehicle access areas, in addition to any other area of the lot as deemed appropriate by the local government, and provide for its appropriate conservation to the satisfaction of the Department of Biodiversity, Conservation and Attractions and the local government."*

- 2.4 Amending clause 5.38 (Special provisions relating to the Rural Landscape Zone) by inserting new subclauses 5.38.1 and 5.38.2 as follows and renumbering subsequent clauses accordingly:

*"5.38.1 Subdivision should incorporate a range of lots areas, with an average lot area of not less than 10 hectares and a minimum lot area of 5 hectares using conventional subdivision and providing greater flexibility for lots created by strata or survey strata subdivision, dependent upon the special physical and landscape characteristics of the land and only where it can be clearly established to be consistent with the objectives of the zone.*

*5.38.2 Where the keeping of livestock may be acceptable, stocking rates shall be controlled in order to avoid degradation and erosion of the landscape, and to ensure that the keeping of livestock does not occur where this would be inconsistent with the intent and objectives of the zone."*

- 2.5 Amending clause 5.39 (Special provisions relating to the Bushland Protection Zone) by:

- (a) Modifying subclause 5.39.1 to read as follows:

*"5.39.1 Subdivision will only be supported where –*

- (a) there is no detrimental impact on the aesthetic, conservation or biodiversity values of the land and where the objective of retention of these values in perpetuity will be achieved;*
- (b) for lots less than 60 hectares, subdivision of one additional lot;*
- (c) for lots 60 hectares and greater, subdivision based on a ratio of one lot per 20 hectares with a maximum of 3 lots in total;*
- (d) for lots 60 hectares and greater and with a remnant vegetation cover of 50% or more of the total area of the lot, subdivision based on a ratio of one lot per 20 hectares with a maximum of 4 lots in total;*
- (e) a minimum lot area of 3 hectares is achieved;*
- (f) consistent with the Biodiversity Incentive Strategy for Private Land in the Busselton Shire, or the State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge, or other similar strategy as may be adopted by the local government and endorsed by the Commission in the future; and*

*(g) consistent with a Development Guide Plan adopted by local government and endorsed by the Commission."*

- (b) Inserting new subclauses 5.39.2 and 5.39.3 as follows and renumbering subsequent clauses accordingly:

*"5.39.2 No further subdivision of lots created pursuant to the objectives and policies of the Bushland Protection zone is permitted*

*5.39.3 Prior to subdivision, subdividers shall undertake a vegetation survey to identify rare, endangered or otherwise significant vegetation within the proposed building envelope and vehicle access areas, in addition to any other area of the lot as deemed appropriate by the local government, and provide for its appropriate conservation to the satisfaction of the Department of Parks and Wildlife Department of Biodiversity, Conservation and Attractions and the local government."*

- 2.6 Inserting a new clause 5.20 to read as follows and renumbering subsequent clauses and clause references accordingly:

***"5.20 CONSOLIDATION AND FRAGMENTATION OF LAND IN THE CITY/TOWN CENTRE AND LOCAL/NEIGHBOURHOOD CENTRE ZONE***

*"The consolidation of land to assemble larger land parcels suitable for integrated development or redevelopment in the City/Town Centre and Local/Neighbourhood Centre zones is encouraged and supported. Fragmentation of land within these zones, unless it is part of an overall plan for integrated development or redevelopment, will generally not be supported."*

- 2.7 Inserting a new clause 5.41 to read as follows:

***"5.41 DEVELOPMENT ALONG MAIN OR ARTERIAL ROADS***

*"Development which is likely to contribute to ribbon development, the spread of town centres, or otherwise detrimentally impact the efficiency of or the rural and natural ambience of main or arterial roads will not be supported by the local government."*

### **3. Terms Referred to in Scheme**

- 3.1 Amending Schedule 1 (Interpretations) by –

- a. Amending the following titles:

- i. "Caretaker's Residence" to read "Caretaker's Dwelling";
- ii. "Jetty and Mooring Envelope" to read "Mooring Envelope";
- iii. "Light Industry" to read "Industry – Light";

and associated references throughout the Scheme accordingly, where, in relation to "Caretaker's Dwelling", references within the Scheme to "Caretaker/Staff Accommodation", "Manager's/Caretakers House", "Manager's Dwelling" and "Manager's House" shall also be amended;

b. Amending the following definitions to read:

i. ~~“‘Amusement Parlour’ means premises —~~

~~(a) that are open to the public; and~~

~~(b) that are used predominantly for amusement by means of amusement machines including computers; and~~

~~(c) where there are 2 or more amusement machines;”~~

ii. ~~“‘Convenience Store’ means premises —~~

~~(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and~~

~~(b) operated during hours which include, but may extend beyond, normal trading hours; and~~

~~(c) the floor area of which does not exceed 300m<sup>2</sup> net lettable area;”~~

iii. “‘Display Home Centre’ means one or more dwellings on the same lot or adjoining, or adjacent lots that are intended to be open for public inspections as examples of dwelling design;”

iv. ~~“‘Educational Establishment’ means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;”~~

v. “‘Home Occupation’ means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation —

(a) does not involve employing a person who is not a member of the occupier’s household; and

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 20 m<sup>2</sup>; and

(d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and

(e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(f) does not —

(i) require a greater number of parking spaces than normally required for a single dwelling; or

- (ii) result in an increase in traffic volume in the neighbourhood; and
  - (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
  - (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
  - (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;”
- ~~vi. “Hospital” means premises that are a hospital within the meaning given in the Health Services Act 2016 section 8(4);”~~
- vii. “Incidental development”, for development on land to which the R-Codes applies, shall have the meaning as provided for in the R-Codes, for all other development shall mean outbuildings (including sheds, garages, and freestanding structures enclosed more than 50%), verandahs, carports, patios, gazebos and similar structures, swimming pools, water tanks; and other structures incidental to a dwelling;”
- viii. “Industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —
- (a) the storage of goods;
  - (b) the work of administration or accounting;
  - (c) the selling of goods by wholesale or retail;
  - (d) the provision of amenities for employees;
  - (e) incidental purposes;”
- ix. “Lunch Bar” means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas and does not normally trade outside of normal business hours;”
- x. “Marina” means —
- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
  - (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;”
- ~~xi. “Marine Filling Station” means premises used for the storage and supply of liquid fuels and lubricants for marine craft;”~~



- xii. ~~“‘Motel’ means premises, which may be licensed under the *Liquor Control Act 1988* —~~
- ~~(a) used to accommodate guests in a manner similar to a hotel; and~~
  - ~~(b) with specific provision for the accommodation of guests with motor vehicles;”~~
- xiii. ~~“‘Motor Vehicle Repair’ means premises used for or in connection with —~~
- ~~(a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or~~
  - ~~(b) repairs to tyres other than recapping or re-treading of tyres;”~~
- xiv. ~~“‘Office’ means premises used for administration, clerical, technical, professional or similar business activities;”~~
- xv. ~~“‘Restricted Premises’ means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —~~
- ~~(a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; or~~
  - ~~(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or~~
  - ~~(c) smoking-related implements;”~~
- xvi. “‘Shop’ means premises other than a bulky goods showroom, used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;”
- xvii. ~~“‘Tavern’ means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;”~~
- xviii. ~~“‘Transport Depot’ means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —~~
- ~~(a) any ancillary maintenance or refuelling of those vehicles; and~~
  - ~~(b) any ancillary storage of goods brought to the premises by those vehicles; and~~
  - ~~(c) the transfer of goods or persons from one vehicle to another;”~~
- c. Amending the following titles and definitions:
- i. ~~‘Caravan Park & Camping Grounds’ to read:~~

~~“‘Caravan Park’ means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1);”~~

ii. ~~‘Child Care Centre’ to read:~~

~~“‘Child Care Premises’ means premises where —~~

~~{a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or~~

~~{b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided;”~~

iii. ~~‘Club’ to read:~~

~~“‘Club Premises’ means premises used by a legally constituted club or association or other body of persons united by a common interest;”~~

iv. ~~‘Community Centre’ to read:~~

~~“‘Community Purpose’ means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;”~~

v. ~~‘Extractive Industry’ to read:~~

~~“‘Industry — Extractive’ means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —~~

~~{a) the processing of raw materials including crushing, screening, washing, blending or grading;~~

~~{b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;”~~

vi. ~~‘Liquid Fuel Depot’ to read:~~

~~“‘Fuel Depot’ means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —~~

~~{a) as a service station; or~~

~~{b) for the sale of fuel by retail into a vehicle for use by the vehicle;”~~

vii. ‘Major Road Frontage’ to read:

“‘Frontage’, in relation to a building —

(a) if the building is used for residential purposes, has the meaning given in

the R-Codes; or

- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;”

~~viii. — ‘Mineral Resource Development’ to read:~~

~~“‘Mining Operations’ means premises where mining operations, as that term is defined in the Mining Act 1978 section 8(1) is carried out;”~~

ix. ‘Motor Vehicle and Marine Sales Premises’ to read:

“‘Motor Vehicle, Boat or Caravan Sales’ means premises used to sell or hire motor vehicles, boats or caravans;”

~~x. — ‘Plant Nursery’ to read:~~

~~“‘Garden Centre’ means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;”~~

xi. ‘Private Recreation’ to read:

“‘Recreation – Private’ means premises that are –

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;”

xii. ‘Professional Consulting Rooms’ to read:

“‘Consulting Rooms’ means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;”

~~xiii. — ‘Restaurant’ to read:~~

~~“‘Restaurant/Café’ means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;”~~

~~xiv. — ‘Warehouse’ to read:~~

~~“‘Warehouse/Storage’ means premises including indoor or outdoor facilities used for —~~

- ~~(a) the storage of goods, equipment, plant or materials; or~~
- ~~(b) the display or sale by wholesale of goods;”~~

and associated references throughout the Scheme accordingly;

d. Inserting the following new definitions:

- i. *“‘Art Gallery’ means premises –*
  - (a) *that are open to the public; and*
  - (b) *where artworks are displayed for viewing or sale;”*
- ii. *“‘Car Park’ means premises used primarily for parking vehicles whether open to the public or not but does not include –*
  - (a) *any part of a public road used for parking or for a taxi rank; or*
  - (b) *any premises in which cars are displayed for sale;”*
- iii. *“‘Cinema/Theatre’ means premises where the public may view a motion picture or theatrical production;”*
- iv. *“‘Funeral Parlour’ means premises used –*
  - (a) *to prepare and store bodies for burial or cremation;*
  - (b) *to conduct funeral services;”*
- v. *“‘Motor Vehicle Wash’ means premises primarily used to wash motor vehicles;”*
- vi. *“‘Nightclub’ means premises the subject of a nightclub licence granted under the Liquor Control Act 1988;”*
- vii. *“‘Resource Recovery Centre’ means premises other than a waste disposal facility used for the recovery of resources from waste;”*
- viii. *“‘Small Bar’ means premises the subject of a small bar licence granted under the Liquor Control Act 1988;”*
- ix. *“‘Telecommunications Infrastructure’ means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;”*
- x. *“‘Waste Disposal Facility’ means premises used –*
  - (a) *for the disposal of waste by landfill; or*
  - (b) *the incineration of hazardous, clinical or biomedical waste;”*
- xi. *“‘Waste Storage Facility’ means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;”*

e. Removing the use class definitions for “Grouped Dwelling”, “Multiple Dwelling”,

“Residential Building” and “Single House”, while retaining permissibilities within the Zoning Table and references within the Scheme;

- f. Removing the following obsolete or out-dated definitions and associated permissibilities and references throughout the Scheme where relevant:

- |                                   |   |
|-----------------------------------|---|
| i. “The Act”;                     | xix. Marine Facilities;                   |
| ii. Advertisement;                | xx. Natural Ground Level;                 |
| iii. Amusement Machine;           | xxi. Offensive and Hazardous Industry;    |
| iv. Applicant;                    | xxii. Owner;                              |
| v. Boarding House;                | xxiii. Place;                             |
| vi. Boatel;                       | xxiv. Place of Assembly;                  |
| vii. Building;                    | xxv. Public Utility;                      |
| viii. Bulk Store;                 | xxvi. Recreation Facility;                |
| ix. Bulky Goods;                  | xxvii. Retirement Village;                |
| x. Bus Station;                   | xxviii. Rural Worker’s Dwelling;          |
| xi. Chandlery;                    | xxix. Salvage Yard;                       |
| xii. Communal or Cluster Farming; | xxx. Sawmill;                             |
| xiii. Conservation Tourism;       | xxxi. Service Industry;                   |
| xiv. Display Home;                | xxxii. Stabilised Surface Level of a Lot; |
| xv. Dry Industry;                 | xxxiii. Stock & Sale Yard;                |
| xvi. Dwelling;                    | xxxiv. Timber Yard;                       |
| xvii. Generating Works;           | xxxv. Waterway Frontage;                  |
| xviii. Manager’s Residence;       |   |

- g. Rearranging the Schedule into two parts, being “Division 1 – General definitions used in Scheme” and “Division 2 – Land use terms used in Scheme”, whereby:

- i. The following terms are to be included in Division 1:

Canal Frontage	Mean High Water Mark
Commission	Mooring Envelope
Council	Net Lettable Area
Dam	Prime Agricultural Land
Discount Department Store	Research and Development Facility
Entry Statement	Rural Tourist Accommodation
Floodway	Stabilised Canal Edge
Frontage	Supermarket
Gazettal Date	Vegetation
Incidental Development	

- ii. The following terms are to be included in Division 2:

Abattoir	Lunch Bar
Aged Persons’ Home	Marina
Agriculture – Extensive	Marine Filling Station
Agriculture – Intensive	Market
Amusement Parlour	Medical Centre
Animal Establishment	Mining Operations
Animal Husbandry – Intensive	Motel
Aquaculture	Motor Vehicle, Boat or Caravan Sales
Bed and Breakfast	Motor Vehicle Repair
Brewery	Motor Vehicle Wash
Bus Depot	Nightclub
Caravan Park	Office
Car Park	Park Home Park
Cinema/Theatre	Place of Worship
Chalet	Produce Sales

Child Care Premises	Reception Centre
Club Premises	Recreation Establishment
Community Purpose	Recreation – Private
Consulting Rooms	Research Establishment
Convenience Store	Resource Recovery Centre
Corner Shop	Restaurant/Café
Educational Establishment	Restricted Premises
Exhibition Centre	Rural Holiday Resort
Factory Unit Building	Rural Pursuit/Hobby Farm
Fuel Depot	Service Station
Funeral Parlour	Shop
Garden Centre	Showroom
Guesthouse	Small Bar
Holiday Home (Multiple/Grouped Dwelling)	Takeaway Food Outlet
Holiday Home (Single House)	Tavern
Home Business	Telecommunications Infrastructure
Home Occupation	Tourist Accommodation
Home Office	Transport Depot
Hospital	Tree Farm
Hotel	Veterinary Centre
Industry	Warehouse/Storage
Industry – Cottage	Waste Disposal Facility
Industry – Extractive	Waste Storage Facility
Industry – Light	Wind Farm
Industry – Primary Production	Winery

### 3.2 Amending the Zoning Table to read as follows:

Zone / Use Class	Residential	City/Town Centre	Local /Neighbourhood Centre	Service Commercial	Tourism	Light Industry	General Industry	Rural	Viticulture and Tourism	Rural Residential	Rural Landscape	Conservation	Bushland Protection	Special Use	Vasse Development	Deferred Vasse Development
Abattoir	X	X	X	X	X	A	D	A	X	X	X	X	X	In accordance with clause 4.6.1	In accordance Schedule 11, clause 1.7.3	In accordance with Clause 4.2.14 (b) and clause 4.6.3
Aged Persons Home	D	X	X	X	X	X	X	A	X	X	X	X	X			
Agriculture – Extensive	X	X	X	X	X	X	X	P	P	A	D	D	D			
Agriculture – Intensive	X	X	X	X	X	X	X	P	P	X	X	X	X			
Amusement Parlour	X	P	P	D	D	D	D	X	X	X	X	X	X			
Ancillary Accommodation	P	D	D	X	X	X	X	P	P	P	D	D	D			
Animal Establishment	X	X	X	X	X	X	X	D	D	A	A	X	X			
Animal Husbandry – Intensive	X	X	X	X	X	X	X	D	D	X	X	X	X			
Aquaculture	X	X	X	X	X	D	D	D	D	A	A	A	X			
Bed and Breakfast	D	D	D	X	P	X	X	D	D	D	D	D	D			
Brewery	X	A	A	A	A	D	D	A	A	X	X	X	X			
Bus Depot	X	X	X	D	X	D	D	D	X	X	X	X	X			
Car Park	X	D	D	D	X	D	D	X	X	X	X	X	X			
Caravan Park	A	X	X	X	D	X	X	A	A	X	X	X	X			
Cinema/Theatre	X	D	D	D	X	X	X	X	X	X	X	X	X			

Chalet	X	X	X	X	D	X	X	D	D	X	A	A	X	In accordance with clause 4.6.1	In accordance Schedule 11, clause 1.7.3	In accordance with Clause 4.2.14 (b) and clause 4.6.3
Child Care Premises	A	D	D	D	A	X	X	D	A	A	X	X	X			
Club Premises	X	D	D	D	D	X	X	A	A	X	X	X	X			
Community Purpose	A	P	P	D	D	D	D	D	A	A	X	X	X			
Consulting Rooms	A	P	P	P	X	X	X	X	X	X	X	X	X			
Convenience Store	X	P	P	D	D	D	D	X	X	X	X	X	X			
Corner Shop	A	P	P	P	X	D	D	A	A	A	X	X	X			
Display Home Centre	D	X	X	X	X	X	X	X	X	D	X	X	X			
Educational Establishment	A	P	P	D	X	D	D	D	D	D	X	X	X			
Exhibition Centre	X	A	A	A	A	X	X	A	A	X	X	X	X			
Factory Unit Building	X	X	X	D	X	P	P	X	X	X	X	X	X			
Fuel Depot	X	X	X	X	X	P	P	X	X	X	X	X	X			
Funeral Parlour	X	D	D	D	X	D	X	X	X	X	X	X	X			
Garden Centre	X	A	A	A	X	D	X	D	D	A	X	X	X			
Grouped Dwelling	D	D	D	X	X	X	X	X	X	X	X	X	X			
Guesthouse	X	D	D	X	D	X	X	A	A	A	A	A	A			
Holiday Home (Multiple/Grouped Dwelling)	A	A	A	X	X	X	X	X	X	X	X	X	X			
Holiday Home (Single House)	D*	D*	D*	X	X	X	X	D*	D*	D*	D*	D*	D*			
Home Business	D	P	P	X	X	X	X	P	P	P	A	A	A			
Home Occupation	P	P	P	X	P	X	X	P	P	P	P	P	P			
Hospital	A	D	D	D	X	X	X	A	A	X	A	X	X			
Hotel	X	A	A	A	A	X	X	A	A	X	X	X	X			
Industry	X	X	X	X	X	D	D	X	X	X	X	X	X			
Industry – Cottage	X	X	X	X	D	X	X	P	P	A	D	A	A			
Industry – Extractive	X	X	X	X	X	A	A	A	X	X	X	X	X			
Industry – Light	X	X	X	D	X	P	P	X	X	X	X	X	X			
Industry – Primary Production	X	X	X	X	X	D	D	D	D	X	X	X	X			
Lunch Bar	X	X	X	D	X	D	D	X	X	X	X	X	X			
Marina	X	D	D	D	D	D	D	X	X	X	X	X	X			
Marine Filling Station	X	D	D	D	D	D	D	X	X	X	X	X	X			
Market	X	D	D	D	A	D	D	D	D	A	X	X	X			
Medical Centre	A	P	P	D	X	D	D	X	X	X	X	X	X			
Mining Operations	X	X	X	X	X	A	A	A	X	X	X	X	X			
Motel	X	A	A	A	D	X	X	X	X	X	X	X	X			
Motor Vehicle, Boat or Caravan Sales	X	D	D	P	X	P	P	X	X	X	X	X	X			
Motor Vehicle Repair	X	X	X	D	X	P	P	X	X	X	X	X	X			
Motor Vehicle Wash	X	D	D	D	X	D	D	X	X	X	X	X	X			
Multiple Dwelling	D	D	D	X	X	X	X	X	X	X	X	X	X			
Nightclub	X	A	X	X	A	X	X	X	X	X	X	X	X			
Office	X	P	P	X	X	X	X	X	X	X	X	X	X			
Park Home Park	A	X	X	X	D	X	X	X	X	X	X	X	X			
Place of Worship	A	D	D	D	X	D	X	A	A	A	X	X	X			
Produce Sales	X	X	X	X	X	X	X	D	D	A	A	A	A			
Reception Centre	X	D	D	D	D	X	X	A	A	X	X	X	X			

Recreation Establishment	X	X	X	X	D	X	X	D	D	X	A	A	X
Recreation – Private	X	D	D	D	D	D	X	D	A	A	A	A	X
Repurposed Dwelling	D	D	D	X	X	X	X	D	D	D	D	D	D
Research Establishment	X	D	D	D	X	D	D	D	X	X	X	X	X
Residential Building	A	X	X	X	D	X	X	A	A	X	X	X	X
Resource Recovery Centre	X	X	X	X	X	X	A	X	X	X	X	X	X
Restaurant/Cafe	X	P	P	D	D	X	X	D	D	A	X	X	X
Restricted Premises	X	D	D	D	X	X	X	X	X	X	X	X	X
Rural Holiday Resort	X	X	X	X	D	X	X	X	A	X	X	X	X
Rural Pursuit/Hobby Farm	X	X	X	X	X	X	X	P	P	A	A	X	X
Second-hand Dwelling	D	D	D	X	X	X	X	D	D	D	D	D	D
Service Station	X	D	D	D	X	D	D	A	X	X	X	X	X
Shop	X	P	P	X	X	X	X	X	X	X	X	X	X
Showroom	X	P	P	P	X	D	X	X	X	X	X	X	X
Single House	P	D	D	X	X	X	X	P	P	P	P	P	P
Small Bar	X	D	A	A	D	A	X	A	A	X	X	X	X
Takeaway Food Outlet	X	A	A	A	A	X	X	X	X	X	X	X	X
Tavern	X	A	A	A	A	A	X	A	A	X	X	X	X
Telecommunications Infrastructure	A	A	A	D	A	D	D	A	A	A	A	X	X
Tourist Accommodation	X	D	D	X	D	X	X	X	A	X	X	X	X
Transport Depot	X	D	D	D	X	D	D	X	X	X	X	X	X
Tree Farm	X	X	X	X	X	X	X	D	D	X	X	X	X
Veterinary Centre	X	D	D	P	X	D	X	A	A	X	X	X	X
Warehouse/Storage	X	D	D	P	X	P	P	X	X	X	X	X	X
Waste Disposal Facility	X	X	X	X	X	X	A	X	X	X	X	X	X
Waste Storage Facility	X	X	X	X	X	X	A	X	X	X	X	X	X
Wind Farm	X	X	X	X	X	X	X	A	A	X	X	X	X
Winery	X	D	D	D	A	P	X	D	D	X	A	X	X

3.3 Amending subclause 4.5.3(d) (Exceptions to the Zoning Table) to delete the words “or motor vehicle and marine sales”.

3.4 Delete subclauses 4.5.4(f) and (g) (Exceptions to the Zoning Table) and renumber subsequent clauses accordingly.

#### 4. City and Town Centre Zone provisions

4.1 Amending clause 5.20 (Development in the Business Zone) to read as follows –

##### **“5.20 DEVELOPMENT IN THE CITY/TOWN CENTRE ZONE**

5.20.1 Development within the City/Town Centre zone shall demonstrate adherence to the following design principles –

- (a) Context and character
- (b) Landscape quality



- (c) Built form and scale*
- (d) Functionality and build quality*
- (e) Sustainability*
- (f) Amenity*
- (g) Legibility*
- (h) Safety*
- (i) Community*
- (j) Aesthetics*

*5.20.2 Development within the City/Town Centre zone shall address the following provisions, unless otherwise identified in an endorsed Activity Centre Plan:*

- (a) No residential uses shall be permitted at ground floor fronting Queen Street and Prince Street, Busselton and Dunn Bay Road and Naturaliste Terrace, Dunsborough;*
- (b) A nil front setback is to be provided to the development, unless otherwise designated in an Activity Centre Plan, or the development is providing for an associated alfresco space within the setback;*
- (c) Buildings shall be articulated to break up perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage;*
- (d) At the ground floor level, developments shall address the street with a primary business entrance and a shop front façade;*
- (e) Ground floor commercial uses shall incorporate transparent glazing for 70% of all building frontages to adjacent streets;*
- (f) Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;*
- (g) A minimum ceiling height of 3.3 metres shall be achieved for the ground floor level, whilst all other floors shall achieve a minimum ceiling height of 2.7 metres;*
- (h) Roller doors or screens of solid material on shop fronts will not be permitted, security measures should be located and installed internally behind the glazing line;*
- (i) Pedestrian shelter, through the provision of a verandah, awning or the like, shall be provided over the public footpath for the full width of the lot frontage;*
- (j) No vehicle accessways or carparking shall be provided between buildings and the street, or be visible from the street, unless required to provide access to car parking or loading areas behind buildings;*
- (k) No vehicular access to sites shall be taken from Queen Street, Prince Street or Kent Street (between Queen Street and Brown Street), Busselton or Dunn Bay Road or Naturaliste Terrace, Dunsborough, unless no alternative is available, in which case a single crossover width shall be no greater than 5 metres with a cumulative maximum*

*width of 7 metres;*

- (l) Vehicle crossovers and driveways shall be co-located wherever possible with adjoining properties;*
- (m) Vehicle access to developments shall be designed in a way which minimises potential pedestrian/vehicular conflict, clearly recognising the primacy of pedestrian amenity;*
- (n) Multi-storey car parks shall incorporate interactive street frontages, such as shops or other uses that promote activity and where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors;*
- (o) General plant, such as air-conditioning, television antennas, bins, hot water storage tanks, rain water tanks, satellite dishes and the like are to be adequately concealed and screened from the street or public view;*
- (p) Where land is zoned 'City/Town Centre' and is designated a residential density coding of R-AC3 the maximum plot ratio shall be 1.5, except for where the following incentives for mixed use development apply:*
  - (i) Where residential or short-stay accommodation uses represent more than 25% of the plot ratio area of a proposed mixed use development, the maximum allowable plot ratio area may be 2.0; or*
  - (ii) Where a development incorporates a Restaurant/Café, Tavern or other similar use that will provide for informal social interaction the maximum allowable plot ratio area for the remainder of the development may be 2.0; and*
  - (iii) The plot ratio incentives set out in sub-clauses (a) and (b) above may be combined, provided that the total plot ratio area does not exceed 3.0.*
- (q) Signage and advertising shall not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally;"*

- 4.2 Inserting a new clause 5.5.2(b) (Variations to site and development standards and requirements) as follows:

*"(b) Drive-through facilities in the Drive-through Facility Exclusion Area, as specified by clause 6.13."*

- 4.3 Modifying clause 6.1.1 (Operation of Special Control Areas) by including a new Area - "Drive-through Facility Exclusion" after the Development Contribution Area as listed.
- 4.4 Inserting a new clause 6.13 as follows and renumbering subsequent clauses and clause references accordingly:

**“6.13 DRIVE-THROUGH FACILITY EXCLUSION AREA**

*Drive-through facilities shall not be approved in the Drive-through Facility Exclusion Area.”*

- 4.5 Amending Schedule 1 (Interpretations) by inserting the following new definition:

*“‘Drive-through facility’ means a facility or development involving vehicles entering a site, such as shop, takeaway food outlet or development with fuel bowzers, whereby a product or service is sold or provided direct to customers or patrons driving or seated in a motor vehicle and also includes the provision of fuel to motor vehicles or a Motor Vehicle Wash.”*

- 4.6 Amending the Scheme map to apply the ‘Drive-through Facility Exclusion Area’ to the Busselton City Centre as depicted on the Scheme Amendment map, being:

- (a) Land being rezoned to ‘City/Town Centre’ bound by West Street, Marine Terrace, Brown Street, Harris Road and Albert Street, Busselton; and
- (b) Land bound by Brown Street, Peel Terrace, Cammilleri Street and Harris Road, Busselton;

And subject to the following exclusions:

- (a) Lots 15 (3), 150 (5), 381(7), 110(9), 454 (11), 453 (15), 9 (17), 19 (10), 11 (23), 120 (25), 391 (27), 7 (37), 8 (39), 10 (41) and portion of Lot 26 (45) Albert Street, Busselton;
  - (b) Portion of Lot 170 (56) Prince Street, Busselton.
- 4.7 Amending the Scheme map to apply the ‘Drive-through Facility Exclusion Area’ to the Dunsborough Town Centre as depicted on the Scheme Amendment map (modified to be consistent with the description below), being:

- (a) Land being rezoned to ‘City/Town Centre’ and bound by Cape Naturaliste Road, Reserve 42673, Reserve 35758, Reserve 26513, Chieftain Crescent, Seymour Boulevard and Caves Road. ~~and excluding portion of Lot 1 (No. 61), portion of Lot 1 (No. 64) and Lot 2 (No. 64) Dunn Bay Road, Dunsborough.~~

**5. Additional clauses to align to Model Provisions**

- 5.1 Amending clause 4.4 (Interpretation of the Zoning Table) to read as follows:

**“4.4 INTERPRETATION OF THE ZONING TABLE**

*4.4.1 A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.*

*4.4.2 The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –*

- (a) determine that the use is consistent with the objectives of a particular*

*zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*

*(b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*

*(c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.”*

5.2 Modifying clause 5.5 (Variations to site and development standards and requirements) by:

(a) Replacing subclauses 5.5.1, 5.5.3 and 5.5.4 with the following:

*“5.5.1 Except for development in respect of which the R-Codes apply, the local government may approve an application for a development approval that does not comply with an additional site and development requirements.”*

*“5.5.2 An approval under subclause 5.5.1 may be unconditional or subject to any conditions the local government considers appropriate.”*

*“5.5.4 If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –*

*(a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and*

*(b) have regard to any expressed views prior to making its determination to grant development approval under this clause.”*

*“5.5.5 The local government may only approve an application for development approval under this clause if the local government is satisfied that –*

*(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*

*(b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

(b) Renumbering existing subclause 5.5.2 to 5.5.3.

## **6. Review of Rural Residential areas**

6.1 Inserting Special Provision No. 63 as follows, and amend the Scheme maps accordingly:

No.	Particulars of land	Zone	Special Provisions
63	Land bound by the Busselton Bypass in the north, Queen Elizabeth Avenue to the east and Rendezvous Road to the south; and with Lots 44 to 50 Belltonia Way, and Lot 348 Rendezvous Road, forming the western boundary.	Rural Residential	<ol style="list-style-type: none"> <li>1. An Overall Structure Plan (OSP) shall be prepared for the Special Provision area, which shall determine as a minimum, indicative layout, residential density, strategic road integration and public open space provision.</li> <li>2. <b>Notwithstanding provision 1, an overall structure plan may be prepared specifically for Lots 242-249 Kookaburra Way prior to the general OSP for Special Provision Area 63 being prepared. Should this occur, the specific overall structure plan for these lots must integrate with the approved structure plan for neighbouring Lot 2 Kookaburra Way.</b></li> <li>3. <del>The Any</del> <b>Any</b> OSP <del>that is prepared</del> shall identify precincts for which further detailed structure planning is required prior to any consideration for subdivision approval.</li> <li>4. Subdivision of land shall be generally in accordance with a Detailed Structure Plan for the land approved by the Western Australian Planning Commission pursuant to Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015.</li> <li>5. Immediately following subdivision, a Scheme amendment is to be initiated by the proponent to rezone the land in accordance with the approved detailed structure plan.</li> </ol>

6.2 Amending the Scheme maps as depicted on the Scheme Amendment maps and as follows:

- (a) Rezoning Lots 301 to 304 and Lot 311 Carnarvon Castle Drive and Lots 305 to 310 Vixen Close, Eagle Bay from 'Rural Residential' to 'Residential R2.5';
- (b) Rezoning Lot 2000 Okapa Rise, Dunsborough from 'Rural Residential' to 'Recreation Reserve';
- (c) Rezoning Lots 2001 and 2002 Okapa Rise, Dunsborough - Rezone from 'Rural Residential' to 'no zone';
- (d) Rezoning Lots 91 to 95, 401 to 405 Sloan Drive, Lots 96 to 101 Samphire Place, Lots 406 and 407, Lots 412 to 418, Lots 420 to 421 Okapa Rise, and Lots 408 and 9000 Capstone Close, Dunsborough from 'Rural Residential' to 'Residential R2.5'; and
- (e) Rezoning Lots 422 to 432 Okapa Rise, Dunsborough from 'Rural Residential' to 'Residential R2'.

- II. Pursuant to the Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), determine that Amendment 29 is a standard amendment in accordance with r.34(b) of the Regulations as it:
- i. Proposes to amend the Scheme text so that it is consistent with the model provisions in Schedule 1 of the Regulations.
  - ii. The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
  - iii. The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
- III. 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 prior to advertising of the draft Amendment.

Voting:

For the motion: Councillor R Paine, Councillor K Hick and Councillor L Miles.

Against the motion: Councillor R Bennett, Mayor G Henley, Deputy Mayor J McCallum, Councillor P Carter and Councillor R Reekie.

**LOST 3/5**

Reason: The boundary as published represents the 'least worst' option for DTF in Dunsborough, it is my view that it would be preferable to simplify the boundary and exclude DTF from the Dunsborough town centre.

**COUNCIL DECISION AND AMENDED OFFICER RECOMMENDATION****C1712/337**

Moved Mayor G Henley, seconded Councillor P Carter

**PART A:**

That the Council –

1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 35 to the City of Busselton Local Planning Scheme 21 for the purposes of amending Schedule 1 (Interpretations) by –
  - a. Amending the following definitions to read:
    - i. “*Amusement Parlour*’ means premises –
      - (a) that are open to the public; and
      - (b) that are used predominantly for amusement by means of amusement machines including computers; and
      - (c) where there are 2 or more amusement machines;”
    - ii. “*Convenience Store*’ means premises –
      - (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
      - (b) operated during hours which include, but may extend beyond, normal trading hours; and
      - (c) the floor area of which does not exceed 300m<sup>2</sup> net lettable area;”
    - iii. “*Educational Establishment*’ means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;”
    - iv. “*Hospital*’ means premises that are a hospital within the meaning given in the *Health Services Act 2016* section 8(4);”
    - v. “*Marine Filling Station*’ means premises used for the storage and supply of liquid fuels and lubricants for marine craft;”
    - vi. “*Motel*’ means premises, which may be licensed under the *Liquor Control Act 1988* –
      - (a) used to accommodate guests in a manner similar to a hotel; and
      - (b) with specific provision for the accommodation of guests with motor vehicles;”
    - vii. “*Motor Vehicle Repair*’ means premises used for or in connection with –
      - (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or

- (b) repairs to tyres other than recapping or re-treading of tyres;”
- viii. “‘Office’ means premises used for administration, clerical, technical, professional or similar business activities;”
- ix. “‘Restricted Premises’ means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —
  - (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; or
  - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
  - (c) smoking-related implements;”
- x. “‘Tavern’ means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;”
- xi. “‘Transport Depot’ means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —
  - (a) any ancillary maintenance or refuelling of those vehicles; and
  - (b) any ancillary storage of goods brought to the premises by those vehicles; and
  - (c) the transfer of goods or persons from one vehicle to another;”
- b. Amending the following titles and definitions:
  - i. ‘Caravan Park & Camping Grounds’ to read:

“‘Caravan Park’ means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);”
  - ii. ‘Child Care Centre’ to read:

“‘Child Care Premises’ means premises where —

    - (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
    - (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;”
  - iii. ‘Club’ to read:

“‘Club Premises’ means premises used by a legally constituted club or association or other body of persons united by a common interest;”
  - iv. ‘Community Centre’ to read:



“*Community Purpose*’ means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;”

v. ‘Extractive Industry’ to read:

“*Industry – Extractive*’ means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;”

vi. ‘Liquid Fuel Depot’ to read:

“*Fuel Depot*’ means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;”

vii. ‘Mineral Resource Development’ to read:

“*Mining Operations*’ means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out;”

viii. ‘Plant Nursery’ to read:

“*Garden Centre*’ means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;”

ix. ‘Restaurant’ to read:

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

x. ‘Warehouse’ to read:

“*Warehouse/Storage*’ means premises including indoor or outdoor facilities used for —

- (a) the storage of goods, equipment, plant or materials; or

(b) the display or sale by wholesale of goods;"

and associated references throughout the Scheme accordingly.

2. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), determine that Amendment 35 is a basic amendment in accordance with r.34(b) of the Regulations as it proposes to amend the Scheme text so that it is consistent with the model provisions in Schedule 1 of the Regulations.
3. Authorise Council officers to prepare the scheme amendment documentation.
4. Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
5. Pursuant to Section 81 of the *Planning and Development Act 2005*, refers Amendment 35 to the Environmental Protection Authority;
6. Pursuant to Regulation 58 of the Regulations, provides Amendment 35 to the Western Australian Planning Commission.

#### PART B:

That the Council –

- I. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 29 to the City of Busselton Local Planning Scheme 21 for community consultation, for the purposes of:

#### **1. Alignment of Zones**

- 1.1 Amending the Scheme by retitling the zone names as follows and, unless specifically mentioned within this resolution, subsequent references throughout the Scheme:

- (a) The "Business" zone to "City/Town Centre" zone and "Local/Neighbourhood Centre" zone;
- (b) The "Restricted Business" zone to "Service Commercial" zone;
- (c) The "Tourist" zone to "Tourism" zone;
- (d) The "Industrial" zone to "Light Industry" zone and "General Industry" zone;
- (e) The "Agriculture" zone to "Rural" zone;
- (f) The "Special Purpose" zone to "Special Use" zone;

- 1.2 Amending the Scheme Maps by:

- (a) Rezoning all land within the Busselton City Centre to "City/Town Centre" zone as depicted on the Scheme Amendment map, being:
  - (i) All land currently zoned "Business" and bound by Marine Terrace, Brown Street, Peel Terrace and West Street;

- (ii) The portion of Lot 73 Peel Terrace, Busselton currently zoned Business;
- (iii) Lots 74 and 75 Peel Terrace, Lot 1 (No. 69) Adelaide Street, and Lot 2 (No. 9) Brown Street, Busselton;
- (b) Rezoning all land within the Dunsborough Town Centre to “City/Town Centre” zone as depicted on the Scheme Amendment map, being all land currently zoned “Business” and bound by Cape Naturaliste Road, Reserve 42545, Reserve 35758, Reserve 26513, Chieftain Crescent and Caves Road;
- (c) Rezoning Lot 1001 Switchback Parade, West Busselton from “Restricted Business” to “Local/Neighbourhood Centre” as depicted on the Scheme Amendment map;
- (d) Other than Lot 1001 Switchback Parade, West Busselton, identifying all land currently within the “Restricted Business” zone as being within the “Service Commercial” zone;
- (e) Identifying all land currently within the “Tourist” zone as being within the “Tourism” zone;
- (f) Identifying all land currently within the “Industrial” zone as being within the “Light Industry” zone;
- (g) Identifying all land currently within the “Agriculture” zone as being within the “Rural” zone;
- (h) Rezoning Lot 1 (No. 16) Hobson Street, Geographe and Lot 441 (No. 29A) Avocet Boulevard, Geographe from “Special Purpose” zone to “Public Purpose - Water” Reserve;
- (i) Other than Lot 1 (No. 16) Hobson Street, Geographe and Lot 441 (No. 29A) Avocet Boulevard, Geographe, identifying all land currently within the “Special Purpose” zone as being within the “Special Use” zone, with the following labels:

All land within the “Special Purpose” Zone and labelled with the acronym	being identified with the label
“APH”	“1”
“BDA”	“2”
“BF”	“3”
“BRA”	“4”
“CPK” or “C/CPK”	“5”
“CC”	“6”
“CECH”	“7”
“COM”	“8”
“CS”	“9”
“EE” or “PS”	“10”
“H”	“11”
“HA”	“12”
“HL”	“13”
“HP”	“14”
“RP” or “BP”	“15”
“SST”	“16”
“SSTPN”	“17”
“TE”	“18”

"WD"	"19"
"WFS"	"20"
'no label'	"21"
"AADA"	"22"
"ANDA"	"23"
"DLDA"	"24"
"HLDA"	"25"
"OBFDA"	"26"
"YD"	"27"
"YDD"	"28"
"YID"	"29"

1.3 Amending clause 4.9 (Special Purpose Zone) to read as follows:

**"4.9 SPECIAL USE ZONES**

**4.9.1** *Schedule 5 sets out:*

- (a) special use zones for specified land that are in addition to the zones in the zoning table; and*
- (b) the classes of special uses that are permissible in that zone; and*
- (c) the conditions that apply in respect of the special uses.*

**4.9.2** *A person must not use any land, or any structure or buildings on land, in a special use zone except for the class of use that is permissible in that zone and subject to the conditions that apply to that use."*

1.4 Introducing a new Schedule 5 as provided below, and renumber the remaining Schedules and Schedule references accordingly:

**SCHEDULE 5 – SPECIAL USES**

*[cl. 4.9]*

No.	Description of land	Special Use	Conditions
1.	As identified on the Scheme map	Aged Person Housing	Nil.
2.	As identified on the Scheme map	Broadwater Development Area	Development must be in accordance with the requirements of the Broadwater Development Area and Special Provision 57.
3.	As identified on the Scheme map	Busselton Foreshore	Development must be in accordance with Special Provision No. 44.
4.	As identified on the Scheme map	Busselton Regional Airport	Nil.
5.	As identified on the Scheme map	Caravan Park	Nil.
6.	As identified on the Scheme map	Child Care	Nil.
7.	As identified on the	Church Site, Educational	Nil.

	Scheme map	Establishment, Child Care and Hall	
8.	As identified on the Scheme map	Community Purposes	Nil.
9.	As identified on the Scheme map	Church Site	Nil.
10.	As identified on the Scheme map	Educational Establishment	Nil.
11.	As identified on the Scheme map	Hotel	Nil.
12.	As identified on the Scheme map	Hall	Nil.
13.	As identified on the Scheme map	Hostel	Nil.
14.	As identified on the Scheme map	Historical Precinct	Nil.
15.	As identified on the Scheme map	Road Purposes	Nil.
16.	As identified on the Scheme map	Service Station	Nil.
17.	As identified on the Scheme map	Service Station/Plant Nursery	Nil.
18.	As identified on the Scheme map	Telephone Exchange	Nil.
19.	As identified on the Scheme map	Waste Disposal	Nil.
20.	As identified on the Scheme map	Waterfowl Study	Nil.
21.	As identified on the Scheme map	Blank	Nil.
22.	As identified on the Scheme map	Ambergate Automotive Development Area	Development must be in accordance with Special Provisions 47 and 48.
23.	As identified on the Scheme map	Ambergate North Development Area	Development must be in accordance with Special Provision 39.
24.	As identified on the Scheme map	Dunsborough Lakes Development Area	Development must be in accordance with Special Provision 42.
25.	As identified on the Scheme map	Heron Lake Development Area	Development must be in accordance with Special Provision 55.
26.	As identified on the Scheme map	Old Broadwater Farm Development Area	Development must be in accordance with Special Provision 43.
27.	As identified on the Scheme map	Yalyalup Development	Development must be in accordance with Special Provision 23.
28.	As identified on the Scheme map	Yalyalup Deferred Development	Development must be in accordance with Special Provision 23.
29.	As identified on the Scheme map	Yalyalup Industrial Development	Development must be in accordance with Special Provision 36.

1.5 Amending Part 5 (General Development Requirements) of the Scheme by:

- (a) Amending subclause 5.16.1(b) (Corner Shop) by replacing the words “in the case of a rural area or land in a rural zone” with “in the case of land in the Rural,

Viticulture and Tourism and Rural Residential zones”;

- (b) Amending clause 5.29 (Development of dams in rural areas) by removing the words “in rural areas” from within the title and “In rural zones” from within the clause;
- (c) Amending clause 5.31 (Ancillary Accommodation in rural areas) by replacing the words “a rural zone” with “the Rural, Viticulture and Tourism, Rural Residential, Rural Landscape, Conservation or Bushland Protection zone”.

## 2. Objectives of the Zones

2.1 Amending clause 4.2 (Objectives and Policies of the Zones) to read as follows:

### “4.2 ZONE OBJECTIVES

*The objectives of each zone are as follows –*

Zone name	Objectives
<b>Residential</b>	<ul style="list-style-type: none"> <li>a. To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>b. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>c. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
<b>City/Town Centre</b>	<ul style="list-style-type: none"> <li>a. To provide a genuine centre of community life, socially, culturally and economically.</li> <li>b. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</li> <li>c. To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses.</li> <li>d. To provide for medium to high density residential development.</li> </ul>
<b>Local/Neighbourhood Centre</b>	<ul style="list-style-type: none"> <li>a. To provide for development at a scale sufficient to serve the Centre’s catchment, but not detract from the commercial primacy of the City/Town Centre zone.</li> <li>b. Providing for limited expansion of existing smaller centres to ensure access to services at a local level and building neighbourhood identity.</li> <li>c. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</li> <li>d. To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses.</li> </ul>
<b>Service Commercial</b>	<ul style="list-style-type: none"> <li>a. To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.</li> </ul>

	<ul style="list-style-type: none"> <li>b. To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in the Centre zones.</li> <li>c. To provide for development which will not result in a detrimental impact on surrounding commercial centres and has regard to the strategic importance and need to maintain the commercial primacy of the City/Town Centre zone.</li> <li>d. To restrict development which is likely to contribute to ribbon development, the spread of centres, or otherwise detrimentally impact the efficiency of main or arterial roads.</li> </ul>
<b>Tourism</b>	<ul style="list-style-type: none"> <li>a. To promote and provide for tourism opportunities.</li> <li>b. To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area, or on the commercial primacy of the City/Town Centre zone.</li> <li>c. To allow limited residential uses where appropriate.</li> <li>d. To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.</li> </ul>
<b>Light Industry</b>	<ul style="list-style-type: none"> <li>a. To provide for a range of industrial and service commercial uses generally compatible with urban areas, that generally cannot be located in other zones, whilst maintaining the commercial primacy of the City/Town Centre zone.</li> <li>b. To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.</li> </ul>
<b>General Industry</b>	<ul style="list-style-type: none"> <li>a. To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</li> <li>b. To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>c. Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>
<b>Rural</b>	<ul style="list-style-type: none"> <li>a. To provide for the maintenance or enhancement of specific local rural character.</li> <li>b. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as viticulture and horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in</li> </ul>

	<p>circumstances where they demonstrate compatibility with the primary use.</p> <ul style="list-style-type: none"> <li>c. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways.</li> <li>d. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.</li> <li>e. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> <li>f. To provide for development and expansion of the viticultural, winemaking and associated tourism activities and other industries related to agricultural activities, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.</li> <li>g. To provide for the extraction of basic raw materials, where appropriate.</li> </ul>
<b>Viticulture and Tourism</b>	<ul style="list-style-type: none"> <li>a. To provide for the maintenance or enhancement of specific local rural character.</li> <li>b. To provide for development and expansion of the viticultural, winemaking and associated industries, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.</li> <li>c. To facilitate the development of tourist facilities of a scale and nature appropriate in rural settings without prejudice to the scenic quality of land within this zone and without creating or increasing ribbon development on any road.</li> <li>d. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.</li> <li>e. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> <li>f. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways.</li> </ul>
<b>Rural Residential</b>	<ul style="list-style-type: none"> <li>a. To provide for lots primarily for residential purposes generally in the range of 1 ha to 4 ha.</li> <li>b. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>c. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
<b>Rural Landscape</b>	<ul style="list-style-type: none"> <li>a. To facilitate limited closer rural settlement on land which</li> </ul>



	<p>is recognised as being of high landscape or scenic value, but generally unsuitable for agriculture or farming use, in order to protect and enhance those values.</p> <p>b. To ensure that development maintains the character of the locality, maintains a high level of residential amenity, has consideration for conservation values and minimises disturbance to the landscape.</p>
<b>Conservation</b>	<p>a. To restrict the type and scale of development which will be considered on lands possessing special aesthetic, ecological or conservation values to those compatible with such environments.</p> <p>b. To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.</p>
<b>Bushland Protection</b>	<p>a. To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity.</p> <p>b. To prohibit clearing, grazing or damage to remnant vegetation on the land unless required for bushfire hazard risk mitigation identified on an adopted fire management plan, approved dwellings or any incidental development within building envelopes, or to allow for vehicular access to such buildings.</p> <p>c. To prohibit the clearing, draining, filling or grazing of wetlands on the land.</p>
<b>Special Use</b>	<p>a. To facilitate special land use controls, which do not sit comfortably within any other zone.</p> <p>b. To enable the Council to impose specific conditions associated with the special use."</p>
<b>Vasse Development</b>	<p><u>Objectives</u></p> <p>(a) The zone is designed to be flexible in nature so as to overcome the inherent problems associated with detailed zoning of land prior to the creation of lot boundaries through subdivision and survey.</p> <p>(b) To provide for progressive development of a new, separate community at Vasse.</p> <p>(c) To progressively provide employment and business opportunities at Vasse.</p> <p>(d) To encourage a variety of lifestyle opportunities through the use of different development densities.</p> <p>(e) To create a high quality "village" character by encouraging pedestrian/cycle transport as a preferred mode, a sense of place and a sense of community.</p> <p>(f) To establish a hierarchy of planning procedures to secure the objectives of the zone.</p> <p>(g) To provide for the development of neighbourhood retail facilities which support and service the residential</p>

	<p>population at Vasse only and do not detract from the primacy of Busselton and Dunsborough as the principal commercial centres of the City.</p> <p><u>Policies</u></p> <ul style="list-style-type: none"> <li>(a) To provide, in a timely manner, an alternative route for regional, heavy haulage and through traffic so that the existing Bussell Highway alignment can be used as an internal subdivision road to service Vasse village.</li> <li>(b) To require the preparation and approval of a Development Guide Plan in accordance with the provisions of Schedule 11 of the Scheme as a prerequisite to - <ul style="list-style-type: none"> <li>(i) the local government's support for an application to subdivide or amalgamate lots; and/or</li> <li>(ii) the local government's consideration of an application for planning approval.</li> </ul> </li> <li>(c) Ensure development is compatible with the natural environment.</li> <li>(d) Programme appropriate road and reticulated service provision.</li> <li>(e) Programme appropriate provision of social infrastructure.</li> <li>(f) Encourage urban designs which provide a high degree of 'permeability' and 'walkability'.</li> <li>(g) Make provision for business, industry, community uses and recreational areas as well as residential areas.</li> <li>(h) To ensure that Vasse does not become a satellite, dormitory suburb of Busselton and the local government shall recommend against continuing stages of residential subdivision unless there is progressive development of employment opportunities at Vasse.</li> <li>(i) To ensure that subdivision and development conforms to the principal aims of the "Liveable Neighbourhoods Policy".</li> <li>(j) To ensure retail uses are limited in scale, type and function to service the residential population of Vasse only, in accordance with the settlement hierarchy objectives of the State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge.</li> </ul>
<b>Deferred Vasse Development Zones</b>	<p><u>Objectives</u></p> <ul style="list-style-type: none"> <li>(a) To ensure that the development of Vasse is staged to allow a community size of around 2,000 residents unless the conditions prescribed at Table 5 of the State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge and Schedule 12 of the Scheme are met in which case the village of</li> </ul>

	<p>Vasse may be expected to accommodate a maximum population of approximately 5,000 people by the lifting of the deferment from the Deferred Vasse Development zone through an amendment to the Scheme.</p> <p>(b) In the interim, the land within the zone is to be treated as if it were in the Agriculture zone except that the local government has the discretion to refuse incompatible rural land uses that may prejudice the long term development of the area for townsite expansion.</p> <p><u>Policies</u></p> <p>(a) It is the objective and requirement of the zone to link further expansion of Vasse to the demonstration of employment creation at the site to support residential growth. Justification of growth should conform to the principle aims of the Liveable Neighbourhoods as it relates to employment, transport and community design.</p> <p>(b) It is intended that when the local government deems the above condition and those of Schedule 12 of the Scheme have been met that the deferment will be lifted from the Deferred Vasse Development zone and further residential development permitted in accordance with an adopted Development Guide Plan. Deferment shall be lifted by finalisation and gazettal of an amendment to the Scheme rezoning the site from the Deferred Vasse Development zone to the Vasse Development zone.</p>
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2.2 Amending clause 5.34 (Subdivision of lots with more than one dwelling in the Agriculture and Viticulture and Tourism Zones) by –

- (a) Amending the title of the clause to “Subdivision of lots in the Rural and Viticulture and Tourism zones”;
- (b) Inserting new subclauses 5.34.1 and 5.34.2 as follows and renumbering subsequent clauses and clause references accordingly:

*“5.34.1 A lot proposed to be created by subdivision for an agricultural purpose shall contain a minimum area of land that actually is useable for commercial farming. Depending upon the circumstances, the area of a lot may be greater than the area necessary for the farm due to remnant and riparian vegetation considered valuable for conservation; streams, dams, wetlands and foreshores; steep terrain and rocky outcrops; setbacks to the above and any environmental buffers within which development or agriculture is not permitted; and existing tourist development. As a general guide, the minimum arable area for a commercial farm that will be recommended by the local government to the Commission is 30 hectares for viticultural and horticultural pursuits.*

*5.34.2 Where environmental conditions allow, subdivision of rural land into lots comprising a minimum arable area of 40 hectares may be supported by the local government.”*

2.3 Amending clause 5.36 (Vegetation Surveys in the Conservation and Bushland Protection Zones) to read as follows –

***“5.36 SPECIAL PROVISIONS RELATING TO THE CONSERVATION ZONE***

*5.36.1 Development will only be permitted where –*

- (a) it can be demonstrated that such development can be carried out in a manner that minimises risks from natural hazards, functions efficiently and does not detract from the scenic quality of the land; and*
- (b) such development is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations and the provision and quality of habitats for both indigenous and migratory species.*

*5.36.2 In satisfying 5.36.1 above, there is a general presumption that development shall be in a clustered form.*

*5.36.3 Subdivision will only be supported where –*

- (a) there is no detrimental impact on the aesthetic, conservation or ecological values of the land and where the objective of retention of these values of the land in perpetuity will be achieved;*
- (b) for a lot 40 hectares or greater at 7 September 1999, subdivision based on a ratio of one lot per 20 hectares, preferably in a clustered form;*
- (c) for a lot less than 40 hectares at 7 September 1999, subdivision of one additional lot, preferably in a clustered form; and*
- (d) the proposal is consistent with State Planning Policy No. 6.1 - Leeuwin-Naturaliste Ridge where applicable.*

*5.36.4 Clearing of any vegetation on the land will be prohibited, unless required for fire breaks, dwellings or associated outbuildings within defined building envelopes, or to allow for vehicular access to such buildings*

*5.36.5 Prior to subdivision, subdividers shall undertake a vegetation survey to identify rare, endangered or otherwise significant vegetation within the proposed building envelope and vehicle access areas, in addition to any other area of the lot as deemed appropriate by the local government, and provide for its appropriate conservation to the satisfaction of the Department of Biodiversity, Conservation and Attractions and the local government.”*

- 2.4 Amending clause 5.38 (Special provisions relating to the Rural Landscape Zone) by inserting new subclauses 5.38.1 and 5.38.2 as follows and renumbering subsequent clauses accordingly:

*“5.38.1 Subdivision should incorporate a range of lots areas, with an average lot area of not less than 10 hectares and a minimum lot area of 5 hectares using conventional subdivision and providing greater flexibility for lots created by strata or survey strata subdivision, dependent upon the special physical and*

*landscape characteristics of the land and only where it can be clearly established to be consistent with the objectives of the zone.*

5.38.2 *Where the keeping of livestock may be acceptable, stocking rates shall be controlled in order to avoid degradation and erosion of the landscape, and to ensure that the keeping of livestock does not occur where this would be inconsistent with the intent and objectives of the zone."*

2.5 Amending clause 5.39 (Special provisions relating to the Bushland Protection Zone) by:

(a) Modifying subclause 5.39.1 to read as follows:

*"5.39.1 Subdivision will only be supported where –*

- (a) there is no detrimental impact on the aesthetic, conservation or biodiversity values of the land and where the objective of retention of these values in perpetuity will be achieved;*
- (b) for lots less than 60 hectares, subdivision of one additional lot;*
- (c) for lots 60 hectares and greater, subdivision based on a ratio of one lot per 20 hectares with a maximum of 3 lots in total;*
- (d) for lots 60 hectares and greater and with a remnant vegetation cover of 50% or more of the total area of the lot, subdivision based on a ratio of one lot per 20 hectares with a maximum of 4 lots in total;*
- (e) a minimum lot area of 3 hectares is achieved;*
- (f) consistent with the Biodiversity Incentive Strategy for Private Land in the Busselton Shire, or the State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge, or other similar strategy as may be adopted by the local government and endorsed by the Commission in the future; and*
- (g) consistent with a Development Guide Plan adopted by local government and endorsed by the Commission."*

(b) Inserting new subclauses 5.39.2 and 5.39.3 as follows and renumbering subsequent clauses accordingly:

*"5.39.2 No further subdivision of lots created pursuant to the objectives and policies of the Bushland Protection zone is permitted*

*5.39.3 Prior to subdivision, subdividers shall undertake a vegetation survey to identify rare, endangered or otherwise significant vegetation within the proposed building envelope and vehicle access areas, in addition to any other area of the lot as deemed appropriate by the local government, and provide for its appropriate conservation to the satisfaction of the Department of Parks and Wildlife Department of Biodiversity, Conservation and Attractions and the local government."*

2.6 Inserting a new clause 5.20 to read as follows and renumbering subsequent clauses and clause references accordingly:

***“5.20 CONSOLIDATION AND FRAGMENTATION OF LAND IN THE CITY/TOWN CENTRE AND LOCAL/NEIGHBOURHOOD CENTRE ZONE***

*“The consolidation of land to assemble larger land parcels suitable for integrated development or redevelopment in the City/Town Centre and Local/Neighbourhood Centre zones is encouraged and supported. Fragmentation of land within these zones, unless it is part of an overall plan for integrated development or redevelopment, will generally not be supported.”*

- 2.7 Inserting a new clause 5.41 to read as follows:

***“5.41 DEVELOPMENT ALONG MAIN OR ARTERIAL ROADS***

*“Development which is likely to contribute to ribbon development, the spread of town centres, or otherwise detrimentally impact the efficiency of or the rural and natural ambience of main or arterial roads will not be supported by the local government.”*

**3. Terms Referred to in Scheme**

- 3.1 Amending Schedule 1 (Interpretations) by –

- a. Amending the following titles:

- i. “Caretaker’s Residence” to read “Caretaker’s Dwelling”;
- ii. “Jetty and Mooring Envelope” to read “Mooring Envelope”;
- iii. “Light Industry” to read “Industry – Light”;

and associated references throughout the Scheme accordingly, where, in relation to “Caretaker’s Dwelling”, references within the Scheme to “Caretaker/Staff Accommodation”, “Manager’s/Caretakers House”, “Manager’s Dwelling” and “Manager’s House” shall also be amended;

- b. Amending the following definitions to read:

~~i. “‘Amusement Parlour’ means premises –~~

~~(a) that are open to the public; and~~

~~(b) that are used predominantly for amusement by means of amusement machines including computers; and~~

~~(c) where there are 2 or more amusement machines;”~~

~~ii. “‘Convenience Store’ means premises –~~

~~(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and~~

~~(b) operated during hours which include, but may extend beyond, normal trading hours; and~~

~~(c) the floor area of which does not exceed 300m<sup>2</sup> net lettable area;”~~

- iii. *“Display Home Centre’* means one or more dwellings on the same lot or adjoining, or adjacent lots that are intended to be open for public inspections as examples of dwelling design;”

~~iv. *“Educational Establishment’* means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;”~~

- v. *“Home Occupation’* means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation —

(a) does not involve employing a person who is not a member of the occupier’s household; and

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 20 m<sup>2</sup>; and

(d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and

(e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(f) does not —

(i) require a greater number of parking spaces than normally required for a single dwelling; or

(ii) result in an increase in traffic volume in the neighbourhood; and

(g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and

(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;”

~~vi. *“Hospital’* means premises that are a hospital within the meaning given in the Health Services Act 2016 section 8(4);”~~

- vii. *“Incidental development’*, for development on land to which the R-Codes applies, shall have the meaning as provided for in the R-Codes, for all other development shall mean outbuildings (including sheds, garages, and freestanding structures enclosed more than 50%), verandahs, carports, patios, gazebos and similar structures, swimming pools, water tanks; and other structures incidental to a dwelling;”

- viii. “‘*Industry*’ means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —
- (a) the storage of goods;
  - (b) the work of administration or accounting;
  - (c) the selling of goods by wholesale or retail;
  - (d) the provision of amenities for employees;
  - (e) incidental purposes;”
- ix. “‘*Lunch Bar*’ means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas and does not normally trade outside of normal business hours;”
- x. “‘*Marina*’ means —
- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
  - (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;”
- ~~xi. “‘*Marine Filling Station*’ means premises used for the storage and supply of liquid fuels and lubricants for marine craft;”~~
- ~~xii. “‘*Motel*’ means premises, which may be licensed under the *Liquor Control Act 1988* —~~
- ~~(a) used to accommodate guests in a manner similar to a hotel; and~~
  - ~~(b) with specific provision for the accommodation of guests with motor vehicles;”~~
- ~~xiii. “‘*Motor Vehicle Repair*’ means premises used for or in connection with —~~
- ~~(a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or~~
  - ~~(b) repairs to tyres other than recapping or re-treading of tyres;”~~
- ~~xiv. “‘*Office*’ means premises used for administration, clerical, technical, professional or similar business activities;”~~
- ~~xv. “‘*Restricted Premises*’ means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display~~



~~or delivery of —~~

~~(a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; or~~

~~(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or~~

~~(c) smoking-related implements;”~~

xvi. “‘*Shop*’ means premises other than a bulky goods showroom, used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;”

~~xvii. “‘*Tavern*’ means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;”~~

~~xviii. “‘*Transport Depot*’ means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —~~

~~(a) any ancillary maintenance or refuelling of those vehicles; and~~

~~(b) any ancillary storage of goods brought to the premises by those vehicles; and~~

~~(c) the transfer of goods or persons from one vehicle to another;”~~

c. Amending the following titles and definitions:

i. ~~‘Caravan Park & Camping Grounds’ to read:~~

~~“‘*Caravan Park*’ means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);”~~

ii. ~~‘Child Care Centre’ to read:~~

~~“‘*Child Care Premises*’ means premises where —~~

~~(a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or~~

~~(b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;”~~

iii. ~~‘Club’ to read:~~

~~“‘*Club Premises*’ means premises used by a legally constituted club or association or other body of persons united by a common interest;”~~

iv. ~~‘Community Centre’ to read:~~

~~“‘Community Purpose’ means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;”~~

~~v. — ‘Extractive Industry’ to read:~~

~~“‘Industry — Extractive’ means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —~~

~~(a) the processing of raw materials including crushing, screening, washing, blending or grading;~~

~~(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;”~~

~~vi. — ‘Liquid Fuel Depot’ to read:~~

~~“‘Fuel Depot’ means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —~~

~~(a) as a service station; or~~

~~(b) for the sale of fuel by retail into a vehicle for use by the vehicle;”~~

vii. ‘Major Road Frontage’ to read:

“‘Frontage’, in relation to a building —

(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or

(b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;”

~~viii. — ‘Mineral Resource Development’ to read:~~

~~“‘Mining Operations’ means premises where mining operations, as that term is defined in the Mining Act 1978 section 8(1) is carried out;”~~

ix. ‘Motor Vehicle and Marine Sales Premises’ to read:

“‘Motor Vehicle, Boat or Caravan Sales’ means premises used to sell or hire motor vehicles, boats or caravans;”

~~x. — ‘Plant Nursery’ to read:~~

~~“‘Garden Centre’ means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with~~

~~horticulture and gardens;”~~

- xi. ‘Private Recreation’ to read:

“‘*Recreation – Private*’ means premises that are –

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;”

- xii. ‘Professional Consulting Rooms’ to read:

“‘*Consulting Rooms*’ means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;”

- ~~xiii. ‘Restaurant’ to read:~~

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

- ~~xiv. ‘Warehouse’ to read:~~

~~“‘*Warehouse/Storage*’ means premises including indoor or outdoor facilities used for –~~

- ~~(a) the storage of goods, equipment, plant or materials; or~~
- ~~(b) the display or sale by wholesale of goods;”~~

and associated references throughout the Scheme accordingly;

- d. Inserting the following new definitions:

- i. “‘*Art Gallery*’ means premises –

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;”

- ii. “‘*Car Park*’ means premises used primarily for parking vehicles whether open to the public or not but does not include –

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale;”

- iii. “‘*Cinema/Theatre*’ means premises where the public may view a motion picture or theatrical production;”

- iv. “‘*Funeral Parlour*’ means premises used –

- (a) to prepare and store bodies for burial or cremation;
  - (b) to conduct funeral services;”
- v. “‘Motor Vehicle Wash’ means premises primarily used to wash motor vehicles;”
- vi. “‘Nightclub’ means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;”
- vii. “‘Resource Recovery Centre’ means premises other than a waste disposal facility used for the recovery of resources from waste;”
- viii. “‘Small Bar’ means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;”
- ix. “‘Telecommunications Infrastructure’ means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;”
- x. “‘Waste Disposal Facility’ means premises used –
  - (a) for the disposal of waste by landfill; or
  - (b) the incineration of hazardous, clinical or biomedical waste;”
- xi. “‘Waste Storage Facility’ means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;”
- e. Removing the use class definitions for “Grouped Dwelling”, “Multiple Dwelling”, “Residential Building” and “Single House”, while retaining permissibilities within the Zoning Table and references within the Scheme;
- f. Removing the following obsolete or out-dated definitions and associated permissibilities and references throughout the Scheme where relevant:
 

i. “The Act”;	xix. Marine Facilities;
ii. Advertisement;	xx. Natural Ground Level;
iii. Amusement Machine;	xxi. Offensive and Hazardous Industry;
iv. Applicant;	xxii. Owner;
v. Boarding House;	xxiii. Place;
vi. Boatel;	xxiv. Place of Assembly;
vii. Building;	xxv. Public Utility;
viii. Bulk Store;	xxvi. Recreation Facility;
ix. Bulky Goods;	xxvii. Retirement Village;
x. Bus Station;	xxviii. Rural Worker’s Dwelling;
xi. Chandlery;	xxix. Salvage Yard;
xii. Communal or Cluster Farming;	xxx. Sawmill;
xiii. Conservation Tourism;	xxxi. Service Industry;
xiv. Display Home;	xxxii. Stabilised Surface Level of a Lot;
xv. Dry Industry;	xxxiii. Stock & Sale Yard;
xvi. Dwelling;	xxxiv. Timber Yard;
xvii. Generating Works;	xxxv. Waterway Frontage;

xviii. Manager's Residence;

g. Rearranging the Schedule into two parts, being "Division 1 – General definitions used in Scheme" and "Division 2 – Land use terms used in Scheme", whereby:

i. The following terms are to be included in Division 1:

Canal Frontage	Mean High Water Mark
Commission	Mooring Envelope
Council	Net Lettable Area
Dam	Prime Agricultural Land
Discount Department Store	Research and Development Facility
Entry Statement	Rural Tourist Accommodation
Floodway	Stabilised Canal Edge
Frontage	Supermarket
Gazettal Date	Vegetation
Incidental Development	

ii. The following terms are to be included in Division 2:

Abattoir	Lunch Bar
Aged Persons' Home	Marina
Agriculture – Extensive	Marine Filling Station
Agriculture – Intensive	Market
Amusement Parlour	Medical Centre
Animal Establishment	Mining Operations
Animal Husbandry – Intensive	Motel
Aquaculture	Motor Vehicle, Boat or Caravan Sales
Bed and Breakfast	Motor Vehicle Repair
Brewery	Motor Vehicle Wash
Bus Depot	Nightclub
Caravan Park	Office
Car Park	Park Home Park
Cinema/Theatre	Place of Worship
Chalet	Produce Sales
Child Care Premises	Reception Centre
Club Premises	Recreation Establishment
Community Purpose	Recreation – Private
Consulting Rooms	Research Establishment
Convenience Store	Resource Recovery Centre
Corner Shop	Restaurant/Café
Educational Establishment	Restricted Premises
Exhibition Centre	Rural Holiday Resort
Factory Unit Building	Rural Pursuit/Hobby Farm
Fuel Depot	Service Station
Funeral Parlour	Shop
Garden Centre	Showroom
Guesthouse	Small Bar
Holiday Home (Multiple/Grouped Dwelling)	Takeaway Food Outlet
Holiday Home (Single House)	Tavern
Home Business	Telecommunications Infrastructure
Home Occupation	Tourist Accommodation
Home Office	Transport Depot
Hospital	Tree Farm
Hotel	Veterinary Centre
Industry	Warehouse/Storage
Industry – Cottage	Waste Disposal Facility
Industry – Extractive	Waste Storage Facility
	Wind Farm

Industry – Light  
Industry – Primary Production

Winery

### 3.2 Amending the Zoning Table to read as follows:

Zone / Use Class	Residential	City/Town Centre	Local /Neighbourhood Centre	Service Commercial	Tourism	Light Industry	General Industry	Rural	Viticulture and Tourism	Rural Residential	Rural Landscape	Conservation	Bushland Protection	Special Use	Vasse Development	Deferred Vasse Development
Abattoir	X	X	X	X	X	A	D	A	X	X	X	X	X	In accordance with clause 4.6.1	In accordance Schedule 11, clause 1.7.3	In accordance with Clause 4.2.14 (b) and clause 4.6.3
Aged Persons Home	D	X	X	X	X	X	X	A	X	X	X	X	X			
Agriculture – Extensive	X	X	X	X	X	X	X	P	P	A	D	D	D			
Agriculture – Intensive	X	X	X	X	X	X	X	P	P	X	X	X	X			
Amusement Parlour	X	P	P	D	D	D	D	X	X	X	X	X	X			
Ancillary Accommodation	P	D	D	X	X	X	X	P	P	P	D	D	D			
Animal Establishment	X	X	X	X	X	X	X	D	D	A	A	X	X			
Animal Husbandry – Intensive	X	X	X	X	X	X	X	D	D	X	X	X	X			
Aquaculture	X	X	X	X	X	D	D	D	D	A	A	A	X			
Bed and Breakfast	D	D	D	X	P	X	X	D	D	D	D	D	D			
Brewery	X	A	A	A	A	D	D	A	A	X	X	X	X			
Bus Depot	X	X	X	D	X	D	D	D	X	X	X	X	X			
Car Park	X	D	D	D	X	D	D	X	X	X	X	X	X			
Caravan Park	A	X	X	X	D	X	X	A	A	X	X	X	X			
Cinema/Theatre	X	D	D	D	X	X	X	X	X	X	X	X	X			
Chalet	X	X	X	X	D	X	X	D	D	X	A	A	X			
Child Care Premises	A	D	D	D	A	X	X	D	A	A	X	X	X			
Club Premises	X	D	D	D	D	X	X	A	A	X	X	X	X			
Community Purpose	A	P	P	D	D	D	D	D	A	A	X	X	X			
Consulting Rooms	A	P	P	P	X	X	X	X	X	X	X	X	X			
Convenience Store	X	P	P	D	D	D	D	X	X	X	X	X	X			
Corner Shop	A	P	P	P	X	D	D	A	A	A	X	X	X			
Display Home Centre	D	X	X	X	X	X	X	X	X	D	X	X	X			
Educational Establishment	A	P	P	D	X	D	D	D	D	D	X	X	X			
Exhibition Centre	X	A	A	A	A	X	X	A	A	X	X	X	X			
Factory Unit Building	X	X	X	D	X	P	P	X	X	X	X	X	X			
Fuel Depot	X	X	X	X	X	P	P	X	X	X	X	X	X			
Funeral Parlour	X	D	D	D	X	D	X	X	X	X	X	X	X			
Garden Centre	X	A	A	A	X	D	X	D	D	A	X	X	X			
Grouped Dwelling	D	D	D	X	X	X	X	X	X	X	X	X	X			
Guesthouse	X	D	D	X	D	X	X	A	A	A	A	A	X			
Holiday Home (Multiple/Grouped Dwelling)	A	A	A	X	X	X	X	X	X	X	X	X	X			

Holiday Home (Single House)	D*	D*	D*	X	X	X	X	D*	D*	D*	D*	D*	D*
Home Business	D	P	P	X	X	X	X	P	P	P	A	A	A
Home Occupation	P	P	P	X	P	X	X	P	P	P	P	P	P
Hospital	A	D	D	D	X	X	X	A	A	X	A	X	X
Hotel	X	A	A	A	A	X	X	A	A	X	X	X	X
Industry	X	X	X	X	X	D	D	X	X	X	X	X	X
Industry – Cottage	X	X	X	X	D	X	X	P	P	A	D	A	A
Industry – Extractive	X	X	X	X	X	A	A	A	X	X	X	X	X
Industry – Light	X	X	X	D	X	P	P	X	X	X	X	X	X
Industry – Primary Production	X	X	X	X	X	D	D	D	D	X	X	X	X
Lunch Bar	X	X	X	D	X	D	D	X	X	X	X	X	X
Marina	X	D	D	D	D	D	D	X	X	X	X	X	X
Marine Filling Station	X	D	D	D	D	D	D	X	X	X	X	X	X
Market	X	D	D	D	A	D	D	D	D	A	X	X	X
Medical Centre	A	P	P	D	X	D	D	X	X	X	X	X	X
Mining Operations	X	X	X	X	X	A	A	A	X	X	X	X	X
Motel	X	A	A	A	D	X	X	X	X	X	X	X	X
Motor Vehicle, Boat or Caravan Sales	X	D	D	P	X	P	P	X	X	X	X	X	X
Motor Vehicle Repair	X	X	X	D	X	P	P	X	X	X	X	X	X
Motor Vehicle Wash	X	D	D	D	X	D	D	X	X	X	X	X	X
Multiple Dwelling	D	D	D	X	X	X	X	X	X	X	X	X	X
Nightclub	X	A	X	X	A	X	X	X	X	X	X	X	X
Office	X	P	P	X	X	X	X	X	X	X	X	X	X
Park Home Park	A	X	X	X	D	X	X	X	X	X	X	X	X
Place of Worship	A	D	D	D	X	D	X	A	A	A	X	X	X
Produce Sales	X	X	X	X	X	X	X	D	D	A	A	A	X
Reception Centre	X	D	D	D	D	X	X	A	A	X	X	X	X
Recreation Establishment	X	X	X	X	D	X	X	D	D	X	A	A	X
Recreation – Private	X	D	D	D	D	D	X	D	A	A	A	A	X
Repurposed Dwelling	D	D	D	X	X	X	X	D	D	D	D	D	D
Research Establishment	X	D	D	D	X	D	D	D	X	X	X	X	X
Residential Building	A	X	X	X	D	X	X	A	A	X	X	X	X
Resource Recovery Centre	X	X	X	X	X	X	A	X	X	X	X	X	X
Restaurant/Cafe	X	P	P	D	D	X	X	D	D	A	X	X	X
Restricted Premises	X	D	D	D	X	X	X	X	X	X	X	X	X
Rural Holiday Resort	X	X	X	X	D	X	X	X	A	X	X	X	X
Rural Pursuit/Hobby Farm	X	X	X	X	X	X	X	P	P	A	A	X	X
Second-hand Dwelling	D	D	D	X	X	X	X	D	D	D	D	D	D
Service Station	X	D	D	D	X	D	D	A	X	X	X	X	X
Shop	X	P	P	X	X	X	X	X	X	X	X	X	X
Showroom	X	P	P	P	X	D	X	X	X	X	X	X	X
Single House	P	D	D	X	X	X	X	P	P	P	P	P	P
Small Bar	X	D	A	A	D	A	X	A	A	X	X	X	X

In accordance with clause 4.6.1

In accordance Schedule 11, clause 1.7.3

In accordance with Clause 4.2.14 (b) and clause 4.6.3

Takeaway Food Outlet	X	A	A	A	A	X	X	X	X	X	X	X	X		
Tavern	X	A	A	A	A	A	X	A	A	X	X	X	X		
Telecommunications Infrastructure	A	A	A	D	A	D	D	A	A	A	A	X	X		
Tourist Accommodation	X	D	D	X	D	X	X	X	A	X	X	X	X		
Transport Depot	X	D	D	D	X	D	D	X	X	X	X	X	X		
Tree Farm	X	X	X	X	X	X	X	D	D	X	X	X	X		
Veterinary Centre	X	D	D	P	X	D	X	A	A	X	X	X	X		
Warehouse/Storage	X	D	D	P	X	P	P	X	X	X	X	X	X		
Waste Disposal Facility	X	X	X	X	X	X	A	X	X	X	X	X	X		
Waste Storage Facility	X	X	X	X	X	X	A	X	X	X	X	X	X		
Wind Farm	X	X	X	X	X	X	X	A	A	X	X	X	X		
Winery	X	D	D	D	A	P	X	D	D	X	A	X	X		

3.3 Amending subclause 4.5.3(d) (Exceptions to the Zoning Table) to delete the words “*or motor vehicle and marine sales*”.

3.4 Delete subclauses 4.5.4(f) and (g) (Exceptions to the Zoning Table) and renumber subsequent clauses accordingly.

#### 4. City and Town Centre Zone provisions

4.1 Amending clause 5.20 (Development in the Business Zone) to read as follows –

##### ***“5.20 DEVELOPMENT IN THE CITY/TOWN CENTRE ZONE***

*5.20.1 Development within the City/Town Centre zone shall demonstrate adherence to the following design principles –*

- (a) Context and character*
- (b) Landscape quality*
- (c) Built form and scale*
- (d) Functionality and build quality*
- (e) Sustainability*
- (f) Amenity*
- (g) Legibility*
- (h) Safety*
- (i) Community*
- (j) Aesthetics*

*5.20.2 Development within the City/Town Centre zone shall address the following provisions, unless otherwise identified in an endorsed Activity Centre Plan:*

- (a) No residential uses shall be permitted at ground floor fronting Queen Street and Prince Street, Busselton and Dunn Bay Road and Naturaliste Terrace, Dunsborough;*
- (b) A nil front setback is to be provided to the development, unless otherwise designated in an Activity Centre Plan, or the development is providing for an associated alfresco space within the setback;*
- (c) Buildings shall be articulated to break up perceived bulk and provide*



*visual interest, particularly with buildings occupying a large/long site frontage;*

- (d) At the ground floor level, developments shall address the street with a primary business entrance and a shop front façade;*
- (e) Ground floor commercial uses shall incorporate transparent glazing for 70% of all building frontages to adjacent streets;*
- (f) Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;*
- (g) A minimum ceiling height of 3.3 metres shall be achieved for the ground floor level, whilst all other floors shall achieve a minimum ceiling height of 2.7 metres;*
- (h) Roller doors or screens of solid material on shop fronts will not be permitted, security measures should be located and installed internally behind the glazing line;*
- (i) Pedestrian shelter, through the provision of a verandah, awning or the like, shall be provided over the public footpath for the full width of the lot frontage;*
- (j) No vehicle accessways or carparking shall be provided between buildings and the street, or be visible from the street, unless required to provide access to car parking or loading areas behind buildings;*
- (k) No vehicular access to sites shall be taken from Queen Street, Prince Street or Kent Street (between Queen Street and Brown Street), Busselton or Dunn Bay Road or Naturaliste Terrace, Dunsborough, unless no alternative is available, in which case a single crossover width shall be no greater than 5 metres with a cumulative maximum width of 7 metres;*
- (l) Vehicle crossovers and driveways shall be co-located wherever possible with adjoining properties;*
- (m) Vehicle access to developments shall be designed in a way which minimises potential pedestrian/vehicular conflict, clearly recognising the primacy of pedestrian amenity;*
- (n) Multi-storey car parks shall incorporate interactive street frontages, such as shops or other uses that promote activity and where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors;*
- (o) General plant, such as air-conditioning, television antennas, bins, hot water storage tanks, rain water tanks, satellite dishes and the like are to be adequately concealed and screened from the street or public view;*
- (p) Where land is zoned 'City/Town Centre' and is designated a*

*residential density coding of R-AC3 the maximum plot ratio shall be 1.5, except for where the following incentives for mixed use development apply:*

- (i) Where residential or short-stay accommodation uses represent more than 25% of the plot ratio area of a proposed mixed use development, the maximum allowable plot ratio area may be 2.0; or*
- (ii) Where a development incorporates a Restaurant/Café, Tavern or other similar use that will provide for informal social interaction the maximum allowable plot ratio area for the remainder of the development may be 2.0; and*
- (iii) The plot ratio incentives set out in sub-clauses (a) and (b) above may be combined, provided that the total plot ratio area does not exceed 3.0.*

*(q) Signage and advertising shall not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally;”*

- 4.2 Inserting a new clause 5.5.2(b) (Variations to site and development standards and requirements) as follows:

*“(b) Drive-through facilities in the Drive-through Facility Exclusion Area, as specified by clause 6.13.”*

- 4.3 Modifying clause 6.1.1 (Operation of Special Control Areas) by including a new Area - “Drive-through Facility Exclusion” after the Development Contribution Area as listed.

- 4.4 Inserting a new clause 6.13 as follows and renumbering subsequent clauses and clause references accordingly:

**“6.13 DRIVE-THROUGH FACILITY EXCLUSION AREA**

*Drive-through facilities shall not be approved in the Drive-through Facility Exclusion Area.”*

- 4.5 Amending Schedule 1 (Interpretations) by inserting the following new definition:

*“‘**Drive-through facility**’ means a facility or development involving vehicles entering a site, such as shop, takeaway food outlet or development with fuel bowsers, whereby a product or service is sold or provided direct to customers or patrons driving or seated in a motor vehicle and also includes the provision of fuel to motor vehicles or a Motor Vehicle Wash.”*

- 4.6 Amending the Scheme map to apply the ‘Drive-through Facility Exclusion Area’ to the Busselton City Centre as depicted on the Scheme Amendment map, being:

- (a) Land being rezoned to ‘City/Town Centre’ bound by West Street, Marine Terrace, Brown Street, Harris Road and Albert Street, Busselton; and
- (b) Land bound by Brown Street, Peel Terrace, Cammilleri Street and Harris Road,

Busselton;

And subject to the following exclusions:

- (a) Lots 15 (3), 150 (5), 381(7), 110(9), 454 (11), 453 (15), 9 (17), 19 (10), 11 (23), 120 (25), 391 (27), 7 (37), 8 (39), 10 (41) and portion of Lot 26 (45) Albert Street, Busselton;
  - (b) Portion of Lot 170 (56) Prince Street, Busselton.
- 4.7 Amending the Scheme map to apply the 'Drive-through Facility Exclusion Area' to the Dunsborough Town Centre as depicted on the Scheme Amendment map, being:
- (a) Land being rezoned to 'City/Town Centre' and bound by Cape Naturaliste Road, Reserve 42673, Reserve 35758, Reserve 26513, Chieftain Crescent, Seymour Boulevard and Caves Road and excluding portion of Lot 1 (No. 61), portion of Lot 1 (No. 64) and Lot 2 (No. 64) Dunn Bay Road, Dunsborough.

## **5. Additional clauses to align to Model Provisions**

- 5.1 Amending clause 4.4 (Interpretation of the Zoning Table) to read as follows:

### ***"4.4 INTERPRETATION OF THE ZONING TABLE***

*4.4.1 A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.*

*4.4.2 The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –*

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone."*

- 5.2 Modifying clause 5.5 (Variations to site and development standards and requirements) by:

- (a) Replacing subclauses 5.5.1, 5.5.3 and 5.5.4 with the following:

*"5.5.1 Except for development in respect of which the R-Codes apply, the local government may approve an application for a development approval that does not comply with an additional site and development requirements."*

*"5.5.2 An approval under subclause 5.5.1 may be unconditional or subject to any conditions the local government considers appropriate."*

*“5.5.4 If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –*

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and*
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.”*

*“5.5.5 The local government may only approve an application for development approval under this clause if the local government is satisfied that –*

- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

(b) Renumbering existing subclause 5.5.2 to 5.5.3.

## **6. Review of Rural Residential areas**

6.1 Inserting Special Provision No. 63 as follows, and amend the Scheme maps accordingly:

No.	Particulars of land	Zone	Special Provisions
63	Land bound by the Busselton Bypass in the north, Queen Elizabeth Avenue to the east and Rendezvous Road to the south; and with Lots 44 to 50 Belltonia Way, and Lot 348 Rendezvous Road, forming the western boundary.	Rural Residential	<ol style="list-style-type: none"> <li>1. An Overall Structure Plan (OSP) shall be prepared for the Special Provision area, which shall determine as a minimum, indicative layout, residential density, strategic road integration and public open space provision.</li> <li>2. <b>Notwithstanding provision 1, an overall structure plan may be prepared specifically for Lots 242-249 Kookaburra Way prior to the general OSP for Special Provision Area 63 being prepared. Should this occur, the specific overall structure plan for these lots must integrate with the approved structure plan for neighbouring Lot 2 Kookaburra Way.</b></li> <li>3. <b>The Any</b> OSP <b>that is prepared</b> shall identify precincts for which further detailed structure planning is required prior to any consideration for subdivision approval.</li> </ol>

			<p><b>4.</b> Subdivision of land shall be generally in accordance with a Detailed Structure Plan for the land approved by the Western Australian Planning Commission pursuant to Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p><b>5.</b> Immediately following subdivision, a Scheme amendment is to be initiated by the proponent to rezone the land in accordance with the approved detailed structure plan.</p>
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6.2 Amending the Scheme maps as depicted on the Scheme Amendment maps and as follows:

- (a) Rezoning Lots 301 to 304 and Lot 311 Carnarvon Castle Drive and Lots 305 to 310 Vixen Close, Eagle Bay from 'Rural Residential' to 'Residential R2.5';
- (b) Rezoning Lot 2000 Okapa Rise, Dunsborough from 'Rural Residential' to 'Recreation Reserve';
- (c) Rezoning Lots 2001 and 2002 Okapa Rise, Dunsborough - Rezone from 'Rural Residential' to 'no zone';
- (d) Rezoning Lots 91 to 95, 401 to 405 Sloan Drive, Lots 96 to 101 Samphire Place, Lots 406 and 407, Lots 412 to 418, Lots 420 to 421 Okapa Rise, and Lots 408 and 9000 Capstone Close, Dunsborough from 'Rural Residential' to 'Residential R2.5'; and
- (e) Rezoning Lots 422 to 432 Okapa Rise, Dunsborough from 'Rural Residential' to 'Residential R2'.

II. Pursuant to the Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), determine that Amendment 29 is a standard amendment in accordance with r.34(b) of the Regulations as it:

- i. Proposes to amend the Scheme text so that it is consistent with the model provisions in Schedule 1 of the Regulations.
- ii. The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
- iii. The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

- III. 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 prior to advertising of the draft Amendment.

Voting:

For the motion: Councillor R Bennett, Mayor G Henley, Deputy Mayor J McCallum, Councillor P Carter, Councillor R Reekie and Councillor R Paine.

Against the motion: Councillor K Hick and Councillor L Miles.

**CARRIED 6/2**

Reason:

Modification 1

Sections of the initial officer recommendation are proposed to be split from Amendment No. 29, to allow these specific proposals to be advanced as a separate, 'basic' amendment as they are consistent with the Model Provisions. The alternative officer recommendation therefore has two parts:

- Part A – Proposed Amendment No. 35, containing land use definitions that are consistent with the model provisions in Schedule 1 of the Regulations, recommended to proceed as a 'basic' amendment; and
- Part B – Proposed Amendment No. 29, containing the balance of the initial proposal, recommended to proceed as a 'standard' amendment.

Modification 2

The second proposed modification to the initial officer recommendation proposed at recommendation 6.1, is to allow for an Overall Structure Plan (OSP) to be submitted over a distinct number of lots in advance of the remainder of the Dunbarton area.

Lots 242 to 249 Kookaburra have the potential to be considered as a separate planning unit from the remainder of Dunbarton, predominantly due to:

1. the physical separation provided by Kookaburra Way;
2. the lots do not have a pre-existing structure plan; and
3. the lots retain relatively large areas, with further planning for road networks, public open space and drainage being a comparatively more straight-forward task than the area to the south of Kookaburra Way

13.4 DRAFT GEOGRAPHE LEISURE CENTRE AND NATURALISTE COMMUNITY CENTRE MASTER PLANS

<b>SUBJECT INDEX:</b>	NCC / GLC MASTER PLANS 2017
<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>	COMMUNITY SERVICES
<b>REPORTING OFFICER:</b>	Recreation Facilities Coordinator - Dave Goodwin
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attached under separate cover

## PRÉCIS

Masterplans for both the Geographe Leisure Centre (GLC) and the Naturaliste Community Centre (NCC) have been developed containing a strategic review of current performance levels to ascertain options to improve their financial sustainability and ability to be adapted and developed over time to meet the needs of the growing and changing demographic which they service.

This report seeks Council's approval to advertise the GLC and NCC Master Plan Key Findings (2017) for a period of 21 days and subject to feedback received, adopts the Master Plans as guides for future planning to inform the City's Long Term Financial plan.

## BACKGROUND

### Geographe Leisure Centre (GLC)

The GLC provides for aquatic, sporting, social, fitness and child care services to residents and visitors to the City of Busselton. Construction of the GLC was completed in August 1998 and originally consisted of a 25m indoor heated pool, three (3) court stadium, small gymnasium, a child care facility, and an outdoor 25m (non-heated) pool which was financially supported by the Busselton Water Polo Club. At this time, the Centre serviced a population of approximately 19,500 people and services delivered centred around sporting groups and general fitness.

The GLC caters for the needs of school groups and sporting clubs, and is the home of the City's Basketball, Netball and Volleyball Associations, Water Polo, Underwater Hockey and three Swimming Clubs.

In December 2009, in order to meet growing demands, the construction of an independent group fitness room was completed. The addition of the room enabled the Centre to increase the quality, variety, and number of group fitness classes, resulting in a substantial increase to usage and revenue.

In August 2011, a new Database and Management System was installed to manage point of sales, enquiries, membership management, stock control, program bookings and staff rostering. With advances in technology and changing needs this software is due for replacement in 2018.

In 2010/11, the growing awareness of environmental issues and the threat of increasing energy and water costs led to an energy and water audit and geothermal study. A number of recommendations in these studies have been implemented including the installation of geothermal heating, heating to the outdoor pool, air handling throughout the facility and pool blankets to retain heat.

In 2014 the Centre underwent further expansion when a new gym was constructed in addition to a larger crèche, cycle room and office and commercial lease spaces. The gym is now 483m<sup>2</sup> ensuring it has the capacity to cope with the growing population and demand in the short to medium term. The Centre now has four commercially leased allied health suites providing an additional revenue source, however the positioning of two of the suites adjacent to the group fitness rooms has resulted in some noise pollution issues affecting their commercial attractiveness. Efforts have been made to alleviate this by soundproofing the adjoining walls however suitability of these two rooms as health suites remains questionable.

In 2016, a customer survey raised issues of pool overcrowding and lack of available space, lack of staffing, and the need for 24 hour access and lack of ablutions in the gymnasium, additional courts for basketball and some comments regarding poor levels of customer service. This information was fed into the recent strategic review and master planning process.

To address feedback regarding customer service, in 2016/17 management concentrated on membership sales with the aim of increasing revenue streams, which achieved significant results beyond membership sales targets. Membership retention is however now a priority to ensure levels remain sustainable. The Centre currently loses nearly as many members as it attracts each month for a variety of reasons, in part due to the Management System that does not support a retention strategy, in addition to a lack of staff presence in the gymnasium and difficulties in the management of the exercise areas to create the most conducive environments.

### **Naturaliste Community Centre (NCC)**

In 1986 the Naturaliste Community and Cultural Centre Committee became incorporated and fundraising began to construct a community centre to service Dunsborough and the surrounding areas. With support from the then Shire of Busselton, sufficient funds were raised and in 2003 the NCC was officially opened.

Under the ownership and management of the City of Busselton, over the years the NCC has developed to provide a diverse range of services including sporting, fitness, health, venue hire and crèche and outside school hours care (Vacation Care) facilities and services to residents and visitors.

There have been no further infrastructure developments to the facility since its inception and resourcing levels have increased in line with consumer price index (CPI) each year.

### **STATUTORY ENVIRONMENT**

Nil

### **RELEVANT PLANS AND POLICIES**

The Strategic Directions for the Sport and Recreation Industry (SD6) 2016-2020 advocates the need for the industry to optimise the value derived from public and private funding in tight fiscal circumstances.

The City of Busselton 2017/18 Corporate Plan identifies the need to develop Master Plans for the GLC and NCC to inform future facility planning.

The GLC and NCC support a number of goal areas in the City's Social Plan in recreation and leisure services, community health and wellbeing, seniors/ageing, children and family services and youth.



## **FINANCIAL IMPLICATIONS**

The majority of the major recommendations contained within the Master Plans cannot be achieved through existing resources and will need to be considered in the development of future budgets against other priorities.

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

Subject to the adoption of the GLC and NCC Master Plans as a guide for future planning, the recommendations will be considered against other priorities in future reviews of the Long Term Financial Plan and future GLC/NCC budgets.

## **STRATEGIC COMMUNITY OBJECTIVES**

The Strategic review of the GLC and NCC and Masterplan development supports the City's vision for a City "where environment, lifestyle and opportunity meet." In particular the GLC and NCC contribute to achieving this vision by supporting the following key goal areas:

**Key Goal Area 1 – COMMUNITY:** Welcoming, friendly and healthy.

The GLC and NCC are accessible to everyone and provide services and facilities that connect people to a range of social and recreation facilities and experiences. The facilities support people of all ages and backgrounds with access to life health and educational opportunities

**Key Goal Area 2 - PLACE AND SPACES:** Vibrant, attractive and affordable.

Both the GLC and NCC are vibrant attractive and affordable.

**Key Goal Area 4 – ECONOMY:** Diverse, robust and prosperous.

Both GLC and NCC provide employment opportunities for the community and a career pathway for local students

**Key Goal Area 6 – LEADERSHIP:** Visionary, collaborative and accountable.

## **RISK ASSESSMENT**

There are no identified risks of medium or greater associated with the Officer Recommendation, which is to seek further public comment prior to the adoption of the Masterplans.

## **CONSULTATION**

Consultation to develop the Master Plans took place with user groups, other key stakeholders and staff. In February 2017, two consultation sessions were held, one at GLC and one at NCC, in addition to local schools.

Between February and April 2017 a public 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 NCC and GLC. A total of 206 valid responses were received.

Subject to Council approval of the Officer recommendation the Strategic reviews and Master Plans will be advertised for further public comment in the Council for Community page, at the GLC and NCC, and on the City's website and Facebook pages.

**OFFICER COMMENT**

The GLC and NCC both play a vital role in building the capacity of the community by being open and accessible to all regardless of background or stage of life. The Centres support the community to have healthy, active lives and connect people with each other providing services which are highly valued by the community.

The strategic review highlighted a number of critical issues at both Centres which need to be considered. In particular as follows:

- The management of community expectations – financial sustainability, priorities (needs versus want), capability and capacity to extend infrastructure is compromised by current site design constraints and issues associated with retrofitting;
- The projected population growth will require additional recreational infrastructure to be provided across all ages with a particular focus on family based activities;
- Due to financial constraints planning is to take account of a potential 20 year plus, managed and phased investment;
- The role of the GLC and NCC needs to be determined: Community health and wellbeing – sustainability and affordability underpinning their future development. It is a facility which provides a social benefit to the local community rather than as a commercial facility which will generate a profitable return;
- Funding of the GLC and NCC has not kept up with growth and usage and is now impacting on the service capability of the Centres (particularly in the fitness and aquatics areas of GLC). The staffing component is now at a level where a lack of investment may expose the City to potentially unacceptable risk (particularly in regard to water and personal safety at GLC and after hours usage at the NCC); and
- The shortage of water space for activities such as shallow water swimming lessons is exacerbated by the now inappropriate design.(i.e. overall water area may be satisfactory at GLC but the depth and configuration are not).

The GLC was benchmarked against industry standards which showed, in comparison to regional benchmarks, it is an extremely high performing Centre despite its current limitations.

The NCC also operates very efficiently but is now unable to expand or develop programs due to staffing and space constraints.

Without further investment both Centres will merely ‘tick over’ and as infrastructure ages will become increasingly costly to subsidise.

Population forecasts for both Busselton and Dunsborough demonstrates the need to expand both current facilities in the future to address increased utilisation.

To capitalise on previous investments and to address the needs of the City’s growing population; the Master Plans (key findings summary attachments A and B) recommends a series of options for the future development and resourcing of the GLC and NCC which can be considered over the next 20-year timeframe. These options are prioritised with the objective of providing the most sustainable solutions for the ongoing financing of the Centres’ operations, providing the greatest return on investment to reduce the burden on municipal funding, noting that the Centres will never break even or become profit generating.

**CONCLUSION**

Council is requested to approve the advertising of the GLC and NCC Master Plan Key Findings (2017) documents for a period of 21 days. Subject to any adverse feedback the Master Plans will be adopted and consideration with other priorities in future reviews of the Long Term Financial Plan and Centre operational budgets.

**OPTIONS**

Option 1 - Council could determine that sufficient consultation has been undertaken and may choose to adopt the Master Plans for future planning without further feedback.

Option 2 - Council could seek specific changes to the Master Plans prior to any further consultation or adoption.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Subject to Council approval, the GLC and NCC Master Plans Key Findings (2017) documents will be advertised for a period of 21 days as soon as practicable. It is proposed that Council adopts the Master Plans for public comment however should there be any comments received the Master Plans will be the subject of a further report to Council.

**OFFICER RECOMMENDATION**

That the Council:

1. Approves the advertising of the draft Geographe Leisure Centre (GLC) Master Plan Key Findings (2017) for a period of 21 days for public comment and subject to feedback received adopts the reports as a guide for future planning.
2. Approves the advertising of the draft Naturaliste Community Centre (NCC) Master Plan Key Findings (2017) for a period of 21 days for public comment and subject to feedback received adopts the reports as a guide for future planning.

**COUNCIL DECISION AND AMENDED OFFICER RECOMMENDATION**

**C1712/338**

Moved Deputy Mayor J McCallum, seconded Councillor P Carter

That the Council:

1. Approves the advertising of the draft Geographe Leisure Centre (GLC) Master Plan Key Findings (2017) for a period of 42 days for public comment and subject to feedback received adopts the reports as a guide for future planning.
2. Approves the advertising of the draft Naturaliste Community Centre (NCC) Master Plan Key Findings (2017) for a period of 42 days for public comment and subject to feedback received adopts the reports as a guide for future planning.

**CARRIED 8/0**

Reason: To allow an extended opportunity to receive public comment over the festive period.

**13.5     MARKETING AND EVENTS REFERENCE GROUP OUTCOMES**

<b>SUBJECT INDEX:</b>	Events Regional Economic Development Tourism Development Sponsorship & Grant Applications
<b>STRATEGIC OBJECTIVE:</b>	Events and unique tourism experiences that attract visitors and investment.
<b>BUSINESS UNIT:</b>	Commercial Services
<b>ACTIVITY UNIT:</b>	Commercial Services
<b>REPORTING OFFICER:</b>	Events Coordinator - Peta Tuck
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Nil

**This item is confidential in accordance with section 5.23(2) (e)(iii) of the Local Government Act 1995, as it contains information relating to a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.**

**PRÉCIS**

A meeting of the Marketing and Events Reference Group (MERG) was held on Wednesday 22 November 2017. This report presents the recommendations from this meeting.

**BACKGROUND**

The Council, at its meeting of 13 April 2011 (C1104/114), resolved to endorse the implementation of a differential rating system whereby properties rated within the Industrial and Commercial zones across the City would directly contribute toward the City's continued support of tourism, marketing and event activities. This resolution also endorsed the establishment of a 'Key Stakeholders Reference Group' (now known as the 'Marketing and Events Reference Group') to make recommendations to Council with respect to the marketing and events budget allocations.

Further to this, at its meeting of 22 June 2011 (C1106/201), Council resolved to introduce a 3% Differential Rate on the abovementioned properties and as a result, \$180k was included in the 2011/2012 budget towards events and marketing. Following this, Council increased the Differential Rate to 6% in 2012/2013 (totalling \$360k), 7% in 2013/2014 (totalling \$379k), 8% in 2014/2015 (totalling \$488k), 9% in 2015/16 (totalling \$556k) and 10% in 2016/2017 (totalling \$624k) towards events and marketing.

The total endorsed marketing and events budget for 2017/2018 is \$897,400; \$597,400 allocated towards events and \$300k allocated towards marketing. The \$597,400 budget allocation for events includes \$250k from Municipal funds and \$347,400 from the Differential Rate Budget of \$647,400. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

Since the last MERG meeting held on 2 May 2017, 57 events have been held. Some of the major events of that period include the Busselton Festival of Triathlon, Jazz by the Bay, South West Mudfest, Cabin Fever Festival, Pedal Prix WA, CinefestOZ, Busselton Show and Gourmet Escape.

A meeting of the Marketing and Events Reference Group (MERG) was held on Wednesday 22 November 2017, with the following key matters presented at the meeting;

- Update on events held since the last meeting and upcoming major events;
- Applications from the 2017/18 Round 2 Event Sponsorship Programme ;
- Proposed funding of the 2018 and 2019 Busselton Fringe Festivals;
- Proposal for the funding of the Busselton Youth and Community Activities Building Opening Event;
- Proposal for the funding of a Regional Marketing Campaign;
- Recommendation for the re-allocation of funding from Port Geographe Aquatic Sports to the Geographe Bay Yacht Club, for the 2018 Geographe Bay Race Week;
- Update on the review of the City's Events Strategy and tabling of draft revised Event Strategy.

This report provides recommendations on the proposed funding allocations for the above points.

#### **STATUTORY ENVIRONMENT**

Nil

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

The recommendations are in line with Council policies.

#### **FINANCIAL IMPLICATIONS**

At the 26 July 2017 Council meeting, Council resolved (C1707/163) to include an allocation of \$647,400 in the 2017/2018 Differential Rates Events Budget, with a split of \$347,400 for events and \$300k for marketing. At the end of 2016/2017 an allocation of \$9,036 was unspent from the Differential Rates Events Budget, and Council resolved to allocate the funds to the 2017/2018 Differential Rate Events Budget, bringing the total to \$356,436.

Further, \$250k has been allocated towards events from the 2017/2018 municipal budget. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

Funds already committed from the 2017/2018 Differential Rates Events Budget for Multi-Year Event Agreements and Round 1 of the 2017/2018 Events Sponsorship Programme totals \$321,425, leaving a total of \$35,011 to be allocated to Round 2. Funds already committed in the 2017/2018 Municipal Events Budget for multi-year agreements and Round 1 of the 2017/2018 Events Sponsorship Programme totals \$230k, leaving \$20k to be allocated in Round 2 of the 2017/2018 Events Sponsorship Programme, providing a combined total of \$55,011.

As part of the 2017/2018 budget process, \$300k was allocated towards marketing to be used as part of the City's \$2m (to be provided over a five (5) year period) commitment to the Busselton-Margaret River Airport Development Project as part of an overall airline incentive program. During the year the \$445k in funding has been committed over a five (5) year period by neighbouring local governments and government agencies and as such will reduce the level of funding required of the City. Based on this it is recommended that some of the \$300k allocated towards marketing from the 2017/2018 Differential Rate budget be used to secure one (1) event that will have direct marketing benefits for the region, and consideration be made towards a regional marketing program.

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

The marketing and events budget, including both the municipal contribution and funds generated through the Differential Rate, are in line with the City's Long Term Financial Plan.

#### **STRATEGIC COMMUNITY OBJECTIVES**

This matter aligns with the City of Busselton's endorsed Strategic Community Plan 2017, and principally with the following Strategic Goal:

##### **Economy**

Diverse, resilient, prosperous;

*4.3 Events and unique tourism experiences that aid in attracting visitors and investment.*

#### **RISK ASSESSMENT**

The recommendations contained within this report are considered low risk and as such a formal risk assessment is not provided.

#### **CONSULTATION**

Consultation has been undertaken with members of the Marketing and Events Reference Group, consisting of representatives from the Busselton and Dunsborough Yallingup Chamber of Commerce and Industry, Margaret River Busselton Tourism Association, Busselton Jetty Inc. and the City of Busselton.

#### **OFFICER COMMENT**

The Marketing and Events Reference Group (MERG) has been established with representatives from the City of Busselton, local Chambers of Commerce, the Margaret River Busselton Tourism Association, and the Busselton Jetty Inc. A Terms of Reference guides the operations of the Group and an Events Sponsorship Programme has been developed.

Supporting the development and attraction of new events throughout the year, the Events Sponsorship Programme promotes the City of Busselton as an attractive event tourism destination for a range of events.

### **Round 2 Event Sponsorship Programme 2017/18**

Round 2 of the 2017/18 Event Sponsorship programme was advertised from 1 September 2017 to 29 September 2017. A total of 16 applications were received, requesting a total of \$147,500 in funding. Of these, three (3) requests were for multi-year agreements and thirteen (13) were for single year agreements.

The Events team evaluated all funding applications, applying the Strategic Funding Guidelines of economic impact, strategic alliance to off-peak and cultural events, destination tourism, social benefits and environmental impact.

MERG members discussed each application and recommend the following:

#### **Applications recommended for funding through Differential Rates Budget**

<b>Event</b>	<b>Requested</b>	<b>Officer Recommendation</b>
Yallingup Malibu Classic	2017/18 \$3,000 2018/19 \$3,000 2019/20 \$3,000	2017/18 \$2,500 2018/19 \$2,250 2019/20 \$2,000
South West Yoga Fest	2017/18 \$5,000	2017/18 \$2,000
Taj's Small Fries Yallingup	2017/18 \$15,000 2018/19 \$15,000 2019/20 \$15,000	2017/18 \$10,000 2018/19 \$9,000 2019/20 \$8,000
Busselton Junior Open Tennis	2017/18 \$3,000	2017/18 \$1,500
Busselton Open Tennis	2017/18 \$3,000	2017/18 \$1,500
Busselton Pride	2017/18 \$3,000 (+ \$500 in-kind traffic management)	2017/18 \$2,000 (+ \$500 in-kind traffic management)
Yalambi Show Jumping Classic	2017/18 \$8,000	2017/18 \$2,000
Wheelbite 2018	2017/18 \$3,500 2018/19 \$3,500 2019/20 \$3,500	2017/18 \$3,000 2018/19 \$2,750 2019/20 \$2,500
British Auto Classic	2017/18 \$500	2017/18 \$0*
Undalup Djeran Youth Week Event	2017/18 \$8,000	2017/18 \$3,000
West Cape Classic Car Rally	2017/18 \$5,000	2017/18 \$0
Margaret River Readers & Writers Festival (Busselton events)	2017/18 \$10,000	2017/18 \$5,000
Cabin Fever 2018	2018/19 \$10,000	2018/19 \$10,000
<b>TOTALS</b>	<b>2017/18 \$67,500</b> <b>2018/19 \$31,500</b> <b>2019/20 \$21,500</b>	<b>2017/18 \$33,000</b> <b>2018/19 \$24,000</b> <b>2019/20 \$12,500</b>

\* Officers to recommend application for funding through the City's Donations, Contributions and Subsidies Fund.

Based on this it is recommended a total of \$33,000 be allocated through Round 2 of the Events Sponsorship Programme to be funded through the 2017/18 Differential Rate Events Budget, leaving a total of \$2,011 remaining in the budget for any further requests.

Through consideration of funding proposals the following conditions will need to be considered for inclusion in the funding agreements:

- South West Yoga Fest – consider moving future events outside January school holidays and promote Dunsborough
- Busselton Pride – consider changing the date to incorporate with Fringe Festival
- Undalup Djeran Youth Week Event – more discussion required about location where the event is being held
- Margaret River Readers & Writers Festival (Busselton events) – Key Performance Indicators to include Busselton/Dunsborough/Yallingup in the advertising and branding. One (1) signature event and five (5) other events to be held in Busselton, plus school events.

#### **Applications recommended for funding through Municipal Events Budget**

<b>Event</b>	<b>Requested</b>	<b>Officer Recommendation</b>
Busselton Fringe Festival	2017/18 \$10,000	2017/18 \$10,000
	2018/19 \$20,000	2018/19 \$20,000
Busselton Youth & Community Activities Building Opening Event	2017/18 \$10,000	2017/18 \$10,000
<b>TOTALS</b>	<b>2017/18 \$20,000</b>	<b>2017/18 \$20,000</b>
	<b>2018/19 \$20,000</b>	<b>2018/19 \$20,000</b>

Based on this it is recommended a total of \$20,000 to be allocated in Round 2 of the Events Sponsorship Programme and funded through the 2017/2018 Municipal Budget.

#### **Applications recommended for funding through Differential Rates Marketing Budget**

<b>Event</b>	<b>Requested</b>	<b>Officer Recommendation</b>
SuperFoiler Grand Prix	2017/18 \$50,000	2017/18 \$45,000 (cash) \$5,000 (in kind)
Busselton Fringe Festival	2017/18 \$10,000	2017/18 \$10,000
<b>TOTALS</b>	<b>2017/18 \$60,000</b>	<b>2017/18 \$55,000 (cash)</b> <b>\$5,000 (in kind)</b>



Further a proposal has been received from WIN TV outlining a 12 month marketing program comprising of a series of 30 second advertisements to be split between WIN, ONE and ELEVEN channels. The content of the advertising campaign would be to encourage buying local. The total cost of the 12 month program is \$40k.

The Group discussed the merit of a buy local campaign however would also like other media options such as Facebook and Radio considered for marketing the 'buy local' message. Further any TV advertising proposals should include scheduling and format of adverts.

MERG recommended that City Officers liaise with MRBTA and obtain a second proposal from GWN to compare with the proposal received from WIN to start in January 2018. Officers will liaise with MRBTA, WIN and GWN to finalise a proposal and present a report for Council consideration once the advertising content and formats have been finalised in early 2018.

Based on this it is recommended a total of \$55,000 (\$45k cash, \$5k in kind) be allocated towards the SuperFoil Grand Prix and Busselton Fringe Festival in 2017/18 from the Differential Rates Marketing Budget.

## **CONCLUSION**

The Marketing and Events Reference Group (MERG) has been assigned by Council to make recommendations on the way in which funds raised through the Industrial and Commercial Differential Rate for the purposes of events and marketing are allocated. This report contains the recommendations made at the 22 November 2017 meeting, which if endorsed by Council, will result in the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support Council's vision of being recognised as the 'Events Capital WA.'

## **OPTIONS**

Council may choose not to support the recommendations made by the Marketing and Events Reference Group and resolve not to endorse part or all of the recommendations.

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

Following Council's decision, the outcomes will be communicated to all members of the Marketing and Events Reference Group and relevant event organisers for their information and implemented where required.

**COUNCIL DECISION AND OFFICER RECOMMENDATION****C1712/339**

Moved Councillor P Carter, seconded Deputy Mayor J McCallum

**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That Council;

1. As part of Round 2 of the Events Sponsorship Programme endorses the funding allocation towards the following events to be funded from the 2017/2018 Differential Rate Events Budget:

<b>Event</b>	<b>Requested</b>	<b>Officer Recommendation</b>
Yallingup Malibu Classic	2017/18 \$3,000 2018/19 \$3,000 2019/20 \$3,000	2017/18 \$2,500 2018/19 \$2,250 2019/20 \$2,000
South West Yoga Fest	2017/18 \$5,000	2017/18 \$2,000
Taj's Small Fries Yallingup	2017/18 \$15,000 2018/19 \$15,000 2019/20 \$15,000	2017/18 \$10,000 2018/19 \$9,000 2019/20 \$8,000
Busselton Junior Open Tennis	2017/18 \$3,000	2017/18 \$1,500
Busselton Open Tennis	2017/18 \$3,000	2017/18 \$1,500
Busselton Pride	2017/18 \$3,000 (+ \$500 in-kind traffic management)	2017/18 \$2,000 (+ \$500 in-kind traffic management)
Yalambi Show Jumping Classic	2017/18 \$8,000	2017/18 \$2,000
Wheelbite 2018	2017/18 \$3,500 2018/19 \$3,500 2019/20 \$3,500	2017/18 \$3,000 2018/19 \$2,750 2019/20 \$2,500
British Auto Classic	2017/18 \$500	2017/18 \$0*
Undalup Djeran Youth Week Event	2017/18 \$8,000	2017/18 \$3,000
West Cape Classic Car Rally	2017/18 \$5,000	2017/18 \$0
Margaret River Readers & Writers Festival (Busselton events)	2017/18 \$10,000	2017/18 \$5,000
Cabin Fever 2018	2018/19 \$10,000	2018/19 \$10,000
<b>TOTALS</b>	<b>2017/18 \$67,500</b> <b>2018/19 \$31,500</b> <b>2019/20 \$21,500</b>	<b>2017/18 \$33,000</b> <b>2018/19 \$24,000</b> <b>2019/20 \$12,500</b>

2. As part of Round 2 of the Events Sponsorship Programme endorses the funding allocation towards the following events to be funded from the 2017/18 Municipal Events Budget:

Event	Requested	Officer Recommendation
Busselton Fringe Festival	2017/18 \$10,000 2018/19 \$20,000	2017/18 \$10,000 2018/19 \$20,000
Busselton Youth & Community Activities Building Opening Event	2017/18 \$10,000	2017/18 \$10,000
<b>TOTALS</b>	<b>2017/18 \$20,000</b> <b>2018/19 \$20,000</b>	<b>2017/18 \$20,000</b> <b>2018/19 \$20,000</b>

3. As part of the Events Sponsorship Programme endorses the funding allocation towards the following events to be funded from the 2017/18 Differential Rates Marketing Budget:

Event	Requested	Officer Recommendation
SuperFoil Grand Prix	2017/18 \$50,000	2017/18 \$45,000 (cash) \$5,000 (in kind)
Busselton Fringe Festival	2017/18 \$10,000	2017/18 \$10,000
<b>TOTALS</b>	<b>2017/18 \$60,000</b>	<b>2017/18 \$55,000 (cash)</b> <b>\$5,000 (in kind)</b>

4. Endorses the re-allocation of \$5,000 funding previously allocated to Port Geographe Aquatic Sports to the Geographe Bay Yacht Club, for the running of the 2018 Geographe Bay Race Week.
5. Allocates up to \$75k cash towards See Picture's Go Karts film proposal to be funded from the 2017/18 Differential Rates Marketing Budget and up to \$50k in-kind support to be funded from existing in-kind event budget allocations contained within the 2017/18 adopted budget.

**CARRIED 8/0**

Reason: The City has received a proposal from See Pictures for a film production to be based in Busselton. The proposal was tabled at a special meeting of the City's Marketing and Events Reference Group where unanimous support was provided to fund the film based on the Officer recommendation. The use of marketing funds generated from the Differential Rates budget was seen as an effective way in which the City of Busselton can be promoted potentially to an international market.

**16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**17. CONFIDENTIAL REPORTS**

Nil

**18. QUESTIONS FROM MEMBERS**

Nil

**19. PUBLIC QUESTION TIME**

Nil

**20. NEXT MEETING DATE**

Wednesday, 31 January 2018

**21. CLOSURE**

The meeting closed at 6.47pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 264 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON MONDAY, 25 DECEMBER 2017.

DATE: \_\_\_\_\_

PRESIDING MEMBER: \_\_\_\_\_